

1 AN ACT concerning criminal law.

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

4 Section 1. Findings. It is the intent of the General
5 Assembly to implement the provisions of Public Act 97-1108
6 which changed the short title of the Criminal Code of 1961 to
7 the Criminal Code of 2012. The purpose of this Act is to
8 clarify the citations to offenses under the Criminal Code of
9 2012 and to previous citations under the Criminal Code of 1961
10 to aid law enforcement, prosecutors, defense attorneys,
11 criminal defendants, the courts, and the public in the
12 administration and understanding of the criminal law. It is not
13 the intent of this Act to make any substantive changes to the
14 law by the cross referencing changes regarding the Criminal
15 Code of 1961 and the Criminal Code of 2012.

16 Section 5. The Statute on Statutes is amended by changing
17 Section 1.39 as follows:

18 (5 ILCS 70/1.39)

19 Sec. 1.39. Criminal Code of 2012. Whenever there is a
20 reference in any Act to the Criminal Code or Criminal Code of
21 1961, that reference shall be interpreted to mean the Criminal
22 Code of 2012, unless the context clearly requires otherwise.

1 (Source: P.A. 97-1108, eff. 1-1-13.)

2 Section 10. The Electronic Commerce Security Act is amended
3 by changing Section 30-5 as follows:

4 (5 ILCS 175/30-5)

5 Sec. 30-5. Civil remedy. Whoever suffers loss by reason of
6 a violation of Section 10-140, 15-210, 15-215, or 15-220 of
7 this Act or Section 17-3 of the Criminal Code of 1961 or the
8 Criminal Code of 2012 may, in a civil action against the
9 violator, obtain appropriate relief. In a civil action under
10 this Section, the court may award to the prevailing party
11 reasonable attorneys fees and other litigation expenses.

12 (Source: P.A. 90-759, eff. 7-1-99.)

13 Section 15. The Elected Officials Misconduct Forfeiture
14 Act is amended by changing Sections 15, 20, and 25 as follows:

15 (5 ILCS 282/15)

16 Sec. 15. Forfeiture action. The Attorney General may file
17 an action in circuit court on behalf of the people of Illinois
18 against an elected official who has, by his or her violation of
19 Article 33 of the Criminal Code of 1961 or the Criminal Code of
20 2012 or violation of a similar federal offense, injured the
21 people of Illinois. The purpose of such suit is to recover all
22 proceeds traceable to the elected official's offense and by so

1 doing, prevent, restrain or remedy violations of Article 33 of
2 the Criminal Code of 1961 or the Criminal Code of 2012 or
3 similar federal offenses.

4 (Source: P.A. 96-597, eff. 8-18-09.)

5 (5 ILCS 282/20)

6 Sec. 20. Procedure.

7 (a) The circuit court has jurisdiction to prevent,
8 restrain, and remedy violations of Article 33 of the Criminal
9 Code of 1961 or the Criminal Code of 2012 or violations of a
10 similar federal offense after a hearing or trial, as
11 appropriate, by issuing appropriate orders. Prior to a
12 determination of liability such orders may include, but are not
13 limited to, issuing seizure warrants, entering findings of
14 probable cause for in personam or in rem forfeiture, or taking
15 such other actions, in connection with any property or other
16 interest subject to forfeiture or other remedies or restraints
17 pursuant to this Section as the court deems proper.

18 (b) If the Attorney General prevails in his or her action,
19 the court shall order the forfeiture of all proceeds traceable
20 to the elected official's violations of Article 33 of the
21 Criminal Code of 1961 or the Criminal Code of 2012 or similar
22 federal offenses. Proceeds seized and forfeited as a result of
23 the Attorney General's action will be deposited into the
24 General Revenue Fund or the corporate county fund, as
25 appropriate.

1 (Source: P.A. 96-597, eff. 8-18-09.)

2 (5 ILCS 282/25)

3 Sec. 25. Term of forfeiture. The maximum term of a civil
4 forfeiture under this Act shall be equal to the term of
5 imprisonment, probation and mandatory supervised release or
6 parole received by the elected official as a result of his or
7 her conviction for violating Article 33 of the Criminal Code of
8 1961 or the Criminal Code of 2012 or similar federal offenses.

9 (Source: P.A. 96-597, eff. 8-18-09.)

10 Section 20. The Public Corruption Profit Forfeiture Act is
11 amended by changing Section 10 as follows:

12 (5 ILCS 283/10)

13 Sec. 10. Penalties.

14 (a) A person who is convicted of a violation of any of the
15 following Sections, subsections, and clauses of the Criminal
16 Code of 1961 or the Criminal Code of 2012:

17 (1) clause (a)(6) of Section 12-6 (intimidation by a
18 public official),

19 (2) Section 33-1 (bribery),

20 (3) subsection (a) of Section 33E-7 (kickbacks), or

21 (4) Section 33C-4 or subsection (d) of Section 17-10.3
22 (fraudulently obtaining public moneys reserved for
23 disadvantaged business enterprises),

1 shall forfeit to the State of Illinois:

2 (A) any profits or proceeds and any property or
3 property interest he or she has acquired or maintained in
4 violation of any of the offenses listed in clauses (1)
5 through (4) of this subsection (a) that the court
6 determines, after a forfeiture hearing under subsection
7 (b) of this Section, to have been acquired or maintained as
8 a result of violating any of the offenses listed in clauses
9 (1) through (4) of this subsection (a); and

10 (B) any interest in, security of, claim against, or
11 property or contractual right of any kind affording a
12 source of influence over, any enterprise which he or she
13 has established, operated, controlled, conducted, or
14 participated in the conduct of, in violation of any of the
15 offenses listed in clauses (1) through (4) of this
16 subsection (a) that the court determines, after a
17 forfeiture hearing under subsection (b) of this Section, to
18 have been acquired or maintained as a result of violating
19 any of the offenses listed in clauses (1) through (4) of
20 this subsection (a) or used to facilitate a violation of
21 one of the offenses listed in clauses (1) through (4) of
22 this subsection (a).

23 (b) The court shall, upon petition by the Attorney General
24 or State's Attorney, at any time after the filing of an
25 information or return of an indictment, conduct a hearing to
26 determine whether any property or property interest is subject

1 to forfeiture under this Act. At the forfeiture hearing the
2 people shall have the burden of establishing, by a
3 preponderance of the evidence, that property or property
4 interests are subject to forfeiture under this Act. There is a
5 rebuttable presumption at such hearing that any property or
6 property interest of a person charged by information or
7 indictment with a violation of any of the offenses listed in
8 clauses (1) through (4) of subsection (a) of this Section or
9 who is convicted of a violation of any of the offenses listed
10 in clauses (1) through (4) of subsection (a) of this Section is
11 subject to forfeiture under this Section if the State
12 establishes by a preponderance of the evidence that:

13 (1) such property or property interest was acquired by
14 such person during the period of the violation of any of
15 the offenses listed in clauses (1) through (4) of
16 subsection (a) of this Section or within a reasonable time
17 after such period; and

18 (2) there was no likely source for such property or
19 property interest other than the violation of any of the
20 offenses listed in clauses (1) through (4) of subsection
21 (a) of this Section.

22 (c) In an action brought by the People of the State of
23 Illinois under this Act, wherein any restraining order,
24 injunction or prohibition or any other action in connection
25 with any property or property interest subject to forfeiture
26 under this Act is sought, the circuit court which shall preside

1 over the trial of the person or persons charged with any of the
2 offenses listed in clauses (1) through (4) of subsection (a) of
3 this Section shall first determine whether there is probable
4 cause to believe that the person or persons so charged have
5 committed a violation of any of the offenses listed in clauses
6 (1) through (4) of subsection (a) of this Section and whether
7 the property or property interest is subject to forfeiture
8 pursuant to this Act.

9 In order to make such a determination, prior to entering
10 any such order, the court shall conduct a hearing without a
11 jury, wherein the People shall establish that there is: (i)
12 probable cause that the person or persons so charged have
13 committed one of the offenses listed in clauses (1) through (4)
14 of subsection (a) of this Section and (ii) probable cause that
15 any property or property interest may be subject to forfeiture
16 pursuant to this Act. Such hearing may be conducted
17 simultaneously with a preliminary hearing, if the prosecution
18 is commenced by information or complaint, or by motion of the
19 People, at any stage in the proceedings. The court may accept a
20 finding of probable cause at a preliminary hearing following
21 the filing of a charge for violating one of the offenses listed
22 in clauses (1) through (4) of subsection (a) of this Section or
23 the return of an indictment by a grand jury charging one of the
24 offenses listed in clauses (1) through (4) of subsection (a) of
25 this Section as sufficient evidence of probable cause as
26 provided in item (i) above.

1 Upon such a finding, the circuit court shall enter such
2 restraining order, injunction or prohibition, or shall take
3 such other action in connection with any such property or
4 property interest subject to forfeiture under this Act, as is
5 necessary to insure that such property is not removed from the
6 jurisdiction of the court, concealed, destroyed or otherwise
7 disposed of by the owner of that property or property interest
8 prior to a forfeiture hearing under subsection (b) of this
9 Section. The Attorney General or State's Attorney shall file a
10 certified copy of such restraining order, injunction or other
11 prohibition with the recorder of deeds or registrar of titles
12 of each county where any such property of the defendant may be
13 located. No such injunction, restraining order or other
14 prohibition shall affect the rights of any bona fide purchaser,
15 mortgagee, judgment creditor or other lien holder arising prior
16 to the date of such filing.

17 The court may, at any time, upon verified petition by the
18 defendant, conduct a hearing to release all or portions of any
19 such property or interest which the court previously determined
20 to be subject to forfeiture or subject to any restraining
21 order, injunction, or prohibition or other action. The court
22 may release such property to the defendant for good cause shown
23 and within the sound discretion of the court.

24 (d) Prosecution under this Act may be commenced by the
25 Attorney General or a State's Attorney.

26 (e) Upon an order of forfeiture being entered pursuant to

1 subsection (b) of this Section, the court shall authorize the
2 Attorney General to seize any property or property interest
3 declared forfeited under this Act and under such terms and
4 conditions as the court shall deem proper. Any property or
5 property interest that has been the subject of an entered
6 restraining order, injunction or prohibition or any other
7 action filed under subsection (c) shall be forfeited unless the
8 claimant can show by a preponderance of the evidence that the
9 property or property interest has not been acquired or
10 maintained as a result of a violation of any of the offenses
11 listed in clauses (1) through (4) of subsection (a) of this
12 Section or has not been used to facilitate a violation of any
13 of the offenses listed in clauses (1) through (4) of subsection
14 (a) of this Section.

15 (f) The Attorney General or his or her designee is
16 authorized to sell all property forfeited and seized pursuant
17 to this Act, unless such property is required by law to be
18 destroyed or is harmful to the public, and, after the deduction
19 of all requisite expenses of administration and sale, shall
20 distribute the proceeds of such sale, along with any moneys
21 forfeited or seized, in accordance with subsection (g).

22 (g) All monies and the sale proceeds of all other property
23 forfeited and seized pursuant to this Act shall be distributed
24 as follows:

25 (1) An amount equal to 50% shall be distributed to the
26 unit of local government or other law enforcement agency

1 whose officers or employees conducted the investigation
2 into a violation of any of the offenses listed in clauses
3 (1) through (4) of subsection (a) of this Section and
4 caused the arrest or arrests and prosecution leading to the
5 forfeiture. Amounts distributed to units of local
6 government and law enforcement agencies shall be used for
7 enforcement of laws governing public corruption, or for
8 other law enforcement purposes. In the event, however, that
9 the investigation, arrest or arrests and prosecution
10 leading to the forfeiture were undertaken solely by a State
11 agency, the portion provided hereunder shall be paid into
12 the State Asset Forfeiture Fund in the State treasury to be
13 used by that State agency in accordance with law. If the
14 investigation, arrest or arrests and prosecution leading
15 to the forfeiture were undertaken by the Attorney General,
16 the portion provided hereunder shall be paid into the
17 Attorney General's Whistleblower Reward and Protection
18 Fund in the State treasury to be used by the Attorney
19 General in accordance with law.

20 (2) An amount equal to 12.5% shall be distributed to
21 the county in which the prosecution resulting in the
22 forfeiture was instituted, deposited in a special fund in
23 the county treasury and appropriated to the State's
24 Attorney for use in accordance with law. If the prosecution
25 was conducted by the Attorney General, then the amount
26 provided under this subsection shall be paid into the

1 Attorney General's Whistleblower Reward and Protection
2 Fund in the State treasury to be used by the Attorney
3 General in accordance with law.

4 (3) An amount equal to 12.5% shall be distributed to
5 the Office of the State's Attorneys Appellate Prosecutor
6 and deposited in the State's Attorneys Appellate
7 Prosecutor Anti-Corruption Fund, to be used by the Office
8 of the State's Attorneys Appellate Prosecutor for
9 additional expenses incurred in prosecuting appeals
10 arising under this Act. Any amounts remaining in the Fund
11 after all additional expenses have been paid shall be used
12 by the Office to reduce the participating county
13 contributions to the Office on a prorated basis as
14 determined by the board of governors of the Office of the
15 State's Attorneys Appellate Prosecutor based on the
16 populations of the participating counties. If the appeal is
17 to be conducted by the Attorney General, then the amount
18 provided under this subsection shall be paid into the
19 Attorney General's Whistleblower Reward and Protection
20 Fund in the State treasury to be used by the Attorney
21 General in accordance with law.

22 (4) An amount equal to 25% shall be paid into the State
23 Asset Forfeiture Fund in the State treasury to be used by
24 the Department of State Police for the funding of the
25 investigation of public corruption activities. Any amounts
26 remaining in the Fund after full funding of such

1 investigations shall be used by the Department in
2 accordance with law to fund its other enforcement
3 activities.

4 (h) All moneys deposited pursuant to this Act in the State
5 Asset Forfeiture Fund shall, subject to appropriation, be used
6 by the Department of State Police in the manner set forth in
7 this Section. All moneys deposited pursuant to this Act in the
8 Attorney General's Whistleblower Reward and Protection Fund
9 shall, subject to appropriation, be used by the Attorney
10 General for State law enforcement purposes and for the
11 performance of the duties of that office. All moneys deposited
12 pursuant to this Act in the State's Attorneys Appellate
13 Prosecutor Anti-Corruption Fund shall, subject to
14 appropriation, be used by the Office of the State's Attorneys
15 Appellate Prosecutor in the manner set forth in this Section.

16 (Source: P.A. 96-1019, eff. 1-1-11; 97-657, eff. 1-13-12.)

17 Section 25. The Illinois Notary Public Act is amended by
18 changing Section 7-104 as follows:

19 (5 ILCS 312/7-104) (from Ch. 102, par. 207-104)

20 Sec. 7-104. Official Misconduct Defined. The term
21 "official misconduct" generally means the wrongful exercise of
22 a power or the wrongful performance of a duty and is fully
23 defined in Section 33-3 of the Criminal Code of 2012 ~~1961~~. The
24 term "wrongful" as used in the definition of official

1 misconduct means unauthorized, unlawful, abusive, negligent,
2 reckless, or injurious.

3 (Source: P.A. 85-293.)

4 Section 30. The Election Code is amended by changing
5 Sections 9-25.2, 11-4.1, 19A-10.5, and 29-13 as follows:

6 (10 ILCS 5/9-25.2)

7 Sec. 9-25.2. Contributions; candidate or treasurer of
8 political committee.

9 (a) No candidate may knowingly receive any contribution
10 solicited or received in violation of Section 33-3.1 or Section
11 33-3.2 of the Criminal Code of 2012 ~~1961~~.

12 (b) The receipt of political contributions in violation of
13 this Section shall constitute a Class A misdemeanor.

14 The appropriate State's Attorney or the Attorney General
15 shall bring actions in the name of the people of the State of
16 Illinois.

17 (Source: P.A. 92-853, eff. 8-28-02.)

18 (10 ILCS 5/11-4.1) (from Ch. 46, par. 11-4.1)

19 Sec. 11-4.1. (a) In appointing polling places under this
20 Article, the county board or board of election commissioners
21 shall, insofar as they are convenient and available, use
22 schools and other public buildings as polling places.

23 (b) Upon request of the county board or board of election

1 commissioners, the proper agency of government (including
2 school districts and units of local government) shall make a
3 public building under its control available for use as a
4 polling place on an election day and for a reasonably necessary
5 time before and after election day, without charge. If the
6 county board or board of election commissioners chooses a
7 school to be a polling place, then the school district must
8 make the school available for use as a polling place. However,
9 for the day of the election, a school district may choose to
10 (i) keep the school open or (ii) hold a teachers institute on
11 that day.

12 (c) A government agency which makes a public building under
13 its control available for use as a polling place shall ensure
14 the portion of the building to be used as the polling place is
15 accessible to handicapped and elderly voters.

16 (d) If a qualified elector's precinct polling place is a
17 school and the elector will be unable to enter that polling
18 place without violating Section 11-9.3 of the Criminal Code of
19 2012 ~~1961~~ because the elector is a child sex offender as
20 defined in Section 11-9.3 of the Criminal Code of 2012 ~~1961~~,
21 that elector may vote by absentee ballot in accordance with
22 Article 19 of this Code or may vote early in accordance with
23 Article 19A of this Code.

24 (Source: P.A. 95-440, eff. 8-27-07.)

25 (10 ILCS 5/19A-10.5)

1 Sec. 19A-10.5. Child sex offenders. If an election
2 authority designates one or more permanent early voting polling
3 places under this Article, the election authority must
4 designate at least one permanent early voting polling place
5 that a qualified elector who is a child sex offender as defined
6 in Section 11-9.3 ~~or Section 11-9.4~~ of the Criminal Code of
7 2012 ~~1961~~ may enter without violating Section 11-9.3 ~~or Section~~
8 ~~11-9.4~~ of that Code, ~~respectively~~.

9 If an election authority designates one or more temporary
10 early voting polling places under this Article, the election
11 authority must designate at least one temporary early voting
12 polling place that a qualified elector who is a child sex
13 offender as defined in Section 11-9.3 ~~or Section 11-9.4~~ of the
14 Criminal Code of 2012 ~~1961~~ may enter without violating Section
15 11-9.3 ~~or Section 11-9.4~~ of that Code, ~~respectively~~.

16 (Source: P.A. 95-440, eff. 8-27-07.)

17 (10 ILCS 5/29-13) (from Ch. 46, par. 29-13)

18 Sec. 29-13. Attempt, solicitation and conspiracy. Each
19 violation of this Code shall be an offense within the meaning
20 of Section 2-12 of the Illinois Criminal Code of 2012 ~~1961~~, ~~as~~
21 ~~amended~~, so that the inchoate offenses of solicitation,
22 conspiracy and attempt, and the punishment therefor, as
23 provided in such Criminal Code shall apply to solicitation,
24 conspiracy and attempt to violate the provisions of this Code.

25 (Source: P.A. 78-887.)

1 Section 35. The Secretary of State Merit Employment Code is
2 amended by changing Section 10b.1 as follows:

3 (15 ILCS 310/10b.1) (from Ch. 124, par. 110b.1)

4 Sec. 10b.1. Competitive examinations.

5 (a) For open competitive examinations to test the relative
6 fitness of applicants for the respective positions. Tests shall
7 be designed to eliminate those who are not qualified for
8 entrance into the Office of the Secretary of State and to
9 discover the relative fitness of those who are qualified. The
10 Director may use any one of or any combination of the following
11 examination methods which in his judgment best serves this end:
12 investigation of education and experience; test of cultural
13 knowledge; test of capacity; test of knowledge; test of manual
14 skill; test of linguistic ability; test of character; test of
15 physical skill; test of psychological fitness. No person with a
16 record of misdemeanor convictions except those under Sections
17 11-1.50, 11-6, 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19,
18 11-30, 11-35, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1,
19 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3,
20 32-4, and 32-8, subdivisions (a) (1) and (a) (2) (C) of Section
21 11-14.3, and sub-sections 1, 6 and 8 of Section 24-1 of the
22 Criminal Code of 1961 or the Criminal Code of 2012, or arrested
23 for any cause but not convicted thereon shall be disqualified
24 from taking such examinations or subsequent appointment unless

1 the person is attempting to qualify for a position which would
2 give him the powers of a peace officer, in which case the
3 person's conviction or arrest record may be considered as a
4 factor in determining the person's fitness for the position.
5 All examinations shall be announced publicly at least 2 weeks
6 in advance of the date of examinations and may be advertised
7 through the press, radio or other media.

8 The Director may, at his discretion, accept the results of
9 competitive examinations conducted by any merit system
10 established by Federal law or by the law of any State, and may
11 compile eligible lists therefrom or may add the names of
12 successful candidates in examinations conducted by those merit
13 systems to existing eligible lists in accordance with their
14 respective ratings. No person who is a non-resident of the
15 State of Illinois may be appointed from those eligible lists,
16 however, unless the requirement that applicants be residents of
17 the State of Illinois is waived by the Director of Personnel
18 and unless there are less than 3 Illinois residents available
19 for appointment from the appropriate eligible list. The results
20 of the examinations conducted by other merit systems may not be
21 used unless they are comparable in difficulty and
22 comprehensiveness to examinations conducted by the Department
23 of Personnel for similar positions. Special linguistic options
24 may also be established where deemed appropriate.

25 (b) The Director of Personnel may require that each person
26 seeking employment with the Secretary of State, as part of the

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

1 upon request of the Department of Personnel when the request is
2 made in the form and manner required by the Department of State
3 Police. The information derived from this investigation,
4 including the source of this information, and any conclusions
5 or recommendations derived from this information by the
6 Director of Personnel shall be provided to the applicant or
7 prospective employee, or his designee, upon request to the
8 Director of Personnel prior to any final action by the Director
9 of Personnel on the application. No information obtained from
10 such investigation may be placed in any automated information
11 system. Any criminal convictions and their disposition
12 information obtained by the Director of Personnel shall be
13 confidential and may not be transmitted outside the Office of
14 the Secretary of State, except as required herein, and may not
15 be transmitted to anyone within the Office of the Secretary of
16 State except as needed for the purpose of evaluating the
17 application. The only physical identity materials which the
18 applicant or prospective employee can be required to provide
19 the Director of Personnel are photographs or fingerprints;
20 these shall be returned to the applicant or prospective
21 employee upon request to the Director of Personnel, after the
22 investigation has been completed and no copy of these materials
23 may be kept by the Director of Personnel or any agency to which
24 such identity materials were transmitted. Only information and
25 standards which bear a reasonable and rational relation to the
26 performance of an employee shall be used by the Director of

1 Personnel. The Secretary of State shall adopt rules and
2 regulations for the administration of this Section. Any
3 employee of the Secretary of State who gives or causes to be
4 given away any confidential information concerning any
5 criminal convictions and their disposition of an applicant or
6 prospective employee shall be guilty of a Class A misdemeanor
7 unless release of such information is authorized by this
8 Section.

9 (Source: P.A. 95-331, eff. 8-21-07; 96-1551, eff. 7-1-11.)

10 Section 40. The Comptroller Merit Employment Code is
11 amended by changing Section 10b.1 as follows:

12 (15 ILCS 410/10b.1) (from Ch. 15, par. 426)

13 Sec. 10b.1. Competitive examinations. For open competitive
14 examinations to test the relative fitness of applicants for the
15 respective positions. Tests shall be designed to eliminate
16 those who are not qualified for entrance into the Office of the
17 Comptroller and to discover the relative fitness of those who
18 are qualified. The Director may use any one of or any
19 combination of the following examination methods which in his
20 judgment best serves this end: investigation of education and
21 experience; test of cultural knowledge; test of capacity; test
22 of knowledge; test of manual skill; test of linguistic ability;
23 test of character; test of physical skill; test of
24 psychological fitness. No person with a record of misdemeanor

1 convictions except those under Sections 11-1.50, 11-6, 11-7,
2 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2,
3 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3,
4 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8,
5 subdivisions (a)(1) and (a)(2)(C) of Section 11-14.3, and
6 sub-sections 1, 6 and 8 of Section 24-1 of the Criminal Code of
7 1961 or the Criminal Code of 2012, or arrested for any cause
8 but not convicted thereon shall be disqualified from taking
9 such examinations or subsequent appointment unless the person
10 is attempting to qualify for a position which entails financial
11 responsibilities, in which case the person's conviction or
12 arrest record may be considered as a factor in determining the
13 person's fitness for the position. All examinations shall be
14 announced publicly at least 2 weeks in advance of the date of
15 examinations and may be advertised through the press, radio or
16 other media.

17 The Director may, at his or her discretion, accept the
18 results of competitive examinations conducted by any merit
19 system established by Federal law or by the law of any State,
20 and may compile eligible lists therefrom or may add the names
21 of successful candidates in examinations conducted by those
22 merit systems to existing eligible lists in accordance with
23 their respective ratings. No person who is a non-resident of
24 the State of Illinois may be appointed from those eligible
25 lists, however, unless the requirement that applicants be
26 residents of the State of Illinois is waived by the Director of

1 Human Resources and unless there are less than 3 Illinois
2 residents available for appointment from the appropriate
3 eligible list. The results of the examinations conducted by
4 other merit systems may not be used unless they are comparable
5 in difficulty and comprehensiveness to examinations conducted
6 by the Department of Human Resources for similar positions.
7 Special linguistic options may also be established where deemed
8 appropriate.

9 (Source: P.A. 96-1551, eff. 7-1-11.)

10 Section 45. The Alcoholism and Other Drug Abuse and
11 Dependency Act is amended by changing Section 40-5 as follows:

12 (20 ILCS 301/40-5)

13 Sec. 40-5. Election of treatment. An addict or alcoholic
14 who is charged with or convicted of a crime or any other person
15 charged with or convicted of a misdemeanor violation of the Use
16 of Intoxicating Compounds Act and who has not been previously
17 convicted of a violation of that Act may elect treatment under
18 the supervision of a licensed program designated by the
19 Department, referred to in this Article as "designated
20 program", unless:

21 (1) the crime is a crime of violence;

22 (2) the crime is a violation of Section 401(a), 401(b),
23 401(c) where the person electing treatment has been
24 previously convicted of a non-probationable felony or the

1 violation is non-probationable, 401(d) where the violation
2 is non-probationable, 401.1, 402(a), 405 or 407 of the
3 Illinois Controlled Substances Act, or Section 4(d), 4(e),
4 4(f), 4(g), 5(d), 5(e), 5(f), 5(g), 5.1, 7 or 9 of the
5 Cannabis Control Act or Section 15, 20, 55, 60(b)(3),
6 60(b)(4), 60(b)(5), 60(b)(6), or 65 of the Methamphetamine
7 Control and Community Protection Act or is otherwise
8 ineligible for probation under Section 70 of the
9 Methamphetamine Control and Community Protection Act;

10 (3) the person has a record of 2 or more convictions of
11 a crime of violence;

12 (4) other criminal proceedings alleging commission of
13 a felony are pending against the person;

14 (5) the person is on probation or parole and the
15 appropriate parole or probation authority does not consent
16 to that election;

17 (6) the person elected and was admitted to a designated
18 program on 2 prior occasions within any consecutive 2-year
19 period;

20 (7) the person has been convicted of residential
21 burglary and has a record of one or more felony
22 convictions;

23 (8) the crime is a violation of Section 11-501 of the
24 Illinois Vehicle Code or a similar provision of a local
25 ordinance; or

26 (9) the crime is a reckless homicide or a reckless

1 homicide of an unborn child, as defined in Section 9-3 or
2 9-3.2 of the Criminal Code of 1961 or the Criminal Code of
3 2012, in which the cause of death consists of the driving
4 of a motor vehicle by a person under the influence of
5 alcohol or any other drug or drugs at the time of the
6 violation.

7 (Source: P.A. 96-1440, eff. 1-1-11; 97-889, eff. 1-1-13.)

8 Section 50. The Personnel Code is amended by changing
9 Section 8b.1 as follows:

10 (20 ILCS 415/8b.1) (from Ch. 127, par. 63b108b.1)

11 Sec. 8b.1. For open competitive examinations to test the
12 relative fitness of applicants for the respective positions.

13 Tests shall be designed to eliminate those who are not
14 qualified for entrance into or promotion within the service,
15 and to discover the relative fitness of those who are
16 qualified. The Director may use any one of or any combination
17 of the following examination methods which in his judgment best
18 serves this end: investigation of education; investigation of
19 experience; test of cultural knowledge; test of capacity; test
20 of knowledge; test of manual skill; test of linguistic ability;
21 test of character; test of physical fitness; test of
22 psychological fitness. No person with a record of misdemeanor
23 convictions except those under Sections 11-1.50, 11-6, 11-7,
24 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2,

1 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3,
2 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8,
3 subdivisions (a)(1) and (a)(2)(C) of Section 11-14.3, and
4 sub-sections 1, 6 and 8 of Section 24-1 of the Criminal Code of
5 1961 or the Criminal Code of 2012, or arrested for any cause
6 but not convicted thereon shall be disqualified from taking
7 such examinations or subsequent appointment, unless the person
8 is attempting to qualify for a position which would give him
9 the powers of a peace officer, in which case the person's
10 conviction or arrest record may be considered as a factor in
11 determining the person's fitness for the position. The
12 eligibility conditions specified for the position of Assistant
13 Director of Healthcare and Family Services in the Department of
14 Healthcare and Family Services in Section 5-230 of the
15 Departments of State Government Law (20 ILCS 5/5-230) shall be
16 applied to that position in addition to other standards, tests
17 or criteria established by the Director. All examinations shall
18 be announced publicly at least 2 weeks in advance of the date
19 of the examinations and may be advertised through the press,
20 radio and other media. The Director may, however, in his
21 discretion, continue to receive applications and examine
22 candidates long enough to assure a sufficient number of
23 eligibles to meet the needs of the service and may add the
24 names of successful candidates to existing eligible lists in
25 accordance with their respective ratings.

26 The Director may, in his discretion, accept the results of

1 competitive examinations conducted by any merit system
2 established by federal law or by the law of any State, and may
3 compile eligible lists therefrom or may add the names of
4 successful candidates in examinations conducted by those merit
5 systems to existing eligible lists in accordance with their
6 respective ratings. No person who is a non-resident of the
7 State of Illinois may be appointed from those eligible lists,
8 however, unless the requirement that applicants be residents of
9 the State of Illinois is waived by the Director of Central
10 Management Services and unless there are less than 3 Illinois
11 residents available for appointment from the appropriate
12 eligible list. The results of the examinations conducted by
13 other merit systems may not be used unless they are comparable
14 in difficulty and comprehensiveness to examinations conducted
15 by the Department of Central Management Services for similar
16 positions. Special linguistic options may also be established
17 where deemed appropriate.

18 (Source: P.A. 95-331, eff. 8-21-07; 96-1551, eff. 7-1-11.)

19 Section 55. The Children and Family Services Act is amended
20 by changing Sections 5, 7, and 9.3 as follows:

21 (20 ILCS 505/5) (from Ch. 23, par. 5005)

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

1 child care or program facilities.

2 (a) For purposes of this Section:

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

6 (A) were committed to the Department pursuant to
7 the Juvenile Court Act or the Juvenile Court Act of
8 1987, as amended, prior to the age of 18 and who
9 continue under the jurisdiction of the court; or

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

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

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

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

1 or neglected children;

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

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

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

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

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

1 that if reunification fails or is delayed, the
2 placement made is the best available placement to
3 provide permanency for the child;

4 (G) (blank);

5 (H) (blank); and

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

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

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

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

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

25 (b) Nothing in this Section shall be construed to authorize
26 the expenditure of public funds for the purpose of performing

1 abortions.

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

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

25 (e) (Blank).

26 (f) (Blank).

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

5 (1) adoption;

6 (2) foster care;

7 (3) family counseling;

8 (4) protective services;

9 (5) (blank);

10 (6) homemaker service;

11 (7) return of runaway children;

12 (8) (blank);

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

17 (10) interstate services.

18 Rules and regulations established by the Department shall
19 include provisions for training Department staff and the staff
20 of Department grantees, through contracts with other agencies
21 or resources, in alcohol and drug abuse screening techniques
22 approved by the Department of Human Services, as a successor to
23 the Department of Alcoholism and Substance Abuse, for the
24 purpose of identifying children and adults who should be
25 referred to an alcohol and drug abuse treatment program for
26 professional evaluation.

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

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

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

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

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

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

1 which it refers children or families.

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

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

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

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

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

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

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

19 The Department shall notify the child and his family of the
20 Department's responsibility to offer and provide family
21 preservation services as identified in the service plan. The
22 child and his family shall be eligible for services as soon as
23 the report is determined to be "indicated". The Department may
24 offer services to any child or family with respect to whom a
25 report of suspected child abuse or neglect has been filed,
26 prior to concluding its investigation under Section 7.12 of the

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

17 The Department may, at its discretion except for those
18 children also adjudicated neglected or dependent, accept for
19 care and training any child who has been adjudicated addicted,
20 as a truant minor in need of supervision or as a minor
21 requiring authoritative intervention, under the Juvenile Court
22 Act or the Juvenile Court Act of 1987, but no such child shall
23 be committed to the Department by any court without the
24 approval of the Department. A minor charged with a criminal
25 offense under the Criminal Code of 1961 or the Criminal Code of
26 2012 or adjudicated delinquent shall not be placed in the

1 custody of or committed to the Department by any court, except
2 (i) a minor less than 15 years of age committed to the
3 Department under Section 5-710 of the Juvenile Court Act of
4 1987, (ii) a minor for whom an independent basis of abuse,
5 neglect, or dependency exists, which must be defined by
6 departmental rule, or (iii) a minor for whom the court has
7 granted a supplemental petition to reinstate wardship pursuant
8 to subsection (2) of Section 2-33 of the Juvenile Court Act of
9 1987. An independent basis exists when the allegations or
10 adjudication of abuse, neglect, or dependency do not arise from
11 the same facts, incident, or circumstances which give rise to a
12 charge or adjudication of delinquency.

13 As soon as is possible after August 7, 2009 (the effective
14 date of Public Act 96-134), the Department shall develop and
15 implement a special program of family preservation services to
16 support intact, foster, and adoptive families who are
17 experiencing extreme hardships due to the difficulty and stress
18 of caring for a child who has been diagnosed with a pervasive
19 developmental disorder if the Department determines that those
20 services are necessary to ensure the health and safety of the
21 child. The Department may offer services to any family whether
22 or not a report has been filed under the Abused and Neglected
23 Child Reporting Act. The Department may refer the child or
24 family to services available from other agencies in the
25 community if the conditions in the child's or family's home are
26 reasonably likely to subject the child or family to future

1 reports of suspected child abuse or neglect. Acceptance of
2 these services shall be voluntary. The Department shall develop
3 and implement a public information campaign to alert health and
4 social service providers and the general public about these
5 special family preservation services. The nature and scope of
6 the services offered and the number of families served under
7 the special program implemented under this paragraph shall be
8 determined by the level of funding that the Department annually
9 allocates for this purpose. The term "pervasive developmental
10 disorder" under this paragraph means a neurological condition,
11 including but not limited to, Asperger's Syndrome and autism,
12 as defined in the most recent edition of the Diagnostic and
13 Statistical Manual of Mental Disorders of the American
14 Psychiatric Association.

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

1 permanent living arrangement and permanent legal status.

2 When determining reasonable efforts to be made with respect
3 to a child, as described in this subsection, and in making such
4 reasonable efforts, the child's health and safety shall be the
5 paramount concern.

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

18 A decision to place a child in substitute care shall be
19 made with considerations of the child's health, safety, and
20 best interests. At the time of placement, consideration should
21 also be given so that if reunification fails or is delayed, the
22 placement made is the best available placement to provide
23 permanency for the child.

24 The Department shall adopt rules addressing concurrent
25 planning for reunification and permanency. The Department
26 shall consider the following factors when determining

1 appropriateness of concurrent planning:

2 (1) the likelihood of prompt reunification;

3 (2) the past history of the family;

4 (3) the barriers to reunification being addressed by
5 the family;

6 (4) the level of cooperation of the family;

7 (5) the foster parents' willingness to work with the
8 family to reunite;

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

11 (7) the age of the child;

12 (8) placement of siblings.

13 (m) The Department may assume temporary custody of any
14 child if:

15 (1) it has received a written consent to such temporary
16 custody signed by the parents of the child or by the parent
17 having custody of the child if the parents are not living
18 together or by the guardian or custodian of the child if
19 the child is not in the custody of either parent, or

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

22 If the child is found in his or her residence without a parent,
23 guardian, custodian or responsible caretaker, the Department
24 may, instead of removing the child and assuming temporary
25 custody, place an authorized representative of the Department
26 in that residence until such time as a parent, guardian or

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

12 The Department shall have the authority, responsibilities
13 and duties that a legal custodian of the child would have
14 pursuant to subsection (9) of Section 1-3 of the Juvenile Court
15 Act of 1987. Whenever a child is taken into temporary custody
16 pursuant to an investigation under the Abused and Neglected
17 Child Reporting Act, or pursuant to a referral and acceptance
18 under the Juvenile Court Act of 1987 of a minor in limited
19 custody, the Department, during the period of temporary custody
20 and before the child is brought before a judicial officer as
21 required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile
22 Court Act of 1987, shall have the authority, responsibilities
23 and duties that a legal custodian of the child would have under
24 subsection (9) of Section 1-3 of the Juvenile Court Act of
25 1987.

26 The Department shall ensure that any child taken into

1 custody is scheduled for an appointment for a medical
2 examination.

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

19 (m-1) The Department may place children under 18 years of
20 age in a secure child care facility licensed by the Department
21 that cares for children who are in need of secure living
22 arrangements for their health, safety, and well-being after a
23 determination is made by the facility director and the Director
24 or the Director's designate prior to admission to the facility
25 subject to Section 2-27.1 of the Juvenile Court Act of 1987.
26 This subsection (m-1) does not apply to a child who is subject

1 to placement in a correctional facility operated pursuant to
2 Section 3-15-2 of the Unified Code of Corrections, unless the
3 child is a ward who was placed under the care of the Department
4 before being subject to placement in a correctional facility
5 and a court of competent jurisdiction has ordered placement of
6 the child in a secure care facility.

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

1 of such children are not available at payment rates within the
2 limitations set forth in this Section. All reimbursements for
3 services delivered shall be absolutely inalienable by
4 assignment, sale, attachment, garnishment or otherwise.

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

1 Department of Children and Family Services shall create clear,
2 readable notice of the rights of former foster youth to child
3 welfare services under this Section and how such services may
4 be obtained. The Department of Children and Family Services and
5 the Department of Human Services shall disseminate this
6 information statewide. The Department shall adopt regulations
7 describing services intended to assist minors in achieving
8 sustainable self-sufficiency as independent adults.

9 (o) The Department shall establish an administrative
10 review and appeal process for children and families who request
11 or receive child welfare services from the Department. Children
12 who are wards of the Department and are placed by private child
13 welfare agencies, and foster families with whom those children
14 are placed, shall be afforded the same procedural and appeal
15 rights as children and families in the case of placement by the
16 Department, including the right to an initial review of a
17 private agency decision by that agency. The Department shall
18 insure that any private child welfare agency, which accepts
19 wards of the Department for placement, affords those rights to
20 children and foster families. The Department shall accept for
21 administrative review and an appeal hearing a complaint made by
22 (i) a child or foster family concerning a decision following an
23 initial review by a private child welfare agency or (ii) a
24 prospective adoptive parent who alleges a violation of
25 subsection (j-5) of this Section. An appeal of a decision
26 concerning a change in the placement of a child shall be

1 conducted in an expedited manner.

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

19 (q) The Department may receive and use, in their entirety,
20 for the benefit of children any gift, donation or bequest of
21 money or other property which is received on behalf of such
22 children, or any financial benefits to which such children are
23 or may become entitled while under the jurisdiction or care of
24 the Department.

25 The Department shall set up and administer no-cost,
26 interest-bearing accounts in appropriate financial

1 institutions for children for whom the Department is legally
2 responsible and who have been determined eligible for Veterans'
3 Benefits, Social Security benefits, assistance allotments from
4 the armed forces, court ordered payments, parental voluntary
5 payments, Supplemental Security Income, Railroad Retirement
6 payments, Black Lung benefits, or other miscellaneous
7 payments. Interest earned by each account shall be credited to
8 the account, unless disbursed in accordance with this
9 subsection.

10 In disbursing funds from children's accounts, the
11 Department shall:

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

20 (2) Calculate on a monthly basis the amounts paid from
21 State funds for the child's board and care, medical care
22 not covered under Medicaid, and social services; and
23 utilize funds from the child's account, as covered by
24 regulation, to reimburse those costs. Monthly,
25 disbursements from all children's accounts, up to 1/12 of
26 \$13,000,000, shall be deposited by the Department into the

1 General Revenue Fund and the balance over 1/12 of
2 \$13,000,000 into the DCFS Children's Services Fund.

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

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

23 (s) The Department of Children and Family Services may
24 establish and implement a program to reimburse Department and
25 private child welfare agency foster parents licensed by the
26 Department of Children and Family Services for damages

1 sustained by the foster parents as a result of the malicious or
2 negligent acts of foster children, as well as providing third
3 party coverage for such foster parents with regard to actions
4 of foster children to other individuals. Such coverage will be
5 secondary to the foster parent liability insurance policy, if
6 applicable. The program shall be funded through appropriations
7 from the General Revenue Fund, specifically designated for such
8 purposes.

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

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

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

20 The Department shall provide written notification to the
21 court of the specific arrangements for supervised visitation
22 and projected monthly costs within 60 days of the court order.
23 The Department shall send to the court information related to
24 the costs incurred except in cases where the court has
25 determined the parties are financially unable to pay. The court
26 may order additional periodic reports as appropriate.

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

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

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

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

20 The caretaker shall be informed of any known social or
21 behavioral information (including, but not limited to,
22 criminal background, fire setting, perpetuation of sexual
23 abuse, destructive behavior, and substance abuse) necessary to
24 care for and safeguard the children to be placed or currently
25 in the home. The Department may prepare a written summary of
26 the information required by this paragraph, which may be

1 provided to the foster or prospective adoptive parent in
2 advance of a placement. The foster or prospective adoptive
3 parent may review the supporting documents in the child's file
4 in the presence of casework staff. In the case of an emergency
5 placement, casework staff shall at least provide known
6 information verbally, if necessary, and must subsequently
7 provide the information in writing as required by this
8 subsection.

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

24 (u-5) Effective July 1, 1995, only foster care placements
25 licensed as foster family homes pursuant to the Child Care Act
26 of 1969 shall be eligible to receive foster care payments from

1 the Department. Relative caregivers who, as of July 1, 1995,
2 were approved pursuant to approved relative placement rules
3 previously promulgated by the Department at 89 Ill. Adm. Code
4 335 and had submitted an application for licensure as a foster
5 family home may continue to receive foster care payments only
6 until the Department determines that they may be licensed as a
7 foster family home or that their application for licensure is
8 denied or until September 30, 1995, whichever occurs first.

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

1 Department of Children and Family Services and its employees
2 shall abide by rules and regulations established by the
3 Department of State Police relating to the access and
4 dissemination of this information.

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

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

25 (w) Within 120 days of August 20, 1995 (the effective date
26 of Public Act 89-392), the Department shall prepare and submit

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

20 (x) The Department shall conduct annual credit history
21 checks to determine the financial history of children placed
22 under its guardianship pursuant to the Juvenile Court Act of
23 1987. The Department shall conduct such credit checks starting
24 when a ward turns 12 years old and each year thereafter for the
25 duration of the guardianship as terminated pursuant to the
26 Juvenile Court Act of 1987. The Department shall determine if

1 financial exploitation of the child's personal information has
2 occurred. If financial exploitation appears to have taken place
3 or is presently ongoing, the Department shall notify the proper
4 law enforcement agency, the proper State's Attorney, or the
5 Attorney General.

6 (y) Beginning on the effective date of this amendatory Act
7 of the 96th General Assembly, a child with a disability who
8 receives residential and educational services from the
9 Department shall be eligible to receive transition services in
10 accordance with Article 14 of the School Code from the age of
11 14.5 through age 21, inclusive, notwithstanding the child's
12 residential services arrangement. For purposes of this
13 subsection, "child with a disability" means a child with a
14 disability as defined by the federal Individuals with
15 Disabilities Education Improvement Act of 2004.

16 (Source: P.A. 95-10, eff. 6-30-07; 95-601, eff. 9-11-07;
17 95-642, eff. 6-1-08; 95-876, eff. 8-21-08; 96-134, eff. 8-7-09;
18 96-581, eff. 1-1-10; 96-600, eff. 8-21-09; 96-619, eff. 1-1-10;
19 96-760, eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1189, eff.
20 7-22-10.)

21 (20 ILCS 505/7) (from Ch. 23, par. 5007)

22 Sec. 7. Placement of children; considerations.

23 (a) In placing any child under this Act, the Department
24 shall place the child, as far as possible, in the care and
25 custody of some individual holding the same religious belief as

1 the parents of the child, or with some child care facility
2 which is operated by persons of like religious faith as the
3 parents of such child.

4 (a-5) In placing a child under this Act, the Department
5 shall place the child with the child's sibling or siblings
6 under Section 7.4 of this Act unless the placement is not in
7 each child's best interest, or is otherwise not possible under
8 the Department's rules. If the child is not placed with a
9 sibling under the Department's rules, the Department shall
10 consider placements that are likely to develop, preserve,
11 nurture, and support sibling relationships, where doing so is
12 in each child's best interest.

13 (b) In placing a child under this Act, the Department may
14 place a child with a relative if the Department determines that
15 the relative will be able to adequately provide for the child's
16 safety and welfare based on the factors set forth in the
17 Department's rules governing relative placements, and that the
18 placement is consistent with the child's best interests, taking
19 into consideration the factors set out in subsection (4.05) of
20 Section 1-3 of the Juvenile Court Act of 1987.

21 When the Department first assumes custody of a child, in
22 placing that child under this Act, the Department shall make
23 reasonable efforts to identify and locate a relative who is
24 ready, willing, and able to care for the child. At a minimum,
25 these efforts shall be renewed each time the child requires a
26 placement change and it is appropriate for the child to be

1 cared for in a home environment. The Department must document
2 its efforts to identify and locate such a relative placement
3 and maintain the documentation in the child's case file.

4 If the Department determines that a placement with any
5 identified relative is not in the child's best interests or
6 that the relative does not meet the requirements to be a
7 relative caregiver, as set forth in Department rules or by
8 statute, the Department must document the basis for that
9 decision and maintain the documentation in the child's case
10 file.

11 If, pursuant to the Department's rules, any person files an
12 administrative appeal of the Department's decision not to place
13 a child with a relative, it is the Department's burden to prove
14 that the decision is consistent with the child's best
15 interests.

16 When the Department determines that the child requires
17 placement in an environment, other than a home environment, the
18 Department shall continue to make reasonable efforts to
19 identify and locate relatives to serve as visitation resources
20 for the child and potential future placement resources, except
21 when the Department determines that those efforts would be
22 futile or inconsistent with the child's best interests.

23 If the Department determines that efforts to identify and
24 locate relatives would be futile or inconsistent with the
25 child's best interests, the Department shall document the basis
26 of its determination and maintain the documentation in the

1 child's case file.

2 If the Department determines that an individual or a group
3 of relatives are inappropriate to serve as visitation resources
4 or possible placement resources, the Department shall document
5 the basis of its determination and maintain the documentation
6 in the child's case file.

7 When the Department determines that an individual or a
8 group of relatives are appropriate to serve as visitation
9 resources or possible future placement resources, the
10 Department shall document the basis of its determination,
11 maintain the documentation in the child's case file, create a
12 visitation or transition plan, or both, and incorporate the
13 visitation or transition plan, or both, into the child's case
14 plan. For the purpose of this subsection, any determination as
15 to the child's best interests shall include consideration of
16 the factors set out in subsection (4.05) of Section 1-3 of the
17 Juvenile Court Act of 1987.

18 The Department may not place a child with a relative, with
19 the exception of certain circumstances which may be waived as
20 defined by the Department in rules, if the results of a check
21 of the Law Enforcement Agencies Data System (LEADS) identifies
22 a prior criminal conviction of the relative or any adult member
23 of the relative's household for any of the following offenses
24 under the Criminal Code of 1961 or the Criminal Code of 2012:

25 (1) murder;

26 (1.1) solicitation of murder;

- 1 (1.2) solicitation of murder for hire;
- 2 (1.3) intentional homicide of an unborn child;
- 3 (1.4) voluntary manslaughter of an unborn child;
- 4 (1.5) involuntary manslaughter;
- 5 (1.6) reckless homicide;
- 6 (1.7) concealment of a homicidal death;
- 7 (1.8) involuntary manslaughter of an unborn child;
- 8 (1.9) reckless homicide of an unborn child;
- 9 (1.10) drug-induced homicide;
- 10 (2) a sex offense under Article 11, except offenses
- 11 described in Sections 11-7, 11-8, 11-12, 11-13, 11-35,
- 12 11-40, and 11-45;
- 13 (3) kidnapping;
- 14 (3.1) aggravated unlawful restraint;
- 15 (3.2) forcible detention;
- 16 (3.3) aiding and abetting child abduction;
- 17 (4) aggravated kidnapping;
- 18 (5) child abduction;
- 19 (6) aggravated battery of a child as described in
- 20 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;
- 21 (7) criminal sexual assault;
- 22 (8) aggravated criminal sexual assault;
- 23 (8.1) predatory criminal sexual assault of a child;
- 24 (9) criminal sexual abuse;
- 25 (10) aggravated sexual abuse;
- 26 (11) heinous battery as described in Section 12-4.1 or

1 subdivision (a) (2) of Section 12-3.05;

2 (12) aggravated battery with a firearm as described in
3 Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
4 (e) (4) of Section 12-3.05;

5 (13) tampering with food, drugs, or cosmetics;

6 (14) drug-induced infliction of great bodily harm as
7 described in Section 12-4.7 or subdivision (g) (1) of
8 Section 12-3.05;

9 (15) aggravated stalking;

10 (16) home invasion;

11 (17) vehicular invasion;

12 (18) criminal transmission of HIV;

13 (19) criminal abuse or neglect of an elderly or
14 disabled person as described in Section 12-21 or subsection
15 (b) of Section 12-4.4a;

16 (20) child abandonment;

17 (21) endangering the life or health of a child;

18 (22) ritual mutilation;

19 (23) ritualized abuse of a child;

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

23 For the purpose of this subsection, "relative" shall include
24 any person, 21 years of age or over, other than the parent, who
25 (i) is currently related to the child in any of the following
26 ways by blood or adoption: grandparent, sibling,

1 great-grandparent, uncle, aunt, nephew, niece, first cousin,
2 second cousin, godparent, great-uncle, or great-aunt; or (ii)
3 is the spouse of such a relative; or (iii) is the child's
4 step-father, step-mother, or adult step-brother or
5 step-sister; "relative" also includes a person related in any
6 of the foregoing ways to a sibling of a child, even though the
7 person is not related to the child, when the child and its
8 sibling are placed together with that person. For children who
9 have been in the guardianship of the Department, have been
10 adopted, and are subsequently returned to the temporary custody
11 or guardianship of the Department, a "relative" may also
12 include any person who would have qualified as a relative under
13 this paragraph prior to the adoption, but only if the
14 Department determines, and documents, that it would be in the
15 child's best interests to consider this person a relative,
16 based upon the factors for determining best interests set forth
17 in subsection (4.05) of Section 1-3 of the Juvenile Court Act
18 of 1987. A relative with whom a child is placed pursuant to
19 this subsection may, but is not required to, apply for
20 licensure as a foster family home pursuant to the Child Care
21 Act of 1969; provided, however, that as of July 1, 1995, foster
22 care payments shall be made only to licensed foster family
23 homes pursuant to the terms of Section 5 of this Act.

24 (c) In placing a child under this Act, the Department shall
25 ensure that the child's health, safety, and best interests are
26 met. In rejecting placement of a child with an identified

1 relative, the Department shall ensure that the child's health,
2 safety, and best interests are met. In evaluating the best
3 interests of the child, the Department shall take into
4 consideration the factors set forth in subsection (4.05) of
5 Section 1-3 of the Juvenile Court Act of 1987.

6 The Department shall consider the individual needs of the
7 child and the capacity of the prospective foster or adoptive
8 parents to meet the needs of the child. When a child must be
9 placed outside his or her home and cannot be immediately
10 returned to his or her parents or guardian, a comprehensive,
11 individualized assessment shall be performed of that child at
12 which time the needs of the child shall be determined. Only if
13 race, color, or national origin is identified as a legitimate
14 factor in advancing the child's best interests shall it be
15 considered. Race, color, or national origin shall not be
16 routinely considered in making a placement decision. The
17 Department shall make special efforts for the diligent
18 recruitment of potential foster and adoptive families that
19 reflect the ethnic and racial diversity of the children for
20 whom foster and adoptive homes are needed. "Special efforts"
21 shall include contacting and working with community
22 organizations and religious organizations and may include
23 contracting with those organizations, utilizing local media
24 and other local resources, and conducting outreach activities.

25 (c-1) At the time of placement, the Department shall
26 consider concurrent planning, as described in subsection (1-1)

1 of Section 5, so that permanency may occur at the earliest
2 opportunity. Consideration should be given so that if
3 reunification fails or is delayed, the placement made is the
4 best available placement to provide permanency for the child.

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

8 (e) The Department in placing children in adoptive or
9 foster care homes may not, in any policy or practice relating
10 to the placement of children for adoption or foster care,
11 discriminate against any child or prospective adoptive or
12 foster parent on the basis of race.

13 (Source: P.A. 96-1551, Article 1, Section 900, eff. 7-1-11;
14 96-1551, Article 2, Section 920, eff. 7-1-11; 97-1076, eff.
15 8-24-12; 97-1109, eff. 1-1-13.)

16 (20 ILCS 505/9.3) (from Ch. 23, par. 5009.3)

17 Sec. 9.3. Declarations by Parents and Guardians.
18 Information requested of parents and guardians shall be
19 submitted on forms or questionnaires prescribed by the
20 Department or units of local government as the case may be and
21 shall contain a written declaration to be signed by the parent
22 or guardian in substantially the following form:

23 "I declare under penalties of perjury that I have examined
24 this form or questionnaire and all accompanying statements or
25 documents pertaining to my income, or any other matter having

1 bearing upon my status and ability to provide payment for care
2 and training of my child, and to the best of my knowledge and
3 belief the information supplied is true, correct, and
4 complete".

5 A person who makes and subscribes a form or questionnaire
6 which contains, as herein above provided, a written declaration
7 that it is made under the penalties of perjury, knowing it to
8 be false, incorrect or incomplete, in respect to any material
9 statement or representative bearing upon his status as a parent
10 or guardian, or upon his income, resources, or other matter
11 concerning his ability to provide parental payment, shall be
12 subject to the penalties for perjury provided for in Section
13 32-2 of the "Criminal Code of 2012 ~~1961~~", ~~approved July 28,~~
14 ~~1961, as amended.~~

15 Parents who refuse to provide such information after three
16 written requests from the Department will be liable for the
17 full cost of care provided, from the commencement of such care
18 until the required information is received.

19 (Source: P.A. 83-1037.)

20 Section 60. The Department of Natural Resources
21 (Conservation) Law of the Civil Administrative Code of Illinois
22 is amended by changing Section 805-540 as follows:

23 (20 ILCS 805/805-540) (was 20 ILCS 805/63b2.6)

24 Sec. 805-540. Enforcement of adjoining state's laws. The

1 Director may grant authority to the officers of any adjoining
2 state who are authorized and directed to enforce the laws of
3 that state relating to the protection of flora and fauna to
4 take any of the following actions and have the following powers
5 within the State of Illinois:

6 (1) To follow, seize, and return to the adjoining state
7 any flora or fauna or part thereof shipped or taken from
8 the adjoining state in violation of the laws of that state
9 and brought into this State.

10 (2) To dispose of any such flora or fauna or part
11 thereof under the supervision of an Illinois Conservation
12 Police Officer.

13 (3) To enforce as an agent of this State, with the same
14 powers as an Illinois Conservation Police Officer, each of
15 the following laws of this State:

16 (i) The Illinois Endangered Species Protection
17 Act.

18 (ii) The Fish and Aquatic Life Code.

19 (iii) The Wildlife Code.

20 (iv) The Wildlife Habitat Management Areas Act.

21 (v) Section 48-3 of the Criminal Code of 2012 ~~1961~~
22 (hunter or fisherman interference).

23 (vi) The Illinois Non-Game Wildlife Protection
24 Act.

25 (vii) The Ginseng Harvesting Act.

26 (viii) The State Forest Act.

1 (ix) The Forest Products Transportation Act.

2 (x) The Timber Buyers Licensing Act.

3 Any officer of an adjoining state acting under a power or
4 authority granted by the Director pursuant to this Section
5 shall act without compensation or other benefits from this
6 State and without this State having any liability for the acts
7 or omissions of that officer.

8 (Source: P.A. 96-397, eff. 1-1-10; 97-1108, eff. 1-1-13.)

9 Section 65. The Department of Natural Resources (Mines and
10 Minerals) Law of the Civil Administrative Code of Illinois is
11 amended by changing Section 1905-110 as follows:

12 (20 ILCS 1905/1905-110) (was 20 ILCS 1905/45.1)

13 Sec. 1905-110. Verified documents; penalty for fraud.
14 Applications and other documents filed for the purpose of
15 obtaining permits, certificates, or other licenses under Acts
16 administered by the Department shall be verified or contain
17 written affirmation that they are signed under the penalties of
18 perjury. A person who knowingly signs a fraudulent document
19 commits perjury as defined in Section 32-2 of the Criminal Code
20 of 2012 ~~1961~~ and for the purpose of this Section shall be
21 guilty of a Class A misdemeanor.

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

23 Section 70. The Department of Professional Regulation Law

1 of the Civil Administrative Code of Illinois is amended by
2 changing Section 2105-25 as follows:

3 (20 ILCS 2105/2105-25) (was 20 ILCS 2105/60.01)

4 Sec. 2105-25. Perjury; penalty. Each document required to
5 be filed under any Act administered by the Department shall be
6 verified or contain a written affirmation that it is signed
7 under the penalties of perjury. An applicant or registrant who
8 knowingly signs a fraudulent document commits perjury as
9 defined in Section 32-2 of the Criminal Code of 2012 ~~1961~~ and
10 for the purpose of this Section shall be guilty of a Class A
11 misdemeanor.

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

13 Section 75. The Department of Revenue Law of the Civil
14 Administrative Code of Illinois is amended by changing Section
15 2505-400 as follows:

16 (20 ILCS 2505/2505-400) (was 20 ILCS 2505/39b49)

17 Sec. 2505-400. Contracts for collection assistance.

18 (a) The Department has the power to contract for collection
19 assistance on a contingent fee basis, with collection fees to
20 be retained by the collection agency and the net collections to
21 be paid to the Department. In the case of any liability
22 referred to a collection agency on or after July 1, 2003, any
23 fee charged to the State by the collection agency shall be

1 considered additional State tax of the taxpayer imposed under
2 the Act under which the tax being collected was imposed, shall
3 be deemed assessed at the time payment of the tax is made to
4 the collection agency, and shall be separately stated in any
5 statement or notice of the liability issued by the collection
6 agency to the taxpayer.

7 (b) The Department has the power to enter into written
8 agreements with State's Attorneys for pursuit of civil
9 liability under subsection (E) of Section 17-1 of the Criminal
10 Code of 2012 ~~1961~~ against persons who have issued to the
11 Department checks or other orders in violation of the
12 provisions of paragraph (1) of subsection (B) of Section 17-1
13 of the Criminal Code of 2012 ~~1961~~. Of the amount collected, the
14 Department shall retain the amount owing upon the dishonored
15 check or order along with the dishonored check fee imposed
16 under the Uniform Penalty and Interest Act. The balance of
17 damages, fees, and costs collected under subsection (E) of
18 Section 17-1 of the Criminal Code of 2012 ~~1961~~ or under Section
19 17-1a of that Code shall be retained by the State's Attorney.
20 The agreement shall not affect the allocation of fines and
21 costs imposed in any criminal prosecution.

22 (c) The Department may issue the Secretary of the Treasury
23 of the United States (or his or her delegate) notice, as
24 required by Section 6402(e) of the Internal Revenue Code, of
25 any past due, legally enforceable State income tax obligation
26 of a taxpayer. The Department must notify the taxpayer that any

1 fee charged to the State by the Secretary of the Treasury of
2 the United States (or his or her delegate) under Internal
3 Revenue Code Section 6402(e) is considered additional State
4 income tax of the taxpayer with respect to whom the Department
5 issued the notice, and is deemed assessed upon issuance by the
6 Department of notice to the Secretary of the Treasury of the
7 United States (or his or her delegate) under Section 6402(e) of
8 the Internal Revenue Code; a notice of additional State income
9 tax is not considered a notice of deficiency, and the taxpayer
10 has no right of protest.

11 (Source: P.A. 96-1551, eff. 7-1-11.)

12 Section 80. The Department of State Police Law of the Civil
13 Administrative Code of Illinois is amended by changing Sections
14 2605-390 and 2605-585 as follows:

15 (20 ILCS 2605/2605-390) (was 20 ILCS 2605/55a in part)
16 Sec. 2605-390. Hate crimes.

17 (a) To collect and disseminate information relating to
18 "hate crimes" as defined under Section 12-7.1 of the Criminal
19 Code of 2012 ~~1961~~ contingent upon the availability of State or
20 federal funds to revise and upgrade the Illinois Uniform Crime
21 Reporting System. All law enforcement agencies shall report
22 monthly to the Department concerning those offenses in the form
23 and in the manner prescribed by rules and regulations adopted
24 by the Department. The information shall be compiled by the

1 Department and be disseminated upon request to any local law
2 enforcement agency, unit of local government, or State agency.
3 Dissemination of the information shall be subject to all
4 confidentiality requirements otherwise imposed by law.

5 (b) The Department shall provide training for State Police
6 officers in identifying, responding to, and reporting all hate
7 crimes. The Illinois Law Enforcement Training Standards Board
8 shall develop and certify a course of such training to be made
9 available to local law enforcement officers.

10 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,
11 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98; 90-793,
12 eff. 8-14-98; 91-239, eff. 1-1-00.)

13 (20 ILCS 2605/2605-585)

14 Sec. 2605-585. Money Laundering Asset Recovery Fund.
15 Moneys and the sale proceeds distributed to the Department of
16 State Police pursuant to clause (h)(6)(C) of Section 29B-1 of
17 the Criminal Code of 1961 or the Criminal Code of 2012 shall be
18 deposited in a special fund in the State treasury to be known
19 as the Money Laundering Asset Recovery Fund. The moneys
20 deposited in the Money Laundering Asset Recovery Fund shall be
21 appropriated to and administered by the Department of State
22 Police for State law enforcement purposes.

23 (Source: P.A. 96-1234, eff. 7-23-10.)

24 Section 85. The Criminal Identification Act is amended by

1 changing Sections 2.1, 2.2, and 5.2 as follows:

2 (20 ILCS 2630/2.1) (from Ch. 38, par. 206-2.1)

3 Sec. 2.1. For the purpose of maintaining complete and
4 accurate criminal records of the Department of State Police, it
5 is necessary for all policing bodies of this State, the clerk
6 of the circuit court, the Illinois Department of Corrections,
7 the sheriff of each county, and State's Attorney of each county
8 to submit certain criminal arrest, charge, and disposition
9 information to the Department for filing at the earliest time
10 possible. Unless otherwise noted herein, it shall be the duty
11 of all policing bodies of this State, the clerk of the circuit
12 court, the Illinois Department of Corrections, the sheriff of
13 each county, and the State's Attorney of each county to report
14 such information as provided in this Section, both in the form
15 and manner required by the Department and within 30 days of the
16 criminal history event. Specifically:

17 (a) Arrest Information. All agencies making arrests for
18 offenses which are required by statute to be collected,
19 maintained or disseminated by the Department of State Police
20 shall be responsible for furnishing daily to the Department
21 fingerprints, charges and descriptions of all persons who are
22 arrested for such offenses. All such agencies shall also notify
23 the Department of all decisions by the arresting agency not to
24 refer such arrests for prosecution. With approval of the
25 Department, an agency making such arrests may enter into

1 arrangements with other agencies for the purpose of furnishing
2 daily such fingerprints, charges and descriptions to the
3 Department upon its behalf.

4 (b) Charge Information. The State's Attorney of each county
5 shall notify the Department of all charges filed and all
6 petitions filed alleging that a minor is delinquent, including
7 all those added subsequent to the filing of a case, and whether
8 charges were not filed in cases for which the Department has
9 received information required to be reported pursuant to
10 paragraph (a) of this Section. With approval of the Department,
11 the State's Attorney may enter into arrangements with other
12 agencies for the purpose of furnishing the information required
13 by this subsection (b) to the Department upon the State's
14 Attorney's behalf.

15 (c) Disposition Information. The clerk of the circuit court
16 of each county shall furnish the Department, in the form and
17 manner required by the Supreme Court, with all final
18 dispositions of cases for which the Department has received
19 information required to be reported pursuant to paragraph (a)
20 or (d) of this Section. Such information shall include, for
21 each charge, all (1) judgments of not guilty, judgments of
22 guilty including the sentence pronounced by the court, findings
23 that a minor is delinquent and any sentence made based on those
24 findings, discharges and dismissals in the court; (2) reviewing
25 court orders filed with the clerk of the circuit court which
26 reverse or remand a reported conviction or findings that a

1 minor is delinquent or that vacate or modify a sentence or
2 sentence made following a trial that a minor is delinquent; (3)
3 continuances to a date certain in furtherance of an order of
4 supervision granted under Section 5-6-1 of the Unified Code of
5 Corrections or an order of probation granted under Section 10
6 of the Cannabis Control Act, Section 410 of the Illinois
7 Controlled Substances Act, Section 70 of the Methamphetamine
8 Control and Community Protection Act, Section 12-4.3 or
9 subdivision (b) (1) of Section 12-3.05 of the Criminal Code of
10 1961 or the Criminal Code of 2012, Section 10-102 of the
11 Illinois Alcoholism and Other Drug Dependency Act, Section
12 40-10 of the Alcoholism and Other Drug Abuse and Dependency
13 Act, Section 10 of the Steroid Control Act, or Section 5-615 of
14 the Juvenile Court Act of 1987; and (4) judgments or court
15 orders terminating or revoking a sentence to or juvenile
16 disposition of probation, supervision or conditional discharge
17 and any resentencing or new court orders entered by a juvenile
18 court relating to the disposition of a minor's case involving
19 delinquency after such revocation.

20 (d) Fingerprints After Sentencing.

21 (1) After the court pronounces sentence, sentences a
22 minor following a trial in which a minor was found to be
23 delinquent or issues an order of supervision or an order of
24 probation granted under Section 10 of the Cannabis Control
25 Act, Section 410 of the Illinois Controlled Substances Act,
26 Section 70 of the Methamphetamine Control and Community

1 Protection Act, Section 12-4.3 or subdivision (b)(1) of
2 Section 12-3.05 of the Criminal Code of 1961 or the
3 Criminal Code of 2012, Section 10-102 of the Illinois
4 Alcoholism and Other Drug Dependency Act, Section 40-10 of
5 the Alcoholism and Other Drug Abuse and Dependency Act,
6 Section 10 of the Steroid Control Act, or Section 5-615 of
7 the Juvenile Court Act of 1987 for any offense which is
8 required by statute to be collected, maintained, or
9 disseminated by the Department of State Police, the State's
10 Attorney of each county shall ask the court to order a law
11 enforcement agency to fingerprint immediately all persons
12 appearing before the court who have not previously been
13 fingerprinted for the same case. The court shall so order
14 the requested fingerprinting, if it determines that any
15 such person has not previously been fingerprinted for the
16 same case. The law enforcement agency shall submit such
17 fingerprints to the Department daily.

18 (2) After the court pronounces sentence or makes a
19 disposition of a case following a finding of delinquency
20 for any offense which is not required by statute to be
21 collected, maintained, or disseminated by the Department
22 of State Police, the prosecuting attorney may ask the court
23 to order a law enforcement agency to fingerprint
24 immediately all persons appearing before the court who have
25 not previously been fingerprinted for the same case. The
26 court may so order the requested fingerprinting, if it

1 determines that any so sentenced person has not previously
2 been fingerprinted for the same case. The law enforcement
3 agency may retain such fingerprints in its files.

4 (e) Corrections Information. The Illinois Department of
5 Corrections and the sheriff of each county shall furnish the
6 Department with all information concerning the receipt,
7 escape, execution, death, release, pardon, parole, commutation
8 of sentence, granting of executive clemency or discharge of an
9 individual who has been sentenced or committed to the agency's
10 custody for any offenses which are mandated by statute to be
11 collected, maintained or disseminated by the Department of
12 State Police. For an individual who has been charged with any
13 such offense and who escapes from custody or dies while in
14 custody, all information concerning the receipt and escape or
15 death, whichever is appropriate, shall also be so furnished to
16 the Department.

17 (Source: P.A. 96-1551, eff. 7-1-11.)

18 (20 ILCS 2630/2.2)

19 Sec. 2.2. Notification to the Department. Upon judgment of
20 conviction of a violation of Section 12-1, 12-2, 12-3, 12-3.2,
21 12-3.4, or 12-3.5 of the Criminal Code of 1961 or the Criminal
22 Code of 2012 when the defendant has been determined, pursuant
23 to Section 112A-11.1 of the Code of Criminal Procedure of 1963,
24 to be subject to the prohibitions of 18 U.S.C. 922(g)(9), the
25 circuit court clerk shall include notification and a copy of

1 the written determination in a report of the conviction to the
2 Department of State Police Firearm Owner's Identification Card
3 Office to enable the office to perform its duties under
4 Sections 4 and 8 of the Firearm Owners Identification Card Act
5 and to report that determination to the Federal Bureau of
6 Investigation to assist the Bureau in identifying persons
7 prohibited from purchasing and possessing a firearm pursuant to
8 the provisions of 18 U.S.C. 922. The written determination
9 described in this Section shall be included in the defendant's
10 record of arrest and conviction in the manner and form
11 prescribed by the Department of State Police.

12 (Source: P.A. 97-1131, eff. 1-1-13; revised 10-10-12.)

13 (20 ILCS 2630/5.2)

14 Sec. 5.2. Expungement and sealing.

15 (a) General Provisions.

16 (1) Definitions. In this Act, words and phrases have
17 the meanings set forth in this subsection, except when a
18 particular context clearly requires a different meaning.

19 (A) The following terms shall have the meanings
20 ascribed to them in the Unified Code of Corrections,
21 730 ILCS 5/5-1-2 through 5/5-1-22:

22 (i) Business Offense (730 ILCS 5/5-1-2),

23 (ii) Charge (730 ILCS 5/5-1-3),

24 (iii) Court (730 ILCS 5/5-1-6),

25 (iv) Defendant (730 ILCS 5/5-1-7),

- 1 (v) Felony (730 ILCS 5/5-1-9),
2 (vi) Imprisonment (730 ILCS 5/5-1-10),
3 (vii) Judgment (730 ILCS 5/5-1-12),
4 (viii) Misdemeanor (730 ILCS 5/5-1-14),
5 (ix) Offense (730 ILCS 5/5-1-15),
6 (x) Parole (730 ILCS 5/5-1-16),
7 (xi) Petty Offense (730 ILCS 5/5-1-17),
8 (xii) Probation (730 ILCS 5/5-1-18),
9 (xiii) Sentence (730 ILCS 5/5-1-19),
10 (xiv) Supervision (730 ILCS 5/5-1-21), and
11 (xv) Victim (730 ILCS 5/5-1-22).

12 (B) As used in this Section, "charge not initiated
13 by arrest" means a charge (as defined by 730 ILCS
14 5/5-1-3) brought against a defendant where the
15 defendant is not arrested prior to or as a direct
16 result of the charge.

17 (C) "Conviction" means a judgment of conviction or
18 sentence entered upon a plea of guilty or upon a
19 verdict or finding of guilty of an offense, rendered by
20 a legally constituted jury or by a court of competent
21 jurisdiction authorized to try the case without a jury.
22 An order of supervision successfully completed by the
23 petitioner is not a conviction. An order of qualified
24 probation (as defined in subsection (a)(1)(J))
25 successfully completed by the petitioner is not a
26 conviction. An order of supervision or an order of

1 qualified probation that is terminated
2 unsatisfactorily is a conviction, unless the
3 unsatisfactory termination is reversed, vacated, or
4 modified and the judgment of conviction, if any, is
5 reversed or vacated.

6 (D) "Criminal offense" means a petty offense,
7 business offense, misdemeanor, felony, or municipal
8 ordinance violation (as defined in subsection
9 (a)(1)(H)). As used in this Section, a minor traffic
10 offense (as defined in subsection (a)(1)(G)) shall not
11 be considered a criminal offense.

12 (E) "Expunge" means to physically destroy the
13 records or return them to the petitioner and to
14 obliterate the petitioner's name from any official
15 index or public record, or both. Nothing in this Act
16 shall require the physical destruction of the circuit
17 court file, but such records relating to arrests or
18 charges, or both, ordered expunged shall be impounded
19 as required by subsections (d)(9)(A)(ii) and
20 (d)(9)(B)(ii).

21 (F) As used in this Section, "last sentence" means
22 the sentence, order of supervision, or order of
23 qualified probation (as defined by subsection
24 (a)(1)(J)), for a criminal offense (as defined by
25 subsection (a)(1)(D)) that terminates last in time in
26 any jurisdiction, regardless of whether the petitioner

1 has included the criminal offense for which the
2 sentence or order of supervision or qualified
3 probation was imposed in his or her petition. If
4 multiple sentences, orders of supervision, or orders
5 of qualified probation terminate on the same day and
6 are last in time, they shall be collectively considered
7 the "last sentence" regardless of whether they were
8 ordered to run concurrently.

9 (G) "Minor traffic offense" means a petty offense,
10 business offense, or Class C misdemeanor under the
11 Illinois Vehicle Code or a similar provision of a
12 municipal or local ordinance.

13 (H) "Municipal ordinance violation" means an
14 offense defined by a municipal or local ordinance that
15 is criminal in nature and with which the petitioner was
16 charged or for which the petitioner was arrested and
17 released without charging.

18 (I) "Petitioner" means an adult or a minor
19 prosecuted as an adult who has applied for relief under
20 this Section.

21 (J) "Qualified probation" means an order of
22 probation under Section 10 of the Cannabis Control Act,
23 Section 410 of the Illinois Controlled Substances Act,
24 Section 70 of the Methamphetamine Control and
25 Community Protection Act, Section 5-6-3.3 of the
26 Unified Code of Corrections, Section 12-4.3(b)(1) and

1 (2) of the Criminal Code of 1961 (as those provisions
2 existed before their deletion by Public Act 89-313),
3 Section 10-102 of the Illinois Alcoholism and Other
4 Drug Dependency Act, Section 40-10 of the Alcoholism
5 and Other Drug Abuse and Dependency Act, or Section 10
6 of the Steroid Control Act. For the purpose of this
7 Section, "successful completion" of an order of
8 qualified probation under Section 10-102 of the
9 Illinois Alcoholism and Other Drug Dependency Act and
10 Section 40-10 of the Alcoholism and Other Drug Abuse
11 and Dependency Act means that the probation was
12 terminated satisfactorily and the judgment of
13 conviction was vacated.

14 (K) "Seal" means to physically and electronically
15 maintain the records, unless the records would
16 otherwise be destroyed due to age, but to make the
17 records unavailable without a court order, subject to
18 the exceptions in Sections 12 and 13 of this Act. The
19 petitioner's name shall also be obliterated from the
20 official index required to be kept by the circuit court
21 clerk under Section 16 of the Clerks of Courts Act, but
22 any index issued by the circuit court clerk before the
23 entry of the order to seal shall not be affected.

24 (L) "Sexual offense committed against a minor"
25 includes but is not limited to the offenses of indecent
26 solicitation of a child or criminal sexual abuse when

1 the victim of such offense is under 18 years of age.

2 (M) "Terminate" as it relates to a sentence or
3 order of supervision or qualified probation includes
4 either satisfactory or unsatisfactory termination of
5 the sentence, unless otherwise specified in this
6 Section.

7 (2) Minor Traffic Offenses. Orders of supervision or
8 convictions for minor traffic offenses shall not affect a
9 petitioner's eligibility to expunge or seal records
10 pursuant to this Section.

11 (3) Exclusions. Except as otherwise provided in
12 subsections (b) (5), (b) (6), (e), and (e-5) of this Section,
13 the court shall not order:

14 (A) the sealing or expungement of the records of
15 arrests or charges not initiated by arrest that result
16 in an order of supervision for or conviction of: (i)
17 any sexual offense committed against a minor; (ii)
18 Section 11-501 of the Illinois Vehicle Code or a
19 similar provision of a local ordinance; or (iii)
20 Section 11-503 of the Illinois Vehicle Code or a
21 similar provision of a local ordinance, unless the
22 arrest or charge is for a misdemeanor violation of
23 subsection (a) of Section 11-503 or a similar provision
24 of a local ordinance, that occurred prior to the
25 offender reaching the age of 25 years and the offender
26 has no other conviction for violating Section 11-501 or

1 11-503 of the Illinois Vehicle Code or a similar
2 provision of a local ordinance.

3 (B) the sealing or expungement of records of minor
4 traffic offenses (as defined in subsection (a)(1)(G)),
5 unless the petitioner was arrested and released
6 without charging.

7 (C) the sealing of the records of arrests or
8 charges not initiated by arrest which result in an
9 order of supervision, an order of qualified probation
10 (as defined in subsection (a)(1)(J)), or a conviction
11 for the following offenses:

12 (i) offenses included in Article 11 of the
13 Criminal Code of 1961 or the Criminal Code of 2012
14 or a similar provision of a local ordinance, except
15 Section 11-14 of the Criminal Code of 1961 or the
16 Criminal Code of 2012, or a similar provision of a
17 local ordinance;

18 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,
19 26-5, or 48-1 of the Criminal Code of 1961 or the
20 Criminal Code of 2012, or a similar provision of a
21 local ordinance;

22 (iii) offenses defined as "crimes of violence"
23 in Section 2 of the Crime Victims Compensation Act
24 or a similar provision of a local ordinance;

25 (iv) offenses which are Class A misdemeanors
26 under the Humane Care for Animals Act; or

1 (v) any offense or attempted offense that
2 would subject a person to registration under the
3 Sex Offender Registration Act.

4 (D) the sealing of the records of an arrest which
5 results in the petitioner being charged with a felony
6 offense or records of a charge not initiated by arrest
7 for a felony offense unless:

8 (i) the charge is amended to a misdemeanor and
9 is otherwise eligible to be sealed pursuant to
10 subsection (c);

11 (ii) the charge is brought along with another
12 charge as a part of one case and the charge results
13 in acquittal, dismissal, or conviction when the
14 conviction was reversed or vacated, and another
15 charge brought in the same case results in a
16 disposition for a misdemeanor offense that is
17 eligible to be sealed pursuant to subsection (c) or
18 a disposition listed in paragraph (i), (iii), or
19 (iv) of this subsection;

20 (iii) the charge results in first offender
21 probation as set forth in subsection (c) (2) (E);

22 (iv) the charge is for a Class 4 felony offense
23 listed in subsection (c) (2) (F) or the charge is
24 amended to a Class 4 felony offense listed in
25 subsection (c) (2) (F). Records of arrests which
26 result in the petitioner being charged with a Class

1 4 felony offense listed in subsection (c)(2)(F),
2 records of charges not initiated by arrest for
3 Class 4 felony offenses listed in subsection
4 (c)(2)(F), and records of charges amended to a
5 Class 4 felony offense listed in (c)(2)(F) may be
6 sealed, regardless of the disposition, subject to
7 any waiting periods set forth in subsection
8 (c)(3);

9 (v) the charge results in acquittal,
10 dismissal, or the petitioner's release without
11 conviction; or

12 (vi) the charge results in a conviction, but
13 the conviction was reversed or vacated.

14 (b) Expungement.

15 (1) A petitioner may petition the circuit court to
16 expunge the records of his or her arrests and charges not
17 initiated by arrest when:

18 (A) He or she has never been convicted of a
19 criminal offense; and

20 (B) Each arrest or charge not initiated by arrest
21 sought to be expunged resulted in: (i) acquittal,
22 dismissal, or the petitioner's release without
23 charging, unless excluded by subsection (a)(3)(B);
24 (ii) a conviction which was vacated or reversed, unless
25 excluded by subsection (a)(3)(B); (iii) an order of
26 supervision and such supervision was successfully

1 completed by the petitioner, unless excluded by
2 subsection (a) (3) (A) or (a) (3) (B); or (iv) an order of
3 qualified probation (as defined in subsection
4 (a) (1) (J)) and such probation was successfully
5 completed by the petitioner.

6 (2) Time frame for filing a petition to expunge.

7 (A) When the arrest or charge not initiated by
8 arrest sought to be expunged resulted in an acquittal,
9 dismissal, the petitioner's release without charging,
10 or the reversal or vacation of a conviction, there is
11 no waiting period to petition for the expungement of
12 such records.

13 (B) When the arrest or charge not initiated by
14 arrest sought to be expunged resulted in an order of
15 supervision, successfully completed by the petitioner,
16 the following time frames will apply:

17 (i) Those arrests or charges that resulted in
18 orders of supervision under Section 3-707, 3-708,
19 3-710, or 5-401.3 of the Illinois Vehicle Code or a
20 similar provision of a local ordinance, or under
21 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
22 Code of 1961 or the Criminal Code of 2012, or a
23 similar provision of a local ordinance, shall not
24 be eligible for expungement until 5 years have
25 passed following the satisfactory termination of
26 the supervision.

1 (i-5) Those arrests or charges that resulted
2 in orders of supervision for a misdemeanor
3 violation of subsection (a) of Section 11-503 of
4 the Illinois Vehicle Code or a similar provision of
5 a local ordinance, that occurred prior to the
6 offender reaching the age of 25 years and the
7 offender has no other conviction for violating
8 Section 11-501 or 11-503 of the Illinois Vehicle
9 Code or a similar provision of a local ordinance
10 shall not be eligible for expungement until the
11 petitioner has reached the age of 25 years.

12 (ii) Those arrests or charges that resulted in
13 orders of supervision for any other offenses shall
14 not be eligible for expungement until 2 years have
15 passed following the satisfactory termination of
16 the supervision.

17 (C) When the arrest or charge not initiated by
18 arrest sought to be expunged resulted in an order of
19 qualified probation, successfully completed by the
20 petitioner, such records shall not be eligible for
21 expungement until 5 years have passed following the
22 satisfactory termination of the probation.

23 (3) Those records maintained by the Department for
24 persons arrested prior to their 17th birthday shall be
25 expunged as provided in Section 5-915 of the Juvenile Court
26 Act of 1987.

1 (4) Whenever a person has been arrested for or
2 convicted of any offense, in the name of a person whose
3 identity he or she has stolen or otherwise come into
4 possession of, the aggrieved person from whom the identity
5 was stolen or otherwise obtained without authorization,
6 upon learning of the person having been arrested using his
7 or her identity, may, upon verified petition to the chief
8 judge of the circuit wherein the arrest was made, have a
9 court order entered nunc pro tunc by the Chief Judge to
10 correct the arrest record, conviction record, if any, and
11 all official records of the arresting authority, the
12 Department, other criminal justice agencies, the
13 prosecutor, and the trial court concerning such arrest, if
14 any, by removing his or her name from all such records in
15 connection with the arrest and conviction, if any, and by
16 inserting in the records the name of the offender, if known
17 or ascertainable, in lieu of the aggrieved's name. The
18 records of the circuit court clerk shall be sealed until
19 further order of the court upon good cause shown and the
20 name of the aggrieved person obliterated on the official
21 index required to be kept by the circuit court clerk under
22 Section 16 of the Clerks of Courts Act, but the order shall
23 not affect any index issued by the circuit court clerk
24 before the entry of the order. Nothing in this Section
25 shall limit the Department of State Police or other
26 criminal justice agencies or prosecutors from listing

1 under an offender's name the false names he or she has
2 used.

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

19 (6) If a conviction has been set aside on direct review
20 or on collateral attack and the court determines by clear
21 and convincing evidence that the petitioner was factually
22 innocent of the charge, the court shall enter an
23 expungement order as provided in subsection (b) of Section
24 5-5-4 of the Unified Code of Corrections.

25 (7) Nothing in this Section shall prevent the
26 Department of State Police from maintaining all records of

1 any person who is admitted to probation upon terms and
2 conditions and who fulfills those terms and conditions
3 pursuant to Section 10 of the Cannabis Control Act, Section
4 410 of the Illinois Controlled Substances Act, Section 70
5 of the Methamphetamine Control and Community Protection
6 Act, Section 5-6-3.3 of the Unified Code of Corrections,
7 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 of
8 the Criminal Code of 1961 or the Criminal Code of 2012,
9 Section 10-102 of the Illinois Alcoholism and Other Drug
10 Dependency Act, Section 40-10 of the Alcoholism and Other
11 Drug Abuse and Dependency Act, or Section 10 of the Steroid
12 Control Act.

13 (c) Sealing.

14 (1) Applicability. Notwithstanding any other provision
15 of this Act to the contrary, and cumulative with any rights
16 to expungement of criminal records, this subsection
17 authorizes the sealing of criminal records of adults and of
18 minors prosecuted as adults.

19 (2) Eligible Records. The following records may be
20 sealed:

21 (A) All arrests resulting in release without
22 charging;

23 (B) Arrests or charges not initiated by arrest
24 resulting in acquittal, dismissal, or conviction when
25 the conviction was reversed or vacated, except as
26 excluded by subsection (a) (3) (B);

1 (C) Arrests or charges not initiated by arrest
2 resulting in orders of supervision successfully
3 completed by the petitioner, unless excluded by
4 subsection (a) (3);

5 (D) Arrests or charges not initiated by arrest
6 resulting in convictions unless excluded by subsection
7 (a) (3);

8 (E) Arrests or charges not initiated by arrest
9 resulting in orders of first offender probation under
10 Section 10 of the Cannabis Control Act, Section 410 of
11 the Illinois Controlled Substances Act, Section 70 of
12 the Methamphetamine Control and Community Protection
13 Act, or Section 5-6-3.3 of the Unified Code of
14 Corrections; and

15 (F) Arrests or charges not initiated by arrest
16 resulting in Class 4 felony convictions for the
17 following offenses:

18 (i) Section 11-14 of the Criminal Code of 1961
19 or the Criminal Code of 2012;

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

21 (iii) Section 402 of the Illinois Controlled
22 Substances Act;

23 (iv) the Methamphetamine Precursor Control
24 Act; and

25 (v) the Steroid Control Act.

26 (3) When Records Are Eligible to Be Sealed. Records

1 identified as eligible under subsection (c)(2) may be
2 sealed as follows:

3 (A) Records identified as eligible under
4 subsection (c)(2)(A) and (c)(2)(B) may be sealed at any
5 time.

6 (B) Records identified as eligible under
7 subsection (c)(2)(C) may be sealed (i) 3 years after
8 the termination of petitioner's last sentence (as
9 defined in subsection (a)(1)(F)) if the petitioner has
10 never been convicted of a criminal offense (as defined
11 in subsection (a)(1)(D)); or (ii) 4 years after the
12 termination of the petitioner's last sentence (as
13 defined in subsection (a)(1)(F)) if the petitioner has
14 ever been convicted of a criminal offense (as defined
15 in subsection (a)(1)(D)).

16 (C) Records identified as eligible under
17 subsections (c)(2)(D), (c)(2)(E), and (c)(2)(F) may be
18 sealed 4 years after the termination of the
19 petitioner's last sentence (as defined in subsection
20 (a)(1)(F)).

21 (D) Records identified in subsection
22 (a)(3)(A)(iii) may be sealed after the petitioner has
23 reached the age of 25 years.

24 (4) Subsequent felony convictions. A person may not
25 have subsequent felony conviction records sealed as
26 provided in this subsection (c) if he or she is convicted

1 of any felony offense after the date of the sealing of
2 prior felony convictions as provided in this subsection
3 (c). The court may, upon conviction for a subsequent felony
4 offense, order the unsealing of prior felony conviction
5 records previously ordered sealed by the court.

6 (5) Notice of eligibility for sealing. Upon entry of a
7 disposition for an eligible record under this subsection
8 (c), the petitioner shall be informed by the court of the
9 right to have the records sealed and the procedures for the
10 sealing of the records.

11 (d) Procedure. The following procedures apply to
12 expungement under subsections (b) and (e), and sealing under
13 subsections (c) and (e-5):

14 (1) Filing the petition. Upon becoming eligible to
15 petition for the expungement or sealing of records under
16 this Section, the petitioner shall file a petition
17 requesting the expungement or sealing of records with the
18 clerk of the court where the arrests occurred or the
19 charges were brought, or both. If arrests occurred or
20 charges were brought in multiple jurisdictions, a petition
21 must be filed in each such jurisdiction. The petitioner
22 shall pay the applicable fee, if not waived.

23 (2) Contents of petition. The petition shall be
24 verified and shall contain the petitioner's name, date of
25 birth, current address and, for each arrest or charge not
26 initiated by arrest sought to be sealed or expunged, the

1 case number, the date of arrest (if any), the identity of
2 the arresting authority, and such other information as the
3 court may require. During the pendency of the proceeding,
4 the petitioner shall promptly notify the circuit court
5 clerk of any change of his or her address. If the
6 petitioner has received a certificate of eligibility for
7 sealing from the Prisoner Review Board under paragraph (10)
8 of subsection (a) of Section 3-3-2 of the Unified Code of
9 Corrections, the certificate shall be attached to the
10 petition.

11 (3) Drug test. The petitioner must attach to the
12 petition proof that the petitioner has passed a test taken
13 within 30 days before the filing of the petition showing
14 the absence within his or her body of all illegal
15 substances as defined by the Illinois Controlled
16 Substances Act, the Methamphetamine Control and Community
17 Protection Act, and the Cannabis Control Act if he or she
18 is petitioning to seal felony records pursuant to clause
19 (c) (2) (E), (c) (2) (F) (ii)-(v), or (e-5) or if he or she is
20 petitioning to expunge felony records of a qualified
21 probation pursuant to clause (b) (1) (B) (iv).

22 (4) Service of petition. The circuit court clerk shall
23 promptly serve a copy of the petition on the State's
24 Attorney or prosecutor charged with the duty of prosecuting
25 the offense, the Department of State Police, the arresting
26 agency and the chief legal officer of the unit of local

1 government effecting the arrest.

2 (5) Objections.

3 (A) Any party entitled to notice of the petition
4 may file an objection to the petition. All objections
5 shall be in writing, shall be filed with the circuit
6 court clerk, and shall state with specificity the basis
7 of the objection.

8 (B) Objections to a petition to expunge or seal
9 must be filed within 60 days of the date of service of
10 the petition.

11 (6) Entry of order.

12 (A) The Chief Judge of the circuit wherein the
13 charge was brought, any judge of that circuit
14 designated by the Chief Judge, or in counties of less
15 than 3,000,000 inhabitants, the presiding trial judge
16 at the petitioner's trial, if any, shall rule on the
17 petition to expunge or seal as set forth in this
18 subsection (d) (6).

19 (B) Unless the State's Attorney or prosecutor, the
20 Department of State Police, the arresting agency, or
21 the chief legal officer files an objection to the
22 petition to expunge or seal within 60 days from the
23 date of service of the petition, the court shall enter
24 an order granting or denying the petition.

25 (7) Hearings. If an objection is filed, the court shall
26 set a date for a hearing and notify the petitioner and all

1 parties entitled to notice of the petition of the hearing
2 date at least 30 days prior to the hearing, and shall hear
3 evidence on whether the petition should or should not be
4 granted, and shall grant or deny the petition to expunge or
5 seal the records based on the evidence presented at the
6 hearing.

7 (8) Service of order. After entering an order to
8 expunge or seal records, the court must provide copies of
9 the order to the Department, in a form and manner
10 prescribed by the Department, to the petitioner, to the
11 State's Attorney or prosecutor charged with the duty of
12 prosecuting the offense, to the arresting agency, to the
13 chief legal officer of the unit of local government
14 effecting the arrest, and to such other criminal justice
15 agencies as may be ordered by the court.

16 (9) Effect of order.

17 (A) Upon entry of an order to expunge records
18 pursuant to (b) (2) (A) or (b) (2) (B) (ii), or both:

19 (i) the records shall be expunged (as defined
20 in subsection (a) (1) (E)) by the arresting agency,
21 the Department, and any other agency as ordered by
22 the court, within 60 days of the date of service of
23 the order, unless a motion to vacate, modify, or
24 reconsider the order is filed pursuant to
25 paragraph (12) of subsection (d) of this Section;

26 (ii) the records of the circuit court clerk

1 shall be impounded until further order of the court
2 upon good cause shown and the name of the
3 petitioner obliterated on the official index
4 required to be kept by the circuit court clerk
5 under Section 16 of the Clerks of Courts Act, but
6 the order shall not affect any index issued by the
7 circuit court clerk before the entry of the order;
8 and

9 (iii) in response to an inquiry for expunged
10 records, the court, the Department, or the agency
11 receiving such inquiry, shall reply as it does in
12 response to inquiries when no records ever
13 existed.

14 (B) Upon entry of an order to expunge records
15 pursuant to (b) (2) (B) (i) or (b) (2) (C), or both:

16 (i) the records shall be expunged (as defined
17 in subsection (a) (1) (E)) by the arresting agency
18 and any other agency as ordered by the court,
19 within 60 days of the date of service of the order,
20 unless a motion to vacate, modify, or reconsider
21 the order is filed pursuant to paragraph (12) of
22 subsection (d) of this Section;

23 (ii) the records of the circuit court clerk
24 shall be impounded until further order of the court
25 upon good cause shown and the name of the
26 petitioner obliterated on the official index

1 required to be kept by the circuit court clerk
2 under Section 16 of the Clerks of Courts Act, but
3 the order shall not affect any index issued by the
4 circuit court clerk before the entry of the order;

5 (iii) the records shall be impounded by the
6 Department within 60 days of the date of service of
7 the order as ordered by the court, unless a motion
8 to vacate, modify, or reconsider the order is filed
9 pursuant to paragraph (12) of subsection (d) of
10 this Section;

11 (iv) records impounded by the Department may
12 be disseminated by the Department only as required
13 by law or to the arresting authority, the State's
14 Attorney, and the court upon a later arrest for the
15 same or a similar offense or for the purpose of
16 sentencing for any subsequent felony, and to the
17 Department of Corrections upon conviction for any
18 offense; and

19 (v) in response to an inquiry for such records
20 from anyone not authorized by law to access such
21 records the court, the Department, or the agency
22 receiving such inquiry shall reply as it does in
23 response to inquiries when no records ever
24 existed.

25 (C) Upon entry of an order to seal records under
26 subsection (c), the arresting agency, any other agency

1 as ordered by the court, the Department, and the court
2 shall seal the records (as defined in subsection
3 (a)(1)(K)). In response to an inquiry for such records
4 from anyone not authorized by law to access such
5 records the court, the Department, or the agency
6 receiving such inquiry shall reply as it does in
7 response to inquiries when no records ever existed.

8 (10) Fees. The Department may charge the petitioner a
9 fee equivalent to the cost of processing any order to
10 expunge or seal records. Notwithstanding any provision of
11 the Clerks of Courts Act to the contrary, the circuit court
12 clerk may charge a fee equivalent to the cost associated
13 with the sealing or expungement of records by the circuit
14 court clerk. From the total filing fee collected for the
15 petition to seal or expunge, the circuit court clerk shall
16 deposit \$10 into the Circuit Court Clerk Operation and
17 Administrative Fund, to be used to offset the costs
18 incurred by the circuit court clerk in performing the
19 additional duties required to serve the petition to seal or
20 expunge on all parties. The circuit court clerk shall
21 collect and forward the Department of State Police portion
22 of the fee to the Department and it shall be deposited in
23 the State Police Services Fund.

24 (11) Final Order. No court order issued under the
25 expungement or sealing provisions of this Section shall
26 become final for purposes of appeal until 30 days after

1 service of the order on the petitioner and all parties
2 entitled to notice of the petition.

3 (12) Motion to Vacate, Modify, or Reconsider. The
4 petitioner or any party entitled to notice may file a
5 motion to vacate, modify, or reconsider the order granting
6 or denying the petition to expunge or seal within 60 days
7 of service of the order.

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

1 arresting authority, the State's Attorney, and the court upon a
2 later arrest for the same or similar offense or for the purpose
3 of sentencing for any subsequent felony. Upon conviction for
4 any subsequent offense, the Department of Corrections shall
5 have access to all sealed records of the Department pertaining
6 to that individual. Upon entry of the order of expungement, the
7 circuit court clerk shall promptly mail a copy of the order to
8 the person who was pardoned.

9 (e-5) Whenever a person who has been convicted of an
10 offense is granted a certificate of eligibility for sealing by
11 the Prisoner Review Board which specifically authorizes
12 sealing, he or she may, upon verified petition to the Chief
13 Judge of the circuit where the person had been convicted, any
14 judge of the circuit designated by the Chief Judge, or in
15 counties of less than 3,000,000 inhabitants, the presiding
16 trial judge at the petitioner's trial, have a court order
17 entered sealing the record of arrest from the official records
18 of the arresting authority and order that the records of the
19 circuit court clerk and the Department be sealed until further
20 order of the court upon good cause shown or as otherwise
21 provided herein, and the name of the petitioner obliterated
22 from the official index requested to be kept by the circuit
23 court clerk under Section 16 of the Clerks of Courts Act in
24 connection with the arrest and conviction for the offense for
25 which he or she had been granted the certificate but the order
26 shall not affect any index issued by the circuit court clerk

1 before the entry of the order. All records sealed by the
2 Department may be disseminated by the Department only as
3 required by this Act or to the arresting authority, a law
4 enforcement agency, the State's Attorney, and the court upon a
5 later arrest for the same or similar offense or for the purpose
6 of sentencing for any subsequent felony. Upon conviction for
7 any subsequent offense, the Department of Corrections shall
8 have access to all sealed records of the Department pertaining
9 to that individual. Upon entry of the order of sealing, the
10 circuit court clerk shall promptly mail a copy of the order to
11 the person who was granted the certificate of eligibility for
12 sealing.

13 (f) Subject to available funding, the Illinois Department
14 of Corrections shall conduct a study of the impact of sealing,
15 especially on employment and recidivism rates, utilizing a
16 random sample of those who apply for the sealing of their
17 criminal records under Public Act 93-211. At the request of the
18 Illinois Department of Corrections, records of the Illinois
19 Department of Employment Security shall be utilized as
20 appropriate to assist in the study. The study shall not
21 disclose any data in a manner that would allow the
22 identification of any particular individual or employing unit.
23 The study shall be made available to the General Assembly no
24 later than September 1, 2010.

25 (Source: P.A. 96-409, eff. 1-1-10; 96-1401, eff. 7-29-10;
26 96-1532, eff. 1-1-12; 96-1551, Article 1, Section 905, eff.

1 7-1-11; 96-1551, Article 2, Section 925, eff. 7-1-11; 97-443,
2 eff. 8-19-11; 97-698, eff, 1-1-13; 97-1026, eff. 1-1-13;
3 97-1108, eff. 1-1-13; 97-1109, 1-1-13; 97-1118, eff. 1-1-13;
4 97-1120, eff. 1-1-13; revised 9-20-12.)

5 Section 90. The Illinois Uniform Conviction Information
6 Act is amended by changing Section 3 as follows:

7 (20 ILCS 2635/3) (from Ch. 38, par. 1603)

8 Sec. 3. Definitions. Whenever used in this Act, and for the
9 purposes of this Act, unless the context clearly indicates
10 otherwise:

11 (A) "Accurate" means factually correct, containing no
12 mistake or error of a material nature.

13 (B) The phrase "administer the criminal laws" includes any
14 of the following activities: intelligence gathering,
15 surveillance, criminal investigation, crime detection and
16 prevention (including research), apprehension, detention,
17 pretrial or post-trial release, prosecution, the correctional
18 supervision or rehabilitation of accused persons or criminal
19 offenders, criminal identification activities, or the
20 collection, maintenance or dissemination of criminal history
21 record information.

22 (C) "The Authority" means the Illinois Criminal Justice
23 Information Authority.

24 (D) "Automated" means the utilization of computers,

1 telecommunication lines, or other automatic data processing
2 equipment for data collection or storage, analysis,
3 processing, preservation, maintenance, dissemination, or
4 display and is distinguished from a system in which such
5 activities are performed manually.

6 (E) "Complete" means accurately reflecting all the
7 criminal history record information about an individual that is
8 required to be reported to the Department pursuant to Section
9 2.1 of the Criminal Identification Act.

10 (F) "Conviction information" means data reflecting a
11 judgment of guilt or nolo contendere. The term includes all
12 prior and subsequent criminal history events directly relating
13 to such judgments, such as, but not limited to: (1) the
14 notation of arrest; (2) the notation of charges filed; (3) the
15 sentence imposed; (4) the fine imposed; and (5) all related
16 probation, parole, and release information. Information ceases
17 to be "conviction information" when a judgment of guilt is
18 reversed or vacated.

19 For purposes of this Act, continuances to a date certain in
20 furtherance of an order of supervision granted under Section
21 5-6-1 of the Unified Code of Corrections or an order of
22 probation granted under either Section 10 of the Cannabis
23 Control Act, Section 410 of the Illinois Controlled Substances
24 Act, Section 70 of the Methamphetamine Control and Community
25 Protection Act, Section 12-4.3 or subdivision (b) (1) of Section
26 12-3.05 of the Criminal Code of 1961 or the Criminal Code of

1 2012, Section 10-102 of the Illinois Alcoholism and Other Drug
2 Dependency Act, Section 40-10 of the Alcoholism and Other Drug
3 Abuse and Dependency Act, or Section 10 of the Steroid Control
4 Act shall not be deemed "conviction information".

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

18 (H) "Criminal justice agency" means (1) a government agency
19 or any subunit thereof which is authorized to administer the
20 criminal laws and which allocates a substantial part of its
21 annual budget for that purpose, or (2) an agency supported by
22 public funds which is authorized as its principal function to
23 administer the criminal laws and which is officially designated
24 by the Department as a criminal justice agency for purposes of
25 this Act.

26 (I) "The Department" means the Illinois Department of State

1 Police.

2 (J) "Director" means the Director of the Illinois
3 Department of State Police.

4 (K) "Disseminate" means to disclose or transmit conviction
5 information in any form, oral, written, or otherwise.

6 (L) "Exigency" means pending danger or the threat of
7 pending danger to an individual or property.

8 (M) "Non-criminal justice agency" means a State agency,
9 Federal agency, or unit of local government that is not a
10 criminal justice agency. The term does not refer to private
11 individuals, corporations, or non-governmental agencies or
12 organizations.

13 (M-5) "Request" means the submission to the Department, in
14 the form and manner required, the necessary data elements or
15 fingerprints, or both, to allow the Department to initiate a
16 search of its criminal history record information files.

17 (N) "Requester" means any private individual, corporation,
18 organization, employer, employment agency, labor organization,
19 or non-criminal justice agency that has made a request pursuant
20 to this Act to obtain conviction information maintained in the
21 files of the Department of State Police regarding a particular
22 individual.

23 (O) "Statistical information" means data from which the
24 identity of an individual cannot be ascertained,
25 reconstructed, or verified and to which the identity of an
26 individual cannot be linked by the recipient of the

1 information.

2 (Source: P.A. 96-1551, eff. 7-1-11.)

3 Section 95. The Sex Offender Management Board Act is
4 amended by changing Section 10 as follows:

5 (20 ILCS 4026/10)

6 Sec. 10. Definitions. In this Act, unless the context
7 otherwise requires:

8 (a) "Board" means the Sex Offender Management Board created
9 in Section 15.

10 (b) "Sex offender" means any person who is convicted or
11 found delinquent in the State of Illinois, or under any
12 substantially similar federal law or law of another state, of
13 any sex offense or attempt of a sex offense as defined in
14 subsection (c) of this Section, or any former statute of this
15 State that defined a felony sex offense, or who has been
16 declared as a sexually dangerous person under the Sexually
17 Dangerous Persons Act or declared a sexually violent person
18 under the Sexually Violent Persons Commitment Act, or any
19 substantially similar federal law or law of another state.

20 (c) "Sex offense" means any felony or misdemeanor offense
21 described in this subsection (c) as follows:

22 (1) Indecent solicitation of a child, in violation of
23 Section 11-6 of the Criminal Code of 1961 or the Criminal
24 Code of 2012;

1 (2) Indecent solicitation of an adult, in violation of
2 Section 11-6.5 of the Criminal Code of 1961 or the Criminal
3 Code of 2012;

4 (3) Public indecency, in violation of Section 11-9 or
5 11-30 of the Criminal Code of 1961 or the Criminal Code of
6 2012;

7 (4) Sexual exploitation of a child, in violation of
8 Section 11-9.1 of the Criminal Code of 1961 or the Criminal
9 Code of 2012;

10 (5) Sexual relations within families, in violation of
11 Section 11-11 of the Criminal Code of 1961 or the Criminal
12 Code of 2012;

13 (6) Promoting juvenile prostitution or soliciting for
14 a juvenile prostitute, in violation of Section 11-14.4 or
15 11-15.1 of the Criminal Code of 1961 or the Criminal Code
16 of 2012;

17 (7) Promoting juvenile prostitution or keeping a place
18 of juvenile prostitution, in violation of Section 11-14.4
19 or 11-17.1 of the Criminal Code of 1961 or the Criminal
20 Code of 2012;

21 (8) Patronizing a juvenile prostitute, in violation of
22 Section 11-18.1 of the Criminal Code of 1961 or the
23 Criminal Code of 2012;

24 (9) Promoting juvenile prostitution or juvenile
25 pimping, in violation of Section 11-14.4 or 11-19.1 of the
26 Criminal Code of 1961 or the Criminal Code of 2012;

1 (10) promoting juvenile prostitution or exploitation
2 of a child, in violation of Section 11-14.4 or 11-19.2 of
3 the Criminal Code of 1961 or the Criminal Code of 2012;

4 (11) Child pornography, in violation of Section
5 11-20.1 of the Criminal Code of 1961 or the Criminal Code
6 of 2012;

7 (11.5) Aggravated child pornography, in violation of
8 Section 11-20.1B or 11-20.3 of the Criminal Code of 1961;

9 (12) Harmful material, in violation of Section 11-21 of
10 the Criminal Code of 1961 or the Criminal Code of 2012;

11 (13) Criminal sexual assault, in violation of Section
12 11-1.20 or 12-13 of the Criminal Code of 1961 or the
13 Criminal Code of 2012;

14 (13.5) Grooming, in violation of Section 11-25 of the
15 Criminal Code of 1961 or the Criminal Code of 2012;

16 (14) Aggravated criminal sexual assault, in violation
17 of Section 11-1.30 or 12-14 of the Criminal Code of 1961 or
18 the Criminal Code of 2012;

19 (14.5) Traveling to meet a minor, in violation of
20 Section 11-26 of the Criminal Code of 1961 or the Criminal
21 Code of 2012;

22 (15) Predatory criminal sexual assault of a child, in
23 violation of Section 11-1.40 or 12-14.1 of the Criminal
24 Code of 1961 or the Criminal Code of 2012;

25 (16) Criminal sexual abuse, in violation of Section
26 11-1.50 or 12-15 of the Criminal Code of 1961 or the

1 Criminal Code of 2012;

2 (17) Aggravated criminal sexual abuse, in violation of
3 Section 11-1.60 or 12-16 of the Criminal Code of 1961 or
4 the Criminal Code of 2012;

5 (18) Ritualized abuse of a child, in violation of
6 Section 12-33 of the Criminal Code of 1961 or the Criminal
7 Code of 2012;

8 (19) An attempt to commit any of the offenses
9 enumerated in this subsection (c); or

10 (20) Any felony offense under Illinois law that is
11 sexually motivated.

12 (d) "Management" means treatment, and supervision of any
13 sex offender that conforms to the standards created by the
14 Board under Section 15.

15 (e) "Sexually motivated" means one or more of the facts of
16 the underlying offense indicates conduct that is of a sexual
17 nature or that shows an intent to engage in behavior of a
18 sexual nature.

19 (f) "Sex offender evaluator" means a person licensed under
20 the Sex Offender Evaluation and Treatment Provider Act to
21 conduct sex offender evaluations.

22 (g) "Sex offender treatment provider" means a person
23 licensed under the Sex Offender Evaluation and Treatment
24 Provider Act to provide sex offender treatment services.

25 (h) "Associate sex offender provider" means a person
26 licensed under the Sex Offender Evaluation and Treatment

1 Provider Act to provide sex offender evaluations and to provide
2 sex offender treatment under the supervision of a licensed sex
3 offender evaluator or a licensed sex offender treatment
4 provider.

5 (Source: P.A. 96-1551, eff. 7-1-11; 97-1098, eff. 1-1-13.)

6 Section 110. The Illinois Procurement Code is amended by
7 changing Sections 45-57, 50-5, and 50-70 as follows:

8 (30 ILCS 500/45-57)

9 Sec. 45-57. Veterans.

10 (a) Set-aside goal. It is the goal of the State to promote
11 and encourage the continued economic development of small
12 businesses owned and controlled by qualified veterans and that
13 qualified service-disabled veteran-owned small businesses
14 (referred to as SDVOSB) and veteran-owned small businesses
15 (referred to as VOSB) participate in the State's procurement
16 process as both prime contractors and subcontractors. Not less
17 than 3% of the total dollar amount of State contracts, as
18 defined by the Director of Central Management Services, shall
19 be established as a goal to be awarded to SDVOSB and VOSB. That
20 portion of a contract under which the contractor subcontracts
21 with a SDVOSB or VOSB may be counted toward the goal of this
22 subsection. The Department of Central Management Services
23 shall adopt rules to implement compliance with this subsection
24 by all State agencies.

1 (b) Fiscal year reports. By each September 1, each chief
2 procurement officer shall report to the Department of Central
3 Management Services on all of the following for the immediately
4 preceding fiscal year, and by each March 1 the Department of
5 Central Management Services shall compile and report that
6 information to the General Assembly:

7 (1) The total number of VOSB, and the number of SDVOSB,
8 who submitted bids for contracts under this Code.

9 (2) The total number of VOSB, and the number of SDVOSB,
10 who entered into contracts with the State under this Code
11 and the total value of those contracts.

12 (c) Yearly review and recommendations. Each year, each
13 chief procurement officer shall review the progress of all
14 State agencies under its jurisdiction in meeting the goal
15 described in subsection (a), with input from statewide
16 veterans' service organizations and from the business
17 community, including businesses owned by qualified veterans,
18 and shall make recommendations to be included in the Department
19 of Central Management Services' report to the General Assembly
20 regarding continuation, increases, or decreases of the
21 percentage goal. The recommendations shall be based upon the
22 number of businesses that are owned by qualified veterans and
23 on the continued need to encourage and promote businesses owned
24 by qualified veterans.

25 (d) Governor's recommendations. To assist the State in
26 reaching the goal described in subsection (a), the Governor

1 shall recommend to the General Assembly changes in programs to
2 assist businesses owned by qualified veterans.

3 (e) Definitions. As used in this Section:

4 "Armed forces of the United States" means the United States
5 Army, Navy, Air Force, Marine Corps, Coast Guard, or service in
6 active duty as defined under 38 U.S.C. Section 101. Service in
7 the Merchant Marine that constitutes active duty under Section
8 401 of federal Public Act 95-202 shall also be considered
9 service in the armed forces for purposes of this Section.

10 "Certification" means a determination made by the Illinois
11 Department of Veterans' Affairs and the Department of Central
12 Management Services that a business entity is a qualified
13 service-disabled veteran-owned small business or a qualified
14 veteran-owned small business for whatever purpose. A SDVOSB or
15 VOSB owned and controlled by females, minorities, or persons
16 with disabilities, as those terms are defined in Section 2 of
17 the Business Enterprise for Minorities, Females, and Persons
18 with Disabilities Act, shall select and designate whether that
19 business is to be certified as a "female-owned business",
20 "minority-owned business", or "business owned by a person with
21 a disability", as defined in Section 2 of the Business
22 Enterprise for Minorities, Females, and Persons with
23 Disabilities Act, or as a qualified SDVOSB or qualified VOSB
24 under this Section.

25 "Control" means the exclusive, ultimate, majority, or sole
26 control of the business, including but not limited to capital

1 investment and all other financial matters, property,
2 acquisitions, contract negotiations, legal matters,
3 officer-director-employee selection and comprehensive hiring,
4 operation responsibilities, cost-control matters, income and
5 dividend matters, financial transactions, and rights of other
6 shareholders or joint partners. Control shall be real,
7 substantial, and continuing, not pro forma. Control shall
8 include the power to direct or cause the direction of the
9 management and policies of the business and to make the
10 day-to-day as well as major decisions in matters of policy,
11 management, and operations. Control shall be exemplified by
12 possessing the requisite knowledge and expertise to run the
13 particular business, and control shall not include simple
14 majority or absentee ownership.

15 "Qualified service-disabled veteran" means a veteran who
16 has been found to have 10% or more service-connected disability
17 by the United States Department of Veterans Affairs or the
18 United States Department of Defense.

19 "Qualified service-disabled veteran-owned small business"
20 or "SDVOSB" means a small business (i) that is at least 51%
21 owned by one or more qualified service-disabled veterans living
22 in Illinois or, in the case of a corporation, at least 51% of
23 the stock of which is owned by one or more qualified
24 service-disabled veterans living in Illinois; (ii) that has its
25 home office in Illinois; and (iii) for which items (i) and (ii)
26 are factually verified annually by the Department of Central

1 Management Services.

2 "Qualified veteran-owned small business" or "VOSB" means a
3 small business (i) that is at least 51% owned by one or more
4 qualified veterans living in Illinois or, in the case of a
5 corporation, at least 51% of the stock of which is owned by one
6 or more qualified veterans living in Illinois; (ii) that has
7 its home office in Illinois; and (iii) for which items (i) and
8 (ii) are factually verified annually by the Department of
9 Central Management Services.

10 "Service-connected disability" means a disability incurred
11 in the line of duty in the active military, naval, or air
12 service as described in 38 U.S.C. 101(16).

13 "Small business" means a business that has annual gross
14 sales of less than \$75,000,000 as evidenced by the federal
15 income tax return of the business. A firm with gross sales in
16 excess of this cap may apply to the Department of Central
17 Management Services for certification for a particular
18 contract if the firm can demonstrate that the contract would
19 have significant impact on SDVOSB or VOSB as suppliers or
20 subcontractors or in employment of veterans or
21 service-disabled veterans.

22 "State agency" has the same meaning as in Section 2 of the
23 Business Enterprise for Minorities, Females, and Persons with
24 Disabilities Act.

25 "Time of hostilities with a foreign country" means any
26 period of time in the past, present, or future during which a

1 declaration of war by the United States Congress has been or is
2 in effect or during which an emergency condition has been or is
3 in effect that is recognized by the issuance of a Presidential
4 proclamation or a Presidential executive order and in which the
5 armed forces expeditionary medal or other campaign service
6 medals are awarded according to Presidential executive order.

7 "Veteran" means a person who (i) has been a member of the
8 armed forces of the United States or, while a citizen of the
9 United States, was a member of the armed forces of allies of
10 the United States in time of hostilities with a foreign country
11 and (ii) has served under one or more of the following
12 conditions: (a) the veteran served a total of at least 6
13 months; (b) the veteran served for the duration of hostilities
14 regardless of the length of the engagement; (c) the veteran was
15 discharged on the basis of hardship; or (d) the veteran was
16 released from active duty because of a service connected
17 disability and was discharged under honorable conditions.

18 (f) Certification program. The Illinois Department of
19 Veterans' Affairs and the Department of Central Management
20 Services shall work together to devise a certification
21 procedure to assure that businesses taking advantage of this
22 Section are legitimately classified as qualified
23 service-disabled veteran-owned small businesses or qualified
24 veteran-owned small businesses.

25 (g) Penalties.

26 (1) Administrative penalties. The Department of

1 Central Management Services shall suspend any person who
2 commits a violation of Section 17-10.3 or subsection (d) of
3 Section 33E-6 of the Criminal Code of 1961 or the Criminal
4 Code of 2012 relating to this Section from bidding on, or
5 participating as a contractor, subcontractor, or supplier
6 in, any State contract or project for a period of not less
7 than 3 years, and, if the person is certified as a
8 service-disabled veteran-owned small business or a
9 veteran-owned small business, then the Department shall
10 revoke the business's certification for a period of not
11 less than 3 years. An additional or subsequent violation
12 shall extend the periods of suspension and revocation for a
13 period of not less than 5 years. The suspension and
14 revocation shall apply to the principals of the business
15 and any subsequent business formed or financed by, or
16 affiliated with, those principals.

17 (2) Reports of violations. Each State agency shall
18 report any alleged violation of Section 17-10.3 or
19 subsection (d) of Section 33E-6 of the Criminal Code of
20 1961 or the Criminal Code of 2012 relating to this Section
21 to the Department of Central Management Services. The
22 Department of Central Management Services shall
23 subsequently report all such alleged violations to the
24 Attorney General, who shall determine whether to bring a
25 civil action against any person for the violation.

26 (3) List of suspended persons. The Department of

1 Central Management Services shall monitor the status of all
2 reported violations of Section 17-10.3 or subsection (d) of
3 Section 33E-6 of the Criminal Code of 1961 or the Criminal
4 Code of 2012 relating to this Section and shall maintain
5 and make available to all State agencies a central listing
6 of all persons that committed violations resulting in
7 suspension.

8 (4) Use of suspended persons. During the period of a
9 person's suspension under paragraph (1) of this
10 subsection, a State agency shall not enter into any
11 contract with that person or with any contractor using the
12 services of that person as a subcontractor.

13 (5) Duty to check list. Each State agency shall check
14 the central listing provided by the Department of Central
15 Management Services under paragraph (3) of this subsection
16 to verify that a person being awarded a contract by that
17 State agency, or to be used as a subcontractor or supplier
18 on a contract being awarded by that State agency, is not
19 under suspension pursuant to paragraph (1) of this
20 subsection.

21 (Source: P.A. 96-96, eff. 1-1-10; 97-260, eff. 8-5-11.)

22 (30 ILCS 500/50-5)

23 Sec. 50-5. Bribery.

24 (a) Prohibition. No person or business shall be awarded a
25 contract or subcontract under this Code who:

1 (1) has been convicted under the laws of Illinois or
2 any other state of bribery or attempting to bribe an
3 officer or employee of the State of Illinois or any other
4 state in that officer's or employee's official capacity; or

5 (2) has made an admission of guilt of that conduct that
6 is a matter of record but has not been prosecuted for that
7 conduct.

8 (b) Businesses. No business shall be barred from
9 contracting with any unit of State or local government, or
10 subcontracting under such a contract, as a result of a
11 conviction under this Section of any employee or agent of the
12 business if the employee or agent is no longer employed by the
13 business and:

14 (1) the business has been finally adjudicated not
15 guilty; or

16 (2) the business demonstrates to the governmental
17 entity with which it seeks to contract or which is a
18 signatory to the contract to which the subcontract relates,
19 and that entity finds that the commission of the offense
20 was not authorized, requested, commanded, or performed by a
21 director, officer, or high managerial agent on behalf of
22 the business as provided in paragraph (2) of subsection (a)
23 of Section 5-4 of the Criminal Code of 2012 ~~1961~~.

24 (c) Conduct on behalf of business. For purposes of this
25 Section, when an official, agent, or employee of a business
26 committed the bribery or attempted bribery on behalf of the

1 business and in accordance with the direction or authorization
2 of a responsible official of the business, the business shall
3 be chargeable with the conduct.

4 (d) Certification. Every bid submitted to and contract
5 executed by the State and every subcontract subject to Section
6 20-120 of this Code shall contain a certification by the
7 contractor or the subcontractor, respectively, that the
8 contractor or subcontractor is not barred from being awarded a
9 contract or subcontract under this Section and acknowledges
10 that the chief procurement officer may declare the related
11 contract void if any certifications required by this Section
12 are false. If the false certification is made by a
13 subcontractor, then the contractor's submitted bid and the
14 executed contract may not be declared void, unless the
15 contractor refuses to terminate the subcontract upon the
16 State's request after a finding that the subcontract's
17 certification was false. A contractor or subcontractor who
18 makes a false statement, material to the certification, commits
19 a Class 3 felony.

20 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
21 for the effective date of changes made by P.A. 96-795); 97-895,
22 eff. 8-3-12.)

23 (30 ILCS 500/50-70)

24 Sec. 50-70. Additional provisions. This Code is subject to
25 applicable provisions of the following Acts:

- 1 (1) Article 33E of the Criminal Code of 2012 ~~1961~~;
- 2 (2) the Illinois Human Rights Act;
- 3 (3) the Discriminatory Club Act;
- 4 (4) the Illinois Governmental Ethics Act;
- 5 (5) the State Prompt Payment Act;
- 6 (6) the Public Officer Prohibited Activities Act;
- 7 (7) the Drug Free Workplace Act;
- 8 (8) the Illinois Power Agency Act;
- 9 (9) the Employee Classification Act; and
- 10 (10) the State Officials and Employees Ethics Act.

11 (Source: P.A. 95-26, eff. 1-1-08; 95-481, eff. 8-28-07; 95-876,
12 eff. 8-21-08; 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
13 for the effective date of changes made by P.A. 96-795).)

14 Section 115. The Intergovernmental Drug Laws Enforcement
15 Act is amended by changing Section 3 as follows:

16 (30 ILCS 715/3) (from Ch. 56 1/2, par. 1703)

17 Sec. 3. A Metropolitan Enforcement Group which meets the
18 minimum criteria established in this Section is eligible to
19 receive State grants to help defray the costs of operation. To
20 be eligible a MEG must:

- 21 (1) Be established and operating pursuant to
22 intergovernmental contracts written and executed in conformity
23 with the Intergovernmental Cooperation Act, and involve 2 or
24 more units of local government.

1 (2) Establish a MEG Policy Board composed of an elected
2 official, or his designee, and the chief law enforcement
3 officer, or his designee, from each participating unit of local
4 government to oversee the operations of the MEG and make such
5 reports to the Department of State Police as the Department may
6 require.

7 (3) Designate a single appropriate elected official of a
8 participating unit of local government to act as the financial
9 officer of the MEG for all participating units of local
10 government and to receive funds for the operation of the MEG.

11 (4) Limit its operations to enforcement of drug laws;
12 enforcement of Sections 24-2.1, 24-2.2, 24-3, 24-3.1, 24-3.3,
13 24-3.4, 24-4, and 24-5 and subsections 24-1(a)(4), 24-1(a)(6),
14 24-1(a)(7), 24-1(a)(9), 24-1(a)(10), and 24-1(c) of the
15 Criminal Code of 2012 ~~1961~~; and the investigation of streetgang
16 related offenses.

17 (5) Cooperate with the Department of State Police in order
18 to assure compliance with this Act and to enable the Department
19 to fulfill its duties under this Act, and supply the Department
20 with all information the Department deems necessary therefor.

21 (6) Receive funding of at least 50% of the total operating
22 budget of the MEG from the participating units of local
23 government.

24 (Source: P.A. 88-677, eff. 12-15-94.)

25 Section 120. The Illinois Income Tax Act is amended by

1 changing Sections 504 and 1302 as follows:

2 (35 ILCS 5/504) (from Ch. 120, par. 5-504)

3 Sec. 504. Verification. Each return or notice required to
4 be filed under this Act shall contain or be verified by a
5 written declaration that it is made under the penalties of
6 perjury. A taxpayer's signing a fraudulent return under this
7 Act is perjury, as defined in Section 32-2 of the Criminal Code
8 of 2012 ~~1961~~.

9 (Source: P.A. 82-1009.)

10 (35 ILCS 5/1302) (from Ch. 120, par. 13-1302)

11 Sec. 1302. Willful Failure to Pay Over. Any person who
12 accepts money that is due to the Department under this Act from
13 a taxpayer for the purpose of acting as the taxpayer's agent to
14 make the payment to the Department, but who willfully fails to
15 remit such payment to the Department when due, shall be guilty
16 of a Class A misdemeanor. Any such person who purports to make
17 such payment by issuing or delivering a check or other order
18 upon a real or fictitious depository for the payment of money,
19 knowing that it will not be paid by the depository, shall be
20 guilty of a deceptive practice in violation of Section 17-1 of
21 the Criminal Code of 2012 ~~1961, as amended~~. Any person whose
22 commercial domicile or whose residence is in this State and who
23 is charged with a violation under this Section shall be tried
24 in the county where his commercial domicile or his residence is

1 located unless he asserts a right to be tried in another venue.
2 A prosecution for any act in violation of this Section may be
3 commenced at any time within 5 years of the commission of that
4 act.

5 (Source: P.A. 84-221.)

6 Section 125. The Use Tax Act is amended by changing
7 Sections 14 and 15 as follows:

8 (35 ILCS 105/14) (from Ch. 120, par. 439.14)

9 Sec. 14. When the amount due is under \$300, any person
10 subject to the provisions hereof who fails to file a return, or
11 who violates any other provision of Section 9 or Section 10
12 hereof, or who fails to keep books and records as required
13 herein, or who files a fraudulent return, or who wilfully
14 violates any rule or regulation of the Department for the
15 administration and enforcement of the provisions hereof, or any
16 officer or agent of a corporation or manager, member, or agent
17 of a limited liability company subject hereto who signs a
18 fraudulent return filed on behalf of such corporation or
19 limited liability company, or any accountant or other agent who
20 knowingly enters false information on the return of any
21 taxpayer under this Act, or any person who violates any of the
22 provisions of Sections 3, 5 or 7 hereof, or any purchaser who
23 obtains a registration number or resale number from the
24 Department through misrepresentation, or who represents to a

1 seller that such purchaser has a registration number or a
2 resale number from the Department when he knows that he does
3 not, or who uses his registration number or resale number to
4 make a seller believe that he is buying tangible personal
5 property for resale when such purchaser in fact knows that this
6 is not the case, is guilty of a Class 4 felony.

7 Any person who violates any provision of Section 6 hereof,
8 or who engages in the business of selling tangible personal
9 property at retail after his Certificate of Registration under
10 this Act has been revoked in accordance with Section 12 of this
11 Act, is guilty of a Class 4 felony. Each day any such person is
12 engaged in business in violation of Section 6, or after his
13 Certificate of Registration under this Act has been revoked,
14 constitutes a separate offense.

15 When the amount due is under \$300, any person who accepts
16 money that is due to the Department under this Act from a
17 taxpayer for the purpose of acting as the taxpayer's agent to
18 make the payment to the Department, but who fails to remit such
19 payment to the Department when due is guilty of a Class 4
20 felony. Any such person who purports to make such payment by
21 issuing or delivering a check or other order upon a real or
22 fictitious depository for the payment of money, knowing that it
23 will not be paid by the depository, shall be guilty of a
24 deceptive practice in violation of Section 17-1 of the Criminal
25 Code of 2012 1961, ~~as amended~~.

26 When the amount due is \$300 or more any person subject to

1 the provisions hereof who fails to file a return or who
2 violates any other provision of Section 9 or Section 10 hereof
3 or who fails to keep books and records as required herein or
4 who files a fraudulent return, or who wilfully violates any
5 rule or regulation of the Department for the administration and
6 enforcement of the provisions hereof, or any officer or agent
7 of a corporation or manager, member, or agent of a limited
8 liability company subject hereto who signs a fraudulent return
9 filed on behalf of such corporation or limited liability
10 company, or any accountant or other agent who knowingly enters
11 false information on the return of any taxpayer under this Act
12 or any person who violates any of the provisions of Sections 3,
13 5 or 7 hereof or any purchaser who obtains a registration
14 number or resale number from the Department through
15 misrepresentation, or who represents to a seller that such
16 purchaser has a registration number or a resale number from the
17 Department when he knows that he does not or who uses his
18 registration number or resale number to make a seller believe
19 that he is buying tangible personal property for resale when
20 such purchaser in fact knows that this is not the case, is
21 guilty of a Class 3 felony.

22 When the amount due is \$300 or more any person who accepts
23 money that is due to the Department under this Act from a
24 taxpayer for the purpose of acting as the taxpayer's agent to
25 make the payment to the Department, but who fails to remit such
26 payment to the Department when due is guilty of a Class 3

1 felony. Any such person who purports to make such payment by
2 issuing or delivering a check or other order upon a real or
3 fictitious depository for the payment of money, knowing that it
4 will not be paid by the depository shall be guilty of a
5 deceptive practice in violation of Section 17-1 of the Criminal
6 Code of 2012 ~~1961~~, as amended.

7 Any seller who collects or attempts to collect use tax
8 measured by receipts which such seller knows are not subject to
9 use tax, or any seller who knowingly over-collects or attempts
10 to over-collect use tax in a transaction which is subject to
11 the tax that is imposed by this Act, shall be guilty of a Class
12 4 felony for each such offense. This paragraph does not apply
13 to an amount collected by the seller as use tax on receipts
14 which are subject to tax under this Act as long as such
15 collection is made in compliance with the tax collection
16 brackets prescribed by the Department in its Rules and
17 Regulations.

18 Any taxpayer or agent of a taxpayer who with the intent to
19 defraud purports to make a payment due to the Department by
20 issuing or delivering a check or other order upon a real or
21 fictitious depository for the payment of money, knowing that it
22 will not be paid by the depository, shall be guilty of a
23 deceptive practice in violation of Section 17-1 of the Criminal
24 Code of 2012 ~~1961~~, as amended.

25 A prosecution for any act in violation of this Section may
26 be commenced at any time within 3 years of the commission of

1 that Act.

2 This Section does not apply if the violation in a
3 particular case also constitutes a criminal violation of the
4 Retailers' Occupation Tax Act.

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

6 (35 ILCS 105/15) (from Ch. 120, par. 439.15)

7 Sec. 15. The tax herein imposed shall be in addition to all
8 other occupation or privilege taxes imposed by the State of
9 Illinois or by any municipal corporation or political
10 subdivision thereof.

11 Any taxpayer or agent of a taxpayer who with the intent to
12 defraud purports to make a payment due to the Department by
13 issuing or delivering a check or other order upon a real or
14 fictitious depository for the payment of money, knowing that it
15 will not be paid by the depository, shall be guilty of a
16 deceptive practice in violation of Section 17-1 of the Criminal
17 Code of 2012 ~~1961~~, as amended.

18 (Source: P.A. 84-221.)

19 Section 130. The Service Use Tax Act is amended by changing
20 Section 15 as follows:

21 (35 ILCS 110/15) (from Ch. 120, par. 439.45)

22 Sec. 15. When the amount due is under \$300, any person
23 subject to the provisions hereof who fails to file a return, or

1 who violates any other provision of Section 9 or Section 10
2 hereof, or who fails to keep books and records as required
3 herein, or who files a fraudulent return, or who wilfully
4 violates any Rule or Regulation of the Department for the
5 administration and enforcement of the provisions hereof, or any
6 officer or agent of a corporation, or manager, member, or agent
7 of a limited liability company, subject hereto who signs a
8 fraudulent return filed on behalf of such corporation or
9 limited liability company, or any accountant or other agent who
10 knowingly enters false information on the return of any
11 taxpayer under this Act, or any person who violates any of the
12 provisions of Sections 3 and 5 hereof, or any purchaser who
13 obtains a registration number or resale number from the
14 Department through misrepresentation, or who represents to a
15 seller that such purchaser has a registration number or a
16 resale number from the Department when he knows that he does
17 not, or who uses his registration number or resale number to
18 make a seller believe that he is buying tangible personal
19 property for resale when such purchaser in fact knows that this
20 is not the case, is guilty of a Class 4 felony.

21 Any person who violates any provision of Section 6 hereof,
22 or who engages in the business of making sales of service after
23 his Certificate of Registration under this Act has been revoked
24 in accordance with Section 12 of this Act, is guilty of a Class
25 4 felony. Each day any such person is engaged in business in
26 violation of Section 6, or after his Certificate of

1 Registration under this Act has been revoked, constitutes a
2 separate offense.

3 When the amount due is under \$300, any person who accepts
4 money that is due to the Department under this Act from a
5 taxpayer for the purpose of acting as the taxpayer's agent to
6 make the payment to the Department, but who fails to remit such
7 payment to the Department when due is guilty of a Class 4
8 felony. Any such person who purports to make such payment by
9 issuing or delivering a check or other order upon a real or
10 fictitious depository for the payment of money, knowing that it
11 will not be paid by the depository, shall be guilty of a
12 deceptive practice in violation of Section 17-1 of the Criminal
13 Code of 2012 ~~1961, as amended~~.

14 When the amount due is \$300 or more, any person subject to
15 the provisions hereof who fails to file a return, or who
16 violates any other provision of Section 9 or Section 10 hereof,
17 or who fails to keep books and records as required herein or
18 who files a fraudulent return, or who willfully violates any
19 rule or regulation of the Department for the administration and
20 enforcement of the provisions hereof, or any officer or agent
21 of a corporation, or manager, member, or agent of a limited
22 liability company, subject hereto who signs a fraudulent return
23 filed on behalf of such corporation or limited liability
24 company, or any accountant or other agent who knowingly enters
25 false information on the return of any taxpayer under this Act,
26 or any person who violates any of the provisions of Sections 3

1 and 5 hereof, or any purchaser who obtains a registration
2 number or resale number from the Department through
3 misrepresentation, or who represents to a seller that such
4 purchaser has a registration number or a resale number from the
5 Department when he knows that he does not, or who uses his
6 registration number or resale number to make a seller believe
7 that he is buying tangible personal property for resale when
8 such purchaser in fact knows that this is not the case, is
9 guilty of a Class 3 felony.

10 When the amount due is \$300 or more, any person who accepts
11 money that is due to the Department under this Act from a
12 taxpayer for the purpose of acting as the taxpayer's agent to
13 make the payment to the Department, but who fails to remit such
14 payment to the Department when due is guilty of a Class 3
15 felony. Any such person who purports to make such payment by
16 issuing or delivering a check or other order upon a real or
17 fictitious depository for the payment of money, knowing that it
18 will not be paid by the depository, shall be guilty of a
19 deceptive practice in violation of Section 17-1 of the Criminal
20 Code of 2012 ~~1961~~, as amended.

21 Any serviceman who collects or attempts to collect Service
22 Use Tax measured by receipts or selling prices which such
23 serviceman knows are not subject to Service Use Tax, or any
24 serviceman who knowingly over-collects or attempts to
25 over-collect Service Use Tax in a transaction which is subject
26 to the tax that is imposed by this Act, shall be guilty of a

1 Class 4 felony for each offense. This paragraph does not apply
2 to an amount collected by the serviceman as Service Use Tax on
3 receipts or selling prices which are subject to tax under this
4 Act as long as such collection is made in compliance with the
5 tax collection brackets prescribed by the Department in its
6 Rules and Regulations.

7 Any taxpayer or agent of a taxpayer who with the intent to
8 defraud purports to make a payment due to the Department by
9 issuing or delivering a check or other order upon a real or
10 fictitious depository for the payment of money, knowing that it
11 will not be paid by the depository, shall be guilty of a
12 deceptive practice in violation of Section 17-1 of the Criminal
13 Code of 2012 ~~1961, as amended~~.

14 A prosecution for any Act in violation of this Section may
15 be commenced at any time within 3 years of the commission of
16 that Act.

17 This Section does not apply if the violation in a
18 particular case also constitutes a criminal violation of the
19 Retailers' Occupation Tax Act, the Use Tax Act or the Service
20 Occupation Tax Act.

21 (Source: P.A. 90-655, eff. 7-30-98; 91-51, eff. 6-30-99.)

22 Section 135. The Service Occupation Tax Act is amended by
23 changing Section 15 as follows:

24 (35 ILCS 115/15) (from Ch. 120, par. 439.115)

1 Sec. 15. When the amount due is under \$300, any person
2 subject to the provisions hereof who fails to file a return, or
3 who violates any other provision of Section 9 or Section 10
4 hereof, or who fails to keep books and records as required
5 herein, or who files a fraudulent return, or who wilfully
6 violates any Rule or Regulation of the Department for the
7 administration and enforcement of the provisions hereof, or any
8 officer or agent of a corporation, or manager, member, or agent
9 of a limited liability company, subject hereto who signs a
10 fraudulent return filed on behalf of such corporation or
11 limited liability company, or any accountant or other agent who
12 knowingly enters false information on the return of any
13 taxpayer under this Act, or any person who violates any of the
14 provisions of Sections 3, 5 or 7 hereof, or any purchaser who
15 obtains a registration number or resale number from the
16 Department through misrepresentation, or who represents to a
17 seller that such purchaser has a registration number or a
18 resale number from the Department when he knows that he does
19 not, or who uses his registration number or resale number to
20 make a seller believe that he is buying tangible personal
21 property for resale when such purchaser in fact knows that this
22 is not the case, is guilty of a Class 4 felony.

23 Any person who violates any provision of Section 6 hereof,
24 or who engages in the business of making sales of service after
25 his Certificate of Registration under this Act has been revoked
26 in accordance with Section 12 of this Act, is guilty of a Class

1 4 felony. Each day any such person is engaged in business in
2 violation of Section 6, or after his Certificate of
3 Registration under this Act has been revoked, constitutes a
4 separate offense.

5 When the amount due is under \$300, any person who accepts
6 money that is due to the Department under this Act from a
7 taxpayer for the purpose of acting as the taxpayer's agent to
8 make the payment to the Department, but who fails to remit such
9 payment to the Department when due is guilty of a Class 4
10 felony. Any such person who purports to make such payment by
11 issuing or delivering a check or other order upon a real or
12 fictitious depository for the payment of money, knowing that it
13 will not be paid by the depository, shall be guilty of a
14 deceptive practice in violation of Section 17-1 of the Criminal
15 Code of 2012 ~~1961~~, as amended.

16 When the amount due is \$300 or more, any person subject to
17 the provisions hereof who fails to file a return, or who
18 violates any other provision of Section 9 or Section 10 hereof,
19 or who fails to keep books and records as required herein, or
20 who files a fraudulent return, or who wilfully violates any
21 rule or regulation of the Department for the administration and
22 enforcement of the provisions hereof, or any officer or agent
23 of a corporation, or manager, member, or agent of a limited
24 liability company, subject hereto who signs a fraudulent return
25 filed on behalf of such corporation or limited liability
26 company, or any accountant or other agent who knowingly enters

1 false information on the return of any taxpayer under this Act,
2 or any person who violates any of the provisions of Sections 3,
3 5 or 7 hereof, or any purchaser who obtains a registration
4 number or resale number from the Department through
5 misrepresentation, or who represents to a seller that such
6 purchaser has a registration number or a resale number from the
7 Department when he knows that he does not, or who uses his
8 registration number or resale number to make a seller believe
9 that he is buying tangible personal property for resale when
10 such purchaser in fact knows that this is not the case, is
11 guilty of a Class 3 felony.

12 When the amount due is \$300 or more, any person who accepts
13 money that is due to the Department under this Act from a
14 taxpayer for the purpose of acting as the taxpayer's agent to
15 make the payment to the Department but who fails to remit such
16 payment to the Department when due is guilty of a Class 3
17 felony. Any such person who purports to make such payment by
18 issuing or delivering a check or other order upon a real or
19 fictitious depository for the payment of money, knowing that it
20 will not be paid by the depository shall be guilty of a
21 deceptive practice in violation of Section 17-1 of the Criminal
22 Code of 2012 ~~1961~~, as amended.

23 Any serviceman who collects or attempts to collect Service
24 Occupation Tax, measured by receipts which such serviceman
25 knows are not subject to Service Occupation Tax, or any
26 serviceman who collects or attempts to collect an amount

1 (however designated) which purports to reimburse such
2 serviceman for Service Occupation Tax liability measured by
3 receipts or selling prices which such serviceman knows are not
4 subject to Service Occupation Tax, or any serviceman who
5 knowingly over-collects or attempts to over-collect Service
6 Occupation Tax or an amount purporting to be reimbursement for
7 Service Occupation Tax liability in a transaction which is
8 subject to the tax that is imposed by this Act, shall be guilty
9 of a Class 4 felony for each such offense. This paragraph does
10 not apply to an amount collected by the serviceman as
11 reimbursement for the serviceman's Service Occupation Tax
12 liability on receipts or selling prices which are subject to
13 tax under this Act, as long as such collection is made in
14 compliance with the tax collection brackets prescribed by the
15 Department in its Rules and Regulations.

16 A prosecution for any act in violation of this Section may
17 be commenced at any time within 3 years of the commission of
18 that act.

19 This Section does not apply if the violation in a
20 particular case also constitutes a criminal violation of the
21 Retailers' Occupation Tax Act or the Use Tax Act.

22 (Source: P.A. 91-51, eff. 6-30-99.)

23 Section 140. The Retailers' Occupation Tax Act is amended
24 by changing Section 13 as follows:

1 (35 ILCS 120/13) (from Ch. 120, par. 452)

2 Sec. 13. Criminal penalties.

3 (a) When the amount due is under \$300, any person engaged
4 in the business of selling tangible personal property at retail
5 in this State who fails to file a return, or who files a
6 fraudulent return, or any officer, employee or agent of a
7 corporation, member, employee or agent of a partnership, or
8 manager, member, agent, or employee of a limited liability
9 company engaged in the business of selling tangible personal
10 property at retail in this State who, as such officer,
11 employee, agent, manager, or member is under a duty to file a
12 return, or any officer, agent or employee of a corporation,
13 member, agent, or employee of a partnership, or manager,
14 member, agent, or employee of a limited liability company
15 engaged in the business of selling tangible personal property
16 at retail in this State who files or causes to be filed or
17 signs or causes to be signed a fraudulent return filed on
18 behalf of such corporation or limited liability company, or any
19 accountant or other agent who knowingly enters false
20 information on the return of any taxpayer under this Act, is
21 guilty of a Class 4 felony.

22 Any person who or any officer or director of any
23 corporation, partner or member of any partnership, or manager
24 or member of a limited liability company that: (a) violates
25 Section 2a of this Act or (b) fails to keep books and records,
26 or fails to produce books and records as required by Section 7

1 or (c) willfully violates a rule or regulation of the
2 Department for the administration and enforcement of this Act
3 is guilty of a Class A misdemeanor. Any person, manager or
4 member of a limited liability company, or officer or director
5 of any corporation who engages in the business of selling
6 tangible personal property at retail after the certificate of
7 registration of that person, corporation, limited liability
8 company, or partnership has been revoked is guilty of a Class A
9 misdemeanor. Each day such person, corporation, or partnership
10 is engaged in business without a certificate of registration or
11 after the certificate of registration of that person,
12 corporation, or partnership has been revoked constitutes a
13 separate offense.

14 Any purchaser who obtains a registration number or resale
15 number from the Department through misrepresentation, or who
16 represents to a seller that such purchaser has a registration
17 number or a resale number from the Department when he knows
18 that he does not, or who uses his registration number or resale
19 number to make a seller believe that he is buying tangible
20 personal property for resale when such purchaser in fact knows
21 that this is not the case is guilty of a Class 4 felony.

22 Any distributor, supplier or other reseller of motor fuel
23 registered pursuant to Section 2a or 2c of this Act who fails
24 to collect the prepaid tax on invoiced gallons of motor fuel
25 sold or who fails to deliver a statement of tax paid to the
26 purchaser or to the Department as required by Sections 2d and

1 2e of this Act, respectively, shall be guilty of a Class A
2 misdemeanor if the amount due is under \$300, and a Class 4
3 felony if the amount due is \$300 or more.

4 When the amount due is under \$300, any person who accepts
5 money that is due to the Department under this Act from a
6 taxpayer for the purpose of acting as the taxpayer's agent to
7 make the payment to the Department, but who fails to remit such
8 payment to the Department when due is guilty of a Class 4
9 felony.

10 Any seller who collects or attempts to collect an amount
11 (however designated) which purports to reimburse such seller
12 for retailers' occupation tax liability measured by receipts
13 which such seller knows are not subject to retailers'
14 occupation tax, or any seller who knowingly over-collects or
15 attempts to over-collect an amount purporting to reimburse such
16 seller for retailers' occupation tax liability in a transaction
17 which is subject to the tax that is imposed by this Act, shall
18 be guilty of a Class 4 felony for each such offense. This
19 paragraph does not apply to an amount collected by the seller
20 as reimbursement for the seller's retailers' occupation tax
21 liability on receipts which are subject to tax under this Act
22 as long as such collection is made in compliance with the tax
23 collection brackets prescribed by the Department in its Rules
24 and Regulations.

25 When the amount due is \$300 or more, any person engaged in
26 the business of selling tangible personal property at retail in

1 this State who fails to file a return, or who files a
2 fraudulent return, or any officer, employee or agent of a
3 corporation, member, employee or agent of a partnership, or
4 manager, member, agent, or employee of a limited liability
5 company engaged in the business of selling tangible personal
6 property at retail in this State who, as such officer,
7 employee, agent, manager, or member is under a duty to file a
8 return and who fails to file such return or any officer, agent,
9 or employee of a corporation, member, agent or employee of a
10 partnership, or manager, member, agent, or employee of a
11 limited liability company engaged in the business of selling
12 tangible personal property at retail in this State who files or
13 causes to be filed or signs or causes to be signed a fraudulent
14 return filed on behalf of such corporation or limited liability
15 company, or any accountant or other agent who knowingly enters
16 false information on the return of any taxpayer under this Act
17 is guilty of a Class 3 felony.

18 When the amount due is \$300 or more, any person engaged in
19 the business of selling tangible personal property at retail in
20 this State who accepts money that is due to the Department
21 under this Act from a taxpayer for the purpose of acting as the
22 taxpayer's agent to make payment to the Department but fails to
23 remit such payment to the Department when due, is guilty of a
24 Class 3 felony.

25 Any person whose principal place of business is in this
26 State and who is charged with a violation under this Section

1 shall be tried in the county where his principal place of
2 business is located unless he asserts a right to be tried in
3 another venue.

4 Any taxpayer or agent of a taxpayer who with the intent to
5 defraud purports to make a payment due to the Department by
6 issuing or delivering a check or other order upon a real or
7 fictitious depository for the payment of money, knowing that it
8 will not be paid by the depository, shall be guilty of a
9 deceptive practice in violation of Section 17-1 of the Criminal
10 Code of 2012 ~~1961~~, as amended.

11 (b) A person commits the offense of sales tax evasion under
12 this Act when he knowingly attempts in any manner to evade or
13 defeat the tax imposed on him or on any other person, or the
14 payment thereof, and he commits an affirmative act in
15 furtherance of the evasion. For purposes of this Section, an
16 "affirmative act in furtherance of the evasion" means an act
17 designed in whole or in part to (i) conceal, misrepresent,
18 falsify, or manipulate any material fact or (ii) tamper with or
19 destroy documents or materials related to a person's tax
20 liability under this Act. Two or more acts of sales tax evasion
21 may be charged as a single count in any indictment,
22 information, or complaint and the amount of tax deficiency may
23 be aggregated for purposes of determining the amount of tax
24 which is attempted to be or is evaded and the period between
25 the first and last acts may be alleged as the date of the
26 offense.

1 (1) When the amount of tax, the assessment or payment
2 of which is attempted to be or is evaded is less than \$500
3 a person is guilty of a Class 4 felony.

4 (2) When the amount of tax, the assessment or payment
5 of which is attempted to be or is evaded is \$500 or more
6 but less than \$10,000, a person is guilty of a Class 3
7 felony.

8 (3) When the amount of tax, the assessment or payment
9 of which is attempted to be or is evaded is \$10,000 or more
10 but less than \$100,000, a person is guilty of a Class 2
11 felony.

12 (4) When the amount of tax, the assessment or payment
13 of which is attempted to be or is evaded is \$100,000 or
14 more, a person is guilty of a Class 1 felony.

15 (c) A prosecution for any act in violation of this Section
16 may be commenced at any time within 5 years of the commission
17 of that act.

18 (Source: P.A. 97-1074, eff. 1-1-13.)

19 Section 145. The Tobacco Products Tax Act of 1995 is
20 amended by changing Section 10-50 as follows:

21 (35 ILCS 143/10-50)

22 Sec. 10-50. Violations and penalties. When the amount due
23 is under \$300, any distributor who fails to file a return,
24 wilfully fails or refuses to make any payment to the Department

1 of the tax imposed by this Act, or files a fraudulent return,
2 or any officer or agent of a corporation engaged in the
3 business of distributing tobacco products to retailers and
4 consumers located in this State who signs a fraudulent return
5 filed on behalf of the corporation, or any accountant or other
6 agent who knowingly enters false information on the return of
7 any taxpayer under this Act is guilty of a Class 4 felony.

8 Any person who violates any provision of Section 10-20 of
9 this Act, fails to keep books and records as required under
10 this Act, or wilfully violates a rule or regulation of the
11 Department for the administration and enforcement of this Act
12 is guilty of a Class 4 felony. A person commits a separate
13 offense on each day that he or she engages in business in
14 violation of Section 10-20 of this Act.

15 When the amount due is under \$300, any person who accepts
16 money that is due to the Department under this Act from a
17 taxpayer for the purpose of acting as the taxpayer's agent to
18 make the payment to the Department, but who fails to remit the
19 payment to the Department when due, is guilty of a Class 4
20 felony.

21 When the amount due is \$300 or more, any distributor who
22 files, or causes to be filed, a fraudulent return, or any
23 officer or agent of a corporation engaged in the business of
24 distributing tobacco products to retailers and consumers
25 located in this State who files or causes to be filed or signs
26 or causes to be signed a fraudulent return filed on behalf of

1 the corporation, or any accountant or other agent who knowingly
2 enters false information on the return of any taxpayer under
3 this Act is guilty of a Class 3 felony.

4 When the amount due is \$300 or more, any person engaged in
5 the business of distributing tobacco products to retailers and
6 consumers located in this State who fails to file a return,
7 wilfully fails or refuses to make any payment to the Department
8 of the tax imposed by this Act, or accepts money that is due to
9 the Department under this Act from a taxpayer for the purpose
10 of acting as the taxpayer's agent to make payment to the
11 Department but fails to remit such payment to the Department
12 when due is guilty of a Class 3 felony.

13 Any person whose principal place of business is in this
14 State and who is charged with a violation under this Section
15 shall be tried in the county where his or her principal place
16 of business is located unless he or she asserts a right to be
17 tried in another venue. If the taxpayer does not have his or
18 her principal place of business in this State, however, the
19 hearing must be held in Sangamon County unless the taxpayer
20 asserts a right to be tried in another venue.

21 Any taxpayer or agent of a taxpayer who with the intent to
22 defraud purports to make a payment due to the Department by
23 issuing or delivering a check or other order upon a real or
24 fictitious depository for the payment of money, knowing that it
25 will not be paid by the depository, is guilty of a deceptive
26 practice in violation of Section 17-1 of the Criminal Code of

1 2012 ~~1961~~.

2 A prosecution for a violation described in this Section may
3 be commenced within 3 years after the commission of the act
4 constituting the violation.

5 (Source: P.A. 92-231, eff. 8-2-01.)

6 Section 150. The Hotel Operators' Occupation Tax Act is
7 amended by changing Section 8 as follows:

8 (35 ILCS 145/8) (from Ch. 120, par. 481b.38)

9 Sec. 8. When the amount due is under \$300, any person
10 engaged in the business of renting, leasing or letting hotel
11 rooms in this State who fails to make a return, or to keep
12 books and records as required herein, or who makes a fraudulent
13 return, or who wilfully violates any rule or regulation of the
14 Department for the administration and enforcement of the
15 provisions of this Act, or any officer or agent of a
16 corporation engaged in the business of renting, leasing or
17 letting hotel rooms in this State who signs a fraudulent return
18 made on behalf of such corporation, is guilty of a Class 4
19 felony.

20 Any person who violates any provision of Section 5 of this
21 Act is guilty of a Class 4 felony. Each and every day any such
22 person is engaged in business in violation of said Section 5
23 shall constitute a separate offense.

24 When the amount due is under \$300, any person who accepts

1 money that is due to the Department under this Act from a
2 taxpayer for the purpose of acting as the taxpayer's agent to
3 make the payment to the Department, but who fails to remit such
4 payment to the Department when due is guilty of a Class 4
5 felony. Any such person who purports to make such payment by
6 issuing or delivering a check or other order upon a real or
7 fictitious depository for the payment of money, knowing that it
8 will not be paid by the depository, shall be guilty of a
9 deceptive practice in violation of Section 17-1 of the Criminal
10 Code of 2012 ~~1961~~, as amended.

11 Any hotel operator who collects or attempts to collect an
12 amount (however designated) which purports to reimburse such
13 operator for hotel operators' occupation tax liability
14 measured by receipts which such operator knows are not subject
15 to hotel operators' occupation tax, or any hotel operator who
16 knowingly over-collects or attempts to over-collect an amount
17 purporting to reimburse such operator for hotel operators'
18 occupation tax liability in a transaction which is subject to
19 the tax that is imposed by this Act, shall be guilty of a Class
20 4 felony.

21 When the amount due is \$300 or more, any person engaged in
22 the business of renting, leasing or letting hotel rooms in this
23 State who fails to make a return, or to keep books and records
24 as required herein, or who makes a fraudulent return, or who
25 wilfully violates any rule or regulation of the Department for
26 the administration and enforcement of the provisions of this

1 Act, or any officer or agent of a corporation engaged in the
2 business of renting, leasing or letting hotel rooms in this
3 State who signs a fraudulent return made on behalf of such
4 corporation is guilty of a Class 3 felony.

5 When the amount due is \$300 or more, any person who accepts
6 money that is due to the Department under this Act from a
7 taxpayer for the purpose of acting as the taxpayer's agent to
8 make the payment to the Department, but who fails to remit such
9 payment to the Department is guilty of a Class 3 felony. Any
10 such person who purports to make such payment by issuing or
11 delivering a check or other order upon a real or fictitious
12 depository for the payment of money, knowing that it will not
13 be paid by the depository, shall be guilty of a deceptive
14 practice in violation of Section 17-1 of the Criminal Code of
15 2012 1961, ~~as amended~~.

16 A prosecution for any act in violation of this Section may
17 be commenced at any time within 3 years of the commission of
18 that act.

19 (Source: P.A. 85-299.)

20 Section 155. The Property Tax Code is amended by changing
21 Sections 15-172 and 15-177 as follows:

22 (35 ILCS 200/15-172)

23 Sec. 15-172. Senior Citizens Assessment Freeze Homestead
24 Exemption.

1 (a) This Section may be cited as the Senior Citizens
2 Assessment Freeze Homestead Exemption.

3 (b) As used in this Section:

4 "Applicant" means an individual who has filed an
5 application under this Section.

6 "Base amount" means the base year equalized assessed value
7 of the residence plus the first year's equalized assessed value
8 of any added improvements which increased the assessed value of
9 the residence after the base year.

10 "Base year" means the taxable year prior to the taxable
11 year for which the applicant first qualifies and applies for
12 the exemption provided that in the prior taxable year the
13 property was improved with a permanent structure that was
14 occupied as a residence by the applicant who was liable for
15 paying real property taxes on the property and who was either
16 (i) an owner of record of the property or had legal or
17 equitable interest in the property as evidenced by a written
18 instrument or (ii) had a legal or equitable interest as a
19 lessee in the parcel of property that was single family
20 residence. If in any subsequent taxable year for which the
21 applicant applies and qualifies for the exemption the equalized
22 assessed value of the residence is less than the equalized
23 assessed value in the existing base year (provided that such
24 equalized assessed value is not based on an assessed value that
25 results from a temporary irregularity in the property that
26 reduces the assessed value for one or more taxable years), then

1 that subsequent taxable year shall become the base year until a
2 new base year is established under the terms of this paragraph.
3 For taxable year 1999 only, the Chief County Assessment Officer
4 shall review (i) all taxable years for which the applicant
5 applied and qualified for the exemption and (ii) the existing
6 base year. The assessment officer shall select as the new base
7 year the year with the lowest equalized assessed value. An
8 equalized assessed value that is based on an assessed value
9 that results from a temporary irregularity in the property that
10 reduces the assessed value for one or more taxable years shall
11 not be considered the lowest equalized assessed value. The
12 selected year shall be the base year for taxable year 1999 and
13 thereafter until a new base year is established under the terms
14 of this paragraph.

15 "Chief County Assessment Officer" means the County
16 Assessor or Supervisor of Assessments of the county in which
17 the property is located.

18 "Equalized assessed value" means the assessed value as
19 equalized by the Illinois Department of Revenue.

20 "Household" means the applicant, the spouse of the
21 applicant, and all persons using the residence of the applicant
22 as their principal place of residence.

23 "Household income" means the combined income of the members
24 of a household for the calendar year preceding the taxable
25 year.

26 "Income" has the same meaning as provided in Section 3.07

1 of the Senior Citizens and Disabled Persons Property Tax Relief
2 Act, except that, beginning in assessment year 2001, "income"
3 does not include veteran's benefits.

4 "Internal Revenue Code of 1986" means the United States
5 Internal Revenue Code of 1986 or any successor law or laws
6 relating to federal income taxes in effect for the year
7 preceding the taxable year.

8 "Life care facility that qualifies as a cooperative" means
9 a facility as defined in Section 2 of the Life Care Facilities
10 Act.

11 "Maximum income limitation" means:

- 12 (1) \$35,000 prior to taxable year 1999;
- 13 (2) \$40,000 in taxable years 1999 through 2003;
- 14 (3) \$45,000 in taxable years 2004 through 2005;
- 15 (4) \$50,000 in taxable years 2006 and 2007; and
- 16 (5) \$55,000 in taxable year 2008 and thereafter.

17 "Residence" means the principal dwelling place and
18 appurtenant structures used for residential purposes in this
19 State occupied on January 1 of the taxable year by a household
20 and so much of the surrounding land, constituting the parcel
21 upon which the dwelling place is situated, as is used for
22 residential purposes. If the Chief County Assessment Officer
23 has established a specific legal description for a portion of
24 property constituting the residence, then that portion of
25 property shall be deemed the residence for the purposes of this
26 Section.

1 "Taxable year" means the calendar year during which ad
2 valorem property taxes payable in the next succeeding year are
3 levied.

4 (c) Beginning in taxable year 1994, a senior citizens
5 assessment freeze homestead exemption is granted for real
6 property that is improved with a permanent structure that is
7 occupied as a residence by an applicant who (i) is 65 years of
8 age or older during the taxable year, (ii) has a household
9 income that does not exceed the maximum income limitation,
10 (iii) is liable for paying real property taxes on the property,
11 and (iv) is an owner of record of the property or has a legal or
12 equitable interest in the property as evidenced by a written
13 instrument. This homestead exemption shall also apply to a
14 leasehold interest in a parcel of property improved with a
15 permanent structure that is a single family residence that is
16 occupied as a residence by a person who (i) is 65 years of age
17 or older during the taxable year, (ii) has a household income
18 that does not exceed the maximum income limitation, (iii) has a
19 legal or equitable ownership interest in the property as
20 lessee, and (iv) is liable for the payment of real property
21 taxes on that property.

22 In counties of 3,000,000 or more inhabitants, the amount of
23 the exemption for all taxable years is the equalized assessed
24 value of the residence in the taxable year for which
25 application is made minus the base amount. In all other
26 counties, the amount of the exemption is as follows: (i)

1 through taxable year 2005 and for taxable year 2007 and
2 thereafter, the amount of this exemption shall be the equalized
3 assessed value of the residence in the taxable year for which
4 application is made minus the base amount; and (ii) for taxable
5 year 2006, the amount of the exemption is as follows:

6 (1) For an applicant who has a household income of
7 \$45,000 or less, the amount of the exemption is the
8 equalized assessed value of the residence in the taxable
9 year for which application is made minus the base amount.

10 (2) For an applicant who has a household income
11 exceeding \$45,000 but not exceeding \$46,250, the amount of
12 the exemption is (i) the equalized assessed value of the
13 residence in the taxable year for which application is made
14 minus the base amount (ii) multiplied by 0.8.

15 (3) For an applicant who has a household income
16 exceeding \$46,250 but not exceeding \$47,500, the amount of
17 the exemption is (i) the equalized assessed value of the
18 residence in the taxable year for which application is made
19 minus the base amount (ii) multiplied by 0.6.

20 (4) For an applicant who has a household income
21 exceeding \$47,500 but not exceeding \$48,750, the amount of
22 the exemption is (i) the equalized assessed value of the
23 residence in the taxable year for which application is made
24 minus the base amount (ii) multiplied by 0.4.

25 (5) For an applicant who has a household income
26 exceeding \$48,750 but not exceeding \$50,000, the amount of

1 the exemption is (i) the equalized assessed value of the
2 residence in the taxable year for which application is made
3 minus the base amount (ii) multiplied by 0.2.

4 When the applicant is a surviving spouse of an applicant
5 for a prior year for the same residence for which an exemption
6 under this Section has been granted, the base year and base
7 amount for that residence are the same as for the applicant for
8 the prior year.

9 Each year at the time the assessment books are certified to
10 the County Clerk, the Board of Review or Board of Appeals shall
11 give to the County Clerk a list of the assessed values of
12 improvements on each parcel qualifying for this exemption that
13 were added after the base year for this parcel and that
14 increased the assessed value of the property.

15 In the case of land improved with an apartment building
16 owned and operated as a cooperative or a building that is a
17 life care facility that qualifies as a cooperative, the maximum
18 reduction from the equalized assessed value of the property is
19 limited to the sum of the reductions calculated for each unit
20 occupied as a residence by a person or persons (i) 65 years of
21 age or older, (ii) with a household income that does not exceed
22 the maximum income limitation, (iii) who is liable, by contract
23 with the owner or owners of record, for paying real property
24 taxes on the property, and (iv) who is an owner of record of a
25 legal or equitable interest in the cooperative apartment
26 building, other than a leasehold interest. In the instance of a

1 cooperative where a homestead exemption has been granted under
2 this Section, the cooperative association or its management
3 firm shall credit the savings resulting from that exemption
4 only to the apportioned tax liability of the owner who
5 qualified for the exemption. Any person who willfully refuses
6 to credit that savings to an owner who qualifies for the
7 exemption is guilty of a Class B misdemeanor.

8 When a homestead exemption has been granted under this
9 Section and an applicant then becomes a resident of a facility
10 licensed under the Assisted Living and Shared Housing Act, the
11 Nursing Home Care Act, the Specialized Mental Health
12 Rehabilitation Act, or the ID/DD Community Care Act, the
13 exemption shall be granted in subsequent years so long as the
14 residence (i) continues to be occupied by the qualified
15 applicant's spouse or (ii) if remaining unoccupied, is still
16 owned by the qualified applicant for the homestead exemption.

17 Beginning January 1, 1997, when an individual dies who
18 would have qualified for an exemption under this Section, and
19 the surviving spouse does not independently qualify for this
20 exemption because of age, the exemption under this Section
21 shall be granted to the surviving spouse for the taxable year
22 preceding and the taxable year of the death, provided that,
23 except for age, the surviving spouse meets all other
24 qualifications for the granting of this exemption for those
25 years.

26 When married persons maintain separate residences, the

1 exemption provided for in this Section may be claimed by only
2 one of such persons and for only one residence.

3 For taxable year 1994 only, in counties having less than
4 3,000,000 inhabitants, to receive the exemption, a person shall
5 submit an application by February 15, 1995 to the Chief County
6 Assessment Officer of the county in which the property is
7 located. In counties having 3,000,000 or more inhabitants, for
8 taxable year 1994 and all subsequent taxable years, to receive
9 the exemption, a person may submit an application to the Chief
10 County Assessment Officer of the county in which the property
11 is located during such period as may be specified by the Chief
12 County Assessment Officer. The Chief County Assessment Officer
13 in counties of 3,000,000 or more inhabitants shall annually
14 give notice of the application period by mail or by
15 publication. In counties having less than 3,000,000
16 inhabitants, beginning with taxable year 1995 and thereafter,
17 to receive the exemption, a person shall submit an application
18 by July 1 of each taxable year to the Chief County Assessment
19 Officer of the county in which the property is located. A
20 county may, by ordinance, establish a date for submission of
21 applications that is different than July 1. The applicant shall
22 submit with the application an affidavit of the applicant's
23 total household income, age, marital status (and if married the
24 name and address of the applicant's spouse, if known), and
25 principal dwelling place of members of the household on January
26 1 of the taxable year. The Department shall establish, by rule,

1 a method for verifying the accuracy of affidavits filed by
2 applicants under this Section, and the Chief County Assessment
3 Officer may conduct audits of any taxpayer claiming an
4 exemption under this Section to verify that the taxpayer is
5 eligible to receive the exemption. Each application shall
6 contain or be verified by a written declaration that it is made
7 under the penalties of perjury. A taxpayer's signing a
8 fraudulent application under this Act is perjury, as defined in
9 Section 32-2 of the Criminal Code of 2012 ~~1961~~. The
10 applications shall be clearly marked as applications for the
11 Senior Citizens Assessment Freeze Homestead Exemption and must
12 contain a notice that any taxpayer who receives the exemption
13 is subject to an audit by the Chief County Assessment Officer.

14 Notwithstanding any other provision to the contrary, in
15 counties having fewer than 3,000,000 inhabitants, if an
16 applicant fails to file the application required by this
17 Section in a timely manner and this failure to file is due to a
18 mental or physical condition sufficiently severe so as to
19 render the applicant incapable of filing the application in a
20 timely manner, the Chief County Assessment Officer may extend
21 the filing deadline for a period of 30 days after the applicant
22 regains the capability to file the application, but in no case
23 may the filing deadline be extended beyond 3 months of the
24 original filing deadline. In order to receive the extension
25 provided in this paragraph, the applicant shall provide the
26 Chief County Assessment Officer with a signed statement from

1 the applicant's physician stating the nature and extent of the
2 condition, that, in the physician's opinion, the condition was
3 so severe that it rendered the applicant incapable of filing
4 the application in a timely manner, and the date on which the
5 applicant regained the capability to file the application.

6 Beginning January 1, 1998, notwithstanding any other
7 provision to the contrary, in counties having fewer than
8 3,000,000 inhabitants, if an applicant fails to file the
9 application required by this Section in a timely manner and
10 this failure to file is due to a mental or physical condition
11 sufficiently severe so as to render the applicant incapable of
12 filing the application in a timely manner, the Chief County
13 Assessment Officer may extend the filing deadline for a period
14 of 3 months. In order to receive the extension provided in this
15 paragraph, the applicant shall provide the Chief County
16 Assessment Officer with a signed statement from the applicant's
17 physician stating the nature and extent of the condition, and
18 that, in the physician's opinion, the condition was so severe
19 that it rendered the applicant incapable of filing the
20 application in a timely manner.

21 In counties having less than 3,000,000 inhabitants, if an
22 applicant was denied an exemption in taxable year 1994 and the
23 denial occurred due to an error on the part of an assessment
24 official, or his or her agent or employee, then beginning in
25 taxable year 1997 the applicant's base year, for purposes of
26 determining the amount of the exemption, shall be 1993 rather

1 than 1994. In addition, in taxable year 1997, the applicant's
2 exemption shall also include an amount equal to (i) the amount
3 of any exemption denied to the applicant in taxable year 1995
4 as a result of using 1994, rather than 1993, as the base year,
5 (ii) the amount of any exemption denied to the applicant in
6 taxable year 1996 as a result of using 1994, rather than 1993,
7 as the base year, and (iii) the amount of the exemption
8 erroneously denied for taxable year 1994.

9 For purposes of this Section, a person who will be 65 years
10 of age during the current taxable year shall be eligible to
11 apply for the homestead exemption during that taxable year.
12 Application shall be made during the application period in
13 effect for the county of his or her residence.

14 The Chief County Assessment Officer may determine the
15 eligibility of a life care facility that qualifies as a
16 cooperative to receive the benefits provided by this Section by
17 use of an affidavit, application, visual inspection,
18 questionnaire, or other reasonable method in order to insure
19 that the tax savings resulting from the exemption are credited
20 by the management firm to the apportioned tax liability of each
21 qualifying resident. The Chief County Assessment Officer may
22 request reasonable proof that the management firm has so
23 credited that exemption.

24 Except as provided in this Section, all information
25 received by the chief county assessment officer or the
26 Department from applications filed under this Section, or from

1 any investigation conducted under the provisions of this
2 Section, shall be confidential, except for official purposes or
3 pursuant to official procedures for collection of any State or
4 local tax or enforcement of any civil or criminal penalty or
5 sanction imposed by this Act or by any statute or ordinance
6 imposing a State or local tax. Any person who divulges any such
7 information in any manner, except in accordance with a proper
8 judicial order, is guilty of a Class A misdemeanor.

9 Nothing contained in this Section shall prevent the
10 Director or chief county assessment officer from publishing or
11 making available reasonable statistics concerning the
12 operation of the exemption contained in this Section in which
13 the contents of claims are grouped into aggregates in such a
14 way that information contained in any individual claim shall
15 not be disclosed.

16 (d) Each Chief County Assessment Officer shall annually
17 publish a notice of availability of the exemption provided
18 under this Section. The notice shall be published at least 60
19 days but no more than 75 days prior to the date on which the
20 application must be submitted to the Chief County Assessment
21 Officer of the county in which the property is located. The
22 notice shall appear in a newspaper of general circulation in
23 the county.

24 Notwithstanding Sections 6 and 8 of the State Mandates Act,
25 no reimbursement by the State is required for the
26 implementation of any mandate created by this Section.

1 (Source: P.A. 96-339, eff. 7-1-10; 96-355, eff. 1-1-10;
2 96-1000, eff. 7-2-10; 97-38, eff. 6-28-11; 97-227, eff. 1-1-12;
3 97-689, eff. 6-14-12; 97-813, eff. 7-13-12.)

4 (35 ILCS 200/15-177)

5 Sec. 15-177. The long-time occupant homestead exemption.

6 (a) If the county has elected, under Section 15-176, to be
7 subject to the provisions of the alternative general homestead
8 exemption, then, for taxable years 2007 and thereafter,
9 regardless of whether the exemption under Section 15-176
10 applies, qualified homestead property is entitled to an annual
11 homestead exemption equal to a reduction in the property's
12 equalized assessed value calculated as provided in this
13 Section.

14 (b) As used in this Section:

15 "Adjusted homestead value" means the lesser of the
16 following values:

17 (1) The property's base homestead value increased by:
18 (i) 10% for each taxable year after the base year through
19 and including the current tax year for qualified taxpayers
20 with a household income of more than \$75,000 but not
21 exceeding \$100,000; or (ii) 7% for each taxable year after
22 the base year through and including the current tax year
23 for qualified taxpayers with a household income of \$75,000
24 or less. The increase each year is an increase over the
25 prior year; or

1 (2) The property's equalized assessed value for the
2 current tax year minus the general homestead deduction.

3 "Base homestead value" means:

4 (1) if the property did not have an adjusted homestead
5 value under Section 15-176 for the base year, then an
6 amount equal to the equalized assessed value of the
7 property for the base year prior to exemptions, minus the
8 general homestead deduction, provided that the property's
9 assessment was not based on a reduced assessed value
10 resulting from a temporary irregularity in the property for
11 that year; or

12 (2) if the property had an adjusted homestead value
13 under Section 15-176 for the base year, then an amount
14 equal to the adjusted homestead value of the property under
15 Section 15-176 for the base year.

16 "Base year" means the taxable year prior to the taxable
17 year in which the taxpayer first qualifies for the exemption
18 under this Section.

19 "Current taxable year" means the taxable year for which the
20 exemption under this Section is being applied.

21 "Equalized assessed value" means the property's assessed
22 value as equalized by the Department.

23 "Homestead" or "homestead property" means residential
24 property that as of January 1 of the tax year is occupied by a
25 qualified taxpayer as his or her principal dwelling place, or
26 that is a leasehold interest on which a single family residence

1 is situated, that is occupied as a residence by a qualified
2 taxpayer who has a legal or equitable interest therein
3 evidenced by a written instrument, as an owner or as a lessee,
4 and on which the person is liable for the payment of property
5 taxes. Residential units in an apartment building owned and
6 operated as a cooperative, or as a life care facility, which
7 are occupied by persons who hold a legal or equitable interest
8 in the cooperative apartment building or life care facility as
9 owners or lessees, and who are liable by contract for the
10 payment of property taxes, are included within this definition
11 of homestead property. A homestead includes the dwelling place,
12 appurtenant structures, and so much of the surrounding land
13 constituting the parcel on which the dwelling place is situated
14 as is used for residential purposes. If the assessor has
15 established a specific legal description for a portion of
16 property constituting the homestead, then the homestead is
17 limited to the property within that description.

18 "Household income" has the meaning set forth under Section
19 15-172 of this Code.

20 "General homestead deduction" means the amount of the
21 general homestead exemption under Section 15-175.

22 "Life care facility" means a facility defined in Section 2
23 of the Life Care Facilities Act.

24 "Qualified homestead property" means homestead property
25 owned by a qualified taxpayer.

26 "Qualified taxpayer" means any individual:

1 (1) who, for at least 10 continuous years as of January
2 1 of the taxable year, has occupied the same homestead
3 property as a principal residence and domicile or who, for
4 at least 5 continuous years as of January 1 of the taxable
5 year, has occupied the same homestead property as a
6 principal residence and domicile if that person received
7 assistance in the acquisition of the property as part of a
8 government or nonprofit housing program; and

9 (2) who has a household income of \$100,000 or less.

10 (c) The base homestead value must remain constant, except
11 that the assessor may revise it under any of the following
12 circumstances:

13 (1) If the equalized assessed value of a homestead
14 property for the current tax year is less than the previous
15 base homestead value for that property, then the current
16 equalized assessed value (provided it is not based on a
17 reduced assessed value resulting from a temporary
18 irregularity in the property) becomes the base homestead
19 value in subsequent tax years.

20 (2) For any year in which new buildings, structures, or
21 other improvements are constructed on the homestead
22 property that would increase its assessed value, the
23 assessor shall adjust the base homestead value with due
24 regard to the value added by the new improvements.

25 (d) The amount of the exemption under this Section is the
26 greater of: (i) the equalized assessed value of the homestead

1 property for the current tax year minus the adjusted homestead
2 value; or (ii) the general homestead deduction.

3 (e) In the case of an apartment building owned and operated
4 as a cooperative, or as a life care facility, that contains
5 residential units that qualify as homestead property of a
6 qualified taxpayer under this Section, the maximum cumulative
7 exemption amount attributed to the entire building or facility
8 shall not exceed the sum of the exemptions calculated for each
9 unit that is a qualified homestead property. The cooperative
10 association, management firm, or other person or entity that
11 manages or controls the cooperative apartment building or life
12 care facility shall credit the exemption attributable to each
13 residential unit only to the apportioned tax liability of the
14 qualified taxpayer as to that unit. Any person who willfully
15 refuses to so credit the exemption is guilty of a Class B
16 misdemeanor.

17 (f) When married persons maintain separate residences, the
18 exemption provided under this Section may be claimed by only
19 one such person and for only one residence. No person who
20 receives an exemption under Section 15-172 of this Code may
21 receive an exemption under this Section. No person who receives
22 an exemption under this Section may receive an exemption under
23 Section 15-175 or 15-176 of this Code.

24 (g) In the event of a sale or other transfer in ownership
25 of the homestead property between spouses or between a parent
26 and a child, the exemption under this Section remains in effect

1 if the new owner has a household income of \$100,000 or less.

2 (h) In the event of a sale or other transfer in ownership
3 of the homestead property other than subsection (g) of this
4 Section, the exemption under this Section shall remain in
5 effect for the remainder of the tax year and be calculated
6 using the same base homestead value in which the sale or
7 transfer occurs.

8 (i) To receive the exemption, a person must submit an
9 application to the county assessor during the period specified
10 by the county assessor.

11 The county assessor shall annually give notice of the
12 application period by mail or by publication.

13 The taxpayer must submit, with the application, an
14 affidavit of the taxpayer's total household income, marital
15 status (and if married the name and address of the applicant's
16 spouse, if known), and principal dwelling place of members of
17 the household on January 1 of the taxable year. The Department
18 shall establish, by rule, a method for verifying the accuracy
19 of affidavits filed by applicants under this Section, and the
20 Chief County Assessment Officer may conduct audits of any
21 taxpayer claiming an exemption under this Section to verify
22 that the taxpayer is eligible to receive the exemption. Each
23 application shall contain or be verified by a written
24 declaration that it is made under the penalties of perjury. A
25 taxpayer's signing a fraudulent application under this Act is
26 perjury, as defined in Section 32-2 of the Criminal Code of

1 2012 ~~1961~~. The applications shall be clearly marked as
2 applications for the Long-time Occupant Homestead Exemption
3 and must contain a notice that any taxpayer who receives the
4 exemption is subject to an audit by the Chief County Assessment
5 Officer.

6 (j) Notwithstanding Sections 6 and 8 of the State Mandates
7 Act, no reimbursement by the State is required for the
8 implementation of any mandate created by this Section.

9 (Source: P.A. 95-644, eff. 10-12-07.)

10 Section 160. The Coin-Operated Amusement Device and
11 Redemption Machine Tax Act is amended by changing Section 1 as
12 follows:

13 (35 ILCS 510/1) (from Ch. 120, par. 481b.1)

14 Sec. 1. There is imposed, on the privilege of operating
15 every coin-in-the-slot-operated amusement device, including a
16 device operated or operable by insertion of coins, tokens,
17 chips or similar objects, in this State which returns to the
18 player thereof no money or property or right to receive money
19 or property, and on the privilege of operating in this State a
20 redemption machine as defined in Section 28-2 of the Criminal
21 Code of 2012 ~~1961~~, an annual privilege tax of \$30 for each
22 device for a period beginning on or after August 1 of any year
23 and prior to August 1 of the succeeding year.

24 (Source: P.A. 93-32, eff. 7-1-03.)

1 Section 165. The Cannabis and Controlled Substances Tax Act
2 is amended by changing Sections 15 and 19 as follows:

3 (35 ILCS 520/15) (from Ch. 120, par. 2165)

4 Sec. 15. Lien for Tax.

5 (a) In general. The Department shall have a lien for the
6 tax herein imposed or any portion thereof, or for any penalty
7 provided for in this Act, or for any amount of interest which
8 may be due, upon all the real and personal property of any
9 person assessed with a tax under this Act; however, the lien
10 shall not be available on property which is the subject of
11 forfeiture proceedings under the Narcotics Profit Forfeiture
12 Act or the Criminal Code of 2012 ~~1961~~ or the Drug Asset
13 Forfeiture Procedure Act until all forfeiture proceedings are
14 concluded. Property forfeited shall not be subject to a lien
15 under this Act.

16 (b) Notice of lien. The lien created by assessment shall
17 terminate unless a notice of lien is filed, as provided in
18 Section 17 hereof, within 3 years from the date all proceedings
19 in court for the review of such assessment have terminated or
20 the time for the taking thereof has expired without such
21 proceedings being instituted.

22 (Source: P.A. 88-669, eff. 11-29-94.)

23 (35 ILCS 520/19) (from Ch. 120, par. 2169)

1 Sec. 19. Release of Liens.

2 (a) In general. The Department shall release all or any
3 portion of the property subject to any lien provided for in
4 this Act if it determines that the release will not endanger or
5 jeopardize the collection of the amount secured thereby. The
6 Department shall release its lien on property which is the
7 subject of forfeiture proceedings under the Narcotics Profit
8 Forfeiture Act, the Criminal Code of 2012 ~~1961~~, or the Drug
9 Asset Forfeiture Procedure Act until all forfeiture
10 proceedings are concluded. Property forfeited shall not be
11 subject to a lien under this Act.

12 (b) Judicial determination. If on judicial review the final
13 judgment of the court is that the taxpayer does not owe some or
14 all of the amount secured by the lien against him, or that no
15 jeopardy to the revenue exists, the Department shall release
16 its lien to the extent of such finding of nonliability, or to
17 the extent of such finding of no jeopardy to the revenue.

18 (c) Payment. The Department shall also release its jeopardy
19 assessment lien against the taxpayer whenever the tax and
20 penalty covered by such lien, plus any interest which may be
21 due, are paid.

22 (d) Certificate of release. The Department shall issue a
23 certificate of complete or partial release of the lien:

24 (1) To the extent that the fair market value of any
25 property subject to the lien exceeds the amount of the lien
26 plus the amount of all prior liens upon such property;

1 (2) To the extent that such lien shall become
2 unenforceable;

3 (3) To the extent that the amount of such lien is paid
4 by the person whose property is subject to such lien,
5 together with any interest and penalty which may become due
6 under this Act between the date when the notice of lien is
7 filed and the date when the amount of such lien is paid;

8 (4) To the extent and under the circumstances specified
9 in this Section. A certificate of complete or partial
10 release of any lien shall be held conclusive that the lien
11 upon the property covered by the certificate is
12 extinguished to the extent indicated by such certificate.

13 Such release of lien shall be issued to the person, or his
14 agent, against whom the lien was obtained and shall contain in
15 legible letters a statement as follows:

16 FOR THE PROTECTION OF THE OWNER, THIS RELEASE SHALL
17 BE FILED WITH THE RECORDER OR THE REGISTRAR
18 OF TITLES, IN WHOSE OFFICE, THE LIEN WAS FILED.

19 (e) Filing. When a certificate of complete or partial
20 release of lien issued by the Department is presented for
21 filing in the office of the recorder or Registrar of Titles
22 where a notice of lien or notice of jeopardy assessment lien
23 was filed:

24 (1) The recorder, in the case of nonregistered
25 property, shall permanently attach the certificate of
26 release to the notice of lien or notice of jeopardy

1 assessment lien and shall enter the certificate of release
2 and the date in the "State Tax Lien Index" on the line
3 where the notice of lien or notice of jeopardy assessment
4 lien is entered; and

5 (2) In the case of registered property, the Registrar
6 of Titles shall file and enter upon each folium of the
7 register of titles affected thereby a memorial of the
8 certificate of release which memorial when so entered shall
9 act as a release pro tanto of any memorial of such notice
10 of lien or notice of jeopardy assessment lien previously
11 filed and registered.

12 (Source: P.A. 88-669, eff. 11-29-94.)

13 Section 170. The Public Officer Prohibited Activities Act
14 is amended by changing Section 4.5 as follows:

15 (50 ILCS 105/4.5)

16 Sec. 4.5. False verification; perjury. A person is guilty
17 of perjury who:

18 (1) In swearing on oath or otherwise affirming a
19 statement in writing as required under this Act, knowingly
20 makes a false statement as to, or knowingly omits a
21 material fact relating to, the identification of an
22 individual or entity that has an ownership interest in real
23 property, or that is material to an issue or point in
24 question in the written disclosure pertaining to a contract

1 for the ownership or use of real property.

2 (2) Having taken a lawful oath or made affirmation,
3 testifies willfully and falsely as to any of those matters
4 for the purpose of inducing the State or any local
5 governmental unit or any agency of either to enter into a
6 contract for the ownership or use of real property.

7 (3) Suborns any other person to so swear, affirm, or
8 testify.

9 Upon conviction of perjury, a person shall be sentenced as
10 provided in Section 32-2 or 32-3, respectively, of the Criminal
11 Code of 2012 ~~1961~~ for those offenses.

12 This Section applies to written statements made or
13 testimony given on or after the effective date of this
14 amendatory Act of 1995.

15 (Source: P.A. 89-91, eff. 6-30-95.)

16 Section 175. The Illinois Police Training Act is amended by
17 changing Sections 6 and 6.1 as follows:

18 (50 ILCS 705/6) (from Ch. 85, par. 506)

19 Sec. 6. Selection and certification of schools. The Board
20 shall select and certify schools within the State of Illinois
21 for the purpose of providing basic training for probationary
22 police officers, probationary county corrections officers, and
23 court security officers and of providing advanced or in-service
24 training for permanent police officers or permanent county

1 corrections officers, which schools may be either publicly or
2 privately owned and operated. In addition, the Board has the
3 following power and duties:

4 a. To require local governmental units to furnish such
5 reports and information as the Board deems necessary to
6 fully implement this Act.

7 b. To establish appropriate mandatory minimum
8 standards relating to the training of probationary local
9 law enforcement officers or probationary county
10 corrections officers.

11 c. To provide appropriate certification to those
12 probationary officers who successfully complete the
13 prescribed minimum standard basic training course.

14 d. To review and approve annual training curriculum for
15 county sheriffs.

16 e. To review and approve applicants to ensure no
17 applicant is admitted to a certified academy unless the
18 applicant is a person of good character and has not been
19 convicted of a felony offense, any of the misdemeanors in
20 Sections 11-1.50, 11-6, 11-9.1, 11-14, 11-17, 11-19, 12-2,
21 12-15, 16-1, 17-1, 17-2, 28-3, 29-1, 31-1, 31-6, 31-7,
22 32-4a, or 32-7 of the Criminal Code of 1961 or the Criminal
23 Code of 2012, subdivision (a) (1) or (a) (2) (C) of Section
24 11-14.3 of the Criminal Code of 1961 or the Criminal Code
25 of 2012, or subsection (a) of Section 17-32 of the Criminal
26 Code of 1961 or the Criminal Code of 2012, or Section 5 or

1 5.2 of the Cannabis Control Act, or a crime involving moral
2 turpitude under the laws of this State or any other state
3 which if committed in this State would be punishable as a
4 felony or a crime of moral turpitude. The Board may appoint
5 investigators who shall enforce the duties conferred upon
6 the Board by this Act.

7 (Source: P.A. 96-1551, eff. 7-1-11.)

8 (50 ILCS 705/6.1)

9 Sec. 6.1. Decertification of full-time and part-time
10 police officers.

11 (a) The Board must review police officer conduct and
12 records to ensure that no police officer is certified or
13 provided a valid waiver if that police officer has been
14 convicted of a felony offense under the laws of this State or
15 any other state which if committed in this State would be
16 punishable as a felony. The Board must also ensure that no
17 police officer is certified or provided a valid waiver if that
18 police officer has been convicted on or after the effective
19 date of this amendatory Act of 1999 of any misdemeanor
20 specified in this Section or if committed in any other state
21 would be an offense similar to Section 11-1.50, 11-6, 11-9.1,
22 11-14, 11-17, 11-19, 12-2, 12-15, 16-1, 17-1, 17-2, 28-3, 29-1,
23 31-1, 31-6, 31-7, 32-4a, or 32-7 of the Criminal Code of 1961
24 or the Criminal Code of 2012, to subdivision (a)(1) or
25 (a)(2)(C) of Section 11-14.3 of the Criminal Code of 1961 or

1 the Criminal Code of 2012, or subsection (a) of Section 17-32
2 of the Criminal Code of 1961 or the Criminal Code of 2012, or
3 to Section 5 or 5.2 of the Cannabis Control Act. The Board must
4 appoint investigators to enforce the duties conferred upon the
5 Board by this Act.

6 (b) It is the responsibility of the sheriff or the chief
7 executive officer of every local law enforcement agency or
8 department within this State to report to the Board any arrest
9 or conviction of any officer for an offense identified in this
10 Section.

11 (c) It is the duty and responsibility of every full-time
12 and part-time police officer in this State to report to the
13 Board within 30 days, and the officer's sheriff or chief
14 executive officer, of his or her arrest or conviction for an
15 offense identified in this Section. Any full-time or part-time
16 police officer who knowingly makes, submits, causes to be
17 submitted, or files a false or untruthful report to the Board
18 must have his or her certificate or waiver immediately
19 decertified or revoked.

20 (d) Any person, or a local or State agency, or the Board is
21 immune from liability for submitting, disclosing, or releasing
22 information of arrests or convictions in this Section as long
23 as the information is submitted, disclosed, or released in good
24 faith and without malice. The Board has qualified immunity for
25 the release of the information.

26 (e) Any full-time or part-time police officer with a

1 certificate or waiver issued by the Board who is convicted of
2 any offense described in this Section immediately becomes
3 decertified or no longer has a valid waiver. The
4 decertification and invalidity of waivers occurs as a matter of
5 law. Failure of a convicted person to report to the Board his
6 or her conviction as described in this Section or any continued
7 law enforcement practice after receiving a conviction is a
8 Class 4 felony.

9 (f) The Board's investigators are peace officers and have
10 all the powers possessed by policemen in cities and by
11 sheriff's, provided that the investigators may exercise those
12 powers anywhere in the State, only after contact and
13 cooperation with the appropriate local law enforcement
14 authorities.

15 (g) The Board must request and receive information and
16 assistance from any federal, state, or local governmental
17 agency as part of the authorized criminal background
18 investigation. The Department of State Police must process,
19 retain, and additionally provide and disseminate information
20 to the Board concerning criminal charges, arrests,
21 convictions, and their disposition, that have been filed
22 before, on, or after the effective date of this amendatory Act
23 of the 91st General Assembly against a basic academy applicant,
24 law enforcement applicant, or law enforcement officer whose
25 fingerprint identification cards are on file or maintained by
26 the Department of State Police. The Federal Bureau of

1 Investigation must provide the Board any criminal history
2 record information contained in its files pertaining to law
3 enforcement officers or any applicant to a Board certified
4 basic law enforcement academy as described in this Act based on
5 fingerprint identification. The Board must make payment of fees
6 to the Department of State Police for each fingerprint card
7 submission in conformance with the requirements of paragraph 22
8 of Section 55a of the Civil Administrative Code of Illinois.

9 (h) A police officer who has been certified or granted a
10 valid waiver shall also be decertified or have his or her
11 waiver revoked upon a determination by the Illinois Labor
12 Relations Board State Panel that he or she, while under oath,
13 has knowingly and willfully made false statements as to a
14 material fact going to an element of the offense of murder. If
15 an appeal is filed, the determination shall be stayed.

16 (1) In the case of an acquittal on a charge of murder,
17 a verified complaint may be filed:

18 (A) by the defendant; or

19 (B) by a police officer with personal knowledge of
20 perjured testimony.

21 The complaint must allege that a police officer, while
22 under oath, knowingly and willfully made false statements
23 as to a material fact going to an element of the offense of
24 murder. The verified complaint must be filed with the
25 Executive Director of the Illinois Law Enforcement
26 Training Standards Board within 2 years of the judgment of

1 acquittal.

2 (2) Within 30 days, the Executive Director of the
3 Illinois Law Enforcement Training Standards Board shall
4 review the verified complaint and determine whether the
5 verified complaint is frivolous and without merit, or
6 whether further investigation is warranted. The Illinois
7 Law Enforcement Training Standards Board shall notify the
8 officer and the Executive Director of the Illinois Labor
9 Relations Board State Panel of the filing of the complaint
10 and any action taken thereon. If the Executive Director of
11 the Illinois Law Enforcement Training Standards Board
12 determines that the verified complaint is frivolous and
13 without merit, it shall be dismissed. The Executive
14 Director of the Illinois Law Enforcement Training
15 Standards Board has sole discretion to make this
16 determination and this decision is not subject to appeal.

17 (i) If the Executive Director of the Illinois Law
18 Enforcement Training Standards Board determines that the
19 verified complaint warrants further investigation, he or she
20 shall refer the matter to a task force of investigators created
21 for this purpose. This task force shall consist of 8 sworn
22 police officers: 2 from the Illinois State Police, 2 from the
23 City of Chicago Police Department, 2 from county police
24 departments, and 2 from municipal police departments. These
25 investigators shall have a minimum of 5 years of experience in
26 conducting criminal investigations. The investigators shall be

1 appointed by the Executive Director of the Illinois Law
2 Enforcement Training Standards Board. Any officer or officers
3 acting in this capacity pursuant to this statutory provision
4 will have statewide police authority while acting in this
5 investigative capacity. Their salaries and expenses for the
6 time spent conducting investigations under this paragraph
7 shall be reimbursed by the Illinois Law Enforcement Training
8 Standards Board.

9 (j) Once the Executive Director of the Illinois Law
10 Enforcement Training Standards Board has determined that an
11 investigation is warranted, the verified complaint shall be
12 assigned to an investigator or investigators. The investigator
13 or investigators shall conduct an investigation of the verified
14 complaint and shall write a report of his or her findings. This
15 report shall be submitted to the Executive Director of the
16 Illinois Labor Relations Board State Panel.

17 Within 30 days, the Executive Director of the Illinois
18 Labor Relations Board State Panel shall review the
19 investigative report and determine whether sufficient evidence
20 exists to conduct an evidentiary hearing on the verified
21 complaint. If the Executive Director of the Illinois Labor
22 Relations Board State Panel determines upon his or her review
23 of the investigatory report that a hearing should not be
24 conducted, the complaint shall be dismissed. This decision is
25 in the Executive Director's sole discretion, and this dismissal
26 may not be appealed.

1 If the Executive Director of the Illinois Labor Relations
2 Board State Panel determines that there is sufficient evidence
3 to warrant a hearing, a hearing shall be ordered on the
4 verified complaint, to be conducted by an administrative law
5 judge employed by the Illinois Labor Relations Board State
6 Panel. The Executive Director of the Illinois Labor Relations
7 Board State Panel shall inform the Executive Director of the
8 Illinois Law Enforcement Training Standards Board and the
9 person who filed the complaint of either the dismissal of the
10 complaint or the issuance of the complaint for hearing. The
11 Executive Director shall assign the complaint to the
12 administrative law judge within 30 days of the decision
13 granting a hearing.

14 (k) In the case of a finding of guilt on the offense of
15 murder, if a new trial is granted on direct appeal, or a state
16 post-conviction evidentiary hearing is ordered, based on a
17 claim that a police officer, under oath, knowingly and
18 willfully made false statements as to a material fact going to
19 an element of the offense of murder, the Illinois Labor
20 Relations Board State Panel shall hold a hearing to determine
21 whether the officer should be decertified if an interested
22 party requests such a hearing within 2 years of the court's
23 decision. The complaint shall be assigned to an administrative
24 law judge within 30 days so that a hearing can be scheduled.

25 At the hearing, the accused officer shall be afforded the
26 opportunity to:

1 (1) Be represented by counsel of his or her own
2 choosing;

3 (2) Be heard in his or her own defense;

4 (3) Produce evidence in his or her defense;

5 (4) Request that the Illinois Labor Relations Board
6 State Panel compel the attendance of witnesses and
7 production of related documents including but not limited
8 to court documents and records.

9 Once a case has been set for hearing, the verified
10 complaint shall be referred to the Department of Professional
11 Regulation. That office shall prosecute the verified complaint
12 at the hearing before the administrative law judge. The
13 Department of Professional Regulation shall have the
14 opportunity to produce evidence to support the verified
15 complaint and to request the Illinois Labor Relations Board
16 State Panel to compel the attendance of witnesses and the
17 production of related documents, including, but not limited to,
18 court documents and records. The Illinois Labor Relations Board
19 State Panel shall have the power to issue subpoenas requiring
20 the attendance of and testimony of witnesses and the production
21 of related documents including, but not limited to, court
22 documents and records and shall have the power to administer
23 oaths.

24 The administrative law judge shall have the responsibility
25 of receiving into evidence relevant testimony and documents,
26 including court records, to support or disprove the allegations

1 made by the person filing the verified complaint and, at the
2 close of the case, hear arguments. If the administrative law
3 judge finds that there is not clear and convincing evidence to
4 support the verified complaint that the police officer has,
5 while under oath, knowingly and willfully made false statements
6 as to a material fact going to an element of the offense of
7 murder, the administrative law judge shall make a written
8 recommendation of dismissal to the Illinois Labor Relations
9 Board State Panel. If the administrative law judge finds that
10 there is clear and convincing evidence that the police officer
11 has, while under oath, knowingly and willfully made false
12 statements as to a material fact that goes to an element of the
13 offense of murder, the administrative law judge shall make a
14 written recommendation so concluding to the Illinois Labor
15 Relations Board State Panel. The hearings shall be transcribed.
16 The Executive Director of the Illinois Law Enforcement Training
17 Standards Board shall be informed of the administrative law
18 judge's recommended findings and decision and the Illinois
19 Labor Relations Board State Panel's subsequent review of the
20 recommendation.

21 (1) An officer named in any complaint filed pursuant to
22 this Act shall be indemnified for his or her reasonable
23 attorney's fees and costs by his or her employer. These fees
24 shall be paid in a regular and timely manner. The State, upon
25 application by the public employer, shall reimburse the public
26 employer for the accused officer's reasonable attorney's fees

1 and costs. At no time and under no circumstances will the
2 accused officer be required to pay his or her own reasonable
3 attorney's fees or costs.

4 (m) The accused officer shall not be placed on unpaid
5 status because of the filing or processing of the verified
6 complaint until there is a final non-appealable order
7 sustaining his or her guilt and his or her certification is
8 revoked. Nothing in this Act, however, restricts the public
9 employer from pursuing discipline against the officer in the
10 normal course and under procedures then in place.

11 (n) The Illinois Labor Relations Board State Panel shall
12 review the administrative law judge's recommended decision and
13 order and determine by a majority vote whether or not there was
14 clear and convincing evidence that the accused officer, while
15 under oath, knowingly and willfully made false statements as to
16 a material fact going to the offense of murder. Within 30 days
17 of service of the administrative law judge's recommended
18 decision and order, the parties may file exceptions to the
19 recommended decision and order and briefs in support of their
20 exceptions with the Illinois Labor Relations Board State Panel.
21 The parties may file responses to the exceptions and briefs in
22 support of the responses no later than 15 days after the
23 service of the exceptions. If exceptions are filed by any of
24 the parties, the Illinois Labor Relations Board State Panel
25 shall review the matter and make a finding to uphold, vacate,
26 or modify the recommended decision and order. If the Illinois

1 Labor Relations Board State Panel concludes that there is clear
2 and convincing evidence that the accused officer, while under
3 oath, knowingly and willfully made false statements as to a
4 material fact going to an element of the offense murder, the
5 Illinois Labor Relations Board State Panel shall inform the
6 Illinois Law Enforcement Training Standards Board and the
7 Illinois Law Enforcement Training Standards Board shall revoke
8 the accused officer's certification. If the accused officer
9 appeals that determination to the Appellate Court, as provided
10 by this Act, he or she may petition the Appellate Court to stay
11 the revocation of his or her certification pending the court's
12 review of the matter.

13 (o) None of the Illinois Labor Relations Board State
14 Panel's findings or determinations shall set any precedent in
15 any of its decisions decided pursuant to the Illinois Public
16 Labor Relations Act by the Illinois Labor Relations Board State
17 Panel or the courts.

18 (p) A party aggrieved by the final order of the Illinois
19 Labor Relations Board State Panel may apply for and obtain
20 judicial review of an order of the Illinois Labor Relations
21 Board State Panel, in accordance with the provisions of the
22 Administrative Review Law, except that such judicial review
23 shall be afforded directly in the Appellate Court for the
24 district in which the accused officer resides. Any direct
25 appeal to the Appellate Court shall be filed within 35 days
26 from the date that a copy of the decision sought to be reviewed

1 was served upon the party affected by the decision.

2 (q) Interested parties. Only interested parties to the
3 criminal prosecution in which the police officer allegedly,
4 while under oath, knowingly and willfully made false statements
5 as to a material fact going to an element of the offense of
6 murder may file a verified complaint pursuant to this Section.
7 For purposes of this Section, "interested parties" shall be
8 limited to the defendant and any police officer who has
9 personal knowledge that the police officer who is the subject
10 of the complaint has, while under oath, knowingly and willfully
11 made false statements as to a material fact going to an element
12 of the offense of murder.

13 (r) Semi-annual reports. The Executive Director of the
14 Illinois Labor Relations Board shall submit semi-annual
15 reports to the Governor, President, and Minority Leader of the
16 Senate, and to the Speaker and Minority Leader of the House of
17 Representatives beginning on June 30, 2004, indicating:

18 (1) the number of verified complaints received since
19 the date of the last report;

20 (2) the number of investigations initiated since the
21 date of the last report;

22 (3) the number of investigations concluded since the
23 date of the last report;

24 (4) the number of investigations pending as of the
25 reporting date;

26 (5) the number of hearings held since the date of the

1 last report; and

2 (6) the number of officers decertified since the date
3 of the last report.

4 (Source: P.A. 96-1551, eff. 7-1-11.)

5 Section 180. The Peace Officer Firearm Training Act is
6 amended by changing Section 2 as follows:

7 (50 ILCS 710/2) (from Ch. 85, par. 516)

8 Sec. 2. Training course for peace officers.

9 (a) Successful completion of a 40 hour course of training
10 in use of a suitable type firearm shall be a condition
11 precedent to the possession and use of that respective firearm
12 by any peace officer in this State in connection with the
13 officer's official duties. The training must be approved by the
14 Illinois Law Enforcement Training Standards Board ("the
15 Board") and may be given in logical segments but must be
16 completed within 6 months from the date of the officer's
17 initial employment. To satisfy the requirements of this Act,
18 the training must include the following:

19 (1) Instruction in the dangers of misuse of the
20 firearm, safety rules, and care and cleaning of the
21 firearm.

22 (2) Practice firing on a range and qualification with
23 the firearm in accordance with the standards established by
24 the Board.

1 (3) Instruction in the legal use of firearms under the
2 Criminal Code of 2012 ~~1961~~ and relevant court decisions.

3 (4) A forceful presentation of the ethical and moral
4 considerations assumed by any person who uses a firearm.

5 (b) Any officer who successfully completes the Basic
6 Training Course prescribed for recruits by the Board shall be
7 presumed to have satisfied the requirements of this Act.

8 (c) The Board shall cause the training courses to be
9 conducted twice each year within each of the Mobile Team
10 Regions, but no training course need be held when there are no
11 police officers requiring the training.

12 (d) (Blank).

13 (e) The Board may waive, or may conditionally waive, the 40
14 hour course of training if, in the Board's opinion, the officer
15 has previously successfully completed a course of similar
16 content and duration. In cases of waiver, the officer shall
17 demonstrate his or her knowledge and proficiency by passing the
18 written examination on firearms and by successfully passing the
19 range qualification portion of the prescribed course of
20 training.

21 (Source: P.A. 94-984, eff. 6-30-06.)

22 Section 185. The Uniform Peace Officers' Disciplinary Act
23 is amended by changing Sections 2 and 5 as follows:

24 (50 ILCS 725/2) (from Ch. 85, par. 2552)

1 Sec. 2. For the purposes of this Act, unless clearly
2 required otherwise, the terms defined in this Section have the
3 meaning ascribed herein:

4 (a) "Officer" means any peace officer, as defined by
5 Section 2-13 of the Criminal Code of 2012 ~~1961, as now or~~
6 ~~hereafter amended~~, who is employed by any unit of local
7 government or a State college or university, including
8 supervisory and command personnel, and any pay-grade
9 investigator for the Secretary of State as defined in Section
10 14-110 of the Illinois Pension Code, including Secretary of
11 State sergeants, lieutenants, commanders, and investigator
12 trainees. The term does not include crossing guards, parking
13 enforcement personnel, traffic wardens or employees of any
14 State's Attorney's office.

15 (b) "Informal inquiry" means a meeting by supervisory or
16 command personnel with an officer upon whom an allegation of
17 misconduct has come to the attention of such supervisory or
18 command personnel, the purpose of which meeting is to mediate a
19 citizen complaint or discuss the facts to determine whether a
20 formal investigation should be commenced.

21 (c) "Formal investigation" means the process of
22 investigation ordered by a commanding officer during which the
23 questioning of an officer is intended to gather evidence of
24 misconduct which may be the basis for filing charges seeking
25 his or her removal, discharge or suspension in excess of 3
26 days.

1 (d) "Interrogation" means the questioning of an officer
2 pursuant to the formal investigation procedures of the
3 respective State agency or local governmental unit in
4 connection with an alleged violation of such agency's or unit's
5 rules which may be the basis for filing charges seeking his or
6 her suspension, removal, or discharge. The term does not
7 include questioning (1) as part of an informal inquiry or (2)
8 relating to minor infractions of agency rules which may be
9 noted on the officer's record but which may not in themselves
10 result in removal, discharge or suspension in excess of 3 days.

11 (e) "Administrative proceeding" means any non-judicial
12 hearing which is authorized to recommend, approve or order the
13 suspension, removal, or discharge of an officer.

14 (Source: P.A. 95-293, eff. 1-1-08.)

15 (50 ILCS 725/5) (from Ch. 85, par. 2566)

16 Sec. 5. This Act does not apply to any officer charged with
17 violating any provisions of the Criminal Code of 1961, the
18 Criminal Code of 2012, or any other federal, State, or local
19 criminal law.

20 (Source: P.A. 83-981.)

21 Section 190. The Firemen's Disciplinary Act is amended by
22 changing Section 5 as follows:

23 (50 ILCS 745/5) (from Ch. 85, par. 2516)

1 Sec. 5. This Act does not apply to any fireman charged with
2 violating any provisions of the Criminal Code of 1961, the
3 Criminal Code of 2012, or any other federal, State, or local
4 criminal law.

5 (Source: P.A. 83-783.)

6 Section 195. The Emergency Telephone System Act is amended
7 by changing Sections 6 and 15.2 as follows:

8 (50 ILCS 750/6) (from Ch. 134, par. 36)

9 Sec. 6. Capabilities of system; pay telephones. All systems
10 shall be designed to meet the specific requirements of each
11 community and public agency served by the system. Every system,
12 whether basic or sophisticated, shall be designed to have the
13 capability of utilizing at least 1 of the methods specified in
14 Sections 2.03 through 2.06, in response to emergency calls. The
15 General Assembly finds and declares that the most critical
16 aspect of the design of any system is the procedure established
17 for handling a telephone request for emergency services.

18 In addition, to maximize efficiency and utilization of the
19 system, all pay telephones within each system shall, within 3
20 years after the implementation date or by December 31, 1985,
21 whichever is later, enable a caller to dial "9-1-1" for
22 emergency services without the necessity of inserting a coin.
23 This paragraph does not apply to pay telephones located in
24 penal institutions, as defined in Section 2-14 of the Criminal

1 Code of 2012 ~~1961~~, that have been designated for the exclusive
2 use of committed persons.

3 (Source: P.A. 91-518, eff. 8-13-99.)

4 (50 ILCS 750/15.2) (from Ch. 134, par. 45.2)

5 Sec. 15.2. Any person calling the number "911" for the
6 purpose of making a false alarm or complaint and reporting
7 false information is subject to the provisions of Section 26-1
8 of the Criminal Code of 2012 ~~1961~~.

9 (Source: P.A. 92-502, eff. 12-19-01.)

10 Section 200. The Counties Code is amended by changing
11 Sections 3-9005, 3-9007, 4-2002, 5-1103, and 5-1117 as follows:

12 (55 ILCS 5/3-9005) (from Ch. 34, par. 3-9005)

13 Sec. 3-9005. Powers and duties of State's attorney.

14 (a) The duty of each State's attorney shall be:

15 (1) To commence and prosecute all actions, suits,
16 indictments and prosecutions, civil and criminal, in the
17 circuit court for his county, in which the people of the
18 State or county may be concerned.

19 (2) To prosecute all forfeited bonds and
20 recognizances, and all actions and proceedings for the
21 recovery of debts, revenues, moneys, fines, penalties and
22 forfeitures accruing to the State or his county, or to any
23 school district or road district in his county; also, to

1 prosecute all suits in his county against railroad or
2 transportation companies, which may be prosecuted in the
3 name of the People of the State of Illinois.

4 (3) To commence and prosecute all actions and
5 proceedings brought by any county officer in his official
6 capacity.

7 (4) To defend all actions and proceedings brought
8 against his county, or against any county or State officer,
9 in his official capacity, within his county.

10 (5) To attend the examination of all persons brought
11 before any judge on habeas corpus, when the prosecution is
12 in his county.

13 (6) To attend before judges and prosecute charges of
14 felony or misdemeanor, for which the offender is required
15 to be recognized to appear before the circuit court, when
16 in his power so to do.

17 (7) To give his opinion, without fee or reward, to any
18 county officer in his county, upon any question or law
19 relating to any criminal or other matter, in which the
20 people or the county may be concerned.

21 (8) To assist the attorney general whenever it may be
22 necessary, and in cases of appeal from his county to the
23 Supreme Court, to which it is the duty of the attorney
24 general to attend, he shall furnish the attorney general at
25 least 10 days before such is due to be filed, a manuscript
26 of a proposed statement, brief and argument to be printed

1 and filed on behalf of the people, prepared in accordance
2 with the rules of the Supreme Court. However, if such
3 brief, argument or other document is due to be filed by law
4 or order of court within this 10 day period, then the
5 State's attorney shall furnish such as soon as may be
6 reasonable.

7 (9) To pay all moneys received by him in trust, without
8 delay, to the officer who by law is entitled to the custody
9 thereof.

10 (10) To notify, by first class mail, complaining
11 witnesses of the ultimate disposition of the cases arising
12 from an indictment or an information.

13 (11) To perform such other and further duties as may,
14 from time to time, be enjoined on him by law.

15 (12) To appear in all proceedings by collectors of
16 taxes against delinquent taxpayers for judgments to sell
17 real estate, and see that all the necessary preliminary
18 steps have been legally taken to make the judgment legal
19 and binding.

20 (13) To notify, by first-class mail, the State
21 Superintendent of Education, the applicable regional
22 superintendent of schools, and the superintendent of the
23 employing school district or the chief school
24 administrator of the employing nonpublic school, if any,
25 upon the conviction of any individual known to possess a
26 certificate or license issued pursuant to Article 21 or

1 21B, respectively, of the School Code of any offense set
2 forth in Section 21B-80 of the School Code or any other
3 felony conviction, providing the name of the certificate
4 holder, the fact of the conviction, and the name and
5 location of the court where the conviction occurred. The
6 certificate holder must also be contemporaneously sent a
7 copy of the notice.

8 (b) The State's Attorney of each county shall have
9 authority to appoint one or more special investigators to serve
10 subpoenas, make return of process and conduct investigations
11 which assist the State's Attorney in the performance of his
12 duties. A special investigator shall not carry firearms except
13 with permission of the State's Attorney and only while carrying
14 appropriate identification indicating his employment and in
15 the performance of his assigned duties.

16 Subject to the qualifications set forth in this subsection,
17 special investigators shall be peace officers and shall have
18 all the powers possessed by investigators under the State's
19 Attorneys Appellate Prosecutor's Act.

20 No special investigator employed by the State's Attorney
21 shall have peace officer status or exercise police powers
22 unless he or she successfully completes the basic police
23 training course mandated and approved by the Illinois Law
24 Enforcement Training Standards Board or such board waives the
25 training requirement by reason of the special investigator's
26 prior law enforcement experience or training or both. Any

1 State's Attorney appointing a special investigator shall
2 consult with all affected local police agencies, to the extent
3 consistent with the public interest, if the special
4 investigator is assigned to areas within that agency's
5 jurisdiction.

6 Before a person is appointed as a special investigator, his
7 fingerprints shall be taken and transmitted to the Department
8 of State Police. The Department shall examine its records and
9 submit to the State's Attorney of the county in which the
10 investigator seeks appointment any conviction information
11 concerning the person on file with the Department. No person
12 shall be appointed as a special investigator if he has been
13 convicted of a felony or other offense involving moral
14 turpitude. A special investigator shall be paid a salary and be
15 reimbursed for actual expenses incurred in performing his
16 assigned duties. The county board shall approve the salary and
17 actual expenses and appropriate the salary and expenses in the
18 manner prescribed by law or ordinance.

19 (c) The State's Attorney may request and receive from
20 employers, labor unions, telephone companies, and utility
21 companies location information concerning putative fathers and
22 noncustodial parents for the purpose of establishing a child's
23 paternity or establishing, enforcing, or modifying a child
24 support obligation. In this subsection, "location information"
25 means information about (i) the physical whereabouts of a
26 putative father or noncustodial parent, (ii) the putative

1 father or noncustodial parent's employer, or (iii) the salary,
2 wages, and other compensation paid and the health insurance
3 coverage provided to the putative father or noncustodial parent
4 by the employer of the putative father or noncustodial parent
5 or by a labor union of which the putative father or
6 noncustodial parent is a member.

7 (d) For each State fiscal year, the State's Attorney of
8 Cook County shall appear before the General Assembly and
9 request appropriations to be made from the Capital Litigation
10 Trust Fund to the State Treasurer for the purpose of providing
11 assistance in the prosecution of capital cases in Cook County
12 and for the purpose of providing assistance to the State in
13 post-conviction proceedings in capital cases under Article 122
14 of the Code of Criminal Procedure of 1963 and in relation to
15 petitions filed under Section 2-1401 of the Code of Civil
16 Procedure in relation to capital cases. The State's Attorney
17 may appear before the General Assembly at other times during
18 the State's fiscal year to request supplemental appropriations
19 from the Trust Fund to the State Treasurer.

20 (e) The State's Attorney shall have the authority to enter
21 into a written agreement with the Department of Revenue for
22 pursuit of civil liability under subsection (E) of Section 17-1
23 of the Criminal Code of 2012 ~~1961~~ against persons who have
24 issued to the Department checks or other orders in violation of
25 the provisions of paragraph (1) of subsection (B) of Section
26 17-1 of the Criminal Code of 2012 ~~1961~~, with the Department to

1 retain the amount owing upon the dishonored check or order
2 along with the dishonored check fee imposed under the Uniform
3 Penalty and Interest Act, with the balance of damages, fees,
4 and costs collected under subsection (E) of Section 17-1 of the
5 Criminal Code of 2012 ~~1961~~ or under Section 17-1a of that Code
6 to be retained by the State's Attorney. The agreement shall not
7 affect the allocation of fines and costs imposed in any
8 criminal prosecution.

9 (Source: P.A. 96-431, eff. 8-13-09; 96-1551, eff. 7-1-11;
10 97-607, eff. 8-26-11.)

11 (55 ILCS 5/3-9007) (from Ch. 34, par. 3-9007)

12 Sec. 3-9007. Home rule unit liquor tax ordinance;
13 prosecutions. Where any county, municipality or other unit of
14 local government has adopted any ordinance or other regulation
15 imposing a tax upon the privilege of engaging in business as a
16 manufacturer, importing distributor, retailer or distributor
17 of beer, alcohol or other spirits, pursuant to its home rule
18 powers under Article VII, Section 6 of the Constitution of the
19 State of Illinois, nothing shall prohibit a State's attorney
20 from prosecuting any offense under the Criminal Code of 1961 or
21 the Criminal Code of 2012 which may also constitute a violation
22 of the applicable ordinance or regulation.

23 (Source: P.A. 86-962.)

24 (55 ILCS 5/4-2002) (from Ch. 34, par. 4-2002)

1 Sec. 4-2002. State's attorney fees in counties under
2 3,000,000 population. This Section applies only to counties
3 with fewer than 3,000,000 inhabitants.

4 (a) State's attorneys shall be entitled to the following
5 fees, however, the fee requirement of this subsection does not
6 apply to county boards:

7 For each conviction in prosecutions on indictments for
8 first degree murder, second degree murder, involuntary
9 manslaughter, criminal sexual assault, aggravated criminal
10 sexual assault, aggravated criminal sexual abuse, kidnapping,
11 arson and forgery, \$30. All other cases punishable by
12 imprisonment in the penitentiary, \$30.

13 For each conviction in other cases tried before judges of
14 the circuit court, \$15; except that if the conviction is in a
15 case which may be assigned to an associate judge, whether or
16 not it is in fact assigned to an associate judge, the fee shall
17 be \$10.

18 For preliminary examinations for each defendant held to
19 bail or recognizance, \$10.

20 For each examination of a party bound over to keep the
21 peace, \$10.

22 For each defendant held to answer in a circuit court on a
23 charge of paternity, \$10.

24 For each trial on a charge of paternity, \$30.

25 For each case of appeal taken from his county or from the
26 county to which a change of venue is taken to his county to the

1 Supreme or Appellate Court when prosecuted or defended by him,
2 \$50.

3 For each day actually employed in the trial of a case, \$25;
4 in which case the court before whom the case is tried shall
5 make an order specifying the number of days for which a per
6 diem shall be allowed.

7 For each day actually employed in the trial of cases of
8 felony arising in their respective counties and taken by change
9 of venue to another county, \$25; and the court before whom the
10 case is tried shall make an order specifying the number of days
11 for which said per diem shall be allowed; and it is hereby made
12 the duty of each State's attorney to prepare and try each case
13 of felony arising when so taken by change of venue.

14 For assisting in a trial of each case on an indictment for
15 felony brought by change of venue to their respective counties,
16 the same fees they would be entitled to if such indictment had
17 been found for an offense committed in his county, and it shall
18 be the duty of the State's attorney of the county to which such
19 cause is taken by change of venue to assist in the trial
20 thereof.

21 For each case of forfeited recognizance where the
22 forfeiture is set aside at the instance of the defense, in
23 addition to the ordinary costs, \$10 for each defendant.

24 For each proceeding in a circuit court to inquire into the
25 alleged mental illness of any person, \$10 for each defendant.

26 For each proceeding in a circuit court to inquire into the

1 alleged dependency or delinquency of any child, \$10.

2 For each day actually employed in the hearing of a case of
3 habeas corpus in which the people are interested, \$25.

4 For each violation of the Criminal Code of 1961 or the
5 Criminal Code of 2012 and the Illinois Vehicle Code in which a
6 defendant has entered a plea of guilty or a defendant has
7 stipulated to the facts supporting the charge or a finding of
8 guilt and the court has entered an order of supervision, \$10.

9 State's attorneys shall be entitled to a \$2 fee to be paid
10 by the defendant on a judgment of guilty or a grant of
11 supervision for a violation of any provision of the Illinois
12 Vehicle Code or any felony, misdemeanor, or petty offense to
13 discharge the expenses of the State's Attorney's office for
14 establishing and maintaining automated record keeping systems.
15 The fee shall be remitted monthly to the county treasurer, to
16 be deposited by him or her into a special fund designated as
17 the State's Attorney Records Automation Fund. Expenditures
18 from this fund may be made by the State's Attorney for
19 hardware, software, research, and development costs and
20 personnel related thereto.

21 All the foregoing fees shall be taxed as costs to be
22 collected from the defendant, if possible, upon conviction. But
23 in cases of inquiry into the mental illness of any person
24 alleged to be mentally ill, in cases on a charge of paternity
25 and in cases of appeal in the Supreme or Appellate Court, where
26 judgment is in favor of the accused, the fees allowed the

1 State's attorney therein shall be retained out of the fines and
2 forfeitures collected by them in other cases.

3 Ten per cent of all moneys except revenue, collected by
4 them and paid over to the authorities entitled thereto, which
5 per cent together with the fees provided for herein that are
6 not collected from the parties tried or examined, shall be paid
7 out of any fines and forfeited recognizances collected by them,
8 provided however, that in proceedings to foreclose the lien of
9 delinquent real estate taxes State's attorneys shall receive a
10 fee, to be credited to the earnings of their office, of 10% of
11 the total amount realized from the sale of real estate sold in
12 such proceedings. Such fees shall be paid from the total amount
13 realized from the sale of the real estate sold in such
14 proceedings.

15 State's attorneys shall have a lien for their fees on all
16 judgments for fines or forfeitures procured by them and on
17 moneys except revenue received by them until such fees and
18 earnings are fully paid.

19 No fees shall be charged on more than 10 counts in any one
20 indictment or information on trial and conviction; nor on more
21 than 10 counts against any one defendant on pleas of guilty.

22 The Circuit Court may direct that of all monies received,
23 by restitution or otherwise, which monies are ordered paid to
24 the Department of Healthcare and Family Services (formerly
25 Department of Public Aid) or the Department of Human Services
26 (acting as successor to the Department of Public Aid under the

1 Department of Human Services Act) as a direct result of the
2 efforts of the State's attorney and which payments arise from
3 Civil or Criminal prosecutions involving the Illinois Public
4 Aid Code or the Criminal Code, the following amounts shall be
5 paid quarterly by the Department of Healthcare and Family
6 Services or the Department of Human Services to the General
7 Corporate Fund of the County in which the prosecution or cause
8 of action took place:

9 (1) where the monies result from child support
10 obligations, not more than 25% of the federal share of the
11 monies received,

12 (2) where the monies result from other than child
13 support obligations, not more than 25% of the State's share
14 of the monies received.

15 In addition to any other amounts to which State's Attorneys
16 are entitled under this Section, State's Attorneys are entitled
17 to \$10 of the fine that is imposed under Section 5-9-1.17 of
18 the Unified Code of Corrections, as set forth in that Section.

19 (b) A municipality shall be entitled to a \$25 prosecution
20 fee for each conviction for a violation of the Illinois Vehicle
21 Code prosecuted by the municipal attorney pursuant to Section
22 16-102 of that Code which results in a finding of guilt before
23 a circuit or associate judge or in which a defendant has
24 stipulated to the facts supporting the charge or a finding of
25 guilt and the court has entered an order of supervision and
26 shall be entitled to a \$25 prosecution fee for each conviction

1 for a violation of a municipal vehicle ordinance or nontraffic
2 ordinance which results in a finding of guilt before a circuit
3 or associate judge or in which a defendant has stipulated to
4 the facts supporting the charge or a finding of guilt and the
5 court has entered an order of supervision. Such fee shall be
6 taxed as costs to be collected from the defendant, if possible,
7 upon disposition of the case. A municipality shall have a lien
8 for such prosecution fees on all judgments or fines procured by
9 the municipal attorney from prosecutions for violations of the
10 Illinois Vehicle Code and municipal vehicle ordinances or
11 nontraffic ordinances.

12 For the purposes of this subsection (b), "municipal vehicle
13 ordinance" means any ordinance enacted pursuant to Sections
14 11-40-1, 11-40-2, 11-40-2a and 11-40-3 of the Illinois
15 Municipal Code or any ordinance enacted by a municipality which
16 is similar to a provision of Chapter 11 of the Illinois Vehicle
17 Code.

18 (Source: P.A. 96-707, eff. 1-1-10; 96-1186, eff. 7-22-10;
19 97-331, eff. 8-12-11; 97-673, eff. 6-1-12; revised 10-16-12.)

20 (55 ILCS 5/5-1103) (from Ch. 34, par. 5-1103)

21 Sec. 5-1103. Court services fee. A county board may enact
22 by ordinance or resolution a court services fee dedicated to
23 defraying court security expenses incurred by the sheriff in
24 providing court services or for any other court services deemed
25 necessary by the sheriff to provide for court security,

1 including without limitation court services provided pursuant
2 to Section 3-6023, as now or hereafter amended. Such fee shall
3 be paid in civil cases by each party at the time of filing the
4 first pleading, paper or other appearance; provided that no
5 additional fee shall be required if more than one party is
6 represented in a single pleading, paper or other appearance. In
7 criminal, local ordinance, county ordinance, traffic and
8 conservation cases, such fee shall be assessed against the
9 defendant upon a plea of guilty, stipulation of facts or
10 findings of guilty, resulting in a judgment of conviction, or
11 order of supervision, or sentence of probation without entry of
12 judgment pursuant to Section 10 of the Cannabis Control Act,
13 Section 410 of the Illinois Controlled Substances Act, Section
14 70 of the Methamphetamine Control and Community Protection Act,
15 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 of the
16 Criminal Code of 1961 or the Criminal Code of 2012, Section
17 10-102 of the Illinois Alcoholism and Other Drug Dependency
18 Act, Section 40-10 of the Alcoholism and Other Drug Abuse and
19 Dependency Act, or Section 10 of the Steroid Control Act. In
20 setting such fee, the county board may impose, with the
21 concurrence of the Chief Judge of the judicial circuit in which
22 the county is located by administrative order entered by the
23 Chief Judge, differential rates for the various types or
24 categories of criminal and civil cases, but the maximum rate
25 shall not exceed \$25. All proceeds from this fee must be used
26 to defray court security expenses incurred by the sheriff in

1 providing court services. No fee shall be imposed or collected,
2 however, in traffic, conservation, and ordinance cases in which
3 fines are paid without a court appearance. The fees shall be
4 collected in the manner in which all other court fees or costs
5 are collected and shall be deposited into the county general
6 fund for payment solely of costs incurred by the sheriff in
7 providing court security or for any other court services deemed
8 necessary by the sheriff to provide for court security.

9 (Source: P.A. 96-1551, eff. 7-1-11.)

10 (55 ILCS 5/5-1117) (from Ch. 34, par. 5-1117)

11 Sec. 5-1117. Discharge of firearms.

12 (a) The county board of any county may, by ordinance,
13 regulate or prohibit within unincorporated areas the discharge
14 of firearms in any residential area where such discharge is
15 likely to subject residents or passersby to the risk of injury.
16 However, such an ordinance shall not limit the right to
17 discharge a firearm for the lawful defense of persons or
18 property, or in the course of making a lawful arrest, when such
19 use of force is justified under Article 7 of the Criminal Code
20 of 2012 ~~1961~~.

21 (b) For the purposes of this Section, a "residential area"
22 is any area within 300 yards of at least 3 single or
23 multi-family residential structures.

24 (Source: P.A. 87-580.)

1 Section 205. The Illinois Municipal Code is amended by
2 changing Sections 10-1-7, 10-1-7.1, 10-2.1-6, and 10-2.1-6.3
3 as follows:

4 (65 ILCS 5/10-1-7) (from Ch. 24, par. 10-1-7)

5 Sec. 10-1-7. Examination of applicants; disqualifications.

6 (a) All applicants for offices or places in the classified
7 service, except those mentioned in Section 10-1-17, are subject
8 to examination. The examination shall be public, competitive,
9 and open to all citizens of the United States, with specified
10 limitations as to residence, age, health, habits and moral
11 character.

12 (b) Residency requirements in effect at the time an
13 individual enters the fire or police service of a municipality
14 (other than a municipality that has more than 1,000,000
15 inhabitants) cannot be made more restrictive for that
16 individual during his or her period of service for that
17 municipality, or be made a condition of promotion, except for
18 the rank or position of Fire or Police Chief.

19 (c) No person with a record of misdemeanor convictions
20 except those under Sections 11-1.50, 11-6, 11-7, 11-9, 11-14,
21 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2, 12-6, 12-15,
22 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6,
23 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8, subdivisions (a)(1) and
24 (a)(2)(C) of Section 11-14.3, and subsections (1), (6) and (8)
25 of Section 24-1 of the Criminal Code of 1961 or the Criminal

1 Code of 2012 or arrested for any cause but not convicted on
2 that cause shall be disqualified from taking the examination on
3 grounds of habits or moral character, unless the person is
4 attempting to qualify for a position on the police department,
5 in which case the conviction or arrest may be considered as a
6 factor in determining the person's habits or moral character.

7 (d) Persons entitled to military preference under Section
8 10-1-16 shall not be subject to limitations specifying age
9 unless they are applicants for a position as a fireman or a
10 policeman having no previous employment status as a fireman or
11 policeman in the regularly constituted fire or police
12 department of the municipality, in which case they must not
13 have attained their 35th birthday, except any person who has
14 served as an auxiliary police officer under Section 3.1-30-20
15 for at least 5 years and is under 40 years of age.

16 (e) All employees of a municipality of less than 500,000
17 population (except those who would be excluded from the
18 classified service as provided in this Division 1) who are
19 holding that employment as of the date a municipality adopts
20 this Division 1, or as of July 17, 1959, whichever date is the
21 later, and who have held that employment for at least 2 years
22 immediately before that later date, and all firemen and
23 policemen regardless of length of service who were either
24 appointed to their respective positions by the board of fire
25 and police commissioners under the provisions of Division 2 of
26 this Article or who are serving in a position (except as a

1 temporary employee) in the fire or police department in the
2 municipality on the date a municipality adopts this Division 1,
3 or as of July 17, 1959, whichever date is the later, shall
4 become members of the classified civil service of the
5 municipality without examination.

6 (f) The examinations shall be practical in their character,
7 and shall relate to those matters that will fairly test the
8 relative capacity of the persons examined to discharge the
9 duties of the positions to which they seek to be appointed. The
10 examinations shall include tests of physical qualifications,
11 health, and (when appropriate) manual skill. If an applicant is
12 unable to pass the physical examination solely as the result of
13 an injury received by the applicant as the result of the
14 performance of an act of duty while working as a temporary
15 employee in the position for which he or she is being examined,
16 however, the physical examination shall be waived and the
17 applicant shall be considered to have passed the examination.
18 No questions in any examination shall relate to political or
19 religious opinions or affiliations. Results of examinations
20 and the eligible registers prepared from the results shall be
21 published by the commission within 60 days after any
22 examinations are held.

23 (g) The commission shall control all examinations, and may,
24 whenever an examination is to take place, designate a suitable
25 number of persons, either in or not in the official service of
26 the municipality, to be examiners. The examiners shall conduct

1 the examinations as directed by the commission and shall make a
2 return or report of the examinations to the commission. If the
3 appointed examiners are in the official service of the
4 municipality, the examiners shall not receive extra
5 compensation for conducting the examinations unless the
6 examiners are subject to a collective bargaining agreement with
7 the municipality. The commission may at any time substitute any
8 other person, whether or not in the service of the
9 municipality, in the place of any one selected as an examiner.
10 The commission members may themselves at any time act as
11 examiners without appointing examiners. The examiners at any
12 examination shall not all be members of the same political
13 party.

14 (h) In municipalities of 500,000 or more population, no
15 person who has attained his or her 35th birthday shall be
16 eligible to take an examination for a position as a fireman or
17 a policeman unless the person has had previous employment
18 status as a policeman or fireman in the regularly constituted
19 police or fire department of the municipality, except as
20 provided in this Section.

21 (i) In municipalities of more than 5,000 but not more than
22 200,000 inhabitants, no person who has attained his or her 35th
23 birthday shall be eligible to take an examination for a
24 position as a fireman or a policeman unless the person has had
25 previous employment status as a policeman or fireman in the
26 regularly constituted police or fire department of the

1 municipality, except as provided in this Section.

2 (j) In all municipalities, applicants who are 20 years of
3 age and who have successfully completed 2 years of law
4 enforcement studies at an accredited college or university may
5 be considered for appointment to active duty with the police
6 department. An applicant described in this subsection (j) who
7 is appointed to active duty shall not have power of arrest, nor
8 shall the applicant be permitted to carry firearms, until he or
9 she reaches 21 years of age.

10 (k) In municipalities of more than 500,000 population,
11 applications for examination for and appointment to positions
12 as firefighters or police shall be made available at various
13 branches of the public library of the municipality.

14 (l) No municipality having a population less than 1,000,000
15 shall require that any fireman appointed to the lowest rank
16 serve a probationary employment period of longer than one year.
17 The limitation on periods of probationary employment provided
18 in this amendatory Act of 1989 is an exclusive power and
19 function of the State. Pursuant to subsection (h) of Section 6
20 of Article VII of the Illinois Constitution, a home rule
21 municipality having a population less than 1,000,000 must
22 comply with this limitation on periods of probationary
23 employment, which is a denial and limitation of home rule
24 powers. Notwithstanding anything to the contrary in this
25 Section, the probationary employment period limitation may be
26 extended for a firefighter who is required, as a condition of

1 employment, to be a certified paramedic, during which time the
2 sole reason that a firefighter may be discharged without a
3 hearing is for failing to meet the requirements for paramedic
4 certification.

5 (m) To the extent that this Section or any other Section in
6 this Division conflicts with Section 10-1-7.1 or 10-1-7.2, then
7 Section 10-1-7.1 or 10-1-7.2 shall control.

8 (Source: P.A. 96-1551, eff. 7-1-11; 97-251, eff. 8-4-11;
9 97-898, eff. 8-6-12; 97-1109, eff. 1-1-13.)

10 (65 ILCS 5/10-1-7.1)

11 Sec. 10-1-7.1. Original appointments; full-time fire
12 department.

13 (a) Applicability. Unless a commission elects to follow the
14 provisions of Section 10-1-7.2, this Section shall apply to all
15 original appointments to an affected full-time fire
16 department. Existing registers of eligibles shall continue to
17 be valid until their expiration dates, or up to a maximum of 2
18 years after the effective date of this amendatory Act of the
19 97th General Assembly.

20 Notwithstanding any statute, ordinance, rule, or other law
21 to the contrary, all original appointments to an affected
22 department to which this Section applies shall be administered
23 in the manner provided for in this Section. Provisions of the
24 Illinois Municipal Code, municipal ordinances, and rules
25 adopted pursuant to such authority and other laws relating to

1 initial hiring of firefighters in affected departments shall
2 continue to apply to the extent they are compatible with this
3 Section, but in the event of a conflict between this Section
4 and any other law, this Section shall control.

5 A home rule or non-home rule municipality may not
6 administer its fire department process for original
7 appointments in a manner that is less stringent than this
8 Section. This Section is a limitation under subsection (i) of
9 Section 6 of Article VII of the Illinois Constitution on the
10 concurrent exercise by home rule units of the powers and
11 functions exercised by the State.

12 A municipality that is operating under a court order or
13 consent decree regarding original appointments to a full-time
14 fire department before the effective date of this amendatory
15 Act of the 97th General Assembly is exempt from the
16 requirements of this Section for the duration of the court
17 order or consent decree.

18 Notwithstanding any other provision of this subsection
19 (a), this Section does not apply to a municipality with more
20 than 1,000,000 inhabitants.

21 (b) Original appointments. All original appointments made
22 to an affected fire department shall be made from a register of
23 eligibles established in accordance with the processes
24 established by this Section. Only persons who meet or exceed
25 the performance standards required by this Section shall be
26 placed on a register of eligibles for original appointment to

1 an affected fire department.

2 Whenever an appointing authority authorizes action to hire
3 a person to perform the duties of a firefighter or to hire a
4 firefighter-paramedic to fill a position that is a new position
5 or vacancy due to resignation, discharge, promotion, death, the
6 granting of a disability or retirement pension, or any other
7 cause, the appointing authority shall appoint to that position
8 the person with the highest ranking on the final eligibility
9 list. If the appointing authority has reason to conclude that
10 the highest ranked person fails to meet the minimum standards
11 for the position or if the appointing authority believes an
12 alternate candidate would better serve the needs of the
13 department, then the appointing authority has the right to pass
14 over the highest ranked person and appoint either: (i) any
15 person who has a ranking in the top 5% of the register of
16 eligibles or (ii) any person who is among the top 5 highest
17 ranked persons on the list of eligibles if the number of people
18 who have a ranking in the top 5% of the register of eligibles
19 is less than 5 people.

20 Any candidate may pass on an appointment once without
21 losing his or her position on the register of eligibles. Any
22 candidate who passes a second time may be removed from the list
23 by the appointing authority provided that such action shall not
24 prejudice a person's opportunities to participate in future
25 examinations, including an examination held during the time a
26 candidate is already on the municipality's register of

1 eligibles.

2 The sole authority to issue certificates of appointment
3 shall be vested in the Civil Service Commission. All
4 certificates of appointment issued to any officer or member of
5 an affected department shall be signed by the chairperson and
6 secretary, respectively, of the commission upon appointment of
7 such officer or member to the affected department by the
8 commission. Each person who accepts a certificate of
9 appointment and successfully completes his or her probationary
10 period shall be enrolled as a firefighter and as a regular
11 member of the fire department.

12 For the purposes of this Section, "firefighter" means any
13 person who has been prior to, on, or after the effective date
14 of this amendatory Act of the 97th General Assembly appointed
15 to a fire department or fire protection district or employed by
16 a State university and sworn or commissioned to perform
17 firefighter duties or paramedic duties, or both, except that
18 the following persons are not included: part-time
19 firefighters; auxiliary, reserve, or voluntary firefighters,
20 including paid-on-call firefighters; clerks and dispatchers or
21 other civilian employees of a fire department or fire
22 protection district who are not routinely expected to perform
23 firefighter duties; and elected officials.

24 (c) Qualification for placement on register of eligibles.
25 The purpose of establishing a register of eligibles is to
26 identify applicants who possess and demonstrate the mental

1 aptitude and physical ability to perform the duties required of
2 members of the fire department in order to provide the highest
3 quality of service to the public. To this end, all applicants
4 for original appointment to an affected fire department shall
5 be subject to examination and testing which shall be public,
6 competitive, and open to all applicants unless the municipality
7 shall by ordinance limit applicants to residents of the
8 municipality, county or counties in which the municipality is
9 located, State, or nation. Municipalities may establish
10 educational, emergency medical service licensure, and other
11 pre-requisites for participation in an examination or for hire
12 as a firefighter. Any municipality may charge a fee to cover
13 the costs of the application process.

14 Residency requirements in effect at the time an individual
15 enters the fire service of a municipality cannot be made more
16 restrictive for that individual during his or her period of
17 service for that municipality, or be made a condition of
18 promotion, except for the rank or position of fire chief and
19 for no more than 2 positions that rank immediately below that
20 of the chief rank which are appointed positions pursuant to the
21 Fire Department Promotion Act.

22 No person who is 35 years of age or older shall be eligible
23 to take an examination for a position as a firefighter unless
24 the person has had previous employment status as a firefighter
25 in the regularly constituted fire department of the
26 municipality, except as provided in this Section. The age

1 limitation does not apply to:

2 (1) any person previously employed as a full-time
3 firefighter in a regularly constituted fire department of
4 (i) any municipality or fire protection district located in
5 Illinois, (ii) a fire protection district whose
6 obligations were assumed by a municipality under Section 21
7 of the Fire Protection District Act, or (iii) a
8 municipality whose obligations were taken over by a fire
9 protection district, or

10 (2) any person who has served a municipality as a
11 regularly enrolled volunteer, paid-on-call, or part-time
12 firefighter for the 5 years immediately preceding the time
13 that the municipality begins to use full-time firefighters
14 to provide all or part of its fire protection service.

15 No person who is under 21 years of age shall be eligible
16 for employment as a firefighter.

17 No applicant shall be examined concerning his or her
18 political or religious opinions or affiliations. The
19 examinations shall be conducted by the commissioners of the
20 municipality or their designees and agents.

21 No municipality shall require that any firefighter
22 appointed to the lowest rank serve a probationary employment
23 period of longer than one year of actual active employment,
24 which may exclude periods of training, or injury or illness
25 leaves, including duty related leave, in excess of 30 calendar
26 days. Notwithstanding anything to the contrary in this Section,

1 the probationary employment period limitation may be extended
2 for a firefighter who is required, as a condition of
3 employment, to be a certified paramedic, during which time the
4 sole reason that a firefighter may be discharged without a
5 hearing is for failing to meet the requirements for paramedic
6 certification.

7 In the event that any applicant who has been found eligible
8 for appointment and whose name has been placed upon the final
9 eligibility register provided for in this Division 1 has not
10 been appointed to a firefighter position within one year after
11 the date of his or her physical ability examination, the
12 commission may cause a second examination to be made of that
13 applicant's physical ability prior to his or her appointment.
14 If, after the second examination, the physical ability of the
15 applicant shall be found to be less than the minimum standard
16 fixed by the rules of the commission, the applicant shall not
17 be appointed. The applicant's name may be retained upon the
18 register of candidates eligible for appointment and when next
19 reached for certification and appointment that applicant may be
20 again examined as provided in this Section, and if the physical
21 ability of that applicant is found to be less than the minimum
22 standard fixed by the rules of the commission, the applicant
23 shall not be appointed, and the name of the applicant shall be
24 removed from the register.

25 (d) Notice, examination, and testing components. Notice of
26 the time, place, general scope, merit criteria for any

1 subjective component, and fee of every examination shall be
2 given by the commission, by a publication at least 2 weeks
3 preceding the examination: (i) in one or more newspapers
4 published in the municipality, or if no newspaper is published
5 therein, then in one or more newspapers with a general
6 circulation within the municipality, or (ii) on the
7 municipality's Internet website. Additional notice of the
8 examination may be given as the commission shall prescribe.

9 The examination and qualifying standards for employment of
10 firefighters shall be based on: mental aptitude, physical
11 ability, preferences, moral character, and health. The mental
12 aptitude, physical ability, and preference components shall
13 determine an applicant's qualification for and placement on the
14 final register of eligibles. The examination may also include a
15 subjective component based on merit criteria as determined by
16 the commission. Scores from the examination must be made
17 available to the public.

18 (e) Mental aptitude. No person who does not possess at
19 least a high school diploma or an equivalent high school
20 education shall be placed on a register of eligibles.
21 Examination of an applicant's mental aptitude shall be based
22 upon a written examination. The examination shall be practical
23 in character and relate to those matters that fairly test the
24 capacity of the persons examined to discharge the duties
25 performed by members of a fire department. Written examinations
26 shall be administered in a manner that ensures the security and

1 accuracy of the scores achieved.

2 (f) Physical ability. All candidates shall be required to
3 undergo an examination of their physical ability to perform the
4 essential functions included in the duties they may be called
5 upon to perform as a member of a fire department. For the
6 purposes of this Section, essential functions of the job are
7 functions associated with duties that a firefighter may be
8 called upon to perform in response to emergency calls. The
9 frequency of the occurrence of those duties as part of the fire
10 department's regular routine shall not be a controlling factor
11 in the design of examination criteria or evolutions selected
12 for testing. These physical examinations shall be open,
13 competitive, and based on industry standards designed to test
14 each applicant's physical abilities in the following
15 dimensions:

16 (1) Muscular strength to perform tasks and evolutions
17 that may be required in the performance of duties including
18 grip strength, leg strength, and arm strength. Tests shall
19 be conducted under anaerobic as well as aerobic conditions
20 to test both the candidate's speed and endurance in
21 performing tasks and evolutions. Tasks tested may be based
22 on standards developed, or approved, by the local
23 appointing authority.

24 (2) The ability to climb ladders, operate from heights,
25 walk or crawl in the dark along narrow and uneven surfaces,
26 and operate in proximity to hazardous environments.

1 (3) The ability to carry out critical, time-sensitive,
2 and complex problem solving during physical exertion in
3 stressful and hazardous environments. The testing
4 environment may be hot and dark with tightly enclosed
5 spaces, flashing lights, sirens, and other distractions.

6 The tests utilized to measure each applicant's
7 capabilities in each of these dimensions may be tests based on
8 industry standards currently in use or equivalent tests
9 approved by the Joint Labor-Management Committee of the Office
10 of the State Fire Marshal.

11 Physical ability examinations administered under this
12 Section shall be conducted with a reasonable number of proctors
13 and monitors, open to the public, and subject to reasonable
14 regulations of the commission.

15 (g) Scoring of examination components. Appointing
16 authorities may create a preliminary eligibility register. A
17 person shall be placed on the list based upon his or her
18 passage of the written examination or the passage of the
19 written examination and the physical ability component.
20 Passage of the written examination means a score that is at or
21 above the median score for all applicants participating in the
22 written test. The appointing authority may conduct the physical
23 ability component and any subjective components subsequent to
24 the posting of the preliminary eligibility register.

25 The examination components for an initial eligibility
26 register shall be graded on a 100-point scale. A person's

1 position on the list shall be determined by the following: (i)
2 the person's score on the written examination, (ii) the person
3 successfully passing the physical ability component, and (iii)
4 the person's results on any subjective component as described
5 in subsection (d).

6 In order to qualify for placement on the final eligibility
7 register, an applicant's score on the written examination,
8 before any applicable preference points or subjective points
9 are applied, shall be at or above the median score. The local
10 appointing authority may prescribe the score to qualify for
11 placement on the final eligibility register, but the score
12 shall not be less than the median score.

13 The commission shall prepare and keep a register of persons
14 whose total score is not less than the minimum fixed by this
15 Section and who have passed the physical ability examination.
16 These persons shall take rank upon the register as candidates
17 in the order of their relative excellence based on the highest
18 to the lowest total points scored on the mental aptitude,
19 subjective component, and preference components of the test
20 administered in accordance with this Section. No more than 60
21 days after each examination, an initial eligibility list shall
22 be posted by the commission. The list shall include the final
23 grades of the candidates without reference to priority of the
24 time of examination and subject to claim for preference credit.

25 Commissions may conduct additional examinations, including
26 without limitation a polygraph test, after a final eligibility

1 register is established and before it expires with the
2 candidates ranked by total score without regard to date of
3 examination. No more than 60 days after each examination, an
4 initial eligibility list shall be posted by the commission
5 showing the final grades of the candidates without reference to
6 priority of time of examination and subject to claim for
7 preference credit.

8 (h) Preferences. The following are preferences:

9 (1) Veteran preference. Persons who were engaged in the
10 military service of the United States for a period of at
11 least one year of active duty and who were honorably
12 discharged therefrom, or who are now or have been members
13 on inactive or reserve duty in such military or naval
14 service, shall be preferred for appointment to and
15 employment with the fire department of an affected
16 department.

17 (2) Fire cadet preference. Persons who have
18 successfully completed 2 years of study in fire techniques
19 or cadet training within a cadet program established under
20 the rules of the Joint Labor and Management Committee
21 (JLMC), as defined in Section 50 of the Fire Department
22 Promotion Act, may be preferred for appointment to and
23 employment with the fire department.

24 (3) Educational preference. Persons who have
25 successfully obtained an associate's degree in the field of
26 fire service or emergency medical services, or a bachelor's

1 degree from an accredited college or university may be
2 preferred for appointment to and employment with the fire
3 department.

4 (4) Paramedic preference. Persons who have obtained
5 certification as an Emergency Medical Technician-Paramedic
6 (EMT-P) may be preferred for appointment to and employment
7 with the fire department of an affected department
8 providing emergency medical services.

9 (5) Experience preference. All persons employed by a
10 municipality who have been paid-on-call or part-time
11 certified Firefighter II, certified Firefighter III, State
12 of Illinois or nationally licensed EMT-B or EMT-I, licensed
13 paramedic, or any combination of those capacities may be
14 awarded up to a maximum of 5 points. However, the applicant
15 may not be awarded more than 0.5 points for each complete
16 year of paid-on-call or part-time service. Applicants from
17 outside the municipality who were employed as full-time
18 firefighters or firefighter-paramedics by a fire
19 protection district or another municipality may be awarded
20 up to 5 experience preference points. However, the
21 applicant may not be awarded more than one point for each
22 complete year of full-time service.

23 Upon request by the commission, the governing body of
24 the municipality or in the case of applicants from outside
25 the municipality the governing body of any fire protection
26 district or any other municipality shall certify to the

1 commission, within 10 days after the request, the number of
2 years of successful paid-on-call, part-time, or full-time
3 service of any person. A candidate may not receive the full
4 amount of preference points under this subsection if the
5 amount of points awarded would place the candidate before a
6 veteran on the eligibility list. If more than one candidate
7 receiving experience preference points is prevented from
8 receiving all of their points due to not being allowed to
9 pass a veteran, the candidates shall be placed on the list
10 below the veteran in rank order based on the totals
11 received if all points under this subsection were to be
12 awarded. Any remaining ties on the list shall be determined
13 by lot.

14 (6) Residency preference. Applicants whose principal
15 residence is located within the fire department's
16 jurisdiction may be preferred for appointment to and
17 employment with the fire department.

18 (7) Additional preferences. Up to 5 additional
19 preference points may be awarded for unique categories
20 based on an applicant's experience or background as
21 identified by the commission.

22 (8) Scoring of preferences. The commission shall give
23 preference for original appointment to persons designated
24 in item (1) by adding to the final grade that they receive
25 5 points for the recognized preference achieved. The
26 commission shall determine the number of preference points

1 for each category except (1). The number of preference
2 points for each category shall range from 0 to 5. In
3 determining the number of preference points, the
4 commission shall prescribe that if a candidate earns the
5 maximum number of preference points in all categories, that
6 number may not be less than 10 nor more than 30. The
7 commission shall give preference for original appointment
8 to persons designated in items (2) through (7) by adding
9 the requisite number of points to the final grade for each
10 recognized preference achieved. The numerical result thus
11 attained shall be applied by the commission in determining
12 the final eligibility list and appointment from the
13 eligibility list. The local appointing authority may
14 prescribe the total number of preference points awarded
15 under this Section, but the total number of preference
16 points shall not be less than 10 points or more than 30
17 points.

18 No person entitled to any preference shall be required to
19 claim the credit before any examination held under the
20 provisions of this Section, but the preference shall be given
21 after the posting or publication of the initial eligibility
22 list or register at the request of a person entitled to a
23 credit before any certification or appointments are made from
24 the eligibility register, upon the furnishing of verifiable
25 evidence and proof of qualifying preference credit. Candidates
26 who are eligible for preference credit shall make a claim in

1 writing within 10 days after the posting of the initial
2 eligibility list, or the claim shall be deemed waived. Final
3 eligibility registers shall be established after the awarding
4 of verified preference points. All employment shall be subject
5 to the commission's initial hire background review including,
6 but not limited to, criminal history, employment history, moral
7 character, oral examination, and medical and psychological
8 examinations, all on a pass-fail basis. The medical and
9 psychological examinations must be conducted last, and may only
10 be performed after a conditional offer of employment has been
11 extended.

12 Any person placed on an eligibility list who exceeds the
13 age requirement before being appointed to a fire department
14 shall remain eligible for appointment until the list is
15 abolished, or his or her name has been on the list for a period
16 of 2 years. No person who has attained the age of 35 years
17 shall be inducted into a fire department, except as otherwise
18 provided in this Section.

19 The commission shall strike off the names of candidates for
20 original appointment after the names have been on the list for
21 more than 2 years.

22 (i) Moral character. No person shall be appointed to a fire
23 department unless he or she is a person of good character; not
24 a habitual drunkard, a gambler, or a person who has been
25 convicted of a felony or a crime involving moral turpitude.
26 However, no person shall be disqualified from appointment to

1 the fire department because of the person's record of
2 misdemeanor convictions except those under Sections 11-6,
3 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,
4 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,
5 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections
6 1, 6, and 8 of Section 24-1 of the Criminal Code of 1961 or the
7 Criminal Code of 2012, or arrest for any cause without
8 conviction thereon. Any such person who is in the department
9 may be removed on charges brought for violating this subsection
10 and after a trial as hereinafter provided.

11 A classifiable set of the fingerprints of every person who
12 is offered employment as a certificated member of an affected
13 fire department whether with or without compensation, shall be
14 furnished to the Illinois Department of State Police and to the
15 Federal Bureau of Investigation by the commission.

16 Whenever a commission is authorized or required by law to
17 consider some aspect of criminal history record information for
18 the purpose of carrying out its statutory powers and
19 responsibilities, then, upon request and payment of fees in
20 conformance with the requirements of Section 2605-400 of the
21 State Police Law of the Civil Administrative Code of Illinois,
22 the Department of State Police is authorized to furnish,
23 pursuant to positive identification, the information contained
24 in State files as is necessary to fulfill the request.

25 (j) Temporary appointments. In order to prevent a stoppage
26 of public business, to meet extraordinary exigencies, or to

1 prevent material impairment of the fire department, the
2 commission may make temporary appointments, to remain in force
3 only until regular appointments are made under the provisions
4 of this Division, but never to exceed 60 days. No temporary
5 appointment of any one person shall be made more than twice in
6 any calendar year.

7 (k) A person who knowingly divulges or receives test
8 questions or answers before a written examination, or otherwise
9 knowingly violates or subverts any requirement of this Section,
10 commits a violation of this Section and may be subject to
11 charges for official misconduct.

12 A person who is the knowing recipient of test information
13 in advance of the examination shall be disqualified from the
14 examination or discharged from the position to which he or she
15 was appointed, as applicable, and otherwise subjected to
16 disciplinary actions.

17 (Source: P.A. 97-251, eff. 8-4-11; 97-898, eff. 8-6-12.)

18 (65 ILCS 5/10-2.1-6) (from Ch. 24, par. 10-2.1-6)

19 Sec. 10-2.1-6. Examination of applicants;
20 disqualifications.

21 (a) All applicants for a position in either the fire or
22 police department of the municipality shall be under 35 years
23 of age, shall be subject to an examination that shall be
24 public, competitive, and open to all applicants (unless the
25 council or board of trustees by ordinance limit applicants to

1 electors of the municipality, county, state or nation) and
2 shall be subject to reasonable limitations as to residence,
3 health, habits, and moral character. The municipality may not
4 charge or collect any fee from an applicant who has met all
5 prequalification standards established by the municipality for
6 any such position. With respect to a police department, a
7 veteran shall be allowed to exceed the maximum age provision of
8 this Section by the number of years served on active military
9 duty, but by no more than 10 years of active military duty.

10 (b) Residency requirements in effect at the time an
11 individual enters the fire or police service of a municipality
12 (other than a municipality that has more than 1,000,000
13 inhabitants) cannot be made more restrictive for that
14 individual during his period of service for that municipality,
15 or be made a condition of promotion, except for the rank or
16 position of Fire or Police Chief.

17 (c) No person with a record of misdemeanor convictions
18 except those under Sections 11-1.50, 11-6, 11-7, 11-9, 11-14,
19 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2, 12-6, 12-15,
20 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6,
21 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8, subdivisions (a) (1) and
22 (a) (2) (C) of Section 11-14.3, and subsections (1), (6) and (8)
23 of Section 24-1 of the Criminal Code of 1961 or the Criminal
24 Code of 2012, or arrested for any cause but not convicted on
25 that cause shall be disqualified from taking the examination to
26 qualify for a position in the fire department on grounds of

1 habits or moral character.

2 (d) The age limitation in subsection (a) does not apply (i)
3 to any person previously employed as a policeman or fireman in
4 a regularly constituted police or fire department of (I) any
5 municipality, regardless of whether the municipality is
6 located in Illinois or in another state, or (II) a fire
7 protection district whose obligations were assumed by a
8 municipality under Section 21 of the Fire Protection District
9 Act, (ii) to any person who has served a municipality as a
10 regularly enrolled volunteer fireman for 5 years immediately
11 preceding the time that municipality begins to use full time
12 firemen to provide all or part of its fire protection service,
13 or (iii) to any person who has served as an auxiliary police
14 officer under Section 3.1-30-20 for at least 5 years and is
15 under 40 years of age, (iv) to any person who has served as a
16 deputy under Section 3-6008 of the Counties Code and otherwise
17 meets necessary training requirements, or (v) to any person who
18 has served as a sworn officer as a member of the Illinois
19 Department of State Police.

20 (e) Applicants who are 20 years of age and who have
21 successfully completed 2 years of law enforcement studies at an
22 accredited college or university may be considered for
23 appointment to active duty with the police department. An
24 applicant described in this subsection (e) who is appointed to
25 active duty shall not have power of arrest, nor shall the
26 applicant be permitted to carry firearms, until he or she

1 reaches 21 years of age.

2 (f) Applicants who are 18 years of age and who have
3 successfully completed 2 years of study in fire techniques,
4 amounting to a total of 4 high school credits, within the cadet
5 program of a municipality may be considered for appointment to
6 active duty with the fire department of any municipality.

7 (g) The council or board of trustees may by ordinance
8 provide that persons residing outside the municipality are
9 eligible to take the examination.

10 (h) The examinations shall be practical in character and
11 relate to those matters that will fairly test the capacity of
12 the persons examined to discharge the duties of the positions
13 to which they seek appointment. No person shall be appointed to
14 the police or fire department if he or she does not possess a
15 high school diploma or an equivalent high school education. A
16 board of fire and police commissioners may, by its rules,
17 require police applicants to have obtained an associate's
18 degree or a bachelor's degree as a prerequisite for employment.
19 The examinations shall include tests of physical
20 qualifications and health. A board of fire and police
21 commissioners may, by its rules, waive portions of the required
22 examination for police applicants who have previously been
23 full-time sworn officers of a regular police department in any
24 municipal, county, university, or State law enforcement
25 agency, provided they are certified by the Illinois Law
26 Enforcement Training Standards Board and have been with their

1 respective law enforcement agency within the State for at least
2 2 years. No person shall be appointed to the police or fire
3 department if he or she has suffered the amputation of any limb
4 unless the applicant's duties will be only clerical or as a
5 radio operator. No applicant shall be examined concerning his
6 or her political or religious opinions or affiliations. The
7 examinations shall be conducted by the board of fire and police
8 commissioners of the municipality as provided in this Division
9 2.1.

10 (i) No person who is classified by his local selective
11 service draft board as a conscientious objector, or who has
12 ever been so classified, may be appointed to the police
13 department.

14 (j) No person shall be appointed to the police or fire
15 department unless he or she is a person of good character and
16 not an habitual drunkard, gambler, or a person who has been
17 convicted of a felony or a crime involving moral turpitude. No
18 person, however, shall be disqualified from appointment to the
19 fire department because of his or her record of misdemeanor
20 convictions except those under Sections 11-1.50, 11-6, 11-7,
21 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2,
22 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3,
23 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8,
24 subdivisions (a) (1) and (a) (2) (C) of Section 11-14.3, and
25 subsections (1), (6) and (8) of Section 24-1 of the Criminal
26 Code of 1961 or the Criminal Code of 2012, or arrest for any

1 cause without conviction on that cause. Any such person who is
2 in the department may be removed on charges brought and after a
3 trial as provided in this Division 2.1.

4 (Source: P.A. 95-165, eff. 1-1-08; 95-931, eff. 1-1-09; 96-472,
5 eff. 8-14-09; 96-1551, eff. 7-1-11.)

6 (65 ILCS 5/10-2.1-6.3)

7 Sec. 10-2.1-6.3. Original appointments; full-time fire
8 department.

9 (a) Applicability. Unless a commission elects to follow the
10 provisions of Section 10-2.1-6.4, this Section shall apply to
11 all original appointments to an affected full-time fire
12 department. Existing registers of eligibles shall continue to
13 be valid until their expiration dates, or up to a maximum of 2
14 years after the effective date of this amendatory Act of the
15 97th General Assembly.

16 Notwithstanding any statute, ordinance, rule, or other law
17 to the contrary, all original appointments to an affected
18 department to which this Section applies shall be administered
19 in the manner provided for in this Section. Provisions of the
20 Illinois Municipal Code, municipal ordinances, and rules
21 adopted pursuant to such authority and other laws relating to
22 initial hiring of firefighters in affected departments shall
23 continue to apply to the extent they are compatible with this
24 Section, but in the event of a conflict between this Section
25 and any other law, this Section shall control.

1 A home rule or non-home rule municipality may not
2 administer its fire department process for original
3 appointments in a manner that is less stringent than this
4 Section. This Section is a limitation under subsection (i) of
5 Section 6 of Article VII of the Illinois Constitution on the
6 concurrent exercise by home rule units of the powers and
7 functions exercised by the State.

8 A municipality that is operating under a court order or
9 consent decree regarding original appointments to a full-time
10 fire department before the effective date of this amendatory
11 Act of the 97th General Assembly is exempt from the
12 requirements of this Section for the duration of the court
13 order or consent decree.

14 Notwithstanding any other provision of this subsection
15 (a), this Section does not apply to a municipality with more
16 than 1,000,000 inhabitants.

17 (b) Original appointments. All original appointments made
18 to an affected fire department shall be made from a register of
19 eligibles established in accordance with the processes
20 established by this Section. Only persons who meet or exceed
21 the performance standards required by this Section shall be
22 placed on a register of eligibles for original appointment to
23 an affected fire department.

24 Whenever an appointing authority authorizes action to hire
25 a person to perform the duties of a firefighter or to hire a
26 firefighter-paramedic to fill a position that is a new position

1 or vacancy due to resignation, discharge, promotion, death, the
2 granting of a disability or retirement pension, or any other
3 cause, the appointing authority shall appoint to that position
4 the person with the highest ranking on the final eligibility
5 list. If the appointing authority has reason to conclude that
6 the highest ranked person fails to meet the minimum standards
7 for the position or if the appointing authority believes an
8 alternate candidate would better serve the needs of the
9 department, then the appointing authority has the right to pass
10 over the highest ranked person and appoint either: (i) any
11 person who has a ranking in the top 5% of the register of
12 eligibles or (ii) any person who is among the top 5 highest
13 ranked persons on the list of eligibles if the number of people
14 who have a ranking in the top 5% of the register of eligibles
15 is less than 5 people.

16 Any candidate may pass on an appointment once without
17 losing his or her position on the register of eligibles. Any
18 candidate who passes a second time may be removed from the list
19 by the appointing authority provided that such action shall not
20 prejudice a person's opportunities to participate in future
21 examinations, including an examination held during the time a
22 candidate is already on the municipality's register of
23 eligibles.

24 The sole authority to issue certificates of appointment
25 shall be vested in the board of fire and police commissioners.
26 All certificates of appointment issued to any officer or member

1 of an affected department shall be signed by the chairperson
2 and secretary, respectively, of the board upon appointment of
3 such officer or member to the affected department by action of
4 the board. Each person who accepts a certificate of appointment
5 and successfully completes his or her probationary period shall
6 be enrolled as a firefighter and as a regular member of the
7 fire department.

8 For the purposes of this Section, "firefighter" means any
9 person who has been prior to, on, or after the effective date
10 of this amendatory Act of the 97th General Assembly appointed
11 to a fire department or fire protection district or employed by
12 a State university and sworn or commissioned to perform
13 firefighter duties or paramedic duties, or both, except that
14 the following persons are not included: part-time
15 firefighters; auxiliary, reserve, or voluntary firefighters,
16 including paid-on-call firefighters; clerks and dispatchers or
17 other civilian employees of a fire department or fire
18 protection district who are not routinely expected to perform
19 firefighter duties; and elected officials.

20 (c) Qualification for placement on register of eligibles.
21 The purpose of establishing a register of eligibles is to
22 identify applicants who possess and demonstrate the mental
23 aptitude and physical ability to perform the duties required of
24 members of the fire department in order to provide the highest
25 quality of service to the public. To this end, all applicants
26 for original appointment to an affected fire department shall

1 be subject to examination and testing which shall be public,
2 competitive, and open to all applicants unless the municipality
3 shall by ordinance limit applicants to residents of the
4 municipality, county or counties in which the municipality is
5 located, State, or nation. Municipalities may establish
6 educational, emergency medical service licensure, and other
7 pre-requisites for participation in an examination or for hire
8 as a firefighter. Any municipality may charge a fee to cover
9 the costs of the application process.

10 Residency requirements in effect at the time an individual
11 enters the fire service of a municipality cannot be made more
12 restrictive for that individual during his or her period of
13 service for that municipality, or be made a condition of
14 promotion, except for the rank or position of fire chief and
15 for no more than 2 positions that rank immediately below that
16 of the chief rank which are appointed positions pursuant to the
17 Fire Department Promotion Act.

18 No person who is 35 years of age or older shall be eligible
19 to take an examination for a position as a firefighter unless
20 the person has had previous employment status as a firefighter
21 in the regularly constituted fire department of the
22 municipality, except as provided in this Section. The age
23 limitation does not apply to:

- 24 (1) any person previously employed as a full-time
25 firefighter in a regularly constituted fire department of
26 (i) any municipality or fire protection district located in

1 Illinois, (ii) a fire protection district whose
2 obligations were assumed by a municipality under Section 21
3 of the Fire Protection District Act, or (iii) a
4 municipality whose obligations were taken over by a fire
5 protection district, or

6 (2) any person who has served a municipality as a
7 regularly enrolled volunteer, paid-on-call, or part-time
8 firefighter for the 5 years immediately preceding the time
9 that the municipality begins to use full-time firefighters
10 to provide all or part of its fire protection service.

11 No person who is under 21 years of age shall be eligible
12 for employment as a firefighter.

13 No applicant shall be examined concerning his or her
14 political or religious opinions or affiliations. The
15 examinations shall be conducted by the commissioners of the
16 municipality or their designees and agents.

17 No municipality shall require that any firefighter
18 appointed to the lowest rank serve a probationary employment
19 period of longer than one year of actual active employment,
20 which may exclude periods of training, or injury or illness
21 leaves, including duty related leave, in excess of 30 calendar
22 days. Notwithstanding anything to the contrary in this Section,
23 the probationary employment period limitation may be extended
24 for a firefighter who is required, as a condition of
25 employment, to be a certified paramedic, during which time the
26 sole reason that a firefighter may be discharged without a

1 hearing is for failing to meet the requirements for paramedic
2 certification.

3 In the event that any applicant who has been found eligible
4 for appointment and whose name has been placed upon the final
5 eligibility register provided for in this Section has not been
6 appointed to a firefighter position within one year after the
7 date of his or her physical ability examination, the commission
8 may cause a second examination to be made of that applicant's
9 physical ability prior to his or her appointment. If, after the
10 second examination, the physical ability of the applicant shall
11 be found to be less than the minimum standard fixed by the
12 rules of the commission, the applicant shall not be appointed.
13 The applicant's name may be retained upon the register of
14 candidates eligible for appointment and when next reached for
15 certification and appointment that applicant may be again
16 examined as provided in this Section, and if the physical
17 ability of that applicant is found to be less than the minimum
18 standard fixed by the rules of the commission, the applicant
19 shall not be appointed, and the name of the applicant shall be
20 removed from the register.

21 (d) Notice, examination, and testing components. Notice of
22 the time, place, general scope, merit criteria for any
23 subjective component, and fee of every examination shall be
24 given by the commission, by a publication at least 2 weeks
25 preceding the examination: (i) in one or more newspapers
26 published in the municipality, or if no newspaper is published

1 therein, then in one or more newspapers with a general
2 circulation within the municipality, or (ii) on the
3 municipality's Internet website. Additional notice of the
4 examination may be given as the commission shall prescribe.

5 The examination and qualifying standards for employment of
6 firefighters shall be based on: mental aptitude, physical
7 ability, preferences, moral character, and health. The mental
8 aptitude, physical ability, and preference components shall
9 determine an applicant's qualification for and placement on the
10 final register of eligibles. The examination may also include a
11 subjective component based on merit criteria as determined by
12 the commission. Scores from the examination must be made
13 available to the public.

14 (e) Mental aptitude. No person who does not possess at
15 least a high school diploma or an equivalent high school
16 education shall be placed on a register of eligibles.
17 Examination of an applicant's mental aptitude shall be based
18 upon a written examination. The examination shall be practical
19 in character and relate to those matters that fairly test the
20 capacity of the persons examined to discharge the duties
21 performed by members of a fire department. Written examinations
22 shall be administered in a manner that ensures the security and
23 accuracy of the scores achieved.

24 (f) Physical ability. All candidates shall be required to
25 undergo an examination of their physical ability to perform the
26 essential functions included in the duties they may be called

1 upon to perform as a member of a fire department. For the
2 purposes of this Section, essential functions of the job are
3 functions associated with duties that a firefighter may be
4 called upon to perform in response to emergency calls. The
5 frequency of the occurrence of those duties as part of the fire
6 department's regular routine shall not be a controlling factor
7 in the design of examination criteria or evolutions selected
8 for testing. These physical examinations shall be open,
9 competitive, and based on industry standards designed to test
10 each applicant's physical abilities in the following
11 dimensions:

12 (1) Muscular strength to perform tasks and evolutions
13 that may be required in the performance of duties including
14 grip strength, leg strength, and arm strength. Tests shall
15 be conducted under anaerobic as well as aerobic conditions
16 to test both the candidate's speed and endurance in
17 performing tasks and evolutions. Tasks tested may be based
18 on standards developed, or approved, by the local
19 appointing authority.

20 (2) The ability to climb ladders, operate from heights,
21 walk or crawl in the dark along narrow and uneven surfaces,
22 and operate in proximity to hazardous environments.

23 (3) The ability to carry out critical, time-sensitive,
24 and complex problem solving during physical exertion in
25 stressful and hazardous environments. The testing
26 environment may be hot and dark with tightly enclosed

1 spaces, flashing lights, sirens, and other distractions.

2 The tests utilized to measure each applicant's
3 capabilities in each of these dimensions may be tests based on
4 industry standards currently in use or equivalent tests
5 approved by the Joint Labor-Management Committee of the Office
6 of the State Fire Marshal.

7 Physical ability examinations administered under this
8 Section shall be conducted with a reasonable number of proctors
9 and monitors, open to the public, and subject to reasonable
10 regulations of the commission.

11 (g) Scoring of examination components. Appointing
12 authorities may create a preliminary eligibility register. A
13 person shall be placed on the list based upon his or her
14 passage of the written examination or the passage of the
15 written examination and the physical ability component.
16 Passage of the written examination means a score that is at or
17 above the median score for all applicants participating in the
18 written test. The appointing authority may conduct the physical
19 ability component and any subjective components subsequent to
20 the posting of the preliminary eligibility register.

21 The examination components for an initial eligibility
22 register shall be graded on a 100-point scale. A person's
23 position on the list shall be determined by the following: (i)
24 the person's score on the written examination, (ii) the person
25 successfully passing the physical ability component, and (iii)
26 the person's results on any subjective component as described

1 in subsection (d).

2 In order to qualify for placement on the final eligibility
3 register, an applicant's score on the written examination,
4 before any applicable preference points or subjective points
5 are applied, shall be at or above the median score. The local
6 appointing authority may prescribe the score to qualify for
7 placement on the final eligibility register, but the score
8 shall not be less than the median score.

9 The commission shall prepare and keep a register of persons
10 whose total score is not less than the minimum fixed by this
11 Section and who have passed the physical ability examination.
12 These persons shall take rank upon the register as candidates
13 in the order of their relative excellence based on the highest
14 to the lowest total points scored on the mental aptitude,
15 subjective component, and preference components of the test
16 administered in accordance with this Section. No more than 60
17 days after each examination, an initial eligibility list shall
18 be posted by the commission. The list shall include the final
19 grades of the candidates without reference to priority of the
20 time of examination and subject to claim for preference credit.

21 Commissions may conduct additional examinations, including
22 without limitation a polygraph test, after a final eligibility
23 register is established and before it expires with the
24 candidates ranked by total score without regard to date of
25 examination. No more than 60 days after each examination, an
26 initial eligibility list shall be posted by the commission

1 showing the final grades of the candidates without reference to
2 priority of time of examination and subject to claim for
3 preference credit.

4 (h) Preferences. The following are preferences:

5 (1) Veteran preference. Persons who were engaged in the
6 military service of the United States for a period of at
7 least one year of active duty and who were honorably
8 discharged therefrom, or who are now or have been members
9 on inactive or reserve duty in such military or naval
10 service, shall be preferred for appointment to and
11 employment with the fire department of an affected
12 department.

13 (2) Fire cadet preference. Persons who have
14 successfully completed 2 years of study in fire techniques
15 or cadet training within a cadet program established under
16 the rules of the Joint Labor and Management Committee
17 (JLMC), as defined in Section 50 of the Fire Department
18 Promotion Act, may be preferred for appointment to and
19 employment with the fire department.

20 (3) Educational preference. Persons who have
21 successfully obtained an associate's degree in the field of
22 fire service or emergency medical services, or a bachelor's
23 degree from an accredited college or university may be
24 preferred for appointment to and employment with the fire
25 department.

26 (4) Paramedic preference. Persons who have obtained

1 certification as an Emergency Medical Technician-Paramedic
2 (EMT-P) shall be preferred for appointment to and
3 employment with the fire department of an affected
4 department providing emergency medical services.

5 (5) Experience preference. All persons employed by a
6 municipality who have been paid-on-call or part-time
7 certified Firefighter II, State of Illinois or nationally
8 licensed EMT-B or EMT-I, or any combination of those
9 capacities shall be awarded 0.5 point for each year of
10 successful service in one or more of those capacities, up
11 to a maximum of 5 points. Certified Firefighter III and
12 State of Illinois or nationally licensed paramedics shall
13 be awarded one point per year up to a maximum of 5 points.
14 Applicants from outside the municipality who were employed
15 as full-time firefighters or firefighter-paramedics by a
16 fire protection district or another municipality for at
17 least 2 years shall be awarded 5 experience preference
18 points. These additional points presuppose a rating scale
19 totaling 100 points available for the eligibility list. If
20 more or fewer points are used in the rating scale for the
21 eligibility list, the points awarded under this subsection
22 shall be increased or decreased by a factor equal to the
23 total possible points available for the examination
24 divided by 100.

25 Upon request by the commission, the governing body of
26 the municipality or in the case of applicants from outside

1 the municipality the governing body of any fire protection
2 district or any other municipality shall certify to the
3 commission, within 10 days after the request, the number of
4 years of successful paid-on-call, part-time, or full-time
5 service of any person. A candidate may not receive the full
6 amount of preference points under this subsection if the
7 amount of points awarded would place the candidate before a
8 veteran on the eligibility list. If more than one candidate
9 receiving experience preference points is prevented from
10 receiving all of their points due to not being allowed to
11 pass a veteran, the candidates shall be placed on the list
12 below the veteran in rank order based on the totals
13 received if all points under this subsection were to be
14 awarded. Any remaining ties on the list shall be determined
15 by lot.

16 (6) Residency preference. Applicants whose principal
17 residence is located within the fire department's
18 jurisdiction shall be preferred for appointment to and
19 employment with the fire department.

20 (7) Additional preferences. Up to 5 additional
21 preference points may be awarded for unique categories
22 based on an applicant's experience or background as
23 identified by the commission.

24 (8) Scoring of preferences. The commission shall give
25 preference for original appointment to persons designated
26 in item (1) by adding to the final grade that they receive

1 5 points for the recognized preference achieved. The
2 commission shall determine the number of preference points
3 for each category except (1). The number of preference
4 points for each category shall range from 0 to 5. In
5 determining the number of preference points, the
6 commission shall prescribe that if a candidate earns the
7 maximum number of preference points in all categories, that
8 number may not be less than 10 nor more than 30. The
9 commission shall give preference for original appointment
10 to persons designated in items (2) through (7) by adding
11 the requisite number of points to the final grade for each
12 recognized preference achieved. The numerical result thus
13 attained shall be applied by the commission in determining
14 the final eligibility list and appointment from the
15 eligibility list. The local appointing authority may
16 prescribe the total number of preference points awarded
17 under this Section, but the total number of preference
18 points shall not be less than 10 points or more than 30
19 points.

20 No person entitled to any preference shall be required to
21 claim the credit before any examination held under the
22 provisions of this Section, but the preference shall be given
23 after the posting or publication of the initial eligibility
24 list or register at the request of a person entitled to a
25 credit before any certification or appointments are made from
26 the eligibility register, upon the furnishing of verifiable

1 evidence and proof of qualifying preference credit. Candidates
2 who are eligible for preference credit shall make a claim in
3 writing within 10 days after the posting of the initial
4 eligibility list, or the claim shall be deemed waived. Final
5 eligibility registers shall be established after the awarding
6 of verified preference points. All employment shall be subject
7 to the commission's initial hire background review including,
8 but not limited to, criminal history, employment history, moral
9 character, oral examination, and medical and psychological
10 examinations, all on a pass-fail basis. The medical and
11 psychological examinations must be conducted last, and may only
12 be performed after a conditional offer of employment has been
13 extended.

14 Any person placed on an eligibility list who exceeds the
15 age requirement before being appointed to a fire department
16 shall remain eligible for appointment until the list is
17 abolished, or his or her name has been on the list for a period
18 of 2 years. No person who has attained the age of 35 years
19 shall be inducted into a fire department, except as otherwise
20 provided in this Section.

21 The commission shall strike off the names of candidates for
22 original appointment after the names have been on the list for
23 more than 2 years.

24 (i) Moral character. No person shall be appointed to a fire
25 department unless he or she is a person of good character; not
26 a habitual drunkard, a gambler, or a person who has been

1 convicted of a felony or a crime involving moral turpitude.
2 However, no person shall be disqualified from appointment to
3 the fire department because of the person's record of
4 misdemeanor convictions except those under Sections 11-6,
5 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,
6 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,
7 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections
8 1, 6, and 8 of Section 24-1 of the Criminal Code of 1961 or the
9 Criminal Code of 2012, or arrest for any cause without
10 conviction thereon. Any such person who is in the department
11 may be removed on charges brought for violating this subsection
12 and after a trial as hereinafter provided.

13 A classifiable set of the fingerprints of every person who
14 is offered employment as a certificated member of an affected
15 fire department whether with or without compensation, shall be
16 furnished to the Illinois Department of State Police and to the
17 Federal Bureau of Investigation by the commission.

18 Whenever a commission is authorized or required by law to
19 consider some aspect of criminal history record information for
20 the purpose of carrying out its statutory powers and
21 responsibilities, then, upon request and payment of fees in
22 conformance with the requirements of Section 2605-400 of the
23 State Police Law of the Civil Administrative Code of Illinois,
24 the Department of State Police is authorized to furnish,
25 pursuant to positive identification, the information contained
26 in State files as is necessary to fulfill the request.

1 (j) Temporary appointments. In order to prevent a stoppage
2 of public business, to meet extraordinary exigencies, or to
3 prevent material impairment of the fire department, the
4 commission may make temporary appointments, to remain in force
5 only until regular appointments are made under the provisions
6 of this Division, but never to exceed 60 days. No temporary
7 appointment of any one person shall be made more than twice in
8 any calendar year.

9 (k) A person who knowingly divulges or receives test
10 questions or answers before a written examination, or otherwise
11 knowingly violates or subverts any requirement of this Section,
12 commits a violation of this Section and may be subject to
13 charges for official misconduct.

14 A person who is the knowing recipient of test information
15 in advance of the examination shall be disqualified from the
16 examination or discharged from the position to which he or she
17 was appointed, as applicable, and otherwise subjected to
18 disciplinary actions.

19 (Source: P.A. 97-251, eff. 8-4-11; 97-898, eff. 8-6-12.)

20 Section 210. The Fire Protection District Act is amended by
21 changing Sections 16.06 and 16.06b as follows:

22 (70 ILCS 705/16.06) (from Ch. 127 1/2, par. 37.06)

23 Sec. 16.06. Eligibility for positions in fire department;
24 disqualifications.

1 (a) All applicants for a position in the fire department of
2 the fire protection district shall be under 35 years of age and
3 shall be subjected to examination, which shall be public,
4 competitive, and free to all applicants, subject to reasonable
5 limitations as to health, habits, and moral character; provided
6 that the foregoing age limitation shall not apply in the case
7 of any person having previous employment status as a fireman in
8 a regularly constituted fire department of any fire protection
9 district, and further provided that each fireman or fire chief
10 who is a member in good standing in a regularly constituted
11 fire department of any municipality which shall be or shall
12 have subsequently been included within the boundaries of any
13 fire protection district now or hereafter organized shall be
14 given a preference for original appointment in the same class,
15 grade or employment over all other applicants. The examinations
16 shall be practical in their character and shall relate to those
17 matters which will fairly test the persons examined as to their
18 relative capacity to discharge the duties of the positions to
19 which they seek appointment. The examinations shall include
20 tests of physical qualifications and health. No applicant,
21 however, shall be examined concerning his political or
22 religious opinions or affiliations. The examinations shall be
23 conducted by the board of fire commissioners.

24 In any fire protection district that employs full-time
25 firefighters and is subject to a collective bargaining
26 agreement, a person who has not qualified for regular

1 appointment under the provisions of this Section shall not be
2 used as a temporary or permanent substitute for certificated
3 members of a fire district's fire department or for regular
4 appointment as a certificated member of a fire district's fire
5 department unless mutually agreed to by the employee's
6 certified bargaining agent. Such agreement shall be considered
7 a permissive subject of bargaining. Fire protection districts
8 covered by the changes made by this amendatory Act of the 95th
9 General Assembly that are using non-certificated employees as
10 substitutes immediately prior to the effective date of this
11 amendatory Act of the 95th General Assembly may, by mutual
12 agreement with the certified bargaining agent, continue the
13 existing practice or a modified practice and that agreement
14 shall be considered a permissive subject of bargaining.

15 (b) No person shall be appointed to the fire department
16 unless he or she is a person of good character and not a person
17 who has been convicted of a felony in Illinois or convicted in
18 another jurisdiction for conduct that would be a felony under
19 Illinois law, or convicted of a crime involving moral
20 turpitude. No person, however, shall be disqualified from
21 appointment to the fire department because of his or her record
22 of misdemeanor convictions, except those under Sections
23 11-1.50, 11-6, 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19,
24 11-30, 11-35, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1,
25 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3,
26 32-4, and 32-8, subdivisions (a)(1) and (a)(2)(C) of Section

1 11-14.3, and subsections (1), (6), and (8) of Section 24-1 of
2 the Criminal Code of 1961 or the Criminal Code of 2012.

3 (Source: P.A. 95-490, eff. 6-1-08; 96-1551, eff. 7-1-11.)

4 (70 ILCS 705/16.06b)

5 Sec. 16.06b. Original appointments; full-time fire
6 department.

7 (a) Applicability. Unless a commission elects to follow the
8 provisions of Section 16.06c, this Section shall apply to all
9 original appointments to an affected full-time fire
10 department. Existing registers of eligibles shall continue to
11 be valid until their expiration dates, or up to a maximum of 2
12 years after the effective date of this amendatory Act of the
13 97th General Assembly.

14 Notwithstanding any statute, ordinance, rule, or other law
15 to the contrary, all original appointments to an affected
16 department to which this Section applies shall be administered
17 in a no less stringent manner than the manner provided for in
18 this Section. Provisions of the Illinois Municipal Code, Fire
19 Protection District Act, fire district ordinances, and rules
20 adopted pursuant to such authority and other laws relating to
21 initial hiring of firefighters in affected departments shall
22 continue to apply to the extent they are compatible with this
23 Section, but in the event of a conflict between this Section
24 and any other law, this Section shall control.

25 A fire protection district that is operating under a court

1 order or consent decree regarding original appointments to a
2 full-time fire department before the effective date of this
3 amendatory Act of the 97th General Assembly is exempt from the
4 requirements of this Section for the duration of the court
5 order or consent decree.

6 (b) Original appointments. All original appointments made
7 to an affected fire department shall be made from a register of
8 eligibles established in accordance with the processes
9 required by this Section. Only persons who meet or exceed the
10 performance standards required by the Section shall be placed
11 on a register of eligibles for original appointment to an
12 affected fire department.

13 Whenever an appointing authority authorizes action to hire
14 a person to perform the duties of a firefighter or to hire a
15 firefighter-paramedic to fill a position that is a new position
16 or vacancy due to resignation, discharge, promotion, death, the
17 granting of a disability or retirement pension, or any other
18 cause, the appointing authority shall appoint to that position
19 the person with the highest ranking on the final eligibility
20 list. If the appointing authority has reason to conclude that
21 the highest ranked person fails to meet the minimum standards
22 for the position or if the appointing authority believes an
23 alternate candidate would better serve the needs of the
24 department, then the appointing authority has the right to pass
25 over the highest ranked person and appoint either: (i) any
26 person who has a ranking in the top 5% of the register of

1 eligibles or (ii) any person who is among the top 5 highest
2 ranked persons on the list of eligibles if the number of people
3 who have a ranking in the top 5% of the register of eligibles
4 is less than 5 people.

5 Any candidate may pass on an appointment once without
6 losing his or her position on the register of eligibles. Any
7 candidate who passes a second time may be removed from the list
8 by the appointing authority provided that such action shall not
9 prejudice a person's opportunities to participate in future
10 examinations, including an examination held during the time a
11 candidate is already on the fire district's register of
12 eligibles.

13 The sole authority to issue certificates of appointment
14 shall be vested in the board of fire commissioners, or board of
15 trustees serving in the capacity of a board of fire
16 commissioners. All certificates of appointment issued to any
17 officer or member of an affected department shall be signed by
18 the chairperson and secretary, respectively, of the commission
19 upon appointment of such officer or member to the affected
20 department by action of the commission. Each person who accepts
21 a certificate of appointment and successfully completes his or
22 her probationary period shall be enrolled as a firefighter and
23 as a regular member of the fire department.

24 For the purposes of this Section, "firefighter" means any
25 person who has been prior to, on, or after the effective date
26 of this amendatory Act of the 97th General Assembly appointed

1 to a fire department or fire protection district or employed by
2 a State university and sworn or commissioned to perform
3 firefighter duties or paramedic duties, or both, except that
4 the following persons are not included: part-time
5 firefighters; auxiliary, reserve, or voluntary firefighters,
6 including paid-on-call firefighters; clerks and dispatchers or
7 other civilian employees of a fire department or fire
8 protection district who are not routinely expected to perform
9 firefighter duties; and elected officials.

10 (c) Qualification for placement on register of eligibles.
11 The purpose of establishing a register of eligibles is to
12 identify applicants who possess and demonstrate the mental
13 aptitude and physical ability to perform the duties required of
14 members of the fire department in order to provide the highest
15 quality of service to the public. To this end, all applicants
16 for original appointment to an affected fire department shall
17 be subject to examination and testing which shall be public,
18 competitive, and open to all applicants unless the district
19 shall by ordinance limit applicants to residents of the
20 district, county or counties in which the district is located,
21 State, or nation. Districts may establish educational,
22 emergency medical service licensure, and other pre-requisites
23 for participation in an examination or for hire as a
24 firefighter. Any fire protection district may charge a fee to
25 cover the costs of the application process.

26 Residency requirements in effect at the time an individual

1 enters the fire service of a district cannot be made more
2 restrictive for that individual during his or her period of
3 service for that district, or be made a condition of promotion,
4 except for the rank or position of fire chief and for no more
5 than 2 positions that rank immediately below that of the chief
6 rank which are appointed positions pursuant to the Fire
7 Department Promotion Act.

8 No person who is 35 years of age or older shall be eligible
9 to take an examination for a position as a firefighter unless
10 the person has had previous employment status as a firefighter
11 in the regularly constituted fire department of the district,
12 except as provided in this Section. The age limitation does not
13 apply to:

14 (1) any person previously employed as a full-time
15 firefighter in a regularly constituted fire department of
16 (i) any municipality or fire protection district located in
17 Illinois, (ii) a fire protection district whose
18 obligations were assumed by a municipality under Section 21
19 of the Fire Protection District Act, or (iii) a
20 municipality whose obligations were taken over by a fire
21 protection district, or

22 (2) any person who has served a fire district as a
23 regularly enrolled volunteer, paid-on-call, or part-time
24 firefighter for the 5 years immediately preceding the time
25 that the district begins to use full-time firefighters to
26 provide all or part of its fire protection service.

1 No person who is under 21 years of age shall be eligible
2 for employment as a firefighter.

3 No applicant shall be examined concerning his or her
4 political or religious opinions or affiliations. The
5 examinations shall be conducted by the commissioners of the
6 district or their designees and agents.

7 No district shall require that any firefighter appointed to
8 the lowest rank serve a probationary employment period of
9 longer than one year of actual active employment, which may
10 exclude periods of training, or injury or illness leaves,
11 including duty related leave, in excess of 30 calendar days.
12 Notwithstanding anything to the contrary in this Section, the
13 probationary employment period limitation may be extended for a
14 firefighter who is required, as a condition of employment, to
15 be a certified paramedic, during which time the sole reason
16 that a firefighter may be discharged without a hearing is for
17 failing to meet the requirements for paramedic certification.

18 In the event that any applicant who has been found eligible
19 for appointment and whose name has been placed upon the final
20 eligibility register provided for in this Section has not been
21 appointed to a firefighter position within one year after the
22 date of his or her physical ability examination, the commission
23 may cause a second examination to be made of that applicant's
24 physical ability prior to his or her appointment. If, after the
25 second examination, the physical ability of the applicant shall
26 be found to be less than the minimum standard fixed by the

1 rules of the commission, the applicant shall not be appointed.
2 The applicant's name may be retained upon the register of
3 candidates eligible for appointment and when next reached for
4 certification and appointment that applicant may be again
5 examined as provided in this Section, and if the physical
6 ability of that applicant is found to be less than the minimum
7 standard fixed by the rules of the commission, the applicant
8 shall not be appointed, and the name of the applicant shall be
9 removed from the register.

10 (d) Notice, examination, and testing components. Notice of
11 the time, place, general scope, merit criteria for any
12 subjective component, and fee of every examination shall be
13 given by the commission, by a publication at least 2 weeks
14 preceding the examination: (i) in one or more newspapers
15 published in the district, or if no newspaper is published
16 therein, then in one or more newspapers with a general
17 circulation within the district, or (ii) on the fire protection
18 district's Internet website. Additional notice of the
19 examination may be given as the commission shall prescribe.

20 The examination and qualifying standards for employment of
21 firefighters shall be based on: mental aptitude, physical
22 ability, preferences, moral character, and health. The mental
23 aptitude, physical ability, and preference components shall
24 determine an applicant's qualification for and placement on the
25 final register of eligibles. The examination may also include a
26 subjective component based on merit criteria as determined by

1 the commission. Scores from the examination must be made
2 available to the public.

3 (e) Mental aptitude. No person who does not possess at
4 least a high school diploma or an equivalent high school
5 education shall be placed on a register of eligibles.
6 Examination of an applicant's mental aptitude shall be based
7 upon a written examination. The examination shall be practical
8 in character and relate to those matters that fairly test the
9 capacity of the persons examined to discharge the duties
10 performed by members of a fire department. Written examinations
11 shall be administered in a manner that ensures the security and
12 accuracy of the scores achieved.

13 (f) Physical ability. All candidates shall be required to
14 undergo an examination of their physical ability to perform the
15 essential functions included in the duties they may be called
16 upon to perform as a member of a fire department. For the
17 purposes of this Section, essential functions of the job are
18 functions associated with duties that a firefighter may be
19 called upon to perform in response to emergency calls. The
20 frequency of the occurrence of those duties as part of the fire
21 department's regular routine shall not be a controlling factor
22 in the design of examination criteria or evolutions selected
23 for testing. These physical examinations shall be open,
24 competitive, and based on industry standards designed to test
25 each applicant's physical abilities in the following
26 dimensions:

1 (1) Muscular strength to perform tasks and evolutions
2 that may be required in the performance of duties including
3 grip strength, leg strength, and arm strength. Tests shall
4 be conducted under anaerobic as well as aerobic conditions
5 to test both the candidate's speed and endurance in
6 performing tasks and evolutions. Tasks tested may be based
7 on standards developed, or approved, by the local
8 appointing authority.

9 (2) The ability to climb ladders, operate from heights,
10 walk or crawl in the dark along narrow and uneven surfaces,
11 and operate in proximity to hazardous environments.

12 (3) The ability to carry out critical, time-sensitive,
13 and complex problem solving during physical exertion in
14 stressful and hazardous environments. The testing
15 environment may be hot and dark with tightly enclosed
16 spaces, flashing lights, sirens, and other distractions.

17 The tests utilized to measure each applicant's
18 capabilities in each of these dimensions may be tests based on
19 industry standards currently in use or equivalent tests
20 approved by the Joint Labor-Management Committee of the Office
21 of the State Fire Marshal.

22 Physical ability examinations administered under this
23 Section shall be conducted with a reasonable number of proctors
24 and monitors, open to the public, and subject to reasonable
25 regulations of the commission.

26 (g) Scoring of examination components. Appointing

1 authorities may create a preliminary eligibility register. A
2 person shall be placed on the list based upon his or her
3 passage of the written examination or the passage of the
4 written examination and the physical ability component.
5 Passage of the written examination means a score that is at or
6 above the median score for all applicants participating in the
7 written test. The appointing authority may conduct the physical
8 ability component and any subjective components subsequent to
9 the posting of the preliminary eligibility register.

10 The examination components for an initial eligibility
11 register shall be graded on a 100-point scale. A person's
12 position on the list shall be determined by the following: (i)
13 the person's score on the written examination, (ii) the person
14 successfully passing the physical ability component, and (iii)
15 the person's results on any subjective component as described
16 in subsection (d).

17 In order to qualify for placement on the final eligibility
18 register, an applicant's score on the written examination,
19 before any applicable preference points or subjective points
20 are applied, shall be at or above the median score. The local
21 appointing authority may prescribe the score to qualify for
22 placement on the final eligibility register, but the score
23 shall not be less than the median score.

24 The commission shall prepare and keep a register of persons
25 whose total score is not less than the minimum fixed by this
26 Section and who have passed the physical ability examination.

1 These persons shall take rank upon the register as candidates
2 in the order of their relative excellence based on the highest
3 to the lowest total points scored on the mental aptitude,
4 subjective component, and preference components of the test
5 administered in accordance with this Section. No more than 60
6 days after each examination, an initial eligibility list shall
7 be posted by the commission. The list shall include the final
8 grades of the candidates without reference to priority of the
9 time of examination and subject to claim for preference credit.

10 Commissions may conduct additional examinations, including
11 without limitation a polygraph test, after a final eligibility
12 register is established and before it expires with the
13 candidates ranked by total score without regard to date of
14 examination. No more than 60 days after each examination, an
15 initial eligibility list shall be posted by the commission
16 showing the final grades of the candidates without reference to
17 priority of time of examination and subject to claim for
18 preference credit.

19 (h) Preferences. The following are preferences:

20 (1) Veteran preference. Persons who were engaged in the
21 military service of the United States for a period of at
22 least one year of active duty and who were honorably
23 discharged therefrom, or who are now or have been members
24 on inactive or reserve duty in such military or naval
25 service, shall be preferred for appointment to and
26 employment with the fire department of an affected

1 department.

2 (2) Fire cadet preference. Persons who have
3 successfully completed 2 years of study in fire techniques
4 or cadet training within a cadet program established under
5 the rules of the Joint Labor and Management Committee
6 (JLMC), as defined in Section 50 of the Fire Department
7 Promotion Act, may be preferred for appointment to and
8 employment with the fire department.

9 (3) Educational preference. Persons who have
10 successfully obtained an associate's degree in the field of
11 fire service or emergency medical services, or a bachelor's
12 degree from an accredited college or university may be
13 preferred for appointment to and employment with the fire
14 department.

15 (4) Paramedic preference. Persons who have obtained
16 certification as an Emergency Medical Technician-Paramedic
17 (EMT-P) may be preferred for appointment to and employment
18 with the fire department of an affected department
19 providing emergency medical services.

20 (5) Experience preference. All persons employed by a
21 district who have been paid-on-call or part-time certified
22 Firefighter II, certified Firefighter III, State of
23 Illinois or nationally licensed EMT-B or EMT-I, licensed
24 paramedic, or any combination of those capacities may be
25 awarded up to a maximum of 5 points. However, the applicant
26 may not be awarded more than 0.5 points for each complete

1 year of paid-on-call or part-time service. Applicants from
2 outside the district who were employed as full-time
3 firefighters or firefighter-paramedics by a fire
4 protection district or municipality for at least 2 years
5 may be awarded up to 5 experience preference points.
6 However, the applicant may not be awarded more than one
7 point for each complete year of full-time service.

8 Upon request by the commission, the governing body of
9 the district or in the case of applicants from outside the
10 district the governing body of any other fire protection
11 district or any municipality shall certify to the
12 commission, within 10 days after the request, the number of
13 years of successful paid-on-call, part-time, or full-time
14 service of any person. A candidate may not receive the full
15 amount of preference points under this subsection if the
16 amount of points awarded would place the candidate before a
17 veteran on the eligibility list. If more than one candidate
18 receiving experience preference points is prevented from
19 receiving all of their points due to not being allowed to
20 pass a veteran, the candidates shall be placed on the list
21 below the veteran in rank order based on the totals
22 received if all points under this subsection were to be
23 awarded. Any remaining ties on the list shall be determined
24 by lot.

25 (6) Residency preference. Applicants whose principal
26 residence is located within the fire department's

1 jurisdiction may be preferred for appointment to and
2 employment with the fire department.

3 (7) Additional preferences. Up to 5 additional
4 preference points may be awarded for unique categories
5 based on an applicant's experience or background as
6 identified by the commission.

7 (8) Scoring of preferences. The commission shall give
8 preference for original appointment to persons designated
9 in item (1) by adding to the final grade that they receive
10 5 points for the recognized preference achieved. The
11 commission shall determine the number of preference points
12 for each category except (1). The number of preference
13 points for each category shall range from 0 to 5. In
14 determining the number of preference points, the
15 commission shall prescribe that if a candidate earns the
16 maximum number of preference points in all categories, that
17 number may not be less than 10 nor more than 30. The
18 commission shall give preference for original appointment
19 to persons designated in items (2) through (7) by adding
20 the requisite number of points to the final grade for each
21 recognized preference achieved. The numerical result thus
22 attained shall be applied by the commission in determining
23 the final eligibility list and appointment from the
24 eligibility list. The local appointing authority may
25 prescribe the total number of preference points awarded
26 under this Section, but the total number of preference

1 points shall not be less than 10 points or more than 30
2 points.

3 No person entitled to any preference shall be required to
4 claim the credit before any examination held under the
5 provisions of this Section, but the preference shall be given
6 after the posting or publication of the initial eligibility
7 list or register at the request of a person entitled to a
8 credit before any certification or appointments are made from
9 the eligibility register, upon the furnishing of verifiable
10 evidence and proof of qualifying preference credit. Candidates
11 who are eligible for preference credit shall make a claim in
12 writing within 10 days after the posting of the initial
13 eligibility list, or the claim shall be deemed waived. Final
14 eligibility registers shall be established after the awarding
15 of verified preference points. All employment shall be subject
16 to the commission's initial hire background review including,
17 but not limited to, criminal history, employment history, moral
18 character, oral examination, and medical and psychological
19 examinations, all on a pass-fail basis. The medical and
20 psychological examinations must be conducted last, and may only
21 be performed after a conditional offer of employment has been
22 extended.

23 Any person placed on an eligibility list who exceeds the
24 age requirement before being appointed to a fire department
25 shall remain eligible for appointment until the list is
26 abolished, or his or her name has been on the list for a period

1 of 2 years. No person who has attained the age of 35 years
2 shall be inducted into a fire department, except as otherwise
3 provided in this Section.

4 The commission shall strike off the names of candidates for
5 original appointment after the names have been on the list for
6 more than 2 years.

7 (i) Moral character. No person shall be appointed to a fire
8 department unless he or she is a person of good character; not
9 a habitual drunkard, a gambler, or a person who has been
10 convicted of a felony or a crime involving moral turpitude.
11 However, no person shall be disqualified from appointment to
12 the fire department because of the person's record of
13 misdemeanor convictions except those under Sections 11-6,
14 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,
15 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,
16 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections
17 1, 6, and 8 of Section 24-1 of the Criminal Code of 1961 or the
18 Criminal Code of 2012, or arrest for any cause without
19 conviction thereon. Any such person who is in the department
20 may be removed on charges brought for violating this subsection
21 and after a trial as hereinafter provided.

22 A classifiable set of the fingerprints of every person who
23 is offered employment as a certificated member of an affected
24 fire department whether with or without compensation, shall be
25 furnished to the Illinois Department of State Police and to the
26 Federal Bureau of Investigation by the commission.

1 Whenever a commission is authorized or required by law to
2 consider some aspect of criminal history record information for
3 the purpose of carrying out its statutory powers and
4 responsibilities, then, upon request and payment of fees in
5 conformance with the requirements of Section 2605-400 of the
6 State Police Law of the Civil Administrative Code of Illinois,
7 the Department of State Police is authorized to furnish,
8 pursuant to positive identification, the information contained
9 in State files as is necessary to fulfill the request.

10 (j) Temporary appointments. In order to prevent a stoppage
11 of public business, to meet extraordinary exigencies, or to
12 prevent material impairment of the fire department, the
13 commission may make temporary appointments, to remain in force
14 only until regular appointments are made under the provisions
15 of this Section, but never to exceed 60 days. No temporary
16 appointment of any one person shall be made more than twice in
17 any calendar year.

18 (k) A person who knowingly divulges or receives test
19 questions or answers before a written examination, or otherwise
20 knowingly violates or subverts any requirement of this Section,
21 commits a violation of this Section and may be subject to
22 charges for official misconduct.

23 A person who is the knowing recipient of test information
24 in advance of the examination shall be disqualified from the
25 examination or discharged from the position to which he or she
26 was appointed, as applicable, and otherwise subjected to

1 disciplinary actions.

2 (Source: P.A. 97-251, eff. 8-4-11; 97-898, eff. 8-6-12.)

3 Section 215. The Park District Code is amended by changing
4 Section 8-23 as follows:

5 (70 ILCS 1205/8-23)

6 Sec. 8-23. Criminal background investigations.

7 (a) An applicant for employment with a park district is
8 required as a condition of employment to authorize an
9 investigation to determine if the applicant has been convicted
10 of, or adjudicated a delinquent minor for, any of the
11 enumerated criminal or drug offenses in subsection (c) of this
12 Section or has been convicted, within 7 years of the
13 application for employment with the park district, of any other
14 felony under the laws of this State or of any offense committed
15 or attempted in any other state or against the laws of the
16 United States that, if committed or attempted in this State,
17 would have been punishable as a felony under the laws of this
18 State. Authorization for the investigation shall be furnished
19 by the applicant to the park district. Upon receipt of this
20 authorization, the park district shall submit the applicant's
21 name, sex, race, date of birth, and social security number to
22 the Department of State Police on forms prescribed by the
23 Department of State Police. The Department of State Police
24 shall conduct a search of the Illinois criminal history records

1 database to ascertain if the applicant being considered for
2 employment has been convicted of, or adjudicated a delinquent
3 minor for, committing or attempting to commit any of the
4 enumerated criminal or drug offenses in subsection (c) of this
5 Section or has been convicted of committing or attempting to
6 commit, within 7 years of the application for employment with
7 the park district, any other felony under the laws of this
8 State. The Department of State Police shall charge the park
9 district a fee for conducting the investigation, which fee
10 shall be deposited in the State Police Services Fund and shall
11 not exceed the cost of the inquiry. The applicant shall not be
12 charged a fee by the park district for the investigation.

13 (b) If the search of the Illinois criminal history record
14 database indicates that the applicant has been convicted of, or
15 adjudicated a delinquent minor for, committing or attempting to
16 commit any of the enumerated criminal or drug offenses in
17 subsection (c) or has been convicted of committing or
18 attempting to commit, within 7 years of the application for
19 employment with the park district, any other felony under the
20 laws of this State, the Department of State Police and the
21 Federal Bureau of Investigation shall furnish, pursuant to a
22 fingerprint based background check, records of convictions or
23 adjudications as a delinquent minor, until expunged, to the
24 president of the park district. Any information concerning the
25 record of convictions or adjudications as a delinquent minor
26 obtained by the president shall be confidential and may only be

1 transmitted to those persons who are necessary to the decision
2 on whether to hire the applicant for employment. A copy of the
3 record of convictions or adjudications as a delinquent minor
4 obtained from the Department of State Police shall be provided
5 to the applicant for employment. Any person who releases any
6 confidential information concerning any criminal convictions
7 or adjudications as a delinquent minor of an applicant for
8 employment shall be guilty of a Class A misdemeanor, unless the
9 release of such information is authorized by this Section.

10 (c) No park district shall knowingly employ a person who
11 has been convicted, or adjudicated a delinquent minor, for
12 committing attempted first degree murder or for committing or
13 attempting to commit first degree murder, a Class X felony, or
14 any one or more of the following offenses: (i) those defined in
15 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6,
16 11-9, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
17 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B,
18 11-20.3, 11-21, 11-30, 12-7.3, 12-7.4, 12-7.5, 12-13, 12-14,
19 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 or the
20 Criminal Code of 2012; (ii) those defined in the Cannabis
21 Control Act, except those defined in Sections 4(a), 4(b), and
22 5(a) of that Act; (iii) those defined in the Illinois
23 Controlled Substances Act; (iv) those defined in the
24 Methamphetamine Control and Community Protection Act; and (v)
25 any offense committed or attempted in any other state or
26 against the laws of the United States, which, if committed or

1 attempted in this State, would have been punishable as one or
2 more of the foregoing offenses. Further, no park district shall
3 knowingly employ a person who has been found to be the
4 perpetrator of sexual or physical abuse of any minor under 18
5 years of age pursuant to proceedings under Article II of the
6 Juvenile Court Act of 1987. No park district shall knowingly
7 employ a person for whom a criminal background investigation
8 has not been initiated.

9 (Source: P.A. 96-1551, eff. 7-1-11; 97-700, eff. 6-22-12.)

10 Section 220. The Chicago Park District Act is amended by
11 changing Sections 16a-5 and 26.3 as follows:

12 (70 ILCS 1505/16a-5)

13 Sec. 16a-5. Criminal background investigations.

14 (a) An applicant for employment with the Chicago Park
15 District is required as a condition of employment to authorize
16 an investigation to determine if the applicant has been
17 convicted of, or adjudicated a delinquent minor for, any of the
18 enumerated criminal or drug offenses in subsection (c) of this
19 Section or has been convicted, within 7 years of the
20 application for employment with the Chicago Park District, of
21 any other felony under the laws of this State or of any offense
22 committed or attempted in any other state or against the laws
23 of the United States that, if committed or attempted in this
24 State, would have been punishable as a felony under the laws of

1 this State. Authorization for the investigation shall be
2 furnished by the applicant to the Chicago Park District. Upon
3 receipt of this authorization, the Chicago Park District shall
4 submit the applicant's name, sex, race, date of birth, and
5 social security number to the Department of State Police on
6 forms prescribed by the Department of State Police. The
7 Department of State Police shall conduct a search of the
8 Illinois criminal history record information database to
9 ascertain if the applicant being considered for employment has
10 been convicted of, or adjudicated a delinquent minor for,
11 committing or attempting to commit any of the enumerated
12 criminal or drug offenses in subsection (c) of this Section or
13 has been convicted, of committing or attempting to commit
14 within 7 years of the application for employment with the
15 Chicago Park District, any other felony under the laws of this
16 State. The Department of State Police shall charge the Chicago
17 Park District a fee for conducting the investigation, which fee
18 shall be deposited in the State Police Services Fund and shall
19 not exceed the cost of the inquiry. The applicant shall not be
20 charged a fee by the Chicago Park District for the
21 investigation.

22 (b) If the search of the Illinois criminal history record
23 database indicates that the applicant has been convicted of, or
24 adjudicated a delinquent minor for, committing or attempting to
25 commit any of the enumerated criminal or drug offenses in
26 subsection (c) or has been convicted of committing or

1 attempting to commit, within 7 years of the application for
2 employment with the Chicago Park District, any other felony
3 under the laws of this State, the Department of State Police
4 and the Federal Bureau of Investigation shall furnish, pursuant
5 to a fingerprint based background check, records of convictions
6 or adjudications as a delinquent minor, until expunged, to the
7 General Superintendent and Chief Executive Officer of the
8 Chicago Park District. Any information concerning the record of
9 convictions or adjudications as a delinquent minor obtained by
10 the General Superintendent and Chief Executive Officer shall be
11 confidential and may only be transmitted to those persons who
12 are necessary to the decision on whether to hire the applicant
13 for employment. A copy of the record of convictions or
14 adjudications as a delinquent minor obtained from the
15 Department of State Police shall be provided to the applicant
16 for employment. Any person who releases any confidential
17 information concerning any criminal convictions or
18 adjudications as a delinquent minor of an applicant for
19 employment shall be guilty of a Class A misdemeanor, unless the
20 release of such information is authorized by this Section.

21 (c) The Chicago Park District may not knowingly employ a
22 person who has been convicted, or adjudicated a delinquent
23 minor, for committing attempted first degree murder or for
24 committing or attempting to commit first degree murder, a Class
25 X felony, or any one or more of the following offenses: (i)
26 those defined in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,

1 11-1.60, 11-6, 11-9, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1,
2 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
3 11-20.1B, 11-20.3, 11-21, 11-30, 12-7.3, 12-7.4, 12-7.5,
4 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of
5 1961 or the Criminal Code of 2012; (ii) those defined in the
6 Cannabis Control Act, except those defined in Sections 4(a),
7 4(b), and 5(a) of that Act; (iii) those defined in the Illinois
8 Controlled Substances Act; (iv) those defined in the
9 Methamphetamine Control and Community Protection Act; and (v)
10 any offense committed or attempted in any other state or
11 against the laws of the United States, which, if committed or
12 attempted in this State, would have been punishable as one or
13 more of the foregoing offenses. Further, the Chicago Park
14 District may not knowingly employ a person who has been found
15 to be the perpetrator of sexual or physical abuse of any minor
16 under 18 years of age pursuant to proceedings under Article II
17 of the Juvenile Court Act of 1987. The Chicago Park District
18 may not knowingly employ a person for whom a criminal
19 background investigation has not been initiated.

20 (Source: P.A. 96-1551, eff. 7-1-11; 97-700, eff. 6-22-12.)

21 (70 ILCS 1505/26.3) (from Ch. 105, par. 333.23n)

22 Sec. 26.3. The Chicago Park District, to carry out the
23 purposes of this section, has all the rights and powers over
24 its harbor as it does over its other property, and its rights
25 and powers include but are not limited to the following:

1 (a) To furnish complete harbor facilities and
2 services, including but not limited to: launching,
3 mooring, docking, storing, and repairing facilities and
4 services; parking facilities for motor vehicles and boat
5 trailers; and roads for access to the harbor.

6 (b) To acquire by gift, legacy, grant, purchase, lease,
7 or by condemnation in the manner provided for the exercise
8 of the right of eminent domain under the Eminent Domain
9 Act, any property necessary or appropriate for the purposes
10 of this Section, including riparian rights, within or
11 without the Chicago Park District.

12 (c) To use, occupy and reclaim submerged land under the
13 public waters of the State and artificially made or
14 reclaimed land anywhere within the jurisdiction of the
15 Chicago Park District, or in, over, and upon bordering
16 public waters.

17 (d) To acquire property by agreeing on a boundary line
18 in accordance with the provisions of "An Act to enable the
19 commissioners of Lincoln Park to extend certain parks,
20 boulevards and driveways under its control from time to
21 time and granting submerged lands for the purpose of such
22 extensions and providing for the acquisition of riparian
23 rights and shore lands and interests therein for the
24 purpose of such extensions and to defray the cost thereof,"
25 approved May 25, 1931, and "An Act to enable Park
26 Commissioners having control of a park or parks bordering

1 upon public waters in this state, to enlarge and connect
2 the same from time to time by extensions over lands and the
3 bed of such waters, and defining the use which may be made
4 of such extensions, and granting lands for the purpose of
5 such enlargements," approved May 14, 1903, as amended, and
6 the other Statutes pertaining to Park Districts bordering
7 on navigable waters in the State of Illinois.

8 (e) To locate and establish dock, shore and harbor
9 lines.

10 (f) To license, regulate, and control the use and
11 operation of the harbor, including the operation of all
12 water-borne vessels in the harbor, or otherwise within the
13 jurisdiction of the Chicago Park District.

14 (g) To establish and collect fees for all facilities
15 and services, and compensation for materials furnished.
16 Fees charged nonresidents of such district need not be the
17 same as fees charged to residents of the district.

18 (h) To appoint a director of special services, harbor
19 masters and other personnel, defining their duties and
20 authority.

21 (i) To enter into contracts and leases of every kind,
22 dealing in any manner with the objects and purposes of this
23 section, upon such terms and conditions as the Chicago Park
24 District determines.

25 (j) To establish an impoundment area or areas within
26 the jurisdiction of the Chicago Park District.

1 (k) To remove and store within the impoundment area or
2 areas a water-borne vessel that:

3 (1) is tied or attached to any docks, piers or
4 buoys or other moorings in or upon any harbors or
5 waters of the park system in contravention of those
6 Sections of the Code of the Chicago Park District
7 pertaining to the use of harbors or any rules
8 promulgated by the general superintendent thereunder;

9 (2) is located in the waters or harbors for a
10 period of 12 hours or more without a proper permit;

11 (3) is abandoned or left unattended in the waters
12 or harbors that impedes navigation on the waters;

13 (4) is impeding navigation on the waters, because
14 the persons in charge are incapacitated due to injury
15 or illness;

16 (5) is abandoned in the waters or harbors for a
17 period of 10 hours or more;

18 (6) is seized under Article 36 of the Criminal Code
19 of 2012 ~~1961~~, having been used in the commission of a
20 crime;

21 (7) is reported stolen and the owner has not been
22 located after a reasonable search.

23 (1) To impose a duty on the director of special
24 services or other appointed official to manage and operate
25 the impoundment process and to keep any impounded vessel
26 until such vessel is repossessed by the owner or other

1 person legally entitled to possession thereof or otherwise
2 disposed of in accordance with ordinances or regulations
3 established by the Chicago Park District.

4 (m) To impose fees and charges for redemption of any
5 impounded vessel to cover the cost of towing and storage of
6 the vessel while in custody of the Chicago Park District.

7 (n) To release any impounded vessel to a person
8 entitled to possession or to dispose of such vessel which
9 remains unclaimed after a reasonable search for the owner
10 has been made in full compliance with ordinances and
11 regulations of the Chicago Park District.

12 (o) To control, license and regulate, including the
13 establishment of permits and fees therefor, the
14 chartering, renting or letting for hire of any vessel
15 operating on the waters or harbors within the jurisdiction
16 of the Chicago Park District.

17 (p) To rent storage space to owners of vessels during
18 such seasons and at such fees as are prescribed from time
19 to time in regulations of the Chicago Park District.

20 (Source: P.A. 94-1055, eff. 1-1-07.)

21 Section 225. The Metropolitan Water Reclamation District
22 Act is amended by changing Section 7g as follows:

23 (70 ILCS 2605/7g) (from Ch. 42, par. 326g)

24 Sec. 7g. Any person who takes or who knowingly permits his

1 agent or employee to take industrial wastes or other wastes
2 from a point of origin and intentionally discharges such wastes
3 by means of mobile or portable equipment into any sewer, sewer
4 manhole, or any appurtenances thereto, or directly or
5 indirectly to any waters without possession of a valid and
6 legally issued permit shall be guilty of a Class A misdemeanor.
7 A second or subsequent offense shall constitute a Class 4
8 felony.

9 Any mobile or portable equipment used in the commission of
10 any act which is a violation of this Section shall be subject
11 to seizure and forfeiture in the manner provided for the
12 seizure and forfeiture of vessels, vehicles and aircraft in
13 Article 36 of the Criminal Code of 2012 ~~1961~~, as now or
14 hereafter amended. The person causing the intentional
15 discharge shall be liable for the costs of seizure, storage,
16 and disposal of the mobile or portable equipment.

17 The terms "industrial waste" and "other wastes" shall have
18 the same meaning as these terms are defined in Section 7a of
19 this Act.

20 (Source: P.A. 90-354, eff. 8-8-97.)

21 Section 230. The Metropolitan Transit Authority Act is
22 amended by changing Section 28b as follows:

23 (70 ILCS 3605/28b) (from Ch. 111 2/3, par. 328b)

24 Sec. 28b. Any person applying for a position as a driver of

1 a vehicle owned by a private carrier company which provides
2 public transportation pursuant to an agreement with the
3 Authority shall be required to authorize an investigation by
4 the private carrier company to determine if the applicant has
5 been convicted of any of the following offenses: (i) those
6 offenses defined in Sections 9-1, 9-1.2, 10-1, 10-2, 10-3.1,
7 10-4, 10-5, 10-6, 10-7, 11-1.20, 11-1.30, 11-1.40, 11-1.50,
8 11-1.60, 11-6, 11-9, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1,
9 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
10 11-20.1B, 11-20.3, 11-21, 11-22, 11-30, 12-4.3, 12-4.4,
11 12-4.5, 12-6, 12-7.1, 12-11, 12-13, 12-14, 12-14.1, 12-15,
12 12-16, 12-16.1, 18-1, 18-2, 19-6, 20-1, 20-1.1, 31A-1, 31A-1.1,
13 and 33A-2, in subsection (a) and subsection (b), clause (1), of
14 Section 12-4, in subdivisions (a)(1), (b)(1), and (f)(1) of
15 Section 12-3.05, and in subsection (a-5) of Section 12-3.1 of
16 the Criminal Code of 1961 or the Criminal Code of 2012; (ii)
17 those offenses defined in the Cannabis Control Act except those
18 offenses defined in subsections (a) and (b) of Section 4, and
19 subsection (a) of Section 5 of the Cannabis Control Act (iii)
20 those offenses defined in the Illinois Controlled Substances
21 Act; (iv) those offenses defined in the Methamphetamine Control
22 and Community Protection Act; and (v) any offense committed or
23 attempted in any other state or against the laws of the United
24 States, which if committed or attempted in this State would be
25 punishable as one or more of the foregoing offenses. Upon
26 receipt of this authorization, the private carrier company

1 shall submit the applicant's name, sex, race, date of birth,
2 fingerprints and social security number to the Department of
3 State Police on forms prescribed by the Department. The
4 Department of State Police shall conduct an investigation to
5 ascertain if the applicant has been convicted of any of the
6 above enumerated offenses. The Department shall charge the
7 private carrier company a fee for conducting the investigation,
8 which fee shall be deposited in the State Police Services Fund
9 and shall not exceed the cost of the inquiry; and the applicant
10 shall not be charged a fee for such investigation by the
11 private carrier company. The Department of State Police shall
12 furnish, pursuant to positive identification, records of
13 convictions, until expunged, to the private carrier company
14 which requested the investigation. A copy of the record of
15 convictions obtained from the Department shall be provided to
16 the applicant. Any record of conviction received by the private
17 carrier company shall be confidential. Any person who releases
18 any confidential information concerning any criminal
19 convictions of an applicant shall be guilty of a Class A
20 misdemeanor, unless authorized by this Section.

21 (Source: P.A. 96-1551, Article 1, Section 920, eff. 7-1-11;
22 96-1551, Article 2, Section 960, eff. 7-1-11; 97-1108, eff.
23 1-1-13; 97-1109, eff. 1-1-13.)

24 Section 235. The School Code is amended by changing
25 Sections 10-3, 10-10, 10-22.6, 10-22.39, 10-27.1A, 14-6.02,

1 21B-80, 27-9.1, 33-2, 34-2.1, 34-4, 34-84a.1, and 34-84b as
2 follows:

3 (105 ILCS 5/10-3) (from Ch. 122, par. 10-3)

4 Sec. 10-3. Eligibility of directors. Any person who, on the
5 date of his or her election, is a citizen of the United States,
6 of the age of 18 years or over, is a resident of the State and
7 of the territory of the district for at least one year
8 immediately preceding his or her election, is a registered
9 voter as provided in the general election law, is not a school
10 trustee or a school treasurer, and is not a child sex offender
11 as defined in Section 11-9.3 of the Criminal Code of 2012 ~~1961~~
12 shall be eligible to the office of school director.

13 (Source: P.A. 93-309, eff. 1-1-04.)

14 (105 ILCS 5/10-10) (from Ch. 122, par. 10-10)

15 Sec. 10-10. Board of education; Term; Vacancy. All school
16 districts having a population of not fewer than 1,000 and not
17 more than 500,000 inhabitants, as ascertained by any special or
18 general census, and not governed by special Acts, shall be
19 governed by a board of education consisting of 7 members,
20 serving without compensation except as herein provided. Each
21 member shall be elected for a term of 4 years for the initial
22 members of the board of education of a combined school district
23 to which that subsection applies. If 5 members are elected in
24 1983 pursuant to the extension of terms provided by law for

1 transition to the consolidated election schedule under the
2 general election law, 2 of those members shall be elected to
3 serve terms of 2 years and 3 shall be elected to serve terms of
4 4 years; their successors shall serve for a 4 year term. When
5 the voters of a district have voted to elect members of the
6 board of education for 6 year terms, as provided in Section
7 9-5, the terms of office of members of the board of education
8 of that district expire when their successors assume office but
9 not later than 7 days after such election. If at the regular
10 school election held in the first odd-numbered year after the
11 determination to elect members for 6 year terms 2 members are
12 elected, they shall serve for a 6 year term; and of the members
13 elected at the next regular school election 3 shall serve for a
14 term of 6 years and 2 shall serve a term of 2 years. Thereafter
15 members elected in such districts shall be elected to a 6 year
16 term. If at the regular school election held in the first
17 odd-numbered year after the determination to elect members for
18 6 year terms 3 members are elected, they shall serve for a 6
19 year term; and of the members elected at the next regular
20 school election 2 shall serve for a term of 2 years and 2 shall
21 serve for a term of 6 years. Thereafter members elected in such
22 districts shall be elected to a 6 year term. If at the regular
23 school election held in the first odd-numbered year after the
24 determination to elect members for 6 year terms 4 members are
25 elected, 3 shall serve for a term of 6 years and one shall
26 serve for a term of 2 years; and of the members elected at the

1 next regular school election 2 shall serve for terms of 6 years
2 and 2 shall serve for terms of 2 years. Thereafter members
3 elected in such districts shall be elected to a 6 year term. If
4 at the regular school election held in the first odd-numbered
5 year after the determination to elect members for a 6 year term
6 5 members are elected, 3 shall serve for a term of 6 years and 2
7 shall serve for a term of 2 years; and of the members elected
8 at the next regular school election 2 shall serve for terms of
9 6 years and 2 shall serve for terms of 2 years. Thereafter
10 members elected in such districts shall be elected to a 6 year
11 term. An election for board members shall not be held in school
12 districts which by consolidation, annexation or otherwise
13 shall cease to exist as a school district within 6 months after
14 the election date, and the term of all board members which
15 would otherwise terminate shall be continued until such
16 district shall cease to exist. Each member, on the date of his
17 or her election, shall be a citizen of the United States of the
18 age of 18 years or over, shall be a resident of the State and
19 the territory of the district for at least one year immediately
20 preceding his or her election, shall be a registered voter as
21 provided in the general election law, shall not be a school
22 trustee, and shall not be a child sex offender as defined in
23 Section 11-9.3 of the Criminal Code of 2012 ~~1961~~. When the
24 board of education is the successor of the school directors,
25 all rights of property, and all rights regarding causes of
26 action existing or vested in such directors, shall vest in it

1 as fully as they were vested in the school directors. Terms of
2 members are subject to Section 2A-54 of the Election Code.

3 Nomination papers filed under this Section are not valid
4 unless the candidate named therein files with the secretary of
5 the board of education or with a person designated by the board
6 to receive nominating petitions a receipt from the county clerk
7 showing that the candidate has filed a statement of economic
8 interests as required by the Illinois Governmental Ethics Act.
9 Such receipt shall be so filed either previously during the
10 calendar year in which his nomination papers were filed or
11 within the period for the filing of nomination papers in
12 accordance with the general election law.

13 Whenever a vacancy occurs, the remaining members shall
14 notify the regional superintendent of that vacancy within 5
15 days after its occurrence and shall proceed to fill the vacancy
16 until the next regular school election, at which election a
17 successor shall be elected to serve the remainder of the
18 unexpired term. However, if the vacancy occurs with less than
19 868 days remaining in the term, or if the vacancy occurs less
20 than 88 days before the next regularly scheduled election for
21 this office then the person so appointed shall serve the
22 remainder of the unexpired term, and no election to fill the
23 vacancy shall be held. Should they fail so to act, within 45
24 days after the vacancy occurs, the regional superintendent of
25 schools under whose supervision and control the district is
26 operating, as defined in Section 3-14.2 of this Act, shall

1 within 30 days after the remaining members have failed to fill
2 the vacancy, fill the vacancy as provided for herein. Upon the
3 regional superintendent's failure to fill the vacancy, the
4 vacancy shall be filled at the next regularly scheduled
5 election. Whether elected or appointed by the remaining members
6 or regional superintendent, the successor shall be an
7 inhabitant of the particular area from which his or her
8 predecessor was elected if the residential requirements
9 contained in Section 10-10.5 or 12-2 of this Code apply.

10 A board of education may appoint a student to the board to
11 serve in an advisory capacity. The student member shall serve
12 for a term as determined by the board. The board may not grant
13 the student member any voting privileges, but shall consider
14 the student member as an advisor. The student member may not
15 participate in or attend any executive session of the board.

16 (Source: P.A. 96-538, eff. 8-14-09.)

17 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

18 Sec. 10-22.6. Suspension or expulsion of pupils; school
19 searches.

20 (a) To expel pupils guilty of gross disobedience or
21 misconduct, including gross disobedience or misconduct
22 perpetuated by electronic means, and no action shall lie
23 against them for such expulsion. Expulsion shall take place
24 only after the parents have been requested to appear at a
25 meeting of the board, or with a hearing officer appointed by

1 it, to discuss their child's behavior. Such request shall be
2 made by registered or certified mail and shall state the time,
3 place and purpose of the meeting. The board, or a hearing
4 officer appointed by it, at such meeting shall state the
5 reasons for dismissal and the date on which the expulsion is to
6 become effective. If a hearing officer is appointed by the
7 board he shall report to the board a written summary of the
8 evidence heard at the meeting and the board may take such
9 action thereon as it finds appropriate. An expelled pupil may
10 be immediately transferred to an alternative program in the
11 manner provided in Article 13A or 13B of this Code. A pupil
12 must not be denied transfer because of the expulsion, except in
13 cases in which such transfer is deemed to cause a threat to the
14 safety of students or staff in the alternative program.

15 (b) To suspend or by policy to authorize the superintendent
16 of the district or the principal, assistant principal, or dean
17 of students of any school to suspend pupils guilty of gross
18 disobedience or misconduct, or to suspend pupils guilty of
19 gross disobedience or misconduct on the school bus from riding
20 the school bus, and no action shall lie against them for such
21 suspension. The board may by policy authorize the
22 superintendent of the district or the principal, assistant
23 principal, or dean of students of any school to suspend pupils
24 guilty of such acts for a period not to exceed 10 school days.
25 If a pupil is suspended due to gross disobedience or misconduct
26 on a school bus, the board may suspend the pupil in excess of

1 10 school days for safety reasons. Any suspension shall be
2 reported immediately to the parents or guardian of such pupil
3 along with a full statement of the reasons for such suspension
4 and a notice of their right to a review. The school board must
5 be given a summary of the notice, including the reason for the
6 suspension and the suspension length. Upon request of the
7 parents or guardian the school board or a hearing officer
8 appointed by it shall review such action of the superintendent
9 or principal, assistant principal, or dean of students. At such
10 review the parents or guardian of the pupil may appear and
11 discuss the suspension with the board or its hearing officer.
12 If a hearing officer is appointed by the board he shall report
13 to the board a written summary of the evidence heard at the
14 meeting. After its hearing or upon receipt of the written
15 report of its hearing officer, the board may take such action
16 as it finds appropriate. A pupil who is suspended in excess of
17 20 school days may be immediately transferred to an alternative
18 program in the manner provided in Article 13A or 13B of this
19 Code. A pupil must not be denied transfer because of the
20 suspension, except in cases in which such transfer is deemed to
21 cause a threat to the safety of students or staff in the
22 alternative program.

23 (c) The Department of Human Services shall be invited to
24 send a representative to consult with the board at such meeting
25 whenever there is evidence that mental illness may be the cause
26 for expulsion or suspension.

1 (d) The board may expel a student for a definite period of
2 time not to exceed 2 calendar years, as determined on a case by
3 case basis. A student who is determined to have brought one of
4 the following objects to school, any school-sponsored activity
5 or event, or any activity or event that bears a reasonable
6 relationship to school shall be expelled for a period of not
7 less than one year:

8 (1) A firearm. For the purposes of this Section,
9 "firearm" means any gun, rifle, shotgun, weapon as defined
10 by Section 921 of Title 18 of the United States Code,
11 firearm as defined in Section 1.1 of the Firearm Owners
12 Identification Card Act, or firearm as defined in Section
13 24-1 of the Criminal Code of 2012 ~~1961~~. The expulsion
14 period under this subdivision (1) may be modified by the
15 superintendent, and the superintendent's determination may
16 be modified by the board on a case-by-case basis.

17 (2) A knife, brass knuckles or other knuckle weapon
18 regardless of its composition, a billy club, or any other
19 object if used or attempted to be used to cause bodily
20 harm, including "look alike" of any firearm as defined in
21 subdivision (1) of this subsection (d). The expulsion
22 requirement under this subdivision (2) may be modified by
23 the superintendent, and the superintendent's determination
24 may be modified by the board on a case-by-case basis.

25 Expulsion or suspension shall be construed in a manner
26 consistent with the Federal Individuals with Disabilities

1 Education Act. A student who is subject to suspension or
2 expulsion as provided in this Section may be eligible for a
3 transfer to an alternative school program in accordance with
4 Article 13A of the School Code. The provisions of this
5 subsection (d) apply in all school districts, including special
6 charter districts and districts organized under Article 34.

7 (d-5) The board may suspend or by regulation authorize the
8 superintendent of the district or the principal, assistant
9 principal, or dean of students of any school to suspend a
10 student for a period not to exceed 10 school days or may expel
11 a student for a definite period of time not to exceed 2
12 calendar years, as determined on a case by case basis, if (i)
13 that student has been determined to have made an explicit
14 threat on an Internet website against a school employee, a
15 student, or any school-related personnel, (ii) the Internet
16 website through which the threat was made is a site that was
17 accessible within the school at the time the threat was made or
18 was available to third parties who worked or studied within the
19 school grounds at the time the threat was made, and (iii) the
20 threat could be reasonably interpreted as threatening to the
21 safety and security of the threatened individual because of his
22 or her duties or employment status or status as a student
23 inside the school. The provisions of this subsection (d-5)
24 apply in all school districts, including special charter
25 districts and districts organized under Article 34 of this
26 Code.

1 (e) To maintain order and security in the schools, school
2 authorities may inspect and search places and areas such as
3 lockers, desks, parking lots, and other school property and
4 equipment owned or controlled by the school, as well as
5 personal effects left in those places and areas by students,
6 without notice to or the consent of the student, and without a
7 search warrant. As a matter of public policy, the General
8 Assembly finds that students have no reasonable expectation of
9 privacy in these places and areas or in their personal effects
10 left in these places and areas. School authorities may request
11 the assistance of law enforcement officials for the purpose of
12 conducting inspections and searches of lockers, desks, parking
13 lots, and other school property and equipment owned or
14 controlled by the school for illegal drugs, weapons, or other
15 illegal or dangerous substances or materials, including
16 searches conducted through the use of specially trained dogs.
17 If a search conducted in accordance with this Section produces
18 evidence that the student has violated or is violating either
19 the law, local ordinance, or the school's policies or rules,
20 such evidence may be seized by school authorities, and
21 disciplinary action may be taken. School authorities may also
22 turn over such evidence to law enforcement authorities. The
23 provisions of this subsection (e) apply in all school
24 districts, including special charter districts and districts
25 organized under Article 34.

26 (f) Suspension or expulsion may include suspension or

1 expulsion from school and all school activities and a
2 prohibition from being present on school grounds.

3 (g) A school district may adopt a policy providing that if
4 a student is suspended or expelled for any reason from any
5 public or private school in this or any other state, the
6 student must complete the entire term of the suspension or
7 expulsion in an alternative school program under Article 13A of
8 this Code or an alternative learning opportunities program
9 under Article 13B of this Code before being admitted into the
10 school district if there is no threat to the safety of students
11 or staff in the alternative program. This subsection (g)
12 applies to all school districts, including special charter
13 districts and districts organized under Article 34 of this
14 Code.

15 (Source: P.A. 96-633, eff. 8-24-09; 96-998, eff. 7-2-10;
16 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; 97-813, eff.
17 7-13-12.)

18 (105 ILCS 5/10-22.39)

19 Sec. 10-22.39. In-service training programs.

20 (a) To conduct in-service training programs for teachers.

21 (b) In addition to other topics at in-service training
22 programs, school guidance counselors, teachers, school social
23 workers, and other school personnel who work with pupils in
24 grades 7 through 12 shall be trained to identify the warning
25 signs of suicidal behavior in adolescents and teens and shall

1 be taught appropriate intervention and referral techniques.

2 (c) School guidance counselors, nurses, teachers and other
3 school personnel who work with pupils may be trained to have a
4 basic knowledge of matters relating to acquired
5 immunodeficiency syndrome (AIDS), including the nature of the
6 disease, its causes and effects, the means of detecting it and
7 preventing its transmission, and the availability of
8 appropriate sources of counseling and referral, and any other
9 information that may be appropriate considering the age and
10 grade level of such pupils. The School Board shall supervise
11 such training. The State Board of Education and the Department
12 of Public Health shall jointly develop standards for such
13 training.

14 (d) In this subsection (d):

15 "Domestic violence" means abuse by a family or household
16 member, as "abuse" and "family or household members" are
17 defined in Section 103 of the Illinois Domestic Violence Act of
18 1986.

19 "Sexual violence" means sexual assault, abuse, or stalking
20 of an adult or minor child proscribed in the Criminal Code of
21 1961 or the Criminal Code of 2012 in Sections 11-1.20, 11-1.30,
22 11-1.40, 11-1.50, 11-1.60, 12-7.3, 12-7.4, 12-7.5, 12-12,
23 12-13, 12-14, 12-14.1, 12-15, and 12-16, including sexual
24 violence committed by perpetrators who are strangers to the
25 victim and sexual violence committed by perpetrators who are
26 known or related by blood or marriage to the victim.

1 At least once every 2 years, an in-service training program
2 for school personnel who work with pupils, including, but not
3 limited to, school and school district administrators,
4 teachers, school guidance counselors, school social workers,
5 school counselors, school psychologists, and school nurses,
6 must be conducted by persons with expertise in domestic and
7 sexual violence and the needs of expectant and parenting youth
8 and shall include training concerning (i) communicating with
9 and listening to youth victims of domestic or sexual violence
10 and expectant and parenting youth, (ii) connecting youth
11 victims of domestic or sexual violence and expectant and
12 parenting youth to appropriate in-school services and other
13 agencies, programs, and services as needed, and (iii)
14 implementing the school district's policies, procedures, and
15 protocols with regard to such youth, including
16 confidentiality. At a minimum, school personnel must be trained
17 to understand, provide information and referrals, and address
18 issues pertaining to youth who are parents, expectant parents,
19 or victims of domestic or sexual violence.

20 (e) At least every 2 years, an in-service training program
21 for school personnel who work with pupils must be conducted by
22 persons with expertise in anaphylactic reactions and
23 management.

24 (f) At least once every 2 years, a school board shall
25 conduct in-service training on educator ethics,
26 teacher-student conduct, and school employee-student conduct

1 for all personnel.

2 (Source: P.A. 95-558, eff. 8-30-07; 96-349, eff. 8-13-09;
3 96-431, eff. 8-13-09; 96-951, eff. 6-28-10; 96-1000, eff.
4 7-2-10; 96-1551, eff. 7-1-11.)

5 (105 ILCS 5/10-27.1A)

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

7 (a) All school officials, including teachers, guidance
8 counselors, and support staff, shall immediately notify the
9 office of the principal in the event that they observe any
10 person in possession of a firearm on school grounds; provided
11 that taking such immediate action to notify the office of the
12 principal would not immediately endanger the health, safety, or
13 welfare of students who are under the direct supervision of the
14 school official or the school official. If the health, safety,
15 or welfare of students under the direct supervision of the
16 school official or of the school official is immediately
17 endangered, the school official shall notify the office of the
18 principal as soon as the students under his or her supervision
19 and he or she are no longer under immediate danger. A report is
20 not required by this Section when the school official knows
21 that the person in possession of the firearm is a law
22 enforcement official engaged in the conduct of his or her
23 official duties. Any school official acting in good faith who
24 makes such a report under this Section shall have immunity from
25 any civil or criminal liability that might otherwise be

1 incurred as a result of making the report. The identity of the
2 school official making such report shall not be disclosed
3 except as expressly and specifically authorized by law.
4 Knowingly and willfully failing to comply with this Section is
5 a petty offense. A second or subsequent offense is a Class C
6 misdemeanor.

7 (b) Upon receiving a report from any school official
8 pursuant to this Section, or from any other person, the
9 principal or his or her designee shall immediately notify a
10 local law enforcement agency. If the person found to be in
11 possession of a firearm on school grounds is a student, the
12 principal or his or her designee shall also immediately notify
13 that student's parent or guardian. Any principal or his or her
14 designee acting in good faith who makes such reports under this
15 Section shall have immunity from any civil or criminal
16 liability that might otherwise be incurred or imposed as a
17 result of making the reports. Knowingly and willfully failing
18 to comply with this Section is a petty offense. A second or
19 subsequent offense is a Class C misdemeanor. If the person
20 found to be in possession of the firearm on school grounds is a
21 minor, the law enforcement agency shall detain that minor until
22 such time as the agency makes a determination pursuant to
23 clause (a) of subsection (1) of Section 5-401 of the Juvenile
24 Court Act of 1987, as to whether the agency reasonably believes
25 that the minor is delinquent. If the law enforcement agency
26 determines that probable cause exists to believe that the minor

1 committed a violation of item (4) of subsection (a) of Section
2 24-1 of the Criminal Code of 2012 ~~1961~~ while on school grounds,
3 the agency shall detain the minor for processing pursuant to
4 Section 5-407 of the Juvenile Court Act of 1987.

5 (c) On or after January 1, 1997, upon receipt of any
6 written, electronic, or verbal report from any school personnel
7 regarding a verified incident involving a firearm in a school
8 or on school owned or leased property, including any conveyance
9 owned, leased, or used by the school for the transport of
10 students or school personnel, the superintendent or his or her
11 designee shall report all such firearm-related incidents
12 occurring in a school or on school property to the local law
13 enforcement authorities immediately and to the Department of
14 State Police in a form, manner, and frequency as prescribed by
15 the Department of State Police.

16 The State Board of Education shall receive an annual
17 statistical compilation and related data associated with
18 incidents involving firearms in schools from the Department of
19 State Police. The State Board of Education shall compile this
20 information by school district and make it available to the
21 public.

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

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

1 As used in this Section, the term "school grounds" includes
2 the real property comprising any school, any conveyance owned,
3 leased, or contracted by a school to transport students to or
4 from school or a school-related activity, or any public way
5 within 1,000 feet of the real property comprising any school.

6 (Source: P.A. 91-11, eff. 6-4-99; 91-491, eff. 8-13-99.)

7 (105 ILCS 5/14-6.02) (from Ch. 122, par. 14-6.02)

8 Sec. 14-6.02. Service animals. Service animals such as
9 guide dogs, signal dogs or any other animal individually
10 trained to perform tasks for the benefit of a student with a
11 disability shall be permitted to accompany that student at all
12 school functions, whether in or outside the classroom. For the
13 purposes of this Section, "service animal" has the same meaning
14 as in Section 48-8 of the Criminal Code of 2012 ~~1 of the~~
15 ~~Service Animal Access Act.~~

16 (Source: P.A. 97-956, eff. 8-14-12; revised 9-20-12.)

17 (105 ILCS 5/21B-80)

18 Sec. 21B-80. Conviction of certain offenses as grounds for
19 revocation of license.

20 (a) As used in this Section:

21 "Narcotics offense" means any one or more of the following
22 offenses:

23 (1) Any offense defined in the Cannabis Control Act,
24 except those defined in subdivisions (a) and (b) of Section

1 4 and subdivision (a) of Section 5 of the Cannabis Control
2 Act and any offense for which the holder of a license is
3 placed on probation under the provisions of Section 10 of
4 the Cannabis Control Act, provided that if the terms and
5 conditions of probation required by the court are not
6 fulfilled, the offense is not eligible for this exception.

7 (2) Any offense defined in the Illinois Controlled
8 Substances Act, except any offense for which the holder of
9 a license is placed on probation under the provisions of
10 Section 410 of the Illinois Controlled Substances Act,
11 provided that if the terms and conditions of probation
12 required by the court are not fulfilled, the offense is not
13 eligible for this exception.

14 (3) Any offense defined in the Methamphetamine Control
15 and Community Protection Act, except any offense for which
16 the holder of a license is placed on probation under the
17 provision of Section 70 of that Act, provided that if the
18 terms and conditions of probation required by the court are
19 not fulfilled, the offense is not eligible for this
20 exception.

21 (4) Any attempt to commit any of the offenses listed in
22 items (1) through (3) of this definition.

23 (5) Any offense committed or attempted in any other
24 state or against the laws of the United States that, if
25 committed or attempted in this State, would have been
26 punishable as one or more of the offenses listed in items

1 (1) through (4) of this definition.

2 The changes made by Public Act 96-431 to the definition of
3 "narcotics offense" are declaratory of existing law.

4 "Sex offense" means any one or more of the following
5 offenses:

6 (A) Any offense defined in Sections 11-6, 11-9 through
7 11-9.5, inclusive, and 11-30, of the Criminal Code of 1961
8 or the Criminal Code of 2012; Sections 11-14 through 11-21,
9 inclusive, of the Criminal Code of 1961 or the Criminal
10 Code of 2012; Sections 11-23 (if punished as a Class 3
11 felony), 11-24, 11-25, and 11-26 of the Criminal Code of
12 1961 or the Criminal Code of 2012; and Sections 11-1.20,
13 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-4.9, 12-13, 12-14,
14 12-14.1, 12-15, 12-16, 12-32, 12-33, and 12C-45 of the
15 Criminal Code of 1961 or the Criminal Code of 2012.

16 (B) Any attempt to commit any of the offenses listed in
17 item (A) of this definition.

18 (C) Any offense committed or attempted in any other
19 state that, if committed or attempted in this State, would
20 have been punishable as one or more of the offenses listed
21 in items (A) and (B) of this definition.

22 (b) Whenever the holder of any license issued pursuant to
23 this Article has been convicted of any sex offense or narcotics
24 offense, the State Superintendent of Education shall forthwith
25 suspend the license. If the conviction is reversed and the
26 holder is acquitted of the offense in a new trial or the

1 charges against him or her are dismissed, the State
2 Superintendent of Education shall forthwith terminate the
3 suspension of the license. When the conviction becomes final,
4 the State Superintendent of Education shall forthwith revoke
5 the license.

6 (c) Whenever the holder of a license issued pursuant to
7 this Article has been convicted of attempting to commit,
8 conspiring to commit, soliciting, or committing first degree
9 murder or a Class X felony or any offense committed or
10 attempted in any other state or against the laws of the United
11 States that, if committed or attempted in this State, would
12 have been punishable as one or more of the foregoing offenses,
13 the State Superintendent of Education shall forthwith suspend
14 the license. If the conviction is reversed and the holder is
15 acquitted of that offense in a new trial or the charges that he
16 or she committed that offense are dismissed, the State
17 Superintendent of Education shall forthwith terminate the
18 suspension of the license. When the conviction becomes final,
19 the State Superintendent of Education shall forthwith revoke
20 the license.

21 (Source: P.A. 97-607, eff. 8-26-11; incorporates 96-1551, eff.
22 7-1-11; 97-1109, eff. 1-1-13.)

23 (105 ILCS 5/27-9.1) (from Ch. 122, par. 27-9.1)
24 Sec. 27-9.1. Sex Education.

25 (a) No pupil shall be required to take or participate in

1 any class or course in comprehensive sex education if his
2 parent or guardian submits written objection thereto, and
3 refusal to take or participate in such course or program shall
4 not be reason for suspension or expulsion of such pupil. Each
5 class or course in comprehensive sex education offered in any
6 of grades 6 through 12 shall include instruction on the
7 prevention, transmission and spread of AIDS. Nothing in this
8 Section prohibits instruction in sanitation, hygiene or
9 traditional courses in biology.

10 (b) All public elementary, junior high, and senior high
11 school classes that teach sex education and discuss sexual
12 intercourse shall emphasize that abstinence is the expected
13 norm in that abstinence from sexual intercourse is the only
14 protection that is 100% effective against unwanted teenage
15 pregnancy, sexually transmitted diseases, and acquired immune
16 deficiency syndrome (AIDS) when transmitted sexually.

17 (c) All sex education courses that discuss sexual
18 intercourse shall satisfy the following criteria:

19 (1) Course material and instruction shall be age
20 appropriate.

21 (2) Course material and instruction shall teach honor
22 and respect for monogamous heterosexual marriage.

23 (3) Course material and instruction shall stress that
24 pupils should abstain from sexual intercourse until they
25 are ready for marriage.

26 (4) Course material and instruction shall include a

1 discussion of the possible emotional and psychological
2 consequences of preadolescent and adolescent sexual
3 intercourse outside of marriage and the consequences of
4 unwanted adolescent pregnancy.

5 (5) Course material and instruction shall stress that
6 sexually transmitted diseases are serious possible hazards
7 of sexual intercourse. Pupils shall be provided with
8 statistics based on the latest medical information citing
9 the failure and success rates of condoms in preventing AIDS
10 and other sexually transmitted diseases.

11 (6) Course material and instruction shall advise
12 pupils of the laws pertaining to their financial
13 responsibility to children born in and out of wedlock.

14 (7) Course material and instruction shall advise
15 pupils of the circumstances under which it is unlawful for
16 males to have sexual relations with females under the age
17 of 18 to whom they are not married pursuant to Article 11
18 ~~12~~ of the Criminal Code of 2012 ~~1961~~, ~~as now or hereafter~~
19 ~~amended~~.

20 (8) Course material and instruction shall teach pupils
21 to not make unwanted physical and verbal sexual advances
22 and how to say no to unwanted sexual advances. Pupils shall
23 be taught that it is wrong to take advantage of or to
24 exploit another person. The material and instruction shall
25 also encourage youth to resist negative peer pressure.

26 (9) (Blank).

1 (10) Course material and instruction shall teach
2 pupils about the dangers associated with drug and alcohol
3 consumption during pregnancy.

4 (d) An opportunity shall be afforded to parents or
5 guardians to examine the instructional materials to be used in
6 such class or course.

7 (Source: P.A. 96-1082, eff. 7-16-10.)

8 (105 ILCS 5/33-2) (from Ch. 122, par. 33-2)

9 Sec. 33-2. Eligibility. To be eligible for election to the
10 board, a person shall be a citizen of the United States, shall
11 have been a resident of the district for at least one year
12 immediately preceding his or her election, and shall not be a
13 child sex offender as defined in Section 11-9.3 of the Criminal
14 Code of 2012 ~~1961~~. Permanent removal from the district by any
15 member constitutes a resignation from and creates a vacancy in
16 the board. Board members shall serve without compensation.

17 Notwithstanding any provisions to the contrary in any
18 special charter, petitions nominating candidates for the board
19 of education shall be signed by at least 200 voters of the
20 district; and the polls, whether they be located within a city
21 lying in the district or outside of a city, shall remain open
22 during the hours specified in the Election Code.

23 (Source: P.A. 93-309, eff. 1-1-04.)

24 (105 ILCS 5/34-2.1) (from Ch. 122, par. 34-2.1)

1 Sec. 34-2.1. Local School Councils - Composition -
2 Voter-Eligibility - Elections - Terms.

3 (a) A local school council shall be established for each
4 attendance center within the school district. Each local school
5 council shall consist of the following 12 voting members: the
6 principal of the attendance center, 2 teachers employed and
7 assigned to perform the majority of their employment duties at
8 the attendance center, 6 parents of students currently enrolled
9 at the attendance center, one employee of the school district
10 employed and assigned to perform the majority of his or her
11 employment duties at the attendance center who is not a
12 teacher, and 2 community residents. Neither the parents nor the
13 community residents who serve as members of the local school
14 council shall be employees of the Board of Education. In each
15 secondary attendance center, the local school council shall
16 consist of 13 voting members -- the 12 voting members described
17 above and one full-time student member, appointed as provided
18 in subsection (m) below. In the event that the chief executive
19 officer of the Chicago School Reform Board of Trustees
20 determines that a local school council is not carrying out its
21 financial duties effectively, the chief executive officer is
22 authorized to appoint a representative of the business
23 community with experience in finance and management to serve as
24 an advisor to the local school council for the purpose of
25 providing advice and assistance to the local school council on
26 fiscal matters. The advisor shall have access to relevant

1 financial records of the local school council. The advisor may
2 attend executive sessions. The chief executive officer shall
3 issue a written policy defining the circumstances under which a
4 local school council is not carrying out its financial duties
5 effectively.

6 (b) Within 7 days of January 11, 1991, the Mayor shall
7 appoint the members and officers (a Chairperson who shall be a
8 parent member and a Secretary) of each local school council who
9 shall hold their offices until their successors shall be
10 elected and qualified. Members so appointed shall have all the
11 powers and duties of local school councils as set forth in this
12 amendatory Act of 1991. The Mayor's appointments shall not
13 require approval by the City Council.

14 The membership of each local school council shall be
15 encouraged to be reflective of the racial and ethnic
16 composition of the student population of the attendance center
17 served by the local school council.

18 (c) Beginning with the 1995-1996 school year and in every
19 even-numbered year thereafter, the Board shall set second
20 semester Parent Report Card Pick-up Day for Local School
21 Council elections and may schedule elections at year-round
22 schools for the same dates as the remainder of the school
23 system. Elections shall be conducted as provided herein by the
24 Board of Education in consultation with the local school
25 council at each attendance center.

26 (d) Beginning with the 1995-96 school year, the following

1 procedures shall apply to the election of local school council
2 members at each attendance center:

3 (i) The elected members of each local school council
4 shall consist of the 6 parent members and the 2 community
5 resident members.

6 (ii) Each elected member shall be elected by the
7 eligible voters of that attendance center to serve for a
8 two-year term commencing on July 1 immediately following
9 the election described in subsection (c). Eligible voters
10 for each attendance center shall consist of the parents and
11 community residents for that attendance center.

12 (iii) Each eligible voter shall be entitled to cast one
13 vote for up to a total of 5 candidates, irrespective of
14 whether such candidates are parent or community resident
15 candidates.

16 (iv) Each parent voter shall be entitled to vote in the
17 local school council election at each attendance center in
18 which he or she has a child currently enrolled. Each
19 community resident voter shall be entitled to vote in the
20 local school council election at each attendance center for
21 which he or she resides in the applicable attendance area
22 or voting district, as the case may be.

23 (v) Each eligible voter shall be entitled to vote once,
24 but not more than once, in the local school council
25 election at each attendance center at which the voter is
26 eligible to vote.

1 (vi) The 2 teacher members and the non-teacher employee
2 member of each local school council shall be appointed as
3 provided in subsection (l) below each to serve for a
4 two-year term coinciding with that of the elected parent
5 and community resident members.

6 (vii) At secondary attendance centers, the voting
7 student member shall be appointed as provided in subsection
8 (m) below to serve for a one-year term coinciding with the
9 beginning of the terms of the elected parent and community
10 members of the local school council.

11 (e) The Council shall publicize the date and place of the
12 election by posting notices at the attendance center, in public
13 places within the attendance boundaries of the attendance
14 center and by distributing notices to the pupils at the
15 attendance center, and shall utilize such other means as it
16 deems necessary to maximize the involvement of all eligible
17 voters.

18 (f) Nomination. The Council shall publicize the opening of
19 nominations by posting notices at the attendance center, in
20 public places within the attendance boundaries of the
21 attendance center and by distributing notices to the pupils at
22 the attendance center, and shall utilize such other means as it
23 deems necessary to maximize the involvement of all eligible
24 voters. Not less than 2 weeks before the election date, persons
25 eligible to run for the Council shall submit their name, date
26 of birth, social security number, if available, and some

1 evidence of eligibility to the Council. The Council shall
2 encourage nomination of candidates reflecting the
3 racial/ethnic population of the students at the attendance
4 center. Each person nominated who runs as a candidate shall
5 disclose, in a manner determined by the Board, any economic
6 interest held by such person, by such person's spouse or
7 children, or by each business entity in which such person has
8 an ownership interest, in any contract with the Board, any
9 local school council or any public school in the school
10 district. Each person nominated who runs as a candidate shall
11 also disclose, in a manner determined by the Board, if he or
12 she ever has been convicted of any of the offenses specified in
13 subsection (c) of Section 34-18.5; provided that neither this
14 provision nor any other provision of this Section shall be
15 deemed to require the disclosure of any information that is
16 contained in any law enforcement record or juvenile court
17 record that is confidential or whose accessibility or
18 disclosure is restricted or prohibited under Section 5-901 or
19 5-905 of the Juvenile Court Act of 1987. Failure to make such
20 disclosure shall render a person ineligible for election or to
21 serve on the local school council. The same disclosure shall be
22 required of persons under consideration for appointment to the
23 Council pursuant to subsections (l) and (m) of this Section.

24 (f-5) Notwithstanding disclosure, a person who has been
25 convicted of any of the following offenses at any time shall be
26 ineligible for election or appointment to a local school

1 council and ineligible for appointment to a local school
2 council pursuant to subsections (l) and (m) of this Section:
3 (i) those defined in Section 11-1.20, 11-1.30, 11-1.40,
4 11-1.50, 11-1.60, 11-6, 11-9.1, 11-14.4, 11-16, 11-17.1,
5 11-19, 11-19.1, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-13,
6 12-14, 12-14.1, 12-15, or 12-16, or subdivision (a)(2) of
7 Section 11-14.3, of the Criminal Code of 1961 or the Criminal
8 Code of 2012, or (ii) any offense committed or attempted in any
9 other state or against the laws of the United States, which, if
10 committed or attempted in this State, would have been
11 punishable as one or more of the foregoing offenses.
12 Notwithstanding disclosure, a person who has been convicted of
13 any of the following offenses within the 10 years previous to
14 the date of nomination or appointment shall be ineligible for
15 election or appointment to a local school council: (i) those
16 defined in Section 401.1, 405.1, or 405.2 of the Illinois
17 Controlled Substances Act or (ii) any offense committed or
18 attempted in any other state or against the laws of the United
19 States, which, if committed or attempted in this State, would
20 have been punishable as one or more of the foregoing offenses.

21 Immediately upon election or appointment, incoming local
22 school council members shall be required to undergo a criminal
23 background investigation, to be completed prior to the member
24 taking office, in order to identify any criminal convictions
25 under the offenses enumerated in Section 34-18.5. The
26 investigation shall be conducted by the Department of State

1 Police in the same manner as provided for in Section 34-18.5.
2 However, notwithstanding Section 34-18.5, the social security
3 number shall be provided only if available. If it is determined
4 at any time that a local school council member or member-elect
5 has been convicted of any of the offenses enumerated in this
6 Section or failed to disclose a conviction of any of the
7 offenses enumerated in Section 34-18.5, the general
8 superintendent shall notify the local school council member or
9 member-elect of such determination and the local school council
10 member or member-elect shall be removed from the local school
11 council by the Board, subject to a hearing, convened pursuant
12 to Board rule, prior to removal.

13 (g) At least one week before the election date, the Council
14 shall publicize, in the manner provided in subsection (e), the
15 names of persons nominated for election.

16 (h) Voting shall be in person by secret ballot at the
17 attendance center between the hours of 6:00 a.m. and 7:00 p.m.

18 (i) Candidates receiving the highest number of votes shall
19 be declared elected by the Council. In cases of a tie, the
20 Council shall determine the winner by lot.

21 (j) The Council shall certify the results of the election
22 and shall publish the results in the minutes of the Council.

23 (k) The general superintendent shall resolve any disputes
24 concerning election procedure or results and shall ensure that,
25 except as provided in subsections (e) and (g), no resources of
26 any attendance center shall be used to endorse or promote any

1 candidate.

2 (1) Beginning with the 1995-1996 school year and in every
3 even numbered year thereafter, the Board shall appoint 2
4 teacher members to each local school council. These
5 appointments shall be made in the following manner:

6 (i) The Board shall appoint 2 teachers who are employed
7 and assigned to perform the majority of their employment
8 duties at the attendance center to serve on the local
9 school council of the attendance center for a two-year term
10 coinciding with the terms of the elected parent and
11 community members of that local school council. These
12 appointments shall be made from among those teachers who
13 are nominated in accordance with subsection (f).

14 (ii) A non-binding, advisory poll to ascertain the
15 preferences of the school staff regarding appointments of
16 teachers to the local school council for that attendance
17 center shall be conducted in accordance with the procedures
18 used to elect parent and community Council
19 representatives. At such poll, each member of the school
20 staff shall be entitled to indicate his or her preference
21 for up to 2 candidates from among those who submitted
22 statements of candidacy as described above. These
23 preferences shall be advisory only and the Board shall
24 maintain absolute discretion to appoint teacher members to
25 local school councils, irrespective of the preferences
26 expressed in any such poll.

1 (iii) In the event that a teacher representative is
2 unable to perform his or her employment duties at the
3 school due to illness, disability, leave of absence,
4 disciplinary action, or any other reason, the Board shall
5 declare a temporary vacancy and appoint a replacement
6 teacher representative to serve on the local school council
7 until such time as the teacher member originally appointed
8 pursuant to this subsection (l) resumes service at the
9 attendance center or for the remainder of the term. The
10 replacement teacher representative shall be appointed in
11 the same manner and by the same procedures as teacher
12 representatives are appointed in subdivisions (i) and (ii)
13 of this subsection (l).

14 (m) Beginning with the 1995-1996 school year, and in every
15 year thereafter, the Board shall appoint one student member to
16 each secondary attendance center. These appointments shall be
17 made in the following manner:

18 (i) Appointments shall be made from among those
19 students who submit statements of candidacy to the
20 principal of the attendance center, such statements to be
21 submitted commencing on the first day of the twentieth week
22 of school and continuing for 2 weeks thereafter. The form
23 and manner of such candidacy statements shall be determined
24 by the Board.

25 (ii) During the twenty-second week of school in every
26 year, the principal of each attendance center shall conduct

1 a non-binding, advisory poll to ascertain the preferences
2 of the school students regarding the appointment of a
3 student to the local school council for that attendance
4 center. At such poll, each student shall be entitled to
5 indicate his or her preference for up to one candidate from
6 among those who submitted statements of candidacy as
7 described above. The Board shall promulgate rules to ensure
8 that these non-binding, advisory polls are conducted in a
9 fair and equitable manner and maximize the involvement of
10 all school students. The preferences expressed in these
11 non-binding, advisory polls shall be transmitted by the
12 principal to the Board. However, these preferences shall be
13 advisory only and the Board shall maintain absolute
14 discretion to appoint student members to local school
15 councils, irrespective of the preferences expressed in any
16 such poll.

17 (iii) For the 1995-96 school year only, appointments
18 shall be made from among those students who submitted
19 statements of candidacy to the principal of the attendance
20 center during the first 2 weeks of the school year. The
21 principal shall communicate the results of any nonbinding,
22 advisory poll to the Board. These results shall be advisory
23 only, and the Board shall maintain absolute discretion to
24 appoint student members to local school councils,
25 irrespective of the preferences expressed in any such poll.

26 (n) The Board may promulgate such other rules and

1 regulations for election procedures as may be deemed necessary
2 to ensure fair elections.

3 (o) In the event that a vacancy occurs during a member's
4 term, the Council shall appoint a person eligible to serve on
5 the Council, to fill the unexpired term created by the vacancy,
6 except that any teacher vacancy shall be filled by the Board
7 after considering the preferences of the school staff as
8 ascertained through a non-binding advisory poll of school
9 staff.

10 (p) If less than the specified number of persons is elected
11 within each candidate category, the newly elected local school
12 council shall appoint eligible persons to serve as members of
13 the Council for two-year terms.

14 (q) The Board shall promulgate rules regarding conflicts of
15 interest and disclosure of economic interests which shall apply
16 to local school council members and which shall require reports
17 or statements to be filed by Council members at regular
18 intervals with the Secretary of the Board. Failure to comply
19 with such rules or intentionally falsifying such reports shall
20 be grounds for disqualification from local school council
21 membership. A vacancy on the Council for disqualification may
22 be so declared by the Secretary of the Board. Rules regarding
23 conflicts of interest and disclosure of economic interests
24 promulgated by the Board shall apply to local school council
25 members. No less than 45 days prior to the deadline, the
26 general superintendent shall provide notice, by mail, to each

1 local school council member of all requirements and forms for
2 compliance with economic interest statements.

3 (r) (1) If a parent member of a local school council ceases
4 to have any child enrolled in the attendance center governed by
5 the Local School Council due to the graduation or voluntary
6 transfer of a child or children from the attendance center, the
7 parent's membership on the Local School Council and all voting
8 rights are terminated immediately as of the date of the child's
9 graduation or voluntary transfer. If the child of a parent
10 member of a local school council dies during the member's term
11 in office, the member may continue to serve on the local school
12 council for the balance of his or her term. Further, a local
13 school council member may be removed from the Council by a
14 majority vote of the Council as provided in subsection (c) of
15 Section 34-2.2 if the Council member has missed 3 consecutive
16 regular meetings, not including committee meetings, or 5
17 regular meetings in a 12 month period, not including committee
18 meetings. If a parent member of a local school council ceases
19 to be eligible to serve on the Council for any other reason, he
20 or she shall be removed by the Board subject to a hearing,
21 convened pursuant to Board rule, prior to removal. A vote to
22 remove a Council member by the local school council shall only
23 be valid if the Council member has been notified personally or
24 by certified mail, mailed to the person's last known address,
25 of the Council's intent to vote on the Council member's removal
26 at least 7 days prior to the vote. The Council member in

1 question shall have the right to explain his or her actions and
2 shall be eligible to vote on the question of his or her removal
3 from the Council. The provisions of this subsection shall be
4 contained within the petitions used to nominate Council
5 candidates.

6 (2) A person may continue to serve as a community resident
7 member of a local school council as long as he or she resides
8 in the attendance area served by the school and is not employed
9 by the Board nor is a parent of a student enrolled at the
10 school. If a community resident member ceases to be eligible to
11 serve on the Council, he or she shall be removed by the Board
12 subject to a hearing, convened pursuant to Board rule, prior to
13 removal.

14 (3) A person may continue to serve as a teacher member of a
15 local school council as long as he or she is employed and
16 assigned to perform a majority of his or her duties at the
17 school, provided that if the teacher representative resigns
18 from employment with the Board or voluntarily transfers to
19 another school, the teacher's membership on the local school
20 council and all voting rights are terminated immediately as of
21 the date of the teacher's resignation or upon the date of the
22 teacher's voluntary transfer to another school. If a teacher
23 member of a local school council ceases to be eligible to serve
24 on a local school council for any other reason, that member
25 shall be removed by the Board subject to a hearing, convened
26 pursuant to Board rule, prior to removal.

1 (Source: P.A. 95-1015, eff. 12-15-08; 96-1412, eff. 1-1-11;
2 96-1551, eff. 7-1-11.)

3 (105 ILCS 5/34-4) (from Ch. 122, par. 34-4)

4 Sec. 34-4. Eligibility. To be eligible for appointment to
5 the board, a person shall be a citizen of the United States,
6 shall be a registered voter as provided in the Election Code,
7 shall have been a resident of the city for at least 3 years
8 immediately preceding his or her appointment, and shall not be
9 a child sex offender as defined in Section 11-9.3 of the
10 Criminal Code of 2012 ~~1961~~. Permanent removal from the city by
11 any member of the board during his term of office constitutes a
12 resignation therefrom and creates a vacancy in the board.
13 Except for the President of the Chicago School Reform Board of
14 Trustees who may be paid compensation for his or her services
15 as chief executive officer as determined by the Mayor as
16 provided in subsection (a) of Section 34-3, board members shall
17 serve without any compensation; provided, that board members
18 shall be reimbursed for expenses incurred while in the
19 performance of their duties upon submission of proper receipts
20 or upon submission of a signed voucher in the case of an
21 expense allowance evidencing the amount of such reimbursement
22 or allowance to the president of the board for verification and
23 approval. The board of education may continue to provide health
24 care insurance coverage, employer pension contributions,
25 employee pension contributions, and life insurance premium

1 payments for an employee required to resign from an
2 administrative, teaching, or career service position in order
3 to qualify as a member of the board of education. They shall
4 not hold other public office under the Federal, State or any
5 local government other than that of Director of the Regional
6 Transportation Authority, member of the economic development
7 commission of a city having a population exceeding 500,000,
8 notary public or member of the National Guard, and by accepting
9 any such office while members of the board, or by not resigning
10 any such office held at the time of being appointed to the
11 board within 30 days after such appointment, shall be deemed to
12 have vacated their membership in the board.

13 (Source: P.A. 93-309, eff. 1-1-04.)

14 (105 ILCS 5/34-84a.1) (from Ch. 122, par. 34-84a.1)

15 Sec. 34-84a.1. Principals shall report incidents of
16 intimidation. The principal of each attendance center shall
17 promptly notify and report to the local law enforcement
18 authorities for inclusion in the Department of State Police's
19 Illinois Uniform Crime Reporting Program each incident of
20 intimidation of which he or she has knowledge and each alleged
21 incident of intimidation which is reported to him or her,
22 either orally or in writing, by any pupil or by any teacher or
23 other certificated or non-certificated personnel employed at
24 the attendance center. "Intimidation" shall have the meaning
25 ascribed to it by Section 12-6 of the Criminal Code of 2012

1 ~~1961.~~

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

3 (105 ILCS 5/34-84b) (from Ch. 122, par. 34-84b)

4 Sec. 34-84b. Conviction of sex or narcotics offense, first
5 degree murder, attempted first degree murder, or Class X felony
6 as grounds for revocation of certificate.

7 (a) Whenever the holder of any certificate issued by the
8 board of education has been convicted of any sex offense or
9 narcotics offense as defined in this Section, the board of
10 education shall forthwith suspend the certificate. If the
11 conviction is reversed and the holder is acquitted of the
12 offense in a new trial or the charges against him are
13 dismissed, the board shall forthwith terminate the suspension
14 of the certificate. When the conviction becomes final, the
15 board shall forthwith revoke the certificate. "Sex offense" as
16 used in this Section means any one or more of the following
17 offenses: (1) any offense defined in Sections 11-6, 11-9, and
18 11-30, Sections 11-14 through 11-21, inclusive, and Sections
19 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
20 12-14.1, 12-15 and 12-16 of the Criminal Code of 1961 or the
21 Criminal Code of 2012; (2) any attempt to commit any of the
22 foregoing offenses, and (3) any offense committed or attempted
23 in any other state which, if committed or attempted in this
24 State, would have been punishable as one or more of the
25 foregoing offenses. "Narcotics offense" as used in this Section

1 means any one or more of the following offenses: (1) any
2 offense defined in the Cannabis Control Act except those
3 defined in Sections 4(a), 4(b) and 5(a) of that Act and any
4 offense for which the holder of any certificate is placed on
5 probation under the provisions of Section 10 of that Act and
6 fulfills the terms and conditions of probation as may be
7 required by the court; (2) any offense defined in the Illinois
8 Controlled Substances Act except any offense for which the
9 holder of any certificate is placed on probation under the
10 provisions of Section 410 of that Act and fulfills the terms
11 and conditions of probation as may be required by the court;
12 (3) any offense defined in the Methamphetamine Control and
13 Community Protection Act except any offense for which the
14 holder of any certificate is placed on probation under the
15 provision of Section 70 of that Act and fulfills the terms and
16 conditions of probation as may be required by the court; (4)
17 any attempt to commit any of the foregoing offenses; and (5)
18 any offense committed or attempted in any other state or
19 against the laws of the United States which, if committed or
20 attempted in this State, would have been punishable as one or
21 more of the foregoing offenses.

22 (b) Whenever the holder of any certificate issued by the
23 board of education or pursuant to Article 21 or any other
24 provisions of the School Code has been convicted of first
25 degree murder, attempted first degree murder, or a Class X
26 felony, the board of education or the State Superintendent of

1 Education shall forthwith suspend the certificate. If the
2 conviction is reversed and the holder is acquitted of that
3 offense in a new trial or the charges that he or she committed
4 that offense are dismissed, the suspending authority shall
5 forthwith terminate the suspension of the certificate. When the
6 conviction becomes final, the State Superintendent of
7 Education shall forthwith revoke the certificate. The stated
8 offenses of "first degree murder", "attempted first degree
9 murder", and "Class X felony" referred to in this Section
10 include any offense committed in another state that, if
11 committed in this State, would have been punishable as any one
12 of the stated offenses.

13 (Source: P.A. 96-1551, eff. 7-1-11.)

14 Section 240. The Medical School Matriculant Criminal
15 History Records Check Act is amended by changing Section 5 as
16 follows:

17 (110 ILCS 57/5)

18 Sec. 5. Definitions.

19 "Matriculant" means an individual who is conditionally
20 admitted as a student to a medical school located in Illinois,
21 pending the medical school's consideration of his or her
22 criminal history records check under this Act.

23 "Sex offender" means any person who is convicted pursuant
24 to Illinois law or any substantially similar federal, Uniform

1 Code of Military Justice, sister state, or foreign country law
2 with any of the following sex offenses set forth in the
3 Criminal Code of 1961 or the Criminal Code of 2012:

4 (1) Indecent solicitation of a child.

5 (2) Sexual exploitation of a child.

6 (3) Custodial sexual misconduct.

7 (4) Exploitation of a child.

8 (5) Child pornography.

9 (6) Aggravated child pornography.

10 "Violent felony" means any of the following offenses, as
11 defined by the Criminal Code of 1961 or the Criminal Code of
12 2012:

13 (1) First degree murder.

14 (2) Second degree murder.

15 (3) Predatory criminal sexual assault of a child.

16 (4) Aggravated criminal sexual assault.

17 (5) Criminal sexual assault.

18 (6) Aggravated arson.

19 (7) Aggravated kidnapping.

20 (8) Kidnapping.

21 (9) Aggravated battery resulting in great bodily harm
22 or permanent disability or disfigurement.

23 (Source: P.A. 96-1551, eff. 7-1-11.)

24 Section 245. The Board of Higher Education Act is amended
25 by changing Section 9.21 as follows:

1 (110 ILCS 205/9.21) (from Ch. 144, par. 189.21)

2 Sec. 9.21. Human Relations.

3 (a) The Board shall monitor, budget, evaluate, and report
4 to the General Assembly in accordance with Section 9.16 of this
5 Act on programs to improve human relations to include race,
6 ethnicity, gender and other issues related to improving human
7 relations. The programs shall at least:

8 (1) require each public institution of higher
9 education to include, in the general education
10 requirements for obtaining a degree, coursework on
11 improving human relations to include race, ethnicity,
12 gender and other issues related to improving human
13 relations to address racism and sexual harassment on their
14 campuses, through existing courses;

15 (2) require each public institution of higher
16 education to report monthly to the Department of Human
17 Rights and the Attorney General on each adjudicated case in
18 which a finding of racial, ethnic or religious intimidation
19 or sexual harassment made in a grievance, affirmative
20 action or other proceeding established by that institution
21 to investigate and determine allegations of racial, ethnic
22 or religious intimidation and sexual harassment; and

23 (3) require each public institution of higher
24 education to forward to the local State's Attorney any
25 report received by campus security or by a university

1 police department alleging the commission of a hate crime
2 as defined under Section 12-7.1 of the Criminal Code of
3 2012 ~~1961~~.

4 (Source: P.A. 90-655, eff. 7-30-98.)

5 Section 250. The Residential Mortgage License Act of 1987
6 is amended by changing Section 4-7 as follows:

7 (205 ILCS 635/4-7)

8 Sec. 4-7. Additional investigation and examination
9 authority. In addition to any authority allowed under this Act,
10 the Director shall have the authority to conduct investigations
11 and examinations as follows:

12 (a) For purposes of initial licensing, license renewal,
13 license suspension, license conditioning, license revocation
14 or termination, or general or specific inquiry or investigation
15 to determine compliance with this Act, the Commissioner shall
16 have the authority to access, receive, and use any books,
17 accounts, records, files, documents, information, or evidence
18 including, but not limited to, the following:

19 (1) criminal, civil, and administrative history
20 information, including nonconviction data as specified in
21 the Criminal Code of 2012 ~~1961~~;

22 (2) personal history and experience information,
23 including independent credit reports obtained from a
24 consumer reporting agency described in Section 603(p) of

1 the federal Fair Credit Reporting Act; and

2 (3) any other documents, information, or evidence the
3 Commissioner deems relevant to the inquiry or
4 investigation regardless of the location, possession,
5 control, or custody of the documents, information, or
6 evidence.

7 (b) For the purposes of investigating violations or
8 complaints arising under this Act, or for the purposes of
9 examination, the Commissioner may review, investigate, or
10 examine any licensee, individual, or person subject to this
11 Act, as often as necessary in order to carry out the purposes
12 of this Act. The Commissioner may direct, subpoena, or order
13 the attendance of and examine under oath all persons whose
14 testimony may be required about the loans or the business or
15 subject matter of any such examination or investigation, and
16 may direct, subpoena, or order the person to produce books,
17 accounts, records, files, and any other documents the
18 Commissioner deems relevant to the inquiry.

19 (c) Each licensee, individual, or person subject to this
20 Act shall make available to the Commissioner upon request the
21 books and records relating to the operations of such licensee,
22 individual, or person subject to this Act. The Commissioner
23 shall have access to such books and records and interview the
24 officers, principals, mortgage loan originators, employees,
25 independent contractors, agents, and customers of the
26 licensee, individual, or person subject to this Act concerning

1 their business.

2 (d) Each licensee, individual, or person subject to this
3 Act shall make or compile reports or prepare other information
4 as directed by the Commissioner in order to carry out the
5 purposes of this Section including, but not limited to:

6 (1) accounting compilations;

7 (2) information lists and data concerning loan
8 transactions in a format prescribed by the Commissioner; or

9 (3) other information deemed necessary to carry out the
10 purposes of this Section.

11 (e) In making any examination or investigation authorized
12 by this Act, the Commissioner may control access to any
13 documents and records of the licensee or person under
14 examination or investigation. The Commissioner may take
15 possession of the documents and records or place a person in
16 exclusive charge of the documents and records in the place
17 where they are usually kept. During the period of control, no
18 individual or person shall remove or attempt to remove any of
19 the documents and records except pursuant to a court order or
20 with the consent of the Commissioner. Unless the Commissioner
21 has reasonable grounds to believe the documents or records of
22 the licensee have been, or are at risk of being altered or
23 destroyed for purposes of concealing a violation of this Act,
24 the licensee or owner of the documents and records shall have
25 access to the documents or records as necessary to conduct its
26 ordinary business affairs.

1 (f) In order to carry out the purposes of this Section, the
2 Commissioner may:

3 (1) retain attorneys, accountants, or other
4 professionals and specialists as examiners, auditors, or
5 investigators to conduct or assist in the conduct of
6 examinations or investigations;

7 (2) enter into agreements or relationships with other
8 government officials or regulatory associations in order
9 to improve efficiencies and reduce regulatory burden by
10 sharing resources, standardized or uniform methods or
11 procedures, and documents, records, information or
12 evidence obtained under this Section;

13 (3) use, hire, contract, or employ public or privately
14 available analytical systems, methods, or software to
15 examine or investigate the licensee, individual, or person
16 subject to this Act;

17 (4) accept and rely on examination or investigation
18 reports made by other government officials, within or
19 without this State; or

20 (5) accept audit reports made by an independent
21 certified public accountant for the licensee, individual,
22 or person subject to this Act in the course of that part of
23 the examination covering the same general subject matter as
24 the audit and may incorporate the audit report in the
25 report of the examination, report of investigation, or
26 other writing of the Commissioner.

1 (g) The authority of this Section shall remain in effect,
2 whether such a licensee, individual, or person subject to this
3 Act acts or claims to act under any licensing or registration
4 law of this State, or claims to act without the authority.

5 (h) No licensee, individual, or person subject to
6 investigation or examination under this Section may knowingly
7 withhold, abstract, remove, mutilate, destroy, or secrete any
8 books, records, computer records, or other information.

9 (Source: P.A. 96-112, eff. 7-31-09.)

10 Section 255. The Nursing Home Care Act is amended by
11 changing Section 3-702 as follows:

12 (210 ILCS 45/3-702) (from Ch. 111 1/2, par. 4153-702)

13 Sec. 3-702. (a) A person who believes that this Act or a
14 rule promulgated under this Act may have been violated may
15 request an investigation. The request may be submitted to the
16 Department in writing, by telephone, or by personal visit. An
17 oral complaint shall be reduced to writing by the Department.
18 The Department shall request information identifying the
19 complainant, including the name, address and telephone number,
20 to help enable appropriate follow-up. The Department shall act
21 on such complaints via on-site visits or other methods deemed
22 appropriate to handle the complaints with or without such
23 identifying information, as otherwise provided under this
24 Section. The complainant shall be informed that compliance with

1 such request is not required to satisfy the procedures for
2 filing a complaint under this Act.

3 (b) The substance of the complaint shall be provided in
4 writing to the licensee, owner or administrator no earlier than
5 at the commencement of an on-site inspection of the facility
6 which takes place pursuant to the complaint.

7 (c) The Department shall not disclose the name of the
8 complainant unless the complainant consents in writing to the
9 disclosure or the investigation results in a judicial
10 proceeding, or unless disclosure is essential to the
11 investigation. The complainant shall be given the opportunity
12 to withdraw the complaint before disclosure. Upon the request
13 of the complainant, the Department may permit the complainant
14 or a representative of the complainant to accompany the person
15 making the on-site inspection of the facility.

16 (d) Upon receipt of a complaint, the Department shall
17 determine whether this Act or a rule promulgated under this Act
18 has been or is being violated. The Department shall investigate
19 all complaints alleging abuse or neglect within 7 days after
20 the receipt of the complaint except that complaints of abuse or
21 neglect which indicate that a resident's life or safety is in
22 imminent danger shall be investigated within 24 hours after
23 receipt of the complaint. All other complaints shall be
24 investigated within 30 days after the receipt of the complaint.
25 The Department employees investigating a complaint shall
26 conduct a brief, informal exit conference with the facility to

1 alert its administration of any suspected serious deficiency
2 that poses a direct threat to the health, safety or welfare of
3 a resident to enable an immediate correction for the
4 alleviation or elimination of such threat. Such information and
5 findings discussed in the brief exit conference shall become a
6 part of the investigating record but shall not in any way
7 constitute an official or final notice of violation as provided
8 under Section 3-301. All complaints shall be classified as "an
9 invalid report", "a valid report", or "an undetermined report".
10 For any complaint classified as "a valid report", the
11 Department must determine within 30 working days if any rule or
12 provision of this Act has been or is being violated.

13 (d-1) The Department shall, whenever possible, combine an
14 on-site investigation of a complaint in a facility with other
15 inspections in order to avoid duplication of inspections.

16 (e) In all cases, the Department shall inform the
17 complainant of its findings within 10 days of its determination
18 unless otherwise indicated by the complainant, and the
19 complainant may direct the Department to send a copy of such
20 findings to another person. The Department's findings may
21 include comments or documentation provided by either the
22 complainant or the licensee pertaining to the complaint. The
23 Department shall also notify the facility of such findings
24 within 10 days of the determination, but the name of the
25 complainant or residents shall not be disclosed in this notice
26 to the facility. The notice of such findings shall include a

1 copy of the written determination; the correction order, if
2 any; the warning notice, if any; the inspection report; or the
3 State licensure form on which the violation is listed.

4 (f) A written determination, correction order, or warning
5 notice concerning a complaint, together with the facility's
6 response, shall be available for public inspection, but the
7 name of the complainant or resident shall not be disclosed
8 without his consent.

9 (g) A complainant who is dissatisfied with the
10 determination or investigation by the Department may request a
11 hearing under Section 3-703. The facility shall be given notice
12 of any such hearing and may participate in the hearing as a
13 party. If a facility requests a hearing under Section 3-703
14 which concerns a matter covered by a complaint, the complainant
15 shall be given notice and may participate in the hearing as a
16 party. A request for a hearing by either a complainant or a
17 facility shall be submitted in writing to the Department within
18 30 days after the mailing of the Department's findings as
19 described in subsection (e) of this Section. Upon receipt of
20 the request the Department shall conduct a hearing as provided
21 under Section 3-703.

22 (h) Any person who knowingly transmits a false report to
23 the Department commits the offense of disorderly conduct under
24 subsection (a) (8) of Section 26-1 of the "Criminal Code of 2012
25 ~~1961~~".

26 (Source: P.A. 85-1378.)

1 Section 260. The ID/DD Community Care Act is amended by
2 changing Section 3-702 as follows:

3 (210 ILCS 47/3-702)

4 Sec. 3-702. Request for investigation of violation.

5 (a) A person who believes that this Act or a rule
6 promulgated under this Act may have been violated may request
7 an investigation. The request may be submitted to the
8 Department in writing, by telephone, or by personal visit. An
9 oral complaint shall be reduced to writing by the Department.
10 The Department shall request information identifying the
11 complainant, including the name, address and telephone number,
12 to help enable appropriate follow up. The Department shall act
13 on such complaints via on-site visits or other methods deemed
14 appropriate to handle the complaints with or without such
15 identifying information, as otherwise provided under this
16 Section. The complainant shall be informed that compliance with
17 such request is not required to satisfy the procedures for
18 filing a complaint under this Act.

19 (b) The substance of the complaint shall be provided in
20 writing to the licensee, owner or administrator no earlier than
21 at the commencement of an on-site inspection of the facility
22 which takes place pursuant to the complaint.

23 (c) The Department shall not disclose the name of the
24 complainant unless the complainant consents in writing to the

1 disclosure or the investigation results in a judicial
2 proceeding, or unless disclosure is essential to the
3 investigation. The complainant shall be given the opportunity
4 to withdraw the complaint before disclosure. Upon the request
5 of the complainant, the Department may permit the complainant
6 or a representative of the complainant to accompany the person
7 making the on-site inspection of the facility.

8 (d) Upon receipt of a complaint, the Department shall
9 determine whether this Act or a rule promulgated under this Act
10 has been or is being violated. The Department shall investigate
11 all complaints alleging abuse or neglect within 7 days after
12 the receipt of the complaint except that complaints of abuse or
13 neglect which indicate that a resident's life or safety is in
14 imminent danger shall be investigated within 24 hours after
15 receipt of the complaint. All other complaints shall be
16 investigated within 30 days after the receipt of the complaint.
17 The Department employees investigating a complaint shall
18 conduct a brief, informal exit conference with the facility to
19 alert its administration of any suspected serious deficiency
20 that poses a direct threat to the health, safety or welfare of
21 a resident to enable an immediate correction for the
22 alleviation or elimination of such threat. Such information and
23 findings discussed in the brief exit conference shall become a
24 part of the investigating record but shall not in any way
25 constitute an official or final notice of violation as provided
26 under Section 3-301. All complaints shall be classified as "an

1 invalid report", "a valid report", or "an undetermined report".
2 For any complaint classified as "a valid report", the
3 Department must determine within 30 working days if any rule or
4 provision of this Act has been or is being violated.

5 (d-1) The Department shall, whenever possible, combine an
6 on site investigation of a complaint in a facility with other
7 inspections in order to avoid duplication of inspections.

8 (e) In all cases, the Department shall inform the
9 complainant of its findings within 10 days of its determination
10 unless otherwise indicated by the complainant, and the
11 complainant may direct the Department to send a copy of such
12 findings to another person. The Department's findings may
13 include comments or documentation provided by either the
14 complainant or the licensee pertaining to the complaint. The
15 Department shall also notify the facility of such findings
16 within 10 days of the determination, but the name of the
17 complainant or residents shall not be disclosed in this notice
18 to the facility. The notice of such findings shall include a
19 copy of the written determination; the correction order, if
20 any; the warning notice, if any; the inspection report; or the
21 State licensure form on which the violation is listed.

22 (f) A written determination, correction order, or warning
23 notice concerning a complaint, together with the facility's
24 response, shall be available for public inspection, but the
25 name of the complainant or resident shall not be disclosed
26 without his or her consent.

1 (g) A complainant who is dissatisfied with the
2 determination or investigation by the Department may request a
3 hearing under Section 3-703. The facility shall be given notice
4 of any such hearing and may participate in the hearing as a
5 party. If a facility requests a hearing under Section 3-703
6 which concerns a matter covered by a complaint, the complainant
7 shall be given notice and may participate in the hearing as a
8 party. A request for a hearing by either a complainant or a
9 facility shall be submitted in writing to the Department within
10 30 days after the mailing of the Department's findings as
11 described in subsection (e) of this Section. Upon receipt of
12 the request the Department shall conduct a hearing as provided
13 under Section 3-703.

14 (h) Any person who knowingly transmits a false report to
15 the Department commits the offense of disorderly conduct under
16 subsection (a) (8) of Section 26-1 of the Criminal Code of 2012
17 ~~1961~~.

18 (Source: P.A. 96-339, eff. 7-1-10.)

19 Section 265. The Specialized Mental Health Rehabilitation
20 Act is amended by changing Section 3-702 as follows:

21 (210 ILCS 48/3-702)

22 Sec. 3-702. Request for investigation of violation.

23 (a) A person who believes that this Act or a rule
24 promulgated under this Act may have been violated may request

1 an investigation. The request may be submitted to the
2 Department in writing, by telephone, or by personal visit. An
3 oral complaint shall be reduced to writing by the Department.
4 The Department shall request information identifying the
5 complainant, including the name, address and telephone number,
6 to help enable appropriate follow up. The Department shall act
7 on such complaints via on-site visits or other methods deemed
8 appropriate to handle the complaints with or without such
9 identifying information, as otherwise provided under this
10 Section. The complainant shall be informed that compliance with
11 such request is not required to satisfy the procedures for
12 filing a complaint under this Act.

13 (b) The substance of the complaint shall be provided in
14 writing to the licensee, owner or administrator no earlier than
15 at the commencement of an on-site inspection of the facility
16 which takes place pursuant to the complaint.

17 (c) The Department shall not disclose the name of the
18 complainant unless the complainant consents in writing to the
19 disclosure or the investigation results in a judicial
20 proceeding, or unless disclosure is essential to the
21 investigation. The complainant shall be given the opportunity
22 to withdraw the complaint before disclosure. Upon the request
23 of the complainant, the Department may permit the complainant
24 or a representative of the complainant to accompany the person
25 making the on-site inspection of the facility.

26 (d) Upon receipt of a complaint, the Department shall

1 determine whether this Act or a rule promulgated under this Act
2 has been or is being violated. The Department shall investigate
3 all complaints alleging abuse or neglect within 7 days after
4 the receipt of the complaint except that complaints of abuse or
5 neglect which indicate that a resident's life or safety is in
6 imminent danger shall be investigated within 24 hours after
7 receipt of the complaint. All other complaints shall be
8 investigated within 30 days after the receipt of the complaint.
9 The Department employees investigating a complaint shall
10 conduct a brief, informal exit conference with the facility to
11 alert its administration of any suspected serious deficiency
12 that poses a direct threat to the health, safety or welfare of
13 a resident to enable an immediate correction for the
14 alleviation or elimination of such threat. Such information and
15 findings discussed in the brief exit conference shall become a
16 part of the investigating record but shall not in any way
17 constitute an official or final notice of violation as provided
18 under Section 3-301. All complaints shall be classified as "an
19 invalid report", "a valid report", or "an undetermined report".
20 For any complaint classified as "a valid report", the
21 Department must determine within 30 working days if any rule or
22 provision of this Act has been or is being violated.

23 (d-1) The Department shall, whenever possible, combine an
24 on-site investigation of a complaint in a facility with other
25 inspections in order to avoid duplication of inspections.

26 (e) In all cases, the Department shall inform the

1 complainant of its findings within 10 days of its determination
2 unless otherwise indicated by the complainant, and the
3 complainant may direct the Department to send a copy of such
4 findings to another person. The Department's findings may
5 include comments or documentation provided by either the
6 complainant or the licensee pertaining to the complaint. The
7 Department shall also notify the facility of such findings
8 within 10 days of the determination, but the name of the
9 complainant or residents shall not be disclosed in this notice
10 to the facility. The notice of such findings shall include a
11 copy of the written determination; the correction order, if
12 any; the warning notice, if any; the inspection report; or the
13 State licensure form on which the violation is listed.

14 (f) A written determination, correction order, or warning
15 notice concerning a complaint, together with the facility's
16 response, shall be available for public inspection, but the
17 name of the complainant or resident shall not be disclosed
18 without his or her consent.

19 (g) A complainant who is dissatisfied with the
20 determination or investigation by the Department may request a
21 hearing under Section 3-703. The facility shall be given notice
22 of any such hearing and may participate in the hearing as a
23 party. If a facility requests a hearing under Section 3-703
24 which concerns a matter covered by a complaint, the complainant
25 shall be given notice and may participate in the hearing as a
26 party. A request for a hearing by either a complainant or a

1 facility shall be submitted in writing to the Department within
2 30 days after the mailing of the Department's findings as
3 described in subsection (e) of this Section. Upon receipt of
4 the request, the Department shall conduct a hearing as provided
5 under Section 3-703.

6 (h) Any person who knowingly transmits a false report to
7 the Department commits the offense of disorderly conduct under
8 subsection (a) (8) of Section 26-1 of the Criminal Code of 2012
9 ~~1961~~.

10 (Source: P.A. 97-38, eff. 6-28-11.)

11 Section 270. The Emergency Medical Services (EMS) Systems
12 Act is amended by changing Section 3.133 as follows:

13 (210 ILCS 50/3.133)

14 Sec. 3.133. Suspension of license for failure to pay
15 restitution. The Department, without further process or
16 hearing, shall suspend the license or other authorization to
17 practice of any person issued under this Act who has been
18 certified by court order as not having paid restitution to a
19 person under Section 8A-3.5 of the Illinois Public Aid Code or
20 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or
21 the Criminal Code of 2012. A person whose license or other
22 authorization to practice is suspended under this Section is
23 prohibited from practicing until the restitution is made in
24 full.

1 (Source: P.A. 94-577, eff. 1-1-06.)

2 Section 275. The Illinois Insurance Code is amended by
3 changing Sections 356e and 367 as follows:

4 (215 ILCS 5/356e) (from Ch. 73, par. 968e)

5 Sec. 356e. Victims of certain offenses.

6 (1) No policy of accident and health insurance, which
7 provides benefits for hospital or medical expenses based upon
8 the actual expenses incurred, delivered or issued for delivery
9 to any person in this State shall contain any specific
10 exception to coverage which would preclude the payment under
11 that policy of actual expenses incurred in the examination and
12 testing of a victim of an offense defined in Sections 11-1.20
13 through 11-1.60 or 12-13 through 12-16 of the Criminal Code of
14 1961 or the Criminal Code of 2012, ~~as now or hereafter amended,~~
15 or an attempt to commit such offense to establish that sexual
16 contact did occur or did not occur, and to establish the
17 presence or absence of sexually transmitted disease or
18 infection, and examination and treatment of injuries and trauma
19 sustained by a victim of such offense arising out of the
20 offense. Every policy of accident and health insurance which
21 specifically provides benefits for routine physical
22 examinations shall provide full coverage for expenses incurred
23 in the examination and testing of a victim of an offense
24 defined in Sections 11-1.20 through 11-1.60 or 12-13 through

1 12-16 of the Criminal Code of 1961 or the Criminal Code of
2 2012, as now or hereafter amended, or an attempt to commit such
3 offense as set forth in this Section. This Section shall not
4 apply to a policy which covers hospital and medical expenses
5 for specified illnesses or injuries only.

6 (2) For purposes of enabling the recovery of State funds,
7 any insurance carrier subject to this Section shall upon
8 reasonable demand by the Department of Public Health disclose
9 the names and identities of its insureds entitled to benefits
10 under this provision to the Department of Public Health
11 whenever the Department of Public Health has determined that it
12 has paid, or is about to pay, hospital or medical expenses for
13 which an insurance carrier is liable under this Section. All
14 information received by the Department of Public Health under
15 this provision shall be held on a confidential basis and shall
16 not be subject to subpoena and shall not be made public by the
17 Department of Public Health or used for any purpose other than
18 that authorized by this Section.

19 (3) Whenever the Department of Public Health finds that it
20 has paid all or part of any hospital or medical expenses which
21 an insurance carrier is obligated to pay under this Section,
22 the Department of Public Health shall be entitled to receive
23 reimbursement for its payments from such insurance carrier
24 provided that the Department of Public Health has notified the
25 insurance carrier of its claims before the carrier has paid
26 such benefits to its insureds or in behalf of its insureds.

1 (Source: P.A. 96-1551, eff. 7-1-11.)

2 (215 ILCS 5/367) (from Ch. 73, par. 979)

3 Sec. 367. Group accident and health insurance.

4 (1) Group accident and health insurance is hereby declared
5 to be that form of accident and health insurance covering not
6 less than 2 employees, members, or employees of members,
7 written under a master policy issued to any governmental
8 corporation, unit, agency or department thereof, or to any
9 corporation, copartnership, individual employer, or to any
10 association upon application of an executive officer or trustee
11 of such association having a constitution or bylaws and formed
12 in good faith for purposes other than that of obtaining
13 insurance, where officers, members, employees, employees of
14 members or classes or department thereof, may be insured for
15 their individual benefit. In addition a group accident and
16 health policy may be written to insure any group which may be
17 insured under a group life insurance policy. The term
18 "employees" shall include the officers, managers and employees
19 of subsidiary or affiliated corporations, and the individual
20 proprietors, partners and employees of affiliated individuals
21 and firms, when the business of such subsidiary or affiliated
22 corporations, firms or individuals, is controlled by a common
23 employer through stock ownership, contract or otherwise.

24 (2) Any insurance company authorized to write accident and
25 health insurance in this State shall have power to issue group

1 accident and health policies. No policy of group accident and
2 health insurance may be issued or delivered in this State
3 unless a copy of the form thereof shall have been filed with
4 the department and approved by it in accordance with Section
5 355, and it contains in substance those provisions contained in
6 Sections 357.1 through 357.30 as may be applicable to group
7 accident and health insurance and the following provisions:

8 (a) A provision that the policy, the application of the
9 employer, or executive officer or trustee of any
10 association, and the individual applications, if any, of
11 the employees, members or employees of members insured
12 shall constitute the entire contract between the parties,
13 and that all statements made by the employer, or the
14 executive officer or trustee, or by the individual
15 employees, members or employees of members shall (in the
16 absence of fraud) be deemed representations and not
17 warranties, and that no such statement shall be used in
18 defense to a claim under the policy, unless it is contained
19 in a written application.

20 (b) A provision that the insurer will issue to the
21 employer, or to the executive officer or trustee of the
22 association, for delivery to the employee, member or
23 employee of a member, who is insured under such policy, an
24 individual certificate setting forth a statement as to the
25 insurance protection to which he is entitled and to whom
26 payable.

1 (c) A provision that to the group or class thereof
2 originally insured shall be added from time to time all new
3 employees of the employer, members of the association or
4 employees of members eligible to and applying for insurance
5 in such group or class.

6 (3) Anything in this code to the contrary notwithstanding,
7 any group accident and health policy may provide that all or
8 any portion of any indemnities provided by any such policy on
9 account of hospital, nursing, medical or surgical services,
10 may, at the insurer's option, be paid directly to the hospital
11 or person rendering such services; but the policy may not
12 require that the service be rendered by a particular hospital
13 or person. Payment so made shall discharge the insurer's
14 obligation with respect to the amount of insurance so paid.
15 Nothing in this subsection (3) shall prohibit an insurer from
16 providing incentives for insureds to utilize the services of a
17 particular hospital or person.

18 (4) Special group policies may be issued to school
19 districts providing medical or hospital service, or both, for
20 pupils of the district injured while participating in any
21 athletic activity under the jurisdiction of or sponsored or
22 controlled by the district or the authorities of any school
23 thereof. The provisions of this Section governing the issuance
24 of group accident and health insurance shall, insofar as
25 applicable, control the issuance of such policies issued to
26 schools.

1 (5) No policy of group accident and health insurance may be
2 issued or delivered in this State unless it provides that upon
3 the death of the insured employee or group member the
4 dependents' coverage, if any, continues for a period of at
5 least 90 days subject to any other policy provisions relating
6 to termination of dependents' coverage.

7 (6) No group hospital policy covering miscellaneous
8 hospital expenses issued or delivered in this State shall
9 contain any exception or exclusion from coverage which would
10 preclude the payment of expenses incurred for the processing
11 and administration of blood and its components.

12 (7) No policy of group accident and health insurance,
13 delivered in this State more than 120 days after the effective
14 day of the Section, which provides inpatient hospital coverage
15 for sicknesses shall exclude from such coverage the treatment
16 of alcoholism. This subsection shall not apply to a policy
17 which covers only specified sicknesses.

18 (8) No policy of group accident and health insurance, which
19 provides benefits for hospital or medical expenses based upon
20 the actual expenses incurred, issued or delivered in this State
21 shall contain any specific exception to coverage which would
22 preclude the payment of actual expenses incurred in the
23 examination and testing of a victim of an offense defined in
24 Sections 11-1.20 through 11-1.60 or 12-13 through 12-16 of the
25 Criminal Code of 1961 or the Criminal Code of 2012, or an
26 attempt to commit such offense, to establish that sexual

1 contact did occur or did not occur, and to establish the
2 presence or absence of sexually transmitted disease or
3 infection, and examination and treatment of injuries and trauma
4 sustained by the victim of such offense, arising out of the
5 offense. Every group policy of accident and health insurance
6 which specifically provides benefits for routine physical
7 examinations shall provide full coverage for expenses incurred
8 in the examination and testing of a victim of an offense
9 defined in Sections 11-1.20 through 11-1.60 or 12-13 through
10 12-16 of the Criminal Code of 1961 or the Criminal Code of
11 2012, or an attempt to commit such offense, as set forth in
12 this Section. This subsection shall not apply to a policy which
13 covers hospital and medical expenses for specified illnesses
14 and injuries only.

15 (9) For purposes of enabling the recovery of State funds,
16 any insurance carrier subject to this Section shall upon
17 reasonable demand by the Department of Public Health disclose
18 the names and identities of its insureds entitled to benefits
19 under this provision to the Department of Public Health
20 whenever the Department of Public Health has determined that it
21 has paid, or is about to pay, hospital or medical expenses for
22 which an insurance carrier is liable under this Section. All
23 information received by the Department of Public Health under
24 this provision shall be held on a confidential basis and shall
25 not be subject to subpoena and shall not be made public by the
26 Department of Public Health or used for any purpose other than

1 that authorized by this Section.

2 (10) Whenever the Department of Public Health finds that it
3 has paid all or part of any hospital or medical expenses which
4 an insurance carrier is obligated to pay under this Section,
5 the Department of Public Health shall be entitled to receive
6 reimbursement for its payments from such insurance carrier
7 provided that the Department of Public Health has notified the
8 insurance carrier of its claim before the carrier has paid the
9 benefits to its insureds or the insureds' assignees.

10 (11) (a) No group hospital, medical or surgical expense
11 policy shall contain any provision whereby benefits
12 otherwise payable thereunder are subject to reduction
13 solely on account of the existence of similar benefits
14 provided under other group or group-type accident and
15 sickness insurance policies where such reduction would
16 operate to reduce total benefits payable under these
17 policies below an amount equal to 100% of total allowable
18 expenses provided under these policies.

19 (b) When dependents of insureds are covered under 2
20 policies, both of which contain coordination of benefits
21 provisions, benefits of the policy of the insured whose
22 birthday falls earlier in the year are determined before
23 those of the policy of the insured whose birthday falls
24 later in the year. Birthday, as used herein, refers only to
25 the month and day in a calendar year, not the year in which
26 the person was born. The Department of Insurance shall

1 promulgate rules defining the order of benefit
2 determination pursuant to this paragraph (b).

3 (12) Every group policy under this Section shall be subject
4 to the provisions of Sections 356g and 356n of this Code.

5 (13) No accident and health insurer providing coverage for
6 hospital or medical expenses on an expense incurred basis shall
7 deny reimbursement for an otherwise covered expense incurred
8 for any organ transplantation procedure solely on the basis
9 that such procedure is deemed experimental or investigational
10 unless supported by the determination of the Office of Health
11 Care Technology Assessment within the Agency for Health Care
12 Policy and Research within the federal Department of Health and
13 Human Services that such procedure is either experimental or
14 investigational or that there is insufficient data or
15 experience to determine whether an organ transplantation
16 procedure is clinically acceptable. If an accident and health
17 insurer has made written request, or had one made on its behalf
18 by a national organization, for determination by the Office of
19 Health Care Technology Assessment within the Agency for Health
20 Care Policy and Research within the federal Department of
21 Health and Human Services as to whether a specific organ
22 transplantation procedure is clinically acceptable and said
23 organization fails to respond to such a request within a period
24 of 90 days, the failure to act may be deemed a determination
25 that the procedure is deemed to be experimental or
26 investigational.

1 (14) Whenever a claim for benefits by an insured under a
2 dental prepayment program is denied or reduced, based on the
3 review of x-ray films, such review must be performed by a
4 dentist.

5 (Source: P.A. 96-1551, eff. 7-1-11.)

6 Section 280. The Health Maintenance Organization Act is
7 amended by changing Section 4-4 as follows:

8 (215 ILCS 125/4-4) (from Ch. 111 1/2, par. 1408.4)

9 Sec. 4-4. Sexual assault or abuse victims; coverage of
10 expenses; recovery of State funds; reimbursement of Department
11 of Public Health.

12 (1) Contracts or evidences of coverage issued by a health
13 maintenance organization, which provide benefits for health
14 care services, shall to the full extent of coverage provided
15 for any other emergency or accident care, provide for the
16 payment of actual expenses incurred, without offset or
17 reduction for benefit deductibles or co-insurance amounts, in
18 the examination and testing of a victim of an offense defined
19 in Sections 11-1.20 through 11-1.60 or 12-13 through 12-16 of
20 the Criminal Code of 1961 or the Criminal Code of 2012, ~~as now~~
21 ~~or hereafter amended~~, or an attempt to commit such offense, to
22 establish that sexual contact did occur or did not occur, and
23 to establish the presence or absence of sexually transmitted
24 disease or infection, and examination and treatment of injuries

1 and trauma sustained by a victim of such offense.

2 (2) For purposes of enabling the recovery of State funds,
3 any health maintenance organization subject to this Section
4 shall upon reasonable demand by the Department of Public Health
5 disclose the names and identities of its enrollees entitled to
6 benefits under this provision to the Department of Public
7 Health whenever the Department of Public Health has determined
8 that it has paid, or is about to pay for, health care services
9 for which a health maintenance organization is liable under
10 this Section. All information received by the Department of
11 Public Health under this provision shall be held on a
12 confidential basis and shall not be subject to subpoena and
13 shall not be made public by the Department of Public Health or
14 used for any purpose other than that authorized by this
15 Section.

16 (3) Whenever the Department of Public Health finds that it
17 has paid for all or part of any health care services for which
18 a health maintenance organization is obligated to pay under
19 this Section, the Department of Public Health shall be entitled
20 to receive reimbursement for its payments from such
21 organization provided that the Department of Public Health has
22 notified the organization of its claims before the organization
23 has paid such benefits to its enrollees or in behalf of its
24 enrollees.

25 (Source: P.A. 96-1551, eff. 7-1-11.)

1 Section 285. The Voluntary Health Services Plans Act is
2 amended by changing Section 15.8 as follows:

3 (215 ILCS 165/15.8) (from Ch. 32, par. 609.8)

4 Sec. 15.8. Sexual assault or abuse victims.

5 (1) Policies, contracts or subscription certificates
6 issued by a health services plan corporation, which provide
7 benefits for hospital or medical expenses based upon the actual
8 expenses incurred, shall to the full extent of coverage
9 provided for any other emergency or accident care, provide for
10 the payment of actual expenses incurred, without offset or
11 reduction for benefit deductibles or co-insurance amounts, in
12 the examination and testing of a victim of an offense defined
13 in Sections 11-1.20 through 11-1.60 or 12-13 through 12-16 of
14 the Criminal Code of 1961 or the Criminal Code of 2012, ~~as now~~
15 ~~or hereafter amended~~, or attempt to commit such offense, to
16 establish that sexual contact did occur or did not occur, and
17 to establish the presence or absence of sexually transmitted
18 disease or infection, and examination and treatment of injuries
19 and trauma sustained by a victim of such offense.

20 (2) For purposes of enabling the recovery of State Funds,
21 any health services plan corporation subject to this Section
22 shall upon reasonable demand by the Department of Public Health
23 disclose the names and identities of its insureds or
24 subscribers entitled to benefits under this provision to the
25 Department of Public Health whenever the Department of Public

1 Health has determined that it has paid, or is about to pay,
2 hospital or medical expenses for which a health care service
3 corporation is liable under this Section. All information
4 received by the Department of Public Health under this
5 provision shall be held on a confidential basis and shall not
6 be subject to subpoena and shall not be made public by the
7 Department of Public Health or used for any purpose other than
8 that authorized by this Section.

9 (3) Whenever the Department of Public Health finds that it
10 has paid all or part of any hospital or medical expenses which
11 a health services plan corporation is obligated to pay under
12 this Section, the Department of Public Health shall be entitled
13 to receive reimbursement for its payments from such corporation
14 provided that the Department of Public Health has notified the
15 corporation of its claims before the corporation has paid such
16 benefits to its subscribers or in behalf of its subscribers.

17 (Source: P.A. 96-1551, eff. 7-1-11.)

18 Section 290. The Public Utilities Act is amended by
19 changing Sections 2-202, 4-201, 18-106, and 22-501 as follows:

20 (220 ILCS 5/2-202) (from Ch. 111 2/3, par. 2-202)

21 Sec. 2-202. Policy; Public Utility Fund; tax.

22 (a) It is declared to be the public policy of this State
23 that in order to maintain and foster the effective regulation
24 of public utilities under this Act in the interests of the

1 People of the State of Illinois and the public utilities as
2 well, the public utilities subject to regulation under this Act
3 and which enjoy the privilege of operating as public utilities
4 in this State, shall bear the expense of administering this Act
5 by means of a tax on such privilege measured by the annual
6 gross revenue of such public utilities in the manner provided
7 in this Section. For purposes of this Section, "expense of
8 administering this Act" includes any costs incident to studies,
9 whether made by the Commission or under contract entered into
10 by the Commission, concerning environmental pollution problems
11 caused or contributed to by public utilities and the means for
12 eliminating or abating those problems. Such proceeds shall be
13 deposited in the Public Utility Fund in the State treasury.

14 (b) All of the ordinary and contingent expenses of the
15 Commission incident to the administration of this Act shall be
16 paid out of the Public Utility Fund except the compensation of
17 the members of the Commission which shall be paid from the
18 General Revenue Fund. Notwithstanding other provisions of this
19 Act to the contrary, the ordinary and contingent expenses of
20 the Commission incident to the administration of the Illinois
21 Commercial Transportation Law may be paid from appropriations
22 from the Public Utility Fund through the end of fiscal year
23 1986.

24 (c) A tax is imposed upon each public utility subject to
25 the provisions of this Act equal to .08% of its gross revenue
26 for each calendar year commencing with the calendar year

1 beginning January 1, 1982, except that the Commission may, by
2 rule, establish a different rate no greater than 0.1%. For
3 purposes of this Section, "gross revenue" shall not include
4 revenue from the production, transmission, distribution, sale,
5 delivery, or furnishing of electricity. "Gross revenue" shall
6 not include amounts paid by telecommunications retailers under
7 the Telecommunications Infrastructure Maintenance Fee Act.

8 (d) Annual gross revenue returns shall be filed in
9 accordance with paragraph (1) or (2) of this subsection (d).

10 (1) Except as provided in paragraph (2) of this
11 subsection (d), on or before January 10 of each year each
12 public utility subject to the provisions of this Act shall
13 file with the Commission an estimated annual gross revenue
14 return containing an estimate of the amount of its gross
15 revenue for the calendar year commencing January 1 of said
16 year and a statement of the amount of tax due for said
17 calendar year on the basis of that estimate. Public
18 utilities may also file revised returns containing updated
19 estimates and updated amounts of tax due during the
20 calendar year. These revised returns, if filed, shall form
21 the basis for quarterly payments due during the remainder
22 of the calendar year. In addition, on or before March 31 of
23 each year, each public utility shall file an amended return
24 showing the actual amount of gross revenues shown by the
25 company's books and records as of December 31 of the
26 previous year. Forms and instructions for such estimated,

1 revised, and amended returns shall be devised and supplied
2 by the Commission.

3 (2) Beginning with returns due after January 1, 2002,
4 the requirements of paragraph (1) of this subsection (d)
5 shall not apply to any public utility in any calendar year
6 for which the total tax the public utility owes under this
7 Section is less than \$10,000. For such public utilities
8 with respect to such years, the public utility shall file
9 with the Commission, on or before March 31 of the following
10 year, an annual gross revenue return for the year and a
11 statement of the amount of tax due for that year on the
12 basis of such a return. Forms and instructions for such
13 returns and corrected returns shall be devised and supplied
14 by the Commission.

15 (e) All returns submitted to the Commission by a public
16 utility as provided in this subsection (e) or subsection (d) of
17 this Section shall contain or be verified by a written
18 declaration by an appropriate officer of the public utility
19 that the return is made under the penalties of perjury. The
20 Commission may audit each such return submitted and may, under
21 the provisions of Section 5-101 of this Act, take such measures
22 as are necessary to ascertain the correctness of the returns
23 submitted. The Commission has the power to direct the filing of
24 a corrected return by any utility which has filed an incorrect
25 return and to direct the filing of a return by any utility
26 which has failed to submit a return. A taxpayer's signing a

1 fraudulent return under this Section is perjury, as defined in
2 Section 32-2 of the Criminal Code of 2012 ~~1961~~.

3 (f) (1) For all public utilities subject to paragraph (1)
4 of subsection (d), at least one quarter of the annual amount of
5 tax due under subsection (c) shall be paid to the Commission on
6 or before the tenth day of January, April, July, and October of
7 the calendar year subject to tax. In the event that an
8 adjustment in the amount of tax due should be necessary as a
9 result of the filing of an amended or corrected return under
10 subsection (d) or subsection (e) of this Section, the amount of
11 any deficiency shall be paid by the public utility together
12 with the amended or corrected return and the amount of any
13 excess shall, after the filing of a claim for credit by the
14 public utility, be returned to the public utility in the form
15 of a credit memorandum in the amount of such excess or be
16 refunded to the public utility in accordance with the
17 provisions of subsection (k) of this Section. However, if such
18 deficiency or excess is less than \$1, then the public utility
19 need not pay the deficiency and may not claim a credit.

20 (2) Any public utility subject to paragraph (2) of
21 subsection (d) shall pay the amount of tax due under subsection
22 (c) on or before March 31 next following the end of the
23 calendar year subject to tax. In the event that an adjustment
24 in the amount of tax due should be necessary as a result of the
25 filing of a corrected return under subsection (e), the amount
26 of any deficiency shall be paid by the public utility at the

1 time the corrected return is filed. Any excess tax payment by
2 the public utility shall be returned to it after the filing of
3 a claim for credit, in the form of a credit memorandum in the
4 amount of the excess. However, if such deficiency or excess is
5 less than \$1, the public utility need not pay the deficiency
6 and may not claim a credit.

7 (g) Each installment or required payment of the tax imposed
8 by subsection (c) becomes delinquent at midnight of the date
9 that it is due. Failure to make a payment as required by this
10 Section shall result in the imposition of a late payment
11 penalty, an underestimation penalty, or both, as provided by
12 this subsection. The late payment penalty shall be the greater
13 of:

14 (1) \$25 for each month or portion of a month that the
15 installment or required payment is unpaid or

16 (2) an amount equal to the difference between what
17 should have been paid on the due date, based upon the most
18 recently filed estimated, annual, or amended return, and
19 what was actually paid, times 1%, for each month or portion
20 of a month that the installment or required payment goes
21 unpaid. This penalty may be assessed as soon as the
22 installment or required payment becomes delinquent.

23 The underestimation penalty shall apply to those public
24 utilities subject to paragraph (1) of subsection (d) and shall
25 be calculated after the filing of the amended return. It shall
26 be imposed if the amount actually paid on any of the dates

1 specified in subsection (f) is not equal to at least one-fourth
2 of the amount actually due for the year, and shall equal the
3 greater of:

4 (1) \$25 for each month or portion of a month that the
5 amount due is unpaid or

6 (2) an amount equal to the difference between what
7 should have been paid, based on the amended return, and
8 what was actually paid as of the date specified in
9 subsection (f), times a percentage equal to 1/12 of the sum
10 of 10% and the percentage most recently established by the
11 Commission for interest to be paid on customer deposits
12 under 83 Ill. Adm. Code 280.70(e)(1), for each month or
13 portion of a month that the amount due goes unpaid, except
14 that no underestimation penalty shall be assessed if the
15 amount actually paid on or before each of the dates
16 specified in subsection (f) was based on an estimate of
17 gross revenues at least equal to the actual gross revenues
18 for the previous year. The Commission may enforce the
19 collection of any delinquent installment or payment, or
20 portion thereof by legal action or in any other manner by
21 which the collection of debts due the State of Illinois may
22 be enforced under the laws of this State. The executive
23 director or his designee may excuse the payment of an
24 assessed penalty or a portion of an assessed penalty if he
25 determines that enforced collection of the penalty as
26 assessed would be unjust.

1 (h) All sums collected by the Commission under the
2 provisions of this Section shall be paid promptly after the
3 receipt of the same, accompanied by a detailed statement
4 thereof, into the Public Utility Fund in the State treasury.

5 (i) During the month of October of each odd-numbered year
6 the Commission shall:

7 (1) determine the amount of all moneys deposited in the
8 Public Utility Fund during the preceding fiscal biennium
9 plus the balance, if any, in that fund at the beginning of
10 that biennium;

11 (2) determine the sum total of the following items: (A)
12 all moneys expended or obligated against appropriations
13 made from the Public Utility Fund during the preceding
14 fiscal biennium, plus (B) the sum of the credit memoranda
15 then outstanding against the Public Utility Fund, if any;
16 and

17 (3) determine the amount, if any, by which the sum
18 determined as provided in item (1) exceeds the amount
19 determined as provided in item (2).

20 If the amount determined as provided in item (3) of this
21 subsection exceeds 50% of the previous fiscal year's
22 appropriation level, the Commission shall then compute the
23 proportionate amount, if any, which (x) the tax paid hereunder
24 by each utility during the preceding biennium, and (y) the
25 amount paid into the Public Utility Fund during the preceding
26 biennium by the Department of Revenue pursuant to Sections 2-9

1 and 2-11 of the Electricity Excise Tax Law, bears to the
2 difference between the amount determined as provided in item
3 (3) of this subsection (i) and 50% of the previous fiscal
4 year's appropriation level. The Commission shall cause the
5 proportionate amount determined with respect to payments made
6 under the Electricity Excise Tax Law to be transferred into the
7 General Revenue Fund in the State Treasury, and notify each
8 public utility that it may file during the 3 month period after
9 the date of notification a claim for credit for the
10 proportionate amount determined with respect to payments made
11 hereunder by the public utility. If the proportionate amount is
12 less than \$10, no notification will be sent by the Commission,
13 and no right to a claim exists as to that amount. Upon the
14 filing of a claim for credit within the period provided, the
15 Commission shall issue a credit memorandum in such amount to
16 such public utility. Any claim for credit filed after the
17 period provided for in this Section is void.

18 (j) Credit memoranda issued pursuant to subsection (f) and
19 credit memoranda issued after notification and filing pursuant
20 to subsection (i) may be applied for the 2 year period from the
21 date of issuance, against the payment of any amount due during
22 that period under the tax imposed by subsection (c), or,
23 subject to reasonable rule of the Commission including
24 requirement of notification, may be assigned to any other
25 public utility subject to regulation under this Act. Any
26 application of credit memoranda after the period provided for

1 in this Section is void.

2 (k) The chairman or executive director may make refund of
3 fees, taxes or other charges whenever he shall determine that
4 the person or public utility will not be liable for payment of
5 such fees, taxes or charges during the next 24 months and he
6 determines that the issuance of a credit memorandum would be
7 unjust.

8 (Source: P.A. 95-1027, eff. 6-1-09.)

9 (220 ILCS 5/4-201) (from Ch. 111 2/3, par. 4-201)

10 Sec. 4-201. It is hereby made the duty of the Commission to
11 see that the provisions of the Constitution and statutes of
12 this State affecting public utilities, the enforcement of which
13 is not specifically vested in some other officer or tribunal,
14 are enforced and obeyed, and that violations thereof are
15 promptly prosecuted and penalties due the State therefor
16 recovered and collected, and to this end it may sue in the name
17 of the People of the State.

18 It shall be the duty of the Commission, at the direction
19 and discretion of the Chairman, to assemble and maintain an
20 electronic trespass enforcement assistance staff consisting of
21 experts in computer systems, electronics and other
22 professional disciplines to aid public utilities, businesses,
23 individuals and law enforcement agencies in detecting and
24 preventing electronic trespass violations and enforcing the
25 provisions of Sections 17-50, 17-51, and 17-52 ~~Section 16-9~~ of

1 the "Criminal Code of 2012 ~~1961~~", ~~approved July 28, 1961, as~~
2 ~~amended~~ or any other relevant statute.

3 No cause of action shall exist and no liability may be
4 imposed either civil or criminal, against the State, the
5 Chairman of the Commission or any of its members, or any
6 employee of the Commission, for any act or omission by them in
7 the performance of any power or duty authorized by this
8 Section, unless such act or omission was performed in bad faith
9 and with intent to injure a particular person.

10 (Source: P.A. 84-617.)

11 (220 ILCS 5/18-106)

12 Sec. 18-106. Grantee instruments.

13 (a) If an electric utility to which grantee instruments
14 have been issued discontinues providing electric power and
15 energy services prior to the maturity date of such grantee
16 instruments, such electric utility shall not be entitled to
17 receive any payment on such grantee instruments on and after
18 the date of such discontinuance.

19 (b) Notwithstanding the provisions of subsection (a) of
20 this Section, any assignee holding such grantee instruments or
21 any holder of transitional funding instruments which are
22 secured by such grantee instruments shall nevertheless be
23 entitled to recover amounts payable by such grantee under such
24 grantee instruments in accordance with their terms as if such
25 electric utility had not discontinued the provision of electric

1 power and energy.

2 (c) Notwithstanding any other provision of law, the
3 issuance of any grantee instruments in accordance with the
4 terms and provisions of a transitional funding order shall for
5 all purposes be exempt from the application of Section 17-59 or
6 Article 39 of the Criminal Code of 2012 or the Criminal Code of
7 1961 and the Interest Act.

8 (Source: P.A. 90-561, eff. 12-16-97.)

9 (220 ILCS 5/22-501)

10 Sec. 22-501. Customer service and privacy protection. All
11 cable or video providers in this State shall comply with the
12 following customer service requirements and privacy
13 protections. The provisions of this Act shall not apply to an
14 incumbent cable operator prior to January 1, 2008. For purposes
15 of this paragraph, an incumbent cable operator means a person
16 or entity that provided cable services in a particular area
17 under a franchise agreement with a local unit of government
18 pursuant to Section 11-42-11 of the Illinois Municipal Code or
19 Section 5-1095 of the Counties Code on January 1, 2007. A
20 master antenna television, satellite master antenna
21 television, direct broadcast satellite, multipoint
22 distribution service, and other provider of video programming
23 shall only be subject to the provisions of this Article to the
24 extent permitted by federal law.

25 The following definitions apply to the terms used in this

1 Article:

2 "Basic cable or video service" means any service offering
3 or tier that includes the retransmission of local television
4 broadcast signals.

5 "Cable or video provider" means any person or entity
6 providing cable service or video service pursuant to
7 authorization under (i) the Cable and Video Competition Law of
8 2007; (ii) Section 11-42-11 of the Illinois Municipal Code;
9 (iii) Section 5-1095 of the Counties Code; or (iv) a master
10 antenna television, satellite master antenna television,
11 direct broadcast satellite, multipoint distribution services,
12 and other providers of video programming, whatever their
13 technology. A cable or video provider shall not include a
14 landlord providing only broadcast video programming to a
15 single-family home or other residential dwelling consisting of
16 4 units or less.

17 "Franchise" has the same meaning as found in 47 U.S.C.
18 522(9).

19 "Local unit of government" means a city, village,
20 incorporated town, or a county.

21 "Normal business hours" means those hours during which most
22 similar businesses in the geographic area of the local unit of
23 government are open to serve customers. In all cases, "normal
24 business hours" must include some evening hours at least one
25 night per week or some weekend hours.

26 "Normal operating conditions" means those service

1 conditions that are within the control of cable or video
2 providers. Those conditions that are not within the control of
3 cable or video providers include, but are not limited to,
4 natural disasters, civil disturbances, power outages,
5 telephone network outages, and severe or unusual weather
6 conditions. Those conditions that are ordinarily within the
7 control of cable or video providers include, but are not
8 limited to, special promotions, pay-per-view events, rate
9 increases, regular peak or seasonal demand periods, and
10 maintenance or upgrade of the cable service or video service
11 network.

12 "Service interruption" means the loss of picture or sound
13 on one or more cable service or video service on one or more
14 cable or video channels.

15 "Service line drop" means the point of connection between a
16 premises and the cable or video network that enables the
17 premises to receive cable service or video service.

18 (a) General customer service standards:

19 (1) Cable or video providers shall establish general
20 standards related to customer service, which shall
21 include, but not be limited to, installation,
22 disconnection, service and repair obligations; appointment
23 hours and employee ID requirements; customer service
24 telephone numbers and hours; procedures for billing,
25 charges, deposits, refunds, and credits; procedures for
26 termination of service; notice of deletion of programming

1 service; changes related to transmission of programming;
2 changes or increases in rates; the use and availability of
3 parental control or lock-out devices; the use and
4 availability of an A/B switch if applicable; complaint
5 procedures and procedures for bill dispute resolution; a
6 description of the rights and remedies available to
7 consumers if the cable or video provider does not
8 materially meet its customer service standards; and
9 special services for customers with visual, hearing, or
10 mobility disabilities.

11 (2) Cable or video providers' rates for each level of
12 service, rules, regulations, and policies related to its
13 cable service or video service described in paragraph (1)
14 of this subsection (a) must be made available to the public
15 and displayed clearly and conspicuously on the cable or
16 video provider's site on the Internet. If a promotional
17 price or a price for a specified period of time is offered,
18 the cable or video provider shall display the price at the
19 end of the promotional period or specified period of time
20 clearly and conspicuously with the display of the
21 promotional price or price for a specified period of time.
22 The cable or video provider shall provide this information
23 upon request.

24 (3) Cable or video providers shall provide notice
25 concerning their general customer service standards to all
26 customers. This notice shall be offered when service is

1 first activated and annually thereafter. The information
2 in the notice shall include all of the information
3 specified in paragraph (1) of this subsection (a), as well
4 as the following: a listing of services offered by the
5 cable or video providers, which shall clearly describe
6 programming for all services and all levels of service; the
7 rates for all services and levels of service; a telephone
8 number through which customers may subscribe to, change, or
9 terminate service, request customer service, or seek
10 general or billing information; instructions on the use of
11 the cable or video services; and a description of rights
12 and remedies that the cable or video providers shall make
13 available to their customers if they do not materially meet
14 the general customer service standards described in this
15 Act.

16 (b) General customer service obligations:

17 (1) Cable or video providers shall render reasonably
18 efficient service, promptly make repairs, and interrupt
19 service only as necessary and for good cause, during
20 periods of minimum use of the system and for no more than
21 24 hours.

22 (2) All service representatives or any other person who
23 contacts customers or potential customers on behalf of the
24 cable or video provider shall have a visible identification
25 card with their name and photograph and shall orally
26 identify themselves upon first contact with the customer.

1 Customer service representatives shall orally identify
2 themselves to callers immediately following the greeting
3 during each telephone contact with the public.

4 (3) The cable or video providers shall: (i) maintain a
5 customer service facility within the boundaries of a local
6 unit of government staffed by customer service
7 representatives that have the capacity to accept payment,
8 adjust bills, and respond to repair, installation,
9 reconnection, disconnection, or other service calls and
10 distribute or receive converter boxes, remote control
11 units, digital stereo units, or other equipment related to
12 the provision of cable or video service; (ii) provide
13 customers with bill payment facilities through retail,
14 financial, or other commercial institutions located within
15 the boundaries of a local unit of government; (iii) provide
16 an address, toll-free telephone number or electronic
17 address to accept bill payments and correspondence and
18 provide secure collection boxes for the receipt of bill
19 payments and the return of equipment, provided that if a
20 cable or video provider provides secure collection boxes,
21 it shall provide a printed receipt when items are
22 deposited; or (iv) provide an address, toll-free telephone
23 number, or electronic address to accept bill payments and
24 correspondence and provide a method for customers to return
25 equipment to the cable or video provider at no cost to the
26 customer.

1 (4) In each contact with a customer, the service
2 representatives or any other person who contacts customers
3 or potential customers on behalf of the cable or video
4 provider shall state the estimated cost of the service,
5 repair, or installation orally prior to delivery of the
6 service or before any work is performed, shall provide the
7 customer with an oral statement of the total charges before
8 terminating the telephone call or other contact in which a
9 service is ordered, whether in-person or over the Internet,
10 and shall provide a written statement of the total charges
11 before leaving the location at which the work was
12 performed. In the event that the cost of service is a
13 promotional price or is for a limited period of time, the
14 cost of service at the end of the promotion or limited
15 period of time shall be disclosed.

16 (5) Cable or video providers shall provide customers a
17 minimum of 30 days' written notice before increasing rates
18 or eliminating transmission of programming and shall
19 submit the notice to the local unit of government in
20 advance of distribution to customers, provided that the
21 cable or video provider is not in violation of this
22 provision if the elimination of transmission of
23 programming was outside the control of the provider, in
24 which case the provider shall use reasonable efforts to
25 provide as much notice as possible, and any rate decrease
26 related to the elimination of transmission of programming

1 shall be applied to the date of the change.

2 (6) Cable or video providers shall provide clear visual
3 and audio reception that meets or exceeds applicable
4 Federal Communications Commission technical standards. If
5 a customer experiences poor video or audio reception due to
6 the equipment of the cable or video provider, the cable or
7 video provider shall promptly repair the problem at its own
8 expense.

9 (c) Bills, payment, and termination:

10 (1) Cable or video providers shall render monthly bills
11 that are clear, accurate, and understandable.

12 (2) Every residential customer who pays bills directly
13 to the cable or video provider shall have at least 28 days
14 from the date of the bill to pay the listed charges.

15 (3) Customer payments shall be posted promptly. When
16 the payment is sent by United States mail, payment is
17 considered paid on the date it is postmarked.

18 (4) Cable or video providers may not terminate
19 residential service for nonpayment of a bill unless the
20 cable or video provider furnishes notice of the delinquency
21 and impending termination at least 21 days prior to the
22 proposed termination. Notice of proposed termination shall
23 be mailed, postage prepaid, to the customer to whom service
24 is billed. Notice of proposed termination shall not be
25 mailed until the 29th day after the date of the bill for
26 services. Notice of delinquency and impending termination

1 may be part of a billing statement only if the notice is
2 presented in a different color than the bill and is
3 designed to be conspicuous. The cable or video providers
4 may not assess a late fee prior to the 29th day after the
5 date of the bill for service.

6 (5) Every notice of impending termination shall
7 include all of the following: the name and address of
8 customer; the amount of the delinquency; the date on which
9 payment is required to avoid termination; and the telephone
10 number of the cable or video provider's service
11 representative to make payment arrangements and to provide
12 additional information about the charges for failure to
13 return equipment and for reconnection, if any. No customer
14 may be charged a fee for termination or disconnection of
15 service, irrespective of whether the customer initiated
16 termination or disconnection or the cable or video provider
17 initiated termination or disconnection.

18 (6) Service may only be terminated on days when the
19 customer is able to reach a service representative of the
20 cable or video providers, either in person or by telephone.

21 (7) Any service terminated by a cable or video provider
22 without good cause shall be restored without any
23 reconnection fee, charge, or penalty; good cause for
24 termination includes, but is not limited to, failure to pay
25 a bill by the date specified in the notice of impending
26 termination, payment by check for which there are

1 insufficient funds, theft of service, abuse of equipment or
2 personnel, or other similar subscriber actions.

3 (8) Cable or video providers shall cease charging a
4 customer for any or all services within one business day
5 after it receives a request to immediately terminate
6 service or on the day requested by the customer if such a
7 date is at least 5 days from the date requested by the
8 customer. Nothing in this subsection (c) shall prohibit the
9 provider from billing for charges that the customer incurs
10 prior to the date of termination. Cable or video providers
11 shall issue a credit or a refund or return a deposit within
12 10 business days after the close of the customer's billing
13 cycle following the request for termination or the return
14 of equipment, if any, whichever is later.

15 (9) The customers or subscribers of a cable or video
16 provider shall be allowed to disconnect their service at
17 any time within the first 60 days after subscribing to or
18 upgrading the service. Within this 60-day period, cable or
19 video providers shall not charge or impose any fees or
20 penalties on the customer for disconnecting service,
21 including, but not limited to, any installation charge or
22 the imposition of an early termination charge, except the
23 cable or video provider may impose a charge or fee to
24 offset any rebates or credits received by the customer and
25 may impose monthly service or maintenance charges,
26 including pay-per-view and premium services charges,

1 during such 60-day period.

2 (10) Cable and video providers shall guarantee
3 customer satisfaction for new or upgraded service and the
4 customer shall receive a pro-rata credit in an amount equal
5 to the pro-rata charge for the remaining days of service
6 being disconnected or replaced upon the customers request
7 if the customer is dissatisfied with the service and
8 requests to discontinue the service within the first 60
9 days after subscribing to the upgraded service.

10 (d) Response to customer inquiries:

11 (1) Cable or video providers will maintain a toll-free
12 telephone access line that is available to customers 24
13 hours a day, 7 days a week to accept calls regarding
14 installation, termination, service, and complaints.
15 Trained, knowledgeable, qualified service representatives
16 of the cable or video providers will be available to
17 respond to customer telephone inquiries during normal
18 business hours. Customer service representatives shall be
19 able to provide credit, waive fees, schedule appointments,
20 and change billing cycles. Any difficulties that cannot be
21 resolved by the customer service representatives shall be
22 referred to a supervisor who shall make his or her best
23 efforts to resolve the issue immediately. If the supervisor
24 does not resolve the issue to the customer's satisfaction,
25 the customer shall be informed of the cable or video
26 provider's complaint procedures and procedures for billing

1 dispute resolution and given a description of the rights
2 and remedies available to customers to enforce the terms of
3 this Article, including the customer's rights to have the
4 complaint reviewed by the local unit of government, to
5 request mediation, and to review in a court of competent
6 jurisdiction.

7 (2) After normal business hours, the access line may be
8 answered by a service or an automated response system,
9 including an answering machine. Inquiries received by
10 telephone or e-mail after normal business hours shall be
11 responded to by a trained service representative on the
12 next business day. The cable or video provider shall
13 respond to a written billing inquiry within 10 days of
14 receipt of the inquiry.

15 (3) Cable or video providers shall provide customers
16 seeking non-standard installations with a total
17 installation cost estimate and an estimated date of
18 completion. The actual charge to the customer shall not
19 exceed 10% of the estimated cost without the written
20 consent of the customer.

21 (4) If the cable or video provider receives notice that
22 an unsafe condition exists with respect to its equipment,
23 it shall investigate such condition immediately and shall
24 take such measures as are necessary to remove or eliminate
25 the unsafe condition. The cable or video provider shall
26 inform the local unit of government promptly, but no later

1 than 2 hours after it receives notification of an unsafe
2 condition that it has not remedied.

3 (5) Under normal operating conditions, telephone
4 answer time by the cable or video provider's customer
5 representative, including wait time, shall not exceed 30
6 seconds when the connection is made. If the call needs to
7 be transferred, transfer time shall not exceed 30 seconds.
8 These standards shall be met no less than 90% of the time
9 under normal operating conditions, measured on a quarterly
10 basis.

11 (6) Under normal operating conditions, the cable or
12 video provider's customers will receive a busy signal less
13 than 3% of the time.

14 (e) Under normal operating conditions, each of the
15 following standards related to installations, outages, and
16 service calls will be met no less than 95% of the time measured
17 on a quarterly basis:

18 (1) Standard installations will be performed within 7
19 business days after an order has been placed. "Standard"
20 installations are those that are located up to 125 feet
21 from the existing distribution system.

22 (2) Excluding conditions beyond the control of the
23 cable or video providers, the cable or video providers will
24 begin working on "service interruptions" promptly and in no
25 event later than 24 hours after the interruption is
26 reported by the customer or otherwise becomes known to the

1 cable or video providers. Cable or video providers must
2 begin actions to correct other service problems the next
3 business day after notification of the service problem and
4 correct the problem within 48 hours after the interruption
5 is reported by the customer 95% of the time, measured on a
6 quarterly basis.

7 (3) The "appointment window" alternatives for
8 installations, service calls, and other installation
9 activities will be either a specific time or, at a maximum,
10 a 4-hour time block during evening, weekend, and normal
11 business hours. The cable or video provider may schedule
12 service calls and other installation activities outside of
13 these hours for the express convenience of the customer.

14 (4) Cable or video providers may not cancel an
15 appointment with a customer after 5:00 p.m. on the business
16 day prior to the scheduled appointment. If the cable or
17 video provider's representative is running late for an
18 appointment with a customer and will not be able to keep
19 the appointment as scheduled, the customer will be
20 contacted. The appointment will be rescheduled, as
21 necessary, at a time that is convenient for the customer,
22 even if the rescheduled appointment is not within normal
23 business hours.

24 (f) Public benefit obligation:

25 (1) All cable or video providers offering service
26 pursuant to the Cable and Video Competition Law of 2007,

1 the Illinois Municipal Code, or the Counties Code shall
2 provide a free service line drop and free basic service to
3 all current and future public buildings within their
4 footprint, including, but not limited to, all local unit of
5 government buildings, public libraries, and public primary
6 and secondary schools, whether owned or leased by that
7 local unit of government ("eligible buildings"). Such
8 service shall be used in a manner consistent with the
9 government purpose for the eligible building and shall not
10 be resold.

11 (2) This obligation only applies to those cable or
12 video service providers whose cable service or video
13 service systems pass eligible buildings and its cable or
14 video service is generally available to residential
15 subscribers in the same local unit of government in which
16 the eligible building is located. The burden of providing
17 such service at each eligible building shall be shared by
18 all cable and video providers whose systems pass the
19 eligible buildings in an equitable and competitively
20 neutral manner, and nothing herein shall require
21 duplicative installations by more than one cable or video
22 provider at each eligible building. Cable or video
23 providers operating in a local unit of government shall
24 meet as necessary and determine who will provide service to
25 eligible buildings under this subsection (f). If the cable
26 or video providers are unable to reach an agreement, they

1 shall meet with the local unit of government, which shall
2 determine which cable or video providers will serve each
3 eligible building. The local unit of government shall bear
4 the costs of any inside wiring or video equipment costs not
5 ordinarily provided as part of the cable or video
6 provider's basic offering.

7 (g) After the cable or video providers have offered service
8 for one year, the cable or video providers shall make an annual
9 report to the Commission, to the local unit of government, and
10 to the Attorney General that it is meeting the standards
11 specified in this Article, identifying the number of complaints
12 it received over the prior year in the State and specifying the
13 number of complaints related to each of the following: (1)
14 billing, charges, refunds, and credits; (2) installation or
15 termination of service; (3) quality of service and repair; (4)
16 programming; and (5) miscellaneous complaints that do not fall
17 within these categories. Thereafter, the cable or video
18 providers shall also provide, upon request by the local unit of
19 government where service is offered and to the Attorney
20 General, an annual public report that includes performance data
21 described in subdivisions (5) and (6) of subsection (d) and
22 subdivisions (1) and (2) of subsection (e) of this Section for
23 cable services or video services. The performance data shall be
24 disaggregated for each requesting local unit of government or
25 local exchange, as that term is defined in Section 13-206 of
26 this Act, in which the cable or video providers have customers.

1 (h) To the extent consistent with federal law, cable or
2 video providers shall offer the lowest-cost basic cable or
3 video service as a stand-alone service to residential customers
4 at reasonable rates. Cable or video providers shall not require
5 the subscription to any service other than the lowest-cost
6 basic service or to any telecommunications or information
7 service, as a condition of access to cable or video service,
8 including programming offered on a per channel or per program
9 basis. Cable or video providers shall not discriminate between
10 subscribers to the lowest-cost basic service, subscribers to
11 other cable services or video services, and other subscribers
12 with regard to the rates charged for cable or video programming
13 offered on a per channel or per program basis.

14 (i) To the extent consistent with federal law, cable or
15 video providers shall ensure that charges for changes in the
16 subscriber's selection of services or equipment shall be based
17 on the cost of such change and shall not exceed nominal amounts
18 when the system's configuration permits changes in service tier
19 selection to be effected solely by coded entry on a computer
20 terminal or by other similarly simple method.

21 (j) To the extent consistent with federal law, cable or
22 video providers shall have a rate structure for the provision
23 of cable or video service that is uniform throughout the area
24 within the boundaries of the local unit of government. This
25 subsection (j) is not intended to prohibit bulk discounts to
26 multiple dwelling units or to prohibit reasonable discounts to

1 senior citizens or other economically disadvantaged groups.

2 (k) To the extent consistent with federal law, cable or
3 video providers shall not charge a subscriber for any service
4 or equipment that the subscriber has not affirmatively
5 requested by name. For purposes of this subsection (k), a
6 subscriber's failure to refuse a cable or video provider's
7 proposal to provide service or equipment shall not be deemed to
8 be an affirmative request for such service or equipment.

9 (l) No contract or service agreement containing an early
10 termination clause offering residential cable or video
11 services or any bundle including such services shall be for a
12 term longer than 2 years. Any contract or service offering with
13 a term of service that contains an early termination fee shall
14 limit the early termination fee to not more than the value of
15 any additional goods or services provided with the cable or
16 video services, the amount of the discount reflected in the
17 price for cable services or video services for the period
18 during which the consumer benefited from the discount, or a
19 declining fee based on the remainder of the contract term.

20 (m) Cable or video providers shall not discriminate in the
21 provision of services for the hearing and visually impaired,
22 and shall comply with the accessibility requirements of 47
23 U.S.C. 613. Cable or video providers shall deliver and pick-up
24 or provide customers with pre-paid shipping and packaging for
25 the return of converters and other necessary equipment at the
26 home of customers with disabilities. Cable or video providers

1 shall provide free use of a converter or remote control unit to
2 mobility impaired customers.

3 (n) (1) To the extent consistent with federal law, cable or
4 video providers shall comply with the provisions of 47 U.S.C.
5 532(h) and (j). The cable or video providers shall not exercise
6 any editorial control over any video programming provided
7 pursuant to this Section, or in any other way consider the
8 content of such programming, except that a cable or video
9 provider may refuse to transmit any leased access program or
10 portion of a leased access program that contains obscenity,
11 indecency, or nudity and may consider such content to the
12 minimum extent necessary to establish a reasonable price for
13 the commercial use of designated channel capacity by an
14 unaffiliated person. This subsection (n) shall permit cable or
15 video providers to enforce prospectively a written and
16 published policy of prohibiting programming that the cable or
17 video provider reasonably believes describes or depicts sexual
18 or excretory activities or organs in a patently offensive
19 manner as measured by contemporary community standards.

20 (2) Upon customer request, the cable or video provider
21 shall, without charge, fully scramble or otherwise fully
22 block the audio and video programming of each channel
23 carrying such programming so that a person who is not a
24 subscriber does not receive the channel or programming.

25 (3) In providing sexually explicit adult programming
26 or other programming that is indecent on any channel of its

1 service primarily dedicated to sexually oriented
2 programming, the cable or video provider shall fully
3 scramble or otherwise fully block the video and audio
4 portion of such channel so that a person who is not a
5 subscriber to such channel or programming does not receive
6 it.

7 (4) Scramble means to rearrange the content of the
8 signal of the programming so that the programming cannot be
9 viewed or heard in an understandable manner.

10 (o) Cable or video providers will maintain a listing,
11 specific to the level of street address, of the areas where its
12 cable or video services are available. Customers who inquire
13 about purchasing cable or video service shall be informed about
14 whether the cable or video provider's cable or video services
15 are currently available to them at their specific location.

16 (p) Cable or video providers shall not disclose the name,
17 address, telephone number or other personally identifying
18 information of a cable service or video service customer to be
19 used in mailing lists or to be used for other commercial
20 purposes not reasonably related to the conduct of its business
21 unless the cable or video provider has provided to the customer
22 a notice, separately or included in any other customer service
23 notice, that clearly and conspicuously describes the
24 customer's ability to prohibit the disclosure. Cable or video
25 providers shall provide an address and telephone number for a
26 customer to use without a toll charge to prevent disclosure of

1 the customer's name and address in mailing lists or for other
2 commercial purposes not reasonably related to the conduct of
3 its business to other businesses or affiliates of the cable or
4 video provider. Cable or video providers shall comply with the
5 consumer privacy requirements of Section 26-4.5 of the Criminal
6 Code of 2012 ~~1961~~, the Restricted Call Registry Act, and 47
7 U.S.C. 551 that are in effect as of June 30, 2007 (the
8 effective date of Public Act 95-9) and as amended thereafter.

9 (q) Cable or video providers shall implement an informal
10 process for handling inquiries from local units of government
11 and customers concerning billing issues, service issues,
12 privacy concerns, and other consumer complaints. In the event
13 that an issue is not resolved through this informal process, a
14 local unit of government or the customer may request nonbinding
15 mediation with the cable or video provider, with each party to
16 bear its own costs of such mediation. Selection of the mediator
17 will be by mutual agreement, and preference will be given to
18 mediation services that do not charge the consumer for their
19 services. In the event that the informal process does not
20 produce a satisfactory result to the customer or the local unit
21 of government, enforcement may be pursued as provided in
22 subdivision (4) of subsection (r) of this Section.

23 (r) The Attorney General and the local unit of government
24 may enforce all of the customer service and privacy protection
25 standards of this Section with respect to complaints received
26 from residents within the local unit of government's

1 jurisdiction, but it may not adopt or seek to enforce any
2 additional or different customer service or performance
3 standards under any other authority or provision of law.

4 (1) The local unit of government may, by ordinance,
5 provide a schedule of penalties for any material breach of
6 this Section by cable or video providers in addition to the
7 penalties provided herein. No monetary penalties shall be
8 assessed for a material breach if it is out of the
9 reasonable control of the cable or video providers or its
10 affiliate. Monetary penalties adopted in an ordinance
11 pursuant to this Section shall apply on a competitively
12 neutral basis to all providers of cable service or video
13 service within the local unit of government's
14 jurisdiction. In no event shall the penalties imposed under
15 this subsection (r) exceed \$750 for each day of the
16 material breach, and these penalties shall not exceed
17 \$25,000 for each occurrence of a material breach per
18 customer.

19 (2) For purposes of this Section, "material breach"
20 means any substantial failure of a cable or video service
21 provider to comply with service quality and other standards
22 specified in any provision of this Act. The Attorney
23 General or the local unit of government shall give the
24 cable or video provider written notice of any alleged
25 material breaches of this Act and allow such provider at
26 least 30 days from receipt of the notice to remedy the

1 specified material breach.

2 (3) A material breach, for the purposes of assessing
3 penalties, shall be deemed to have occurred for each day
4 that a material breach has not been remedied by the cable
5 service or video service provider after the expiration of
6 the period specified in subdivision (2) of this subsection
7 (r) in each local unit of government's jurisdiction,
8 irrespective of the number of customers affected.

9 (4) Any customer, the Attorney General, or a local unit
10 of government may pursue alleged violations of this Act by
11 the cable or video provider in a court of competent
12 jurisdiction. A cable or video provider may seek judicial
13 review of a decision of a local unit of government imposing
14 penalties in a court of competent jurisdiction. No local
15 unit of government shall be subject to suit for damages or
16 other relief based upon its action in connection with its
17 enforcement or review of any of the terms, conditions, and
18 rights contained in this Act except a court may require the
19 return of any penalty it finds was not properly assessed or
20 imposed.

21 (s) Cable or video providers shall credit customers for
22 violations in the amounts stated herein. The credits shall be
23 applied on the statement issued to the customer for the next
24 monthly billing cycle following the violation or following the
25 discovery of the violation. Cable or video providers are
26 responsible for providing the credits described herein and the

1 customer is under no obligation to request the credit. If the
2 customer is no longer taking service from the cable or video
3 provider, the credit amount will be refunded to the customer by
4 check within 30 days of the termination of service. A local
5 unit of government may, by ordinance, adopt a schedule of
6 credits payable directly to customers for breach of the
7 customer service standards and obligations contained in this
8 Article, provided the schedule of customer credits applies on a
9 competitively neutral basis to all providers of cable service
10 or video service in the local unit of government's jurisdiction
11 and the credits are not greater than the credits provided in
12 this Section.

13 (1) Failure to provide notice of customer service
14 standards upon initiation of service: \$25.00.

15 (2) Failure to install service within 7 days: Waiver of
16 50% of the installation fee or the monthly fee for the
17 lowest-cost basic service, whichever is greater. Failure
18 to install service within 14 days: Waiver of 100% of the
19 installation fee or the monthly fee for the lowest-cost
20 basic service, whichever is greater.

21 (3) Failure to remedy service interruptions or poor
22 video or audio service quality within 48 hours: Pro-rata
23 credit of total regular monthly charges equal to the number
24 of days of the service interruption.

25 (4) Failure to keep an appointment or to notify the
26 customer prior to the close of business on the business day

1 prior to the scheduled appointment: \$25.00.

2 (5) Violation of privacy protections: \$150.00.

3 (6) Failure to comply with scrambling requirements:
4 \$50.00 per month.

5 (7) Violation of customer service and billing
6 standards in subsections (c) and (d) of this Section:
7 \$25.00 per occurrence.

8 (8) Violation of the bundling rules in subsection (h)
9 of this Section: \$25.00 per month.

10 (t) The enforcement powers granted to the Attorney General
11 in Article XXI of this Act shall apply to this Article, except
12 that the Attorney General may not seek penalties for violation
13 of this Article other than in the amounts specified herein.
14 Nothing in this Section shall limit or affect the powers of the
15 Attorney General to enforce the provisions of Article XXI of
16 this Act or the Consumer Fraud and Deceptive Business Practices
17 Act.

18 (u) This Article applies to all cable and video providers
19 in the State, including but not limited to those operating
20 under a local franchise as that term is used in 47 U.S.C.
21 522(9), those operating under authorization pursuant to
22 Section 11-42-11 of the Illinois Municipal Code, those
23 operating under authorization pursuant to Section 5-1095 of the
24 Counties Code, and those operating under a State-issued
25 authorization pursuant to Article XXI of this Act.

26 (Source: P.A. 96-927, eff. 6-15-10; 97-1108, eff. 1-1-13.)

1 Section 295. The Acupuncture Practice Act is amended by
2 changing Section 117 as follows:

3 (225 ILCS 2/117)

4 (Section scheduled to be repealed on January 1, 2018)

5 Sec. 117. Suspension of license for failure to pay
6 restitution. The Department, without further process or
7 hearing, shall suspend the license or other authorization to
8 practice of any person issued under this Act who has been
9 certified by court order as not having paid restitution to a
10 person under Section 8A-3.5 of the Illinois Public Aid Code or
11 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or
12 the Criminal Code of 2012. A person whose license or other
13 authorization to practice is suspended under this Section is
14 prohibited from practicing until the restitution is made in
15 full.

16 (Source: P.A. 96-1551, eff. 7-1-11.)

17 Section 300. The Illinois Athletic Trainers Practice Act is
18 amended by changing Section 16.5 as follows:

19 (225 ILCS 5/16.5)

20 (Section scheduled to be repealed on January 1, 2016)

21 Sec. 16.5. Suspension of license for failure to pay
22 restitution. The Department, without further process or

1 hearing, shall suspend the license or other authorization to
2 practice of any person issued under this Act who has been
3 certified by court order as not having paid restitution to a
4 person under Section 8A-3.5 of the Illinois Public Aid Code or
5 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or
6 the Criminal Code of 2012. A person whose license or other
7 authorization to practice is suspended under this Section is
8 prohibited from practicing until the restitution is made in
9 full.

10 (Source: P.A. 96-1551, eff. 7-1-11.)

11 Section 305. The Child Care Act of 1969 is amended by
12 changing Sections 4.2 and 14.6 as follows:

13 (225 ILCS 10/4.2) (from Ch. 23, par. 2214.2)

14 Sec. 4.2. (a) No applicant may receive a license from the
15 Department and no person may be employed by a licensed child
16 care facility who refuses to authorize an investigation as
17 required by Section 4.1.

18 (b) In addition to the other provisions of this Section, no
19 applicant may receive a license from the Department and no
20 person may be employed by a child care facility licensed by the
21 Department who has been declared a sexually dangerous person
22 under "An Act in relation to sexually dangerous persons, and
23 providing for their commitment, detention and supervision",
24 approved July 6, 1938, as amended, or convicted of committing

1 or attempting to commit any of the following offenses
2 stipulated under the Criminal Code of 1961 or the Criminal Code
3 of 2012:

4 (1) murder;

5 (1.1) solicitation of murder;

6 (1.2) solicitation of murder for hire;

7 (1.3) intentional homicide of an unborn child;

8 (1.4) voluntary manslaughter of an unborn child;

9 (1.5) involuntary manslaughter;

10 (1.6) reckless homicide;

11 (1.7) concealment of a homicidal death;

12 (1.8) involuntary manslaughter of an unborn child;

13 (1.9) reckless homicide of an unborn child;

14 (1.10) drug-induced homicide;

15 (2) a sex offense under Article 11, except offenses
16 described in Sections 11-7, 11-8, 11-12, 11-13, 11-35,
17 11-40, and 11-45;

18 (3) kidnapping;

19 (3.1) aggravated unlawful restraint;

20 (3.2) forcible detention;

21 (3.3) harboring a runaway;

22 (3.4) aiding and abetting child abduction;

23 (4) aggravated kidnapping;

24 (5) child abduction;

25 (6) aggravated battery of a child as described in
26 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;

- 1 (7) criminal sexual assault;
- 2 (8) aggravated criminal sexual assault;
- 3 (8.1) predatory criminal sexual assault of a child;
- 4 (9) criminal sexual abuse;
- 5 (10) aggravated sexual abuse;
- 6 (11) heinous battery as described in Section 12-4.1 or
- 7 subdivision (a) (2) of Section 12-3.05;
- 8 (12) aggravated battery with a firearm as described in
- 9 Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
- 10 (e) (4) of Section 12-3.05;
- 11 (13) tampering with food, drugs, or cosmetics;
- 12 (14) drug induced infliction of great bodily harm as
- 13 described in Section 12-4.7 or subdivision (g) (1) of
- 14 Section 12-3.05;
- 15 (15) hate crime;
- 16 (16) stalking;
- 17 (17) aggravated stalking;
- 18 (18) threatening public officials;
- 19 (19) home invasion;
- 20 (20) vehicular invasion;
- 21 (21) criminal transmission of HIV;
- 22 (22) criminal abuse or neglect of an elderly or
- 23 disabled person as described in Section 12-21 or subsection
- 24 (b) of Section 12-4.4a;
- 25 (23) child abandonment;
- 26 (24) endangering the life or health of a child;

1 (25) ritual mutilation;

2 (26) ritualized abuse of a child;

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

6 (b-1) In addition to the other provisions of this Section,
7 beginning January 1, 2004, no new applicant and, on the date of
8 licensure renewal, no current licensee may operate or receive a
9 license from the Department to operate, no person may be
10 employed by, and no adult person may reside in a child care
11 facility licensed by the Department who has been convicted of
12 committing or attempting to commit any of the following
13 offenses or an offense in any other jurisdiction the elements
14 of which are similar and bear a substantial relationship to any
15 of the following offenses:

16 (I) BODILY HARM

17 (1) Felony aggravated assault.

18 (2) Vehicular endangerment.

19 (3) Felony domestic battery.

20 (4) Aggravated battery.

21 (5) Heinous battery.

22 (6) Aggravated battery with a firearm.

23 (7) Aggravated battery of an unborn child.

24 (8) Aggravated battery of a senior citizen.

- 1 (9) Intimidation.
- 2 (10) Compelling organization membership of persons.
- 3 (11) Abuse and criminal neglect of a long term care
- 4 facility resident.
- 5 (12) Felony violation of an order of protection.

6 (II) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

- 7 (1) Felony unlawful use of weapons.
- 8 (2) Aggravated discharge of a firearm.
- 9 (3) Reckless discharge of a firearm.
- 10 (4) Unlawful use of metal piercing bullets.
- 11 (5) Unlawful sale or delivery of firearms on the
- 12 premises of any school.
- 13 (6) Disarming a police officer.
- 14 (7) Obstructing justice.
- 15 (8) Concealing or aiding a fugitive.
- 16 (9) Armed violence.
- 17 (10) Felony contributing to the criminal delinquency
- 18 of a juvenile.

19 (III) DRUG OFFENSES

- 20 (1) Possession of more than 30 grams of cannabis.
- 21 (2) Manufacture of more than 10 grams of cannabis.
- 22 (3) Cannabis trafficking.

- 1 (4) Delivery of cannabis on school grounds.
- 2 (5) Unauthorized production of more than 5 cannabis
3 sativa plants.
- 4 (6) Calculated criminal cannabis conspiracy.
- 5 (7) Unauthorized manufacture or delivery of controlled
6 substances.
- 7 (8) Controlled substance trafficking.
- 8 (9) Manufacture, distribution, or advertisement of
9 look-alike substances.
- 10 (10) Calculated criminal drug conspiracy.
- 11 (11) Street gang criminal drug conspiracy.
- 12 (12) Permitting unlawful use of a building.
- 13 (13) Delivery of controlled, counterfeit, or
14 look-alike substances to persons under age 18, or at truck
15 stops, rest stops, or safety rest areas, or on school
16 property.
- 17 (14) Using, engaging, or employing persons under 18 to
18 deliver controlled, counterfeit, or look-alike substances.
- 19 (15) Delivery of controlled substances.
- 20 (16) Sale or delivery of drug paraphernalia.
- 21 (17) Felony possession, sale, or exchange of
22 instruments adapted for use of a controlled substance,
23 methamphetamine, or cannabis by subcutaneous injection.
- 24 (18) Felony possession of a controlled substance.
- 25 (19) Any violation of the Methamphetamine Control and
26 Community Protection Act.

1 (b-1.5) In addition to any other provision of this Section,
2 for applicants with access to confidential financial
3 information or who submit documentation to support billing, no
4 applicant whose initial application was considered after the
5 effective date of this amendatory Act of the 97th General
6 Assembly may receive a license from the Department or a child
7 care facility licensed by the Department who has been convicted
8 of committing or attempting to commit any of the following
9 felony offenses:

10 (1) financial institution fraud under Section 17-10.6
11 of the Criminal Code of 1961 or the Criminal Code of 2012;

12 (2) identity theft under Section 16-30 of the Criminal
13 Code of 1961 or the Criminal Code of 2012;

14 (3) financial exploitation of an elderly person or a
15 person with a disability under Section 17-56 of the
16 Criminal Code of 1961 or the Criminal Code of 2012;

17 (4) computer tampering under Section 17-51 of the
18 Criminal Code of 1961 or the Criminal Code of 2012;

19 (5) aggravated computer tampering under Section 17-52
20 of the Criminal Code of 1961 or the Criminal Code of 2012;

21 (6) computer fraud under Section 17-50 of the Criminal
22 Code of 1961 or the Criminal Code of 2012;

23 (7) deceptive practices under Section 17-1 of the
24 Criminal Code of 1961 or the Criminal Code of 2012;

25 (8) forgery under Section 17-3 of the Criminal Code of
26 1961 or the Criminal Code of 2012;

1 (9) State benefits fraud under Section 17-6 of the
2 Criminal Code of 1961 or the Criminal Code of 2012;

3 (10) mail fraud and wire fraud under Section 17-24 of
4 the Criminal Code of 1961 or the Criminal Code of 2012;

5 (11) theft under paragraphs (1.1) through (11) of
6 subsection (b) of Section 16-1 of the Criminal Code of 1961
7 or the Criminal Code of 2012.

8 (b-2) Notwithstanding subsection (b-1), the Department may
9 make an exception and, for child care facilities other than
10 foster family homes, issue a new child care facility license to
11 or renew the existing child care facility license of an
12 applicant, a person employed by a child care facility, or an
13 applicant who has an adult residing in a home child care
14 facility who was convicted of an offense described in
15 subsection (b-1), provided that all of the following
16 requirements are met:

17 (1) The relevant criminal offense occurred more than 5
18 years prior to the date of application or renewal, except
19 for drug offenses. The relevant drug offense must have
20 occurred more than 10 years prior to the date of
21 application or renewal, unless the applicant passed a drug
22 test, arranged and paid for by the child care facility, no
23 less than 5 years after the offense.

24 (2) The Department must conduct a background check and
25 assess all convictions and recommendations of the child
26 care facility to determine if hiring or licensing the

1 applicant is in accordance with Department administrative
2 rules and procedures.

3 (3) The applicant meets all other requirements and
4 qualifications to be licensed as the pertinent type of
5 child care facility under this Act and the Department's
6 administrative rules.

7 (c) In addition to the other provisions of this Section, no
8 applicant may receive a license from the Department to operate
9 a foster family home, and no adult person may reside in a
10 foster family home licensed by the Department, who has been
11 convicted of committing or attempting to commit any of the
12 following offenses stipulated under the Criminal Code of 1961,
13 the Criminal Code of 2012, the Cannabis Control Act, the
14 Methamphetamine Control and Community Protection Act, and the
15 Illinois Controlled Substances Act:

16 (I) OFFENSES DIRECTED AGAINST THE PERSON

17 (A) KIDNAPPING AND RELATED OFFENSES

18 (1) Unlawful restraint.

19 (B) BODILY HARM

20 (2) Felony aggravated assault.

21 (3) Vehicular endangerment.

22 (4) Felony domestic battery.

23 (5) Aggravated battery.

- 1 (6) Heinous battery.
- 2 (7) Aggravated battery with a firearm.
- 3 (8) Aggravated battery of an unborn child.
- 4 (9) Aggravated battery of a senior citizen.
- 5 (10) Intimidation.
- 6 (11) Compelling organization membership of persons.
- 7 (12) Abuse and criminal neglect of a long term care
- 8 facility resident.
- 9 (13) Felony violation of an order of protection.

10 (II) OFFENSES DIRECTED AGAINST PROPERTY

- 11 (14) Felony theft.
- 12 (15) Robbery.
- 13 (16) Armed robbery.
- 14 (17) Aggravated robbery.
- 15 (18) Vehicular hijacking.
- 16 (19) Aggravated vehicular hijacking.
- 17 (20) Burglary.
- 18 (21) Possession of burglary tools.
- 19 (22) Residential burglary.
- 20 (23) Criminal fortification of a residence or
- 21 building.
- 22 (24) Arson.
- 23 (25) Aggravated arson.
- 24 (26) Possession of explosive or explosive incendiary

1 devices.

2 (III) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

3 (27) Felony unlawful use of weapons.

4 (28) Aggravated discharge of a firearm.

5 (29) Reckless discharge of a firearm.

6 (30) Unlawful use of metal piercing bullets.

7 (31) Unlawful sale or delivery of firearms on the
8 premises of any school.

9 (32) Disarming a police officer.

10 (33) Obstructing justice.

11 (34) Concealing or aiding a fugitive.

12 (35) Armed violence.

13 (36) Felony contributing to the criminal delinquency
14 of a juvenile.

15 (IV) DRUG OFFENSES

16 (37) Possession of more than 30 grams of cannabis.

17 (38) Manufacture of more than 10 grams of cannabis.

18 (39) Cannabis trafficking.

19 (40) Delivery of cannabis on school grounds.

20 (41) Unauthorized production of more than 5 cannabis
21 sativa plants.

22 (42) Calculated criminal cannabis conspiracy.

1 (43) Unauthorized manufacture or delivery of
2 controlled substances.

3 (44) Controlled substance trafficking.

4 (45) Manufacture, distribution, or advertisement of
5 look-alike substances.

6 (46) Calculated criminal drug conspiracy.

7 (46.5) Streetgang criminal drug conspiracy.

8 (47) Permitting unlawful use of a building.

9 (48) Delivery of controlled, counterfeit, or
10 look-alike substances to persons under age 18, or at truck
11 stops, rest stops, or safety rest areas, or on school
12 property.

13 (49) Using, engaging, or employing persons under 18 to
14 deliver controlled, counterfeit, or look-alike substances.

15 (50) Delivery of controlled substances.

16 (51) Sale or delivery of drug paraphernalia.

17 (52) Felony possession, sale, or exchange of
18 instruments adapted for use of a controlled substance,
19 methamphetamine, or cannabis by subcutaneous injection.

20 (53) Any violation of the Methamphetamine Control and
21 Community Protection Act.

22 (d) Notwithstanding subsection (c), the Department may
23 make an exception and issue a new foster family home license or
24 may renew an existing foster family home license of an
25 applicant who was convicted of an offense described in
26 subsection (c), provided all of the following requirements are

1 met:

2 (1) The relevant criminal offense or offenses occurred
3 more than 10 years prior to the date of application or
4 renewal.

5 (2) The applicant had previously disclosed the
6 conviction or convictions to the Department for purposes of
7 a background check.

8 (3) After the disclosure, the Department either placed
9 a child in the home or the foster family home license was
10 issued.

11 (4) During the background check, the Department had
12 assessed and waived the conviction in compliance with the
13 existing statutes and rules in effect at the time of the
14 hire or licensure.

15 (5) The applicant meets all other requirements and
16 qualifications to be licensed as a foster family home under
17 this Act and the Department's administrative rules.

18 (6) The applicant has a history of providing a safe,
19 stable home environment and appears able to continue to
20 provide a safe, stable home environment.

21 (e) In evaluating the exception pursuant to subsections
22 (b-2) and (d), the Department must carefully review any
23 relevant documents to determine whether the applicant, despite
24 the disqualifying convictions, poses a substantial risk to
25 State resources or clients. In making such a determination, the
26 following guidelines shall be used:

1 (1) the age of the applicant when the offense was
2 committed;

3 (2) the circumstances surrounding the offense;

4 (3) the length of time since the conviction;

5 (4) the specific duties and responsibilities
6 necessarily related to the license being applied for and
7 the bearing, if any, that the applicant's conviction
8 history may have on his or her fitness to perform these
9 duties and responsibilities;

10 (5) the applicant's employment references;

11 (6) the applicant's character references and any
12 certificates of achievement;

13 (7) an academic transcript showing educational
14 attainment since the disqualifying conviction;

15 (8) a Certificate of Relief from Disabilities or
16 Certificate of Good Conduct; and

17 (9) anything else that speaks to the applicant's
18 character.

19 (Source: P.A. 96-1551, Article 1, Section 925, eff. 7-1-11;
20 96-1551, Article 2, Section 990, eff. 7-1-11; 97-874, eff.
21 7-31-12; 97-1109, eff. 1-1-13.)

22 (225 ILCS 10/14.6)

23 Sec. 14.6. Agency payment of salaries or other
24 compensation.

25 (a) A licensed child welfare agency may pay salaries or

1 other compensation to its officers, employees, agents,
2 contractors, or any other persons acting on its behalf for
3 providing adoption services, provided that all of the following
4 limitations apply:

5 (1) The fees, wages, salaries, or other compensation of
6 any description paid to the officers, employees,
7 contractors, or any other person acting on behalf of a
8 child welfare agency providing adoption services shall not
9 be unreasonably high in relation to the services actually
10 rendered. Every form of compensation shall be taken into
11 account in determining whether fees, wages, salaries, or
12 compensation are unreasonably high, including, but not
13 limited to, salary, bonuses, deferred and non-cash
14 compensation, retirement funds, medical and liability
15 insurance, loans, and other benefits such as the use,
16 purchase, or lease of vehicles, expense accounts, and food,
17 housing, and clothing allowances.

18 (2) Any earnings, if applicable, or compensation paid
19 to the child welfare agency's directors, stockholders, or
20 members of its governing body shall not be unreasonably
21 high in relation to the services rendered.

22 (3) Persons providing adoption services for a child
23 welfare agency may be compensated only for services
24 actually rendered and only on a fee-for-service, hourly
25 wage, or salary basis.

26 (b) The Department may adopt rules setting forth the

1 criteria to determine what constitutes unreasonably high fees
2 and compensation as those terms are used in this Section. In
3 determining the reasonableness of fees, wages, salaries, and
4 compensation under paragraphs (1) and (2) of subsection (a) of
5 this Section, the Department shall take into account the
6 location, number, and qualifications of staff, workload
7 requirements, budget, and size of the agency or person and
8 available norms for compensation within the adoption
9 community. Every licensed child welfare agency providing
10 adoption services shall provide the Department and the Attorney
11 General with a report, on an annual basis, providing a
12 description of the fees, wages, salaries and other compensation
13 described in paragraphs (1), (2), and (3) of this Section.
14 Nothing in Section 12C-70 of the Criminal Code of 2012 ~~1961~~
15 shall be construed to prevent a child welfare agency from
16 charging fees or the payment of salaries and compensation as
17 limited in this Section and any applicable Section of this Act
18 or the Adoption Act.

19 (c) This Section does not apply to international adoption
20 services performed by those child welfare agencies governed by
21 the 1993 Hague Convention on Protection of Children and
22 Cooperation in Respect of Intercountry Adoption and the
23 Intercountry Adoption Act of 2000.

24 (d) Eligible agencies may be deemed compliant with this
25 Section.

26 (Source: P.A. 97-1109, eff. 1-1-13.)

1 Section 310. The Clinical Psychologist Licensing Act is
2 amended by changing Section 15.1 as follows:

3 (225 ILCS 15/15.1)

4 (Section scheduled to be repealed on January 1, 2017)

5 Sec. 15.1. Suspension of license for failure to pay
6 restitution. The Department, without further process or
7 hearing, shall suspend the license or other authorization to
8 practice of any person issued under this Act who has been
9 certified by court order as not having paid restitution to a
10 person under Section 8A-3.5 of the Illinois Public Aid Code or
11 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or
12 the Criminal Code of 2012. A person whose license or other
13 authorization to practice is suspended under this Section is
14 prohibited from practicing until the restitution is made in
15 full.

16 (Source: P.A. 96-1551, eff. 7-1-11.)

17 Section 315. The Clinical Social Work and Social Work
18 Practice Act is amended by changing Section 19.5 as follows:

19 (225 ILCS 20/19.5)

20 (Section scheduled to be repealed on January 1, 2018)

21 Sec. 19.5. Suspension of license for failure to pay
22 restitution. The Department, without further process or

1 hearing, shall suspend the license or other authorization to
2 practice of any person issued under this Act who has been
3 certified by court order as not having paid restitution to a
4 person under Section 8A-3.5 of the Illinois Public Aid Code or
5 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or
6 the Criminal Code of 2012. A person whose license or other
7 authorization to practice is suspended under this Section is
8 prohibited from practicing until the restitution is made in
9 full.

10 (Source: P.A. 96-1551, eff. 7-1-11.)

11 Section 320. The Illinois Dental Practice Act is amended by
12 changing Section 23c as follows:

13 (225 ILCS 25/23c)

14 (Section scheduled to be repealed on January 1, 2016)

15 Sec. 23c. Suspension of license for failure to pay
16 restitution. The Department, without further process or
17 hearing, shall suspend the license or other authorization to
18 practice of any person issued under this Act who has been
19 certified by court order as not having paid restitution to a
20 person under Section 8A-3.5 of the Illinois Public Aid Code or
21 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or
22 the Criminal Code of 2012. A person whose license or other
23 authorization to practice is suspended under this Section is
24 prohibited from practicing until the restitution is made in

1 full.

2 (Source: P.A. 96-1551, eff. 7-1-11.)

3 Section 325. The Health Care Worker Background Check Act is
4 amended by changing Section 25 as follows:

5 (225 ILCS 46/25)

6 Sec. 25. Persons ineligible to be hired by health care
7 employers and long-term care facilities.

8 (a) In the discretion of the Director of Public Health, as
9 soon after January 1, 1996, January 1, 1997, January 1, 2006,
10 or October 1, 2007, as applicable, and as is reasonably
11 practical, no health care employer shall knowingly hire,
12 employ, or retain any individual in a position with duties
13 involving direct care for clients, patients, or residents, and
14 no long-term care facility shall knowingly hire, employ, or
15 retain any individual in a position with duties that involve or
16 may involve contact with residents or access to the living
17 quarters or the financial, medical, or personal records of
18 residents, who has been convicted of committing or attempting
19 to commit one or more of the following offenses: those defined
20 in Sections 8-1(b), 8-1.1, 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3,
21 9-3.1, 9-3.2, 9-3.3, 9-3.4, 10-1, 10-2, 10-3, 10-3.1, 10-4,
22 10-5, 10-7, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6,
23 11-9.1, 11-9.5, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-1,
24 12-2, 12-3.05, 12-3.1, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-4.2,

1 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-7.4, 12-11, 12-13,
2 12-14, 12-14.1, 12-15, 12-16, 12-19, 12-21, 12-21.6, 12-32,
3 12-33, 12C-5, 16-1, 16-1.3, 16-25, 16A-3, 17-3, 17-56, 18-1,
4 18-2, 18-3, 18-4, 18-5, 19-1, 19-3, 19-4, 19-6, 20-1, 20-1.1,
5 24-1, 24-1.2, 24-1.5, or 33A-2, or subdivision (a)(4) of
6 Section 11-14.4, or in subsection (a) of Section 12-3 or
7 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
8 of 1961 or the Criminal Code of 2012; those provided in Section
9 4 of the Wrongs to Children Act; those provided in Section 53
10 of the Criminal Jurisprudence Act; those defined in Section 5,
11 5.1, 5.2, 7, or 9 of the Cannabis Control Act; those defined in
12 the Methamphetamine Control and Community Protection Act; or
13 those defined in Sections 401, 401.1, 404, 405, 405.1, 407, or
14 407.1 of the Illinois Controlled Substances Act, unless the
15 applicant or employee obtains a waiver pursuant to Section 40.

16 (a-1) In the discretion of the Director of Public Health,
17 as soon after January 1, 2004 or October 1, 2007, as
18 applicable, and as is reasonably practical, no health care
19 employer shall knowingly hire any individual in a position with
20 duties involving direct care for clients, patients, or
21 residents, and no long-term care facility shall knowingly hire
22 any individual in a position with duties that involve or may
23 involve contact with residents or access to the living quarters
24 or the financial, medical, or personal records of residents,
25 who has (i) been convicted of committing or attempting to
26 commit one or more of the offenses defined in Section 12-3.3,

1 12-4.2-5, 16-2, 16-30, 16G-15, 16G-20, 17-33, 17-34, 17-36,
2 17-44, 18-5, 20-1.2, 24-1.1, 24-1.2-5, 24-1.6, 24-3.2, or
3 24-3.3, or subsection (b) of Section 17-32, subsection (b) of
4 Section 18-1, or subsection (b) of Section 20-1, of the
5 Criminal Code of 1961 or the Criminal Code of 2012; Section 4,
6 5, 6, 8, or 17.02 of the Illinois Credit Card and Debit Card
7 Act; or Section 11-9.1A of the Criminal Code of 1961 or the
8 Criminal Code of 2012 or Section 5.1 of the Wrongs to Children
9 Act; or (ii) violated Section 50-50 of the Nurse Practice Act,
10 unless the applicant or employee obtains a waiver pursuant to
11 Section 40 of this Act.

12 A health care employer is not required to retain an
13 individual in a position with duties involving direct care for
14 clients, patients, or residents, and no long-term care facility
15 is required to retain an individual in a position with duties
16 that involve or may involve contact with residents or access to
17 the living quarters or the financial, medical, or personal
18 records of residents, who has been convicted of committing or
19 attempting to commit one or more of the offenses enumerated in
20 this subsection.

21 (b) A health care employer shall not hire, employ, or
22 retain any individual in a position with duties involving
23 direct care of clients, patients, or residents, and no
24 long-term care facility shall knowingly hire, employ, or retain
25 any individual in a position with duties that involve or may
26 involve contact with residents or access to the living quarters

1 or the financial, medical, or personal records of residents, if
2 the health care employer becomes aware that the individual has
3 been convicted in another state of committing or attempting to
4 commit an offense that has the same or similar elements as an
5 offense listed in subsection (a) or (a-1), as verified by court
6 records, records from a state agency, or an FBI criminal
7 history record check, unless the applicant or employee obtains
8 a waiver pursuant to Section 40 of this Act. This shall not be
9 construed to mean that a health care employer has an obligation
10 to conduct a criminal history records check in other states in
11 which an employee has resided.

12 (Source: P.A. 96-710, eff. 1-1-10; 96-1551, Article 1, Section
13 930, eff. 7-1-11; 96-1551, Article 2, Section 995, eff. 7-1-11;
14 96-1551, Article 10, Section 10-40, eff. 7-1-11; 97-597, eff.
15 1-1-12; 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; revised
16 9-20-12.)

17 Section 330. The Hearing Instrument Consumer Protection
18 Act is amended by changing Section 18.5 as follows:

19 (225 ILCS 50/18.5)

20 (Section scheduled to be repealed on January 1, 2016)

21 Sec. 18.5. Suspension of license for failure to pay
22 restitution. The Department, without further process or
23 hearing, shall suspend the license or other authorization to
24 practice of any person issued under this Act who has been

1 certified by court order as not having paid restitution to a
2 person under Section 8A-3.5 of the Illinois Public Aid Code or
3 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or
4 the Criminal Code of 2012. A person whose license or other
5 authorization to practice is suspended under this Section is
6 prohibited from practicing until the restitution is made in
7 full.

8 (Source: P.A. 96-1551, eff. 7-1-11.)

9 Section 335. The Home Medical Equipment and Services
10 Provider License Act is amended by changing Section 77 as
11 follows:

12 (225 ILCS 51/77)

13 (Section scheduled to be repealed on January 1, 2018)

14 Sec. 77. Suspension of license for failure to pay
15 restitution. The Department, without further process or
16 hearing, shall suspend the license or other authorization to
17 practice of any person issued under this Act who has been
18 certified by court order as not having paid restitution to a
19 person under Section 8A-3.5 of the Illinois Public Aid Code or
20 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or
21 the Criminal Code of 2012. A person whose license or other
22 authorization to practice is suspended under this Section is
23 prohibited from practicing until the restitution is made in
24 full.

1 (Source: P.A. 96-1551, eff. 7-1-11.)

2 Section 340. The Marriage and Family Therapy Licensing Act
3 is amended by changing Section 87 as follows:

4 (225 ILCS 55/87)

5 (Section scheduled to be repealed on January 1, 2018)

6 Sec. 87. Suspension of license for failure to pay
7 restitution. The Department, without further process or
8 hearing, shall suspend the license or other authorization to
9 practice of any person issued under this Act who has been
10 certified by court order as not having paid restitution to a
11 person under Section 8A-3.5 of the Illinois Public Aid Code or
12 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or
13 the Criminal Code of 2012. A person whose license or other
14 authorization to practice is suspended under this Section is
15 prohibited from practicing until the restitution is made in
16 full.

17 (Source: P.A. 96-1551, eff. 7-1-11.)

18 Section 345. The Medical Practice Act of 1987 is amended by
19 changing Section 22.5 as follows:

20 (225 ILCS 60/22.5)

21 (Section scheduled to be repealed on December 31, 2012)

22 Sec. 22.5. Suspension of license for failure to pay

1 restitution. The Department, without further process or
2 hearing, shall suspend the license or other authorization to
3 practice of any person issued under this Act who has been
4 certified by court order as not having paid restitution to a
5 person under Section 8A-3.5 of the Illinois Public Aid Code or
6 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or
7 the Criminal Code of 2012. A person whose license or other
8 authorization to practice is suspended under this Section is
9 prohibited from practicing until the restitution is made in
10 full.

11 (Source: P.A. 96-1551, eff. 7-1-11.)

12 Section 350. The Naprapathic Practice Act is amended by
13 changing Section 113 as follows:

14 (225 ILCS 63/113)

15 (Section scheduled to be repealed on January 1, 2023)

16 Sec. 113. Suspension of license for failure to pay
17 restitution. The Department, without further process or
18 hearing, shall suspend the license or other authorization to
19 practice of any person issued under this Act who has been
20 certified by court order as not having paid restitution to a
21 person under Section 8A-3.5 of the Illinois Public Aid Code or
22 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or
23 the Criminal Code of 2012. A person whose license or other
24 authorization to practice is suspended under this Section is

1 prohibited from practicing until the restitution is made in
2 full.

3 (Source: P.A. 96-1551, eff. 7-1-11.)

4 Section 355. The Nurse Practice Act is amended by changing
5 Section 70-20 as follows:

6 (225 ILCS 65/70-20) (was 225 ILCS 65/20-13)

7 (Section scheduled to be repealed on January 1, 2018)

8 Sec. 70-20. Suspension of license or registration for
9 failure to pay restitution. The Department, without further
10 process or hearing, shall suspend the license or other
11 authorization to practice of any person issued under this Act
12 who has been certified by court order as not having paid
13 restitution to a person under Section 8A-3.5 of the Illinois
14 Public Aid Code or under Section 17-10.5 or 46-1 of the
15 Criminal Code of 1961 or the Criminal Code of 2012. A person
16 whose license or other authorization to practice is suspended
17 under this Section is prohibited from practicing until the
18 restitution is made in full.

19 (Source: P.A. 95-639, eff. 10-5-07; 96-1551, eff. 7-1-11.)

20 Section 360. The Nursing Home Administrators Licensing and
21 Disciplinary Act is amended by changing Section 17 as follows:

22 (225 ILCS 70/17) (from Ch. 111, par. 3667)

1 Sec. 17. Grounds for disciplinary action.

2 (a) The Department may impose fines not to exceed \$10,000
3 or may refuse to issue or to renew, or may revoke, suspend,
4 place on probation, censure, reprimand or take other
5 disciplinary or non-disciplinary action with regard to the
6 license of any person, for any one or combination of the
7 following causes:

8 (1) Intentional material misstatement in furnishing
9 information to the Department.

10 (2) Conviction of or entry of a plea of guilty or nolo
11 contendere to any crime that is a felony under the laws of
12 the United States or any state or territory thereof or a
13 misdemeanor of which an essential element is dishonesty or
14 that is directly related to the practice of the profession
15 of nursing home administration.

16 (3) Making any misrepresentation for the purpose of
17 obtaining a license, or violating any provision of this
18 Act.

19 (4) Immoral conduct in the commission of any act, such
20 as sexual abuse or sexual misconduct, related to the
21 licensee's practice.

22 (5) Failing to respond within 30 days, to a written
23 request made by the Department for information.

24 (6) Engaging in dishonorable, unethical or
25 unprofessional conduct of a character likely to deceive,
26 defraud or harm the public.

1 (7) Habitual use or addiction to alcohol, narcotics,
2 stimulants, or any other chemical agent or drug which
3 results in the inability to practice with reasonable
4 judgment, skill or safety.

5 (8) Discipline by another U.S. jurisdiction if at least
6 one of the grounds for the discipline is the same or
7 substantially equivalent to those set forth herein.

8 (9) A finding by the Department that the licensee,
9 after having his or her license placed on probationary
10 status has violated the terms of probation.

11 (10) Willfully making or filing false records or
12 reports in his or her practice, including but not limited
13 to false records filed with State agencies or departments.

14 (11) Physical illness, mental illness, or other
15 impairment or disability, including, but not limited to,
16 deterioration through the aging process, or loss of motor
17 skill that results in the inability to practice the
18 profession with reasonable judgment, skill or safety.

19 (12) Disregard or violation of this Act or of any rule
20 issued pursuant to this Act.

21 (13) Aiding or abetting another in the violation of
22 this Act or any rule or regulation issued pursuant to this
23 Act.

24 (14) Allowing one's license to be used by an unlicensed
25 person.

26 (15) (Blank).

1 (16) Professional incompetence in the practice of
2 nursing home administration.

3 (17) Conviction of a violation of Section 12-19 or
4 subsection (a) of Section 12-4.4a of the Criminal Code of
5 1961 or the Criminal Code of 2012 for the abuse and
6 criminal neglect of a long term care facility resident.

7 (18) Violation of the Nursing Home Care Act, the
8 Specialized Mental Health Rehabilitation Act, or the ID/DD
9 Community Care Act or of any rule issued under the Nursing
10 Home Care Act, the Specialized Mental Health
11 Rehabilitation Act, or the ID/DD Community Care Act. A
12 final adjudication of a Type "AA" violation of the Nursing
13 Home Care Act made by the Illinois Department of Public
14 Health, as identified by rule, relating to the hiring,
15 training, planning, organizing, directing, or supervising
16 the operation of a nursing home and a licensee's failure to
17 comply with this Act or the rules adopted under this Act,
18 shall create a rebuttable presumption of a violation of
19 this subsection.

20 (19) Failure to report to the Department any adverse
21 final action taken against the licensee by a licensing
22 authority of another state, territory of the United States,
23 or foreign country; or by any governmental or law
24 enforcement agency; or by any court for acts or conduct
25 similar to acts or conduct that would constitute grounds
26 for disciplinary action under this Section.

1 (20) Failure to report to the Department the surrender
2 of a license or authorization to practice as a nursing home
3 administrator in another state or jurisdiction for acts or
4 conduct similar to acts or conduct that would constitute
5 grounds for disciplinary action under this Section.

6 (21) Failure to report to the Department any adverse
7 judgment, settlement, or award arising from a liability
8 claim related to acts or conduct similar to acts or conduct
9 that would constitute grounds for disciplinary action
10 under this Section.

11 All proceedings to suspend, revoke, place on probationary
12 status, or take any other disciplinary action as the Department
13 may deem proper, with regard to a license on any of the
14 foregoing grounds, must be commenced within 5 years next after
15 receipt by the Department of (i) a complaint alleging the
16 commission of or notice of the conviction order for any of the
17 acts described herein or (ii) a referral for investigation
18 under Section 3-108 of the Nursing Home Care Act.

19 The entry of an order or judgment by any circuit court
20 establishing that any person holding a license under this Act
21 is a person in need of mental treatment operates as a
22 suspension of that license. That person may resume their
23 practice only upon the entry of a Department order based upon a
24 finding by the Board that they have been determined to be
25 recovered from mental illness by the court and upon the Board's
26 recommendation that they be permitted to resume their practice.

1 The Department, upon the recommendation of the Board, may
2 adopt rules which set forth standards to be used in determining
3 what constitutes:

4 (i) when a person will be deemed sufficiently
5 rehabilitated to warrant the public trust;

6 (ii) dishonorable, unethical or unprofessional conduct
7 of a character likely to deceive, defraud, or harm the
8 public;

9 (iii) immoral conduct in the commission of any act
10 related to the licensee's practice; and

11 (iv) professional incompetence in the practice of
12 nursing home administration.

13 However, no such rule shall be admissible into evidence in
14 any civil action except for review of a licensing or other
15 disciplinary action under this Act.

16 In enforcing this Section, the Department or Board, upon a
17 showing of a possible violation, may compel any individual
18 licensed to practice under this Act, or who has applied for
19 licensure pursuant to this Act, to submit to a mental or
20 physical examination, or both, as required by and at the
21 expense of the Department. The examining physician or
22 physicians shall be those specifically designated by the
23 Department or Board. The Department or Board may order the
24 examining physician to present testimony concerning this
25 mental or physical examination of the licensee or applicant. No
26 information shall be excluded by reason of any common law or

1 statutory privilege relating to communications between the
2 licensee or applicant and the examining physician. The
3 individual to be examined may have, at his or her own expense,
4 another physician of his or her choice present during all
5 aspects of the examination. Failure of any individual to submit
6 to mental or physical examination, when directed, shall be
7 grounds for suspension of his or her license until such time as
8 the individual submits to the examination if the Department
9 finds, after notice and hearing, that the refusal to submit to
10 the examination was without reasonable cause.

11 If the Department or Board finds an individual unable to
12 practice because of the reasons set forth in this Section, the
13 Department or Board shall require such individual to submit to
14 care, counseling, or treatment by physicians approved or
15 designated by the Department or Board, as a condition, term, or
16 restriction for continued, reinstated, or renewed licensure to
17 practice; or in lieu of care, counseling, or treatment, the
18 Department may file, or the Board may recommend to the
19 Department to file, a complaint to immediately suspend, revoke,
20 or otherwise discipline the license of the individual. Any
21 individual whose license was granted pursuant to this Act or
22 continued, reinstated, renewed, disciplined or supervised,
23 subject to such terms, conditions or restrictions who shall
24 fail to comply with such terms, conditions or restrictions
25 shall be referred to the Secretary for a determination as to
26 whether the licensee shall have his or her license suspended

1 immediately, pending a hearing by the Department. In instances
2 in which the Secretary immediately suspends a license under
3 this Section, a hearing upon such person's license must be
4 convened by the Board within 30 days after such suspension and
5 completed without appreciable delay. The Department and Board
6 shall have the authority to review the subject administrator's
7 record of treatment and counseling regarding the impairment, to
8 the extent permitted by applicable federal statutes and
9 regulations safeguarding the confidentiality of medical
10 records.

11 An individual licensed under this Act, affected under this
12 Section, shall be afforded an opportunity to demonstrate to the
13 Department or Board that he or she can resume practice in
14 compliance with acceptable and prevailing standards under the
15 provisions of his or her license.

16 (b) Any individual or organization acting in good faith,
17 and not in a wilful and wanton manner, in complying with this
18 Act by providing any report or other information to the
19 Department, or assisting in the investigation or preparation of
20 such information, or by participating in proceedings of the
21 Department, or by serving as a member of the Board, shall not,
22 as a result of such actions, be subject to criminal prosecution
23 or civil damages.

24 (c) Members of the Board, and persons retained under
25 contract to assist and advise in an investigation, shall be
26 indemnified by the State for any actions occurring within the

1 scope of services on or for the Board, done in good faith and
2 not wilful and wanton in nature. The Attorney General shall
3 defend all such actions unless he or she determines either that
4 there would be a conflict of interest in such representation or
5 that the actions complained of were not in good faith or were
6 wilful and wanton.

7 Should the Attorney General decline representation, a
8 person entitled to indemnification under this Section shall
9 have the right to employ counsel of his or her choice, whose
10 fees shall be provided by the State, after approval by the
11 Attorney General, unless there is a determination by a court
12 that the member's actions were not in good faith or were wilful
13 and wanton.

14 A person entitled to indemnification under this Section
15 must notify the Attorney General within 7 days of receipt of
16 notice of the initiation of any action involving services of
17 the Board. Failure to so notify the Attorney General shall
18 constitute an absolute waiver of the right to a defense and
19 indemnification.

20 The Attorney General shall determine within 7 days after
21 receiving such notice, whether he or she will undertake to
22 represent a person entitled to indemnification under this
23 Section.

24 (d) The determination by a circuit court that a licensee is
25 subject to involuntary admission or judicial admission as
26 provided in the Mental Health and Developmental Disabilities

1 Code, as amended, operates as an automatic suspension. Such
2 suspension will end only upon a finding by a court that the
3 patient is no longer subject to involuntary admission or
4 judicial admission and issues an order so finding and
5 discharging the patient; and upon the recommendation of the
6 Board to the Secretary that the licensee be allowed to resume
7 his or her practice.

8 (e) The Department may refuse to issue or may suspend the
9 license of any person who fails to file a return, or to pay the
10 tax, penalty or interest shown in a filed return, or to pay any
11 final assessment of tax, penalty or interest, as required by
12 any tax Act administered by the Department of Revenue, until
13 such time as the requirements of any such tax Act are
14 satisfied.

15 (f) The Department of Public Health shall transmit to the
16 Department a list of those facilities which receive an "A"
17 violation as defined in Section 1-129 of the Nursing Home Care
18 Act.

19 (Source: P.A. 96-339, eff. 7-1-10; 96-1372, eff. 7-29-10;
20 96-1551, eff. 7-1-11; 97-38, eff. 6-28-11; 97-227, eff. 1-1-12;
21 97-1109, eff. 1-1-13.)

22 Section 365. The Illinois Occupational Therapy Practice
23 Act is amended by changing Section 19.17 as follows:

24 (225 ILCS 75/19.17)

1 (Section scheduled to be repealed on January 1, 2014)

2 Sec. 19.17. Suspension of license for failure to pay
3 restitution. The Department, without further process or
4 hearing, shall suspend the license or other authorization to
5 practice of any person issued under this Act who has been
6 certified by court order as not having paid restitution to a
7 person under Section 8A-3.5 of the Illinois Public Aid Code or
8 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or
9 the Criminal Code of 2012. A person whose license or other
10 authorization to practice is suspended under this Section is
11 prohibited from practicing until the restitution is made in
12 full.

13 (Source: P.A. 96-1551, eff. 7-1-11.)

14 Section 370. The Illinois Optometric Practice Act of 1987
15 is amended by changing Section 24.5 as follows:

16 (225 ILCS 80/24.5)

17 (Section scheduled to be repealed on January 1, 2017)

18 Sec. 24.5. Suspension of license for failure to pay
19 restitution. The Department, without further process or
20 hearing, shall suspend the license or other authorization to
21 practice of any person issued under this Act who has been
22 certified by court order as not having paid restitution to a
23 person under Section 8A-3.5 of the Illinois Public Aid Code or
24 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or

1 the Criminal Code of 2012. A person whose license or other
2 authorization to practice is suspended under this Section is
3 prohibited from practicing until the restitution is made in
4 full.

5 (Source: P.A. 96-1551, eff. 7-1-11.)

6 Section 375. The Orthotics, Prosthetics, and Pedorthics
7 Practice Act is amended by changing Section 93 as follows:

8 (225 ILCS 84/93)

9 (Section scheduled to be repealed on January 1, 2020)

10 Sec. 93. Suspension of license for failure to pay
11 restitution. The Department, without further process or
12 hearing, shall suspend the license or other authorization to
13 practice of any person issued under this Act who has been
14 certified by court order as not having paid restitution to a
15 person under Section 8A-3.5 of the Illinois Public Aid Code or
16 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or
17 the Criminal Code of 2012. A person whose license or other
18 authorization to practice is suspended under this Section is
19 prohibited from practicing until the restitution is made in
20 full.

21 (Source: P.A. 96-1551, eff. 7-1-11.)

22 Section 380. The Pharmacy Practice Act is amended by
23 changing Section 30.5 as follows:

1 (225 ILCS 85/30.5)

2 (Section scheduled to be repealed on January 1, 2018)

3 Sec. 30.5. Suspension of license or certificate for failure
4 to pay restitution. The Department, without further process or
5 hearing, shall suspend the license or other authorization to
6 practice of any person issued under this Act who has been
7 certified by court order as not having paid restitution to a
8 person under Section 8A-3.5 of the Illinois Public Aid Code or
9 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or
10 the Criminal Code of 2012. A person whose license or other
11 authorization to practice is suspended under this Section is
12 prohibited from practicing until the restitution is made in
13 full.

14 (Source: P.A. 96-1551, eff. 7-1-11.)

15 Section 385. The Illinois Physical Therapy Act is amended
16 by changing Section 17.5 as follows:

17 (225 ILCS 90/17.5)

18 (Section scheduled to be repealed on January 1, 2016)

19 Sec. 17.5. Suspension of license for failure to pay
20 restitution. The Department, without further process or
21 hearing, shall suspend the license or other authorization to
22 practice of any person issued under this Act who has been
23 certified by court order as not having paid restitution to a

1 person under Section 8A-3.5 of the Illinois Public Aid Code or
2 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or
3 the Criminal Code of 2012. A person whose license or other
4 authorization to practice is suspended under this Section is
5 prohibited from practicing until the restitution is made in
6 full.

7 (Source: P.A. 96-1551, eff. 7-1-11.)

8 Section 390. The Physician Assistant Practice Act of 1987
9 is amended by changing Section 21.5 as follows:

10 (225 ILCS 95/21.5)

11 (Section scheduled to be repealed on January 1, 2018)

12 Sec. 21.5. Suspension of license for failure to pay
13 restitution. The Department, without further process or
14 hearing, shall suspend the license or other authorization to
15 practice of any person issued under this Act who has been
16 certified by court order as not having paid restitution to a
17 person under Section 8A-3.5 of the Illinois Public Aid Code or
18 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or
19 the Criminal Code of 2012. A person whose license or other
20 authorization to practice is suspended under this Section is
21 prohibited from practicing until the restitution is made in
22 full.

23 (Source: P.A. 96-1551, eff. 7-1-11.)

1 Section 395. The Podiatric Medical Practice Act of 1987 is
2 amended by changing Section 24.5 as follows:

3 (225 ILCS 100/24.5)

4 (Section scheduled to be repealed on January 1, 2018)

5 Sec. 24.5. Suspension of license for failure to pay
6 restitution. The Department, without further process or
7 hearing, shall suspend the license or other authorization to
8 practice of any person issued under this Act who has been
9 certified by court order as not having paid restitution to a
10 person under Section 8A-3.5 of the Illinois Public Aid Code or
11 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or
12 the Criminal Code of 2012. A person whose license or other
13 authorization to practice is suspended under this Section is
14 prohibited from practicing until the restitution is made in
15 full.

16 (Source: P.A. 96-1551, eff. 7-1-11.)

17 Section 400. The Respiratory Care Practice Act is amended
18 by changing Section 97 as follows:

19 (225 ILCS 106/97)

20 (Section scheduled to be repealed on January 1, 2016)

21 Sec. 97. Suspension of license for failure to pay
22 restitution. The Department, without further process or
23 hearing, shall suspend the license or other authorization to

1 practice of any person issued under this Act who has been
2 certified by court order as not having paid restitution to a
3 person under Section 8A-3.5 of the Illinois Public Aid Code or
4 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or
5 the Criminal Code of 2012. A person whose license or other
6 authorization to practice is suspended under this Section is
7 prohibited from practicing until the restitution is made in
8 full.

9 (Source: P.A. 96-1551, eff. 7-1-11.)

10 Section 405. The Professional Counselor and Clinical
11 Professional Counselor Licensing and Practice Act is amended by
12 changing Section 83 as follows:

13 (225 ILCS 107/83)

14 (Section scheduled to be repealed on January 1, 2023)

15 Sec. 83. Suspension of license for failure to pay
16 restitution. The Department, without further process or
17 hearing, shall suspend the license or other authorization to
18 practice of any person issued under this Act who has been
19 certified by court order as not having paid restitution to a
20 person under Section 8A-3.5 of the Illinois Public Aid Code or
21 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or
22 the Criminal Code of 2012. A person whose license or other
23 authorization to practice is suspended under this Section is
24 prohibited from practicing until the restitution is made in

1 full.

2 (Source: P.A. 96-1551, eff. 7-1-11.)

3 Section 410. The Illinois Speech-Language Pathology and
4 Audiology Practice Act is amended by changing Section 16.3 as
5 follows:

6 (225 ILCS 110/16.3)

7 (Section scheduled to be repealed on January 1, 2018)

8 Sec. 16.3. Suspension of license for failure to pay
9 restitution. The Department, without further process or
10 hearing, shall suspend the license or other authorization to
11 practice of any person issued under this Act who has been
12 certified by court order as not having paid restitution to a
13 person under Section 8A-3.5 of the Illinois Public Aid Code or
14 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or
15 the Criminal Code of 2012. A person whose license or other
16 authorization to practice is suspended under this Section is
17 prohibited from practicing until the restitution is made in
18 full.

19 (Source: P.A. 96-1551, eff. 7-1-11.)

20 Section 415. The Veterinary Medicine and Surgery Practice
21 Act of 2004 is amended by changing Sections 19, 25, and 25.19
22 as follows:

1 (225 ILCS 115/19) (from Ch. 111, par. 7019)

2 (Section scheduled to be repealed on January 1, 2014)

3 Sec. 19. Any person filing or attempting to file as his
4 own, the diploma of another, or a forged, fictitious or
5 fraudulently obtained diploma or certificate, shall upon
6 conviction be subject to such fine and imprisonment as are set
7 forth in the "Criminal Code of 2012 ~~1961~~", ~~approved July 28,~~
8 ~~1961, as amended,~~ for the crime of forgery.

9 (Source: P.A. 83-1016.)

10 (225 ILCS 115/25) (from Ch. 111, par. 7025)

11 (Section scheduled to be repealed on January 1, 2014)

12 Sec. 25. Disciplinary actions.

13 1. The Department may refuse to issue or renew, or may
14 revoke, suspend, place on probation, reprimand, or take other
15 disciplinary action as the Department may deem appropriate,
16 including fines not to exceed \$1,000 for each violation, with
17 regard to any license or certificate for any one or combination
18 of the following:

19 A. Material misstatement in furnishing information to
20 the Department.

21 B. Violations of this Act, or of the rules adopted
22 pursuant to this Act.

23 C. Conviction of any crime under the laws of the United
24 States or any state or territory of the United States that
25 is a felony or that is a misdemeanor, an essential element

1 of which is dishonesty, or of any crime that is directly
2 related to the practice of the profession.

3 D. Making any misrepresentation for the purpose of
4 obtaining licensure or certification, or violating any
5 provision of this Act or the rules adopted pursuant to this
6 Act pertaining to advertising.

7 E. Professional incompetence.

8 F. Gross malpractice.

9 G. Aiding or assisting another person in violating any
10 provision of this Act or rules.

11 H. Failing, within 60 days, to provide information in
12 response to a written request made by the Department.

13 I. Engaging in dishonorable, unethical, or
14 unprofessional conduct of a character likely to deceive,
15 defraud, or harm the public.

16 J. Habitual or excessive use or addiction to alcohol,
17 narcotics, stimulants, or any other chemical agent or drug
18 that results in the inability to practice with reasonable
19 judgment, skill, or safety.

20 K. Discipline by another state, District of Columbia,
21 territory, or foreign nation, if at least one of the
22 grounds for the discipline is the same or substantially
23 equivalent to those set forth herein.

24 L. Directly or indirectly giving to or receiving from
25 any person, firm, corporation, partnership or association
26 any fee, commission, rebate, or other form of compensation

1 for professional services not actually or personally
2 rendered.

3 M. A finding by the Board that the licensee or
4 certificate holder, after having his license or
5 certificate placed on probationary status, has violated
6 the terms of probation.

7 N. Willfully making or filing false records or reports
8 in his practice, including but not limited to false records
9 filed with State agencies or departments.

10 O. Physical illness, including but not limited to,
11 deterioration through the aging process, or loss of motor
12 skill which results in the inability to practice the
13 profession with reasonable judgment, skill, or safety.

14 P. Solicitation of professional services other than
15 permitted advertising.

16 Q. Having professional connection with or lending
17 one's name, directly or indirectly, to any illegal
18 practitioner of veterinary medicine and surgery and the
19 various branches thereof.

20 R. Conviction of or cash compromise of a charge or
21 violation of the Harrison Act or the Illinois Controlled
22 Substances Act, regulating narcotics.

23 S. Fraud or dishonesty in applying, treating, or
24 reporting on tuberculin or other biological tests.

25 T. Failing to report, as required by law, or making
26 false report of any contagious or infectious diseases.

1 U. Fraudulent use or misuse of any health certificate,
2 shipping certificate, brand inspection certificate, or
3 other blank forms used in practice that might lead to the
4 dissemination of disease or the transportation of diseased
5 animals dead or alive; or dilatory methods, willful
6 neglect, or misrepresentation in the inspection of milk,
7 meat, poultry, and the by-products thereof.

8 V. Conviction on a charge of cruelty to animals.

9 W. Failure to keep one's premises and all equipment
10 therein in a clean and sanitary condition.

11 X. Failure to provide satisfactory proof of having
12 participated in approved continuing education programs.

13 Y. Failure to (i) file a return, (ii) pay the tax,
14 penalty, or interest shown in a filed return, or (iii) pay
15 any final assessment of tax, penalty, or interest, as
16 required by any tax Act administered by the Illinois
17 Department of Revenue, until the requirements of that tax
18 Act are satisfied.

19 Z. Conviction by any court of competent jurisdiction,
20 either within or outside this State, of any violation of
21 any law governing the practice of veterinary medicine, if
22 the Department determines, after investigation, that the
23 person has not been sufficiently rehabilitated to warrant
24 the public trust.

25 AA. Promotion of the sale of drugs, devices,
26 appliances, or goods provided for a patient in any manner

1 to exploit the client for financial gain of the
2 veterinarian.

3 BB. Gross, willful, or continued overcharging for
4 professional services, including filing false statements
5 for collection of fees for which services are not rendered.

6 CC. Practicing under a false or, except as provided by
7 law, an assumed name.

8 DD. Fraud or misrepresentation in applying for, or
9 procuring, a license under this Act or in connection with
10 applying for renewal of a license under this Act.

11 EE. Cheating on or attempting to subvert the licensing
12 examination administered under this Act.

13 FF. Using, prescribing, or selling a prescription drug
14 or the extra-label use of a prescription drug by any means
15 in the absence of a valid veterinarian-client-patient
16 relationship.

17 GG. Failing to report a case of suspected aggravated
18 cruelty, torture, or animal fighting pursuant to Section
19 3.07 or 4.01 of the Humane Care for Animals Act or Section
20 26-5 or 48-1 of the Criminal Code of 1961 or the Criminal
21 Code of 2012.

22 2. The determination by a circuit court that a licensee or
23 certificate holder is subject to involuntary admission or
24 judicial admission as provided in the Mental Health and
25 Developmental Disabilities Code operates as an automatic
26 suspension. The suspension will end only upon a finding by a

1 court that the patient is no longer subject to involuntary
2 admission or judicial admission and issues an order so finding
3 and discharging the patient; and upon the recommendation of the
4 Board to the Secretary that the licensee or certificate holder
5 be allowed to resume his practice.

6 3. All proceedings to suspend, revoke, place on
7 probationary status, or take any other disciplinary action as
8 the Department may deem proper, with regard to a license or
9 certificate on any of the foregoing grounds, must be commenced
10 within 3 years after receipt by the Department of a complaint
11 alleging the commission of or notice of the conviction order
12 for any of the acts described in this Section. Except for
13 proceedings brought for violations of items (CC), (DD), or
14 (EE), no action shall be commenced more than 5 years after the
15 date of the incident or act alleged to have violated this
16 Section. In the event of the settlement of any claim or cause
17 of action in favor of the claimant or the reduction to final
18 judgment of any civil action in favor of the plaintiff, the
19 claim, cause of action, or civil action being grounded on the
20 allegation that a person licensed or certified under this Act
21 was negligent in providing care, the Department shall have an
22 additional period of one year from the date of the settlement
23 or final judgment in which to investigate and begin formal
24 disciplinary proceedings under Section 25.2 of this Act, except
25 as otherwise provided by law. The time during which the holder
26 of the license or certificate was outside the State of Illinois

1 shall not be included within any period of time limiting the
2 commencement of disciplinary action by the Department.

3 4. The Department may refuse to issue or take disciplinary
4 action concerning the license of any person who fails to file a
5 return, to pay the tax, penalty, or interest shown in a filed
6 return, or to pay any final assessment of tax, penalty, or
7 interest as required by any tax Act administered by the
8 Department of Revenue, until such time as the requirements of
9 any such tax Act are satisfied as determined by the Department
10 of Revenue.

11 5. In enforcing this Section, the Board, upon a showing of
12 a possible violation, may compel a licensee or applicant to
13 submit to a mental or physical examination, or both, as
14 required by and at the expense of the Department. The examining
15 physicians or clinical psychologists shall be those
16 specifically designated by the Board. The Board or the
17 Department may order (i) the examining physician to present
18 testimony concerning the mental or physical examination of a
19 licensee or applicant or (ii) the examining clinical
20 psychologist to present testimony concerning the mental
21 examination of a licensee or applicant. No information shall be
22 excluded by reason of any common law or statutory privilege
23 relating to communications between a licensee or applicant and
24 the examining physician or clinical psychologist. An
25 individual to be examined may have, at his or her own expense,
26 another physician or clinical psychologist of his or her choice

1 present during all aspects of the examination. Failure of an
2 individual to submit to a mental or physical examination, when
3 directed, is grounds for suspension of his or her license. The
4 license must remain suspended until the person submits to the
5 examination or the Board finds, after notice and hearing, that
6 the refusal to submit to the examination was with reasonable
7 cause.

8 If the Board finds an individual unable to practice because
9 of the reasons set forth in this Section, the Board must
10 require the individual to submit to care, counseling, or
11 treatment by a physician or clinical psychologist approved by
12 the Board, as a condition, term, or restriction for continued,
13 reinstated, or renewed licensure to practice. In lieu of care,
14 counseling, or treatment, the Board may recommend that the
15 Department file a complaint to immediately suspend or revoke
16 the license of the individual or otherwise discipline the
17 licensee.

18 Any individual whose license was granted, continued,
19 reinstated, or renewed subject to conditions, terms, or
20 restrictions, as provided for in this Section, or any
21 individual who was disciplined or placed on supervision
22 pursuant to this Section must be referred to the Secretary for
23 a determination as to whether the person shall have his or her
24 license suspended immediately, pending a hearing by the Board.

25 (Source: P.A. 96-1322, eff. 7-27-10; 97-1108, eff. 1-1-13.)

1 (225 ILCS 115/25.19)

2 (Section scheduled to be repealed on January 1, 2014)

3 Sec. 25.19. Mandatory reporting. Nothing in this Act
4 exempts a licensee from the mandatory reporting requirements
5 regarding suspected acts of aggravated cruelty, torture, and
6 animal fighting imposed under Sections 3.07 and 4.01 of the
7 Humane Care for Animals Act and Section 26-5 or 48-1 of the
8 Criminal Code of 1961 or the Criminal Code of 2012.

9 (Source: P.A. 97-1108, eff. 1-1-13.)

10 Section 420. The Perfusionist Practice Act is amended by
11 changing Section 107 as follows:

12 (225 ILCS 125/107)

13 (Section scheduled to be repealed on January 1, 2020)

14 Sec. 107. Suspension of license for failure to pay
15 restitution. The Department, without further process or
16 hearing, shall suspend the license or other authorization to
17 practice of any person issued under this Act who has been
18 certified by court order as not having paid restitution to a
19 person under Section 8A-3.5 of the Illinois Public Aid Code or
20 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or
21 the Criminal Code of 2012. A person whose license or other
22 authorization to practice is suspended under this Section is
23 prohibited from practicing until the restitution is made in
24 full.

1 (Source: P.A. 96-1551, eff. 7-1-11.)

2 Section 425. The Registered Surgical Assistant and
3 Registered Surgical Technologist Title Protection Act is
4 amended by changing Section 77 as follows:

5 (225 ILCS 130/77)

6 (Section scheduled to be repealed on January 1, 2014)

7 Sec. 77. Suspension of registration for failure to pay
8 restitution. The Department, without further process or
9 hearing, shall suspend the license or other authorization to
10 practice of any person issued under this Act who has been
11 certified by court order as not having paid restitution to a
12 person under Section 8A-3.5 of the Illinois Public Aid Code or
13 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or
14 the Criminal Code of 2012. A person whose license or other
15 authorization to practice is suspended under this Section is
16 prohibited from practicing until the restitution is made in
17 full.

18 (Source: P.A. 96-1551, eff. 7-1-11.)

19 Section 430. The Genetic Counselor Licensing Act is amended
20 by changing Section 97 as follows:

21 (225 ILCS 135/97)

22 (Section scheduled to be repealed on January 1, 2015)

1 Sec. 97. Suspension of license for failure to pay
2 restitution. The Department, without further process or
3 hearing, shall suspend the license or other authorization to
4 practice of any person issued under this Act who has been
5 certified by court order as not having paid restitution to a
6 person under Section 8A-3.5 of the Illinois Public Aid Code or
7 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or
8 the Criminal Code of 2012. A person whose license or other
9 authorization to practice is suspended under this Section is
10 prohibited from practicing until the restitution is made in
11 full.

12 (Source: P.A. 96-1551, eff. 7-1-11.)

13 Section 435. The Fire Sprinkler Contractor Licensing Act is
14 amended by changing Section 32 as follows:

15 (225 ILCS 317/32)

16 Sec. 32. Application for building permit; identity theft. A
17 person who knowingly, in the course of applying for a building
18 permit with a unit of local government, provides the license
19 number of a fire sprinkler contractor whom he or she does not
20 intend to have perform the work on the fire sprinkler portion
21 of the project commits identity theft under paragraph (8) of
22 subsection (a) of Section 16-30 of the Criminal Code of 2012
23 ~~1961~~.

24 (Source: P.A. 96-1455, eff. 8-20-10; 97-333, eff. 8-12-11;

1 97-597, eff. 1-1-12; 97-1109, eff. 1-1-13.)

2 Section 440. The Illinois Roofing Industry Licensing Act is
3 amended by changing Section 5 as follows:

4 (225 ILCS 335/5) (from Ch. 111, par. 7505)

5 (Section scheduled to be repealed on January 1, 2016)

6 Sec. 5. Display of license number; building permits;
7 advertising.

8 (a) Each State licensed roofing contractor shall affix the
9 roofing contractor license number and the licensee's name, as
10 it appears on the license, to all of his or her contracts and
11 bids. In addition, the official issuing building permits shall
12 affix the roofing contractor license number to each application
13 for a building permit and on each building permit issued and
14 recorded.

15 (a-3) A municipality or a county that requires a building
16 permit may not issue a building permit to a roofing contractor
17 unless that contractor has provided sufficient proof that he or
18 she is licensed currently as a roofing contractor by the State.
19 Holders of an unlimited roofing license may be issued permits
20 for residential, commercial, and industrial roofing projects.
21 Holders of a limited roofing license are restricted to permits
22 for work on residential properties consisting of 8 units or
23 less.

24 (a-5) A person who knowingly, in the course of applying for

1 a building permit with a unit of local government, provides the
2 roofing license number or name of a roofing contractor whom he
3 or she does not intend to have perform the work on the roofing
4 portion of the project commits identity theft under paragraph
5 (8) of subsection (a) of Section 16-30 of the Criminal Code of
6 2012 ~~1961~~.

7 (a-10) A building permit applicant must present a
8 government-issued identification along with the building
9 permit application. Except for the name of the individual, all
10 other personal information contained in the government-issued
11 identification shall be exempt from disclosure under
12 subsection (c) of Section 7 of the Freedom of Information Act.
13 The official issuing the building permit shall maintain the
14 name and identification number, as it appears on the
15 government-issued identification, in the building permit
16 application file. It is not necessary that the building permit
17 applicant be the qualifying party. This subsection shall not
18 apply to a county or municipality whose building permit process
19 occurs through electronic means.

20 (b) (Blank).

21 (c) Every holder of a license shall display it in a
22 conspicuous place in his or her principal office, place of
23 business, or place of employment.

24 (d) No person licensed under this Act may advertise
25 services regulated by this Act unless that person includes in
26 the advertisement the roofing contractor license number and the

1 licensee's name, as it appears on the license. Nothing
2 contained in this subsection requires the publisher of
3 advertising for roofing contractor services to investigate or
4 verify the accuracy of the license number provided by the
5 licensee.

6 (e) A person who advertises services regulated by this Act
7 who knowingly (i) fails to display the license number and the
8 licensee's name, as it appears on the license, in any manner
9 required by this Section, (ii) fails to provide a publisher
10 with the correct license number as required by subsection (d),
11 or (iii) provides a publisher with a false license number or a
12 license number of another person, or a person who knowingly
13 allows his or her license number to be displayed or used by
14 another person to circumvent any provisions of this Section, is
15 guilty of a Class A misdemeanor with a fine of \$1,000, and, in
16 addition, is subject to the administrative enforcement
17 provisions of this Act. Each day that an advertisement runs or
18 each day that a person knowingly allows his or her license to
19 be displayed or used in violation of this Section constitutes a
20 separate offense.

21 (Source: P.A. 96-624, eff. 1-1-10; 96-1324, eff. 7-27-10;
22 97-235, eff. 1-1-12; 97-597, eff. 1-1-12; 97-965, eff. 8-15-12;
23 97-1109, eff. 1-1-13.)

24 Section 450. The Community Association Manager Licensing
25 and Disciplinary Act is amended by changing Section 87 as

1 follows:

2 (225 ILCS 427/87)

3 (Section scheduled to be repealed on January 1, 2020)

4 Sec. 87. Suspension of license for failure to pay
5 restitution. The Department, without further process or
6 hearing, shall suspend the license or other authorization to
7 practice of any person issued under this Act who has been
8 certified by court order as not having paid restitution to a
9 person under Section 8A-3.5 of the Illinois Public Aid Code or
10 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or
11 the Criminal Code of 2012. A person whose license or other
12 authorization to practice is suspended under this Section is
13 prohibited from practicing until the restitution is made in
14 full.

15 (Source: P.A. 96-726, eff. 7-1-10.)

16 Section 455. The Private Detective, Private Alarm, Private
17 Security, Fingerprint Vendor, and Locksmith Act of 2004 is
18 amended by changing Sections 20-20 and 25-20 as follows:

19 (225 ILCS 447/20-20)

20 (Section scheduled to be repealed on January 1, 2014)

21 Sec. 20-20. Training; private alarm contractor and
22 employees.

23 (a) Registered employees of the private alarm contractor

1 agency who carry a firearm and respond to alarm systems shall
2 complete, within 30 days of their employment, a minimum of 20
3 hours of classroom training provided by a qualified instructor
4 and shall include all of the following subjects:

5 (1) The law regarding arrest and search and seizure as
6 it applies to the private alarm industry.

7 (2) Civil and criminal liability for acts related to
8 the private alarm industry.

9 (3) The use of force, including but not limited to the
10 use of nonlethal force (i.e., disabling spray, baton,
11 stungun, or similar weapon).

12 (4) Arrest and control techniques.

13 (5) The offenses under the Criminal Code of 2012 ~~1961~~
14 that are directly related to the protection of persons and
15 property.

16 (6) The law on private alarm forces and on reporting to
17 law enforcement agencies.

18 (7) Fire prevention, fire equipment, and fire safety.

19 (8) Civil rights and public relations.

20 (9) The identification of terrorists, acts of
21 terrorism, and terrorist organizations, as defined by
22 federal and State statutes.

23 Pursuant to directives set forth by the U.S. Department of
24 Homeland Security and the provisions set forth by the National
25 Fire Protection Association in the National Fire Alarm Code and
26 the Life Safety Code, training may include the installation,

1 repair, and maintenance of emergency communication systems and
2 mass notification systems.

3 (b) All other employees of a private alarm contractor
4 agency shall complete a minimum of 20 hours of training
5 provided by a qualified instructor within 30 days of their
6 employment. The substance of the training shall be related to
7 the work performed by the registered employee.

8 (c) It is the responsibility of the employer to certify, on
9 forms provided by the Department, that the employee has
10 successfully completed the training. The form shall be a
11 permanent record of training completed by the employee and
12 shall be placed in the employee's file with the employer for
13 the term the employee is retained by the employer. A private
14 alarm contractor agency may place a notarized copy of the
15 Department form in lieu of the original into the permanent
16 employee registration card file. The form shall be returned to
17 the employee when his or her employment is terminated. Failure
18 to return the form to the employee is grounds for discipline.
19 The employee shall not be required to complete the training
20 required under this Act once the employee has been issued a
21 form.

22 (d) Nothing in this Act prevents any employer from
23 providing or requiring additional training beyond the required
24 20 hours that the employer feels is necessary and appropriate
25 for competent job performance.

26 (e) Any certification of completion of the 20-hour basic

1 training issued under the Private Detective, Private Alarm,
2 Private Security, and Locksmith Act of 1993 or any prior Act
3 shall be accepted as proof of training under this Act.

4 (Source: P.A. 95-613, eff. 9-11-07; 96-847, eff. 6-1-10.)

5 (225 ILCS 447/25-20)

6 (Section scheduled to be repealed on January 1, 2014)

7 Sec. 25-20. Training; private security contractor and
8 employees.

9 (a) Registered employees of the private security
10 contractor agency who provide traditional guarding or other
11 private security related functions or who respond to alarm
12 systems shall complete, within 30 days of their employment, a
13 minimum of 20 hours of classroom basic training provided by a
14 qualified instructor, which shall include the following
15 subjects:

16 (1) The law regarding arrest and search and seizure as
17 it applies to private security.

18 (2) Civil and criminal liability for acts related to
19 private security.

20 (3) The use of force, including but not limited to the
21 use of nonlethal force (i.e., disabling spray, baton,
22 stungun or similar weapon).

23 (4) Arrest and control techniques.

24 (5) The offenses under the Criminal Code of 2012 ~~1961~~
25 that are directly related to the protection of persons and

1 property.

2 (6) The law on private security forces and on reporting
3 to law enforcement agencies.

4 (7) Fire prevention, fire equipment, and fire safety.

5 (8) The procedures for service of process and for
6 report writing.

7 (9) Civil rights and public relations.

8 (10) The identification of terrorists, acts of
9 terrorism, and terrorist organizations, as defined by
10 federal and State statutes.

11 (b) All other employees of a private security contractor
12 agency shall complete a minimum of 20 hours of training
13 provided by the qualified instructor within 30 days of their
14 employment. The substance of the training shall be related to
15 the work performed by the registered employee.

16 (c) Registered employees of the private security
17 contractor agency who provide guarding or other private
18 security related functions, in addition to the classroom
19 training required under subsection (a), within 6 months of
20 their employment, shall complete an additional 8 hours of
21 training on subjects to be determined by the employer, which
22 training may be site-specific and may be conducted on the job.

23 (d) In addition to the basic training provided for in
24 subsections (a) and (c), registered employees of the private
25 security contractor agency who provide guarding or other
26 private security related functions shall complete an

1 additional 8 hours of refresher training on subjects to be
2 determined by the employer each calendar year commencing with
3 the calendar year following the employee's first employment
4 anniversary date, which refresher training may be
5 site-specific and may be conducted on the job.

6 (e) It is the responsibility of the employer to certify, on
7 a form provided by the Department, that the employee has
8 successfully completed the basic and refresher training. The
9 form shall be a permanent record of training completed by the
10 employee and shall be placed in the employee's file with the
11 employer for the period the employee remains with the employer.
12 An agency may place a notarized copy of the Department form in
13 lieu of the original into the permanent employee registration
14 card file. The original form shall be given to the employee
15 when his or her employment is terminated. Failure to return the
16 original form to the employee is grounds for disciplinary
17 action. The employee shall not be required to repeat the
18 required training once the employee has been issued the form.
19 An employer may provide or require additional training.

20 (f) Any certification of completion of the 20-hour basic
21 training issued under the Private Detective, Private Alarm,
22 Private Security and Locksmith Act of 1993 or any prior Act
23 shall be accepted as proof of training under this Act.

24 (Source: P.A. 95-613, eff. 9-11-07.)

25 Section 460. The Solicitation for Charity Act is amended by

1 changing Sections 7.5, 9, and 16.5 as follows:

2 (225 ILCS 460/7.5)

3 Sec. 7.5. Public Safety Personnel Organization.

4 (a) Every Public Safety Personnel Organization that
5 solicits contributions from the public shall, in addition to
6 other provisions of this Act:

7 (1) Have as a condition of public solicitation a
8 provision included in every professional fund raiser
9 contract providing that the professional fund raiser
10 shall: (A) maintain and deliver to the organization a list
11 of the names and addresses of all contributors and
12 purchasers of merchandise, goods, services, memberships,
13 and advertisements; (B) deliver the list of the current
14 year semiannually of each contribution or purchase and
15 specify the amount of the contribution or purchase and the
16 date of the transaction; and (C) assign ownership of the
17 list to the Public Safety Personnel Organization.

18 The obligation required by this subdivision (1) does
19 not apply to a professional fund raiser under the following
20 conditions:

21 (i) the professional fund raiser does not have
22 access to information to create and maintain the list
23 and the Public Safety Personnel Organization obtained
24 the information to create and maintain the list under
25 the fund raising campaign by other means; or

1 (ii) the Public Safety Personnel Organization and
2 the professional fund raiser agree to waive the
3 obligation required by this subdivision (1).

4 (2) Act in accordance with Section 17-2 of the Criminal
5 Code of 2012 ~~1961~~, and violation of this Section shall also
6 be subject to separate civil remedy hereunder.

7 (b) Any professional fund raiser who willfully violates the
8 provisions of this Section may in addition to other remedies be
9 subject to a fine of \$2,000 for each violation, forfeiture of
10 all solicitation fees, and enjoined from operating and
11 soliciting the public.

12 (c) This Section does not apply to a contract that is in
13 effect on the effective date of this amendatory Act of the 91st
14 General Assembly (unless the contract is extended, renewed, or
15 revised on or after the effective date of this amendatory Act
16 of the 91st General Assembly, in which case this Section
17 applies to the contract on and after the date on which the
18 extension, renewal, or revision takes place).

19 (Source: P.A. 91-301, eff. 7-29-99.)

20 (225 ILCS 460/9) (from Ch. 23, par. 5109)

21 Sec. 9. (a) An action for violation of this Act may be
22 prosecuted by the Attorney General in the name of the people of
23 the State, and in any such action, the Attorney General shall
24 exercise all the powers and perform all duties which the
25 State's Attorney would otherwise be authorized to exercise or

1 to perform therein.

2 (b) This Act shall not be construed to limit or restrict
3 the exercise of the powers or the performance of the duties of
4 the Attorney General which he otherwise is authorized to
5 exercise or perform under any other provision of law by statute
6 or otherwise.

7 (c) Whenever the Attorney General shall have reason to
8 believe that any charitable organization, professional fund
9 raiser, or professional solicitor is operating in violation of
10 the provisions of this Act, or if any of the principal officers
11 of any charitable organization has refused or failed, after
12 notice, to produce any records of such organization or there is
13 employed or is about to be employed in any solicitation or
14 collection of contributions for a charitable organization any
15 device, scheme, or artifice to defraud or for obtaining money
16 or property by means of any false pretense, representation or
17 promise, or any false statement has been made in any
18 application, registration or statement required to be filed
19 pursuant to this Act, in addition to any other action
20 authorized by law, he may bring in the circuit court an action
21 in the name, and on behalf of the people of the State of
22 Illinois against such charitable organization and any other
23 person who has participated or is about to participate in such
24 solicitation or collection by employing such device, scheme,
25 artifice, false representation or promise, to enjoin such
26 charitable organization or other person from continuing such

1 solicitation or collection or engaging therein or doing any
2 acts in furtherance thereof, or to cancel any registration
3 statement previously filed with the Attorney General.

4 In connection with such proposed action the Attorney
5 General is authorized to take proof in the manner provided in
6 Section 2-1003 of the Code of Civil Procedure.

7 (d) Upon a showing by the Attorney General in an
8 application for an injunction that any person engaged in the
9 solicitation or collection of funds for charitable purposes,
10 either as an individual or as a member of a copartnership, or
11 as an officer of a corporation or as an agent for some other
12 person, or copartnership or corporation, has been convicted in
13 this State or elsewhere of a felony or of a misdemeanor where
14 such felony or misdemeanor involved the misappropriation,
15 misapplication or misuse of the money or property of another,
16 he may enjoin such persons from engaging in any solicitation or
17 collection of funds for charitable purposes.

18 (e) The Attorney General may exercise the authority granted
19 in this Section against any charitable organization or person
20 which or who operates under the guise or pretense of being an
21 organization exempted by the provisions of Section 3 and is not
22 in fact an organization entitled to such an exemption.

23 (f) In any action brought under the provisions of this Act,
24 the Attorney General is entitled to recover costs for the use
25 of this State.

26 (g) Any person who knowingly violates this Section may be

1 enjoined from such conduct, removed from office, enjoined from
2 acting for charity and subject to punitive damages as deemed
3 appropriate by the circuit court.

4 (h) Any person who violates this Section shall not be
5 entitled to keep or receive monies, fees, salaries, commissions
6 or any compensation, as a result of the solicitations or fund
7 raising campaigns, and at the request of the Attorney General
8 such monies, fees, salaries, commissions or any compensation
9 shall be forfeited and subject to distribution to charitable
10 use as a court of equity determines.

11 (i) The Attorney General may publish an annual report of
12 all charitable organizations based on information contained in
13 reports filed hereunder stating the amount of money each
14 organization received through solicitation and the amount of
15 money which was expended on program service activity and the
16 percentage of the solicited assets that were expended on
17 charitable activity.

18 (j) The Attorney General shall cancel the registration of
19 any organization, professional fund raiser, or professional
20 solicitor who violates the provisions of this Section.

21 (k) Any person who solicits financial contributions or the
22 sale of merchandise, goods, services, memberships, or
23 advertisements in violation of the prohibitions of subsection
24 (d-1) of Section 11 of this Act, or commits false personation,
25 use of title, or solicitation as defined by Section 17-2 of the
26 Criminal Code of 2012 ~~1961~~ shall, in addition to any other

1 penalties provided for by law, be subject to civil remedy by
2 cause of action brought by the Attorney General or a Public
3 Safety Personnel Organization affected by the violation.

4 In addition to equitable relief, a successful claimant or
5 the Attorney General shall recover damages of triple the amount
6 collected as a result of solicitations made in violation of
7 this Act, plus reasonable attorney's fees and costs.

8 A plaintiff in any suit filed under this Section shall
9 serve a copy of all pleadings on the Attorney General and the
10 State's Attorney for the county in which the suit is filed.

11 (Source: P.A. 91-301, eff. 7-29-99.)

12 (225 ILCS 460/16.5)

13 Sec. 16.5. Terrorist acts.

14 (a) Any person or organization subject to registration
15 under this Act, who knowingly acts to further, directly or
16 indirectly, or knowingly uses charitable assets to conduct or
17 further, directly or indirectly, an act or actions as set forth
18 in Article 29D of the Criminal Code of 2012 ~~1961~~, is thereby
19 engaged in an act or actions contrary to public policy and
20 antithetical to charity, and all of the funds, assets, and
21 records of the person or organization shall be subject to
22 temporary and permanent injunction from use or expenditure and
23 the appointment of a temporary and permanent receiver to take
24 possession of all of the assets and related records.

25 (b) An ex parte action may be commenced by the Attorney

1 General, and, upon a showing of probable cause of a violation
2 of this Section or Article 29D of the Criminal Code of 2012
3 ~~1961~~, an immediate seizure of books and records by the Attorney
4 General by and through his or her assistants or investigators
5 or the Department of State Police and freezing of all assets
6 shall be made by order of a court to protect the public,
7 protect the assets, and allow a full review of the records.

8 (c) Upon a finding by a court after a hearing that a person
9 or organization has acted or is in violation of this Section,
10 the person or organization shall be permanently enjoined from
11 soliciting funds from the public, holding charitable funds, or
12 acting as a trustee or fiduciary within Illinois. Upon a
13 finding of violation all assets and funds held by the person or
14 organization shall be forfeited to the People of the State of
15 Illinois or otherwise ordered by the court to be accounted for
16 and marshaled and then delivered to charitable causes and uses
17 within the State of Illinois by court order.

18 (d) A determination under this Section may be made by any
19 court separate and apart from any criminal proceedings and the
20 standard of proof shall be that for civil proceedings.

21 (e) Any knowing use of charitable assets to conduct or
22 further, directly or indirectly, an act or actions set forth in
23 Article 29D of the Criminal Code of 2012 ~~1961~~ shall be a misuse
24 of charitable assets and breach of fiduciary duty relative to
25 all other Sections of this Act.

26 (Source: P.A. 92-854, eff. 12-5-02.)

1 Section 465. The Illinois Horse Racing Act of 1975 is
2 amended by changing Sections 3.15, 3.29, and 41 as follows:

3 (230 ILCS 5/3.15) (from Ch. 8, par. 37-3.15)

4 Sec. 3.15. "Public official" means a person who is a public
5 officer, as defined in Section 2-18 of the Criminal Code of
6 2012 ~~1961~~, of the State or any municipality, county or
7 township.

8 (Source: P.A. 79-1185.)

9 (230 ILCS 5/3.29)

10 Sec. 3.29. Advance deposit wagering. "Advance deposit
11 wagering" means a method of pari-mutuel wagering in which an
12 individual may establish an account, deposit money into the
13 account, and use the account balance to pay for pari-mutuel
14 wagering authorized by this Act. An advance deposit wager may
15 be placed in person at a wagering facility or from any other
16 location via a telephone-type device or any other electronic
17 means. Any person who accepts an advance deposit wager who is
18 not licensed by the Board as an advance deposit wagering
19 licensee shall be considered in violation of this Act and the
20 Criminal Code of 2012 ~~1961~~. Any advance deposit wager placed in
21 person at a wagering facility shall be deemed to have been
22 placed at that wagering facility.

23 (Source: P.A. 96-762, eff. 8-25-09.)

1 (230 ILCS 5/41) (from Ch. 8, par. 37-41)

2 Sec. 41. Article 28 of the "Criminal Code of 2012 1961", ~~as~~
3 ~~now or hereafter amended~~, and all other Acts or parts of Acts
4 inconsistent with the provisions of this Act shall not apply to
5 pari-mutuel wagering in manner and form as provided by this Act
6 at any horse race meeting held by any person having an
7 organization license for the holding of such horse race meeting
8 as provided by this Act.

9 (Source: P.A. 89-16, eff. 5-30-95.)

10 Section 470. The Riverboat Gambling Act is amended by
11 changing Sections 7, 7.4, 8, 9, 18, and 19 as follows:

12 (230 ILCS 10/7) (from Ch. 120, par. 2407)

13 Sec. 7. Owners Licenses.

14 (a) The Board shall issue owners licenses to persons, firms
15 or corporations which apply for such licenses upon payment to
16 the Board of the non-refundable license fee set by the Board,
17 upon payment of a \$25,000 license fee for the first year of
18 operation and a \$5,000 license fee for each succeeding year and
19 upon a determination by the Board that the applicant is
20 eligible for an owners license pursuant to this Act and the
21 rules of the Board. From the effective date of this amendatory
22 Act of the 95th General Assembly until (i) 3 years after the
23 effective date of this amendatory Act of the 95th General

1 Assembly, (ii) the date any organization licensee begins to
2 operate a slot machine or video game of chance under the
3 Illinois Horse Racing Act of 1975 or this Act, (iii) the date
4 that payments begin under subsection (c-5) of Section 13 of the
5 Act, or (iv) the wagering tax imposed under Section 13 of this
6 Act is increased by law to reflect a tax rate that is at least
7 as stringent or more stringent than the tax rate contained in
8 subsection (a-3) of Section 13, whichever occurs first, as a
9 condition of licensure and as an alternative source of payment
10 for those funds payable under subsection (c-5) of Section 13 of
11 the Riverboat Gambling Act, any owners licensee that holds or
12 receives its owners license on or after the effective date of
13 this amendatory Act of the 94th General Assembly, other than an
14 owners licensee operating a riverboat with adjusted gross
15 receipts in calendar year 2004 of less than \$200,000,000, must
16 pay into the Horse Racing Equity Trust Fund, in addition to any
17 other payments required under this Act, an amount equal to 3%
18 of the adjusted gross receipts received by the owners licensee.
19 The payments required under this Section shall be made by the
20 owners licensee to the State Treasurer no later than 3:00
21 o'clock p.m. of the day after the day when the adjusted gross
22 receipts were received by the owners licensee. A person, firm
23 or corporation is ineligible to receive an owners license if:

24 (1) the person has been convicted of a felony under the
25 laws of this State, any other state, or the United States;

26 (2) the person has been convicted of any violation of

1 Article 28 of the Criminal Code of 1961 or the Criminal
2 Code of 2012, or substantially similar laws of any other
3 jurisdiction;

4 (3) the person has submitted an application for a
5 license under this Act which contains false information;

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

7 (5) a person defined in (1), (2), (3) or (4) is an
8 officer, director or managerial employee of the firm or
9 corporation;

10 (6) the firm or corporation employs a person defined in
11 (1), (2), (3) or (4) who participates in the management or
12 operation of gambling operations authorized under this
13 Act;

14 (7) (blank); or

15 (8) a license of the person, firm or corporation issued
16 under this Act, or a license to own or operate gambling
17 facilities in any other jurisdiction, has been revoked.

18 The Board is expressly prohibited from making changes to
19 the requirement that licensees make payment into the Horse
20 Racing Equity Trust Fund without the express authority of the
21 Illinois General Assembly and making any other rule to
22 implement or interpret this amendatory Act of the 95th General
23 Assembly. For the purposes of this paragraph, "rules" is given
24 the meaning given to that term in Section 1-70 of the Illinois
25 Administrative Procedure Act.

26 (b) In determining whether to grant an owners license to an

1 applicant, the Board shall consider:

2 (1) the character, reputation, experience and
3 financial integrity of the applicants and of any other or
4 separate person that either:

5 (A) controls, directly or indirectly, such
6 applicant, or

7 (B) is controlled, directly or indirectly, by such
8 applicant or by a person which controls, directly or
9 indirectly, such applicant;

10 (2) the facilities or proposed facilities for the
11 conduct of riverboat gambling;

12 (3) the highest prospective total revenue to be derived
13 by the State from the conduct of riverboat gambling;

14 (4) the extent to which the ownership of the applicant
15 reflects the diversity of the State by including minority
16 persons, females, and persons with a disability and the
17 good faith affirmative action plan of each applicant to
18 recruit, train and upgrade minority persons, females, and
19 persons with a disability in all employment
20 classifications;

21 (5) the financial ability of the applicant to purchase
22 and maintain adequate liability and casualty insurance;

23 (6) whether the applicant has adequate capitalization
24 to provide and maintain, for the duration of a license, a
25 riverboat;

26 (7) the extent to which the applicant exceeds or meets

1 other standards for the issuance of an owners license which
2 the Board may adopt by rule; and

3 (8) The amount of the applicant's license bid.

4 (c) Each owners license shall specify the place where
5 riverboats shall operate and dock.

6 (d) Each applicant shall submit with his application, on
7 forms provided by the Board, 2 sets of his fingerprints.

8 (e) The Board may issue up to 10 licenses authorizing the
9 holders of such licenses to own riverboats. In the application
10 for an owners license, the applicant shall state the dock at
11 which the riverboat is based and the water on which the
12 riverboat will be located. The Board shall issue 5 licenses to
13 become effective not earlier than January 1, 1991. Three of
14 such licenses shall authorize riverboat gambling on the
15 Mississippi River, or, with approval by the municipality in
16 which the riverboat was docked on August 7, 2003 and with Board
17 approval, be authorized to relocate to a new location, in a
18 municipality that (1) borders on the Mississippi River or is
19 within 5 miles of the city limits of a municipality that
20 borders on the Mississippi River and (2), on August 7, 2003,
21 had a riverboat conducting riverboat gambling operations
22 pursuant to a license issued under this Act; one of which shall
23 authorize riverboat gambling from a home dock in the city of
24 East St. Louis. One other license shall authorize riverboat
25 gambling on the Illinois River south of Marshall County. The
26 Board shall issue one additional license to become effective

1 not earlier than March 1, 1992, which shall authorize riverboat
2 gambling on the Des Plaines River in Will County. The Board may
3 issue 4 additional licenses to become effective not earlier
4 than March 1, 1992. In determining the water upon which
5 riverboats will operate, the Board shall consider the economic
6 benefit which riverboat gambling confers on the State, and
7 shall seek to assure that all regions of the State share in the
8 economic benefits of riverboat gambling.

9 In granting all licenses, the Board may give favorable
10 consideration to economically depressed areas of the State, to
11 applicants presenting plans which provide for significant
12 economic development over a large geographic area, and to
13 applicants who currently operate non-gambling riverboats in
14 Illinois. The Board shall review all applications for owners
15 licenses, and shall inform each applicant of the Board's
16 decision. The Board may grant an owners license to an applicant
17 that has not submitted the highest license bid, but if it does
18 not select the highest bidder, the Board shall issue a written
19 decision explaining why another applicant was selected and
20 identifying the factors set forth in this Section that favored
21 the winning bidder.

22 In addition to any other revocation powers granted to the
23 Board under this Act, the Board may revoke the owners license
24 of a licensee which fails to begin conducting gambling within
25 15 months of receipt of the Board's approval of the application
26 if the Board determines that license revocation is in the best

1 interests of the State.

2 (f) The first 10 owners licenses issued under this Act
3 shall permit the holder to own up to 2 riverboats and equipment
4 thereon for a period of 3 years after the effective date of the
5 license. Holders of the first 10 owners licenses must pay the
6 annual license fee for each of the 3 years during which they
7 are authorized to own riverboats.

8 (g) Upon the termination, expiration, or revocation of each
9 of the first 10 licenses, which shall be issued for a 3 year
10 period, all licenses are renewable annually upon payment of the
11 fee and a determination by the Board that the licensee
12 continues to meet all of the requirements of this Act and the
13 Board's rules. However, for licenses renewed on or after May 1,
14 1998, renewal shall be for a period of 4 years, unless the
15 Board sets a shorter period.

16 (h) An owners license shall entitle the licensee to own up
17 to 2 riverboats. A licensee shall limit the number of gambling
18 participants to 1,200 for any such owners license. A licensee
19 may operate both of its riverboats concurrently, provided that
20 the total number of gambling participants on both riverboats
21 does not exceed 1,200. Riverboats licensed to operate on the
22 Mississippi River and the Illinois River south of Marshall
23 County shall have an authorized capacity of at least 500
24 persons. Any other riverboat licensed under this Act shall have
25 an authorized capacity of at least 400 persons.

26 (i) A licensed owner is authorized to apply to the Board

1 for and, if approved therefor, to receive all licenses from the
2 Board necessary for the operation of a riverboat, including a
3 liquor license, a license to prepare and serve food for human
4 consumption, and other necessary licenses. All use, occupation
5 and excise taxes which apply to the sale of food and beverages
6 in this State and all taxes imposed on the sale or use of
7 tangible personal property apply to such sales aboard the
8 riverboat.

9 (j) The Board may issue or re-issue a license authorizing a
10 riverboat to dock in a municipality or approve a relocation
11 under Section 11.2 only if, prior to the issuance or
12 re-issuance of the license or approval, the governing body of
13 the municipality in which the riverboat will dock has by a
14 majority vote approved the docking of riverboats in the
15 municipality. The Board may issue or re-issue a license
16 authorizing a riverboat to dock in areas of a county outside
17 any municipality or approve a relocation under Section 11.2
18 only if, prior to the issuance or re-issuance of the license or
19 approval, the governing body of the county has by a majority
20 vote approved of the docking of riverboats within such areas.

21 (Source: P.A. 95-1008, eff. 12-15-08; 96-1392, eff. 1-1-11.)

22 (230 ILCS 10/7.4)

23 Sec. 7.4. Managers licenses.

24 (a) A qualified person may apply to the Board for a
25 managers license to operate and manage any gambling operation

1 conducted by the State. The application shall be made on forms
2 provided by the Board and shall contain such information as the
3 Board prescribes, including but not limited to information
4 required in Sections 6(a), (b), and (c) and information
5 relating to the applicant's proposed price to manage State
6 gambling operations and to provide the riverboat, gambling
7 equipment, and supplies necessary to conduct State gambling
8 operations.

9 (b) Each applicant must submit evidence to the Board that
10 minority persons and females hold ownership interests in the
11 applicant of at least 16% and 4%, respectively.

12 (c) A person, firm, or corporation is ineligible to receive
13 a managers license if:

14 (1) the person has been convicted of a felony under the
15 laws of this State, any other state, or the United States;

16 (2) the person has been convicted of any violation of
17 Article 28 of the Criminal Code of 1961 or the Criminal
18 Code of 2012, or substantially similar laws of any other
19 jurisdiction;

20 (3) the person has submitted an application for a
21 license under this Act which contains false information;

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

23 (5) a person defined in (1), (2), (3), or (4) is an
24 officer, director, or managerial employee of the firm or
25 corporation;

26 (6) the firm or corporation employs a person defined in

1 (1), (2), (3), or (4) who participates in the management or
2 operation of gambling operations authorized under this
3 Act; or

4 (7) a license of the person, firm, or corporation
5 issued under this Act, or a license to own or operate
6 gambling facilities in any other jurisdiction, has been
7 revoked.

8 (d) Each applicant shall submit with his or her
9 application, on forms prescribed by the Board, 2 sets of his or
10 her fingerprints.

11 (e) The Board shall charge each applicant a fee, set by the
12 Board, to defray the costs associated with the background
13 investigation conducted by the Board.

14 (f) A person who knowingly makes a false statement on an
15 application is guilty of a Class A misdemeanor.

16 (g) The managers license shall be for a term not to exceed
17 10 years, shall be renewable at the Board's option, and shall
18 contain such terms and provisions as the Board deems necessary
19 to protect or enhance the credibility and integrity of State
20 gambling operations, achieve the highest prospective total
21 revenue to the State, and otherwise serve the interests of the
22 citizens of Illinois.

23 (h) Issuance of a managers license shall be subject to an
24 open and competitive bidding process. The Board may select an
25 applicant other than the lowest bidder by price. If it does not
26 select the lowest bidder, the Board shall issue a notice of who

1 the lowest bidder was and a written decision as to why another
2 bidder was selected.

3 (Source: P.A. 93-28, eff. 6-20-03.)

4 (230 ILCS 10/8) (from Ch. 120, par. 2408)

5 Sec. 8. Suppliers licenses.

6 (a) The Board may issue a suppliers license to such
7 persons, firms or corporations which apply therefor upon the
8 payment of a non-refundable application fee set by the Board,
9 upon a determination by the Board that the applicant is
10 eligible for a suppliers license and upon payment of a \$5,000
11 annual license fee.

12 (b) The holder of a suppliers license is authorized to sell
13 or lease, and to contract to sell or lease, gambling equipment
14 and supplies to any licensee involved in the ownership or
15 management of gambling operations.

16 (c) Gambling supplies and equipment may not be distributed
17 unless supplies and equipment conform to standards adopted by
18 rules of the Board.

19 (d) A person, firm or corporation is ineligible to receive
20 a suppliers license if:

21 (1) the person has been convicted of a felony under the
22 laws of this State, any other state, or the United States;

23 (2) the person has been convicted of any violation of
24 Article 28 of the Criminal Code of 1961 or the Criminal
25 Code of 2012, or substantially similar laws of any other

1 jurisdiction;

2 (3) the person has submitted an application for a
3 license under this Act which contains false information;

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

5 (5) the firm or corporation is one in which a person
6 defined in (1), (2), (3) or (4), is an officer, director or
7 managerial employee;

8 (6) the firm or corporation employs a person who
9 participates in the management or operation of riverboat
10 gambling authorized under this Act;

11 (7) the license of the person, firm or corporation
12 issued under this Act, or a license to own or operate
13 gambling facilities in any other jurisdiction, has been
14 revoked.

15 (e) Any person that supplies any equipment, devices, or
16 supplies to a licensed riverboat gambling operation must first
17 obtain a suppliers license. A supplier shall furnish to the
18 Board a list of all equipment, devices and supplies offered for
19 sale or lease in connection with gambling games authorized
20 under this Act. A supplier shall keep books and records for the
21 furnishing of equipment, devices and supplies to gambling
22 operations separate and distinct from any other business that
23 the supplier might operate. A supplier shall file a quarterly
24 return with the Board listing all sales and leases. A supplier
25 shall permanently affix its name to all its equipment, devices,
26 and supplies for gambling operations. Any supplier's

1 equipment, devices or supplies which are used by any person in
2 an unauthorized gambling operation shall be forfeited to the
3 State. A licensed owner may own its own equipment, devices and
4 supplies. Each holder of an owners license under the Act shall
5 file an annual report listing its inventories of gambling
6 equipment, devices and supplies.

7 (f) Any person who knowingly makes a false statement on an
8 application is guilty of a Class A misdemeanor.

9 (g) Any gambling equipment, devices and supplies provided
10 by any licensed supplier may either be repaired on the
11 riverboat or removed from the riverboat to an on-shore facility
12 owned by the holder of an owners license for repair.

13 (Source: P.A. 86-1029; 87-826.)

14 (230 ILCS 10/9) (from Ch. 120, par. 2409)

15 Sec. 9. Occupational licenses.

16 (a) The Board may issue an occupational license to an
17 applicant upon the payment of a non-refundable fee set by the
18 Board, upon a determination by the Board that the applicant is
19 eligible for an occupational license and upon payment of an
20 annual license fee in an amount to be established. To be
21 eligible for an occupational license, an applicant must:

22 (1) be at least 21 years of age if the applicant will
23 perform any function involved in gaming by patrons. Any
24 applicant seeking an occupational license for a non-gaming
25 function shall be at least 18 years of age;

1 (2) not have been convicted of a felony offense, a
2 violation of Article 28 of the Criminal Code of 1961 or the
3 Criminal Code of 2012, or a similar statute of any other
4 jurisdiction;

5 (2.5) not have been convicted of a crime, other than a
6 crime described in item (2) of this subsection (a),
7 involving dishonesty or moral turpitude, except that the
8 Board may, in its discretion, issue an occupational license
9 to a person who has been convicted of a crime described in
10 this item (2.5) more than 10 years prior to his or her
11 application and has not subsequently been convicted of any
12 other crime;

13 (3) have demonstrated a level of skill or knowledge
14 which the Board determines to be necessary in order to
15 operate gambling aboard a riverboat; and

16 (4) have met standards for the holding of an
17 occupational license as adopted by rules of the Board. Such
18 rules shall provide that any person or entity seeking an
19 occupational license to manage gambling operations
20 hereunder shall be subject to background inquiries and
21 further requirements similar to those required of
22 applicants for an owners license. Furthermore, such rules
23 shall provide that each such entity shall be permitted to
24 manage gambling operations for only one licensed owner.

25 (b) Each application for an occupational license shall be
26 on forms prescribed by the Board and shall contain all

1 information required by the Board. The applicant shall set
2 forth in the application: whether he has been issued prior
3 gambling related licenses; whether he has been licensed in any
4 other state under any other name, and, if so, such name and his
5 age; and whether or not a permit or license issued to him in
6 any other state has been suspended, restricted or revoked, and,
7 if so, for what period of time.

8 (c) Each applicant shall submit with his application, on
9 forms provided by the Board, 2 sets of his fingerprints. The
10 Board shall charge each applicant a fee set by the Department
11 of State Police to defray the costs associated with the search
12 and classification of fingerprints obtained by the Board with
13 respect to the applicant's application. These fees shall be
14 paid into the State Police Services Fund.

15 (d) The Board may in its discretion refuse an occupational
16 license to any person: (1) who is unqualified to perform the
17 duties required of such applicant; (2) who fails to disclose or
18 states falsely any information called for in the application;
19 (3) who has been found guilty of a violation of this Act or
20 whose prior gambling related license or application therefor
21 has been suspended, restricted, revoked or denied for just
22 cause in any other state; or (4) for any other just cause.

23 (e) The Board may suspend, revoke or restrict any
24 occupational licensee: (1) for violation of any provision of
25 this Act; (2) for violation of any of the rules and regulations
26 of the Board; (3) for any cause which, if known to the Board,

1 would have disqualified the applicant from receiving such
2 license; or (4) for default in the payment of any obligation or
3 debt due to the State of Illinois; or (5) for any other just
4 cause.

5 (f) A person who knowingly makes a false statement on an
6 application is guilty of a Class A misdemeanor.

7 (g) Any license issued pursuant to this Section shall be
8 valid for a period of one year from the date of issuance.

9 (h) Nothing in this Act shall be interpreted to prohibit a
10 licensed owner from entering into an agreement with a public
11 community college or a school approved under the Private
12 Business and Vocational Schools Act of 2012 for the training of
13 any occupational licensee. Any training offered by such a
14 school shall be in accordance with a written agreement between
15 the licensed owner and the school.

16 (i) Any training provided for occupational licensees may be
17 conducted either on the riverboat or at a school with which a
18 licensed owner has entered into an agreement pursuant to
19 subsection (h).

20 (Source: P.A. 96-1392, eff. 1-1-11; 97-650, eff. 2-1-12.)

21 (230 ILCS 10/18) (from Ch. 120, par. 2418)

22 Sec. 18. Prohibited Activities - Penalty.

23 (a) A person is guilty of a Class A misdemeanor for doing
24 any of the following:

25 (1) Conducting gambling where wagering is used or to be

1 used without a license issued by the Board.

2 (2) Conducting gambling where wagering is permitted
3 other than in the manner specified by Section 11.

4 (b) A person is guilty of a Class B misdemeanor for doing
5 any of the following:

6 (1) permitting a person under 21 years to make a wager;
7 or

8 (2) violating paragraph (12) of subsection (a) of
9 Section 11 of this Act.

10 (c) A person wagering or accepting a wager at any location
11 outside the riverboat is subject to the penalties in paragraphs
12 (1) or (2) of subsection (a) of Section 28-1 of the Criminal
13 Code of 2012 ~~1961~~.

14 (d) A person commits a Class 4 felony and, in addition,
15 shall be barred for life from riverboats under the jurisdiction
16 of the Board, if the person does any of the following:

17 (1) Offers, promises, or gives anything of value or
18 benefit to a person who is connected with a riverboat owner
19 including, but not limited to, an officer or employee of a
20 licensed owner or holder of an occupational license
21 pursuant to an agreement or arrangement or with the intent
22 that the promise or thing of value or benefit will
23 influence the actions of the person to whom the offer,
24 promise, or gift was made in order to affect or attempt to
25 affect the outcome of a gambling game, or to influence
26 official action of a member of the Board.

1 (2) Solicits or knowingly accepts or receives a promise
2 of anything of value or benefit while the person is
3 connected with a riverboat including, but not limited to,
4 an officer or employee of a licensed owner, or holder of an
5 occupational license, pursuant to an understanding or
6 arrangement or with the intent that the promise or thing of
7 value or benefit will influence the actions of the person
8 to affect or attempt to affect the outcome of a gambling
9 game, or to influence official action of a member of the
10 Board.

11 (3) Uses or possesses with the intent to use a device
12 to assist:

13 (i) In projecting the outcome of the game.

14 (ii) In keeping track of the cards played.

15 (iii) In analyzing the probability of the
16 occurrence of an event relating to the gambling game.

17 (iv) In analyzing the strategy for playing or
18 betting to be used in the game except as permitted by
19 the Board.

20 (4) Cheats at a gambling game.

21 (5) Manufactures, sells, or distributes any cards,
22 chips, dice, game or device which is intended to be used to
23 violate any provision of this Act.

24 (6) Alters or misrepresents the outcome of a gambling
25 game on which wagers have been made after the outcome is
26 made sure but before it is revealed to the players.

1 (7) Places a bet after acquiring knowledge, not
2 available to all players, of the outcome of the gambling
3 game which is subject of the bet or to aid a person in
4 acquiring the knowledge for the purpose of placing a bet
5 contingent on that outcome.

6 (8) Claims, collects, or takes, or attempts to claim,
7 collect, or take, money or anything of value in or from the
8 gambling games, with intent to defraud, without having made
9 a wager contingent on winning a gambling game, or claims,
10 collects, or takes an amount of money or thing of value of
11 greater value than the amount won.

12 (9) Uses counterfeit chips or tokens in a gambling
13 game.

14 (10) Possesses any key or device designed for the
15 purpose of opening, entering, or affecting the operation of
16 a gambling game, drop box, or an electronic or mechanical
17 device connected with the gambling game or for removing
18 coins, tokens, chips or other contents of a gambling game.
19 This paragraph (10) does not apply to a gambling licensee
20 or employee of a gambling licensee acting in furtherance of
21 the employee's employment.

22 (e) The possession of more than one of the devices
23 described in subsection (d), paragraphs (3), (5), or (10)
24 permits a rebuttable presumption that the possessor intended to
25 use the devices for cheating.

26 (f) A person under the age of 21 who, except as authorized

1 under paragraph (10) of Section 11, enters upon a riverboat
2 commits a petty offense and is subject to a fine of not less
3 than \$100 or more than \$250 for a first offense and of not less
4 than \$200 or more than \$500 for a second or subsequent offense.

5 An action to prosecute any crime occurring on a riverboat
6 shall be tried in the county of the dock at which the riverboat
7 is based.

8 (Source: P.A. 96-1392, eff. 1-1-11.)

9 (230 ILCS 10/19) (from Ch. 120, par. 2419)

10 Sec. 19. Forfeiture of property. (a) Except as provided in
11 subsection (b), any riverboat used for the conduct of gambling
12 games in violation of this Act shall be considered a gambling
13 place in violation of Section 28-3 of the Criminal Code of 2012
14 ~~1961, as now or hereafter amended~~. Every gambling device found
15 on a riverboat operating gambling games in violation of this
16 Act shall be subject to seizure, confiscation and destruction
17 as provided in Section 28-5 of the Criminal Code of 2012 ~~1961,~~
18 ~~as now or hereafter amended~~.

19 (b) It is not a violation of this Act for a riverboat or
20 other watercraft which is licensed for gaming by a contiguous
21 state to dock on the shores of this State if the municipality
22 having jurisdiction of the shores, or the county in the case of
23 unincorporated areas, has granted permission for docking and no
24 gaming is conducted on the riverboat or other watercraft while
25 it is docked on the shores of this State. No gambling device

1 shall be subject to seizure, confiscation or destruction if the
2 gambling device is located on a riverboat or other watercraft
3 which is licensed for gaming by a contiguous state and which is
4 docked on the shores of this State if the municipality having
5 jurisdiction of the shores, or the county in the case of
6 unincorporated areas, has granted permission for docking and no
7 gaming is conducted on the riverboat or other watercraft while
8 it is docked on the shores of this State.

9 (Source: P.A. 86-1029.)

10 Section 475. The Raffles Act is amended by changing
11 Sections 1 and 8.1 as follows:

12 (230 ILCS 15/1) (from Ch. 85, par. 2301)

13 Sec. 1. Definitions.) For the purposes of this Act the
14 terms defined in this Section have the meanings given them.

15 "Net Proceeds" means the gross receipts from the conduct of
16 raffles, less reasonable sums expended for prizes, local
17 license fees and other reasonable operating expenses incurred
18 as a result of operating a raffle.

19 "Raffle" means a form of lottery, as defined in Section
20 28-2 (b) of the "Criminal Code of 2012 ~~1961~~", conducted by an
21 organization licensed under this Act, in which:

22 (1) the player pays or agrees to pay something of value for
23 a chance, represented and differentiated by a number or by a
24 combination of numbers or by some other medium, one or more of

1 which chances is to be designated the winning chance;

2 (2) the winning chance is to be determined through a
3 drawing or by some other method based on an element of chance
4 by an act or set of acts on the part of persons conducting or
5 connected with the lottery, except that the winning chance
6 shall not be determined by the outcome of a publicly exhibited
7 sporting contest.

8 (Source: P.A. 81-1365.)

9 (230 ILCS 15/8.1) (from Ch. 85, par. 2308.1)

10 Sec. 8.1. (a) Political Committees. For the purposes of
11 this Section the terms defined in this subsection have the
12 meanings given them.

13 "Net Proceeds" means the gross receipts from the conduct of
14 raffles, less reasonable sums expended for prizes, license fees
15 and other reasonable operating expenses incurred as a result of
16 operating a raffle.

17 "Raffle" means a form of lottery, as defined in Section
18 28-2 (b) of the "~~Criminal Code of 2012~~ 1961", conducted by a
19 political committee licensed under this Section, in which:

20 (1) the player pays or agrees to pay something of value
21 for a chance, represented and differentiated by a number or
22 by a combination of numbers or by some other medium, one or
23 more of which chances is to be designated the winning
24 chance;

25 (2) the winning chance is to be determined through a

1 drawing or by some other method based on an element of
2 chance by an act or set of acts on the part of persons
3 conducting or connected with the lottery, except that the
4 winning chance shall not be determined by the outcome of a
5 publicly exhibited sporting contest.

6 "Unresolved claim" means a claim for civil penalty under
7 Sections 9-3, 9-10, and 9-23 of The Election Code which has
8 been begun by the State Board of Elections, has been disputed
9 by the political committee under the applicable rules of the
10 State Board of Elections, and has not been finally decided
11 either by the State Board of Elections, or, where application
12 for review has been made to the Courts of Illinois, remains
13 finally undecided by the Courts.

14 "Owes" means that a political committee has been finally
15 determined under applicable rules of the State Board of
16 Elections to be liable for a civil penalty under Sections 9-3,
17 9-10, and 9-23 of The Election Code.

18 (b) Licenses issued pursuant to this Section shall be valid
19 for one raffle or for a specified number of raffles to be
20 conducted during a specified period not to exceed one year and
21 may be suspended or revoked for any violation of this Section.
22 The State Board of Elections shall act on a license application
23 within 30 days from the date of application.

24 (c) Licenses issued by the State Board of Elections are
25 subject to the following restrictions:

26 (1) No political committee shall conduct raffles or

1 chances without having first obtained a license therefor
2 pursuant to this Section.

3 (2) The application for license shall be prepared in
4 accordance with regulations of the State Board of Elections
5 and must specify the area or areas within the State in
6 which raffle chances will be sold or issued, the time
7 period during which raffle chances will be sold or issued,
8 the time of determination of winning chances and the
9 location or locations at which winning chances will be
10 determined.

11 (3) A license authorizes the licensee to conduct
12 raffles as defined in this Section.

13 The following are ineligible for any license under this
14 Section:

15 (i) any political committee which has an officer
16 who has been convicted of a felony;

17 (ii) any political committee which has an officer
18 who is or has been a professional gambler or gambling
19 promoter;

20 (iii) any political committee which has an officer
21 who is not of good moral character;

22 (iv) any political committee which has an officer
23 who is also an officer of a firm or corporation in
24 which a person defined in (i), (ii) or (iii) has a
25 proprietary, equitable or credit interest, or in which
26 such a person is active or employed;

1 (v) any political committee in which a person
2 defined in (i), (ii) or (iii) is an officer, director,
3 or employee, whether compensated or not;

4 (vi) any political committee in which a person
5 defined in (i), (ii) or (iii) is to participate in the
6 management or operation of a raffle as defined in this
7 Section;

8 (vii) any committee which, at the time of its
9 application for a license to conduct a raffle, owes the
10 State Board of Elections any unpaid civil penalty
11 authorized by Sections 9-3, 9-10, and 9-23 of The
12 Election Code, or is the subject of an unresolved claim
13 for a civil penalty under Sections 9-3, 9-10, and 9-23
14 of The Election Code;

15 (viii) any political committee which, at the time
16 of its application to conduct a raffle, has not
17 submitted any report or document required to be filed
18 by Article 9 of The Election Code and such report or
19 document is more than 10 days overdue.

20 (d) (1) The conducting of raffles is subject to the
21 following restrictions:

22 (i) The entire net proceeds of any raffle must be
23 exclusively devoted to the lawful purposes of the
24 political committee permitted to conduct that game.

25 (ii) No person except a bona fide member of the
26 political committee may participate in the management

1 or operation of the raffle.

2 (iii) No person may receive any remuneration or
3 profit for participating in the management or
4 operation of the raffle.

5 (iv) Raffle chances may be sold or issued only
6 within the area specified on the license and winning
7 chances may be determined only at those locations
8 specified on the license.

9 (v) A person under the age of 18 years may
10 participate in the conducting of raffles or chances
11 only with the permission of a parent or guardian. A
12 person under the age of 18 years may be within the area
13 where winning chances are being determined only when
14 accompanied by his parent or guardian.

15 (2) If a lessor rents premises where a winning chance
16 or chances on a raffle are determined, the lessor shall not
17 be criminally liable if the person who uses the premises
18 for the determining of winning chances does not hold a
19 license issued under the provisions of this Section.

20 (e) (1) Each political committee licensed to conduct
21 raffles and chances shall keep records of its gross
22 receipts, expenses and net proceeds for each single
23 gathering or occasion at which winning chances are
24 determined. All deductions from gross receipts for each
25 single gathering or occasion shall be documented with
26 receipts or other records indicating the amount, a

1 description of the purchased item or service or other
2 reason for the deduction, and the recipient. The
3 distribution of net proceeds shall be itemized as to payee,
4 purpose, amount and date of payment.

5 (2) Each political committee licensed to conduct
6 raffles shall report on the next report due to be filed
7 under Article 9 of The Election Code its gross receipts,
8 expenses and net proceeds from raffles, and the
9 distribution of net proceeds itemized as required in this
10 subsection.

11 Such reports shall be included in the regular reports
12 required of political committees by Article 9 of The Election
13 Code.

14 (3) Records required by this subsection shall be
15 preserved for 3 years, and political committees shall make
16 available their records relating to operation of raffles
17 for public inspection at reasonable times and places.

18 (f) Violation of any provision of this Section is a Class C
19 misdemeanor.

20 (g) Nothing in this Section shall be construed to authorize
21 the conducting or operating of any gambling scheme, enterprise,
22 activity or device other than raffles as provided for herein.

23 (Source: P.A. 93-615, eff. 11-19-03.)

24 Section 480. The Illinois Pull Tabs and Jar Games Act is
25 amended by changing Sections 2.1, 6, and 7 as follows:

1 (230 ILCS 20/2.1)

2 Sec. 2.1. Ineligibility for a license. The following are
3 ineligible for any license under this Act:

4 (1) Any person who has been convicted of a felony
5 within the last 10 years prior to the date of the
6 application.

7 (2) Any person who has been convicted of a violation of
8 Article 28 of the Criminal Code of 1961 or the Criminal
9 Code of 2012.

10 (3) Any person who has had a bingo, pull tabs and jar
11 games, or charitable games license revoked by the
12 Department.

13 (4) Any person who is or has been a professional
14 gambler.

15 (5) Any person found gambling in a manner not
16 authorized by the Illinois Pull Tabs and Jar Games Act, the
17 Bingo License and Tax Act, or the Charitable Games Act,
18 participating in such gambling, or knowingly permitting
19 such gambling on premises where pull tabs and jar games are
20 authorized to be conducted.

21 (6) Any firm or corporation in which a person defined
22 in (1), (2), (3), (4), or (5) has any proprietary,
23 equitable, or credit interest or in which such person is
24 active or employed.

25 (7) Any organization in which a person defined in (1),

1 (2), (3), (4), or (5) is an officer, director, or employee,
2 whether compensated or not.

3 (8) Any organization in which a person defined in (1),
4 (2), (3), (4), or (5) is to participate in the management
5 or operation of pull tabs and jar games.

6 The Department of State Police shall provide the criminal
7 background of any supplier as requested by the Department of
8 Revenue.

9 (Source: P.A. 95-228, eff. 8-16-07.)

10 (230 ILCS 20/6) (from Ch. 120, par. 1056)

11 Sec. 6. Each licensee must keep a complete record of pull
12 tabs and jar games conducted within the previous 3 years. Such
13 record shall be available for inspection by any employee of the
14 Department of Revenue during reasonable business hours. The
15 Department may require that any person, organization, or
16 corporation licensed under this Act obtain from an Illinois
17 certified public accounting firm at its own expense a certified
18 and unqualified financial statement and verification of
19 records of such organization. Failure of a pull tabs and jar
20 games licensee to comply with this requirement within 90 days
21 of receiving notice from the Department may result in
22 suspension or revocation of the licensee's license.

23 The Department of Revenue may, at its discretion, suspend or
24 revoke any license if it finds that the licensee or any person
25 connected therewith has violated or is violating this Act. A

1 suspension or revocation shall be in addition to, and not in
2 lieu of, any other civil penalties or assessments that are
3 authorized by this Act. No licensee under this Act, while pull
4 tabs and jar games chances are being conducted, shall knowingly
5 permit entry to any part of the licensed premises by any person
6 who has been convicted of a felony or a violation of Article 28
7 of the Criminal Code of 1961 or the Criminal Code of 2012.

8 (Source: P.A. 95-228, eff. 8-16-07.)

9 (230 ILCS 20/7) (from Ch. 120, par. 1057)

10 Sec. 7. Violations.

11 (a) Any person who conducts or knowingly participates in an
12 unlicensed pull tabs and jar game commits the offense of
13 gambling in violation of Section 28-1 of the Criminal Code of
14 2012 ~~1961, as amended~~. Any person who violates any other
15 provision of this Act, or any person who knowingly fails to
16 file a pull tabs and jar games return or who knowingly files a
17 fraudulent application or return under this Act, or any person
18 who wilfully violates any rule or regulation of the Department
19 for the administration and enforcement of this Act, or any
20 officer or agent of an organization licensed under this Act who
21 signs a fraudulent application or return filed on behalf of
22 such an organization, is guilty of a Class A misdemeanor.

23 (b) Any organization that illegally conducts pull tabs or
24 jar games, in addition to other penalties provided for in this
25 Act, shall be subject to a civil penalty equal to the amount of

1 gross proceeds derived from those unlicensed games, as well as
2 confiscation and forfeiture of all pull tabs and jar games
3 equipment used in the conduct of those unlicensed games.

4 (c) Any organization licensed to conduct pull tabs and jar
5 games which allows any form of illegal gambling to be conducted
6 on the premises where pull tabs and jar games are being
7 conducted, in addition to other penalties provided for in this
8 Act, shall be subject to a civil penalty equal to the amount of
9 gross proceeds derived on that day from pull tabs and jar games
10 and any illegal game that may have been conducted, as well as
11 confiscation and forfeiture of all pull tabs and jar games
12 equipment used in the conduct of any unlicensed or illegal
13 games.

14 (Source: P.A. 95-228, eff. 8-16-07.)

15 Section 485. The Bingo License and Tax Act is amended by
16 changing Sections 1.2, 4, and 5 as follows:

17 (230 ILCS 25/1.2)

18 Sec. 1.2. Ineligibility for licensure. The following are
19 ineligible for any license under this Act:

20 (1) Any person who has been convicted of a felony
21 within the last 10 years prior to the date of application.

22 (2) Any person who has been convicted of a violation of
23 Article 28 of the Criminal Code of 1961 or the Criminal
24 Code of 2012.

1 (3) Any person who has had a bingo, pull tabs and jar
2 games, or charitable games license revoked by the
3 Department.

4 (4) Any person who is or has been a professional
5 gambler.

6 (5) Any person found gambling in a manner not
7 authorized by the Illinois Pull Tabs and Jar Games Act,
8 Bingo License and Tax Act, or the Charitable Games Act,
9 participating in such gambling, or knowingly permitting
10 such gambling on premises where a bingo event is authorized
11 to be conducted or has been conducted.

12 (6) Any organization in which a person defined in (1),
13 (2), (3), (4), or (5) has a proprietary, equitable, or
14 credit interest, or in which such person is active or
15 employed.

16 (7) Any organization in which a person defined in (1),
17 (2), (3), (4), or (5) is an officer, director, or employee,
18 whether compensated or not.

19 (8) Any organization in which a person defined in (1),
20 (2), (3), (4), or (5) is to participate in the management
21 or operation of a bingo game.

22 The Department of State Police shall provide the criminal
23 background of any person requested by the Department of
24 Revenue.

25 (Source: P.A. 95-228, eff. 8-16-07.)

1 (230 ILCS 25/4) (from Ch. 120, par. 1104)

2 Sec. 4. Each licensee must keep a complete record of bingo
3 games conducted within the previous 3 years. Such record shall
4 be available for inspection by any employee of the Department
5 of Revenue during reasonable business hours.

6 The Department may require that any person, organization or
7 corporation licensed under this Act obtain from an Illinois
8 certified public accounting firm at its own expense a certified
9 and unqualified financial statement and verification of
10 records of such organization. Failure of a bingo licensee to
11 comply with this requirement within 90 days of receiving notice
12 from the Director may result in suspension or revocation of the
13 licensee's license.

14 The Department of Revenue may, at its discretion, suspend
15 or revoke any license if it finds that the licensee or any
16 person connected therewith has violated or is violating the
17 provisions of this Act. A suspension or revocation shall be in
18 addition to, and not in lieu of, any other civil penalties or
19 assessments that are authorized by this Act. No licensee under
20 this Act, while a bingo game is being conducted, shall
21 knowingly permit entry into any part of the licensed premises
22 by any person who has been convicted of a felony or a violation
23 of Article 28 of the "Criminal Code of 1961" or the Criminal
24 Code of 2012.

25 (Source: P.A. 95-228, eff. 8-16-07.)

1 (230 ILCS 25/5) (from Ch. 120, par. 1105)

2 Sec. 5. Penalties.

3 (a) Any person who conducts or knowingly participates in an
4 unlicensed bingo game commits the offense of gambling in
5 violation of Section 28-1 of the Criminal Code of 2012 ~~1961, as~~
6 ~~amended~~. Any person who violates any other provision of this
7 Act, or any person who knowingly fails to file a bingo return
8 or who knowingly files a fraudulent application or return under
9 this Act, or any person who wilfully violates any rule or
10 regulation of the Department for the administration and
11 enforcement of this Act, or any officer or agent of an
12 organization licensed under this Act who signs a fraudulent
13 application or return filed on behalf of such an organization,
14 is guilty of a Class A misdemeanor.

15 (b) Any organization that illegally conducts bingo, in
16 addition to other penalties provided for in this Act, shall be
17 subject to a civil penalty equal to the gross proceeds derived
18 from those unlicensed games, as well as confiscation and
19 forfeiture of all bingo equipment used in the conduct of those
20 unlicensed games.

21 (c) Any organization licensed to conduct bingo which allows
22 any form of illegal gambling to be conducted on the premises
23 where bingo is being conducted, in addition to other penalties
24 provided for in this Act, shall be subject to a civil penalty
25 equal to the amount of gross proceeds derived on that day from
26 bingo and any illegal game that may have been conducted, as

1 well as confiscation and forfeiture of all bingo equipment used
2 in the conduct of any unlicensed or illegal games.

3 (d) Any person or organization, in addition to other
4 penalties provided for in this Act, shall be subject to a civil
5 penalty not to exceed \$5,000 for any of the following
6 violations:

7 (1) Providing premises for the conduct of bingo without
8 first obtaining a license or a special permit to do so.

9 (2) Allowing unlicensed organizations to conduct bingo
10 on its premises.

11 (3) Allowing any form of illegal gambling to be
12 conducted on the premises where bingo is being conducted.

13 (Source: P.A. 95-228, eff. 8-16-07.)

14 Section 490. The Charitable Games Act is amended by
15 changing Sections 7, 10, and 12 as follows:

16 (230 ILCS 30/7) (from Ch. 120, par. 1127)

17 Sec. 7. Ineligible Persons. The following are ineligible
18 for any license under this Act:

19 (a) any person who has been convicted of a felony
20 within the last 10 years before the date of the
21 application;

22 (b) any person who has been convicted of a violation of
23 Article 28 of the Criminal Code of 1961 or the Criminal
24 Code of 2012;

1 (c) any person who has had a bingo, pull tabs and jar
2 games, or charitable games license revoked by the
3 Department;

4 (d) any person who is or has been a professional
5 gambler;

6 (d-1) any person found gambling in a manner not
7 authorized by this Act, the Illinois Pull Tabs and Jar
8 Games Act, or the Bingo License and Tax Act participating
9 in such gambling, or knowingly permitting such gambling on
10 premises where an authorized charitable games event is
11 authorized to be conducted or has been conducted;

12 (e) any organization in which a person defined in (a),
13 (b), (c), (d), or (d-1) has a proprietary, equitable, or
14 credit interest, or in which the person is active or
15 employed;

16 (f) any organization in which a person defined in (a),
17 (b), (c), (d), or (d-1) is an officer, director, or
18 employee, whether compensated or not;

19 (g) any organization in which a person defined in (a),
20 (b), (c), (d), or (d-1) is to participate in the management
21 or operation of charitable games.

22 The Department of State Police shall provide the criminal
23 background of any person requested by the Department of
24 Revenue.

25 (Source: P.A. 94-986, eff. 6-30-06; 95-228, eff. 8-16-07.)

1 (230 ILCS 30/10) (from Ch. 120, par. 1130)

2 Sec. 10. Each licensee must keep a complete record of
3 charitable games conducted within the previous 3 years. Such
4 record shall be open to inspection by any employee of the
5 Department of Revenue during reasonable business hours.

6 The Department may require that any person, organization or
7 corporation licensed under this Act obtain from an Illinois
8 certified public accounting firm at its own expense a certified
9 and unqualified financial statement and verification of
10 records of such organization. Failure of a charitable games
11 licensee to comply with this requirement within 90 days of
12 receiving notice from the Department may result in suspension
13 or revocation of the licensee's license.

14 The Department of Revenue may, at its discretion, suspend
15 or revoke any license if it finds that the licensee or any
16 person connected therewith has violated or is violating the
17 provisions of this Act. A revocation or suspension shall be in
18 addition to, and not in lieu of, any other civil penalties or
19 assessments that are authorized by this Act. No licensee under
20 this Act, while a charitable game is being conducted, shall
21 knowingly permit the entry into any part of the licensed
22 premises by any person who has been convicted of a violation of
23 Article 28 of the Criminal Code of 1961 or the Criminal Code of
24 2012.

25 (Source: P.A. 94-986, eff. 6-30-06; 95-228, eff. 8-16-07.)

1 (230 ILCS 30/12) (from Ch. 120, par. 1132)

2 Sec. 12. Penalties.

3 (1) Any person who conducts or knowingly participates in an
4 unlicensed charitable game commits the offense of gambling in
5 violation of Section 28-1 of the Criminal Code of 2012 ~~1961, as~~
6 ~~amended~~. Any person who violates any provision of this Act, or
7 any person who fails to file a charitable games return or who
8 files a fraudulent return or application under this Act, or any
9 person who willfully violates any rule or regulation of the
10 Department for the administration and enforcement of this Act,
11 or any officer or agent of an organization licensed under this
12 Act who signs a fraudulent return or application filed on
13 behalf of such an organization, is guilty of a Class A
14 misdemeanor. Any second or subsequent violation of this Act
15 constitutes a Class 4 felony.

16 (2) Any organization that illegally conducts charitable
17 games, in addition to other penalties provided for in this Act,
18 shall be subject to a civil penalty equal to the amount of
19 gross proceeds derived from those unlicensed games, as well as
20 confiscation and forfeiture of all charitable games equipment
21 used in the conduct of those unlicensed games.

22 (3) Any organization licensed to conduct charitable games
23 that allows any form of illegal gambling to be conducted on the
24 premises where charitable games are being conducted, in
25 addition to other penalties provided for in this Act, shall be
26 subject to a civil penalty equal to the amount of gross

1 proceeds derived on that day from charitable games and any
2 illegal game that may have been conducted, as well as
3 confiscation and forfeiture of all charitable games equipment
4 used in the conduct of any unlicensed or illegal games.

5 (4) Any person who violates any provision of this Act or
6 knowingly violates any rule of the Department for the
7 administration of this Act, in addition to other penalties
8 provided, shall be subject to a civil penalty not to exceed
9 \$250 for each separate violation.

10 (5) No person shall sell, lease, or distribute for
11 compensation within this State, or possess with intent to sell,
12 lease, or distribute for compensation within this State, any
13 chips, representations of money, wheels, or any devices or
14 equipment designed for use or used in the play of charitable
15 games without first having obtained a license to do so from the
16 Department of Revenue. Any person that knowingly violates this
17 paragraph is guilty of a Class A misdemeanor, the fine for
18 which shall not exceed \$50,000.

19 (Source: P.A. 94-986, eff. 6-30-06; 95-228, eff. 8-16-07.)

20 Section 495. The Video Gaming Act is amended by changing
21 Sections 35 and 45 as follows:

22 (230 ILCS 40/35)

23 Sec. 35. Display of license; confiscation; violation as
24 felony.

1 (a) Each video gaming terminal shall be licensed by the
2 Board before placement or operation on the premises of a
3 licensed establishment, licensed truck stop establishment,
4 licensed fraternal establishment, or licensed veterans
5 establishment. The license of each video gaming terminal shall
6 be maintained at the location where the video gaming terminal
7 is operated. Failure to do so is a petty offense with a fine
8 not to exceed \$100. Any licensed establishment, licensed truck
9 stop establishment, licensed fraternal establishment, or
10 licensed veterans establishment used for the conduct of
11 gambling games in violation of this Act shall be considered a
12 gambling place in violation of Section 28-3 of the Criminal
13 Code of 2012 ~~1961~~. Every gambling device found in a licensed
14 establishment, licensed truck stop establishment, licensed
15 fraternal establishment, or licensed veterans establishment
16 operating gambling games in violation of this Act shall be
17 subject to seizure, confiscation, and destruction as provided
18 in Section 28-5 of the Criminal Code of 2012 ~~1961~~. Any license
19 issued under the Liquor Control Act of 1934 to any owner or
20 operator of a licensed establishment, licensed truck stop
21 establishment, licensed fraternal establishment, or licensed
22 veterans establishment that operates or permits the operation
23 of a video gaming terminal within its establishment in
24 violation of this Act shall be immediately revoked. No person
25 may own, operate, have in his or her possession or custody or
26 under his or her control, or permit to be kept in any place

1 under his or her possession or control, any device that awards
2 credits and contains a circuit, meter, or switch capable of
3 removing and recording the removal of credits when the award of
4 credits is dependent upon chance. A violation of this Section
5 is a Class 4 felony. All devices that are owned, operated, or
6 possessed in violation of this Section are hereby declared to
7 be public nuisances and shall be subject to seizure,
8 confiscation, and destruction as provided in Section 28-5 of
9 the Criminal Code of 2012 ~~1961~~. The provisions of this Section
10 do not apply to devices or electronic video game terminals
11 licensed pursuant to this Act. A video gaming terminal operated
12 for amusement only and bearing a valid amusement tax sticker
13 shall not be subject to this Section until 30 days after the
14 Board establishes that the central communications system is
15 functional.

16 (b) (1) The odds of winning each video game shall be posted
17 on or near each video gaming terminal. The manner in which the
18 odds are calculated and how they are posted shall be determined
19 by the Board by rule.

20 (2) No video gaming terminal licensed under this Act may be
21 played except during the legal hours of operation allowed for
22 the consumption of alcoholic beverages at the licensed
23 establishment, licensed fraternal establishment, or licensed
24 veterans establishment. A licensed establishment, licensed
25 fraternal establishment, or licensed veterans establishment
26 that violates this subsection is subject to termination of its

1 license by the Board.

2 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09;
3 96-1410, eff. 7-30-10.)

4 (230 ILCS 40/45)

5 Sec. 45. Issuance of license.

6 (a) The burden is upon each applicant to demonstrate his
7 suitability for licensure. Each video gaming terminal
8 manufacturer, distributor, supplier, operator, handler,
9 licensed establishment, licensed truck stop establishment,
10 licensed fraternal establishment, and licensed veterans
11 establishment shall be licensed by the Board. The Board may
12 issue or deny a license under this Act to any person pursuant
13 to the same criteria set forth in Section 9 of the Riverboat
14 Gambling Act.

15 (a-5) The Board shall not grant a license to a person who
16 has facilitated, enabled, or participated in the use of
17 coin-operated devices for gambling purposes or who is under the
18 significant influence or control of such a person. For the
19 purposes of this Act, "facilitated, enabled, or participated in
20 the use of coin-operated amusement devices for gambling
21 purposes" means that the person has been convicted of any
22 violation of Article 28 of the Criminal Code of 1961 or the
23 Criminal Code of 2012. If there is pending legal action against
24 a person for any such violation, then the Board shall delay the
25 licensure of that person until the legal action is resolved.

1 (b) Each person seeking and possessing a license as a video
2 gaming terminal manufacturer, distributor, supplier, operator,
3 handler, licensed establishment, licensed truck stop
4 establishment, licensed fraternal establishment, or licensed
5 veterans establishment shall submit to a background
6 investigation conducted by the Board with the assistance of the
7 State Police or other law enforcement. The background
8 investigation shall include each beneficiary of a trust, each
9 partner of a partnership, and each director and officer and all
10 stockholders of 5% or more in a parent or subsidiary
11 corporation of a video gaming terminal manufacturer,
12 distributor, supplier, operator, or licensed establishment,
13 licensed truck stop establishment, licensed fraternal
14 establishment, or licensed veterans establishment.

15 (c) Each person seeking and possessing a license as a video
16 gaming terminal manufacturer, distributor, supplier, operator,
17 handler, licensed establishment, licensed truck stop
18 establishment, licensed fraternal establishment, or licensed
19 veterans establishment shall disclose the identity of every
20 person, association, trust, corporation, or limited liability
21 company having a greater than 1% direct or indirect pecuniary
22 interest in the video gaming terminal operation for which the
23 license is sought. If the disclosed entity is a trust, the
24 application shall disclose the names and addresses of the
25 beneficiaries; if a corporation, the names and addresses of all
26 stockholders and directors; if a limited liability company, the

1 names and addresses of all members; or if a partnership, the
2 names and addresses of all partners, both general and limited.

3 (d) No person may be licensed as a video gaming terminal
4 manufacturer, distributor, supplier, operator, handler,
5 licensed establishment, licensed truck stop establishment,
6 licensed fraternal establishment, or licensed veterans
7 establishment if that person has been found by the Board to:

8 (1) have a background, including a criminal record,
9 reputation, habits, social or business associations, or
10 prior activities that pose a threat to the public interests
11 of the State or to the security and integrity of video
12 gaming;

13 (2) create or enhance the dangers of unsuitable,
14 unfair, or illegal practices, methods, and activities in
15 the conduct of video gaming; or

16 (3) present questionable business practices and
17 financial arrangements incidental to the conduct of video
18 gaming activities.

19 (e) Any applicant for any license under this Act has the
20 burden of proving his or her qualifications to the satisfaction
21 of the Board. The Board may adopt rules to establish additional
22 qualifications and requirements to preserve the integrity and
23 security of video gaming in this State.

24 (f) A non-refundable application fee shall be paid at the
25 time an application for a license is filed with the Board in
26 the following amounts:

- 1 (1) Manufacturer \$5,000
- 2 (2) Distributor..... \$5,000
- 3 (3) Terminal operator..... \$5,000
- 4 (4) Supplier \$2,500
- 5 (5) Technician \$100
- 6 (6) Terminal Handler \$50

7 (g) The Board shall establish an annual fee for each
 8 license not to exceed the following:

- 9 (1) Manufacturer \$10,000
- 10 (2) Distributor..... \$10,000
- 11 (3) Terminal operator..... \$5,000
- 12 (4) Supplier \$2,000
- 13 (5) Technician \$100
- 14 (6) Licensed establishment, licensed truck stop
 15 establishment, licensed fraternal establishment,
 16 or licensed veterans establishment \$100
- 17 (7) Video gaming terminal..... \$100
- 18 (8) Terminal Handler \$50

19 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,
 20 eff. 7-13-09; 96-1000, eff. 7-2-10; 96-1410, eff. 7-30-10.)

21 Section 500. The Liquor Control Act of 1934 is amended by
 22 changing Section 6-2 as follows:

23 (235 ILCS 5/6-2) (from Ch. 43, par. 120)
 24 Sec. 6-2. Issuance of licenses to certain persons

1 prohibited.

2 (a) Except as otherwise provided in subsection (b) of this
3 Section and in paragraph (1) of subsection (a) of Section 3-12,
4 no license of any kind issued by the State Commission or any
5 local commission shall be issued to:

6 (1) A person who is not a resident of any city, village
7 or county in which the premises covered by the license are
8 located; except in case of railroad or boat licenses.

9 (2) A person who is not of good character and
10 reputation in the community in which he resides.

11 (3) A person who is not a citizen of the United States.

12 (4) A person who has been convicted of a felony under
13 any Federal or State law, unless the Commission determines
14 that such person has been sufficiently rehabilitated to
15 warrant the public trust after considering matters set
16 forth in such person's application and the Commission's
17 investigation. The burden of proof of sufficient
18 rehabilitation shall be on the applicant.

19 (5) A person who has been convicted of keeping a place
20 of prostitution or keeping a place of juvenile
21 prostitution, promoting prostitution that involves keeping
22 a place of prostitution, or promoting juvenile
23 prostitution that involves keeping a place of juvenile
24 prostitution.

25 (6) A person who has been convicted of pandering or
26 other crime or misdemeanor opposed to decency and morality.

1 (7) A person whose license issued under this Act has
2 been revoked for cause.

3 (8) A person who at the time of application for renewal
4 of any license issued hereunder would not be eligible for
5 such license upon a first application.

6 (9) A copartnership, if any general partnership
7 thereof, or any limited partnership thereof, owning more
8 than 5% of the aggregate limited partner interest in such
9 copartnership would not be eligible to receive a license
10 hereunder for any reason other than residence within the
11 political subdivision, unless residency is required by
12 local ordinance.

13 (10) A corporation or limited liability company, if any
14 member, officer, manager or director thereof, or any
15 stockholder or stockholders owning in the aggregate more
16 than 5% of the stock of such corporation, would not be
17 eligible to receive a license hereunder for any reason
18 other than citizenship and residence within the political
19 subdivision.

20 (10a) A corporation or limited liability company
21 unless it is incorporated or organized in Illinois, or
22 unless it is a foreign corporation or foreign limited
23 liability company which is qualified under the Business
24 Corporation Act of 1983 or the Limited Liability Company
25 Act to transact business in Illinois. The Commission shall
26 permit and accept from an applicant for a license under

1 this Act proof prepared from the Secretary of State's
2 website that the corporation or limited liability company
3 is in good standing and is qualified under the Business
4 Corporation Act of 1983 or the Limited Liability Company
5 Act to transact business in Illinois.

6 (11) A person whose place of business is conducted by a
7 manager or agent unless the manager or agent possesses the
8 same qualifications required by the licensee.

9 (12) A person who has been convicted of a violation of
10 any Federal or State law concerning the manufacture,
11 possession or sale of alcoholic liquor, subsequent to the
12 passage of this Act or has forfeited his bond to appear in
13 court to answer charges for any such violation.

14 (13) A person who does not beneficially own the
15 premises for which a license is sought, or does not have a
16 lease thereon for the full period for which the license is
17 to be issued.

18 (14) Any law enforcing public official, including
19 members of local liquor control commissions, any mayor,
20 alderman, or member of the city council or commission, any
21 president of the village board of trustees, any member of a
22 village board of trustees, or any president or member of a
23 county board; and no such official shall have a direct
24 interest in the manufacture, sale, or distribution of
25 alcoholic liquor, except that a license may be granted to
26 such official in relation to premises that are not located

1 within the territory subject to the jurisdiction of that
2 official if the issuance of such license is approved by the
3 State Liquor Control Commission and except that a license
4 may be granted, in a city or village with a population of
5 50,000 or less, to any alderman, member of a city council,
6 or member of a village board of trustees in relation to
7 premises that are located within the territory subject to
8 the jurisdiction of that official if (i) the sale of
9 alcoholic liquor pursuant to the license is incidental to
10 the selling of food, (ii) the issuance of the license is
11 approved by the State Commission, (iii) the issuance of the
12 license is in accordance with all applicable local
13 ordinances in effect where the premises are located, and
14 (iv) the official granted a license does not vote on
15 alcoholic liquor issues pending before the board or council
16 to which the license holder is elected. Notwithstanding any
17 provision of this paragraph (14) to the contrary, an
18 alderman or member of a city council or commission, a
19 member of a village board of trustees other than the
20 president of the village board of trustees, or a member of
21 a county board other than the president of a county board
22 may have a direct interest in the manufacture, sale, or
23 distribution of alcoholic liquor as long as he or she is
24 not a law enforcing public official, a mayor, a village
25 board president, or president of a county board. To prevent
26 any conflict of interest, the elected official with the

1 direct interest in the manufacture, sale, or distribution
2 of alcoholic liquor shall not participate in any meetings,
3 hearings, or decisions on matters impacting the
4 manufacture, sale, or distribution of alcoholic liquor.
5 Furthermore, the mayor of a city with a population of
6 50,000 or less or the president of a village with a
7 population of 50,000 or less may have an interest in the
8 manufacture, sale, or distribution of alcoholic liquor as
9 long as the council or board over which he or she presides
10 has made a local liquor control commissioner appointment
11 that complies with the requirements of Section 4-2 of this
12 Act.

13 (15) A person who is not a beneficial owner of the
14 business to be operated by the licensee.

15 (16) A person who has been convicted of a gambling
16 offense as proscribed by any of subsections (a) (3) through
17 (a) (11) of Section 28-1 of, or as proscribed by Section
18 28-1.1 or 28-3 of, the Criminal Code of 1961 or the
19 Criminal Code of 2012, or as proscribed by a statute
20 replaced by any of the aforesaid statutory provisions.

21 (17) A person or entity to whom a federal wagering
22 stamp has been issued by the federal government, unless the
23 person or entity is eligible to be issued a license under
24 the Raffles Act or the Illinois Pull Tabs and Jar Games
25 Act.

26 (18) A person who intends to sell alcoholic liquors for

1 use or consumption on his or her licensed retail premises
2 who does not have liquor liability insurance coverage for
3 that premises in an amount that is at least equal to the
4 maximum liability amounts set out in subsection (a) of
5 Section 6-21.

6 (b) A criminal conviction of a corporation is not grounds
7 for the denial, suspension, or revocation of a license applied
8 for or held by the corporation if the criminal conviction was
9 not the result of a violation of any federal or State law
10 concerning the manufacture, possession or sale of alcoholic
11 liquor, the offense that led to the conviction did not result
12 in any financial gain to the corporation and the corporation
13 has terminated its relationship with each director, officer,
14 employee, or controlling shareholder whose actions directly
15 contributed to the conviction of the corporation. The
16 Commission shall determine if all provisions of this subsection
17 (b) have been met before any action on the corporation's
18 license is initiated.

19 (Source: P.A. 96-1551, eff. 7-1-11; 97-1059, eff. 8-24-12.)

20 Section 505. The Illinois Public Aid Code is amended by
21 changing Sections 2-18, 4-1.7, 8A-2, 10-5, and 12-4.25 as
22 follows:

23 (305 ILCS 5/2-18)

24 Sec. 2-18. Domestic or sexual violence. "Domestic or sexual

1 violence" means domestic violence, sexual assault, or
2 stalking. Domestic or sexual violence may occur through
3 electronic communication.

4 "Domestic violence" means "abuse" as defined in Section 103
5 of the Illinois Domestic Violence Act of 1986 by a "family or
6 household member" as defined in Section 103 of the Illinois
7 Domestic Violence Act of 1986.

8 "Sexual assault" means any conduct proscribed by Sections
9 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
10 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 or the
11 Criminal Code of 2012.

12 "Stalking" means any conduct proscribed by Sections
13 12-7.3, 12-7.4, and 12-7.5 of the Criminal Code of 1961 or the
14 Criminal Code of 2012.

15 "Electronic communication" includes communications via
16 telephone, mobile phone, computer, e-mail, video recorder, fax
17 machine, telex, or pager, or any other "electronic
18 communication" as defined in Section 12-7.5 of the Criminal
19 Code of 2012 ~~1961~~.

20 (Source: P.A. 96-866, eff. 7-1-10.)

21 (305 ILCS 5/4-1.7) (from Ch. 23, par. 4-1.7)

22 Sec. 4-1.7. Enforcement of Parental Child Support
23 Obligation. If the parent or parents of the child are failing
24 to meet or are delinquent in their legal obligation to support
25 the child, the parent or other person having custody of the

1 child or the Department of Healthcare and Family Services may
2 request the law enforcement officer authorized or directed by
3 law to so act to file action for the enforcement of such
4 remedies as the law provides for the fulfillment of the child
5 support obligation.

6 If a parent has a judicial remedy against the other parent
7 to compel child support, or if, as the result of an action
8 initiated by or in behalf of one parent against the other, a
9 child support order has been entered in respect to which there
10 is noncompliance or delinquency, or where the order so entered
11 may be changed upon petition to the court to provide additional
12 support, the parent or other person having custody of the child
13 or the Department of Healthcare and Family Services may request
14 the appropriate law enforcement officer to seek enforcement of
15 the remedy, or of the support order, or a change therein to
16 provide additional support. If the law enforcement officer is
17 not authorized by law to so act in these instances, the parent,
18 or if so authorized by law the other person having custody of
19 the child, or the Department of Healthcare and Family Services
20 may initiate an action to enforce these remedies.

21 A parent or other person having custody of the child must
22 comply with the requirements of Title IV of the federal Social
23 Security Act, and the regulations duly promulgated thereunder,
24 and any rules promulgated by the Illinois Department regarding
25 enforcement of the child support obligation. The Department of
26 Healthcare and Family Services and the Department of Human

1 Services may provide by rule for the grant or continuation of
2 aid to the person for a temporary period if he or she accepts
3 counseling or other services designed to increase his or her
4 motivation to seek enforcement of the child support obligation.

5 In addition to any other definition of failure or refusal
6 to comply with the requirements of Title IV of the federal
7 Social Security Act, or Illinois Department rule, in the case
8 of failure to attend court hearings, the parent or other person
9 can show cooperation by attending a court hearing or, if a
10 court hearing cannot be scheduled within 14 days following the
11 court hearing that was missed, by signing a statement that the
12 parent or other person is now willing to cooperate in the child
13 support enforcement process and will appear at any later
14 scheduled court date. The parent or other person can show
15 cooperation by signing such a statement only once. If failure
16 to attend the court hearing or other failure to cooperate
17 results in the case being dismissed, such a statement may be
18 signed after 2 months.

19 No denial or termination of medical assistance pursuant to
20 this Section shall commence during pregnancy of the parent or
21 other person having custody of the child or for 30 days after
22 the termination of such pregnancy. The termination of medical
23 assistance may commence thereafter if the Department of
24 Healthcare and Family Services determines that the failure or
25 refusal to comply with this Section persists. Postponement of
26 denial or termination of medical assistance during pregnancy

1 under this paragraph shall be effective only to the extent it
2 does not conflict with federal law or regulation.

3 Any evidence a parent or other person having custody of the
4 child gives in order to comply with the requirements of this
5 Section shall not render him or her liable to prosecution under
6 Section 11-35 or 11-40 of the "Criminal Code of 2012 ~~1961~~",
7 ~~approved July 28, 1961, as amended.~~

8 When so requested, the Department of Healthcare and Family
9 Services and the Department of Human Services shall provide
10 such services and assistance as the law enforcement officer may
11 require in connection with the filing of any action hereunder.

12 The Department of Healthcare and Family Services and the
13 Department of Human Services, as an expense of administration,
14 may also provide applicants for and recipients of aid with such
15 services and assistance, including assumption of the
16 reasonable costs of prosecuting any action or proceeding, as
17 may be necessary to enable them to enforce the child support
18 liability required hereunder.

19 Nothing in this Section shall be construed as a requirement
20 that an applicant or recipient file an action for dissolution
21 of marriage against his or her spouse.

22 (Source: P.A. 95-331, eff. 8-21-07; 96-1551, eff. 7-1-11.)

23 (305 ILCS 5/8A-2) (from Ch. 23, par. 8A-2)

24 Sec. 8A-2. Recipient Fraud. (a) Any person, who by means of
25 any false statement, willful misrepresentation or failure to

1 notify the county department or the local governmental unit, as
2 the case may be, of a change in his status as required by
3 Sections 11-18 and 11-19, or any person who knowingly causes
4 any applicant or recipient without knowledge to make such a
5 false statement or willful misrepresentation, or by
6 withholding information causes the applicant or recipient to
7 fail to notify the county department or local governmental unit
8 as required, for the purpose of preventing the denial,
9 cancellation or suspension of any grant, or a variation in the
10 amount thereof, or through other fraudulent device obtains or
11 attempts to obtain, or aids or abets any person in obtaining
12 public aid under this Code to which he is not entitled is
13 guilty of a violation of this Article and shall be punished as
14 provided in Section 8A-6.

15 (b) If an applicant makes and subscribes an application
16 form under Section 11-15 which contains a written declaration
17 that it is made under penalties of perjury, knowing it to be
18 false, incorrect or incomplete in respect to any material
19 statement or representation bearing on his eligibility, income
20 or resources, the offender shall be subject to the penalties
21 for perjury as provided in Section 32-2 of the "Criminal Code
22 of 2012 ~~1961~~".

23 (Source: P.A. 82-440.)

24 (305 ILCS 5/10-5) (from Ch. 23, par. 10-5)

25 Sec. 10-5. Declarations by Responsible Relatives-Penalty.

1 Information requested of responsible relatives shall be
2 submitted on forms or questionnaires prescribed by the Illinois
3 Department or local governmental units, as the case may be, and
4 shall contain a written declaration to be signed by the
5 relative in substantially the following form:

6 "I declare under penalties of perjury that I have
7 examined this form (or questionnaire) and all accompanying
8 statements or documents pertaining to my income, resources, or
9 any other matter having bearing upon my status and ability to
10 provide support, and to the best of my knowledge and belief the
11 information supplied is true, correct, and complete".

12 A person who makes and subscribes a form or questionnaire
13 which contains, as hereinabove provided, a written declaration
14 that it is made under the penalties of perjury, knowing it to
15 be false, incorrect or incomplete, in respect to any material
16 statement or representation bearing upon his status as a
17 responsible relative, or upon his income, resources, or other
18 matter concerning his ability to provide support, shall be
19 subject to the penalties for perjury provided for in Section
20 32-2 of the "Criminal Code of 2012 ~~1961~~", ~~approved July 28,~~
21 ~~1961, as amended.~~

22 (Source: Laws 1967, p. 122.)

23 (305 ILCS 5/12-4.25) (from Ch. 23, par. 12-4.25)

24 Sec. 12-4.25. Medical assistance program; vendor
25 participation.

1 (A) The Illinois Department may deny, suspend, or terminate
2 the eligibility of any person, firm, corporation, association,
3 agency, institution or other legal entity to participate as a
4 vendor of goods or services to recipients under the medical
5 assistance program under Article V, or may exclude any such
6 person or entity from participation as such a vendor, and may
7 deny, suspend, or recover payments, if after reasonable notice
8 and opportunity for a hearing the Illinois Department finds:

9 (a) Such vendor is not complying with the Department's
10 policy or rules and regulations, or with the terms and
11 conditions prescribed by the Illinois Department in its
12 vendor agreement, which document shall be developed by the
13 Department as a result of negotiations with each vendor
14 category, including physicians, hospitals, long term care
15 facilities, pharmacists, optometrists, podiatrists and
16 dentists setting forth the terms and conditions applicable
17 to the participation of each vendor group in the program;
18 or

19 (b) Such vendor has failed to keep or make available
20 for inspection, audit or copying, after receiving a written
21 request from the Illinois Department, such records
22 regarding payments claimed for providing services. This
23 section does not require vendors to make available patient
24 records of patients for whom services are not reimbursed
25 under this Code; or

26 (c) Such vendor has failed to furnish any information

1 requested by the Department regarding payments for
2 providing goods or services; or

3 (d) Such vendor has knowingly made, or caused to be
4 made, any false statement or representation of a material
5 fact in connection with the administration of the medical
6 assistance program; or

7 (e) Such vendor has furnished goods or services to a
8 recipient which are (1) in excess of need, (2) harmful, or
9 (3) of grossly inferior quality, all of such determinations
10 to be based upon competent medical judgment and
11 evaluations; or

12 (f) The vendor; a person with management
13 responsibility for a vendor; an officer or person owning,
14 either directly or indirectly, 5% or more of the shares of
15 stock or other evidences of ownership in a corporate
16 vendor; an owner of a sole proprietorship which is a
17 vendor; or a partner in a partnership which is a vendor,
18 either:

19 (1) was previously terminated, suspended, or
20 excluded from participation in the Illinois medical
21 assistance program, or was terminated, suspended, or
22 excluded from participation in another state or
23 federal medical assistance or health care program; or

24 (2) was a person with management responsibility
25 for a vendor previously terminated, suspended, or
26 excluded from participation in the Illinois medical

1 assistance program, or terminated, suspended, or
2 excluded from participation in another state or
3 federal medical assistance or health care program
4 during the time of conduct which was the basis for that
5 vendor's termination, suspension, or exclusion; or

6 (3) was an officer, or person owning, either
7 directly or indirectly, 5% or more of the shares of
8 stock or other evidences of ownership in a corporate or
9 limited liability company vendor previously
10 terminated, suspended, or excluded from participation
11 in the Illinois medical assistance program, or
12 terminated, suspended, or excluded from participation
13 in a state or federal medical assistance or health care
14 program during the time of conduct which was the basis
15 for that vendor's termination, suspension, or
16 exclusion; or

17 (4) was an owner of a sole proprietorship or
18 partner of a partnership previously terminated,
19 suspended, or excluded from participation in the
20 Illinois medical assistance program, or terminated,
21 suspended, or excluded from participation in a state or
22 federal medical assistance or health care program
23 during the time of conduct which was the basis for that
24 vendor's termination, suspension, or exclusion; or

25 (f-1) Such vendor has a delinquent debt owed to the
26 Illinois Department; or

1 (g) The vendor; a person with management
2 responsibility for a vendor; an officer or person owning,
3 either directly or indirectly, 5% or more of the shares of
4 stock or other evidences of ownership in a corporate or
5 limited liability company vendor; an owner of a sole
6 proprietorship which is a vendor; or a partner in a
7 partnership which is a vendor, either:

8 (1) has engaged in practices prohibited by
9 applicable federal or State law or regulation; or

10 (2) was a person with management responsibility
11 for a vendor at the time that such vendor engaged in
12 practices prohibited by applicable federal or State
13 law or regulation; or

14 (3) was an officer, or person owning, either
15 directly or indirectly, 5% or more of the shares of
16 stock or other evidences of ownership in a vendor at
17 the time such vendor engaged in practices prohibited by
18 applicable federal or State law or regulation; or

19 (4) was an owner of a sole proprietorship or
20 partner of a partnership which was a vendor at the time
21 such vendor engaged in practices prohibited by
22 applicable federal or State law or regulation; or

23 (h) The direct or indirect ownership of the vendor
24 (including the ownership of a vendor that is a sole
25 proprietorship, a partner's interest in a vendor that is a
26 partnership, or ownership of 5% or more of the shares of

1 stock or other evidences of ownership in a corporate
2 vendor) has been transferred by an individual who is
3 terminated, suspended, or excluded or barred from
4 participating as a vendor to the individual's spouse,
5 child, brother, sister, parent, grandparent, grandchild,
6 uncle, aunt, niece, nephew, cousin, or relative by
7 marriage.

8 (A-5) The Illinois Department may deny, suspend, or
9 terminate the eligibility of any person, firm, corporation,
10 association, agency, institution, or other legal entity to
11 participate as a vendor of goods or services to recipients
12 under the medical assistance program under Article V, or may
13 exclude any such person or entity from participation as such a
14 vendor, if, after reasonable notice and opportunity for a
15 hearing, the Illinois Department finds that the vendor; a
16 person with management responsibility for a vendor; an officer
17 or person owning, either directly or indirectly, 5% or more of
18 the shares of stock or other evidences of ownership in a
19 corporate vendor; an owner of a sole proprietorship that is a
20 vendor; or a partner in a partnership that is a vendor has been
21 convicted of an offense based on fraud or willful
22 misrepresentation related to any of the following:

23 (1) The medical assistance program under Article V of
24 this Code.

25 (2) A medical assistance or health care program in
26 another state.

1 (3) The Medicare program under Title XVIII of the
2 Social Security Act.

3 (4) The provision of health care services.

4 (5) A violation of this Code, as provided in Article
5 VIII A, or another state or federal medical assistance
6 program or health care program.

7 (A-10) The Illinois Department may deny, suspend, or
8 terminate the eligibility of any person, firm, corporation,
9 association, agency, institution, or other legal entity to
10 participate as a vendor of goods or services to recipients
11 under the medical assistance program under Article V, or may
12 exclude any such person or entity from participation as such a
13 vendor, if, after reasonable notice and opportunity for a
14 hearing, the Illinois Department finds that (i) the vendor,
15 (ii) a person with management responsibility for a vendor,
16 (iii) an officer or person owning, either directly or
17 indirectly, 5% or more of the shares of stock or other
18 evidences of ownership in a corporate vendor, (iv) an owner of
19 a sole proprietorship that is a vendor, or (v) a partner in a
20 partnership that is a vendor has been convicted of an offense
21 related to any of the following:

22 (1) Murder.

23 (2) A Class X felony under the Criminal Code of 1961 or
24 the Criminal Code of 2012.

25 (3) Sexual misconduct that may subject recipients to an
26 undue risk of harm.

1 (4) A criminal offense that may subject recipients to
2 an undue risk of harm.

3 (5) A crime of fraud or dishonesty.

4 (6) A crime involving a controlled substance.

5 (7) A misdemeanor relating to fraud, theft,
6 embezzlement, breach of fiduciary responsibility, or other
7 financial misconduct related to a health care program.

8 (A-15) The Illinois Department may deny the eligibility of
9 any person, firm, corporation, association, agency,
10 institution, or other legal entity to participate as a vendor
11 of goods or services to recipients under the medical assistance
12 program under Article V if, after reasonable notice and
13 opportunity for a hearing, the Illinois Department finds:

14 (1) The applicant or any person with management
15 responsibility for the applicant; an officer or member of
16 the board of directors of an applicant; an entity owning
17 (directly or indirectly) 5% or more of the shares of stock
18 or other evidences of ownership in a corporate vendor
19 applicant; an owner of a sole proprietorship applicant; a
20 partner in a partnership applicant; or a technical or other
21 advisor to an applicant has a debt owed to the Illinois
22 Department, and no payment arrangements acceptable to the
23 Illinois Department have been made by the applicant.

24 (2) The applicant or any person with management
25 responsibility for the applicant; an officer or member of
26 the board of directors of an applicant; an entity owning

1 (directly or indirectly) 5% or more of the shares of stock
2 or other evidences of ownership in a corporate vendor
3 applicant; an owner of a sole proprietorship applicant; a
4 partner in a partnership vendor applicant; or a technical
5 or other advisor to an applicant was (i) a person with
6 management responsibility, (ii) an officer or member of the
7 board of directors of an applicant, (iii) an entity owning
8 (directly or indirectly) 5% or more of the shares of stock
9 or other evidences of ownership in a corporate vendor, (iv)
10 an owner of a sole proprietorship, (v) a partner in a
11 partnership vendor, (vi) a technical or other advisor to a
12 vendor, during a period of time where the conduct of that
13 vendor resulted in a debt owed to the Illinois Department,
14 and no payment arrangements acceptable to the Illinois
15 Department have been made by that vendor.

16 (3) There is a credible allegation of the use,
17 transfer, or lease of assets of any kind to an applicant
18 from a current or prior vendor who has a debt owed to the
19 Illinois Department, no payment arrangements acceptable to
20 the Illinois Department have been made by that vendor or
21 the vendor's alternate payee, and the applicant knows or
22 should have known of such debt.

23 (4) There is a credible allegation of a transfer of
24 management responsibilities, or direct or indirect
25 ownership, to an applicant from a current or prior vendor
26 who has a debt owed to the Illinois Department, and no

1 payment arrangements acceptable to the Illinois Department
2 have been made by that vendor or the vendor's alternate
3 payee, and the applicant knows or should have known of such
4 debt.

5 (5) There is a credible allegation of the use,
6 transfer, or lease of assets of any kind to an applicant
7 who is a spouse, child, brother, sister, parent,
8 grandparent, grandchild, uncle, aunt, niece, relative by
9 marriage, nephew, cousin, or relative of a current or prior
10 vendor who has a debt owed to the Illinois Department and
11 no payment arrangements acceptable to the Illinois
12 Department have been made.

13 (6) There is a credible allegation that the applicant's
14 previous affiliations with a provider of medical services
15 that has an uncollected debt, a provider that has been or
16 is subject to a payment suspension under a federal health
17 care program, or a provider that has been previously
18 excluded from participation in the medical assistance
19 program, poses a risk of fraud, waste, or abuse to the
20 Illinois Department.

21 As used in this subsection, "credible allegation" is
22 defined to include an allegation from any source, including,
23 but not limited to, fraud hotline complaints, claims data
24 mining, patterns identified through provider audits, civil
25 actions filed under the Illinois False Claims Act, and law
26 enforcement investigations. An allegation is considered to be

1 credible when it has indicia of reliability.

2 (B) The Illinois Department shall deny, suspend or
3 terminate the eligibility of any person, firm, corporation,
4 association, agency, institution or other legal entity to
5 participate as a vendor of goods or services to recipients
6 under the medical assistance program under Article V, or may
7 exclude any such person or entity from participation as such a
8 vendor:

9 (1) immediately, if such vendor is not properly
10 licensed, certified, or authorized;

11 (2) within 30 days of the date when such vendor's
12 professional license, certification or other authorization
13 has been refused renewal, restricted, revoked, suspended,
14 or otherwise terminated; or

15 (3) if such vendor has been convicted of a violation of
16 this Code, as provided in Article VIII A.

17 (C) Upon termination, suspension, or exclusion of a vendor
18 of goods or services from participation in the medical
19 assistance program authorized by this Article, a person with
20 management responsibility for such vendor during the time of
21 any conduct which served as the basis for that vendor's
22 termination, suspension, or exclusion is barred from
23 participation in the medical assistance program.

24 Upon termination, suspension, or exclusion of a corporate
25 vendor, the officers and persons owning, directly or
26 indirectly, 5% or more of the shares of stock or other

1 evidences of ownership in the vendor during the time of any
2 conduct which served as the basis for that vendor's
3 termination, suspension, or exclusion are barred from
4 participation in the medical assistance program. A person who
5 owns, directly or indirectly, 5% or more of the shares of stock
6 or other evidences of ownership in a terminated, suspended, or
7 excluded vendor may not transfer his or her ownership interest
8 in that vendor to his or her spouse, child, brother, sister,
9 parent, grandparent, grandchild, uncle, aunt, niece, nephew,
10 cousin, or relative by marriage.

11 Upon termination, suspension, or exclusion of a sole
12 proprietorship or partnership, the owner or partners during the
13 time of any conduct which served as the basis for that vendor's
14 termination, suspension, or exclusion are barred from
15 participation in the medical assistance program. The owner of a
16 terminated, suspended, or excluded vendor that is a sole
17 proprietorship, and a partner in a terminated, suspended, or
18 excluded vendor that is a partnership, may not transfer his or
19 her ownership or partnership interest in that vendor to his or
20 her spouse, child, brother, sister, parent, grandparent,
21 grandchild, uncle, aunt, niece, nephew, cousin, or relative by
22 marriage.

23 A person who owns, directly or indirectly, 5% or more of
24 the shares of stock or other evidences of ownership in a
25 corporate or limited liability company vendor who owes a debt
26 to the Department, if that vendor has not made payment

1 arrangements acceptable to the Department, shall not transfer
2 his or her ownership interest in that vendor, or vendor assets
3 of any kind, to his or her spouse, child, brother, sister,
4 parent, grandparent, grandchild, uncle, aunt, niece, nephew,
5 cousin, or relative by marriage.

6 Rules adopted by the Illinois Department to implement these
7 provisions shall specifically include a definition of the term
8 "management responsibility" as used in this Section. Such
9 definition shall include, but not be limited to, typical job
10 titles, and duties and descriptions which will be considered as
11 within the definition of individuals with management
12 responsibility for a provider.

13 A vendor or a prior vendor who has been terminated,
14 excluded, or suspended from the medical assistance program, or
15 from another state or federal medical assistance or health care
16 program, and any individual currently or previously barred from
17 the medical assistance program, or from another state or
18 federal medical assistance or health care program, as a result
19 of being an officer or a person owning, directly or indirectly,
20 5% or more of the shares of stock or other evidences of
21 ownership in a corporate or limited liability company vendor
22 during the time of any conduct which served as the basis for
23 that vendor's termination, suspension, or exclusion, may be
24 required to post a surety bond as part of a condition of
25 enrollment or participation in the medical assistance program.
26 The Illinois Department shall establish, by rule, the criteria

1 and requirements for determining when a surety bond must be
2 posted and the value of the bond.

3 A vendor or a prior vendor who has a debt owed to the
4 Illinois Department and any individual currently or previously
5 barred from the medical assistance program, or from another
6 state or federal medical assistance or health care program, as
7 a result of being an officer or a person owning, directly or
8 indirectly, 5% or more of the shares of stock or other
9 evidences of ownership in that corporate or limited liability
10 company vendor during the time of any conduct which served as
11 the basis for the debt, may be required to post a surety bond
12 as part of a condition of enrollment or participation in the
13 medical assistance program. The Illinois Department shall
14 establish, by rule, the criteria and requirements for
15 determining when a surety bond must be posted and the value of
16 the bond.

17 (D) If a vendor has been suspended from the medical
18 assistance program under Article V of the Code, the Director
19 may require that such vendor correct any deficiencies which
20 served as the basis for the suspension. The Director shall
21 specify in the suspension order a specific period of time,
22 which shall not exceed one year from the date of the order,
23 during which a suspended vendor shall not be eligible to
24 participate. At the conclusion of the period of suspension the
25 Director shall reinstate such vendor, unless he finds that such
26 vendor has not corrected deficiencies upon which the suspension

1 was based.

2 If a vendor has been terminated, suspended, or excluded
3 from the medical assistance program under Article V, such
4 vendor shall be barred from participation for at least one
5 year, except that if a vendor has been terminated, suspended,
6 or excluded based on a conviction of a violation of Article
7 VIII A or a conviction of a felony based on fraud or a willful
8 misrepresentation related to (i) the medical assistance
9 program under Article V, (ii) a federal or another state's
10 medical assistance or health care program, or (iii) the
11 provision of health care services, then the vendor shall be
12 barred from participation for 5 years or for the length of the
13 vendor's sentence for that conviction, whichever is longer. At
14 the end of one year a vendor who has been terminated,
15 suspended, or excluded may apply for reinstatement to the
16 program. Upon proper application to be reinstated such vendor
17 may be deemed eligible by the Director providing that such
18 vendor meets the requirements for eligibility under this Code.
19 If such vendor is deemed not eligible for reinstatement, he
20 shall be barred from again applying for reinstatement for one
21 year from the date his application for reinstatement is denied.

22 A vendor whose termination, suspension, or exclusion from
23 participation in the Illinois medical assistance program under
24 Article V was based solely on an action by a governmental
25 entity other than the Illinois Department may, upon
26 reinstatement by that governmental entity or upon reversal of

1 the termination, suspension, or exclusion, apply for
2 rescission of the termination, suspension, or exclusion from
3 participation in the Illinois medical assistance program. Upon
4 proper application for rescission, the vendor may be deemed
5 eligible by the Director if the vendor meets the requirements
6 for eligibility under this Code.

7 If a vendor has been terminated, suspended, or excluded and
8 reinstated to the medical assistance program under Article V
9 and the vendor is terminated, suspended, or excluded a second
10 or subsequent time from the medical assistance program, the
11 vendor shall be barred from participation for at least 2 years,
12 except that if a vendor has been terminated, suspended, or
13 excluded a second time based on a conviction of a violation of
14 Article VIII A or a conviction of a felony based on fraud or a
15 willful misrepresentation related to (i) the medical
16 assistance program under Article V, (ii) a federal or another
17 state's medical assistance or health care program, or (iii) the
18 provision of health care services, then the vendor shall be
19 barred from participation for life. At the end of 2 years, a
20 vendor who has been terminated, suspended, or excluded may
21 apply for reinstatement to the program. Upon application to be
22 reinstated, the vendor may be deemed eligible if the vendor
23 meets the requirements for eligibility under this Code. If the
24 vendor is deemed not eligible for reinstatement, the vendor
25 shall be barred from again applying for reinstatement for 2
26 years from the date the vendor's application for reinstatement

1 is denied.

2 (E) The Illinois Department may recover money improperly or
3 erroneously paid, or overpayments, either by setoff, crediting
4 against future billings or by requiring direct repayment to the
5 Illinois Department. The Illinois Department may suspend or
6 deny payment, in whole or in part, if such payment would be
7 improper or erroneous or would otherwise result in overpayment.

8 (1) Payments may be suspended, denied, or recovered
9 from a vendor or alternate payee: (i) for services rendered
10 in violation of the Illinois Department's provider
11 notices, statutes, rules, and regulations; (ii) for
12 services rendered in violation of the terms and conditions
13 prescribed by the Illinois Department in its vendor
14 agreement; (iii) for any vendor who fails to grant the
15 Office of Inspector General timely access to full and
16 complete records, including, but not limited to, records
17 relating to recipients under the medical assistance
18 program for the most recent 6 years, in accordance with
19 Section 140.28 of Title 89 of the Illinois Administrative
20 Code, and other information for the purpose of audits,
21 investigations, or other program integrity functions,
22 after reasonable written request by the Inspector General;
23 this subsection (E) does not require vendors to make
24 available the medical records of patients for whom services
25 are not reimbursed under this Code or to provide access to
26 medical records more than 6 years old; (iv) when the vendor

1 has knowingly made, or caused to be made, any false
2 statement or representation of a material fact in
3 connection with the administration of the medical
4 assistance program; or (v) when the vendor previously
5 rendered services while terminated, suspended, or excluded
6 from participation in the medical assistance program or
7 while terminated or excluded from participation in another
8 state or federal medical assistance or health care program.

9 (2) Notwithstanding any other provision of law, if a
10 vendor has the same taxpayer identification number
11 (assigned under Section 6109 of the Internal Revenue Code
12 of 1986) as is assigned to a vendor with past-due financial
13 obligations to the Illinois Department, the Illinois
14 Department may make any necessary adjustments to payments
15 to that vendor in order to satisfy any past-due
16 obligations, regardless of whether the vendor is assigned a
17 different billing number under the medical assistance
18 program.

19 If the Illinois Department establishes through an
20 administrative hearing that the overpayments resulted from the
21 vendor or alternate payee knowingly making, using, or causing
22 to be made or used, a false record or statement to obtain
23 payment or other benefit from the medical assistance program
24 under Article V, the Department may recover interest on the
25 amount of the payment or other benefit at the rate of 5% per
26 annum. In addition to any other penalties that may be

1 prescribed by law, such a vendor or alternate payee shall be
2 subject to civil penalties consisting of an amount not to
3 exceed 3 times the amount of payment or other benefit resulting
4 from each such false record or statement, and the sum of \$2,000
5 for each such false record or statement for payment or other
6 benefit. For purposes of this paragraph, "knowingly" means that
7 a vendor or alternate payee with respect to information: (i)
8 has actual knowledge of the information, (ii) acts in
9 deliberate ignorance of the truth or falsity of the
10 information, or (iii) acts in reckless disregard of the truth
11 or falsity of the information. No proof of specific intent to
12 defraud is required.

13 (F) The Illinois Department may withhold payments to any
14 vendor or alternate payee prior to or during the pendency of
15 any audit or proceeding under this Section, and through the
16 pendency of any administrative appeal or administrative review
17 by any court proceeding. The Illinois Department shall state by
18 rule with as much specificity as practicable the conditions
19 under which payments will not be withheld under this Section.
20 Payments may be denied for bills submitted with service dates
21 occurring during the pendency of a proceeding, after a final
22 decision has been rendered, or after the conclusion of any
23 administrative appeal, where the final administrative decision
24 is to terminate, exclude, or suspend eligibility to participate
25 in the medical assistance program. The Illinois Department
26 shall state by rule with as much specificity as practicable the

1 conditions under which payments will not be denied for such
2 bills. The Illinois Department shall state by rule a process
3 and criteria by which a vendor or alternate payee may request
4 full or partial release of payments withheld under this
5 subsection. The Department must complete a proceeding under
6 this Section in a timely manner.

7 Notwithstanding recovery allowed under subsection (E) or
8 this subsection (F), the Illinois Department may withhold
9 payments to any vendor or alternate payee who is not properly
10 licensed, certified, or in compliance with State or federal
11 agency regulations. Payments may be denied for bills submitted
12 with service dates occurring during the period of time that a
13 vendor is not properly licensed, certified, or in compliance
14 with State or federal regulations. Facilities licensed under
15 the Nursing Home Care Act shall have payments denied or
16 withheld pursuant to subsection (I) of this Section.

17 (F-5) The Illinois Department may temporarily withhold
18 payments to a vendor or alternate payee if any of the following
19 individuals have been indicted or otherwise charged under a law
20 of the United States or this or any other state with an offense
21 that is based on alleged fraud or willful misrepresentation on
22 the part of the individual related to (i) the medical
23 assistance program under Article V of this Code, (ii) a federal
24 or another state's medical assistance or health care program,
25 or (iii) the provision of health care services:

26 (1) If the vendor or alternate payee is a corporation:

1 an officer of the corporation or an individual who owns,
2 either directly or indirectly, 5% or more of the shares of
3 stock or other evidence of ownership of the corporation.

4 (2) If the vendor is a sole proprietorship: the owner
5 of the sole proprietorship.

6 (3) If the vendor or alternate payee is a partnership:
7 a partner in the partnership.

8 (4) If the vendor or alternate payee is any other
9 business entity authorized by law to transact business in
10 this State: an officer of the entity or an individual who
11 owns, either directly or indirectly, 5% or more of the
12 evidences of ownership of the entity.

13 If the Illinois Department withholds payments to a vendor
14 or alternate payee under this subsection, the Department shall
15 not release those payments to the vendor or alternate payee
16 while any criminal proceeding related to the indictment or
17 charge is pending unless the Department determines that there
18 is good cause to release the payments before completion of the
19 proceeding. If the indictment or charge results in the
20 individual's conviction, the Illinois Department shall retain
21 all withheld payments, which shall be considered forfeited to
22 the Department. If the indictment or charge does not result in
23 the individual's conviction, the Illinois Department shall
24 release to the vendor or alternate payee all withheld payments.

25 (F-10) If the Illinois Department establishes that the
26 vendor or alternate payee owes a debt to the Illinois

1 Department, and the vendor or alternate payee subsequently
2 fails to pay or make satisfactory payment arrangements with the
3 Illinois Department for the debt owed, the Illinois Department
4 may seek all remedies available under the law of this State to
5 recover the debt, including, but not limited to, wage
6 garnishment or the filing of claims or liens against the vendor
7 or alternate payee.

8 (F-15) Enforcement of judgment.

9 (1) Any fine, recovery amount, other sanction, or costs
10 imposed, or part of any fine, recovery amount, other
11 sanction, or cost imposed, remaining unpaid after the
12 exhaustion of or the failure to exhaust judicial review
13 procedures under the Illinois Administrative Review Law is
14 a debt due and owing the State and may be collected using
15 all remedies available under the law.

16 (2) After expiration of the period in which judicial
17 review under the Illinois Administrative Review Law may be
18 sought for a final administrative decision, unless stayed
19 by a court of competent jurisdiction, the findings,
20 decision, and order of the Director may be enforced in the
21 same manner as a judgment entered by a court of competent
22 jurisdiction.

23 (3) In any case in which any person or entity has
24 failed to comply with a judgment ordering or imposing any
25 fine or other sanction, any expenses incurred by the
26 Illinois Department to enforce the judgment, including,

1 but not limited to, attorney's fees, court costs, and costs
2 related to property demolition or foreclosure, after they
3 are fixed by a court of competent jurisdiction or the
4 Director, shall be a debt due and owing the State and may
5 be collected in accordance with applicable law. Prior to
6 any expenses being fixed by a final administrative decision
7 pursuant to this subsection (F-15), the Illinois
8 Department shall provide notice to the individual or entity
9 that states that the individual or entity shall appear at a
10 hearing before the administrative hearing officer to
11 determine whether the individual or entity has failed to
12 comply with the judgment. The notice shall set the date for
13 such a hearing, which shall not be less than 7 days from
14 the date that notice is served. If notice is served by
15 mail, the 7-day period shall begin to run on the date that
16 the notice was deposited in the mail.

17 (4) Upon being recorded in the manner required by
18 Article XII of the Code of Civil Procedure or by the
19 Uniform Commercial Code, a lien shall be imposed on the
20 real estate or personal estate, or both, of the individual
21 or entity in the amount of any debt due and owing the State
22 under this Section. The lien may be enforced in the same
23 manner as a judgment of a court of competent jurisdiction.
24 A lien shall attach to all property and assets of such
25 person, firm, corporation, association, agency,
26 institution, or other legal entity until the judgment is

1 satisfied.

2 (5) The Director may set aside any judgment entered by
3 default and set a new hearing date upon a petition filed at
4 any time (i) if the petitioner's failure to appear at the
5 hearing was for good cause, or (ii) if the petitioner
6 established that the Department did not provide proper
7 service of process. If any judgment is set aside pursuant
8 to this paragraph (5), the hearing officer shall have
9 authority to enter an order extinguishing any lien which
10 has been recorded for any debt due and owing the Illinois
11 Department as a result of the vacated default judgment.

12 (G) The provisions of the Administrative Review Law, as now
13 or hereafter amended, and the rules adopted pursuant thereto,
14 shall apply to and govern all proceedings for the judicial
15 review of final administrative decisions of the Illinois
16 Department under this Section. The term "administrative
17 decision" is defined as in Section 3-101 of the Code of Civil
18 Procedure.

19 (G-5) Vendors who pose a risk of fraud, waste, abuse, or
20 harm.

21 (1) Notwithstanding any other provision in this
22 Section, the Department may terminate, suspend, or exclude
23 vendors who pose a risk of fraud, waste, abuse, or harm
24 from participation in the medical assistance program prior
25 to an evidentiary hearing but after reasonable notice and
26 opportunity to respond as established by the Department by

1 rule.

2 (2) Vendors who pose a risk of fraud, waste, abuse, or
3 harm shall submit to a fingerprint-based criminal
4 background check on current and future information
5 available in the State system and current information
6 available through the Federal Bureau of Investigation's
7 system by submitting all necessary fees and information in
8 the form and manner prescribed by the Department of State
9 Police. The following individuals shall be subject to the
10 check:

11 (A) In the case of a vendor that is a corporation,
12 every shareholder who owns, directly or indirectly, 5%
13 or more of the outstanding shares of the corporation.

14 (B) In the case of a vendor that is a partnership,
15 every partner.

16 (C) In the case of a vendor that is a sole
17 proprietorship, the sole proprietor.

18 (D) Each officer or manager of the vendor.

19 Each such vendor shall be responsible for payment of
20 the cost of the criminal background check.

21 (3) Vendors who pose a risk of fraud, waste, abuse, or
22 harm may be required to post a surety bond. The Department
23 shall establish, by rule, the criteria and requirements for
24 determining when a surety bond must be posted and the value
25 of the bond.

26 (4) The Department, or its agents, may refuse to accept

1 requests for authorization from specific vendors who pose a
2 risk of fraud, waste, abuse, or harm, including
3 prior-approval and post-approval requests, if:

4 (A) the Department has initiated a notice of
5 termination, suspension, or exclusion of the vendor
6 from participation in the medical assistance program;
7 or

8 (B) the Department has issued notification of its
9 withholding of payments pursuant to subsection (F-5)
10 of this Section; or

11 (C) the Department has issued a notification of its
12 withholding of payments due to reliable evidence of
13 fraud or willful misrepresentation pending
14 investigation.

15 (5) As used in this subsection, the following terms are
16 defined as follows:

17 (A) "Fraud" means an intentional deception or
18 misrepresentation made by a person with the knowledge
19 that the deception could result in some unauthorized
20 benefit to himself or herself or some other person. It
21 includes any act that constitutes fraud under
22 applicable federal or State law.

23 (B) "Abuse" means provider practices that are
24 inconsistent with sound fiscal, business, or medical
25 practices and that result in an unnecessary cost to the
26 medical assistance program or in reimbursement for

1 services that are not medically necessary or that fail
2 to meet professionally recognized standards for health
3 care. It also includes recipient practices that result
4 in unnecessary cost to the medical assistance program.
5 Abuse does not include diagnostic or therapeutic
6 measures conducted primarily as a safeguard against
7 possible vendor liability.

8 (C) "Waste" means the unintentional misuse of
9 medical assistance resources, resulting in unnecessary
10 cost to the medical assistance program. Waste does not
11 include diagnostic or therapeutic measures conducted
12 primarily as a safeguard against possible vendor
13 liability.

14 (D) "Harm" means physical, mental, or monetary
15 damage to recipients or to the medical assistance
16 program.

17 (G-6) The Illinois Department, upon making a determination
18 based upon information in the possession of the Illinois
19 Department that continuation of participation in the medical
20 assistance program by a vendor would constitute an immediate
21 danger to the public, may immediately suspend such vendor's
22 participation in the medical assistance program without a
23 hearing. In instances in which the Illinois Department
24 immediately suspends the medical assistance program
25 participation of a vendor under this Section, a hearing upon
26 the vendor's participation must be convened by the Illinois

1 Department within 15 days after such suspension and completed
2 without appreciable delay. Such hearing shall be held to
3 determine whether to recommend to the Director that the
4 vendor's medical assistance program participation be denied,
5 terminated, suspended, placed on provisional status, or
6 reinstated. In the hearing, any evidence relevant to the vendor
7 constituting an immediate danger to the public may be
8 introduced against such vendor; provided, however, that the
9 vendor, or his or her counsel, shall have the opportunity to
10 discredit, impeach, and submit evidence rebutting such
11 evidence.

12 (H) Nothing contained in this Code shall in any way limit
13 or otherwise impair the authority or power of any State agency
14 responsible for licensing of vendors.

15 (I) Based on a finding of noncompliance on the part of a
16 nursing home with any requirement for certification under Title
17 XVIII or XIX of the Social Security Act (42 U.S.C. Sec. 1395 et
18 seq. or 42 U.S.C. Sec. 1396 et seq.), the Illinois Department
19 may impose one or more of the following remedies after notice
20 to the facility:

21 (1) Termination of the provider agreement.

22 (2) Temporary management.

23 (3) Denial of payment for new admissions.

24 (4) Civil money penalties.

25 (5) Closure of the facility in emergency situations or
26 transfer of residents, or both.

1 (6) State monitoring.

2 (7) Denial of all payments when the U.S. Department of
3 Health and Human Services has imposed this sanction.

4 The Illinois Department shall by rule establish criteria
5 governing continued payments to a nursing facility subsequent
6 to termination of the facility's provider agreement if, in the
7 sole discretion of the Illinois Department, circumstances
8 affecting the health, safety, and welfare of the facility's
9 residents require those continued payments. The Illinois
10 Department may condition those continued payments on the
11 appointment of temporary management, sale of the facility to
12 new owners or operators, or other arrangements that the
13 Illinois Department determines best serve the needs of the
14 facility's residents.

15 Except in the case of a facility that has a right to a
16 hearing on the finding of noncompliance before an agency of the
17 federal government, a facility may request a hearing before a
18 State agency on any finding of noncompliance within 60 days
19 after the notice of the intent to impose a remedy. Except in
20 the case of civil money penalties, a request for a hearing
21 shall not delay imposition of the penalty. The choice of
22 remedies is not appealable at a hearing. The level of
23 noncompliance may be challenged only in the case of a civil
24 money penalty. The Illinois Department shall provide by rule
25 for the State agency that will conduct the evidentiary
26 hearings.

1 The Illinois Department may collect interest on unpaid
2 civil money penalties.

3 The Illinois Department may adopt all rules necessary to
4 implement this subsection (I).

5 (J) The Illinois Department, by rule, may permit individual
6 practitioners to designate that Department payments that may be
7 due the practitioner be made to an alternate payee or alternate
8 payees.

9 (a) Such alternate payee or alternate payees shall be
10 required to register as an alternate payee in the Medical
11 Assistance Program with the Illinois Department.

12 (b) If a practitioner designates an alternate payee,
13 the alternate payee and practitioner shall be jointly and
14 severally liable to the Department for payments made to the
15 alternate payee. Pursuant to subsection (E) of this
16 Section, any Department action to suspend or deny payment
17 or recover money or overpayments from an alternate payee
18 shall be subject to an administrative hearing.

19 (c) Registration as an alternate payee or alternate
20 payees in the Illinois Medical Assistance Program shall be
21 conditional. At any time, the Illinois Department may deny
22 or cancel any alternate payee's registration in the
23 Illinois Medical Assistance Program without cause. Any
24 such denial or cancellation is not subject to an
25 administrative hearing.

26 (d) The Illinois Department may seek a revocation of

1 any alternate payee, and all owners, officers, and
2 individuals with management responsibility for such
3 alternate payee shall be permanently prohibited from
4 participating as an owner, an officer, or an individual
5 with management responsibility with an alternate payee in
6 the Illinois Medical Assistance Program, if after
7 reasonable notice and opportunity for a hearing the
8 Illinois Department finds that:

9 (1) the alternate payee is not complying with the
10 Department's policy or rules and regulations, or with
11 the terms and conditions prescribed by the Illinois
12 Department in its alternate payee registration
13 agreement; or

14 (2) the alternate payee has failed to keep or make
15 available for inspection, audit, or copying, after
16 receiving a written request from the Illinois
17 Department, such records regarding payments claimed as
18 an alternate payee; or

19 (3) the alternate payee has failed to furnish any
20 information requested by the Illinois Department
21 regarding payments claimed as an alternate payee; or

22 (4) the alternate payee has knowingly made, or
23 caused to be made, any false statement or
24 representation of a material fact in connection with
25 the administration of the Illinois Medical Assistance
26 Program; or

1 (5) the alternate payee, a person with management
2 responsibility for an alternate payee, an officer or
3 person owning, either directly or indirectly, 5% or
4 more of the shares of stock or other evidences of
5 ownership in a corporate alternate payee, or a partner
6 in a partnership which is an alternate payee:

7 (a) was previously terminated, suspended, or
8 excluded from participation as a vendor in the
9 Illinois Medical Assistance Program, or was
10 previously revoked as an alternate payee in the
11 Illinois Medical Assistance Program, or was
12 terminated, suspended, or excluded from
13 participation as a vendor in a medical assistance
14 program in another state that is of the same kind
15 as the program of medical assistance provided
16 under Article V of this Code; or

17 (b) was a person with management
18 responsibility for a vendor previously terminated,
19 suspended, or excluded from participation as a
20 vendor in the Illinois Medical Assistance Program,
21 or was previously revoked as an alternate payee in
22 the Illinois Medical Assistance Program, or was
23 terminated, suspended, or excluded from
24 participation as a vendor in a medical assistance
25 program in another state that is of the same kind
26 as the program of medical assistance provided

1 under Article V of this Code, during the time of
2 conduct which was the basis for that vendor's
3 termination, suspension, or exclusion or alternate
4 payee's revocation; or

5 (c) was an officer, or person owning, either
6 directly or indirectly, 5% or more of the shares of
7 stock or other evidences of ownership in a
8 corporate vendor previously terminated, suspended,
9 or excluded from participation as a vendor in the
10 Illinois Medical Assistance Program, or was
11 previously revoked as an alternate payee in the
12 Illinois Medical Assistance Program, or was
13 terminated, suspended, or excluded from
14 participation as a vendor in a medical assistance
15 program in another state that is of the same kind
16 as the program of medical assistance provided
17 under Article V of this Code, during the time of
18 conduct which was the basis for that vendor's
19 termination, suspension, or exclusion; or

20 (d) was an owner of a sole proprietorship or
21 partner in a partnership previously terminated,
22 suspended, or excluded from participation as a
23 vendor in the Illinois Medical Assistance Program,
24 or was previously revoked as an alternate payee in
25 the Illinois Medical Assistance Program, or was
26 terminated, suspended, or excluded from

1 participation as a vendor in a medical assistance
2 program in another state that is of the same kind
3 as the program of medical assistance provided
4 under Article V of this Code, during the time of
5 conduct which was the basis for that vendor's
6 termination, suspension, or exclusion or alternate
7 payee's revocation; or

8 (6) the alternate payee, a person with management
9 responsibility for an alternate payee, an officer or
10 person owning, either directly or indirectly, 5% or
11 more of the shares of stock or other evidences of
12 ownership in a corporate alternate payee, or a partner
13 in a partnership which is an alternate payee:

14 (a) has engaged in conduct prohibited by
15 applicable federal or State law or regulation
16 relating to the Illinois Medical Assistance
17 Program; or

18 (b) was a person with management
19 responsibility for a vendor or alternate payee at
20 the time that the vendor or alternate payee engaged
21 in practices prohibited by applicable federal or
22 State law or regulation relating to the Illinois
23 Medical Assistance Program; or

24 (c) was an officer, or person owning, either
25 directly or indirectly, 5% or more of the shares of
26 stock or other evidences of ownership in a vendor

1 or alternate payee at the time such vendor or
2 alternate payee engaged in practices prohibited by
3 applicable federal or State law or regulation
4 relating to the Illinois Medical Assistance
5 Program; or

6 (d) was an owner of a sole proprietorship or
7 partner in a partnership which was a vendor or
8 alternate payee at the time such vendor or
9 alternate payee engaged in practices prohibited by
10 applicable federal or State law or regulation
11 relating to the Illinois Medical Assistance
12 Program; or

13 (7) the direct or indirect ownership of the vendor
14 or alternate payee (including the ownership of a vendor
15 or alternate payee that is a partner's interest in a
16 vendor or alternate payee, or ownership of 5% or more
17 of the shares of stock or other evidences of ownership
18 in a corporate vendor or alternate payee) has been
19 transferred by an individual who is terminated,
20 suspended, or excluded or barred from participating as
21 a vendor or is prohibited or revoked as an alternate
22 payee to the individual's spouse, child, brother,
23 sister, parent, grandparent, grandchild, uncle, aunt,
24 niece, nephew, cousin, or relative by marriage.

25 (K) The Illinois Department of Healthcare and Family
26 Services may withhold payments, in whole or in part, to a

1 provider or alternate payee where there is credible evidence,
2 received from State or federal law enforcement or federal
3 oversight agencies or from the results of a preliminary
4 Department audit, that the circumstances giving rise to the
5 need for a withholding of payments may involve fraud or willful
6 misrepresentation under the Illinois Medical Assistance
7 program. The Department shall by rule define what constitutes
8 "credible" evidence for purposes of this subsection. The
9 Department may withhold payments without first notifying the
10 provider or alternate payee of its intention to withhold such
11 payments. A provider or alternate payee may request a
12 reconsideration of payment withholding, and the Department
13 must grant such a request. The Department shall state by rule a
14 process and criteria by which a provider or alternate payee may
15 request full or partial release of payments withheld under this
16 subsection. This request may be made at any time after the
17 Department first withholds such payments.

18 (a) The Illinois Department must send notice of its
19 withholding of program payments within 5 days of taking
20 such action. The notice must set forth the general
21 allegations as to the nature of the withholding action, but
22 need not disclose any specific information concerning its
23 ongoing investigation. The notice must do all of the
24 following:

25 (1) State that payments are being withheld in
26 accordance with this subsection.

1 (2) State that the withholding is for a temporary
2 period, as stated in paragraph (b) of this subsection,
3 and cite the circumstances under which withholding
4 will be terminated.

5 (3) Specify, when appropriate, which type or types
6 of Medicaid claims withholding is effective.

7 (4) Inform the provider or alternate payee of the
8 right to submit written evidence for reconsideration
9 of the withholding by the Illinois Department.

10 (5) Inform the provider or alternate payee that a
11 written request may be made to the Illinois Department
12 for full or partial release of withheld payments and
13 that such requests may be made at any time after the
14 Department first withholds such payments.

15 (b) All withholding-of-payment actions under this
16 subsection shall be temporary and shall not continue after
17 any of the following:

18 (1) The Illinois Department or the prosecuting
19 authorities determine that there is insufficient
20 evidence of fraud or willful misrepresentation by the
21 provider or alternate payee.

22 (2) Legal proceedings related to the provider's or
23 alternate payee's alleged fraud, willful
24 misrepresentation, violations of this Act, or
25 violations of the Illinois Department's administrative
26 rules are completed.

1 (3) The withholding of payments for a period of 3
2 years.

3 (c) The Illinois Department may adopt all rules
4 necessary to implement this subsection (K).

5 (K-5) The Illinois Department may withhold payments, in
6 whole or in part, to a provider or alternate payee upon
7 initiation of an audit, quality of care review, investigation
8 when there is a credible allegation of fraud, or the provider
9 or alternate payee demonstrating a clear failure to cooperate
10 with the Illinois Department such that the circumstances give
11 rise to the need for a withholding of payments. As used in this
12 subsection, "credible allegation" is defined to include an
13 allegation from any source, including, but not limited to,
14 fraud hotline complaints, claims data mining, patterns
15 identified through provider audits, civil actions filed under
16 the Illinois False Claims Act, and law enforcement
17 investigations. An allegation is considered to be credible when
18 it has indicia of reliability. The Illinois Department may
19 withhold payments without first notifying the provider or
20 alternate payee of its intention to withhold such payments. A
21 provider or alternate payee may request a hearing or a
22 reconsideration of payment withholding, and the Illinois
23 Department must grant such a request. The Illinois Department
24 shall state by rule a process and criteria by which a provider
25 or alternate payee may request a hearing or a reconsideration
26 for the full or partial release of payments withheld under this

1 subsection. This request may be made at any time after the
2 Illinois Department first withholds such payments.

3 (a) The Illinois Department must send notice of its
4 withholding of program payments within 5 days of taking
5 such action. The notice must set forth the general
6 allegations as to the nature of the withholding action but
7 need not disclose any specific information concerning its
8 ongoing investigation. The notice must do all of the
9 following:

10 (1) State that payments are being withheld in
11 accordance with this subsection.

12 (2) State that the withholding is for a temporary
13 period, as stated in paragraph (b) of this subsection,
14 and cite the circumstances under which withholding
15 will be terminated.

16 (3) Specify, when appropriate, which type or types
17 of claims are withheld.

18 (4) Inform the provider or alternate payee of the
19 right to request a hearing or a reconsideration of the
20 withholding by the Illinois Department, including the
21 ability to submit written evidence.

22 (5) Inform the provider or alternate payee that a
23 written request may be made to the Illinois Department
24 for a hearing or a reconsideration for the full or
25 partial release of withheld payments and that such
26 requests may be made at any time after the Illinois

1 Department first withholds such payments.

2 (b) All withholding of payment actions under this
3 subsection shall be temporary and shall not continue after
4 any of the following:

5 (1) The Illinois Department determines that there
6 is insufficient evidence of fraud, or the provider or
7 alternate payee demonstrates clear cooperation with
8 the Illinois Department, as determined by the Illinois
9 Department, such that the circumstances do not give
10 rise to the need for withholding of payments; or

11 (2) The withholding of payments has lasted for a
12 period in excess of 3 years.

13 (c) The Illinois Department may adopt all rules
14 necessary to implement this subsection (K-5).

15 (L) The Illinois Department shall establish a protocol to
16 enable health care providers to disclose an actual or potential
17 violation of this Section pursuant to a self-referral
18 disclosure protocol, referred to in this subsection as "the
19 protocol". The protocol shall include direction for health care
20 providers on a specific person, official, or office to whom
21 such disclosures shall be made. The Illinois Department shall
22 post information on the protocol on the Illinois Department's
23 public website. The Illinois Department may adopt rules
24 necessary to implement this subsection (L). In addition to
25 other factors that the Illinois Department finds appropriate,
26 the Illinois Department may consider a health care provider's

1 timely use or failure to use the protocol in considering the
2 provider's failure to comply with this Code.

3 (M) Notwithstanding any other provision of this Code, the
4 Illinois Department, at its discretion, may exempt an entity
5 licensed under the Nursing Home Care Act and the ID/DD
6 Community Care Act from the provisions of subsections (A-15),
7 (B), and (C) of this Section if the licensed entity is in
8 receivership.

9 (Source: P.A. 97-689, eff. 6-14-12; revised 8-3-12.)

10 Section 510. The Abandoned Newborn Infant Protection Act is
11 amended by changing Section 25 as follows:

12 (325 ILCS 2/25)

13 Sec. 25. Immunity for relinquishing person.

14 (a) The act of relinquishing a newborn infant to a
15 hospital, police station, fire station, or emergency medical
16 facility in accordance with this Act does not, by itself,
17 constitute a basis for a finding of abuse, neglect, or
18 abandonment of the infant pursuant to the laws of this State
19 nor does it, by itself, constitute a violation of Section 12C-5
20 or 12C-10 of the Criminal Code of 2012 ~~1961~~.

21 (b) If there is suspected child abuse or neglect that is
22 not based solely on the newborn infant's relinquishment to a
23 hospital, police station, fire station, or emergency medical
24 facility, the personnel of the hospital, police station, fire

1 station, or emergency medical facility who are mandated
2 reporters under the Abused and Neglected Child Reporting Act
3 must report the abuse or neglect pursuant to that Act.

4 (c) Neither a child protective investigation nor a criminal
5 investigation may be initiated solely because a newborn infant
6 is relinquished pursuant to this Act.

7 (Source: P.A. 97-1109, eff. 1-1-13.)

8 Section 515. The Abused and Neglected Child Reporting Act
9 is amended by changing Sections 3, 4, 4.5, 7, 7.6, and 7.8 as
10 follows:

11 (325 ILCS 5/3) (from Ch. 23, par. 2053)

12 Sec. 3. As used in this Act unless the context otherwise
13 requires:

14 "Adult resident" means any person between 18 and 22 years
15 of age who resides in any facility licensed by the Department
16 under the Child Care Act of 1969. For purposes of this Act, the
17 criteria set forth in the definitions of "abused child" and
18 "neglected child" shall be used in determining whether an adult
19 resident is abused or neglected.

20 "Blatant disregard" means an incident where the real,
21 significant, and imminent risk of harm would be so obvious to a
22 reasonable parent or caretaker that it is unlikely that a
23 reasonable parent or caretaker would have exposed the child to
24 the danger without exercising precautionary measures to

1 protect the child from harm.

2 "Child" means any person under the age of 18 years, unless
3 legally emancipated by reason of marriage or entry into a
4 branch of the United States armed services.

5 "Department" means Department of Children and Family
6 Services.

7 "Local law enforcement agency" means the police of a city,
8 town, village or other incorporated area or the sheriff of an
9 unincorporated area or any sworn officer of the Illinois
10 Department of State Police.

11 "Abused child" means a child whose parent or immediate
12 family member, or any person responsible for the child's
13 welfare, or any individual residing in the same home as the
14 child, or a paramour of the child's parent:

15 (a) inflicts, causes to be inflicted, or allows to be
16 inflicted upon such child physical injury, by other than
17 accidental means, which causes death, disfigurement,
18 impairment of physical or emotional health, or loss or
19 impairment of any bodily function;

20 (b) creates a substantial risk of physical injury to
21 such child by other than accidental means which would be
22 likely to cause death, disfigurement, impairment of
23 physical or emotional health, or loss or impairment of any
24 bodily function;

25 (c) commits or allows to be committed any sex offense
26 against such child, as such sex offenses are defined in the

1 Criminal Code of 2012 ~~1961, as amended~~, or in the Wrongs to
2 Children Act, and extending those definitions of sex
3 offenses to include children under 18 years of age;

4 (d) commits or allows to be committed an act or acts of
5 torture upon such child;

6 (e) inflicts excessive corporal punishment;

7 (f) commits or allows to be committed the offense of
8 female genital mutilation, as defined in Section 12-34 of
9 the Criminal Code of 2012 ~~1961~~, against the child;

10 (g) causes to be sold, transferred, distributed, or
11 given to such child under 18 years of age, a controlled
12 substance as defined in Section 102 of the Illinois
13 Controlled Substances Act in violation of Article IV of the
14 Illinois Controlled Substances Act or in violation of the
15 Methamphetamine Control and Community Protection Act,
16 except for controlled substances that are prescribed in
17 accordance with Article III of the Illinois Controlled
18 Substances Act and are dispensed to such child in a manner
19 that substantially complies with the prescription; or

20 (h) commits or allows to be committed the offense of
21 involuntary servitude, involuntary sexual servitude of a
22 minor, or trafficking in persons as defined in Section 10-9
23 of the Criminal Code of 2012 ~~1961~~ against the child.

24 A child shall not be considered abused for the sole reason
25 that the child has been relinquished in accordance with the
26 Abandoned Newborn Infant Protection Act.

1 "Neglected child" means any child who is not receiving the
2 proper or necessary nourishment or medically indicated
3 treatment including food or care not provided solely on the
4 basis of the present or anticipated mental or physical
5 impairment as determined by a physician acting alone or in
6 consultation with other physicians or otherwise is not
7 receiving the proper or necessary support or medical or other
8 remedial care recognized under State law as necessary for a
9 child's well-being, or other care necessary for his or her
10 well-being, including adequate food, clothing and shelter; or
11 who is subjected to an environment which is injurious insofar
12 as (i) the child's environment creates a likelihood of harm to
13 the child's health, physical well-being, or welfare and (ii)
14 the likely harm to the child is the result of a blatant
15 disregard of parent or caretaker responsibilities; or who is
16 abandoned by his or her parents or other person responsible for
17 the child's welfare without a proper plan of care; or who has
18 been provided with interim crisis intervention services under
19 Section 3-5 of the Juvenile Court Act of 1987 and whose parent,
20 guardian, or custodian refuses to permit the child to return
21 home and no other living arrangement agreeable to the parent,
22 guardian, or custodian can be made, and the parent, guardian,
23 or custodian has not made any other appropriate living
24 arrangement for the child; or who is a newborn infant whose
25 blood, urine, or meconium contains any amount of a controlled
26 substance as defined in subsection (f) of Section 102 of the

1 Illinois Controlled Substances Act or a metabolite thereof,
2 with the exception of a controlled substance or metabolite
3 thereof whose presence in the newborn infant is the result of
4 medical treatment administered to the mother or the newborn
5 infant. A child shall not be considered neglected for the sole
6 reason that the child's parent or other person responsible for
7 his or her welfare has left the child in the care of an adult
8 relative for any period of time. A child shall not be
9 considered neglected for the sole reason that the child has
10 been relinquished in accordance with the Abandoned Newborn
11 Infant Protection Act. A child shall not be considered
12 neglected or abused for the sole reason that such child's
13 parent or other person responsible for his or her welfare
14 depends upon spiritual means through prayer alone for the
15 treatment or cure of disease or remedial care as provided under
16 Section 4 of this Act. A child shall not be considered
17 neglected or abused solely because the child is not attending
18 school in accordance with the requirements of Article 26 of The
19 School Code, as amended.

20 "Child Protective Service Unit" means certain specialized
21 State employees of the Department assigned by the Director to
22 perform the duties and responsibilities as provided under
23 Section 7.2 of this Act.

24 "Person responsible for the child's welfare" means the
25 child's parent; guardian; foster parent; relative caregiver;
26 any person responsible for the child's welfare in a public or

1 private residential agency or institution; any person
2 responsible for the child's welfare within a public or private
3 profit or not for profit child care facility; or any other
4 person responsible for the child's welfare at the time of the
5 alleged abuse or neglect, including any person that is the
6 custodian of a child under 18 years of age who commits or
7 allows to be committed, against the child, the offense of
8 involuntary servitude, involuntary sexual servitude of a
9 minor, or trafficking in persons for forced labor or services,
10 as provided in Section 10-9 of the Criminal Code of 2012 ~~1961~~,
11 or any person who came to know the child through an official
12 capacity or position of trust, including but not limited to
13 health care professionals, educational personnel, recreational
14 supervisors, members of the clergy, and volunteers or support
15 personnel in any setting where children may be subject to abuse
16 or neglect.

17 "Temporary protective custody" means custody within a
18 hospital or other medical facility or a place previously
19 designated for such custody by the Department, subject to
20 review by the Court, including a licensed foster home, group
21 home, or other institution; but such place shall not be a jail
22 or other place for the detention of criminal or juvenile
23 offenders.

24 "An unfounded report" means any report made under this Act
25 for which it is determined after an investigation that no
26 credible evidence of abuse or neglect exists.

1 "An indicated report" means a report made under this Act if
2 an investigation determines that credible evidence of the
3 alleged abuse or neglect exists.

4 "An undetermined report" means any report made under this
5 Act in which it was not possible to initiate or complete an
6 investigation on the basis of information provided to the
7 Department.

8 "Subject of report" means any child reported to the central
9 register of child abuse and neglect established under Section
10 7.7 of this Act as an alleged victim of child abuse or neglect
11 and the parent or guardian of the alleged victim or other
12 person responsible for the alleged victim's welfare who is
13 named in the report or added to the report as an alleged
14 perpetrator of child abuse or neglect.

15 "Perpetrator" means a person who, as a result of
16 investigation, has been determined by the Department to have
17 caused child abuse or neglect.

18 "Member of the clergy" means a clergyman or practitioner of
19 any religious denomination accredited by the religious body to
20 which he or she belongs.

21 (Source: P.A. 96-1196, eff. 1-1-11; 96-1446, eff. 8-20-10;
22 96-1464, eff. 8-20-10; 97-333, eff. 8-12-11; 97-803, eff.
23 7-13-12; 97-897, eff. 1-1-13; 97-1063, eff. 8-24-12; revised
24 9-20-12.)

25 (325 ILCS 5/4) (from Ch. 23, par. 2054)

1 Sec. 4. Persons required to report; privileged
2 communications; transmitting false report. Any physician,
3 resident, intern, hospital, hospital administrator and
4 personnel engaged in examination, care and treatment of
5 persons, surgeon, dentist, dentist hygienist, osteopath,
6 chiropractor, podiatrist, physician assistant, substance abuse
7 treatment personnel, funeral home director or employee,
8 coroner, medical examiner, emergency medical technician,
9 acupuncturist, crisis line or hotline personnel, school
10 personnel (including administrators and both certified and
11 non-certified school employees), personnel of institutions of
12 higher education, educational advocate assigned to a child
13 pursuant to the School Code, member of a school board or the
14 Chicago Board of Education or the governing body of a private
15 school (but only to the extent required in accordance with
16 other provisions of this Section expressly concerning the duty
17 of school board members to report suspected child abuse),
18 truant officers, social worker, social services administrator,
19 domestic violence program personnel, registered nurse,
20 licensed practical nurse, genetic counselor, respiratory care
21 practitioner, advanced practice nurse, home health aide,
22 director or staff assistant of a nursery school or a child day
23 care center, recreational or athletic program or facility
24 personnel, early intervention provider as defined in the Early
25 Intervention Services System Act, law enforcement officer,
26 licensed professional counselor, licensed clinical

1 professional counselor, registered psychologist and assistants
2 working under the direct supervision of a psychologist,
3 psychiatrist, or field personnel of the Department of
4 Healthcare and Family Services, Juvenile Justice, Public
5 Health, Human Services (acting as successor to the Department
6 of Mental Health and Developmental Disabilities,
7 Rehabilitation Services, or Public Aid), Corrections, Human
8 Rights, or Children and Family Services, supervisor and
9 administrator of general assistance under the Illinois Public
10 Aid Code, probation officer, animal control officer or Illinois
11 Department of Agriculture Bureau of Animal Health and Welfare
12 field investigator, or any other foster parent, homemaker or
13 child care worker having reasonable cause to believe a child
14 known to them in their professional or official capacity may be
15 an abused child or a neglected child shall immediately report
16 or cause a report to be made to the Department.

17 Any member of the clergy having reasonable cause to believe
18 that a child known to that member of the clergy in his or her
19 professional capacity may be an abused child as defined in item
20 (c) of the definition of "abused child" in Section 3 of this
21 Act shall immediately report or cause a report to be made to
22 the Department.

23 Any physician, physician's assistant, registered nurse,
24 licensed practical nurse, medical technician, certified
25 nursing assistant, social worker, or licensed professional
26 counselor of any office, clinic, or any other physical location

1 that provides abortions, abortion referrals, or contraceptives
2 having reasonable cause to believe a child known to him or her
3 in his or her professional or official capacity may be an
4 abused child or a neglected child shall immediately report or
5 cause a report to be made to the Department.

6 If an allegation is raised to a school board member during
7 the course of an open or closed school board meeting that a
8 child who is enrolled in the school district of which he or she
9 is a board member is an abused child as defined in Section 3 of
10 this Act, the member shall direct or cause the school board to
11 direct the superintendent of the school district or other
12 equivalent school administrator to comply with the
13 requirements of this Act concerning the reporting of child
14 abuse. For purposes of this paragraph, a school board member is
15 granted the authority in his or her individual capacity to
16 direct the superintendent of the school district or other
17 equivalent school administrator to comply with the
18 requirements of this Act concerning the reporting of child
19 abuse.

20 Notwithstanding any other provision of this Act, if an
21 employee of a school district has made a report or caused a
22 report to be made to the Department under this Act involving
23 the conduct of a current or former employee of the school
24 district and a request is made by another school district for
25 the provision of information concerning the job performance or
26 qualifications of the current or former employee because he or

1 she is an applicant for employment with the requesting school
2 district, the general superintendent of the school district to
3 which the request is being made must disclose to the requesting
4 school district the fact that an employee of the school
5 district has made a report involving the conduct of the
6 applicant or caused a report to be made to the Department, as
7 required under this Act. Only the fact that an employee of the
8 school district has made a report involving the conduct of the
9 applicant or caused a report to be made to the Department may
10 be disclosed by the general superintendent of the school
11 district to which the request for information concerning the
12 applicant is made, and this fact may be disclosed only in cases
13 where the employee and the general superintendent have not been
14 informed by the Department that the allegations were unfounded.
15 An employee of a school district who is or has been the subject
16 of a report made pursuant to this Act during his or her
17 employment with the school district must be informed by that
18 school district that if he or she applies for employment with
19 another school district, the general superintendent of the
20 former school district, upon the request of the school district
21 to which the employee applies, shall notify that requesting
22 school district that the employee is or was the subject of such
23 a report.

24 Whenever such person is required to report under this Act
25 in his capacity as a member of the staff of a medical or other
26 public or private institution, school, facility or agency, or

1 as a member of the clergy, he shall make report immediately to
2 the Department in accordance with the provisions of this Act
3 and may also notify the person in charge of such institution,
4 school, facility or agency, or church, synagogue, temple,
5 mosque, or other religious institution, or his designated agent
6 that such report has been made. Under no circumstances shall
7 any person in charge of such institution, school, facility or
8 agency, or church, synagogue, temple, mosque, or other
9 religious institution, or his designated agent to whom such
10 notification has been made, exercise any control, restraint,
11 modification or other change in the report or the forwarding of
12 such report to the Department.

13 The privileged quality of communication between any
14 professional person required to report and his patient or
15 client shall not apply to situations involving abused or
16 neglected children and shall not constitute grounds for failure
17 to report as required by this Act or constitute grounds for
18 failure to share information or documents with the Department
19 during the course of a child abuse or neglect investigation. If
20 requested by the professional, the Department shall confirm in
21 writing that the information or documents disclosed by the
22 professional were gathered in the course of a child abuse or
23 neglect investigation.

24 A member of the clergy may claim the privilege under
25 Section 8-803 of the Code of Civil Procedure.

26 Any office, clinic, or any other physical location that

1 provides abortions, abortion referrals, or contraceptives
2 shall provide to all office personnel copies of written
3 information and training materials about abuse and neglect and
4 the requirements of this Act that are provided to employees of
5 the office, clinic, or physical location who are required to
6 make reports to the Department under this Act, and instruct
7 such office personnel to bring to the attention of an employee
8 of the office, clinic, or physical location who is required to
9 make reports to the Department under this Act any reasonable
10 suspicion that a child known to him or her in his or her
11 professional or official capacity may be an abused child or a
12 neglected child. In addition to the above persons required to
13 report suspected cases of abused or neglected children, any
14 other person may make a report if such person has reasonable
15 cause to believe a child may be an abused child or a neglected
16 child.

17 Any person who enters into employment on and after July 1,
18 1986 and is mandated by virtue of that employment to report
19 under this Act, shall sign a statement on a form prescribed by
20 the Department, to the effect that the employee has knowledge
21 and understanding of the reporting requirements of this Act.
22 The statement shall be signed prior to commencement of the
23 employment. The signed statement shall be retained by the
24 employer. The cost of printing, distribution, and filing of the
25 statement shall be borne by the employer.

26 The Department shall provide copies of this Act, upon

1 request, to all employers employing persons who shall be
2 required under the provisions of this Section to report under
3 this Act.

4 Any person who knowingly transmits a false report to the
5 Department commits the offense of disorderly conduct under
6 subsection (a) (7) of Section 26-1 of the "Criminal Code of 2012
7 ~~1961~~". A violation of this provision is a Class 4 felony.

8 Any person who knowingly and willfully violates any
9 provision of this Section other than a second or subsequent
10 violation of transmitting a false report as described in the
11 preceding paragraph, is guilty of a Class A misdemeanor for a
12 first violation and a Class 4 felony for a second or subsequent
13 violation; except that if the person acted as part of a plan or
14 scheme having as its object the prevention of discovery of an
15 abused or neglected child by lawful authorities for the purpose
16 of protecting or insulating any person or entity from arrest or
17 prosecution, the person is guilty of a Class 4 felony for a
18 first offense and a Class 3 felony for a second or subsequent
19 offense (regardless of whether the second or subsequent offense
20 involves any of the same facts or persons as the first or other
21 prior offense).

22 A child whose parent, guardian or custodian in good faith
23 selects and depends upon spiritual means through prayer alone
24 for the treatment or cure of disease or remedial care may be
25 considered neglected or abused, but not for the sole reason
26 that his parent, guardian or custodian accepts and practices

1 such beliefs.

2 A child shall not be considered neglected or abused solely
3 because the child is not attending school in accordance with
4 the requirements of Article 26 of the School Code, as amended.

5 Nothing in this Act prohibits a mandated reporter who
6 reasonably believes that an animal is being abused or neglected
7 in violation of the Humane Care for Animals Act from reporting
8 animal abuse or neglect to the Department of Agriculture's
9 Bureau of Animal Health and Welfare.

10 A home rule unit may not regulate the reporting of child
11 abuse or neglect in a manner inconsistent with the provisions
12 of this Section. This Section is a limitation under subsection
13 (i) of Section 6 of Article VII of the Illinois Constitution on
14 the concurrent exercise by home rule units of powers and
15 functions exercised by the State.

16 For purposes of this Section "child abuse or neglect"
17 includes abuse or neglect of an adult resident as defined in
18 this Act.

19 (Source: P.A. 96-494, eff. 8-14-09; 96-1446, eff. 8-20-10;
20 97-189, eff. 7-22-11; 97-254, eff. 1-1-12; 97-387, eff.
21 8-15-11; 97-711, eff. 6-27-12; 97-813, eff. 7-13-12.)

22 (325 ILCS 5/4.5)

23 Sec. 4.5. Electronic and information technology workers;
24 reporting child pornography.

25 (a) In this Section:

1 "Child pornography" means child pornography as described
2 in Section 11-20.1 of the Criminal Code of 2012 ~~1961~~ ~~or~~
3 ~~aggravated child pornography as described in Section 11-20.1B~~
4 ~~of the Criminal Code of 1961.~~

5 "Electronic and information technology equipment" means
6 equipment used in the creation, manipulation, storage,
7 display, or transmission of data, including internet and
8 intranet systems, software applications, operating systems,
9 video and multimedia, telecommunications products, kiosks,
10 information transaction machines, copiers, printers, and
11 desktop and portable computers.

12 "Electronic and information technology equipment worker"
13 means a person who in the scope and course of his or her
14 employment or business installs, repairs, or otherwise
15 services electronic and information technology equipment for a
16 fee but does not include (i) an employee, independent
17 contractor, or other agent of a telecommunications carrier or
18 telephone or telecommunications cooperative, as those terms
19 are defined in the Public Utilities Act, or (ii) an employee,
20 independent contractor, or other agent of a provider of
21 commercial mobile radio service, as defined in 47 C.F.R. 20.3.

22 (b) If an electronic and information technology equipment
23 worker discovers any depiction of child pornography while
24 installing, repairing, or otherwise servicing an item of
25 electronic and information technology equipment, that worker
26 or the worker's employer shall immediately report the discovery

1 to the local law enforcement agency or to the Cyber Tipline at
2 the National Center for Missing & Exploited Children.

3 (c) If a report is filed in accordance with the
4 requirements of 42 U.S.C. 13032, the requirements of this
5 Section 4.5 will be deemed to have been met.

6 (d) An electronic and information technology equipment
7 worker or electronic and information technology equipment
8 worker's employer who reports a discovery of child pornography
9 as required under this Section is immune from any criminal,
10 civil, or administrative liability in connection with making
11 the report, except for willful or wanton misconduct.

12 (e) Failure to report a discovery of child pornography as
13 required under this Section is a business offense subject to a
14 fine of \$1,001.

15 (Source: P.A. 95-944, eff. 8-29-08; 96-1551, eff. 7-1-11.)

16 (325 ILCS 5/7) (from Ch. 23, par. 2057)

17 Sec. 7. Time and manner of making reports. All reports of
18 suspected child abuse or neglect made under this Act shall be
19 made immediately by telephone to the central register
20 established under Section 7.7 on the single, State-wide,
21 toll-free telephone number established in Section 7.6, or in
22 person or by telephone through the nearest Department office.
23 The Department shall, in cooperation with school officials,
24 distribute appropriate materials in school buildings listing
25 the toll-free telephone number established in Section 7.6,

1 including methods of making a report under this Act. The
2 Department may, in cooperation with appropriate members of the
3 clergy, distribute appropriate materials in churches,
4 synagogues, temples, mosques, or other religious buildings
5 listing the toll-free telephone number established in Section
6 7.6, including methods of making a report under this Act.

7 Wherever the Statewide number is posted, there shall also
8 be posted the following notice:

9 "Any person who knowingly transmits a false report to the
10 Department commits the offense of disorderly conduct under
11 subsection (a) (7) of Section 26-1 of the Criminal Code of 2012
12 ~~1961~~. A violation of this subsection is a Class 4 felony."

13 The report required by this Act shall include, if known,
14 the name and address of the child and his parents or other
15 persons having his custody; the child's age; the nature of the
16 child's condition including any evidence of previous injuries
17 or disabilities; and any other information that the person
18 filing the report believes might be helpful in establishing the
19 cause of such abuse or neglect and the identity of the person
20 believed to have caused such abuse or neglect. Reports made to
21 the central register through the State-wide, toll-free
22 telephone number shall be immediately transmitted by the
23 Department to the appropriate Child Protective Service Unit.
24 All such reports alleging the death of a child, serious injury
25 to a child including, but not limited to, brain damage, skull
26 fractures, subdural hematomas, and internal injuries, torture

1 of a child, malnutrition of a child, and sexual abuse to a
2 child, including, but not limited to, sexual intercourse,
3 sexual exploitation, sexual molestation, and sexually
4 transmitted disease in a child age 12 and under, shall also be
5 immediately transmitted by the Department to the appropriate
6 local law enforcement agency. The Department shall within 24
7 hours orally notify local law enforcement personnel and the
8 office of the State's Attorney of the involved county of the
9 receipt of any report alleging the death of a child, serious
10 injury to a child including, but not limited to, brain damage,
11 skull fractures, subdural hematomas, and, internal injuries,
12 torture of a child, malnutrition of a child, and sexual abuse
13 to a child, including, but not limited to, sexual intercourse,
14 sexual exploitation, sexual molestation, and sexually
15 transmitted disease in a child age twelve and under. All oral
16 reports made by the Department to local law enforcement
17 personnel and the office of the State's Attorney of the
18 involved county shall be confirmed in writing within 24 hours
19 of the oral report. All reports by persons mandated to report
20 under this Act shall be confirmed in writing to the appropriate
21 Child Protective Service Unit, which may be on forms supplied
22 by the Department, within 48 hours of any initial report.

23 Written confirmation reports from persons not required to
24 report by this Act may be made to the appropriate Child
25 Protective Service Unit. Written reports from persons required
26 by this Act to report shall be admissible in evidence in any

1 judicial proceeding or administrative hearing relating to
2 child abuse or neglect. Reports involving known or suspected
3 child abuse or neglect in public or private residential
4 agencies or institutions shall be made and received in the same
5 manner as all other reports made under this Act.

6 For purposes of this Section "child" includes an adult
7 resident as defined in this Act.

8 (Source: P.A. 96-1446, eff. 8-20-10; 97-189, eff. 7-22-11;
9 97-387, eff. 8-15-11; 97-813, eff. 7-13-12.)

10 (325 ILCS 5/7.6) (from Ch. 23, par. 2057.6)

11 Sec. 7.6. There shall be a single State-wide, toll-free
12 telephone number established and maintained by the Department
13 which all persons, whether or not mandated by law, may use to
14 report suspected child abuse or neglect at any hour of the day
15 or night, on any day of the week. Immediately upon receipt of
16 such reports, the Department shall transmit the contents of the
17 report, either orally or electronically, to the appropriate
18 Child Protective Service Unit. Any other person may use the
19 State-wide number to obtain assistance or information
20 concerning the handling of child abuse and neglect cases.

21 Wherever the Statewide number is posted, there shall also
22 be posted the following notice:

23 "Any person who knowingly transmits a false report to the
24 Department commits the offense of disorderly conduct under
25 subsection (a) (7) of Section 26-1 of the Criminal Code of 2012

1 ~~1961~~. A violation of this subsection is a Class 4 felony."

2 (Source: P.A. 97-189, eff. 7-22-11.)

3 (325 ILCS 5/7.8) (from Ch. 23, par. 2057.8)

4 Sec. 7.8. Upon receiving an oral or written report of
5 suspected child abuse or neglect, the Department shall
6 immediately notify, either orally or electronically, the Child
7 Protective Service Unit of a previous report concerning a
8 subject of the present report or other pertinent information.
9 In addition, upon satisfactory identification procedures, to
10 be established by Department regulation, any person authorized
11 to have access to records under Section 11.1 relating to child
12 abuse and neglect may request and shall be immediately provided
13 the information requested in accordance with this Act. However,
14 no information shall be released unless it prominently states
15 the report is "indicated", and only information from
16 "indicated" reports shall be released, except that information
17 concerning pending reports may be released to any person
18 authorized under paragraphs (1), (2), (3) and (11) of Section
19 11.1. In addition, State's Attorneys are authorized to receive
20 unfounded reports for prosecution purposes related to the
21 transmission of false reports of child abuse or neglect in
22 violation of subsection (a), paragraph (7) of Section 26-1 of
23 the Criminal Code of 2012 ~~1961~~ and guardians ad litem appointed
24 under Article II of the Juvenile Court Act of 1987 shall
25 receive the classified reports set forth in Section 7.14 of

1 this Act in conformance with paragraph (19) of Section 11.1 and
2 Section 7.14 of this Act. The names and other identifying data
3 and the dates and the circumstances of any persons requesting
4 or receiving information from the central register shall be
5 entered in the register record.

6 (Source: P.A. 86-904; 86-1293; 87-649.)

7 Section 520. The Sexual Assault Survivors Emergency
8 Treatment Act is amended by changing Section 1a as follows:

9 (410 ILCS 70/1a) (from Ch. 111 1/2, par. 87-1a)

10 Sec. 1a. Definitions. In this Act:

11 "Ambulance provider" means an individual or entity that
12 owns and operates a business or service using ambulances or
13 emergency medical services vehicles to transport emergency
14 patients.

15 "Areawide sexual assault treatment plan" means a plan,
16 developed by the hospitals in the community or area to be
17 served, which provides for hospital emergency services to
18 sexual assault survivors that shall be made available by each
19 of the participating hospitals.

20 "Department" means the Department of Public Health.

21 "Emergency contraception" means medication as approved by
22 the federal Food and Drug Administration (FDA) that can
23 significantly reduce the risk of pregnancy if taken within 72
24 hours after sexual assault.

1 "Follow-up healthcare" means healthcare services related
2 to a sexual assault, including laboratory services and pharmacy
3 services, rendered within 90 days of the initial visit for
4 hospital emergency services.

5 "Forensic services" means the collection of evidence
6 pursuant to a statewide sexual assault evidence collection
7 program administered by the Department of State Police, using
8 the Illinois State Police Sexual Assault Evidence Collection
9 Kit.

10 "Health care professional" means a physician, a physician
11 assistant, or an advanced practice nurse.

12 "Hospital" has the meaning given to that term in the
13 Hospital Licensing Act.

14 "Hospital emergency services" means healthcare delivered
15 to outpatients within or under the care and supervision of
16 personnel working in a designated emergency department of a
17 hospital, including, but not limited to, care ordered by such
18 personnel for a sexual assault survivor in the emergency
19 department.

20 "Illinois State Police Sexual Assault Evidence Collection
21 Kit" means a prepackaged set of materials and forms to be used
22 for the collection of evidence relating to sexual assault. The
23 standardized evidence collection kit for the State of Illinois
24 shall be the Illinois State Police Sexual Assault Evidence
25 Collection Kit.

26 "Nurse" means a nurse licensed under the Nurse Practice

1 Act.

2 "Physician" means a person licensed to practice medicine in
3 all its branches.

4 "Sexual assault" means an act of nonconsensual sexual
5 conduct or sexual penetration, as defined in Section 11-0.1 of
6 the Criminal Code of 2012 ~~1961~~, including, without limitation,
7 acts prohibited under Sections 11-1.20 through 11-1.60 of the
8 Criminal Code of 2012 ~~1961~~.

9 "Sexual assault survivor" means a person who presents for
10 hospital emergency services in relation to injuries or trauma
11 resulting from a sexual assault.

12 "Sexual assault transfer plan" means a written plan
13 developed by a hospital and approved by the Department, which
14 describes the hospital's procedures for transferring sexual
15 assault survivors to another hospital in order to receive
16 emergency treatment.

17 "Sexual assault treatment plan" means a written plan
18 developed by a hospital that describes the hospital's
19 procedures and protocols for providing hospital emergency
20 services and forensic services to sexual assault survivors who
21 present themselves for such services, either directly or
22 through transfer from another hospital.

23 "Transfer services" means the appropriate medical
24 screening examination and necessary stabilizing treatment
25 prior to the transfer of a sexual assault survivor to a
26 hospital that provides hospital emergency services and

1 forensic services to sexual assault survivors pursuant to a
2 sexual assault treatment plan or areawide sexual assault
3 treatment plan.

4 (Source: P.A. 95-432, eff. 1-1-08; 96-328, eff. 8-11-09;
5 96-1551, eff. 7-1-11.)

6 Section 525. The Consent by Minors to Medical Procedures
7 Act is amended by changing Section 3 as follows:

8 (410 ILCS 210/3) (from Ch. 111, par. 4503)

9 Sec. 3. (a) Where a hospital, a physician licensed to
10 practice medicine or surgery, an advanced practice nurse who
11 has a written collaborative agreement with a collaborating
12 physician that authorizes provision of services for minors, or
13 a physician assistant who has been delegated authority to
14 provide services for minors renders emergency treatment or
15 first aid or a licensed dentist renders emergency dental
16 treatment to a minor, consent of the minor's parent or legal
17 guardian need not be obtained if, in the sole opinion of the
18 physician, advanced practice nurse, physician assistant,
19 dentist, or hospital, the obtaining of consent is not
20 reasonably feasible under the circumstances without adversely
21 affecting the condition of such minor's health.

22 (b) Where a minor is the victim of a predatory criminal
23 sexual assault of a child, aggravated criminal sexual assault,
24 criminal sexual assault, aggravated criminal sexual abuse or

1 criminal sexual abuse, as provided in Sections 11-1.20 through
2 11-1.60 of the Criminal Code of 2012 ~~1961, as now or hereafter~~
3 ~~amended~~, the consent of the minor's parent or legal guardian
4 need not be obtained to authorize a hospital, physician,
5 advanced practice nurse, physician assistant, or other medical
6 personnel to furnish medical care or counseling related to the
7 diagnosis or treatment of any disease or injury arising from
8 such offense. The minor may consent to such counseling,
9 diagnosis or treatment as if the minor had reached his or her
10 age of majority. Such consent shall not be voidable, nor
11 subject to later disaffirmance, because of minority.

12 (Source: P.A. 96-1551, eff. 7-1-11.)

13 Section 530. The AIDS Confidentiality Act is amended by
14 changing Section 9 as follows:

15 (410 ILCS 305/9) (from Ch. 111 1/2, par. 7309)

16 Sec. 9. No person may disclose or be compelled to disclose
17 the identity of any person upon whom a test is performed, or
18 the results of such a test in a manner which permits
19 identification of the subject of the test, except to the
20 following persons:

21 (a) The subject of the test or the subject's legally
22 authorized representative. A physician may notify the spouse of
23 the test subject, if the test result is positive and has been
24 confirmed pursuant to rules adopted by the Department, provided

1 that the physician has first sought unsuccessfully to persuade
2 the patient to notify the spouse or that, a reasonable time
3 after the patient has agreed to make the notification, the
4 physician has reason to believe that the patient has not
5 provided the notification. This paragraph shall not create a
6 duty or obligation under which a physician must notify the
7 spouse of the test results, nor shall such duty or obligation
8 be implied. No civil liability or criminal sanction under this
9 Act shall be imposed for any disclosure or non-disclosure of a
10 test result to a spouse by a physician acting in good faith
11 under this paragraph. For the purpose of any proceedings, civil
12 or criminal, the good faith of any physician acting under this
13 paragraph shall be presumed.

14 (b) Any person designated in a legally effective release of
15 the test results executed by the subject of the test or the
16 subject's legally authorized representative.

17 (c) An authorized agent or employee of a health facility or
18 health care provider if the health facility or health care
19 provider itself is authorized to obtain the test results, the
20 agent or employee provides patient care or handles or processes
21 specimens of body fluids or tissues, and the agent or employee
22 has a need to know such information.

23 (d) The Department and local health authorities serving a
24 population of over 1,000,000 residents or other local health
25 authorities as designated by the Department, in accordance with
26 rules for reporting and controlling the spread of disease, as

1 otherwise provided by State law. The Department, local health
2 authorities, and authorized representatives shall not disclose
3 information and records held by them relating to known or
4 suspected cases of AIDS or HIV infection, publicly or in any
5 action of any kind in any court or before any tribunal, board,
6 or agency. AIDS and HIV infection data shall be protected from
7 disclosure in accordance with the provisions of Sections 8-2101
8 through 8-2105 of the Code of Civil Procedure.

9 (e) A health facility or health care provider which
10 procures, processes, distributes or uses: (i) a human body part
11 from a deceased person with respect to medical information
12 regarding that person; or (ii) semen provided prior to the
13 effective date of this Act for the purpose of artificial
14 insemination.

15 (f) Health facility staff committees for the purposes of
16 conducting program monitoring, program evaluation or service
17 reviews.

18 (f-5) A court in accordance with the provisions of Section
19 12-5.01 of the Criminal Code of 2012 ~~1961~~.

20 (g) (Blank).

21 (h) Any health care provider or employee of a health
22 facility, and any firefighter or EMT-A, EMT-P, or EMT-I,
23 involved in an accidental direct skin or mucous membrane
24 contact with the blood or bodily fluids of an individual which
25 is of a nature that may transmit HIV, as determined by a
26 physician in his medical judgment.

1 (i) Any law enforcement officer, as defined in subsection
2 (c) of Section 7, involved in the line of duty in a direct skin
3 or mucous membrane contact with the blood or bodily fluids of
4 an individual which is of a nature that may transmit HIV, as
5 determined by a physician in his medical judgment.

6 (j) A temporary caretaker of a child taken into temporary
7 protective custody by the Department of Children and Family
8 Services pursuant to Section 5 of the Abused and Neglected
9 Child Reporting Act, as now or hereafter amended.

10 (k) In the case of a minor under 18 years of age whose test
11 result is positive and has been confirmed pursuant to rules
12 adopted by the Department, the health care provider who ordered
13 the test shall make a reasonable effort to notify the minor's
14 parent or legal guardian if, in the professional judgment of
15 the health care provider, notification would be in the best
16 interest of the child and the health care provider has first
17 sought unsuccessfully to persuade the minor to notify the
18 parent or legal guardian or a reasonable time after the minor
19 has agreed to notify the parent or legal guardian, the health
20 care provider has reason to believe that the minor has not made
21 the notification. This subsection shall not create a duty or
22 obligation under which a health care provider must notify the
23 minor's parent or legal guardian of the test results, nor shall
24 a duty or obligation be implied. No civil liability or criminal
25 sanction under this Act shall be imposed for any notification
26 or non-notification of a minor's test result by a health care

1 provider acting in good faith under this subsection. For the
2 purpose of any proceeding, civil or criminal, the good faith of
3 any health care provider acting under this subsection shall be
4 presumed.

5 (Source: P.A. 96-328, eff. 8-11-09; 97-1046, eff. 8-21-12.)

6 Section 535. The Illinois Sexually Transmissible Disease
7 Control Act is amended by changing Section 5.5 as follows:

8 (410 ILCS 325/5.5) (from Ch. 111 1/2, par. 7405.5)

9 Sec. 5.5. Risk assessment.

10 (a) Whenever the Department receives a report of HIV
11 infection or AIDS pursuant to this Act and the Department
12 determines that the subject of the report may present or may
13 have presented a possible risk of HIV transmission, the
14 Department shall, when medically appropriate, investigate the
15 subject of the report and that person's contacts as defined in
16 subsection (c), to assess the potential risks of transmission.
17 Any investigation and action shall be conducted in a timely
18 fashion. All contacts other than those defined in subsection
19 (c) shall be investigated in accordance with Section 5 of this
20 Act.

21 (b) If the Department determines that there is or may have
22 been potential risks of HIV transmission from the subject of
23 the report to other persons, the Department shall afford the
24 subject the opportunity to submit any information and comment

1 on proposed actions the Department intends to take with respect
2 to the subject's contacts who are at potential risk of
3 transmission of HIV prior to notification of the subject's
4 contacts. The Department shall also afford the subject of the
5 report the opportunity to notify the subject's contacts in a
6 timely fashion who are at potential risk of transmission of HIV
7 prior to the Department taking any steps to notify such
8 contacts. If the subject declines to notify such contacts or if
9 the Department determines the notices to be inadequate or
10 incomplete, the Department shall endeavor to notify such other
11 persons of the potential risk, and offer testing and counseling
12 services to these individuals. When the contacts are notified,
13 they shall be informed of the disclosure provisions of the AIDS
14 Confidentiality Act and the penalties therein and this Section.

15 (c) Contacts investigated under this Section shall in the
16 case of HIV infection include (i) individuals who have
17 undergone invasive procedures performed by an HIV infected
18 health care provider and (ii) health care providers who have
19 performed invasive procedures for persons infected with HIV,
20 provided the Department has determined that there is or may
21 have been potential risk of HIV transmission from the health
22 care provider to those individuals or from infected persons to
23 health care providers. The Department shall have access to the
24 subject's records to review for the identity of contacts. The
25 subject's records shall not be copied or seized by the
26 Department.

1 For purposes of this subsection, the term "invasive
2 procedures" means those procedures termed invasive by the
3 Centers for Disease Control in current guidelines or
4 recommendations for the prevention of HIV transmission in
5 health care settings, and the term "health care provider" means
6 any physician, dentist, podiatrist, advanced practice nurse,
7 physician assistant, nurse, or other person providing health
8 care services of any kind.

9 (d) All information and records held by the Department and
10 local health authorities pertaining to activities conducted
11 pursuant to this Section shall be strictly confidential and
12 exempt from copying and inspection under the Freedom of
13 Information Act. Such information and records shall not be
14 released or made public by the Department or local health
15 authorities, and shall not be admissible as evidence, nor
16 discoverable in any action of any kind in any court or before
17 any tribunal, board, agency or person and shall be treated in
18 the same manner as the information and those records subject to
19 the provisions of Part 21 of the Code of Civil Procedure except
20 under the following circumstances:

21 (1) When made with the written consent of all persons
22 to whom this information pertains;

23 (2) When authorized under Section 8 to be released
24 under court order or subpoena pursuant to Section 12-5.01
25 or 12-16.2 of the Criminal Code of 1961 or the Criminal
26 Code of 2012; or

1 (3) When made by the Department for the purpose of
2 seeking a warrant authorized by Sections 6 and 7 of this
3 Act. Such disclosure shall conform to the requirements of
4 subsection (a) of Section 8 of this Act.

5 (e) Any person who knowingly or maliciously disseminates
6 any information or report concerning the existence of any
7 disease under this Section is guilty of a Class A misdemeanor.
8 (Source: P.A. 96-1551, eff. 7-1-11.)

9 Section 540. The Environmental Protection Act is amended by
10 changing Sections 2, 22.2, and 44 as follows:

11 (415 ILCS 5/2) (from Ch. 111 1/2, par. 1002)

12 Sec. 2. (a) The General Assembly finds:

13 (i) that environmental damage seriously endangers the
14 public health and welfare, as more specifically described in
15 later sections of this Act;

16 (ii) that because environmental damage does not respect
17 political boundaries, it is necessary to establish a unified
18 state-wide program for environmental protection and to
19 cooperate fully with other States and with the United States in
20 protecting the environment;

21 (iii) that air, water, and other resource pollution, public
22 water supply, solid waste disposal, noise, and other
23 environmental problems are closely interrelated and must be
24 dealt with as a unified whole in order to safeguard the

1 environment;

2 (iv) that it is the obligation of the State Government to
3 manage its own activities so as to minimize environmental
4 damage; to encourage and assist local governments to adopt and
5 implement environmental-protection programs consistent with
6 this Act; to promote the development of technology for
7 environmental protection and conservation of natural
8 resources; and in appropriate cases to afford financial
9 assistance in preventing environmental damage;

10 (v) that in order to alleviate the burden on enforcement
11 agencies, to assure that all interests are given a full
12 hearing, and to increase public participation in the task of
13 protecting the environment, private as well as governmental
14 remedies must be provided;

15 (vi) that despite the existing laws and regulations
16 concerning environmental damage there exist continuing
17 destruction and damage to the environment and harm to the
18 public health, safety and welfare of the people of this State,
19 and that among the most significant sources of this
20 destruction, damage, and harm are the improper and unsafe
21 transportation, treatment, storage, disposal, and dumping of
22 hazardous wastes;

23 (vii) that it is necessary to supplement and strengthen
24 existing criminal sanctions regarding environmental damage, by
25 enacting specific penalties for injury to public health and
26 welfare and the environment.

1 (b) It is the purpose of this Act, as more specifically
2 described in later sections, to establish a unified, state-wide
3 program supplemented by private remedies, to restore, protect
4 and enhance the quality of the environment, and to assure that
5 adverse effects upon the environment are fully considered and
6 borne by those who cause them.

7 (c) The terms and provisions of this Act shall be liberally
8 construed so as to effectuate the purposes of this Act as set
9 forth in subsection (b) of this Section, but to the extent that
10 this Act prescribes criminal penalties, it shall be construed
11 in accordance with the "Criminal Code of 2012 ~~1961~~", ~~as~~
12 ~~amended~~.

13 (Source: P.A. 83-1101.)

14 (415 ILCS 5/22.2) (from Ch. 111 1/2, par. 1022.2)

15 Sec. 22.2. Hazardous waste; fees; liability.

16 (a) There are hereby created within the State Treasury 2
17 special funds to be known respectively as the "Hazardous Waste
18 Fund" and the "Hazardous Waste Research Fund", constituted from
19 the fees collected pursuant to this Section. In addition to the
20 fees collected under this Section, the Hazardous Waste Fund
21 shall include other moneys made available from any source for
22 deposit into the Fund.

23 (b) (1) On and after January 1, 1989, the Agency shall
24 collect from the owner or operator of each of the following
25 sites a fee in the amount of:

1 (A) 9 cents per gallon or \$18.18 per cubic yard, if
2 the hazardous waste disposal site is located off the
3 site where such waste was produced. The maximum amount
4 payable under this subdivision (A) with respect to the
5 hazardous waste generated by a single generator and
6 deposited in monofills is \$30,000 per year. If, as a
7 result of the use of multiple monofills, waste fees in
8 excess of the maximum are assessed with respect to a
9 single waste generator, the generator may apply to the
10 Agency for a credit.

11 (B) 9 cents or \$18.18 per cubic yard, if the
12 hazardous waste disposal site is located on the site
13 where such waste was produced, provided however the
14 maximum amount of fees payable under this paragraph (B)
15 is \$30,000 per year for each such hazardous waste
16 disposal site.

17 (C) If the hazardous waste disposal site is an
18 underground injection well, \$6,000 per year if not more
19 than 10,000,000 gallons per year are injected, \$15,000
20 per year if more than 10,000,000 gallons but not more
21 than 50,000,000 gallons per year are injected, and
22 \$27,000 per year if more than 50,000,000 gallons per
23 year are injected.

24 (D) 3 cents per gallon or \$6.06 per cubic yard of
25 hazardous waste received for treatment at a hazardous
26 waste treatment site, if the hazardous waste treatment

1 site is located off the site where such waste was
2 produced and if such hazardous waste treatment site is
3 owned, controlled and operated by a person other than
4 the generator of such waste. After treatment at such
5 hazardous waste treatment site, the waste shall not be
6 subject to any other fee imposed by this subsection
7 (b). For purposes of this subsection (b), the term
8 "treatment" is defined as in Section 3.505 but shall
9 not include recycling, reclamation or reuse.

10 (2) The General Assembly shall annually appropriate to
11 the Fund such amounts as it deems necessary to fulfill the
12 purposes of this Act.

13 (3) The Agency shall have the authority to accept,
14 receive, and administer on behalf of the State any moneys
15 made available to the State from any source for the
16 purposes of the Hazardous Waste Fund set forth in
17 subsection (d) of this Section.

18 (4) Of the amount collected as fees provided for in
19 this Section, the Agency shall manage the use of such funds
20 to assure that sufficient funds are available for match
21 towards federal expenditures for response action at sites
22 which are listed on the National Priorities List; provided,
23 however, that this shall not apply to additional monies
24 appropriated to the Fund by the General Assembly, nor shall
25 it apply in the event that the Director finds that revenues
26 in the Hazardous Waste Fund must be used to address

1 conditions which create or may create an immediate danger
2 to the environment or public health or to the welfare of
3 the people of the State of Illinois.

4 (5) Notwithstanding the other provisions of this
5 subsection (b), sludge from a publicly-owned sewage works
6 generated in Illinois, coal mining wastes and refuse
7 generated in Illinois, bottom boiler ash, flyash and flue
8 gas desulphurization sludge from public utility electric
9 generating facilities located in Illinois, and bottom
10 boiler ash and flyash from all incinerators which process
11 solely municipal waste shall not be subject to the fee.

12 (6) For the purposes of this subsection (b), "monofill"
13 means a facility, or a unit at a facility, that accepts
14 only wastes bearing the same USEPA hazardous waste
15 identification number, or compatible wastes as determined
16 by the Agency.

17 (c) The Agency shall establish procedures, not later than
18 January 1, 1984, relating to the collection of the fees
19 authorized by this Section. Such procedures shall include, but
20 not be limited to: (1) necessary records identifying the
21 quantities of hazardous waste received or disposed; (2) the
22 form and submission of reports to accompany the payment of fees
23 to the Agency; and (3) the time and manner of payment of fees
24 to the Agency, which payments shall be not more often than
25 quarterly.

26 (d) Beginning July 1, 1996, the Agency shall deposit all

1 such receipts in the State Treasury to the credit of the
2 Hazardous Waste Fund, except as provided in subsection (e) of
3 this Section. All monies in the Hazardous Waste Fund shall be
4 used by the Agency for the following purposes:

5 (1) Taking whatever preventive or corrective action is
6 necessary or appropriate, in circumstances certified by
7 the Director, including but not limited to removal or
8 remedial action whenever there is a release or substantial
9 threat of a release of a hazardous substance or pesticide;
10 provided, the Agency shall expend no more than \$1,000,000
11 on any single incident without appropriation by the General
12 Assembly.

13 (2) To meet any requirements which must be met by the
14 State in order to obtain federal funds pursuant to the
15 Comprehensive Environmental Response, Compensation and
16 Liability Act of 1980, (P.L. 96-510).

17 (3) In an amount up to 30% of the amount collected as
18 fees provided for in this Section, for use by the Agency to
19 conduct groundwater protection activities, including
20 providing grants to appropriate units of local government
21 which are addressing protection of underground waters
22 pursuant to the provisions of this Act.

23 (4) To fund the development and implementation of the
24 model pesticide collection program under Section 19.1 of
25 the Illinois Pesticide Act.

26 (5) To the extent the Agency has received and deposited

1 monies in the Fund other than fees collected under
2 subsection (b) of this Section, to pay for the cost of
3 Agency employees for services provided in reviewing the
4 performance of response actions pursuant to Title XVII of
5 this Act.

6 (6) In an amount up to 15% of the fees collected
7 annually under subsection (b) of this Section, for use by
8 the Agency for administration of the provisions of this
9 Section.

10 (e) The Agency shall deposit 10% of all receipts collected
11 under subsection (b) of this Section, but not to exceed
12 \$200,000 per year, in the State Treasury to the credit of the
13 Hazardous Waste Research Fund established by this Act. Pursuant
14 to appropriation, all monies in such Fund shall be used by the
15 University of Illinois for the purposes set forth in this
16 subsection.

17 The University of Illinois may enter into contracts with
18 business, industrial, university, governmental or other
19 qualified individuals or organizations to assist in the
20 research and development intended to recycle, reduce the volume
21 of, separate, detoxify or reduce the hazardous properties of
22 hazardous wastes in Illinois. Monies in the Fund may also be
23 used by the University of Illinois for technical studies,
24 monitoring activities, and educational and research activities
25 which are related to the protection of underground waters.
26 Monies in the Hazardous Waste Research Fund may be used to

1 administer the Illinois Health and Hazardous Substances
2 Registry Act. Monies in the Hazardous Waste Research Fund shall
3 not be used for any sanitary landfill or the acquisition or
4 construction of any facility. This does not preclude the
5 purchase of equipment for the purpose of public demonstration
6 projects. The University of Illinois shall adopt guidelines for
7 cost sharing, selecting, and administering projects under this
8 subsection.

9 (f) Notwithstanding any other provision or rule of law, and
10 subject only to the defenses set forth in subsection (j) of
11 this Section, the following persons shall be liable for all
12 costs of removal or remedial action incurred by the State of
13 Illinois or any unit of local government as a result of a
14 release or substantial threat of a release of a hazardous
15 substance or pesticide:

16 (1) the owner and operator of a facility or vessel from
17 which there is a release or substantial threat of release
18 of a hazardous substance or pesticide;

19 (2) any person who at the time of disposal, transport,
20 storage or treatment of a hazardous substance or pesticide
21 owned or operated the facility or vessel used for such
22 disposal, transport, treatment or storage from which there
23 was a release or substantial threat of a release of any
24 such hazardous substance or pesticide;

25 (3) any person who by contract, agreement, or otherwise
26 has arranged with another party or entity for transport,

1 storage, disposal or treatment of hazardous substances or
2 pesticides owned, controlled or possessed by such person at
3 a facility owned or operated by another party or entity
4 from which facility there is a release or substantial
5 threat of a release of such hazardous substances or
6 pesticides; and

7 (4) any person who accepts or accepted any hazardous
8 substances or pesticides for transport to disposal,
9 storage or treatment facilities or sites from which there
10 is a release or a substantial threat of a release of a
11 hazardous substance or pesticide.

12 Any monies received by the State of Illinois pursuant to
13 this subsection (f) shall be deposited in the State Treasury to
14 the credit of the Hazardous Waste Fund.

15 In accordance with the other provisions of this Section,
16 costs of removal or remedial action incurred by a unit of local
17 government may be recovered in an action before the Board
18 brought by the unit of local government under subsection (i) of
19 this Section. Any monies so recovered shall be paid to the unit
20 of local government.

21 (g) (1) No indemnification, hold harmless, or similar
22 agreement or conveyance shall be effective to transfer from
23 the owner or operator of any vessel or facility or from any
24 person who may be liable for a release or substantial
25 threat of a release under this Section, to any other person
26 the liability imposed under this Section. Nothing in this

1 Section shall bar any agreement to insure, hold harmless or
2 indemnify a party to such agreements for any liability
3 under this Section.

4 (2) Nothing in this Section, including the provisions
5 of paragraph (g) (1) of this Section, shall bar a cause of
6 action that an owner or operator or any other person
7 subject to liability under this Section, or a guarantor,
8 has or would have, by reason of subrogation or otherwise
9 against any person.

10 (h) For purposes of this Section:

11 (1) The term "facility" means:

12 (A) any building, structure, installation,
13 equipment, pipe or pipeline including but not limited
14 to any pipe into a sewer or publicly owned treatment
15 works, well, pit, pond, lagoon, impoundment, ditch,
16 landfill, storage container, motor vehicle, rolling
17 stock, or aircraft; or

18 (B) any site or area where a hazardous substance
19 has been deposited, stored, disposed of, placed, or
20 otherwise come to be located.

21 (2) The term "owner or operator" means:

22 (A) any person owning or operating a vessel or
23 facility;

24 (B) in the case of an abandoned facility, any
25 person owning or operating the abandoned facility or
26 any person who owned, operated, or otherwise

1 controlled activities at the abandoned facility
2 immediately prior to such abandonment;

3 (C) in the case of a land trust as defined in
4 Section 2 of the Land Trustee as Creditor Act, the
5 person owning the beneficial interest in the land
6 trust;

7 (D) in the case of a fiduciary (other than a land
8 trustee), the estate, trust estate, or other interest
9 in property held in a fiduciary capacity, and not the
10 fiduciary. For the purposes of this Section,
11 "fiduciary" means a trustee, executor, administrator,
12 guardian, receiver, conservator or other person
13 holding a facility or vessel in a fiduciary capacity;

14 (E) in the case of a "financial institution",
15 meaning the Illinois Housing Development Authority and
16 that term as defined in Section 2 of the Illinois
17 Banking Act, that has acquired ownership, operation,
18 management, or control of a vessel or facility through
19 foreclosure or under the terms of a security interest
20 held by the financial institution or under the terms of
21 an extension of credit made by the financial
22 institution, the financial institution only if the
23 financial institution takes possession of the vessel
24 or facility and the financial institution exercises
25 actual, direct, and continual or recurrent managerial
26 control in the operation of the vessel or facility that

1 causes a release or substantial threat of a release of
2 a hazardous substance or pesticide resulting in
3 removal or remedial action;

4 (F) In the case of an owner of residential
5 property, the owner if the owner is a person other than
6 an individual, or if the owner is an individual who
7 owns more than 10 dwelling units in Illinois, or if the
8 owner, or an agent, representative, contractor, or
9 employee of the owner, has caused, contributed to, or
10 allowed the release or threatened release of a
11 hazardous substance or pesticide. The term
12 "residential property" means single family residences
13 of one to 4 dwelling units, including accessory land,
14 buildings, or improvements incidental to those
15 dwellings that are exclusively used for the
16 residential use. For purposes of this subparagraph
17 (F), the term "individual" means a natural person, and
18 shall not include corporations, partnerships, trusts,
19 or other non-natural persons.

20 (G) In the case of any facility, title or control
21 of which was conveyed due to bankruptcy, foreclosure,
22 tax delinquency, abandonment, or similar means to a
23 unit of State or local government, any person who
24 owned, operated, or otherwise controlled activities at
25 the facility immediately beforehand.

26 (H) The term "owner or operator" does not include a

1 unit of State or local government which acquired
2 ownership or control through bankruptcy, tax
3 delinquency, abandonment, or other circumstances in
4 which the government acquires title by virtue of its
5 function as sovereign. The exclusion provided under
6 this paragraph shall not apply to any State or local
7 government which has caused or contributed to the
8 release or threatened release of a hazardous substance
9 from the facility, and such a State or local government
10 shall be subject to the provisions of this Act in the
11 same manner and to the same extent, both procedurally
12 and substantively, as any nongovernmental entity,
13 including liability under Section 22.2(f).

14 (i) The costs and damages provided for in this Section may
15 be imposed by the Board in an action brought before the Board
16 in accordance with Title VIII of this Act, except that Section
17 33(c) of this Act shall not apply to any such action.

18 (j)(1) There shall be no liability under this Section for a
19 person otherwise liable who can establish by a preponderance of
20 the evidence that the release or substantial threat of release
21 of a hazardous substance and the damages resulting therefrom
22 were caused solely by:

23 (A) an act of God;

24 (B) an act of war;

25 (C) an act or omission of a third party other than an
26 employee or agent of the defendant, or other than one whose

1 act or omission occurs in connection with a contractual
2 relationship, existing directly or indirectly, with the
3 defendant (except where the sole contractual arrangement
4 arises from a published tariff and acceptance for carriage
5 by a common carrier by rail), if the defendant establishes
6 by a preponderance of the evidence that (i) he exercised
7 due care with respect to the hazardous substance concerned,
8 taking into consideration the characteristics of such
9 hazardous substance, in light of all relevant facts and
10 circumstances, and (ii) he took precautions against
11 foreseeable acts or omissions of any such third party and
12 the consequences that could foreseeably result from such
13 acts or omissions; or

14 (D) any combination of the foregoing paragraphs.

15 (2) There shall be no liability under this Section for any
16 release permitted by State or federal law.

17 (3) There shall be no liability under this Section for
18 damages as a result of actions taken or omitted in the course
19 of rendering care, assistance, or advice in accordance with
20 this Section or the National Contingency Plan pursuant to the
21 Comprehensive Environmental Response, Compensation and
22 Liability Act of 1980 (P.L. 96-510) or at the direction of an
23 on-scene coordinator appointed under such plan, with respect to
24 an incident creating a danger to public health or welfare or
25 the environment as a result of any release of a hazardous
26 substance or a substantial threat thereof. This subsection

1 shall not preclude liability for damages as the result of gross
2 negligence or intentional misconduct on the part of such
3 person. For the purposes of the preceding sentence, reckless,
4 willful, or wanton misconduct shall constitute gross
5 negligence.

6 (4) There shall be no liability under this Section for any
7 person (including, but not limited to, an owner of residential
8 property who applies a pesticide to the residential property or
9 who has another person apply a pesticide to the residential
10 property) for response costs or damages as the result of the
11 storage, handling and use, or recommendation for storage,
12 handling and use, of a pesticide consistent with:

13 (A) its directions for storage, handling and use as
14 stated in its label or labeling;

15 (B) its warnings and cautions as stated in its label or
16 labeling; and

17 (C) the uses for which it is registered under the
18 Federal Insecticide, Fungicide and Rodenticide Act and the
19 Illinois Pesticide Act.

20 (4.5) There shall be no liability under subdivision (f)(1)
21 of this Section for response costs or damages as the result of
22 a release of a pesticide from an agrichemical facility site if
23 the Agency has received notice from the Department of
24 Agriculture pursuant to Section 19.3 of the Illinois Pesticide
25 Act, the owner or operator of the agrichemical facility is
26 proceeding with a corrective action plan under the Agrichemical

1 Facility Response Action Program implemented under that
2 Section, and the Agency has provided a written endorsement of a
3 corrective action plan.

4 (4.6) There shall be no liability under subdivision (f)(1)
5 of this Section for response costs or damages as the result of
6 a substantial threat of a release of a pesticide from an
7 agrichemical facility site if the Agency has received notice
8 from the Department of Agriculture pursuant to Section 19.3 of
9 the Illinois Pesticide Act and the owner or operator of the
10 agrichemical facility is proceeding with a corrective action
11 plan under the Agrichemical Facility Response Action Program
12 implemented under that Section.

13 (5) Nothing in this subsection (j) shall affect or modify
14 in any way the obligations or liability of any person under any
15 other provision of this Act or State or federal law, including
16 common law, for damages, injury, or loss resulting from a
17 release or substantial threat of a release of any hazardous
18 substance or for removal or remedial action or the costs of
19 removal or remedial action of such hazardous substance.

20 (6) (A) The term "contractual relationship", for the
21 purpose of this subsection includes, but is not limited to,
22 land contracts, deeds or other instruments transferring title
23 or possession, unless the real property on which the facility
24 concerned is located was acquired by the defendant after the
25 disposal or placement of the hazardous substance on, in, or at
26 the facility, and one or more of the circumstances described in

1 clause (i), (ii), or (iii) of this paragraph is also
2 established by the defendant by a preponderance of the
3 evidence:

4 (i) At the time the defendant acquired the facility the
5 defendant did not know and had no reason to know that any
6 hazardous substance which is the subject of the release or
7 threatened release was disposed of on, in or at the
8 facility.

9 (ii) The defendant is a government entity which
10 acquired the facility by escheat, or through any other
11 involuntary transfer or acquisition, or through the
12 exercise of eminent domain authority by purchase or
13 condemnation.

14 (iii) The defendant acquired the facility by
15 inheritance or bequest.

16 In addition to establishing the foregoing, the defendant
17 must establish that he has satisfied the requirements of
18 subparagraph (C) of paragraph (1) of this subsection (j).

19 (B) To establish the defendant had no reason to know, as
20 provided in clause (i) of subparagraph (A) of this paragraph,
21 the defendant must have undertaken, at the time of acquisition,
22 all appropriate inquiry into the previous ownership and uses of
23 the property consistent with good commercial or customary
24 practice in an effort to minimize liability. For purposes of
25 the preceding sentence, the court shall take into account any
26 specialized knowledge or experience on the part of the

1 defendant, the relationship of the purchase price to the value
2 of the property if uncontaminated, commonly known or reasonably
3 ascertainable information about the property, the obviousness
4 of the presence or likely presence of contamination at the
5 property, and the ability to detect such contamination by
6 appropriate inspection.

7 (C) Nothing in this paragraph (6) or in subparagraph (C) of
8 paragraph (1) of this subsection shall diminish the liability
9 of any previous owner or operator of such facility who would
10 otherwise be liable under this Act. Notwithstanding this
11 paragraph (6), if the defendant obtained actual knowledge of
12 the release or threatened release of a hazardous substance at
13 such facility when the defendant owned the real property and
14 then subsequently transferred ownership of the property to
15 another person without disclosing such knowledge, such
16 defendant shall be treated as liable under subsection (f) of
17 this Section and no defense under subparagraph (C) of paragraph
18 (1) of this subsection shall be available to such defendant.

19 (D) Nothing in this paragraph (6) shall affect the
20 liability under this Act of a defendant who, by any act or
21 omission, caused or contributed to the release or threatened
22 release of a hazardous substance which is the subject of the
23 action relating to the facility.

24 (E)(i) Except as provided in clause (ii) of this
25 subparagraph (E), a defendant who has acquired real property
26 shall have established a rebuttable presumption against all

1 State claims and a conclusive presumption against all private
2 party claims that the defendant has made all appropriate
3 inquiry within the meaning of subdivision (6)(B) of this
4 subsection (j) if the defendant proves that immediately prior
5 to or at the time of the acquisition:

6 (I) the defendant obtained a Phase I Environmental
7 Audit of the real property that meets or exceeds the
8 requirements of this subparagraph (E), and the Phase I
9 Environmental Audit did not disclose the presence or likely
10 presence of a release or a substantial threat of a release
11 of a hazardous substance or pesticide at, on, to, or from
12 the real property; or

13 (II) the defendant obtained a Phase II Environmental
14 Audit of the real property that meets or exceeds the
15 requirements of this subparagraph (E), and the Phase II
16 Environmental Audit did not disclose the presence or likely
17 presence of a release or a substantial threat of a release
18 of a hazardous substance or pesticide at, on, to, or from
19 the real property.

20 (ii) No presumption shall be created under clause (i) of
21 this subparagraph (E), and a defendant shall be precluded from
22 demonstrating that the defendant has made all appropriate
23 inquiry within the meaning of subdivision (6)(B) of this
24 subsection (j), if:

25 (I) the defendant fails to obtain all Environmental
26 Audits required under this subparagraph (E) or any such

1 Environmental Audit fails to meet or exceed the
2 requirements of this subparagraph (E);

3 (II) a Phase I Environmental Audit discloses the
4 presence or likely presence of a release or a substantial
5 threat of a release of a hazardous substance or pesticide
6 at, on, to, or from real property, and the defendant fails
7 to obtain a Phase II Environmental Audit;

8 (III) a Phase II Environmental Audit discloses the
9 presence or likely presence of a release or a substantial
10 threat of a release of a hazardous substance or pesticide
11 at, on, to, or from the real property;

12 (IV) the defendant fails to maintain a written
13 compilation and explanatory summary report of the
14 information reviewed in the course of each Environmental
15 Audit under this subparagraph (E); or

16 (V) there is any evidence of fraud, material
17 concealment, or material misrepresentation by the
18 defendant of environmental conditions or of related
19 information discovered during the course of an
20 Environmental Audit.

21 (iii) For purposes of this subparagraph (E), the term
22 "environmental professional" means an individual (other than a
23 practicing attorney) who, through academic training,
24 occupational experience, and reputation (such as engineers,
25 industrial hygienists, or geologists) can objectively conduct
26 one or more aspects of an Environmental Audit and who either:

1 (I) maintains at the time of the Environmental Audit
2 and for at least one year thereafter at least \$500,000 of
3 environmental consultants' professional liability
4 insurance coverage issued by an insurance company licensed
5 to do business in Illinois; or

6 (II) is an Illinois licensed professional engineer or
7 an Illinois licensed industrial hygienist.

8 An environmental professional may employ persons who are
9 not environmental professionals to assist in the preparation of
10 an Environmental Audit if such persons are under the direct
11 supervision and control of the environmental professional.

12 (iv) For purposes of this subparagraph (E), the term "real
13 property" means any interest in any parcel of land, and
14 includes, but is not limited to, buildings, fixtures, and
15 improvements.

16 (v) For purposes of this subparagraph (E), the term "Phase
17 I Environmental Audit" means an investigation of real property,
18 conducted by environmental professionals, to discover the
19 presence or likely presence of a release or a substantial
20 threat of a release of a hazardous substance or pesticide at,
21 on, to, or from real property, and whether a release or a
22 substantial threat of a release of a hazardous substance or
23 pesticide has occurred or may occur at, on, to, or from the
24 real property. Until such time as the United States
25 Environmental Protection Agency establishes standards for
26 making appropriate inquiry into the previous ownership and uses

1 of the facility pursuant to 42 U.S.C. Sec. 9601(35)(B)(ii), the
2 investigation shall comply with the procedures of the American
3 Society for Testing and Materials, including the document known
4 as Standard E1527-97, entitled "Standard Procedures for
5 Environmental Site Assessment: Phase 1 Environmental Site
6 Assessment Process". Upon their adoption, the standards
7 promulgated by USEPA pursuant to 42 U.S.C. Sec. 9601(35)(B)(ii)
8 shall govern the performance of Phase I Environmental Audits.
9 In addition to the above requirements, the Phase I
10 Environmental Audit shall include a review of recorded land
11 title records for the purpose of determining whether the real
12 property is subject to an environmental land use restriction
13 such as a No Further Remediation Letter, Environmental Land Use
14 Control, or Highway Authority Agreement.

15 (vi) For purposes of subparagraph (E), the term "Phase II
16 Environmental Audit" means an investigation of real property,
17 conducted by environmental professionals, subsequent to a
18 Phase I Environmental Audit. If the Phase I Environmental Audit
19 discloses the presence or likely presence of a hazardous
20 substance or a pesticide or a release or a substantial threat
21 of a release of a hazardous substance or pesticide:

22 (I) In or to soil, the defendant, as part of the Phase
23 II Environmental Audit, shall perform a series of soil
24 borings sufficient to determine whether there is a presence
25 or likely presence of a hazardous substance or pesticide
26 and whether there is or has been a release or a substantial

1 threat of a release of a hazardous substance or pesticide
2 at, on, to, or from the real property.

3 (II) In or to groundwater, the defendant, as part of
4 the Phase II Environmental Audit, shall: review
5 information regarding local geology, water well locations,
6 and locations of waters of the State as may be obtained
7 from State, federal, and local government records,
8 including but not limited to the United States Geological
9 Survey, the State Geological Survey of the University of
10 Illinois, and the State Water Survey of the University of
11 Illinois; and perform groundwater monitoring sufficient to
12 determine whether there is a presence or likely presence of
13 a hazardous substance or pesticide, and whether there is or
14 has been a release or a substantial threat of a release of
15 a hazardous substance or pesticide at, on, to, or from the
16 real property.

17 (III) On or to media other than soil or groundwater,
18 the defendant, as part of the Phase II Environmental Audit,
19 shall perform an investigation sufficient to determine
20 whether there is a presence or likely presence of a
21 hazardous substance or pesticide, and whether there is or
22 has been a release or a substantial threat of a release of
23 a hazardous substance or pesticide at, on, to, or from the
24 real property.

25 (vii) The findings of each Environmental Audit prepared
26 under this subparagraph (E) shall be set forth in a written

1 audit report. Each audit report shall contain an affirmation by
2 the defendant and by each environmental professional who
3 prepared the Environmental Audit that the facts stated in the
4 report are true and are made under a penalty of perjury as
5 defined in Section 32-2 of the Criminal Code of 2012 ~~1961~~. It
6 is perjury for any person to sign an audit report that contains
7 a false material statement that the person does not believe to
8 be true.

9 (viii) The Agency is not required to review, approve, or
10 certify the results of any Environmental Audit. The performance
11 of an Environmental Audit shall in no way entitle a defendant
12 to a presumption of Agency approval or certification of the
13 results of the Environmental Audit.

14 The presence or absence of a disclosure document prepared
15 under the Responsible Property Transfer Act of 1988 shall not
16 be a defense under this Act and shall not satisfy the
17 requirements of subdivision (6)(A) of this subsection (j).

18 (7) No person shall be liable under this Section for
19 response costs or damages as the result of a pesticide release
20 if the Agency has found that a pesticide release occurred based
21 on a Health Advisory issued by the U.S. Environmental
22 Protection Agency or an action level developed by the Agency,
23 unless the Agency notified the manufacturer of the pesticide
24 and provided an opportunity of not less than 30 days for the
25 manufacturer to comment on the technical and scientific
26 justification supporting the Health Advisory or action level.

1 (8) No person shall be liable under this Section for
2 response costs or damages as the result of a pesticide release
3 that occurs in the course of a farm pesticide collection
4 program operated under Section 19.1 of the Illinois Pesticide
5 Act, unless the release results from gross negligence or
6 intentional misconduct.

7 (k) If any person who is liable for a release or
8 substantial threat of release of a hazardous substance or
9 pesticide fails without sufficient cause to provide removal or
10 remedial action upon or in accordance with a notice and request
11 by the Agency or upon or in accordance with any order of the
12 Board or any court, such person may be liable to the State for
13 punitive damages in an amount at least equal to, and not more
14 than 3 times, the amount of any costs incurred by the State of
15 Illinois as a result of such failure to take such removal or
16 remedial action. The punitive damages imposed by the Board
17 shall be in addition to any costs recovered from such person
18 pursuant to this Section and in addition to any other penalty
19 or relief provided by this Act or any other law.

20 Any monies received by the State pursuant to this
21 subsection (k) shall be deposited in the Hazardous Waste Fund.

22 (l) Beginning January 1, 1988, and prior to January 1,
23 2013, the Agency shall annually collect a \$250 fee for each
24 Special Waste Hauling Permit Application and, in addition,
25 shall collect a fee of \$20 for each waste hauling vehicle
26 identified in the annual permit application and for each

1 vehicle which is added to the permit during the annual period.
2 Beginning January 1, 2013, the Agency shall issue 3-year
3 Special Waste Hauling Permits instead of annual Special Waste
4 Hauling Permits and shall collect a \$750 fee for each Special
5 Waste Hauling Permit Application. In addition, beginning
6 January 1, 2013, the Agency shall collect a fee of \$60 for each
7 waste hauling vehicle identified in the permit application and
8 for each vehicle that is added to the permit during the 3-year
9 period. The Agency shall deposit 85% of such fees collected
10 under this subsection in the State Treasury to the credit of
11 the Hazardous Waste Research Fund; and shall deposit the
12 remaining 15% of such fees collected in the State Treasury to
13 the credit of the Environmental Protection Permit and
14 Inspection Fund. The majority of such receipts which are
15 deposited in the Hazardous Waste Research Fund pursuant to this
16 subsection shall be used by the University of Illinois for
17 activities which relate to the protection of underground
18 waters.

19 (l-5) (Blank).

20 (m) (Blank).

21 (n) (Blank).

22 (Source: P.A. 97-220, eff. 7-28-11; 97-1081, eff. 8-24-12.)

23 (415 ILCS 5/44) (from Ch. 111 1/2, par. 1044)

24 Sec. 44. Criminal acts; penalties.

25 (a) Except as otherwise provided in this Section, it shall

1 be a Class A misdemeanor to violate this Act or regulations
2 thereunder, or any permit or term or condition thereof, or
3 knowingly to submit any false information under this Act or
4 regulations adopted thereunder, or under any permit or term or
5 condition thereof. A court may, in addition to any other
6 penalty herein imposed, order a person convicted of any
7 violation of this Act to perform community service for not less
8 than 100 hours and not more than 300 hours if community service
9 is available in the jurisdiction. It shall be the duty of all
10 State and local law-enforcement officers to enforce such Act
11 and regulations, and all such officers shall have authority to
12 issue citations for such violations.

13 (b) Calculated Criminal Disposal of Hazardous Waste.

14 (1) A person commits the offense of Calculated Criminal
15 Disposal of Hazardous Waste when, without lawful
16 justification, he knowingly disposes of hazardous waste
17 while knowing that he thereby places another person in
18 danger of great bodily harm or creates an immediate or
19 long-term danger to the public health or the environment.

20 (2) Calculated Criminal Disposal of Hazardous Waste is
21 a Class 2 felony. In addition to any other penalties
22 prescribed by law, a person convicted of the offense of
23 Calculated Criminal Disposal of Hazardous Waste is subject
24 to a fine not to exceed \$500,000 for each day of such
25 offense.

1 (c) Criminal Disposal of Hazardous Waste.

2 (1) A person commits the offense of Criminal Disposal
3 of Hazardous Waste when, without lawful justification, he
4 knowingly disposes of hazardous waste.

5 (2) Criminal Disposal of Hazardous Waste is a Class 3
6 felony. In addition to any other penalties prescribed by
7 law, a person convicted of the offense of Criminal Disposal
8 of Hazardous Waste is subject to a fine not to exceed
9 \$250,000 for each day of such offense.

10 (d) Unauthorized Use of Hazardous Waste.

11 (1) A person commits the offense of Unauthorized Use of
12 Hazardous Waste when he, being required to have a permit,
13 registration, or license under this Act or any other law
14 regulating the treatment, transportation, or storage of
15 hazardous waste, knowingly:

16 (A) treats, transports, or stores any hazardous
17 waste without such permit, registration, or license;

18 (B) treats, transports, or stores any hazardous
19 waste in violation of the terms and conditions of such
20 permit or license;

21 (C) transports any hazardous waste to a facility
22 which does not have a permit or license required under
23 this Act; or

24 (D) transports by vehicle any hazardous waste

1 without having in each vehicle credentials issued to
2 the transporter by the transporter's base state
3 pursuant to procedures established under the Uniform
4 Program.

5 (2) A person who is convicted of a violation of
6 subparagraph (A), (B), or (C) of paragraph (1) of this
7 subsection is guilty of a Class 4 felony. A person who is
8 convicted of a violation of subparagraph (D) of paragraph
9 (1) of this subsection is guilty of a Class A misdemeanor.
10 In addition to any other penalties prescribed by law, a
11 person convicted of violating subparagraph (A), (B), or (C)
12 of paragraph (1) of this subsection is subject to a fine
13 not to exceed \$100,000 for each day of such violation, and
14 a person who is convicted of violating subparagraph (D) of
15 paragraph (1) of this subsection is subject to a fine not
16 to exceed \$1,000.

17 (e) Unlawful Delivery of Hazardous Waste.

18 (1) Except as authorized by this Act or the federal
19 Resource Conservation and Recovery Act, and the
20 regulations promulgated thereunder, it is unlawful for any
21 person to knowingly deliver hazardous waste.

22 (2) Unlawful Delivery of Hazardous Waste is a Class 3
23 felony. In addition to any other penalties prescribed by
24 law, a person convicted of the offense of Unlawful Delivery
25 of Hazardous Waste is subject to a fine not to exceed

1 \$250,000 for each such violation.

2 (3) For purposes of this Section, "deliver" or
3 "delivery" means the actual, constructive, or attempted
4 transfer of possession of hazardous waste, with or without
5 consideration, whether or not there is an agency
6 relationship.

7 (f) Reckless Disposal of Hazardous Waste.

8 (1) A person commits Reckless Disposal of Hazardous
9 Waste if he disposes of hazardous waste, and his acts which
10 cause the hazardous waste to be disposed of, whether or not
11 those acts are undertaken pursuant to or under color of any
12 permit or license, are performed with a conscious disregard
13 of a substantial and unjustifiable risk that such disposing
14 of hazardous waste is a gross deviation from the standard
15 of care which a reasonable person would exercise in the
16 situation.

17 (2) Reckless Disposal of Hazardous Waste is a Class 4
18 felony. In addition to any other penalties prescribed by
19 law, a person convicted of the offense of Reckless Disposal
20 of Hazardous Waste is subject to a fine not to exceed
21 \$50,000 for each day of such offense.

22 (g) Concealment of Criminal Disposal of Hazardous Waste.

23 (1) A person commits the offense of Concealment of
24 Criminal Disposal of Hazardous Waste when he conceals,

1 without lawful justification, the disposal of hazardous
2 waste with the knowledge that such hazardous waste has been
3 disposed of in violation of this Act.

4 (2) Concealment of Criminal Disposal of a Hazardous
5 Waste is a Class 4 felony. In addition to any other
6 penalties prescribed by law, a person convicted of the
7 offense of Concealment of Criminal Disposal of Hazardous
8 Waste is subject to a fine not to exceed \$50,000 for each
9 day of such offense.

10 (h) Violations; False Statements.

11 (1) Any person who knowingly makes a false material
12 statement in an application for a permit or license
13 required by this Act to treat, transport, store, or dispose
14 of hazardous waste commits the offense of perjury and shall
15 be subject to the penalties set forth in Section 32-2 of
16 the Criminal Code of 2012 ~~1961~~.

17 (2) Any person who knowingly makes a false material
18 statement or representation in any label, manifest,
19 record, report, permit or license, or other document filed,
20 maintained, or used for the purpose of compliance with this
21 Act in connection with the generation, disposal,
22 treatment, storage, or transportation of hazardous waste
23 commits a Class 4 felony. A second or any subsequent
24 offense after conviction hereunder is a Class 3 felony.

25 (3) Any person who knowingly destroys, alters, or

1 conceals any record required to be made by this Act in
2 connection with the disposal, treatment, storage, or
3 transportation of hazardous waste commits a Class 4 felony.
4 A second or any subsequent offense after a conviction
5 hereunder is a Class 3 felony.

6 (4) Any person who knowingly makes a false material
7 statement or representation in any application, bill,
8 invoice, or other document filed, maintained, or used for
9 the purpose of receiving money from the Underground Storage
10 Tank Fund commits a Class 4 felony. A second or any
11 subsequent offense after conviction hereunder is a Class 3
12 felony.

13 (5) Any person who knowingly destroys, alters, or
14 conceals any record required to be made or maintained by
15 this Act or required to be made or maintained by Board or
16 Agency rules for the purpose of receiving money from the
17 Underground Storage Tank Fund commits a Class 4 felony. A
18 second or any subsequent offense after a conviction
19 hereunder is a Class 3 felony.

20 (6) A person who knowingly and falsely certifies under
21 Section 22.48 that an industrial process waste or pollution
22 control waste is not special waste commits a Class 4 felony
23 for a first offense and commits a Class 3 felony for a
24 second or subsequent offense.

25 (7) In addition to any other penalties prescribed by
26 law, a person convicted of violating this subsection (h) is

1 subject to a fine not to exceed \$50,000 for each day of
2 such violation.

3 (8) Any person who knowingly makes a false, fictitious,
4 or fraudulent material statement, orally or in writing, to
5 the Agency, or to a unit of local government to which the
6 Agency has delegated authority under subsection (r) of
7 Section 4 of this Act, related to or required by this Act,
8 a regulation adopted under this Act, any federal law or
9 regulation for which the Agency has responsibility, or any
10 permit, term, or condition thereof, commits a Class 4
11 felony, and each such statement or writing shall be
12 considered a separate Class 4 felony. A person who, after
13 being convicted under this paragraph (8), violates this
14 paragraph (8) a second or subsequent time, commits a Class
15 3 felony.

16 (i) Verification.

17 (1) Each application for a permit or license to dispose
18 of, transport, treat, store, or generate hazardous waste
19 under this Act shall contain an affirmation that the facts
20 are true and are made under penalty of perjury as defined
21 in Section 32-2 of the Criminal Code of 2012 ~~1961~~. It is
22 perjury for a person to sign any such application for a
23 permit or license which contains a false material
24 statement, which he does not believe to be true.

25 (2) Each request for money from the Underground Storage

1 Tank Fund shall contain an affirmation that the facts are
2 true and are made under penalty of perjury as defined in
3 Section 32-2 of the Criminal Code of 2012 ~~1961~~. It is
4 perjury for a person to sign any request that contains a
5 false material statement that he does not believe to be
6 true.

7 (j) Violations of Other Provisions.

8 (1) It is unlawful for a person knowingly to violate:

9 (A) subsection (f) of Section 12 of this Act;

10 (B) subsection (g) of Section 12 of this Act;

11 (C) any term or condition of any Underground
12 Injection Control (UIC) permit;

13 (D) any filing requirement, regulation, or order
14 relating to the State Underground Injection Control
15 (UIC) program;

16 (E) any provision of any regulation, standard, or
17 filing requirement under subsection (b) of Section 13
18 of this Act;

19 (F) any provision of any regulation, standard, or
20 filing requirement under subsection (b) of Section 39
21 of this Act;

22 (G) any National Pollutant Discharge Elimination
23 System (NPDES) permit issued under this Act or any term
24 or condition of such permit;

25 (H) subsection (h) of Section 12 of this Act;

- 1 (I) subsection 6 of Section 39.5 of this Act;
- 2 (J) any provision of any regulation, standard or
3 filing requirement under Section 39.5 of this Act;
- 4 (K) a provision of the Procedures for Asbestos
5 Emission Control in subsection (c) of Section 61.145 of
6 Title 40 of the Code of Federal Regulations; or
- 7 (L) the standard for waste disposal for
8 manufacturing, fabricating, demolition, renovation,
9 and spraying operations in Section 61.150 of Title 40
10 of the Code of Federal Regulations.
- 11 (2) A person convicted of a violation of subdivision
12 (1) of this subsection commits a Class 4 felony, and in
13 addition to any other penalty prescribed by law is subject
14 to a fine not to exceed \$25,000 for each day of such
15 violation.
- 16 (3) A person who negligently violates the following
17 shall be subject to a fine not to exceed \$10,000 for each
18 day of such violation:
- 19 (A) subsection (f) of Section 12 of this Act;
- 20 (B) subsection (g) of Section 12 of this Act;
- 21 (C) any provision of any regulation, standard, or
22 filing requirement under subsection (b) of Section 13
23 of this Act;
- 24 (D) any provision of any regulation, standard, or
25 filing requirement under subsection (b) of Section 39
26 of this Act;

1 (E) any National Pollutant Discharge Elimination
2 System (NPDES) permit issued under this Act;

3 (F) subsection 6 of Section 39.5 of this Act; or

4 (G) any provision of any regulation, standard, or
5 filing requirement under Section 39.5 of this Act.

6 (4) It is unlawful for a person knowingly to:

7 (A) make any false statement, representation, or
8 certification in an application form, or form
9 pertaining to, a National Pollutant Discharge
10 Elimination System (NPDES) permit;

11 (B) render inaccurate any monitoring device or
12 record required by the Agency or Board in connection
13 with any such permit or with any discharge which is
14 subject to the provisions of subsection (f) of Section
15 12 of this Act;

16 (C) make any false statement, representation, or
17 certification in any form, notice, or report
18 pertaining to a CAAPP permit under Section 39.5 of this
19 Act;

20 (D) render inaccurate any monitoring device or
21 record required by the Agency or Board in connection
22 with any CAAPP permit or with any emission which is
23 subject to the provisions of Section 39.5 of this Act;
24 or

25 (E) violate subsection 6 of Section 39.5 of this
26 Act or any CAAPP permit, or term or condition thereof,

1 or any fee or filing requirement.

2 (5) A person convicted of a violation of paragraph (4)
3 of this subsection commits a Class A misdemeanor, and in
4 addition to any other penalties provided by law is subject
5 to a fine not to exceed \$10,000 for each day of violation.

6 (k) Criminal operation of a hazardous waste or PCB
7 incinerator.

8 (1) A person commits the offense of criminal operation
9 of a hazardous waste or PCB incinerator when, in the course
10 of operating a hazardous waste or PCB incinerator, he
11 knowingly and without justification operates the
12 incinerator (i) without an Agency permit, or in knowing
13 violation of the terms of an Agency permit, and (ii) as a
14 result of such violation, knowingly places any person in
15 danger of great bodily harm or knowingly creates an
16 immediate or long term material danger to the public health
17 or the environment.

18 (2) Any person who commits the offense of criminal
19 operation of a hazardous waste or PCB incinerator for the
20 first time commits a Class 4 felony and, in addition to any
21 other penalties prescribed by law, shall be subject to a
22 fine not to exceed \$100,000 for each day of the offense.

23 Any person who commits the offense of criminal
24 operation of a hazardous waste or PCB incinerator for a
25 second or subsequent time commits a Class 3 felony and, in

1 addition to any other penalties prescribed by law, shall be
2 subject to a fine not to exceed \$250,000 for each day of
3 the offense.

4 (3) For the purpose of this subsection (k), the term
5 "hazardous waste or PCB incinerator" means a pollution
6 control facility at which either hazardous waste or PCBs,
7 or both, are incinerated. "PCBs" means any substance or
8 mixture of substances that contains one or more
9 polychlorinated biphenyls in detectable amounts.

10 (l) It shall be the duty of all State and local law
11 enforcement officers to enforce this Act and the regulations
12 adopted hereunder, and all such officers shall have authority
13 to issue citations for such violations.

14 (m) Any action brought under this Section shall be brought
15 by the State's Attorney of the county in which the violation
16 occurred, or by the Attorney General, and shall be conducted in
17 accordance with the applicable provisions of the Code of
18 Criminal Procedure of 1963.

19 (n) For an offense described in this Section, the period
20 for commencing prosecution prescribed by the statute of
21 limitations shall not begin to run until the offense is
22 discovered by or reported to a State or local agency having the
23 authority to investigate violations of this Act.

1 (o) In addition to any other penalties provided under this
2 Act, if a person is convicted of (or agrees to a settlement in
3 an enforcement action over) illegal dumping of waste on the
4 person's own property, the Attorney General, the Agency, or
5 local prosecuting authority shall file notice of the
6 conviction, finding, or agreement in the office of the Recorder
7 in the county in which the landowner lives.

8 (p) Criminal Disposal of Waste.

9 (1) A person commits the offense of Criminal Disposal
10 of Waste when he or she:

11 (A) if required to have a permit under subsection
12 (d) of Section 21 of this Act, knowingly conducts a
13 waste-storage, waste-treatment, or waste-disposal
14 operation in a quantity that exceeds 250 cubic feet of
15 waste without a permit; or

16 (B) knowingly conducts open dumping of waste in
17 violation of subsection (a) of Section 21 of this Act.

18 (2) (A) A person who is convicted of a violation of
19 subparagraph (A) of paragraph (1) of this subsection is
20 guilty of a Class 4 felony for a first offense and, in
21 addition to any other penalties provided by law, is subject
22 to a fine not to exceed \$25,000 for each day of violation.
23 A person who is convicted of a violation of subparagraph
24 (A) of paragraph (1) of this subsection is guilty of a

1 Class 3 felony for a second or subsequent offense and, in
2 addition to any other penalties provided by law, is subject
3 to a fine not to exceed \$50,000 for each day of violation.

4 (B) A person who is convicted of a violation of
5 subparagraph (B) of paragraph (1) of this subsection is
6 guilty of a Class A misdemeanor. However, a person who
7 is convicted of a violation of subparagraph (B) of
8 paragraph (1) of this subsection for the open dumping
9 of waste in a quantity that exceeds 250 cubic feet or
10 that exceeds 50 waste tires is guilty of a Class 4
11 felony and, in addition to any other penalties provided
12 by law, is subject to a fine not to exceed \$25,000 for
13 each day of violation.

14 (q) Criminal Damage to a Public Water Supply.

15 (1) A person commits the offense of Criminal Damage to
16 a Public Water Supply when, without lawful justification,
17 he knowingly alters, damages, or otherwise tampers with the
18 equipment or property of a public water supply, or
19 knowingly introduces a contaminant into the distribution
20 system of a public water supply so as to cause, threaten,
21 or allow the distribution of water from any public water
22 supply of such quality or quantity as to be injurious to
23 human health or the environment.

24 (2) Criminal Damage to a Public Water Supply is a Class
25 4 felony. In addition to any other penalties prescribed by

1 law, a person convicted of the offense of Criminal Damage
2 to a Public Water Supply is subject to a fine not to exceed
3 \$250,000 for each day of such offense.

4 (r) Aggravated Criminal Damage to a Public Water Supply.

5 (1) A person commits the offense of Aggravated Criminal
6 Damage to a Public Water Supply when, without lawful
7 justification, he commits Criminal Damage to a Public Water
8 Supply while knowing that he thereby places another person
9 in danger of serious illness or great bodily harm, or
10 creates an immediate or long-term danger to public health
11 or the environment.

12 (2) Aggravated Criminal Damage to a Public Water Supply
13 is a Class 2 felony. In addition to any other penalties
14 prescribed by law, a person convicted of the offense of
15 Aggravated Criminal Damage to a Public Water Supply is
16 subject to a fine not to exceed \$500,000 for each day of
17 such offense.

18 (Source: P.A. 96-603, eff. 8-24-09; 97-220, eff. 7-28-11;
19 97-286, eff. 8-10-11; 97-813, eff. 7-13-12.)

20 Section 545. The Firearm Owners Identification Card Act is
21 amended by changing Sections 1, 1.1, 3.1, 3.2, and 10 as
22 follows:

23 (430 ILCS 65/1) (from Ch. 38, par. 83-1)

1 Sec. 1. It is hereby declared as a matter of legislative
2 determination that in order to promote and protect the health,
3 safety and welfare of the public, it is necessary and in the
4 public interest to provide a system of identifying persons who
5 are not qualified to acquire or possess firearms, firearm
6 ammunition, stun guns, and tasers within the State of Illinois
7 by the establishment of a system of Firearm Owner's
8 Identification Cards, thereby establishing a practical and
9 workable system by which law enforcement authorities will be
10 afforded an opportunity to identify those persons who are
11 prohibited by Section 24-3.1 of the "Criminal Code of 2012
12 ~~1961~~", ~~as amended~~, from acquiring or possessing firearms and
13 firearm ammunition and who are prohibited by this Act from
14 acquiring stun guns and tasers.

15 (Source: P.A. 94-6, eff. 1-1-06.)

16 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

17 Sec. 1.1. For purposes of this Act:

18 "Has been adjudicated as a mental defective" means the
19 person is the subject of a determination by a court, board,
20 commission or other lawful authority that a person, as a result
21 of marked subnormal intelligence, or mental illness, mental
22 impairment, incompetency, condition, or disease:

23 (1) is a danger to himself, herself, or to others;

24 (2) lacks the mental capacity to manage his or her own
25 affairs;

1 (3) is not guilty in a criminal case by reason of
2 insanity, mental disease or defect;

3 (4) is incompetent to stand trial in a criminal case;

4 (5) is not guilty by reason of lack of mental
5 responsibility pursuant to Articles 50a and 72b of the
6 Uniform Code of Military Justice, 10 U.S.C. 850a, 876b.

7 "Counterfeit" means to copy or imitate, without legal
8 authority, with intent to deceive.

9 "Federally licensed firearm dealer" means a person who is
10 licensed as a federal firearms dealer under Section 923 of the
11 federal Gun Control Act of 1968 (18 U.S.C. 923).

12 "Firearm" means any device, by whatever name known, which
13 is designed to expel a projectile or projectiles by the action
14 of an explosion, expansion of gas or escape of gas; excluding,
15 however:

16 (1) any pneumatic gun, spring gun, paint ball gun, or
17 B-B gun which expels a single globular projectile not
18 exceeding .18 inch in diameter or which has a maximum
19 muzzle velocity of less than 700 feet per second;

20 (1.1) any pneumatic gun, spring gun, paint ball gun, or
21 B-B gun which expels breakable paint balls containing
22 washable marking colors;

23 (2) any device used exclusively for signalling or
24 safety and required or recommended by the United States
25 Coast Guard or the Interstate Commerce Commission;

26 (3) any device used exclusively for the firing of stud

1 cartridges, explosive rivets or similar industrial
2 ammunition; and

3 (4) an antique firearm (other than a machine-gun)
4 which, although designed as a weapon, the Department of
5 State Police finds by reason of the date of its
6 manufacture, value, design, and other characteristics is
7 primarily a collector's item and is not likely to be used
8 as a weapon.

9 "Firearm ammunition" means any self-contained cartridge or
10 shotgun shell, by whatever name known, which is designed to be
11 used or adaptable to use in a firearm; excluding, however:

12 (1) any ammunition exclusively designed for use with a
13 device used exclusively for signalling or safety and
14 required or recommended by the United States Coast Guard or
15 the Interstate Commerce Commission; and

16 (2) any ammunition designed exclusively for use with a
17 stud or rivet driver or other similar industrial
18 ammunition.

19 "Gun show" means an event or function:

20 (1) at which the sale and transfer of firearms is the
21 regular and normal course of business and where 50 or more
22 firearms are displayed, offered, or exhibited for sale,
23 transfer, or exchange; or

24 (2) at which not less than 10 gun show vendors display,
25 offer, or exhibit for sale, sell, transfer, or exchange
26 firearms.

1 "Gun show" includes the entire premises provided for an
2 event or function, including parking areas for the event or
3 function, that is sponsored to facilitate the purchase, sale,
4 transfer, or exchange of firearms as described in this Section.

5 "Gun show" does not include training or safety classes,
6 competitive shooting events, such as rifle, shotgun, or handgun
7 matches, trap, skeet, or sporting clays shoots, dinners,
8 banquets, raffles, or any other event where the sale or
9 transfer of firearms is not the primary course of business.

10 "Gun show promoter" means a person who organizes or
11 operates a gun show.

12 "Gun show vendor" means a person who exhibits, sells,
13 offers for sale, transfers, or exchanges any firearms at a gun
14 show, regardless of whether the person arranges with a gun show
15 promoter for a fixed location from which to exhibit, sell,
16 offer for sale, transfer, or exchange any firearm.

17 "Sanctioned competitive shooting event" means a shooting
18 contest officially recognized by a national or state shooting
19 sport association, and includes any sight-in or practice
20 conducted in conjunction with the event.

21 "Stun gun or taser" has the meaning ascribed to it in
22 Section 24-1 of the Criminal Code of 2012 ~~1961~~.

23 (Source: P.A. 97-776, eff. 7-13-12.)

24 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

25 Sec. 3.1. Dial up system.

1 (a) The Department of State Police shall provide a dial up
2 telephone system or utilize other existing technology which
3 shall be used by any federally licensed firearm dealer, gun
4 show promoter, or gun show vendor who is to transfer a firearm,
5 stun gun, or taser under the provisions of this Act. The
6 Department of State Police may utilize existing technology
7 which allows the caller to be charged a fee not to exceed \$2.
8 Fees collected by the Department of State Police shall be
9 deposited in the State Police Services Fund and used to provide
10 the service.

11 (b) Upon receiving a request from a federally licensed
12 firearm dealer, gun show promoter, or gun show vendor, the
13 Department of State Police shall immediately approve, or within
14 the time period established by Section 24-3 of the Criminal
15 Code of 2012 ~~1961~~ regarding the delivery of firearms, stun
16 guns, and tasers notify the inquiring dealer, gun show
17 promoter, or gun show vendor of any objection that would
18 disqualify the transferee from acquiring or possessing a
19 firearm, stun gun, or taser. In conducting the inquiry, the
20 Department of State Police shall initiate and complete an
21 automated search of its criminal history record information
22 files and those of the Federal Bureau of Investigation,
23 including the National Instant Criminal Background Check
24 System, and of the files of the Department of Human Services
25 relating to mental health and developmental disabilities to
26 obtain any felony conviction or patient hospitalization

1 information which would disqualify a person from obtaining or
2 require revocation of a currently valid Firearm Owner's
3 Identification Card.

4 (c) If receipt of a firearm would not violate Section 24-3
5 of the Criminal Code of 2012 ~~1961~~, federal law, or this Act the
6 Department of State Police shall:

7 (1) assign a unique identification number to the
8 transfer; and

9 (2) provide the licensee, gun show promoter, or gun
10 show vendor with the number.

11 (d) Approvals issued by the Department of State Police for
12 the purchase of a firearm are valid for 30 days from the date
13 of issue.

14 (e) (1) The Department of State Police must act as the
15 Illinois Point of Contact for the National Instant Criminal
16 Background Check System.

17 (2) The Department of State Police and the Department of
18 Human Services shall, in accordance with State and federal law
19 regarding confidentiality, enter into a memorandum of
20 understanding with the Federal Bureau of Investigation for the
21 purpose of implementing the National Instant Criminal
22 Background Check System in the State. The Department of State
23 Police shall report the name, date of birth, and physical
24 description of any person prohibited from possessing a firearm
25 pursuant to the Firearm Owners Identification Card Act or 18
26 U.S.C. 922(g) and (n) to the National Instant Criminal

1 Background Check System Index, Denied Persons Files.

2 (f) The Department of State Police shall promulgate rules
3 not inconsistent with this Section to implement this system.

4 (Source: P.A. 94-6, eff. 1-1-06; 94-353, eff. 7-29-05; 95-331,
5 eff. 8-21-07; 95-564, eff. 6-1-08.)

6 (430 ILCS 65/3.2)

7 Sec. 3.2. List of prohibited projectiles; notice to
8 dealers. Prior to January 1, 2002, the Department of State
9 Police shall list on the Department's World Wide Web site all
10 firearm projectiles that are prohibited under Sections 24-2.1,
11 24-2.2, and 24-3.2 of the Criminal Code of 2012 ~~1961~~, together
12 with a statement setting forth the sentence that may be imposed
13 for violating those Sections. The Department of State Police
14 shall, prior to January 1, 2002, send a list of all firearm
15 projectiles that are prohibited under Sections 24-2.1, 24-2.2,
16 and 24-3.2 of the Criminal Code of 2012 ~~1961~~ to each federally
17 licensed firearm dealer in Illinois registered with the
18 Department.

19 (Source: P.A. 92-423, eff. 1-1-02.)

20 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

21 Sec. 10. Appeal to director; hearing; relief from firearm
22 prohibitions.

23 (a) Whenever an application for a Firearm Owner's
24 Identification Card is denied, whenever the Department fails to

1 act on an application within 30 days of its receipt, or
2 whenever such a Card is revoked or seized as provided for in
3 Section 8 of this Act, the aggrieved party may appeal to the
4 Director of State Police for a hearing upon such denial,
5 revocation or seizure, unless the denial, revocation, or
6 seizure was based upon a forcible felony, stalking, aggravated
7 stalking, domestic battery, any violation of the Illinois
8 Controlled Substances Act, the Methamphetamine Control and
9 Community Protection Act, or the Cannabis Control Act that is
10 classified as a Class 2 or greater felony, any felony violation
11 of Article 24 of the Criminal Code of 1961 or the Criminal Code
12 of 2012, or any adjudication as a delinquent minor for the
13 commission of an offense that if committed by an adult would be
14 a felony, in which case the aggrieved party may petition the
15 circuit court in writing in the county of his or her residence
16 for a hearing upon such denial, revocation, or seizure.

17 (b) At least 30 days before any hearing in the circuit
18 court, the petitioner shall serve the relevant State's Attorney
19 with a copy of the petition. The State's Attorney may object to
20 the petition and present evidence. At the hearing the court
21 shall determine whether substantial justice has been done.
22 Should the court determine that substantial justice has not
23 been done, the court shall issue an order directing the
24 Department of State Police to issue a Card. However, the court
25 shall not issue the order if the petitioner is otherwise
26 prohibited from obtaining, possessing, or using a firearm under

1 federal law.

2 (c) Any person prohibited from possessing a firearm under
3 Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 ~~1961~~ or
4 acquiring a Firearm Owner's Identification Card under Section 8
5 of this Act may apply to the Director of State Police or
6 petition the circuit court in the county where the petitioner
7 resides, whichever is applicable in accordance with subsection
8 (a) of this Section, requesting relief from such prohibition
9 and the Director or court may grant such relief if it is
10 established by the applicant to the court's or Director's
11 satisfaction that:

12 (0.05) when in the circuit court, the State's Attorney
13 has been served with a written copy of the petition at
14 least 30 days before any such hearing in the circuit court
15 and at the hearing the State's Attorney was afforded an
16 opportunity to present evidence and object to the petition;

17 (1) the applicant has not been convicted of a forcible
18 felony under the laws of this State or any other
19 jurisdiction within 20 years of the applicant's
20 application for a Firearm Owner's Identification Card, or
21 at least 20 years have passed since the end of any period
22 of imprisonment imposed in relation to that conviction;

23 (2) the circumstances regarding a criminal conviction,
24 where applicable, the applicant's criminal history and his
25 reputation are such that the applicant will not be likely
26 to act in a manner dangerous to public safety;

1 (3) granting relief would not be contrary to the public
2 interest; and

3 (4) granting relief would not be contrary to federal
4 law.

5 (d) When a minor is adjudicated delinquent for an offense
6 which if committed by an adult would be a felony, the court
7 shall notify the Department of State Police.

8 (e) The court shall review the denial of an application or
9 the revocation of a Firearm Owner's Identification Card of a
10 person who has been adjudicated delinquent for an offense that
11 if committed by an adult would be a felony if an application
12 for relief has been filed at least 10 years after the
13 adjudication of delinquency and the court determines that the
14 applicant should be granted relief from disability to obtain a
15 Firearm Owner's Identification Card. If the court grants
16 relief, the court shall notify the Department of State Police
17 that the disability has been removed and that the applicant is
18 eligible to obtain a Firearm Owner's Identification Card.

19 (f) Any person who is subject to the disabilities of 18
20 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act
21 of 1968 because of an adjudication or commitment that occurred
22 under the laws of this State or who was determined to be
23 subject to the provisions of subsections (e), (f), or (g) of
24 Section 8 of this Act may apply to the Department of State
25 Police requesting relief from that prohibition. The Director
26 shall grant the relief if it is established by a preponderance

1 of the evidence that the person will not be likely to act in a
2 manner dangerous to public safety and that granting relief
3 would not be contrary to the public interest. In making this
4 determination, the Director shall receive evidence concerning
5 (i) the circumstances regarding the firearms disabilities from
6 which relief is sought; (ii) the petitioner's mental health and
7 criminal history records, if any; (iii) the petitioner's
8 reputation, developed at a minimum through character witness
9 statements, testimony, or other character evidence; and (iv)
10 changes in the petitioner's condition or circumstances since
11 the disqualifying events relevant to the relief sought. If
12 relief is granted under this subsection or by order of a court
13 under this Section, the Director shall as soon as practicable
14 but in no case later than 15 business days, update, correct,
15 modify, or remove the person's record in any database that the
16 Department of State Police makes available to the National
17 Instant Criminal Background Check System and notify the United
18 States Attorney General that the basis for the record being
19 made available no longer applies. The Department of State
20 Police shall adopt rules for the administration of this
21 subsection (f).

22 (Source: P.A. 96-1368, eff. 7-28-10; 97-1131, eff. 1-1-13.)

23 Section 550. The Carnival and Amusement Rides Safety Act is
24 amended by changing Section 2-20 as follows:

1 (430 ILCS 85/2-20)

2 Sec. 2-20. Employment of carnival workers.

3 (a) Beginning on January 1, 2008, no person, firm,
4 corporation, or other entity that owns or operates a carnival
5 or fair shall employ a carnival worker who (i) has been
6 convicted of any offense set forth in Article 11 of the
7 Criminal Code of 1961 or the Criminal Code of 2012, (ii) is a
8 registered sex offender, as defined in the Sex Offender
9 Registration Act, or (iii) has ever been convicted of any
10 offense set forth in Article 9 of the Criminal Code of 1961 or
11 the Criminal Code of 2012.

12 (b) A person, firm, corporation, or other entity that owns
13 or operates a carnival or fair must conduct a criminal history
14 records check and perform a check of the National Sex Offender
15 Public Registry for carnival workers at the time they are
16 hired, and annually thereafter except if they are in the
17 continued employ of the entity.

18 The criminal history records check performed under this
19 subsection (b) shall be performed by the Illinois State Police,
20 another State or federal law enforcement agency, or a business
21 belonging to the National Association of Professional
22 Background Check Screeners. Any criminal history checks
23 performed by the Illinois State Police shall be pursuant to the
24 Illinois Uniform Conviction Information Act.

25 Individuals who are under the age of 17 are exempt from the
26 criminal history records check requirements set forth in this

1 subsection (b).

2 (c) Any person, firm, corporation, or other entity that
3 owns or operates a carnival or fair must have a substance abuse
4 policy in place for its workers, which shall include random
5 drug testing of carnival workers.

6 (d) Any person, firm, corporation, or other entity that
7 owns or operates a carnival or fair that violates the
8 provisions of subsection (a) of this Section or fails to
9 conduct a criminal history records check or a sex offender
10 registry check for carnival workers in its employ, as required
11 by subsection (b) of this Section, shall be assessed a civil
12 penalty in an amount not to exceed \$1,000 for a first offense,
13 not to exceed \$5,000 for a second offense, and not to exceed
14 \$15,000 for a third or subsequent offense. The collection of
15 these penalties shall be enforced in a civil action brought by
16 the Attorney General on behalf of the Department.

17 (e) A carnival or fair owner is not responsible for:

18 (1) any personal information submitted by a carnival
19 worker for criminal history records check purposes; or

20 (2) any information provided by a third party for a
21 criminal history records check or a sex offender registry
22 check.

23 (f) Recordkeeping requirements. Any person, firm,
24 corporation, or other entity that owns or operates a carnival
25 or fair subject to the provisions of this Act shall make,
26 preserve, and make available to the Department, upon its

1 request, all records that are required by this Act, including
2 but not limited to a written substance abuse policy, evidence
3 of the required criminal history records check and sex offender
4 registry check, and any other information the Director may deem
5 necessary and appropriate for enforcement of this Act.

6 (g) A carnival or fair owner shall not be liable to any
7 employee in carrying out the requirements of this Section.

8 (Source: P.A. 95-397, eff. 8-24-07; 95-687, eff. 10-23-07;
9 96-151, eff. 8-7-09.)

10 Section 555. The Animal Control Act is amended by changing
11 Section 2.17a as follows:

12 (510 ILCS 5/2.17a)

13 Sec. 2.17a. "Peace officer" has the meaning ascribed to it
14 in Section 2-13 of the Criminal Code of 2012 ~~1961~~.

15 (Source: P.A. 93-548, eff. 8-19-03.)

16 Section 560. The Humane Care for Animals Act is amended by
17 changing Sections 3.03-1, 3.04, 3.05, 4.01, and 4.02 as
18 follows:

19 (510 ILCS 70/3.03-1)

20 Sec. 3.03-1. Depiction of animal cruelty.

21 (a) "Depiction of animal cruelty" means any visual or
22 auditory depiction, including any photograph, motion-picture

1 film, video recording, electronic image, or sound recording,
2 that would constitute a violation of Section 3.01, 3.02, 3.03,
3 or 4.01 of the Humane Care for Animals Act or Section 26-5 or
4 48-1 of the Criminal Code of 1961 or the Criminal Code of 2012.

5 (b) No person may knowingly create, sell, market, offer to
6 market or sell, or possess a depiction of animal cruelty. No
7 person may place that depiction in commerce for commercial gain
8 or entertainment. This Section does not apply when the
9 depiction has religious, political, scientific, educational,
10 law enforcement or humane investigator training, journalistic,
11 artistic, or historical value; or involves rodeos, sanctioned
12 livestock events, or normal husbandry practices.

13 The creation, sale, marketing, offering to sell or market,
14 or possession of the depiction of animal cruelty is illegal
15 regardless of whether the maiming, mutilation, torture,
16 wounding, abuse, killing, or any other conduct took place in
17 this State.

18 (c) Any person convicted of violating this Section is
19 guilty of a Class A misdemeanor. A second or subsequent
20 violation is a Class 4 felony. In addition to any other penalty
21 provided by law, upon conviction for violating this Section,
22 the court may order the convicted person to undergo a
23 psychological or psychiatric evaluation and to undergo any
24 treatment at the convicted person's expense that the court
25 determines to be appropriate after due consideration of the
26 evaluation. If the convicted person is a juvenile, the court

1 shall order the convicted person to undergo a psychological or
2 psychiatric evaluation and to undergo treatment that the court
3 determines to be appropriate after due consideration of the
4 evaluation.

5 (Source: P.A. 97-1108, eff. 1-1-13.)

6 (510 ILCS 70/3.04)

7 Sec. 3.04. Arrests and seizures; penalties.

8 (a) Any law enforcement officer making an arrest for an
9 offense involving one or more companion animals under Section
10 3.01, 3.02, or 3.03 of this Act may lawfully take possession of
11 some or all of the companion animals in the possession of the
12 person arrested. The officer, after taking possession of the
13 companion animals, must file with the court before whom the
14 complaint is made against any person so arrested an affidavit
15 stating the name of the person charged in the complaint, a
16 description of the condition of the companion animal or
17 companion animals taken, and the time and place the companion
18 animal or companion animals were taken, together with the name
19 of the person from whom the companion animal or companion
20 animals were taken and name of the person who claims to own the
21 companion animal or companion animals if different from the
22 person from whom the companion animal or companion animals were
23 seized. He or she must at the same time deliver an inventory of
24 the companion animal or companion animals taken to the court of
25 competent jurisdiction. The officer must place the companion

1 animal or companion animals in the custody of an animal control
2 or animal shelter and the agency must retain custody of the
3 companion animal or companion animals subject to an order of
4 the court adjudicating the charges on the merits and before
5 which the person complained against is required to appear for
6 trial. The State's Attorney may, within 14 days after the
7 seizure, file a "petition for forfeiture prior to trial" before
8 the court having criminal jurisdiction over the alleged
9 charges, asking for permanent forfeiture of the companion
10 animals seized. The petition shall be filed with the court,
11 with copies served on the impounding agency, the owner, and
12 anyone claiming an interest in the animals. In a "petition for
13 forfeiture prior to trial", the burden is on the prosecution to
14 prove by a preponderance of the evidence that the person
15 arrested violated Section 3.01, 3.02, 3.03, or 4.01 of this Act
16 or Section 26-5 or 48-1 of the Criminal Code of 1961 or the
17 Criminal Code of 2012.

18 (b) An owner whose companion animal or companion animals
19 are removed by a law enforcement officer under this Section
20 must be given written notice of the circumstances of the
21 removal and of any legal remedies available to him or her. The
22 notice must be posted at the place of seizure, or delivered to
23 a person residing at the place of seizure or, if the address of
24 the owner is different from the address of the person from whom
25 the companion animal or companion animals were seized,
26 delivered by registered mail to his or her last known address.

1 (c) In addition to any other penalty provided by law, upon
2 conviction for violating Sections 3, 3.01, 3.02, or 3.03 the
3 court may order the convicted person to forfeit to an animal
4 control or animal shelter the animal or animals that are the
5 basis of the conviction. Upon an order of forfeiture, the
6 convicted person is deemed to have permanently relinquished all
7 rights to the animal or animals that are the basis of the
8 conviction. The forfeited animal or animals shall be adopted or
9 humanely euthanized. In no event may the convicted person or
10 anyone residing in his or her household be permitted to adopt
11 the forfeited animal or animals. The court, additionally, may
12 order that the convicted person and persons dwelling in the
13 same household as the convicted person who conspired, aided, or
14 abetted in the unlawful act that was the basis of the
15 conviction, or who knew or should have known of the unlawful
16 act, may not own, harbor, or have custody or control of any
17 other animals for a period of time that the court deems
18 reasonable.

19 (Source: P.A. 97-1108, eff. 1-1-13.)

20 (510 ILCS 70/3.05)

21 Sec. 3.05. Security for companion animals and animals used
22 for fighting purposes.

23 (a) In the case of companion animals as defined in Section
24 2.01a or animals used for fighting purposes in violation of
25 Section 4.01 of this Act or Section 26-5 or 48-1 of the

1 Criminal Code of 1961 or the Criminal Code of 2012, the animal
2 control or animal shelter having custody of the animal or
3 animals may file a petition with the court requesting that the
4 person from whom the animal or animals are seized, or the owner
5 of the animal or animals, be ordered to post security. The
6 security must be in an amount sufficient to secure payment of
7 all reasonable expenses expected to be incurred by the animal
8 control or animal shelter in caring for and providing for the
9 animal or animals pending the disposition of the charges.
10 Reasonable expenses include, but are not limited to, estimated
11 medical care and boarding of the animal or animals for 30 days.
12 The amount of the security shall be determined by the court
13 after taking into consideration all of the facts and
14 circumstances of the case, including, but not limited to, the
15 recommendation of the impounding organization having custody
16 and care of the seized animal or animals and the cost of caring
17 for the animal or animals. If security has been posted in
18 accordance with this Section, the animal control or animal
19 shelter may draw from the security the actual costs incurred by
20 the agency in caring for the seized animal or animals.

21 (b) Upon receipt of a petition, the court must set a
22 hearing on the petition, to be conducted within 5 business days
23 after the petition is filed. The petitioner must serve a true
24 copy of the petition upon the defendant and the State's
25 Attorney for the county in which the animal or animals were
26 seized. The petitioner must also serve a true copy of the

1 petition on any interested person. For the purposes of this
2 subsection, "interested person" means an individual,
3 partnership, firm, joint stock company, corporation,
4 association, trust, estate, or other legal entity that the
5 court determines may have a pecuniary interest in the animal or
6 animals that are the subject of the petition. The court must
7 set a hearing date to determine any interested parties. The
8 court may waive for good cause shown the posting of security.

9 (c) If the court orders the posting of security, the
10 security must be posted with the clerk of the court within 5
11 business days after the hearing. If the person ordered to post
12 security does not do so, the animal or animals are forfeited by
13 operation of law and the animal control or animal shelter
14 having control of the animal or animals must dispose of the
15 animal or animals through adoption or must humanely euthanize
16 the animal. In no event may the defendant or any person
17 residing in the defendant's household adopt the animal or
18 animals.

19 (d) The impounding organization may file a petition with
20 the court upon the expiration of the 30-day period requesting
21 the posting of additional security. The court may order the
22 person from whom the animal or animals were seized, or the
23 owner of the animal or animals, to post additional security
24 with the clerk of the court to secure payment of reasonable
25 expenses for an additional period of time pending a
26 determination by the court of the charges against the person

1 from whom the animal or animals were seized.

2 (e) In no event may the security prevent the impounding
3 organization having custody and care of the animal or animals
4 from disposing of the animal or animals before the expiration
5 of the 30-day period covered by the security if the court makes
6 a final determination of the charges against the person from
7 whom the animal or animals were seized. Upon the adjudication
8 of the charges, the person who posted the security is entitled
9 to a refund of the security, in whole or in part, for any
10 expenses not incurred by the impounding organization.

11 (f) Notwithstanding any other provision of this Section to
12 the contrary, the court may order a person charged with any
13 violation of this Act to provide necessary food, water,
14 shelter, and care for any animal or animals that are the basis
15 of the charge without the removal of the animal or animals from
16 their existing location and until the charges against the
17 person are adjudicated. Until a final determination of the
18 charges is made, any law enforcement officer, animal control
19 officer, Department investigator, or an approved humane
20 investigator may be authorized by an order of the court to make
21 regular visits to the place where the animal or animals are
22 being kept to ascertain if the animal or animals are receiving
23 necessary food, water, shelter, and care. Nothing in this
24 Section prevents any law enforcement officer, Department
25 investigator, or approved humane investigator from applying
26 for a warrant under this Section to seize any animal or animals

1 being held by the person charged pending the adjudication of
2 the charges if it is determined that the animal or animals are
3 not receiving the necessary food, water, shelter, or care.

4 (g) Nothing in this Act shall be construed to prevent the
5 voluntary, permanent relinquishment of any animal by its owner
6 to an animal control or animal shelter in lieu of posting
7 security or proceeding to a forfeiture hearing. Voluntary
8 relinquishment shall have no effect on the criminal charges
9 that may be pursued by the appropriate authorities.

10 (h) If an owner of a companion animal is acquitted by the
11 court of charges made pursuant to this Act, the court shall
12 further order that any security that has been posted for the
13 animal shall be returned to the owner by the impounding
14 organization.

15 (i) The provisions of this Section only pertain to
16 companion animals and animals used for fighting purposes.

17 (Source: P.A. 97-1108, eff. 1-1-13.)

18 (510 ILCS 70/4.01) (from Ch. 8, par. 704.01)

19 Sec. 4.01. Animals in entertainment. This Section does not
20 apply when the only animals involved are dogs. (Section 48-1 of
21 the Criminal Code of 2012 ~~1961~~, rather than this Section,
22 applies when the only animals involved are dogs.)

23 (a) No person may own, capture, breed, train, or lease any
24 animal which he or she knows or should know is intended for use
25 in any show, exhibition, program, or other activity featuring

1 or otherwise involving a fight between such animal and any
2 other animal or human, or the intentional killing of any animal
3 for the purpose of sport, wagering, or entertainment.

4 (b) No person shall promote, conduct, carry on, advertise,
5 collect money for or in any other manner assist or aid in the
6 presentation for purposes of sport, wagering, or
7 entertainment, any show, exhibition, program, or other
8 activity involving a fight between 2 or more animals or any
9 animal and human, or the intentional killing of any animal.

10 (c) No person shall sell or offer for sale, ship,
11 transport, or otherwise move, or deliver or receive any animal
12 which he or she knows or should know has been captured, bred,
13 or trained, or will be used, to fight another animal or human
14 or be intentionally killed, for the purpose of sport, wagering,
15 or entertainment.

16 (d) No person shall manufacture for sale, shipment,
17 transportation or delivery any device or equipment which that
18 person knows or should know is intended for use in any show,
19 exhibition, program, or other activity featuring or otherwise
20 involving a fight between 2 or more animals, or any human and
21 animal, or the intentional killing of any animal for purposes
22 of sport, wagering or entertainment.

23 (e) No person shall own, possess, sell or offer for sale,
24 ship, transport, or otherwise move any equipment or device
25 which such person knows or should know is intended for use in
26 connection with any show, exhibition, program, or activity

1 featuring or otherwise involving a fight between 2 or more
2 animals, or any animal and human, or the intentional killing of
3 any animal for purposes of sport, wagering or entertainment.

4 (f) No person shall make available any site, structure, or
5 facility, whether enclosed or not, which he or she knows or
6 should know is intended to be used for the purpose of
7 conducting any show, exhibition, program, or other activity
8 involving a fight between 2 or more animals, or any animal and
9 human, or the intentional killing of any animal.

10 (g) No person shall knowingly attend or otherwise patronize
11 any show, exhibition, program, or other activity featuring or
12 otherwise involving a fight between 2 or more animals, or any
13 animal and human, or the intentional killing of any animal for
14 the purposes of sport, wagering or entertainment.

15 (h) (Blank).

16 (i) Any animals or equipment involved in a violation of
17 this Section shall be immediately seized and impounded under
18 Section 12 by the Department when located at any show,
19 exhibition, program, or other activity featuring or otherwise
20 involving an animal fight for the purposes of sport, wagering,
21 or entertainment.

22 (j) Any vehicle or conveyance other than a common carrier
23 that is used in violation of this Section shall be seized,
24 held, and offered for sale at public auction by the sheriff's
25 department of the proper jurisdiction, and the proceeds from
26 the sale shall be remitted to the general fund of the county

1 where the violation took place.

2 (k) Any veterinarian in this State who is presented with an
3 animal for treatment of injuries or wounds resulting from
4 fighting where there is a reasonable possibility that the
5 animal was engaged in or utilized for a fighting event for the
6 purposes of sport, wagering, or entertainment shall file a
7 report with the Department and cooperate by furnishing the
8 owners' names, dates, and descriptions of the animal or animals
9 involved. Any veterinarian who in good faith complies with the
10 requirements of this subsection has immunity from any
11 liability, civil, criminal, or otherwise, that may result from
12 his or her actions. For the purposes of any proceedings, civil
13 or criminal, the good faith of the veterinarian shall be
14 rebuttably presumed.

15 (l) No person shall solicit a minor to violate this
16 Section.

17 (m) The penalties for violations of this Section shall be
18 as follows:

19 (1) A person convicted of violating subsection (a),
20 (b), or (c) of this Section or any rule, regulation, or
21 order of the Department pursuant thereto is guilty of a
22 Class 4 felony for the first offense. A second or
23 subsequent offense involving the violation of subsection
24 (a), (b), or (c) of this Section or any rule, regulation,
25 or order of the Department pursuant thereto is a Class 3
26 felony.

1 (2) A person convicted of violating subsection (d),
2 (e), or (f) of this Section or any rule, regulation, or
3 order of the Department pursuant thereto is guilty of a
4 Class 4 felony for the first offense. A second or
5 subsequent violation is a Class 3 felony.

6 (3) A person convicted of violating subsection (g) of
7 this Section or any rule, regulation, or order of the
8 Department pursuant thereto is guilty of a Class 4 felony
9 for the first offense. A second or subsequent violation is
10 a Class 3 felony.

11 (4) A person convicted of violating subsection (l) of
12 this Section is guilty of a Class 4 felony for the first
13 offense. A second or subsequent violation is a Class 3
14 felony.

15 (n) A person who commits a felony violation of this Section
16 is subject to the property forfeiture provisions set forth in
17 Article 124B of the Code of Criminal Procedure of 1963.

18 (Source: P.A. 96-226, eff. 8-11-09; 96-712, eff. 1-1-10;
19 96-1000, eff. 7-2-10; 97-1108, eff. 1-1-13.)

20 (510 ILCS 70/4.02) (from Ch. 8, par. 704.02)

21 Sec. 4.02. Arrests; reports.

22 (a) Any law enforcement officer making an arrest for an
23 offense involving one or more animals under Section 4.01 of
24 this Act or Section 48-1 of the Criminal Code of 2012 ~~1961~~
25 shall lawfully take possession of all animals and all

1 paraphernalia, implements, or other property or things used or
2 employed, or about to be employed, in the violation of any of
3 the provisions of Section 4.01 of this Act or Section 48-1 of
4 the Criminal Code of 2012 ~~1961~~. When a law enforcement officer
5 has taken possession of such animals, paraphernalia,
6 implements or other property or things, he or she shall file
7 with the court before whom the complaint is made against any
8 person so arrested an affidavit stating therein the name of the
9 person charged in the complaint, a description of the property
10 so taken and the time and place of the taking thereof together
11 with the name of the person from whom the same was taken and
12 name of the person who claims to own such property, if
13 different from the person from whom the animals were seized and
14 if known, and that the affiant has reason to believe and does
15 believe, stating the ground of the belief, that the animals and
16 property so taken were used or employed, or were about to be
17 used or employed, in a violation of Section 4.01 of this Act or
18 Section 48-1 of the Criminal Code of 2012 ~~1961~~. He or she shall
19 thereupon deliver an inventory of the property so taken to the
20 court of competent jurisdiction. A law enforcement officer may
21 humanely euthanize animals that are severely injured.

22 An owner whose animals are removed for a violation of
23 Section 4.01 of this Act or Section 48-1 of the Criminal Code
24 of 2012 ~~1961~~ must be given written notice of the circumstances
25 of the removal and of any legal remedies available to him or
26 her. The notice must be posted at the place of seizure or

1 delivered to a person residing at the place of seizure or, if
2 the address of the owner is different from the address of the
3 person from whom the animals were seized, delivered by
4 registered mail to his or her last known address.

5 The animal control or animal shelter having custody of the
6 animals may file a petition with the court requesting that the
7 person from whom the animals were seized or the owner of the
8 animals be ordered to post security pursuant to Section 3.05 of
9 this Act.

10 Upon the conviction of the person so charged, all animals
11 shall be adopted or humanely euthanized and property so seized
12 shall be adjudged by the court to be forfeited. Any outstanding
13 costs incurred by the impounding facility in boarding and
14 treating the animals pending the disposition of the case and
15 disposing of the animals upon a conviction must be borne by the
16 person convicted. In no event may the animals be adopted by the
17 defendant or anyone residing in his or her household. If the
18 court finds that the State either failed to prove the criminal
19 allegations or failed to prove that the animals were used in
20 fighting, the court must direct the delivery of the animals and
21 the other property not previously forfeited to the owner of the
22 animals and property.

23 Any person authorized by this Section to care for an
24 animal, to treat an animal, or to attempt to restore an animal
25 to good health and who is acting in good faith is immune from
26 any civil or criminal liability that may result from his or her

1 actions.

2 An animal control warden, animal control administrator,
3 animal shelter employee, or approved humane investigator may
4 humanely euthanize severely injured, diseased, or suffering
5 animal in exigent circumstances.

6 (b) Any veterinarian in this State who is presented with an
7 animal for treatment of injuries or wounds resulting from
8 fighting where there is a reasonable possibility that the
9 animal was engaged in or utilized for a fighting event shall
10 file a report with the Department and cooperate by furnishing
11 the owners' names, date of receipt of the animal or animals and
12 treatment administered, and descriptions of the animal or
13 animals involved. Any veterinarian who in good faith makes a
14 report, as required by this subsection (b), is immune from any
15 liability, civil, criminal, or otherwise, resulting from his or
16 her actions. For the purposes of any proceedings, civil or
17 criminal, the good faith of any such veterinarian shall be
18 presumed.

19 (Source: P.A. 97-1108, eff. 1-1-13.)

20 Section 565. The Wildlife Code is amended by changing
21 Section 1.2b-1 as follows:

22 (520 ILCS 5/1.2b-1) (from Ch. 61, par. 1.2b-1)

23 Sec. 1.2b-1. Case. "Case" means any case, firearm carrying
24 box, shipping box, or container acceptable under Article 24 of

1 the Criminal Code of 2012 ~~1961~~.
2 (Source: P.A. 97-1027, eff. 8-17-12.)

3 Section 570. The Roadside Memorial Act is amended by
4 changing Section 23 as follows:

5 (605 ILCS 125/23)
6 (Section scheduled to be repealed on December 31, 2012)

7 Sec. 23. Fatal accident memorial marker program.

8 (a) The fatal accident memorial marker program is intended
9 to raise public awareness of reckless driving by emphasizing
10 the dangers while affording families an opportunity to remember
11 the victims of crashes involving reckless drivers.

12 (b) As used in this Section, "fatal accident memorial
13 marker" means a marker on a highway in this State commemorating
14 one or more persons who died as a proximate result of a crash
15 caused by a driver who committed an act of reckless homicide in
16 violation of Section 9-3 or 9-3.2 of the Criminal Code of 1961
17 or the Criminal Code of 2012 or who otherwise caused the death
18 of one or more persons through the operation of a motor
19 vehicle.

20 (c) For purposes of the fatal accident memorial marker
21 program in this Section, the provisions of Section 15 of this
22 Act applicable to DUI memorial markers shall apply the same to
23 fatal accident memorial markers.

24 (d) A fatal accident memorial marker shall consist of a

1 white on blue panel bearing the message "Reckless Driving Costs
2 Lives". At the request of the qualified relative, a separate
3 panel bearing the words "In Memory of (victim's name)",
4 followed by the date of the crash that was the proximate cause
5 of the loss of the victim's life, shall be mounted below the
6 primary panel.

7 (e) A fatal accident memorial marker may memorialize more
8 than one victim who died as a result of the same crash. If one
9 or more additional deaths subsequently occur in close proximity
10 to an existing fatal accident memorial marker, the supporting
11 jurisdiction may use the same marker to memorialize the
12 subsequent death or deaths, by adding the names of the
13 additional persons.

14 (f) A fatal accident memorial marker shall be maintained
15 for at least 2 years from the date the last person was
16 memorialized on the marker.

17 (g) The supporting jurisdiction has the right to install a
18 marker at a location other than the location of the crash or to
19 relocate a marker due to restricted room, property owner
20 complaints, interference with essential traffic control
21 devices, safety concerns, or other restrictions. In such cases,
22 the sponsoring jurisdiction may select an alternate location.

23 (h) The Department shall secure the consent of any
24 municipality before placing a fatal accident memorial marker
25 within the corporate limits of the municipality.

26 (i) A fee in an amount to be determined by the supporting

1 jurisdiction shall be charged to the qualified relative. The
2 fee shall not exceed the costs associated with the fabrication,
3 installation, and maintenance of the fatal accident memorial
4 marker.

5 (j) The Department shall report to the General Assembly no
6 later than October 1, 2011 on the evaluation of the program and
7 the number of fatal accident memorial marker requests.

8 (k) This Section is repealed on December 31, 2012.

9 (Source: P.A. 96-1371, eff. 1-1-11; 97-304, eff. 8-11-11.)

10 Section 575. The Illinois Vehicle Code is amended by
11 changing Sections 1-101.2, 3-704, 3-806.6, 3-821, 4-103.3,
12 4-105.5, 4-107, 5-101, 5-102, 5-301, 5-501, 6-101, 6-103,
13 6-106.1, 6-106.2, 6-106.3, 6-106.4, 6-108.1, 6-118, 6-204,
14 6-205, 6-205.2, 6-206, 6-206.1, 6-208, 6-303, 6-508, 6-514,
15 6-708, 11-204.1, 11-208.7, 11-501, 11-501.1, 11-501.4,
16 11-501.4-1, 12-612, and 16-108 as follows:

17 (625 ILCS 5/1-101.2) (from Ch. 95 1/2, par. 1-101.2)

18 Sec. 1-101.2. Affirmation. A signed statement to the effect
19 that the information provided by the signer is true and
20 correct. The affirmation shall subject any person who shall
21 knowingly affirm falsely, in matter material to any issue or
22 point in question, to the penalties inflicted by law on persons
23 convicted of perjury under Section 32-2 of the Criminal Code of
24 2012 ~~1961~~.

1 (Source: P.A. 83-1473.)

2 (625 ILCS 5/3-704) (from Ch. 95 1/2, par. 3-704)

3 Sec. 3-704. Authority of Secretary of State to suspend or
4 revoke a registration or certificate of title; authority to
5 suspend or revoke the registration of a vehicle.

6 (a) The Secretary of State may suspend or revoke the
7 registration of a vehicle or a certificate of title,
8 registration card, registration sticker, registration plate,
9 disability parking decal or device, or any nonresident or other
10 permit in any of the following events:

11 1. When the Secretary of State is satisfied that such
12 registration or that such certificate, card, plate,
13 registration sticker or permit was fraudulently or
14 erroneously issued;

15 2. When a registered vehicle has been dismantled or
16 wrecked or is not properly equipped;

17 3. When the Secretary of State determines that any
18 required fees have not been paid to the Secretary of State,
19 to the Illinois Commerce Commission, or to the Illinois
20 Department of Revenue under the Motor Fuel Tax Law, and the
21 same are not paid upon reasonable notice and demand;

22 4. When a registration card, registration plate,
23 registration sticker or permit is knowingly displayed upon
24 a vehicle other than the one for which issued;

25 5. When the Secretary of State determines that the

1 owner has committed any offense under this Chapter
2 involving the registration or the certificate, card,
3 plate, registration sticker or permit to be suspended or
4 revoked;

5 6. When the Secretary of State determines that a
6 vehicle registered not-for-hire is used or operated
7 for-hire unlawfully, or used or operated for purposes other
8 than those authorized;

9 7. When the Secretary of State determines that an owner
10 of a for-hire motor vehicle has failed to give proof of
11 financial responsibility as required by this Act;

12 8. When the Secretary determines that the vehicle is
13 not subject to or eligible for a registration;

14 9. When the Secretary determines that the owner of a
15 vehicle registered under the mileage weight tax option
16 fails to maintain the records specified by law, or fails to
17 file the reports required by law, or that such vehicle is
18 not equipped with an operable and operating speedometer or
19 odometer;

20 10. When the Secretary of State is so authorized under
21 any other provision of law;

22 11. When the Secretary of State determines that the
23 holder of a disability parking decal or device has
24 committed any offense under Chapter 11 of this Code
25 involving the use of a disability parking decal or device.

26 (a-5) The Secretary of State may revoke a certificate of

1 title and registration card and issue a corrected certificate
2 of title and registration card, at no fee to the vehicle owner
3 or lienholder, if there is proof that the vehicle
4 identification number is erroneously shown on the original
5 certificate of title.

6 (b) The Secretary of State may suspend or revoke the
7 registration of a vehicle as follows:

8 1. When the Secretary of State determines that the
9 owner of a vehicle has not paid a civil penalty or a
10 settlement agreement arising from the violation of rules
11 adopted under the Illinois Motor Carrier Safety Law or the
12 Illinois Hazardous Materials Transportation Act or that a
13 vehicle, regardless of ownership, was the subject of
14 violations of these rules that resulted in a civil penalty
15 or settlement agreement which remains unpaid.

16 2. When the Secretary of State determines that a
17 vehicle registered for a gross weight of more than 16,000
18 pounds within an affected area is not in compliance with
19 the provisions of Section 13-109.1 of the Illinois Vehicle
20 Code.

21 3. When the Secretary of State is notified by the
22 United States Department of Transportation that a vehicle
23 is in violation of the Federal Motor Carrier Safety
24 Regulations, as they are now or hereafter amended, and is
25 prohibited from operating.

26 (c) The Secretary of State may suspend the registration of

1 a vehicle when a court finds that the vehicle was used in a
2 violation of Section 24-3A of the Criminal Code of 1961 or the
3 Criminal Code of 2012 relating to gunrunning. A suspension of
4 registration under this subsection (c) may be for a period of
5 up to 90 days.

6 (Source: P.A. 97-540, eff. 1-1-12.)

7 (625 ILCS 5/3-806.6)

8 Sec. 3-806.6. Victims of domestic violence.

9 (a) The Secretary shall issue new and different license
10 plates immediately upon request to the registered owner of a
11 vehicle who appears in person and submits a completed
12 application, if all of the following are provided:

13 (1) proof of ownership of the vehicle that is
14 acceptable to the Secretary;

15 (2) a driver's license or identification card
16 containing a picture of the licensee or cardholder issued
17 to the registered owner by the Secretary under Section
18 6-110 or 6-107 of this Code or Section 4 of the Illinois
19 Identification Card Act. The Office of the Secretary shall
20 conduct a search of its records to verify the authenticity
21 of any document submitted under this paragraph (2);

22 (3) the previously issued license plates from the
23 vehicle;

24 (4) payment of the required fee for the issuance of
25 duplicate license plates under Section 3-417; and

1 (5) one of the following:

2 (A) a copy of a police report, court documentation,
3 or other law enforcement documentation identifying the
4 registered owner of the vehicle as the victim of an
5 incident of abuse, as defined in Section 103 of the
6 Illinois Domestic Violence Act of 1986, or the subject
7 of stalking, as defined in Section 12-7.3 of the
8 Criminal Code of 2012 ~~1961~~;

9 (B) a written acknowledgment, dated within 30 days
10 of submission, on the letterhead of a domestic violence
11 agency, that the registered owner is actively seeking
12 assistance or has sought assistance from that agency
13 within the past year; or

14 (C) an order of protection issued under Section 214
15 of the Illinois Domestic Violence Act of 1986 that
16 names the registered owner as a protected party.

17 (b) This Section does not apply to license plates issued
18 under Section 3-664 or to special license plates issued under
19 Article VI of this Chapter.

20 (Source: P.A. 94-503, eff. 1-1-06; 95-876, eff. 8-21-08.)

21 (625 ILCS 5/3-821) (from Ch. 95 1/2, par. 3-821)

22 Sec. 3-821. Miscellaneous Registration and Title Fees.

23 (a) The fee to be paid to the Secretary of State for the
24 following certificates, registrations or evidences of proper
25 registration, or for corrected or duplicate documents shall be

1 in accordance with the following schedule:

| | | |
|----|--|------|
| 2 | Certificate of Title, except for an all-terrain | |
| 3 | vehicle or off-highway motorcycle | \$95 |
| 4 | Certificate of Title for an all-terrain vehicle | |
| 5 | or off-highway motorcycle | \$30 |
| 6 | Certificate of Title for an all-terrain vehicle | |
| 7 | or off-highway motorcycle used for production | |
| 8 | agriculture, or accepted by a dealer in trade | 13 |
| 9 | Certificate of Title for a low-speed vehicle | 30 |
| 10 | Transfer of Registration or any evidence of | |
| 11 | proper registration | \$25 |
| 12 | Duplicate Registration Card for plates or other | |
| 13 | evidence of proper registration | 3 |
| 14 | Duplicate Registration Sticker or Stickers, each | 20 |
| 15 | Duplicate Certificate of Title | 95 |
| 16 | Corrected Registration Card or Card for other | |
| 17 | evidence of proper registration | 3 |
| 18 | Corrected Certificate of Title | 95 |
| 19 | Salvage Certificate | 4 |
| 20 | Fleet Reciprocity Permit | 15 |
| 21 | Prorate Decal | 1 |
| 22 | Prorate Backing Plate | 3 |
| 23 | Special Corrected Certificate of Title | 15 |
| 24 | Expedited Title Service (to be charged in addition | |
| 25 | to other applicable fees) | 30 |
| 26 | Dealer Lien Release Certificate of Title | 20 |

1 A special corrected certificate of title shall be issued
2 (i) to remove a co-owner's name due to the death of the
3 co-owner or due to a divorce or (ii) to change a co-owner's
4 name due to a marriage.

5 There shall be no fee paid for a Junking Certificate.

6 There shall be no fee paid for a certificate of title
7 issued to a county when the vehicle is forfeited to the county
8 under Article 36 of the Criminal Code of 2012 ~~1961~~.

9 (a-5) The Secretary of State may revoke a certificate of
10 title and registration card and issue a corrected certificate
11 of title and registration card, at no fee to the vehicle owner
12 or lienholder, if there is proof that the vehicle
13 identification number is erroneously shown on the original
14 certificate of title.

15 (a-10) The Secretary of State may issue, in connection with
16 the sale of a motor vehicle, a corrected title to a motor
17 vehicle dealer upon application and submittal of a lien release
18 letter from the lienholder listed in the files of the
19 Secretary. In the case of a title issued by another state, the
20 dealer must submit proof from the state that issued the last
21 title. The corrected title, which shall be known as a dealer
22 lien release certificate of title, shall be issued in the name
23 of the vehicle owner without the named lienholder. If the motor
24 vehicle is currently titled in a state other than Illinois, the
25 applicant must submit either (i) a letter from the current
26 lienholder releasing the lien and stating that the lienholder

1 has possession of the title; or (ii) a letter from the current
2 lienholder releasing the lien and a copy of the records of the
3 department of motor vehicles for the state in which the vehicle
4 is titled, showing that the vehicle is titled in the name of
5 the applicant and that no liens are recorded other than the
6 lien for which a release has been submitted. The fee for the
7 dealer lien release certificate of title is \$20.

8 (b) The Secretary may prescribe the maximum service charge
9 to be imposed upon an applicant for renewal of a registration
10 by any person authorized by law to receive and remit or
11 transmit to the Secretary such renewal application and fees
12 therewith.

13 (c) If payment is delivered to the Office of the Secretary
14 of State as payment of any fee or tax under this Code, and such
15 payment is not honored for any reason, the registrant or other
16 person tendering the payment remains liable for the payment of
17 such fee or tax. The Secretary of State may assess a service
18 charge of \$25 in addition to the fee or tax due and owing for
19 all dishonored payments.

20 If the total amount then due and owing exceeds the sum of
21 \$100 and has not been paid in full within 60 days from the date
22 such fee or tax became due to the Secretary of State, the
23 Secretary of State shall assess a penalty of 25% of such amount
24 remaining unpaid.

25 All amounts payable under this Section shall be computed to
26 the nearest dollar. Out of each fee collected for dishonored

1 payments, \$5 shall be deposited in the Secretary of State
2 Special Services Fund.

3 (d) The minimum fee and tax to be paid by any applicant for
4 apportionment of a fleet of vehicles under this Code shall be
5 \$15 if the application was filed on or before the date
6 specified by the Secretary together with fees and taxes due. If
7 an application and the fees or taxes due are filed after the
8 date specified by the Secretary, the Secretary may prescribe
9 the payment of interest at the rate of 1/2 of 1% per month or
10 fraction thereof after such due date and a minimum of \$8.

11 (e) Trucks, truck tractors, truck tractors with loads, and
12 motor buses, any one of which having a combined total weight in
13 excess of 12,000 lbs. shall file an application for a Fleet
14 Reciprocity Permit issued by the Secretary of State. This
15 permit shall be in the possession of any driver operating a
16 vehicle on Illinois highways. Any foreign licensed vehicle of
17 the second division operating at any time in Illinois without a
18 Fleet Reciprocity Permit or other proper Illinois
19 registration, shall subject the operator to the penalties
20 provided in Section 3-834 of this Code. For the purposes of
21 this Code, "Fleet Reciprocity Permit" means any second division
22 motor vehicle with a foreign license and used only in
23 interstate transportation of goods. The fee for such permit
24 shall be \$15 per fleet which shall include all vehicles of the
25 fleet being registered.

26 (f) For purposes of this Section, "all-terrain vehicle or

1 off-highway motorcycle used for production agriculture" means
2 any all-terrain vehicle or off-highway motorcycle used in the
3 raising of or the propagation of livestock, crops for sale for
4 human consumption, crops for livestock consumption, and
5 production seed stock grown for the propagation of feed grains
6 and the husbandry of animals or for the purpose of providing a
7 food product, including the husbandry of blood stock as a main
8 source of providing a food product. "All-terrain vehicle or
9 off-highway motorcycle used in production agriculture" also
10 means any all-terrain vehicle or off-highway motorcycle used in
11 animal husbandry, floriculture, aquaculture, horticulture, and
12 viticulture.

13 (g) All of the proceeds of the additional fees imposed by
14 Public Act 96-34 shall be deposited into the Capital Projects
15 Fund.

16 (Source: P.A. 96-34, eff. 7-13-09; 96-554, eff. 1-1-10; 96-653,
17 eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1274, eff. 7-26-10;
18 97-835, eff. 1-1-13; 97-838, eff. 7-20-12; revised 8-3-12.)

19 (625 ILCS 5/4-103.3) (from Ch. 95 1/2, par. 4-103.3)

20 Sec. 4-103.3. Organizer of an aggravated vehicle theft
21 conspiracy.

22 (a) A person commits the offense of organizer of a vehicle
23 theft conspiracy if:

24 (1) the person intentionally violates Section 4-103.2
25 of this Code with the agreement of 3 or more persons; and

1 (2) the person is known by other co-conspirators as the
2 organizer, supervisor, financier or otherwise leader of
3 the conspiracy.

4 (b) No person may be convicted of organizer of a vehicle
5 theft conspiracy unless an overt act in furtherance of the
6 agreement is alleged and proved to have been committed by him
7 or by a co-conspirator, and the accused is part of a common
8 plan or scheme to engage in the unlawful activity.

9 (c) It shall not be a defense to organizer of a vehicle
10 theft conspiracy that the person or persons with whom the
11 accused is alleged to have conspired:

12 (1) has not been prosecuted or convicted;

13 (2) has been convicted of a different offense;

14 (3) is not amenable to justice;

15 (4) has been acquitted; or

16 (5) lacked the capacity to commit an offense.

17 (d) Notwithstanding Section 8-5 of the Criminal Code of
18 2012 ~~1961~~, a person may be convicted and sentenced for both the
19 offense of organizer of a vehicle theft conspiracy and any
20 other offense in this Chapter which is the object of the
21 conspiracy.

22 (e) Organizer of a vehicle theft conspiracy is a Class X
23 felony.

24 (Source: P.A. 86-1209.)

25 (625 ILCS 5/4-105.5) (from Ch. 95 1/2, par. 4-105.5)

1 Sec. 4-105.5. Attempt. As defined in Section 8-4 of the
2 Criminal Code of 2012 ~~1961~~.

3 (Source: P.A. 81-932.)

4 (625 ILCS 5/4-107) (from Ch. 95 1/2, par. 4-107)

5 Sec. 4-107. Stolen, converted, recovered and unclaimed
6 vehicles.

7 (a) Every Sheriff, Superintendent of police, Chief of
8 police or other police officer in command of any Police
9 department in any City, Village or Town of the State, shall, by
10 the fastest means of communications available to his law
11 enforcement agency, immediately report to the State Police, in
12 Springfield, Illinois, the theft or recovery of any stolen or
13 converted vehicle within his district or jurisdiction. The
14 report shall give the date of theft, description of the vehicle
15 including color, year of manufacture, manufacturer's trade
16 name, manufacturer's series name, body style, vehicle
17 identification number and license registration number,
18 including the state in which the license was issued and the
19 year of issuance, together with the name, residence address,
20 business address, and telephone number of the owner. The report
21 shall be routed by the originating law enforcement agency
22 through the State Police District in which such agency is
23 located.

24 (b) A registered owner or a lienholder may report the theft
25 by conversion of a vehicle, to the State Police, or any other

1 police department or Sheriff's office. Such report will be
2 accepted as a report of theft and processed only if a formal
3 complaint is on file and a warrant issued.

4 (c) An operator of a place of business for garaging,
5 repairing, parking or storing vehicles for the public, in which
6 a vehicle remains unclaimed, after being left for the purpose
7 of garaging, repairing, parking or storage, for a period of 15
8 days, shall, within 5 days after the expiration of that period,
9 report the vehicle as unclaimed to the municipal police when
10 the vehicle is within the corporate limits of any City, Village
11 or incorporated Town, or the County Sheriff, or State Police
12 when the vehicle is outside the corporate limits of a City,
13 Village or incorporated Town. This Section does not apply to
14 any vehicle:

15 (1) removed to a place of storage by a law enforcement
16 agency having jurisdiction, in accordance with Sections
17 4-201 and 4-203 of this Act; or

18 (2) left under a garaging, repairing, parking, or
19 storage order signed by the owner, lessor, or other legally
20 entitled person.

21 Failure to comply with this Section will result in the
22 forfeiture of storage fees for that vehicle involved.

23 (d) The State Police shall keep a complete record of all
24 reports filed under this Section of the Act. Upon receipt of
25 such report, a careful search shall be made of the records of
26 the office of the State Police, and where it is found that a

1 vehicle reported recovered was stolen in a County, City,
2 Village or Town other than the County, City, Village or Town in
3 which it is recovered, the State Police shall immediately
4 notify the Sheriff, Superintendent of police, Chief of police,
5 or other police officer in command of the Sheriff's office or
6 Police department of the County, City, Village or Town in which
7 the vehicle was originally reported stolen, giving complete
8 data as to the time and place of recovery.

9 (e) Notification of the theft or conversion of a vehicle
10 will be furnished to the Secretary of State by the State
11 Police. The Secretary of State shall place the proper
12 information in the license registration and title registration
13 files to indicate the theft or conversion of a motor vehicle or
14 other vehicle. Notification of the recovery of a vehicle
15 previously reported as a theft or a conversion will be
16 furnished to the Secretary of State by the State Police. The
17 Secretary of State shall remove the proper information from the
18 license registration and title registration files that has
19 previously indicated the theft or conversion of a vehicle. The
20 Secretary of State shall suspend the registration of a vehicle
21 upon receipt of a report from the State Police that such
22 vehicle was stolen or converted.

23 (f) When the Secretary of State receives an application for
24 a certificate of title or an application for registration of a
25 vehicle and it is determined from the records of the office of
26 the Secretary of State that such vehicle has been reported

1 stolen or converted, the Secretary of State shall immediately
2 notify the State Police and shall give the State Police the
3 name and address of the person or firm titling or registering
4 the vehicle, together with all other information contained in
5 the application submitted by such person or firm.

6 (g) During the usual course of business the manufacturer of
7 any vehicle shall place an original manufacturer's vehicle
8 identification number on all such vehicles manufactured and on
9 any part of such vehicles requiring an identification number.

10 (h) Except provided in subsection (h-1), if a
11 manufacturer's vehicle identification number is missing or has
12 been removed, changed or mutilated on any vehicle, or any part
13 of such vehicle requiring an identification number, the State
14 Police shall restore, restamp or reaffix the vehicle
15 identification number plate, or affix a new plate bearing the
16 original manufacturer's vehicle identification number on each
17 such vehicle and on all necessary parts of the vehicles. A
18 vehicle identification number so affixed, restored, restamped,
19 reaffixed or replaced is not falsified, altered or forged
20 within the meaning of this Act.

21 (h-1) A person engaged in the repair or servicing of
22 vehicles may reaffix a manufacturer's identification number
23 plate on the same damaged vehicle from which it was originally
24 removed, if the person reaffixes the original manufacturer's
25 identification number plate in place of the identification
26 number plate affixed on a new dashboard that has been installed

1 in the vehicle. The person must notify the Secretary of State
2 each time the original manufacturer's identification number
3 plate is reaffixed on a vehicle. The person must keep a record
4 indicating that the identification number plate affixed on the
5 new dashboard has been removed and has been replaced by the
6 manufacturer's identification number plate originally affixed
7 on the vehicle. The person also must keep a record regarding
8 the status and location of the identification number plate
9 removed from the replacement dashboard. The Secretary shall
10 adopt rules for implementing this subsection (h-1).

11 (h-2) The owner of a vehicle repaired under subsection
12 (h-1) must, within 90 days of the date of the repairs, contact
13 an officer of the Illinois State Police Vehicle Inspection
14 Bureau and arrange for an inspection of the vehicle, by the
15 officer or the officer's designee, at a mutually agreed upon
16 date and location.

17 (i) If a vehicle or part of any vehicle is found to have
18 the manufacturer's identification number removed, altered,
19 defaced or destroyed, the vehicle or part shall be seized by
20 any law enforcement agency having jurisdiction and held for the
21 purpose of identification. In the event that the manufacturer's
22 identification number of a vehicle or part cannot be
23 identified, the vehicle or part shall be considered contraband,
24 and no right of property shall exist in any person owning,
25 leasing or possessing such property, unless the person owning,
26 leasing or possessing the vehicle or part acquired such without

1 knowledge that the manufacturer's vehicle identification
2 number has been removed, altered, defaced, falsified or
3 destroyed.

4 Either the seizing law enforcement agency or the State's
5 Attorney of the county where the seizure occurred may make an
6 application for an order of forfeiture to the circuit court in
7 the county of seizure. The application for forfeiture shall be
8 independent from any prosecution arising out of the seizure and
9 is not subject to any final determination of such prosecution.
10 The circuit court shall issue an order forfeiting the property
11 to the seizing law enforcement agency if the court finds that
12 the property did not at the time of seizure possess a valid
13 manufacturer's identification number and that the original
14 manufacturer's identification number cannot be ascertained.
15 The seizing law enforcement agency may:

16 (1) retain the forfeited property for official use; or
17 (2) sell the forfeited property and distribute the
18 proceeds in accordance with Section 4-211 of this Code, or
19 dispose of the forfeited property in such manner as the law
20 enforcement agency deems appropriate.

21 (i-1) If a motorcycle is seized under subsection (i), the
22 motorcycle must be returned within 45 days of the date of
23 seizure to the person from whom it was seized, unless (i)
24 criminal charges are pending against that person or (ii) an
25 application for an order of forfeiture has been submitted to
26 the circuit in the county of seizure or (iii) the circuit court

1 in the county of seizure has received from the seizing law
2 enforcement agency and has granted a petition to extend, for a
3 single 30 day period, the 45 days allowed for return of the
4 motorcycle. Except as provided in subsection (i-2), a
5 motorcycle returned to the person from whom it was seized must
6 be returned in essentially the same condition it was in at the
7 time of seizure.

8 (i-2) If any part or parts of a motorcycle seized under
9 subsection (i) are found to be stolen and are removed, the
10 seizing law enforcement agency is not required to replace the
11 part or parts before returning the motorcycle to the person
12 from whom it was seized.

13 (j) The State Police shall notify the Secretary of State
14 each time a manufacturer's vehicle identification number is
15 affixed, reattached, restored or restamped on any vehicle. The
16 Secretary of State shall make the necessary changes or
17 corrections in his records, after the proper applications and
18 fees have been submitted, if applicable.

19 (k) Any vessel, vehicle or aircraft used with knowledge and
20 consent of the owner in the commission of, or in the attempt to
21 commit as defined in Section 8-4 of the Criminal Code of 2012
22 ~~1961~~, an offense prohibited by Section 4-103 of this Chapter,
23 including transporting of a stolen vehicle or stolen vehicle
24 parts, shall be seized by any law enforcement agency. The
25 seizing law enforcement agency may:

26 (1) return the vehicle to its owner if such vehicle is

1 stolen; or

2 (2) confiscate the vehicle and retain it for any
3 purpose which the law enforcement agency deems
4 appropriate; or

5 (3) sell the vehicle at a public sale or dispose of the
6 vehicle in such other manner as the law enforcement agency
7 deems appropriate.

8 If the vehicle is sold at public sale, the proceeds of the
9 sale shall be paid to the law enforcement agency.

10 The law enforcement agency shall not retain, sell or
11 dispose of a vehicle under paragraphs (2) or (3) of this
12 subsection (k) except upon an order of forfeiture issued by the
13 circuit court. The circuit court may issue such order of
14 forfeiture upon application of the law enforcement agency or
15 State's Attorney of the county where the law enforcement agency
16 has jurisdiction, or in the case of the Department of State
17 Police or the Secretary of State, upon application of the
18 Attorney General.

19 The court shall issue the order if the owner of the vehicle
20 has been convicted of transporting stolen vehicles or stolen
21 vehicle parts and the evidence establishes that the owner's
22 vehicle has been used in the commission of such offense.

23 The provisions of subsection (k) of this Section shall not
24 apply to any vessel, vehicle or aircraft, which has been
25 leased, rented or loaned by its owner, if the owner did not
26 have knowledge of and consent to the use of the vessel, vehicle

1 or aircraft in the commission of, or in an attempt to commit,
2 an offense prohibited by Section 4-103 of this Chapter.

3 (Source: P.A. 92-443, eff. 1-1-02; 93-456, eff. 8-8-03.)

4 (625 ILCS 5/5-101) (from Ch. 95 1/2, par. 5-101)

5 Sec. 5-101. New vehicle dealers must be licensed.

6 (a) No person shall engage in this State in the business of
7 selling or dealing in, on consignment or otherwise, new
8 vehicles of any make, or act as an intermediary or agent or
9 broker for any licensed dealer or vehicle purchaser other than
10 as a salesperson, or represent or advertise that he is so
11 engaged or intends to so engage in such business unless
12 licensed to do so in writing by the Secretary of State under
13 the provisions of this Section.

14 (b) An application for a new vehicle dealer's license shall
15 be filed with the Secretary of State, duly verified by oath, on
16 such form as the Secretary of State may by rule or regulation
17 prescribe and shall contain:

18 1. The name and type of business organization of the
19 applicant and his established and additional places of
20 business, if any, in this State.

21 2. If the applicant is a corporation, a list of its
22 officers, directors, and shareholders having a ten percent
23 or greater ownership interest in the corporation, setting
24 forth the residence address of each; if the applicant is a
25 sole proprietorship, a partnership, an unincorporated

1 association, a trust, or any similar form of business
2 organization, the name and residence address of the
3 proprietor or of each partner, member, officer, director,
4 trustee, or manager.

5 3. The make or makes of new vehicles which the
6 applicant will offer for sale at retail in this State.

7 4. The name of each manufacturer or franchised
8 distributor, if any, of new vehicles with whom the
9 applicant has contracted for the sale of such new vehicles.
10 As evidence of this fact, the application shall be
11 accompanied by a signed statement from each such
12 manufacturer or franchised distributor. If the applicant
13 is in the business of offering for sale new conversion
14 vehicles, trucks or vans, except for trucks modified to
15 serve a special purpose which includes but is not limited
16 to the following vehicles: street sweepers, fertilizer
17 spreaders, emergency vehicles, implements of husbandry or
18 maintenance type vehicles, he must furnish evidence of a
19 sales and service agreement from both the chassis
20 manufacturer and second stage manufacturer.

21 5. A statement that the applicant has been approved for
22 registration under the Retailers' Occupation Tax Act by the
23 Department of Revenue: Provided that this requirement does
24 not apply to a dealer who is already licensed hereunder
25 with the Secretary of State, and who is merely applying for
26 a renewal of his license. As evidence of this fact, the

1 application shall be accompanied by a certification from
2 the Department of Revenue showing that that Department has
3 approved the applicant for registration under the
4 Retailers' Occupation Tax Act.

5 6. A statement that the applicant has complied with the
6 appropriate liability insurance requirement. A Certificate
7 of Insurance in a solvent company authorized to do business
8 in the State of Illinois shall be included with each
9 application covering each location at which he proposes to
10 act as a new vehicle dealer. The policy must provide
11 liability coverage in the minimum amounts of \$100,000 for
12 bodily injury to, or death of, any person, \$300,000 for
13 bodily injury to, or death of, two or more persons in any
14 one accident, and \$50,000 for damage to property. Such
15 policy shall expire not sooner than December 31 of the year
16 for which the license was issued or renewed. The expiration
17 of the insurance policy shall not terminate the liability
18 under the policy arising during the period for which the
19 policy was filed. Trailer and mobile home dealers are
20 exempt from this requirement.

21 If the permitted user has a liability insurance policy
22 that provides automobile liability insurance coverage of
23 at least \$100,000 for bodily injury to or the death of any
24 person, \$300,000 for bodily injury to or the death of any 2
25 or more persons in any one accident, and \$50,000 for damage
26 to property, then the permitted user's insurer shall be the

1 primary insurer and the dealer's insurer shall be the
2 secondary insurer. If the permitted user does not have a
3 liability insurance policy that provides automobile
4 liability insurance coverage of at least \$100,000 for
5 bodily injury to or the death of any person, \$300,000 for
6 bodily injury to or the death of any 2 or more persons in
7 any one accident, and \$50,000 for damage to property, or
8 does not have any insurance at all, then the dealer's
9 insurer shall be the primary insurer and the permitted
10 user's insurer shall be the secondary insurer.

11 When a permitted user is "test driving" a new vehicle
12 dealer's automobile, the new vehicle dealer's insurance
13 shall be primary and the permitted user's insurance shall
14 be secondary.

15 As used in this paragraph 6, a "permitted user" is a
16 person who, with the permission of the new vehicle dealer
17 or an employee of the new vehicle dealer, drives a vehicle
18 owned and held for sale or lease by the new vehicle dealer
19 which the person is considering to purchase or lease, in
20 order to evaluate the performance, reliability, or
21 condition of the vehicle. The term "permitted user" also
22 includes a person who, with the permission of the new
23 vehicle dealer, drives a vehicle owned or held for sale or
24 lease by the new vehicle dealer for loaner purposes while
25 the user's vehicle is being repaired or evaluated.

26 As used in this paragraph 6, "test driving" occurs when

1 a permitted user who, with the permission of the new
2 vehicle dealer or an employee of the new vehicle dealer,
3 drives a vehicle owned and held for sale or lease by a new
4 vehicle dealer that the person is considering to purchase
5 or lease, in order to evaluate the performance,
6 reliability, or condition of the vehicle.

7 As used in this paragraph 6, "loaner purposes" means
8 when a person who, with the permission of the new vehicle
9 dealer, drives a vehicle owned or held for sale or lease by
10 the new vehicle dealer while the user's vehicle is being
11 repaired or evaluated.

12 7. (A) An application for a new motor vehicle dealer's
13 license shall be accompanied by the following license fees:

14 (i) \$1,000 for applicant's established place of
15 business, and \$100 for each additional place of
16 business, if any, to which the application pertains;
17 but if the application is made after June 15 of any
18 year, the license fee shall be \$500 for applicant's
19 established place of business plus \$50 for each
20 additional place of business, if any, to which the
21 application pertains. License fees shall be returnable
22 only in the event that the application is denied by the
23 Secretary of State. All moneys received by the
24 Secretary of State as license fees under this
25 subparagraph (i) prior to applications for the 2004
26 licensing year shall be deposited into the Motor

1 Vehicle Review Board Fund and shall be used to
2 administer the Motor Vehicle Review Board under the
3 Motor Vehicle Franchise Act. Of the money received by
4 the Secretary of State as license fees under this
5 subparagraph (i) for the 2004 licensing year and
6 thereafter, 10% shall be deposited into the Motor
7 Vehicle Review Board Fund and shall be used to
8 administer the Motor Vehicle Review Board under the
9 Motor Vehicle Franchise Act and 90% shall be deposited
10 into the General Revenue Fund.

11 (ii) Except as provided in subsection (h) of
12 Section 5-102.7 of this Code, an Annual Dealer Recovery
13 Fund Fee in the amount of \$500 for the applicant's
14 established place of business, and \$50 for each
15 additional place of business, if any, to which the
16 application pertains; but if the application is made
17 after June 15 of any year, the fee shall be \$250 for
18 the applicant's established place of business plus \$25
19 for each additional place of business, if any, to which
20 the application pertains. License fees shall be
21 returnable only in the event that the application is
22 denied by the Secretary of State. Moneys received under
23 this subparagraph (ii) shall be deposited into the
24 Dealer Recovery Trust Fund.

25 (B) An application for a new vehicle dealer's license,
26 other than for a new motor vehicle dealer's license, shall

1 be accompanied by the following license fees:

2 (i) \$1,000 for applicant's established place of
3 business, and \$50 for each additional place of
4 business, if any, to which the application pertains;
5 but if the application is made after June 15 of any
6 year, the license fee shall be \$500 for applicant's
7 established place of business plus \$25 for each
8 additional place of business, if any, to which the
9 application pertains. License fees shall be returnable
10 only in the event that the application is denied by the
11 Secretary of State. Of the money received by the
12 Secretary of State as license fees under this
13 subparagraph (i) for the 2004 licensing year and
14 thereafter, 95% shall be deposited into the General
15 Revenue Fund.

16 (ii) Except as provided in subsection (h) of
17 Section 5-102.7 of this Code, an Annual Dealer Recovery
18 Fund Fee in the amount of \$500 for the applicant's
19 established place of business, and \$50 for each
20 additional place of business, if any, to which the
21 application pertains; but if the application is made
22 after June 15 of any year, the fee shall be \$250 for
23 the applicant's established place of business plus \$25
24 for each additional place of business, if any, to which
25 the application pertains. License fees shall be
26 returnable only in the event that the application is

1 denied by the Secretary of State. Moneys received under
2 this subparagraph (ii) shall be deposited into the
3 Dealer Recovery Trust Fund.

4 8. A statement that the applicant's officers,
5 directors, shareholders having a 10% or greater ownership
6 interest therein, proprietor, a partner, member, officer,
7 director, trustee, manager or other principals in the
8 business have not committed in the past 3 years any one
9 violation as determined in any civil, criminal or
10 administrative proceedings of any one of the following
11 Acts:

12 (A) The Anti Theft Laws of the Illinois Vehicle
13 Code;

14 (B) The Certificate of Title Laws of the Illinois
15 Vehicle Code;

16 (C) The Offenses against Registration and
17 Certificates of Title Laws of the Illinois Vehicle
18 Code;

19 (D) The Dealers, Transporters, Wreckers and
20 Rebuilders Laws of the Illinois Vehicle Code;

21 (E) Section 21-2 of the Criminal Code of 1961 or
22 the Criminal Code of 2012, Criminal Trespass to
23 Vehicles; or

24 (F) The Retailers' Occupation Tax Act.

25 9. A statement that the applicant's officers,
26 directors, shareholders having a 10% or greater ownership

1 interest therein, proprietor, partner, member, officer,
2 director, trustee, manager or other principals in the
3 business have not committed in any calendar year 3 or more
4 violations, as determined in any civil, criminal or
5 administrative proceedings, of any one or more of the
6 following Acts:

7 (A) The Consumer Finance Act;

8 (B) The Consumer Installment Loan Act;

9 (C) The Retail Installment Sales Act;

10 (D) The Motor Vehicle Retail Installment Sales
11 Act;

12 (E) The Interest Act;

13 (F) The Illinois Wage Assignment Act;

14 (G) Part 8 of Article XII of the Code of Civil
15 Procedure; or

16 (H) The Consumer Fraud Act.

17 10. A bond or certificate of deposit in the amount of
18 \$20,000 for each location at which the applicant intends to
19 act as a new vehicle dealer. The bond shall be for the term
20 of the license, or its renewal, for which application is
21 made, and shall expire not sooner than December 31 of the
22 year for which the license was issued or renewed. The bond
23 shall run to the People of the State of Illinois, with
24 surety by a bonding or insurance company authorized to do
25 business in this State. It shall be conditioned upon the
26 proper transmittal of all title and registration fees and

1 taxes (excluding taxes under the Retailers' Occupation Tax
2 Act) accepted by the applicant as a new vehicle dealer.

3 11. Such other information concerning the business of
4 the applicant as the Secretary of State may by rule or
5 regulation prescribe.

6 12. A statement that the applicant understands Chapter
7 One through Chapter Five of this Code.

8 (c) Any change which renders no longer accurate any
9 information contained in any application for a new vehicle
10 dealer's license shall be amended within 30 days after the
11 occurrence of such change on such form as the Secretary of
12 State may prescribe by rule or regulation, accompanied by an
13 amendatory fee of \$2.

14 (d) Anything in this Chapter 5 to the contrary
15 notwithstanding no person shall be licensed as a new vehicle
16 dealer unless:

17 1. He is authorized by contract in writing between
18 himself and the manufacturer or franchised distributor of
19 such make of vehicle to so sell the same in this State, and

20 2. Such person shall maintain an established place of
21 business as defined in this Act.

22 (e) The Secretary of State shall, within a reasonable time
23 after receipt, examine an application submitted to him under
24 this Section and unless he makes a determination that the
25 application submitted to him does not conform with the
26 requirements of this Section or that grounds exist for a denial

1 of the application, under Section 5-501 of this Chapter, grant
2 the applicant an original new vehicle dealer's license in
3 writing for his established place of business and a
4 supplemental license in writing for each additional place of
5 business in such form as he may prescribe by rule or regulation
6 which shall include the following:

7 1. The name of the person licensed;

8 2. If a corporation, the name and address of its
9 officers or if a sole proprietorship, a partnership, an
10 unincorporated association or any similar form of business
11 organization, the name and address of the proprietor or of
12 each partner, member, officer, director, trustee or
13 manager;

14 3. In the case of an original license, the established
15 place of business of the licensee;

16 4. In the case of a supplemental license, the
17 established place of business of the licensee and the
18 additional place of business to which such supplemental
19 license pertains;

20 5. The make or makes of new vehicles which the licensee
21 is licensed to sell.

22 (f) The appropriate instrument evidencing the license or a
23 certified copy thereof, provided by the Secretary of State,
24 shall be kept posted conspicuously in the established place of
25 business of the licensee and in each additional place of
26 business, if any, maintained by such licensee.

1 (g) Except as provided in subsection (h) hereof, all new
2 vehicle dealer's licenses granted under this Section shall
3 expire by operation of law on December 31 of the calendar year
4 for which they are granted unless sooner revoked or cancelled
5 under the provisions of Section 5-501 of this Chapter.

6 (h) A new vehicle dealer's license may be renewed upon
7 application and payment of the fee required herein, and
8 submission of proof of coverage under an approved bond under
9 the "Retailers' Occupation Tax Act" or proof that applicant is
10 not subject to such bonding requirements, as in the case of an
11 original license, but in case an application for the renewal of
12 an effective license is made during the month of December, the
13 effective license shall remain in force until the application
14 is granted or denied by the Secretary of State.

15 (i) All persons licensed as a new vehicle dealer are
16 required to furnish each purchaser of a motor vehicle:

17 1. In the case of a new vehicle a manufacturer's
18 statement of origin and in the case of a used motor vehicle
19 a certificate of title, in either case properly assigned to
20 the purchaser;

21 2. A statement verified under oath that all identifying
22 numbers on the vehicle agree with those on the certificate
23 of title or manufacturer's statement of origin;

24 3. A bill of sale properly executed on behalf of such
25 person;

26 4. A copy of the Uniform Invoice-transaction reporting

1 return referred to in Section 5-402 hereof;

2 5. In the case of a rebuilt vehicle, a copy of the
3 Disclosure of Rebuilt Vehicle Status; and

4 6. In the case of a vehicle for which the warranty has
5 been reinstated, a copy of the warranty.

6 (j) Except at the time of sale or repossession of the
7 vehicle, no person licensed as a new vehicle dealer may issue
8 any other person a newly created key to a vehicle unless the
9 new vehicle dealer makes a copy of the driver's license or
10 State identification card of the person requesting or obtaining
11 the newly created key. The new vehicle dealer must retain the
12 copy for 30 days.

13 A new vehicle dealer who violates this subsection (j) is
14 guilty of a petty offense. Violation of this subsection (j) is
15 not cause to suspend, revoke, cancel, or deny renewal of the
16 new vehicle dealer's license.

17 This amendatory Act of 1983 shall be applicable to the 1984
18 registration year and thereafter.

19 (Source: P.A. 97-480, eff. 10-1-11.)

20 (625 ILCS 5/5-102) (from Ch. 95 1/2, par. 5-102)

21 Sec. 5-102. Used vehicle dealers must be licensed.

22 (a) No person, other than a licensed new vehicle dealer,
23 shall engage in the business of selling or dealing in, on
24 consignment or otherwise, 5 or more used vehicles of any make
25 during the year (except house trailers as authorized by

1 paragraph (j) of this Section and rebuilt salvage vehicles sold
2 by their rebuilders to persons licensed under this Chapter), or
3 act as an intermediary, agent or broker for any licensed dealer
4 or vehicle purchaser (other than as a salesperson) or represent
5 or advertise that he is so engaged or intends to so engage in
6 such business unless licensed to do so by the Secretary of
7 State under the provisions of this Section.

8 (b) An application for a used vehicle dealer's license
9 shall be filed with the Secretary of State, duly verified by
10 oath, in such form as the Secretary of State may by rule or
11 regulation prescribe and shall contain:

12 1. The name and type of business organization
13 established and additional places of business, if any, in
14 this State.

15 2. If the applicant is a corporation, a list of its
16 officers, directors, and shareholders having a ten percent
17 or greater ownership interest in the corporation, setting
18 forth the residence address of each; if the applicant is a
19 sole proprietorship, a partnership, an unincorporated
20 association, a trust, or any similar form of business
21 organization, the names and residence address of the
22 proprietor or of each partner, member, officer, director,
23 trustee or manager.

24 3. A statement that the applicant has been approved for
25 registration under the Retailers' Occupation Tax Act by the
26 Department of Revenue. However, this requirement does not

1 apply to a dealer who is already licensed hereunder with
2 the Secretary of State, and who is merely applying for a
3 renewal of his license. As evidence of this fact, the
4 application shall be accompanied by a certification from
5 the Department of Revenue showing that the Department has
6 approved the applicant for registration under the
7 Retailers' Occupation Tax Act.

8 4. A statement that the applicant has complied with the
9 appropriate liability insurance requirement. A Certificate
10 of Insurance in a solvent company authorized to do business
11 in the State of Illinois shall be included with each
12 application covering each location at which he proposes to
13 act as a used vehicle dealer. The policy must provide
14 liability coverage in the minimum amounts of \$100,000 for
15 bodily injury to, or death of, any person, \$300,000 for
16 bodily injury to, or death of, two or more persons in any
17 one accident, and \$50,000 for damage to property. Such
18 policy shall expire not sooner than December 31 of the year
19 for which the license was issued or renewed. The expiration
20 of the insurance policy shall not terminate the liability
21 under the policy arising during the period for which the
22 policy was filed. Trailer and mobile home dealers are
23 exempt from this requirement.

24 If the permitted user has a liability insurance policy
25 that provides automobile liability insurance coverage of
26 at least \$100,000 for bodily injury to or the death of any

1 person, \$300,000 for bodily injury to or the death of any 2
2 or more persons in any one accident, and \$50,000 for damage
3 to property, then the permitted user's insurer shall be the
4 primary insurer and the dealer's insurer shall be the
5 secondary insurer. If the permitted user does not have a
6 liability insurance policy that provides automobile
7 liability insurance coverage of at least \$100,000 for
8 bodily injury to or the death of any person, \$300,000 for
9 bodily injury to or the death of any 2 or more persons in
10 any one accident, and \$50,000 for damage to property, or
11 does not have any insurance at all, then the dealer's
12 insurer shall be the primary insurer and the permitted
13 user's insurer shall be the secondary insurer.

14 When a permitted user is "test driving" a used vehicle
15 dealer's automobile, the used vehicle dealer's insurance
16 shall be primary and the permitted user's insurance shall
17 be secondary.

18 As used in this paragraph 4, a "permitted user" is a
19 person who, with the permission of the used vehicle dealer
20 or an employee of the used vehicle dealer, drives a vehicle
21 owned and held for sale or lease by the used vehicle dealer
22 which the person is considering to purchase or lease, in
23 order to evaluate the performance, reliability, or
24 condition of the vehicle. The term "permitted user" also
25 includes a person who, with the permission of the used
26 vehicle dealer, drives a vehicle owned or held for sale or

1 lease by the used vehicle dealer for loaner purposes while
2 the user's vehicle is being repaired or evaluated.

3 As used in this paragraph 4, "test driving" occurs when
4 a permitted user who, with the permission of the used
5 vehicle dealer or an employee of the used vehicle dealer,
6 drives a vehicle owned and held for sale or lease by a used
7 vehicle dealer that the person is considering to purchase
8 or lease, in order to evaluate the performance,
9 reliability, or condition of the vehicle.

10 As used in this paragraph 4, "loaner purposes" means
11 when a person who, with the permission of the used vehicle
12 dealer, drives a vehicle owned or held for sale or lease by
13 the used vehicle dealer while the user's vehicle is being
14 repaired or evaluated.

15 5. An application for a used vehicle dealer's license
16 shall be accompanied by the following license fees:

17 (A) \$1,000 for applicant's established place of
18 business, and \$50 for each additional place of
19 business, if any, to which the application pertains;
20 however, if the application is made after June 15 of
21 any year, the license fee shall be \$500 for applicant's
22 established place of business plus \$25 for each
23 additional place of business, if any, to which the
24 application pertains. License fees shall be returnable
25 only in the event that the application is denied by the
26 Secretary of State. Of the money received by the

1 Secretary of State as license fees under this
2 subparagraph (A) for the 2004 licensing year and
3 thereafter, 95% shall be deposited into the General
4 Revenue Fund.

5 (B) Except as provided in subsection (h) of Section
6 5-102.7 of this Code, an Annual Dealer Recovery Fund
7 Fee in the amount of \$500 for the applicant's
8 established place of business, and \$50 for each
9 additional place of business, if any, to which the
10 application pertains; but if the application is made
11 after June 15 of any year, the fee shall be \$250 for
12 the applicant's established place of business plus \$25
13 for each additional place of business, if any, to which
14 the application pertains. License fees shall be
15 returnable only in the event that the application is
16 denied by the Secretary of State. Moneys received under
17 this subparagraph (B) shall be deposited into the
18 Dealer Recovery Trust Fund.

19 6. A statement that the applicant's officers,
20 directors, shareholders having a 10% or greater ownership
21 interest therein, proprietor, partner, member, officer,
22 director, trustee, manager or other principals in the
23 business have not committed in the past 3 years any one
24 violation as determined in any civil, criminal or
25 administrative proceedings of any one of the following
26 Acts:

1 (A) The Anti Theft Laws of the Illinois Vehicle
2 Code;

3 (B) The Certificate of Title Laws of the Illinois
4 Vehicle Code;

5 (C) The Offenses against Registration and
6 Certificates of Title Laws of the Illinois Vehicle
7 Code;

8 (D) The Dealers, Transporters, Wreckers and
9 Rebuilders Laws of the Illinois Vehicle Code;

10 (E) Section 21-2 of the Illinois Criminal Code of
11 1961 or the Criminal Code of 2012, Criminal Trespass to
12 Vehicles; or

13 (F) The Retailers' Occupation Tax Act.

14 7. A statement that the applicant's officers,
15 directors, shareholders having a 10% or greater ownership
16 interest therein, proprietor, partner, member, officer,
17 director, trustee, manager or other principals in the
18 business have not committed in any calendar year 3 or more
19 violations, as determined in any civil or criminal or
20 administrative proceedings, of any one or more of the
21 following Acts:

22 (A) The Consumer Finance Act;

23 (B) The Consumer Installment Loan Act;

24 (C) The Retail Installment Sales Act;

25 (D) The Motor Vehicle Retail Installment Sales
26 Act;

- 1 (E) The Interest Act;
- 2 (F) The Illinois Wage Assignment Act;
- 3 (G) Part 8 of Article XII of the Code of Civil
- 4 Procedure; or
- 5 (H) The Consumer Fraud Act.

6 8. A bond or Certificate of Deposit in the amount of

7 \$20,000 for each location at which the applicant intends to

8 act as a used vehicle dealer. The bond shall be for the

9 term of the license, or its renewal, for which application

10 is made, and shall expire not sooner than December 31 of

11 the year for which the license was issued or renewed. The

12 bond shall run to the People of the State of Illinois, with

13 surety by a bonding or insurance company authorized to do

14 business in this State. It shall be conditioned upon the

15 proper transmittal of all title and registration fees and

16 taxes (excluding taxes under the Retailers' Occupation Tax

17 Act) accepted by the applicant as a used vehicle dealer.

18 9. Such other information concerning the business of

19 the applicant as the Secretary of State may by rule or

20 regulation prescribe.

21 10. A statement that the applicant understands Chapter

22 1 through Chapter 5 of this Code.

23 11. A copy of the certification from the prelicensing

24 education program.

25 (c) Any change which renders no longer accurate any

26 information contained in any application for a used vehicle

1 dealer's license shall be amended within 30 days after the
2 occurrence of each change on such form as the Secretary of
3 State may prescribe by rule or regulation, accompanied by an
4 amendatory fee of \$2.

5 (d) Anything in this Chapter to the contrary
6 notwithstanding, no person shall be licensed as a used vehicle
7 dealer unless such person maintains an established place of
8 business as defined in this Chapter.

9 (e) The Secretary of State shall, within a reasonable time
10 after receipt, examine an application submitted to him under
11 this Section. Unless the Secretary makes a determination that
12 the application submitted to him does not conform to this
13 Section or that grounds exist for a denial of the application
14 under Section 5-501 of this Chapter, he must grant the
15 applicant an original used vehicle dealer's license in writing
16 for his established place of business and a supplemental
17 license in writing for each additional place of business in
18 such form as he may prescribe by rule or regulation which shall
19 include the following:

20 1. The name of the person licensed;

21 2. If a corporation, the name and address of its
22 officers or if a sole proprietorship, a partnership, an
23 unincorporated association or any similar form of business
24 organization, the name and address of the proprietor or of
25 each partner, member, officer, director, trustee or
26 manager;

1 3. In case of an original license, the established
2 place of business of the licensee;

3 4. In the case of a supplemental license, the
4 established place of business of the licensee and the
5 additional place of business to which such supplemental
6 license pertains.

7 (f) The appropriate instrument evidencing the license or a
8 certified copy thereof, provided by the Secretary of State
9 shall be kept posted, conspicuously, in the established place
10 of business of the licensee and in each additional place of
11 business, if any, maintained by such licensee.

12 (g) Except as provided in subsection (h) of this Section,
13 all used vehicle dealer's licenses granted under this Section
14 expire by operation of law on December 31 of the calendar year
15 for which they are granted unless sooner revoked or cancelled
16 under Section 5-501 of this Chapter.

17 (h) A used vehicle dealer's license may be renewed upon
18 application and payment of the fee required herein, and
19 submission of proof of coverage by an approved bond under the
20 "Retailers' Occupation Tax Act" or proof that applicant is not
21 subject to such bonding requirements, as in the case of an
22 original license, but in case an application for the renewal of
23 an effective license is made during the month of December, the
24 effective license shall remain in force until the application
25 for renewal is granted or denied by the Secretary of State.

26 (i) All persons licensed as a used vehicle dealer are

1 required to furnish each purchaser of a motor vehicle:

2 1. A certificate of title properly assigned to the
3 purchaser;

4 2. A statement verified under oath that all identifying
5 numbers on the vehicle agree with those on the certificate
6 of title;

7 3. A bill of sale properly executed on behalf of such
8 person;

9 4. A copy of the Uniform Invoice-transaction reporting
10 return referred to in Section 5-402 of this Chapter;

11 5. In the case of a rebuilt vehicle, a copy of the
12 Disclosure of Rebuilt Vehicle Status; and

13 6. In the case of a vehicle for which the warranty has
14 been reinstated, a copy of the warranty.

15 (j) A real estate broker holding a valid certificate of
16 registration issued pursuant to "The Real Estate Brokers and
17 Salesmen License Act" may engage in the business of selling or
18 dealing in house trailers not his own without being licensed as
19 a used vehicle dealer under this Section; however such broker
20 shall maintain a record of the transaction including the
21 following:

22 (1) the name and address of the buyer and seller,

23 (2) the date of sale,

24 (3) a description of the mobile home, including the
25 vehicle identification number, make, model, and year, and

26 (4) the Illinois certificate of title number.

1 The foregoing records shall be available for inspection by
2 any officer of the Secretary of State's Office at any
3 reasonable hour.

4 (k) Except at the time of sale or repossession of the
5 vehicle, no person licensed as a used vehicle dealer may issue
6 any other person a newly created key to a vehicle unless the
7 used vehicle dealer makes a copy of the driver's license or
8 State identification card of the person requesting or obtaining
9 the newly created key. The used vehicle dealer must retain the
10 copy for 30 days.

11 A used vehicle dealer who violates this subsection (k) is
12 guilty of a petty offense. Violation of this subsection (k) is
13 not cause to suspend, revoke, cancel, or deny renewal of the
14 used vehicle dealer's license.

15 (1) Used vehicle dealers licensed under this Section shall
16 provide the Secretary of State a register for the sale at
17 auction of each salvage or junk certificate vehicle. Each
18 register shall include the following information:

19 1. The year, make, model, style and color of the
20 vehicle;

21 2. The vehicle's manufacturer's identification number
22 or, if applicable, the Secretary of State or Illinois
23 Department of State Police identification number;

24 3. The date of acquisition of the vehicle;

25 4. The name and address of the person from whom the
26 vehicle was acquired;

1 5. The name and address of the person to whom any
2 vehicle was disposed, the person's Illinois license number
3 or if the person is an out-of-state salvage vehicle buyer,
4 the license number from the state or jurisdiction where the
5 buyer is licensed; and

6 6. The purchase price of the vehicle.

7 The register shall be submitted to the Secretary of State
8 via written or electronic means within 10 calendar days from
9 the date of the auction.

10 (Source: P.A. 96-678, eff. 8-25-09; 97-480, eff. 10-1-11.)

11 (625 ILCS 5/5-301) (from Ch. 95 1/2, par. 5-301)

12 Sec. 5-301. Automotive parts recyclers, scrap processors,
13 repairers and rebuilders must be licensed.

14 (a) No person in this State shall, except as an incident to
15 the servicing of vehicles, carry on or conduct the business of
16 a automotive parts recyclers, a scrap processor, a repairer, or
17 a rebuilder, unless licensed to do so in writing by the
18 Secretary of State under this Section. No person shall rebuild
19 a salvage vehicle unless such person is licensed as a rebuilder
20 by the Secretary of State under this Section. No person shall
21 engage in the business of acquiring 5 or more previously owned
22 vehicles in one calendar year for the primary purpose of
23 disposing of those vehicles in the manner described in the
24 definition of a "scrap processor" in this Code unless the
25 person is licensed as an automotive parts recycler by the

1 Secretary of State under this Section. Each license shall be
2 applied for and issued separately, except that a license issued
3 to a new vehicle dealer under Section 5-101 of this Code shall
4 also be deemed to be a repairer license.

5 (b) Any application filed with the Secretary of State,
6 shall be duly verified by oath, in such form as the Secretary
7 of State may by rule or regulation prescribe and shall contain:

8 1. The name and type of business organization of the
9 applicant and his principal or additional places of
10 business, if any, in this State.

11 2. The kind or kinds of business enumerated in
12 subsection (a) of this Section to be conducted at each
13 location.

14 3. If the applicant is a corporation, a list of its
15 officers, directors, and shareholders having a ten percent
16 or greater ownership interest in the corporation, setting
17 forth the residence address of each; if the applicant is a
18 sole proprietorship, a partnership, an unincorporated
19 association, a trust, or any similar form of business
20 organization, the names and residence address of the
21 proprietor or of each partner, member, officer, director,
22 trustee or manager.

23 4. A statement that the applicant's officers,
24 directors, shareholders having a ten percent or greater
25 ownership interest therein, proprietor, partner, member,
26 officer, director, trustee, manager, or other principals

1 in the business have not committed in the past three years
2 any one violation as determined in any civil or criminal or
3 administrative proceedings of any one of the following
4 Acts:

5 (a) The Anti Theft Laws of the Illinois Vehicle
6 Code;

7 (b) The "Certificate of Title Laws" of the Illinois
8 Vehicle Code;

9 (c) The "Offenses against Registration and
10 Certificates of Title Laws" of the Illinois Vehicle
11 Code;

12 (d) The "Dealers, Transporters, Wreckers and
13 Rebuilders Laws" of the Illinois Vehicle Code;

14 (e) Section 21-2 of the Criminal Code of 1961 or
15 the Criminal Code of 2012, Criminal Trespass to
16 Vehicles; or

17 (f) The Retailers Occupation Tax Act.

18 5. A statement that the applicant's officers,
19 directors, shareholders having a ten percent or greater
20 ownership interest therein, proprietor, partner, member,
21 officer, director, trustee, manager or other principals in
22 the business have not committed in any calendar year 3 or
23 more violations, as determined in any civil or criminal or
24 administrative proceedings, of any one or more of the
25 following Acts:

26 (a) The Consumer Finance Act;

- 1 (b) The Consumer Installment Loan Act;
- 2 (c) The Retail Installment Sales Act;
- 3 (d) The Motor Vehicle Retail Installment Sales
- 4 Act;
- 5 (e) The Interest Act;
- 6 (f) The Illinois Wage Assignment Act;
- 7 (g) Part 8 of Article XII of the Code of Civil
- 8 Procedure; or
- 9 (h) The Consumer Fraud Act.

10 6. An application for a license shall be accompanied by

11 the following fees: \$50 for applicant's established place

12 of business; \$25 for each additional place of business, if

13 any, to which the application pertains; provided, however,

14 that if such an application is made after June 15 of any

15 year, the license fee shall be \$25 for applicant's

16 established place of business plus \$12.50 for each

17 additional place of business, if any, to which the

18 application pertains. License fees shall be returnable

19 only in the event that such application shall be denied by

20 the Secretary of State.

21 7. A statement that the applicant understands Chapter 1

22 through Chapter 5 of this Code.

23 8. A statement that the applicant shall comply with

24 subsection (e) of this Section.

25 (c) Any change which renders no longer accurate any

26 information contained in any application for a license filed

1 with the Secretary of State shall be amended within 30 days
2 after the occurrence of such change on such form as the
3 Secretary of State may prescribe by rule or regulation,
4 accompanied by an amendatory fee of \$2.

5 (d) Anything in this chapter to the contrary,
6 notwithstanding, no person shall be licensed under this Section
7 unless such person shall maintain an established place of
8 business as defined in this Chapter.

9 (e) The Secretary of State shall within a reasonable time
10 after receipt thereof, examine an application submitted to him
11 under this Section and unless he makes a determination that the
12 application submitted to him does not conform with the
13 requirements of this Section or that grounds exist for a denial
14 of the application, as prescribed in Section 5-501 of this
15 Chapter, grant the applicant an original license as applied for
16 in writing for his established place of business and a
17 supplemental license in writing for each additional place of
18 business in such form as he may prescribe by rule or regulation
19 which shall include the following:

20 1. The name of the person licensed;

21 2. If a corporation, the name and address of its
22 officers or if a sole proprietorship, a partnership, an
23 unincorporated association or any similar form of business
24 organization, the name and address of the proprietor or of
25 each partner, member, officer, director, trustee or
26 manager;

1 3. A designation of the kind or kinds of business
2 enumerated in subsection (a) of this Section to be
3 conducted at each location;

4 4. In the case of an original license, the established
5 place of business of the licensee;

6 5. In the case of a supplemental license, the
7 established place of business of the licensee and the
8 additional place of business to which such supplemental
9 license pertains.

10 (f) The appropriate instrument evidencing the license or a
11 certified copy thereof, provided by the Secretary of State
12 shall be kept, posted, conspicuously in the established place
13 of business of the licensee and in each additional place of
14 business, if any, maintained by such licensee. The licensee
15 also shall post conspicuously in the established place of
16 business and in each additional place of business a notice
17 which states that such business is required to be licensed by
18 the Secretary of State under Section 5-301, and which provides
19 the license number of the business and the license expiration
20 date. This notice also shall advise the consumer that any
21 complaints as to the quality of service may be brought to the
22 attention of the Attorney General. The information required on
23 this notice also shall be printed conspicuously on all
24 estimates and receipts for work by the licensee subject to this
25 Section. The Secretary of State shall prescribe the specific
26 format of this notice.

1 (g) Except as provided in subsection (h) hereof, licenses
2 granted under this Section shall expire by operation of law on
3 December 31 of the calendar year for which they are granted
4 unless sooner revoked or cancelled under the provisions of
5 Section 5-501 of this Chapter.

6 (h) Any license granted under this Section may be renewed
7 upon application and payment of the fee required herein as in
8 the case of an original license, provided, however, that in
9 case an application for the renewal of an effective license is
10 made during the month of December, such effective license shall
11 remain in force until such application is granted or denied by
12 the Secretary of State.

13 (i) All automotive repairers and rebuilders shall, in
14 addition to the requirements of subsections (a) through (h) of
15 this Section, meet the following licensing requirements:

16 1. Provide proof that the property on which first time
17 applicants plan to do business is in compliance with local
18 zoning laws and regulations, and a listing of zoning
19 classification;

20 2. Provide proof that the applicant for a repairer's
21 license complies with the proper workers' compensation
22 rate code or classification, and listing the code of
23 classification for that industry;

24 3. Provide proof that the applicant for a rebuilder's
25 license complies with the proper workers' compensation
26 rate code or classification for the repair industry or the

1 auto parts recycling industry and listing the code of
2 classification;

3 4. Provide proof that the applicant has obtained or
4 applied for a hazardous waste generator number, and listing
5 the actual number if available or certificate of exemption;

6 5. Provide proof that applicant has proper liability
7 insurance, and listing the name of the insurer and the
8 policy number; and

9 6. Provide proof that the applicant has obtained or
10 applied for the proper State sales tax classification and
11 federal identification tax number, and listing the actual
12 numbers if available.

13 (i-1) All automotive repairers shall provide proof that
14 they comply with all requirements of the Automotive Collision
15 Repair Act.

16 (j) All automotive parts recyclers shall, in addition to
17 the requirements of subsections (a) through (h) of this
18 Section, meet the following licensing requirements:

19 1. A statement that the applicant purchases 5 vehicles
20 per year or has 5 hulks or chassis in stock;

21 2. Provide proof that the property on which all first
22 time applicants will do business does comply to the proper
23 local zoning laws in existence, and a listing of zoning
24 classifications;

25 3. Provide proof that applicant complies with the
26 proper workers' compensation rate code or classification,

1 and listing the code of classification; and

2 4. Provide proof that applicant has obtained or applied
3 for the proper State sales tax classification and federal
4 identification tax number, and listing the actual numbers
5 if available.

6 (Source: P.A. 97-832, eff. 7-20-12.)

7 (625 ILCS 5/5-501) (from Ch. 95 1/2, par. 5-501)

8 Sec. 5-501. Denial, suspension or revocation or
9 cancellation of a license.

10 (a) The license of a person issued under this Chapter may
11 be denied, revoked or suspended if the Secretary of State finds
12 that the applicant, or the officer, director, shareholder
13 having a ten percent or greater ownership interest in the
14 corporation, owner, partner, trustee, manager, employee or the
15 licensee has:

16 1. Violated this Act;

17 2. Made any material misrepresentation to the
18 Secretary of State in connection with an application for a
19 license, junking certificate, salvage certificate, title
20 or registration;

21 3. Committed a fraudulent act in connection with
22 selling, bartering, exchanging, offering for sale or
23 otherwise dealing in vehicles, chassis, essential parts,
24 or vehicle shells;

25 4. As a new vehicle dealer has no contract with a

1 manufacturer or enfranchised distributor to sell that new
2 vehicle in this State;

3 5. Not maintained an established place of business as
4 defined in this Code;

5 6. Failed to file or produce for the Secretary of State
6 any application, report, document or other pertinent
7 books, records, documents, letters, contracts, required to
8 be filed or produced under this Code or any rule or
9 regulation made by the Secretary of State pursuant to this
10 Code;

11 7. Previously had, within 3 years, such a license
12 denied, suspended, revoked, or cancelled under the
13 provisions of subsection (c) (2) of this Section;

14 8. Has committed in any calendar year 3 or more
15 violations, as determined in any civil or criminal
16 proceeding, of any one or more of the following Acts:

17 a. the "Consumer Finance Act";

18 b. the "Consumer Installment Loan Act";

19 c. the "Retail Installment Sales Act";

20 d. the "Motor Vehicle Retail Installment Sales
21 Act";

22 e. "An Act in relation to the rate of interest and
23 other charges in connection with sales on credit and
24 the lending of money", approved May 24, 1879, as
25 amended;

26 f. "An Act to promote the welfare of wage-earners

1 by regulating the assignment of wages, and prescribing
2 a penalty for the violation thereof", approved July 1,
3 1935, as amended;

4 g. Part 8 of Article XII of the Code of Civil
5 Procedure; or

6 h. the "Consumer Fraud Act";

7 9. Failed to pay any fees or taxes due under this Act,
8 or has failed to transmit any fees or taxes received by him
9 for transmittal by him to the Secretary of State or the
10 State of Illinois;

11 10. Converted an abandoned vehicle;

12 11. Used a vehicle identification plate or number
13 assigned to a vehicle other than the one to which
14 originally assigned;

15 12. Violated the provisions of Chapter 5 of this Act,
16 as amended;

17 13. Violated the provisions of Chapter 4 of this Act,
18 as amended;

19 14. Violated the provisions of Chapter 3 of this Act,
20 as amended;

21 15. Violated Section 21-2 of the Criminal Code of 1961
22 or the Criminal Code of 2012, Criminal Trespass to
23 Vehicles;

24 16. Made or concealed a material fact in connection
25 with his application for a license;

26 17. Acted in the capacity of a person licensed or acted

1 as a licensee under this Chapter without having a license
2 therefor;

3 18. Failed to pay, within 90 days after a final
4 judgment, any fines assessed against the licensee pursuant
5 to an action brought under Section 5-404;

6 19. Failed to pay the Dealer Recovery Trust Fund fee
7 under Section 5-102.7 of this Code;

8 20. Failed to pay, within 90 days after notice has been
9 given, any fine or fee owed as a result of an
10 administrative citation issued by the Secretary under this
11 Code.

12 (b) In addition to other grounds specified in this Chapter,
13 the Secretary of State, on complaint of the Department of
14 Revenue, shall refuse the issuance or renewal of a license, or
15 suspend or revoke such license, for any of the following
16 violations of the "Retailers' Occupation Tax Act":

17 1. Failure to make a tax return;

18 2. The filing of a fraudulent return;

19 3. Failure to pay all or part of any tax or penalty
20 finally determined to be due;

21 4. Failure to comply with the bonding requirements of
22 the "Retailers' Occupation Tax Act".

23 (b-1) In addition to other grounds specified in this
24 Chapter, the Secretary of State, on complaint of the Motor
25 Vehicle Review Board, shall refuse the issuance or renewal of a
26 license, or suspend or revoke that license, if costs or fees

1 assessed under Section 29 or Section 30 of the Motor Vehicle
2 Franchise Act have remained unpaid for a period in excess of 90
3 days after the licensee received from the Motor Vehicle Board a
4 second notice and demand for the costs or fees. The Motor
5 Vehicle Review Board must send the licensee written notice and
6 demand for payment of the fees or costs at least 2 times, and
7 the second notice and demand must be sent by certified mail.

8 (c) Cancellation of a license.

9 1. The license of a person issued under this Chapter
10 may be cancelled by the Secretary of State prior to its
11 expiration in any of the following situations:

12 A. When a license is voluntarily surrendered, by
13 the licensed person; or

14 B. If the business enterprise is a sole
15 proprietorship, which is not a franchised dealership,
16 when the sole proprietor dies or is imprisoned for any
17 period of time exceeding 30 days; or

18 C. If the license was issued to the wrong person or
19 corporation, or contains an error on its face. If any
20 person above whose license has been cancelled wishes to
21 apply for another license, whether during the same
22 license year or any other year, that person shall be
23 treated as any other new applicant and the cancellation
24 of the person's prior license shall not, in and of
25 itself, be a bar to the issuance of a new license.

26 2. The license of a person issued under this Chapter

1 may be cancelled without a hearing when the Secretary of
2 State is notified that the applicant, or any officer,
3 director, shareholder having a 10 per cent or greater
4 ownership interest in the corporation, owner, partner,
5 trustee, manager, employee or member of the applicant or
6 the licensee has been convicted of any felony involving the
7 selling, bartering, exchanging, offering for sale, or
8 otherwise dealing in vehicles, chassis, essential parts,
9 vehicle shells, or ownership documents relating to any of
10 the above items.

11 (Source: P.A. 97-480, eff. 10-1-11; 97-838, eff. 7-20-12.)

12 (625 ILCS 5/6-101) (from Ch. 95 1/2, par. 6-101)

13 Sec. 6-101. Drivers must have licenses or permits.

14 (a) No person, except those expressly exempted by Section
15 6-102, shall drive any motor vehicle upon a highway in this
16 State unless such person has a valid license or permit, or a
17 restricted driving permit, issued under the provisions of this
18 Act.

19 (b) No person shall drive a motor vehicle unless he holds a
20 valid license or permit, or a restricted driving permit issued
21 under the provisions of Section 6-205, 6-206, or 6-113 of this
22 Act. Any person to whom a license is issued under the
23 provisions of this Act must surrender to the Secretary of State
24 all valid licenses or permits. No drivers license or
25 instruction permit shall be issued to any person who holds a

1 valid Foreign State license, identification card, or permit
2 unless such person first surrenders to the Secretary of State
3 any such valid Foreign State license, identification card, or
4 permit.

5 (b-5) Any person who commits a violation of subsection (a)
6 or (b) of this Section is guilty of a Class A misdemeanor, if
7 at the time of the violation the person's driver's license or
8 permit was cancelled under clause (a)9 of Section 6-201 of this
9 Code.

10 (c) Any person licensed as a driver hereunder shall not be
11 required by any city, village, incorporated town or other
12 municipal corporation to obtain any other license to exercise
13 the privilege thereby granted.

14 (d) In addition to other penalties imposed under this
15 Section, any person in violation of this Section who is also in
16 violation of Section 7-601 of this Code relating to mandatory
17 insurance requirements shall have his or her motor vehicle
18 immediately impounded by the arresting law enforcement
19 officer. The motor vehicle may be released to any licensed
20 driver upon a showing of proof of insurance for the motor
21 vehicle that was impounded and the notarized written consent
22 for the release by the vehicle owner.

23 (e) In addition to other penalties imposed under this
24 Section, the vehicle of any person in violation of this Section
25 who is also in violation of Section 7-601 of this Code relating
26 to mandatory insurance requirements and who, in violating this

1 Section, has caused death or personal injury to another person
2 is subject to forfeiture under Sections 36-1 and 36-2 of the
3 Criminal Code of 2012 ~~1961~~. For the purposes of this Section, a
4 personal injury shall include any type A injury as indicated on
5 the traffic accident report completed by a law enforcement
6 officer that requires immediate professional attention in
7 either a doctor's office or a medical facility. A type A injury
8 shall include severely bleeding wounds, distorted extremities,
9 and injuries that require the injured party to be carried from
10 the scene.

11 (Source: P.A. 97-229, eff. 7-28-11.)

12 (625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)

13 Sec. 6-103. What persons shall not be licensed as drivers
14 or granted permits. The Secretary of State shall not issue,
15 renew, or allow the retention of any driver's license nor issue
16 any permit under this Code:

17 1. To any person, as a driver, who is under the age of
18 18 years except as provided in Section 6-107, and except
19 that an instruction permit may be issued under Section
20 6-107.1 to a child who is not less than 15 years of age if
21 the child is enrolled in an approved driver education
22 course as defined in Section 1-103 of this Code and
23 requires an instruction permit to participate therein,
24 except that an instruction permit may be issued under the
25 provisions of Section 6-107.1 to a child who is 17 years

1 and 3 months of age without the child having enrolled in an
2 approved driver education course and except that an
3 instruction permit may be issued to a child who is at least
4 15 years and 3 months of age, is enrolled in school, meets
5 the educational requirements of the Driver Education Act,
6 and has passed examinations the Secretary of State in his
7 or her discretion may prescribe;

8 2. To any person who is under the age of 18 as an
9 operator of a motorcycle other than a motor driven cycle
10 unless the person has, in addition to meeting the
11 provisions of Section 6-107 of this Code, successfully
12 completed a motorcycle training course approved by the
13 Illinois Department of Transportation and successfully
14 completes the required Secretary of State's motorcycle
15 driver's examination;

16 3. To any person, as a driver, whose driver's license
17 or permit has been suspended, during the suspension, nor to
18 any person whose driver's license or permit has been
19 revoked, except as provided in Sections 6-205, 6-206, and
20 6-208;

21 4. To any person, as a driver, who is a user of alcohol
22 or any other drug to a degree that renders the person
23 incapable of safely driving a motor vehicle;

24 5. To any person, as a driver, who has previously been
25 adjudged to be afflicted with or suffering from any mental
26 or physical disability or disease and who has not at the

1 time of application been restored to competency by the
2 methods provided by law;

3 6. To any person, as a driver, who is required by the
4 Secretary of State to submit an alcohol and drug evaluation
5 or take an examination provided for in this Code unless the
6 person has successfully passed the examination and
7 submitted any required evaluation;

8 7. To any person who is required under the provisions
9 of the laws of this State to deposit security or proof of
10 financial responsibility and who has not deposited the
11 security or proof;

12 8. To any person when the Secretary of State has good
13 cause to believe that the person by reason of physical or
14 mental disability would not be able to safely operate a
15 motor vehicle upon the highways, unless the person shall
16 furnish to the Secretary of State a verified written
17 statement, acceptable to the Secretary of State, from a
18 competent medical specialist, a licensed physician
19 assistant who has been delegated the performance of medical
20 examinations by his or her supervising physician, or a
21 licensed advanced practice nurse who has a written
22 collaborative agreement with a collaborating physician
23 which authorizes him or her to perform medical
24 examinations, to the effect that the operation of a motor
25 vehicle by the person would not be inimical to the public
26 safety;

1 9. To any person, as a driver, who is 69 years of age
2 or older, unless the person has successfully complied with
3 the provisions of Section 6-109;

4 10. To any person convicted, within 12 months of
5 application for a license, of any of the sexual offenses
6 enumerated in paragraph 2 of subsection (b) of Section
7 6-205;

8 11. To any person who is under the age of 21 years with
9 a classification prohibited in paragraph (b) of Section
10 6-104 and to any person who is under the age of 18 years
11 with a classification prohibited in paragraph (c) of
12 Section 6-104;

13 12. To any person who has been either convicted of or
14 adjudicated under the Juvenile Court Act of 1987 based upon
15 a violation of the Cannabis Control Act, the Illinois
16 Controlled Substances Act, or the Methamphetamine Control
17 and Community Protection Act while that person was in
18 actual physical control of a motor vehicle. For purposes of
19 this Section, any person placed on probation under Section
20 10 of the Cannabis Control Act, Section 410 of the Illinois
21 Controlled Substances Act, or Section 70 of the
22 Methamphetamine Control and Community Protection Act shall
23 not be considered convicted. Any person found guilty of
24 this offense, while in actual physical control of a motor
25 vehicle, shall have an entry made in the court record by
26 the judge that this offense did occur while the person was

1 in actual physical control of a motor vehicle and order the
2 clerk of the court to report the violation to the Secretary
3 of State as such. The Secretary of State shall not issue a
4 new license or permit for a period of one year;

5 13. To any person who is under the age of 18 years and
6 who has committed the offense of operating a motor vehicle
7 without a valid license or permit in violation of Section
8 6-101 or a similar out of state offense;

9 14. To any person who is 90 days or more delinquent in
10 court ordered child support payments or has been
11 adjudicated in arrears in an amount equal to 90 days'
12 obligation or more and who has been found in contempt of
13 court for failure to pay the support, subject to the
14 requirements and procedures of Article VII of Chapter 7 of
15 the Illinois Vehicle Code;

16 14.5. To any person certified by the Illinois
17 Department of Healthcare and Family Services as being 90
18 days or more delinquent in payment of support under an
19 order of support entered by a court or administrative body
20 of this or any other State, subject to the requirements and
21 procedures of Article VII of Chapter 7 of this Code
22 regarding those certifications;

23 15. To any person released from a term of imprisonment
24 for violating Section 9-3 of the Criminal Code of 1961 or
25 the Criminal Code of 2012, or a similar provision of a law
26 of another state relating to reckless homicide or for

1 violating subparagraph (F) of paragraph (1) of subsection
2 (d) of Section 11-501 of this Code relating to aggravated
3 driving under the influence of alcohol, other drug or
4 drugs, intoxicating compound or compounds, or any
5 combination thereof, if the violation was the proximate
6 cause of a death, within 24 months of release from a term
7 of imprisonment;

8 16. To any person who, with intent to influence any act
9 related to the issuance of any driver's license or permit,
10 by an employee of the Secretary of State's Office, or the
11 owner or employee of any commercial driver training school
12 licensed by the Secretary of State, or any other individual
13 authorized by the laws of this State to give driving
14 instructions or administer all or part of a driver's
15 license examination, promises or tenders to that person any
16 property or personal advantage which that person is not
17 authorized by law to accept. Any persons promising or
18 tendering such property or personal advantage shall be
19 disqualified from holding any class of driver's license or
20 permit for 120 consecutive days. The Secretary of State
21 shall establish by rule the procedures for implementing
22 this period of disqualification and the procedures by which
23 persons so disqualified may obtain administrative review
24 of the decision to disqualify;

25 17. To any person for whom the Secretary of State
26 cannot verify the accuracy of any information or

1 documentation submitted in application for a driver's
2 license; or

3 18. To any person who has been adjudicated under the
4 Juvenile Court Act of 1987 based upon an offense that is
5 determined by the court to have been committed in
6 furtherance of the criminal activities of an organized
7 gang, as provided in Section 5-710 of that Act, and that
8 involved the operation or use of a motor vehicle or the use
9 of a driver's license or permit. The person shall be denied
10 a license or permit for the period determined by the court.

11 The Secretary of State shall retain all conviction
12 information, if the information is required to be held
13 confidential under the Juvenile Court Act of 1987.

14 (Source: P.A. 96-607, eff. 8-24-09; 96-740, eff. 1-1-10;
15 96-962, eff. 7-2-10; 96-1000, eff. 7-2-10; 97-185, eff.
16 7-22-11.)

17 (625 ILCS 5/6-106.1)

18 Sec. 6-106.1. School bus driver permit.

19 (a) The Secretary of State shall issue a school bus driver
20 permit to those applicants who have met all the requirements of
21 the application and screening process under this Section to
22 insure the welfare and safety of children who are transported
23 on school buses throughout the State of Illinois. Applicants
24 shall obtain the proper application required by the Secretary
25 of State from their prospective or current employer and submit

1 the completed application to the prospective or current
2 employer along with the necessary fingerprint submission as
3 required by the Department of State Police to conduct
4 fingerprint based criminal background checks on current and
5 future information available in the state system and current
6 information available through the Federal Bureau of
7 Investigation's system. Applicants who have completed the
8 fingerprinting requirements shall not be subjected to the
9 fingerprinting process when applying for subsequent permits or
10 submitting proof of successful completion of the annual
11 refresher course. Individuals who on the effective date of this
12 Act possess a valid school bus driver permit that has been
13 previously issued by the appropriate Regional School
14 Superintendent are not subject to the fingerprinting
15 provisions of this Section as long as the permit remains valid
16 and does not lapse. The applicant shall be required to pay all
17 related application and fingerprinting fees as established by
18 rule including, but not limited to, the amounts established by
19 the Department of State Police and the Federal Bureau of
20 Investigation to process fingerprint based criminal background
21 investigations. All fees paid for fingerprint processing
22 services under this Section shall be deposited into the State
23 Police Services Fund for the cost incurred in processing the
24 fingerprint based criminal background investigations. All
25 other fees paid under this Section shall be deposited into the
26 Road Fund for the purpose of defraying the costs of the

1 Secretary of State in administering this Section. All
2 applicants must:

3 1. be 21 years of age or older;

4 2. possess a valid and properly classified driver's
5 license issued by the Secretary of State;

6 3. possess a valid driver's license, which has not been
7 revoked, suspended, or canceled for 3 years immediately
8 prior to the date of application, or have not had his or
9 her commercial motor vehicle driving privileges
10 disqualified within the 3 years immediately prior to the
11 date of application;

12 4. successfully pass a written test, administered by
13 the Secretary of State, on school bus operation, school bus
14 safety, and special traffic laws relating to school buses
15 and submit to a review of the applicant's driving habits by
16 the Secretary of State at the time the written test is
17 given;

18 5. demonstrate ability to exercise reasonable care in
19 the operation of school buses in accordance with rules
20 promulgated by the Secretary of State;

21 6. demonstrate physical fitness to operate school
22 buses by submitting the results of a medical examination,
23 including tests for drug use for each applicant not subject
24 to such testing pursuant to federal law, conducted by a
25 licensed physician, an advanced practice nurse who has a
26 written collaborative agreement with a collaborating

1 physician which authorizes him or her to perform medical
2 examinations, or a physician assistant who has been
3 delegated the performance of medical examinations by his or
4 her supervising physician within 90 days of the date of
5 application according to standards promulgated by the
6 Secretary of State;

7 7. affirm under penalties of perjury that he or she has
8 not made a false statement or knowingly concealed a
9 material fact in any application for permit;

10 8. have completed an initial classroom course,
11 including first aid procedures, in school bus driver safety
12 as promulgated by the Secretary of State; and after
13 satisfactory completion of said initial course an annual
14 refresher course; such courses and the agency or
15 organization conducting such courses shall be approved by
16 the Secretary of State; failure to complete the annual
17 refresher course, shall result in cancellation of the
18 permit until such course is completed;

19 9. not have been under an order of court supervision
20 for or convicted of 2 or more serious traffic offenses, as
21 defined by rule, within one year prior to the date of
22 application that may endanger the life or safety of any of
23 the driver's passengers within the duration of the permit
24 period;

25 10. not have been under an order of court supervision
26 for or convicted of reckless driving, aggravated reckless

1 driving, driving while under the influence of alcohol,
2 other drug or drugs, intoxicating compound or compounds or
3 any combination thereof, or reckless homicide resulting
4 from the operation of a motor vehicle within 3 years of the
5 date of application;

6 11. not have been convicted of committing or attempting
7 to commit any one or more of the following offenses: (i)
8 those offenses defined in Sections 8-1.2, 9-1, 9-1.2, 9-2,
9 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5,
10 10-5.1, 10-6, 10-7, 10-9, 11-1.20, 11-1.30, 11-1.40,
11 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6, 11-9, 11-9.1,
12 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15,
13 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19,
14 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B, 11-20.3,
15 11-21, 11-22, 11-23, 11-24, 11-25, 11-26, 11-30, 12-2.6,
16 12-3.1, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4,
17 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-5.01, 12-6, 12-6.2,
18 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14,
19 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33,
20 12C-5, 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1,
21 18-1, 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2,
22 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6,
23 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1,
24 31A-1.1, 33A-2, and 33D-1, and in subsection (b) of Section
25 8-1, and in subdivisions (a)(1), (a)(2), (b)(1), (e)(1),
26 (e)(2), (e)(3), (e)(4), and (f)(1) of Section 12-3.05, and

1 in subsection (a) and subsection (b), clause (1), of
2 Section 12-4, and in subsection (A), clauses (a) and (b),
3 of Section 24-3, and those offenses contained in Article
4 29D of the Criminal Code of 1961 or the Criminal Code of
5 2012; (ii) those offenses defined in the Cannabis Control
6 Act except those offenses defined in subsections (a) and
7 (b) of Section 4, and subsection (a) of Section 5 of the
8 Cannabis Control Act; (iii) those offenses defined in the
9 Illinois Controlled Substances Act; (iv) those offenses
10 defined in the Methamphetamine Control and Community
11 Protection Act; (v) any offense committed or attempted in
12 any other state or against the laws of the United States,
13 which if committed or attempted in this State would be
14 punishable as one or more of the foregoing offenses; (vi)
15 the offenses defined in Section 4.1 and 5.1 of the Wrongs
16 to Children Act or Section 11-9.1A of the Criminal Code of
17 1961 or the Criminal Code of 2012; (vii) those offenses
18 defined in Section 6-16 of the Liquor Control Act of 1934;
19 and (viii) those offenses defined in the Methamphetamine
20 Precursor Control Act;

21 12. not have been repeatedly involved as a driver in
22 motor vehicle collisions or been repeatedly convicted of
23 offenses against laws and ordinances regulating the
24 movement of traffic, to a degree which indicates lack of
25 ability to exercise ordinary and reasonable care in the
26 safe operation of a motor vehicle or disrespect for the

1 traffic laws and the safety of other persons upon the
2 highway;

3 13. not have, through the unlawful operation of a motor
4 vehicle, caused an accident resulting in the death of any
5 person;

6 14. not have, within the last 5 years, been adjudged to
7 be afflicted with or suffering from any mental disability
8 or disease; and

9 15. consent, in writing, to the release of results of
10 reasonable suspicion drug and alcohol testing under
11 Section 6-106.1c of this Code by the employer of the
12 applicant to the Secretary of State.

13 (b) A school bus driver permit shall be valid for a period
14 specified by the Secretary of State as set forth by rule. It
15 shall be renewable upon compliance with subsection (a) of this
16 Section.

17 (c) A school bus driver permit shall contain the holder's
18 driver's license number, legal name, residence address, zip
19 code, and date of birth, a brief description of the holder and
20 a space for signature. The Secretary of State may require a
21 suitable photograph of the holder.

22 (d) The employer shall be responsible for conducting a
23 pre-employment interview with prospective school bus driver
24 candidates, distributing school bus driver applications and
25 medical forms to be completed by the applicant, and submitting
26 the applicant's fingerprint cards to the Department of State

1 Police that are required for the criminal background
2 investigations. The employer shall certify in writing to the
3 Secretary of State that all pre-employment conditions have been
4 successfully completed including the successful completion of
5 an Illinois specific criminal background investigation through
6 the Department of State Police and the submission of necessary
7 fingerprints to the Federal Bureau of Investigation for
8 criminal history information available through the Federal
9 Bureau of Investigation system. The applicant shall present the
10 certification to the Secretary of State at the time of
11 submitting the school bus driver permit application.

12 (e) Permits shall initially be provisional upon receiving
13 certification from the employer that all pre-employment
14 conditions have been successfully completed, and upon
15 successful completion of all training and examination
16 requirements for the classification of the vehicle to be
17 operated, the Secretary of State shall provisionally issue a
18 School Bus Driver Permit. The permit shall remain in a
19 provisional status pending the completion of the Federal Bureau
20 of Investigation's criminal background investigation based
21 upon fingerprinting specimens submitted to the Federal Bureau
22 of Investigation by the Department of State Police. The Federal
23 Bureau of Investigation shall report the findings directly to
24 the Secretary of State. The Secretary of State shall remove the
25 bus driver permit from provisional status upon the applicant's
26 successful completion of the Federal Bureau of Investigation's

1 criminal background investigation.

2 (f) A school bus driver permit holder shall notify the
3 employer and the Secretary of State if he or she is issued an
4 order of court supervision for or convicted in another state of
5 an offense that would make him or her ineligible for a permit
6 under subsection (a) of this Section. The written notification
7 shall be made within 5 days of the entry of the order of court
8 supervision or conviction. Failure of the permit holder to
9 provide the notification is punishable as a petty offense for a
10 first violation and a Class B misdemeanor for a second or
11 subsequent violation.

12 (g) Cancellation; suspension; notice and procedure.

13 (1) The Secretary of State shall cancel a school bus
14 driver permit of an applicant whose criminal background
15 investigation discloses that he or she is not in compliance
16 with the provisions of subsection (a) of this Section.

17 (2) The Secretary of State shall cancel a school bus
18 driver permit when he or she receives notice that the
19 permit holder fails to comply with any provision of this
20 Section or any rule promulgated for the administration of
21 this Section.

22 (3) The Secretary of State shall cancel a school bus
23 driver permit if the permit holder's restricted commercial
24 or commercial driving privileges are withdrawn or
25 otherwise invalidated.

26 (4) The Secretary of State may not issue a school bus

1 driver permit for a period of 3 years to an applicant who
2 fails to obtain a negative result on a drug test as
3 required in item 6 of subsection (a) of this Section or
4 under federal law.

5 (5) The Secretary of State shall forthwith suspend a
6 school bus driver permit for a period of 3 years upon
7 receiving notice that the holder has failed to obtain a
8 negative result on a drug test as required in item 6 of
9 subsection (a) of this Section or under federal law.

10 (6) The Secretary of State shall suspend a school bus
11 driver permit for a period of 3 years upon receiving notice
12 from the employer that the holder failed to perform the
13 inspection procedure set forth in subsection (a) or (b) of
14 Section 12-816 of this Code.

15 (7) The Secretary of State shall suspend a school bus
16 driver permit for a period of 3 years upon receiving notice
17 from the employer that the holder refused to submit to an
18 alcohol or drug test as required by Section 6-106.1c or has
19 submitted to a test required by that Section which
20 disclosed an alcohol concentration of more than 0.00 or
21 disclosed a positive result on a National Institute on Drug
22 Abuse five-drug panel, utilizing federal standards set
23 forth in 49 CFR 40.87.

24 The Secretary of State shall notify the State
25 Superintendent of Education and the permit holder's
26 prospective or current employer that the applicant has (1) has

1 failed a criminal background investigation or (2) is no longer
2 eligible for a school bus driver permit; and of the related
3 cancellation of the applicant's provisional school bus driver
4 permit. The cancellation shall remain in effect pending the
5 outcome of a hearing pursuant to Section 2-118 of this Code.
6 The scope of the hearing shall be limited to the issuance
7 criteria contained in subsection (a) of this Section. A
8 petition requesting a hearing shall be submitted to the
9 Secretary of State and shall contain the reason the individual
10 feels he or she is entitled to a school bus driver permit. The
11 permit holder's employer shall notify in writing to the
12 Secretary of State that the employer has certified the removal
13 of the offending school bus driver from service prior to the
14 start of that school bus driver's next workshift. An employing
15 school board that fails to remove the offending school bus
16 driver from service is subject to the penalties defined in
17 Section 3-14.23 of the School Code. A school bus contractor who
18 violates a provision of this Section is subject to the
19 penalties defined in Section 6-106.11.

20 All valid school bus driver permits issued under this
21 Section prior to January 1, 1995, shall remain effective until
22 their expiration date unless otherwise invalidated.

23 (h) When a school bus driver permit holder who is a service
24 member is called to active duty, the employer of the permit
25 holder shall notify the Secretary of State, within 30 days of
26 notification from the permit holder, that the permit holder has

1 been called to active duty. Upon notification pursuant to this
2 subsection, (i) the Secretary of State shall characterize the
3 permit as inactive until a permit holder renews the permit as
4 provided in subsection (i) of this Section, and (ii) if a
5 permit holder fails to comply with the requirements of this
6 Section while called to active duty, the Secretary of State
7 shall not characterize the permit as invalid.

8 (i) A school bus driver permit holder who is a service
9 member returning from active duty must, within 90 days, renew a
10 permit characterized as inactive pursuant to subsection (h) of
11 this Section by complying with the renewal requirements of
12 subsection (b) of this Section.

13 (j) For purposes of subsections (h) and (i) of this
14 Section:

15 "Active duty" means active duty pursuant to an executive
16 order of the President of the United States, an act of the
17 Congress of the United States, or an order of the Governor.

18 "Service member" means a member of the Armed Services or
19 reserve forces of the United States or a member of the Illinois
20 National Guard.

21 (Source: P.A. 96-89, eff. 7-27-09; 96-818, eff. 11-17-09;
22 96-962, eff. 7-2-10; 96-1000, eff. 7-2-10; 96-1182, eff.
23 7-22-10; 96-1551, Article 1, Section 950, eff. 7-1-11; 96-1551,
24 Article 2, Section 1025, eff. 7-1-11; 97-224, eff. 7-28-11;
25 97-229, eff. 7-28-11; 97-333, eff. 8-12-11; 97-466, eff.
26 1-1-12; 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; revised

1 9-20-12.)

2 (625 ILCS 5/6-106.2) (from Ch. 95 1/2, par. 6-106.2)

3 Sec. 6-106.2. Religious organization bus driver. A
4 religious organization bus driver shall meet the following
5 requirements:

6 1. is 21 years of age or older;

7 2. has a valid and properly classified driver's license
8 issued by the Secretary of State;

9 3. has held a valid driver's license, not necessarily
10 of the same classification, for 3 years prior to the date
11 of application;

12 4. has demonstrated an ability to exercise reasonable
13 care in the safe operation of religious organization buses
14 in accordance with such standards as the Secretary of State
15 prescribes including a driving test in a religious
16 organization bus; and

17 5. has not been convicted of any of the following
18 offenses within 3 years of the date of application:
19 Sections 11-401 (leaving the scene of a traffic accident
20 involving death or personal injury), 11-501 (driving under
21 the influence), 11-503 (reckless driving), 11-504 (drag
22 racing), and 11-506 (street racing) of this Code, or
23 Sections 9-3 (manslaughter or reckless homicide) and 12-5
24 (reckless conduct arising from the use of a motor vehicle)
25 of the Criminal Code of 1961 or the Criminal Code of 2012.

1 (Source: P.A. 95-310, eff. 1-1-08.)

2 (625 ILCS 5/6-106.3) (from Ch. 95 1/2, par. 6-106.3)

3 Sec. 6-106.3. Senior citizen transportation - driver. A
4 driver of a vehicle operated solely for the purpose of
5 providing transportation for the elderly in connection with the
6 activities of any public or private organization shall meet the
7 following requirements:

8 (1) is 21 years of age or older;

9 (2) has a valid and properly classified driver's
10 license issued by the Secretary of State;

11 (3) has had a valid driver's license, not necessarily
12 of the same classification, for 3 years prior to the date
13 of application;

14 (4) has demonstrated his ability to exercise
15 reasonable care in the safe operation of a motor vehicle
16 which will be utilized to transport persons in accordance
17 with such standards as the Secretary of State prescribes
18 including a driving test in such motor vehicle; and

19 (5) has not been convicted of any of the following
20 offenses within 3 years of the date of application:
21 Sections 11-401 (leaving the scene of a traffic accident
22 involving death or personal injury), 11-501 (driving under
23 the influence), 11-503 (reckless driving), 11-504 (drag
24 racing), and 11-506 (street racing) of this Code, or
25 Sections 9-3 (manslaughter or reckless homicide) and 12-5

1 (reckless conduct arising from the use of a motor vehicle)
2 of the Criminal Code of 1961 or the Criminal Code of 2012.
3 (Source: P.A. 95-310, eff. 1-1-08.)

4 (625 ILCS 5/6-106.4) (from Ch. 95 1/2, par. 6-106.4)
5 Sec. 6-106.4. For-profit ridesharing arrangement - driver.
6 No person may drive a commuter van while it is being used for a
7 for-profit ridesharing arrangement unless such person:

8 (1) is 21 years of age or older;

9 (2) has a valid and properly classified driver's
10 license issued by the Secretary of State;

11 (3) has held a valid driver's license, not necessarily
12 of the same classification, for 3 years prior to the date
13 of application;

14 (4) has demonstrated his ability to exercise
15 reasonable care in the safe operation of commuter vans used
16 in for-profit ridesharing arrangements in accordance with
17 such standards as the Secretary of State may prescribe,
18 which standards may require a driving test in a commuter
19 van; and

20 (5) has not been convicted of any of the following
21 offenses within 3 years of the date of application:
22 Sections 11-401 (leaving the scene of a traffic accident
23 involving death or personal injury), 11-501 (driving under
24 the influence), 11-503 (reckless driving), 11-504 (drag
25 racing), and 11-506 (street racing) of this Code, or

1 Sections 9-3 (manslaughter or reckless homicide) and 12-5
2 (reckless conduct arising from the use of a motor vehicle)
3 of the Criminal Code of 1961 or the Criminal Code of 2012.
4 (Source: P.A. 95-310, eff. 1-1-08.)

5 (625 ILCS 5/6-108.1)

6 Sec. 6-108.1. Notice to Secretary; denial of license;
7 persons under 18.

8 (a) The State's Attorney must notify the Secretary of the
9 charges pending against any person younger than 18 years of age
10 who has been charged with a violation of this Code, the
11 Criminal Code of 2012, or the Criminal Code of 1961 arising out
12 of an accident in which the person was involved as a driver and
13 that caused the death of or a type A injury to another person.
14 A "type A injury" includes severely bleeding wounds, distorted
15 extremities, and injuries that require the injured party to be
16 carried from the scene. The State's Attorney must notify the
17 Secretary on a form prescribed by the Secretary.

18 (b) The Secretary, upon receiving notification from the
19 State's Attorney, may deny any driver's license to any person
20 younger than 18 years of age against whom the charges are
21 pending.

22 (c) The State's Attorney must notify the Secretary of the
23 final disposition of the case of any person who has been denied
24 a driver's license under subsection (b).

25 (d) The Secretary must adopt rules for implementing this

1 Section.

2 (Source: P.A. 92-137, eff. 7-24-01.)

3 (625 ILCS 5/6-118)

4 Sec. 6-118. Fees.

5 (a) The fee for licenses and permits under this Article is
6 as follows:

7 Original driver's license \$30

8 Original or renewal driver's license

9 issued to 18, 19 and 20 year olds 5

10 All driver's licenses for persons

11 age 69 through age 80 5

12 All driver's licenses for persons

13 age 81 through age 86 2

14 All driver's licenses for persons

15 age 87 or older 0

16 Renewal driver's license (except for

17 applicants ages 18, 19 and 20 or

18 age 69 and older) 30

19 Original instruction permit issued to

20 persons (except those age 69 and older)

21 who do not hold or have not previously

22 held an Illinois instruction permit or

23 driver's license 20

24 Instruction permit issued to any person

25 holding an Illinois driver's license

1 who wishes a change in classifications,
2 other than at the time of renewal 5
3 Any instruction permit issued to a person
4 age 69 and older 5
5 Instruction permit issued to any person,
6 under age 69, not currently holding a
7 valid Illinois driver's license or
8 instruction permit but who has
9 previously been issued either document
10 in Illinois 10
11 Restricted driving permit 8
12 Monitoring device driving permit 8
13 Duplicate or corrected driver's license
14 or permit 5
15 Duplicate or corrected restricted
16 driving permit 5
17 Duplicate or corrected monitoring
18 device driving permit 5
19 Duplicate driver's license or permit issued to
20 an active-duty member of the
21 United States Armed Forces,
22 the member's spouse, or
23 the dependent children living
24 with the member 0
25 Original or renewal M or L endorsement 5
26 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

1 The fees for commercial driver licenses and permits
2 under Article V shall be as follows:

3 Commercial driver's license:

4 \$6 for the CDLIS/AAMVAnet Trust Fund
5 (Commercial Driver's License Information
6 System/American Association of Motor Vehicle
7 Administrators network Trust Fund);
8 \$20 for the Motor Carrier Safety Inspection Fund;
9 \$10 for the driver's license;
10 and \$24 for the CDL: \$60

11 Renewal commercial driver's license:

12 \$6 for the CDLIS/AAMVAnet Trust Fund;
13 \$20 for the Motor Carrier Safety Inspection Fund;
14 \$10 for the driver's license; and
15 \$24 for the CDL: \$60

16 Commercial driver instruction permit

17 issued to any person holding a valid
18 Illinois driver's license for the
19 purpose of changing to a
20 CDL classification: \$6 for the
21 CDLIS/AAMVAnet Trust Fund;
22 \$20 for the Motor Carrier
23 Safety Inspection Fund; and
24 \$24 for the CDL classification \$50

25 Commercial driver instruction permit

26 issued to any person holding a valid

| | | |
|---|--|-----|
| 1 | Illinois CDL for the purpose of | |
| 2 | making a change in a classification, | |
| 3 | endorsement or restriction | \$5 |
| 4 | CDL duplicate or corrected license | \$5 |

5 In order to ensure the proper implementation of the Uniform
6 Commercial Driver License Act, Article V of this Chapter, the
7 Secretary of State is empowered to pro-rate the \$24 fee for the
8 commercial driver's license proportionate to the expiration
9 date of the applicant's Illinois driver's license.

10 The fee for any duplicate license or permit shall be waived
11 for any person who presents the Secretary of State's office
12 with a police report showing that his license or permit was
13 stolen.

14 The fee for any duplicate license or permit shall be waived
15 for any person age 60 or older whose driver's license or permit
16 has been lost or stolen.

17 No additional fee shall be charged for a driver's license,
18 or for a commercial driver's license, when issued to the holder
19 of an instruction permit for the same classification or type of
20 license who becomes eligible for such license.

21 (b) Any person whose license or privilege to operate a
22 motor vehicle in this State has been suspended or revoked under
23 Section 3-707, any provision of Chapter 6, Chapter 11, or
24 Section 7-205, 7-303, or 7-702 of the Family Financial
25 Responsibility Law of this Code, shall in addition to any other
26 fees required by this Code, pay a reinstatement fee as follows:

| | | |
|---|---|-------|
| 1 | Suspension under Section 3-707 | \$100 |
| 2 | Summary suspension under Section 11-501.1 | \$250 |
| 3 | Summary revocation under Section 11-501.1 | \$500 |
| 4 | Other suspension | \$70 |
| 5 | Revocation | \$500 |

6 However, any person whose license or privilege to operate a
7 motor vehicle in this State has been suspended or revoked for a
8 second or subsequent time for a violation of Section 11-501 or
9 11-501.1 of this Code or a similar provision of a local
10 ordinance or a similar out-of-state offense or Section 9-3 of
11 the Criminal Code of 1961 or the Criminal Code of 2012 and each
12 suspension or revocation was for a violation of Section 11-501
13 or 11-501.1 of this Code or a similar provision of a local
14 ordinance or a similar out-of-state offense or Section 9-3 of
15 the Criminal Code of 1961 or the Criminal Code of 2012 shall
16 pay, in addition to any other fees required by this Code, a
17 reinstatement fee as follows:

| | | |
|----|---|-------|
| 18 | Summary suspension under Section 11-501.1 | \$500 |
| 19 | Summary revocation under Section 11-501.1 | \$500 |
| 20 | Revocation | \$500 |

21 (c) All fees collected under the provisions of this Chapter
22 6 shall be paid into the Road Fund in the State Treasury except
23 as follows:

24 1. The following amounts shall be paid into the Driver
25 Education Fund:

26 (A) \$16 of the \$20 fee for an original driver's

1 instruction permit;

2 (B) \$5 of the \$30 fee for an original driver's
3 license;

4 (C) \$5 of the \$30 fee for a 4 year renewal driver's
5 license;

6 (D) \$4 of the \$8 fee for a restricted driving
7 permit; and

8 (E) \$4 of the \$8 fee for a monitoring device
9 driving permit.

10 2. \$30 of the \$250 fee for reinstatement of a license
11 summarily suspended under Section 11-501.1 shall be
12 deposited into the Drunk and Drugged Driving Prevention
13 Fund. However, for a person whose license or privilege to
14 operate a motor vehicle in this State has been suspended or
15 revoked for a second or subsequent time for a violation of
16 Section 11-501 or 11-501.1 of this Code or Section 9-3 of
17 the Criminal Code of 1961 or the Criminal Code of 2012,
18 \$190 of the \$500 fee for reinstatement of a license
19 summarily suspended under Section 11-501.1, and \$190 of the
20 \$500 fee for reinstatement of a revoked license shall be
21 deposited into the Drunk and Drugged Driving Prevention
22 Fund. \$190 of the \$500 fee for reinstatement of a license
23 summarily revoked pursuant to Section 11-501.1 shall be
24 deposited into the Drunk and Drugged Driving Prevention
25 Fund.

26 3. \$6 of such original or renewal fee for a commercial

1 driver's license and \$6 of the commercial driver
2 instruction permit fee when such permit is issued to any
3 person holding a valid Illinois driver's license, shall be
4 paid into the CDLIS/AAMVAnet Trust Fund.

5 4. \$30 of the \$70 fee for reinstatement of a license
6 suspended under the Family Financial Responsibility Law
7 shall be paid into the Family Responsibility Fund.

8 5. The \$5 fee for each original or renewal M or L
9 endorsement shall be deposited into the Cycle Rider Safety
10 Training Fund.

11 6. \$20 of any original or renewal fee for a commercial
12 driver's license or commercial driver instruction permit
13 shall be paid into the Motor Carrier Safety Inspection
14 Fund.

15 7. The following amounts shall be paid into the General
16 Revenue Fund:

17 (A) \$190 of the \$250 reinstatement fee for a
18 summary suspension under Section 11-501.1;

19 (B) \$40 of the \$70 reinstatement fee for any other
20 suspension provided in subsection (b) of this Section;
21 and

22 (C) \$440 of the \$500 reinstatement fee for a first
23 offense revocation and \$310 of the \$500 reinstatement
24 fee for a second or subsequent revocation.

25 (d) All of the proceeds of the additional fees imposed by
26 this amendatory Act of the 96th General Assembly shall be

1 deposited into the Capital Projects Fund.

2 (e) The additional fees imposed by this amendatory Act of
3 the 96th General Assembly shall become effective 90 days after
4 becoming law.

5 (f) As used in this Section, "active-duty member of the
6 United States Armed Forces" means a member of the Armed
7 Services or Reserve Forces of the United States or a member of
8 the Illinois National Guard who is called to active duty
9 pursuant to an executive order of the President of the United
10 States, an act of the Congress of the United States, or an
11 order of the Governor.

12 (Source: P.A. 96-34, eff. 7-13-09; 96-38, eff. 7-13-09;
13 96-1231, eff. 7-23-10; 96-1344, eff. 7-1-11; 97-333, eff.
14 8-12-11.)

15 (625 ILCS 5/6-204) (from Ch. 95 1/2, par. 6-204)

16 Sec. 6-204. When Court to forward License and Reports.

17 (a) For the purpose of providing to the Secretary of State
18 the records essential to the performance of the Secretary's
19 duties under this Code to cancel, revoke or suspend the
20 driver's license and privilege to drive motor vehicles of
21 certain minors adjudicated truant minors in need of
22 supervision, addicted, or delinquent and of persons found
23 guilty of the criminal offenses or traffic violations which
24 this Code recognizes as evidence relating to unfitness to
25 safely operate motor vehicles, the following duties are imposed

1 upon public officials:

2 (1) Whenever any person is convicted of any offense for
3 which this Code makes mandatory the cancellation or
4 revocation of the driver's license or permit of such person
5 by the Secretary of State, the judge of the court in which
6 such conviction is had shall require the surrender to the
7 clerk of the court of all driver's licenses or permits then
8 held by the person so convicted, and the clerk of the court
9 shall, within 5 days thereafter, forward the same, together
10 with a report of such conviction, to the Secretary.

11 (2) Whenever any person is convicted of any offense
12 under this Code or similar offenses under a municipal
13 ordinance, other than regulations governing standing,
14 parking or weights of vehicles, and excepting the following
15 enumerated Sections of this Code: Sections 11-1406
16 (obstruction to driver's view or control), 11-1407
17 (improper opening of door into traffic), 11-1410 (coasting
18 on downgrade), 11-1411 (following fire apparatus),
19 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving
20 vehicle which is in unsafe condition or improperly
21 equipped), 12-201(a) (daytime lights on motorcycles),
22 12-202 (clearance, identification and side marker lamps),
23 12-204 (lamp or flag on projecting load), 12-205 (failure
24 to display the safety lights required), 12-401
25 (restrictions as to tire equipment), 12-502 (mirrors),
26 12-503 (windshields must be unobstructed and equipped with

1 wipers), 12-601 (horns and warning devices), 12-602
2 (mufflers, prevention of noise or smoke), 12-603 (seat
3 safety belts), 12-702 (certain vehicles to carry flares or
4 other warning devices), 12-703 (vehicles for oiling roads
5 operated on highways), 12-710 (splash guards and
6 replacements), 13-101 (safety tests), 15-101 (size, weight
7 and load), 15-102 (width), 15-103 (height), 15-104 (name
8 and address on second division vehicles), 15-107 (length of
9 vehicle), 15-109.1 (cover or tarpaulin), 15-111 (weights),
10 15-112 (weights), 15-301 (weights), 15-316 (weights),
11 15-318 (weights), and also excepting the following
12 enumerated Sections of the Chicago Municipal Code:
13 Sections 27-245 (following fire apparatus), 27-254
14 (obstruction of traffic), 27-258 (driving vehicle which is
15 in unsafe condition), 27-259 (coasting on downgrade),
16 27-264 (use of horns and signal devices), 27-265
17 (obstruction to driver's view or driver mechanism), 27-267
18 (dimming of headlights), 27-268 (unattended motor
19 vehicle), 27-272 (illegal funeral procession), 27-273
20 (funeral procession on boulevard), 27-275 (driving freight
21 hauling vehicles on boulevard), 27-276 (stopping and
22 standing of buses or taxicabs), 27-277 (cruising of public
23 passenger vehicles), 27-305 (parallel parking), 27-306
24 (diagonal parking), 27-307 (parking not to obstruct
25 traffic), 27-308 (stopping, standing or parking
26 regulated), 27-311 (parking regulations), 27-312 (parking

1 regulations), 27-313 (parking regulations), 27-314
2 (parking regulations), 27-315 (parking regulations),
3 27-316 (parking regulations), 27-317 (parking
4 regulations), 27-318 (parking regulations), 27-319
5 (parking regulations), 27-320 (parking regulations),
6 27-321 (parking regulations), 27-322 (parking
7 regulations), 27-324 (loading and unloading at an angle),
8 27-333 (wheel and axle loads), 27-334 (load restrictions in
9 the downtown district), 27-335 (load restrictions in
10 residential areas), 27-338 (width of vehicles), 27-339
11 (height of vehicles), 27-340 (length of vehicles), 27-352
12 (reflectors on trailers), 27-353 (mufflers), 27-354
13 (display of plates), 27-355 (display of city vehicle tax
14 sticker), 27-357 (identification of vehicles), 27-358
15 (projecting of loads), and also excepting the following
16 enumerated paragraphs of Section 2-201 of the Rules and
17 Regulations of the Illinois State Toll Highway Authority:
18 (l) (driving unsafe vehicle on tollway), (m) (vehicles
19 transporting dangerous cargo not properly indicated), it
20 shall be the duty of the clerk of the court in which such
21 conviction is had within 5 days thereafter to forward to
22 the Secretary of State a report of the conviction and the
23 court may recommend the suspension of the driver's license
24 or permit of the person so convicted.

25 The reporting requirements of this subsection shall apply
26 to all violations stated in paragraphs (1) and (2) of this

1 subsection when the individual has been adjudicated under the
2 Juvenile Court Act or the Juvenile Court Act of 1987. Such
3 reporting requirements shall also apply to individuals
4 adjudicated under the Juvenile Court Act or the Juvenile Court
5 Act of 1987 who have committed a violation of Section 11-501 of
6 this Code, or similar provision of a local ordinance, or
7 Section 9-3 of the Criminal Code of 1961 or the Criminal Code
8 of 2012, ~~as amended,~~ relating to the offense of reckless
9 homicide. These reporting requirements also apply to
10 individuals adjudicated under the Juvenile Court Act of 1987
11 based on any offense determined to have been committed in
12 furtherance of the criminal activities of an organized gang, as
13 provided in Section 5-710 of that Act, and that involved the
14 operation or use of a motor vehicle or the use of a driver's
15 license or permit. The reporting requirements of this
16 subsection shall also apply to a truant minor in need of
17 supervision, an addicted minor, or a delinquent minor and whose
18 driver's license and privilege to drive a motor vehicle has
19 been ordered suspended for such times as determined by the
20 Court, but only until he or she attains 18 years of age. It
21 shall be the duty of the clerk of the court in which
22 adjudication is had within 5 days thereafter to forward to the
23 Secretary of State a report of the adjudication and the court
24 order requiring the Secretary of State to suspend the minor's
25 driver's license and driving privilege for such time as
26 determined by the Court, but only until he or she attains the

1 age of 18 years. All juvenile court dispositions reported to
2 the Secretary of State under this provision shall be processed
3 by the Secretary of State as if the cases had been adjudicated
4 in traffic or criminal court. However, information reported
5 relative to the offense of reckless homicide, or Section 11-501
6 of this Code, or a similar provision of a local ordinance,
7 shall be privileged and available only to the Secretary of
8 State, courts, and police officers.

9 The reporting requirements of this subsection (a)
10 apply to all violations listed in paragraphs (1) and (2) of
11 this subsection (a), excluding parking violations, when
12 the driver holds a CDL, regardless of the type of vehicle
13 in which the violation occurred, or when any driver
14 committed the violation in a commercial motor vehicle as
15 defined in Section 6-500 of this Code.

16 (3) Whenever an order is entered vacating the
17 forfeiture of any bail, security or bond given to secure
18 appearance for any offense under this Code or similar
19 offenses under municipal ordinance, it shall be the duty of
20 the clerk of the court in which such vacation was had or
21 the judge of such court if such court has no clerk, within
22 5 days thereafter to forward to the Secretary of State a
23 report of the vacation.

24 (4) A report of any disposition of court supervision
25 for a violation of Sections 6-303, 11-401, 11-501 or a
26 similar provision of a local ordinance, 11-503, 11-504, and

1 11-506 shall be forwarded to the Secretary of State. A
2 report of any disposition of court supervision for a
3 violation of an offense defined as a serious traffic
4 violation in this Code or a similar provision of a local
5 ordinance committed by a person under the age of 21 years
6 shall be forwarded to the Secretary of State.

7 (5) Reports of conviction under this Code and
8 sentencing hearings under the Juvenile Court Act of 1987 in
9 an electronic format or a computer processible medium shall
10 be forwarded to the Secretary of State via the Supreme
11 Court in the form and format required by the Illinois
12 Supreme Court and established by a written agreement
13 between the Supreme Court and the Secretary of State. In
14 counties with a population over 300,000, instead of
15 forwarding reports to the Supreme Court, reports of
16 conviction under this Code and sentencing hearings under
17 the Juvenile Court Act of 1987 in an electronic format or a
18 computer processible medium may be forwarded to the
19 Secretary of State by the Circuit Court Clerk in a form and
20 format required by the Secretary of State and established
21 by written agreement between the Circuit Court Clerk and
22 the Secretary of State. Failure to forward the reports of
23 conviction or sentencing hearing under the Juvenile Court
24 Act of 1987 as required by this Section shall be deemed an
25 omission of duty and it shall be the duty of the several
26 State's Attorneys to enforce the requirements of this

1 Section.

2 (b) Whenever a restricted driving permit is forwarded to a
3 court, as a result of confiscation by a police officer pursuant
4 to the authority in Section 6-113(f), it shall be the duty of
5 the clerk, or judge, if the court has no clerk, to forward such
6 restricted driving permit and a facsimile of the officer's
7 citation to the Secretary of State as expeditiously as
8 practicable.

9 (c) For the purposes of this Code, a forfeiture of bail or
10 collateral deposited to secure a defendant's appearance in
11 court when forfeiture has not been vacated, or the failure of a
12 defendant to appear for trial after depositing his driver's
13 license in lieu of other bail, shall be equivalent to a
14 conviction.

15 (d) For the purpose of providing the Secretary of State
16 with records necessary to properly monitor and assess driver
17 performance and assist the courts in the proper disposition of
18 repeat traffic law offenders, the clerk of the court shall
19 forward to the Secretary of State, on a form prescribed by the
20 Secretary, records of a driver's participation in a driver
21 remedial or rehabilitative program which was required, through
22 a court order or court supervision, in relation to the driver's
23 arrest for a violation of Section 11-501 of this Code or a
24 similar provision of a local ordinance. The clerk of the court
25 shall also forward to the Secretary, either on paper or in an
26 electronic format or a computer processible medium as required

1 under paragraph (5) of subsection (a) of this Section, any
2 disposition of court supervision for any traffic violation,
3 excluding those offenses listed in paragraph (2) of subsection
4 (a) of this Section. These reports shall be sent within 5 days
5 after disposition, or, if the driver is referred to a driver
6 remedial or rehabilitative program, within 5 days of the
7 driver's referral to that program. These reports received by
8 the Secretary of State, including those required to be
9 forwarded under paragraph (a)(4), shall be privileged
10 information, available only (i) to the affected driver, (ii) to
11 the parent or guardian of a person under the age of 18 years
12 holding an instruction permit or a graduated driver's license,
13 and (iii) for use by the courts, police officers, prosecuting
14 authorities, the Secretary of State, and the driver licensing
15 administrator of any other state. In accordance with 49 C.F.R.
16 Part 384, all reports of court supervision, except violations
17 related to parking, shall be forwarded to the Secretary of
18 State for all holders of a CDL or any driver who commits an
19 offense while driving a commercial motor vehicle. These reports
20 shall be recorded to the driver's record as a conviction for
21 use in the disqualification of the driver's commercial motor
22 vehicle privileges and shall not be privileged information.

23 (Source: P.A. 94-307, eff. 9-30-05; 94-930, eff. 6-26-06;
24 95-201, eff. 1-1-08; 95-310, eff. 1-1-08; 95-337, eff. 6-1-08;
25 95-382, eff. 8-23-07; 95-876, eff. 8-21-08.)

1 (625 ILCS 5/6-205)

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 or the Criminal Code of 2012 arising from the use of a
10 motor vehicle;

11 11. Violation of Section 11-204.1 of this Code relating
12 to aggravated fleeing or attempting to elude a peace
13 officer;

14 12. Violation of paragraph (1) of subsection (b) of
15 Section 6-507, or a similar law of any other state,
16 relating to the unlawful operation of a commercial motor
17 vehicle;

18 13. Violation of paragraph (a) of Section 11-502 of
19 this Code or a similar provision of a local ordinance if
20 the driver has been previously convicted of a violation of
21 that Section or a similar provision of a local ordinance
22 and the driver was less than 21 years of age at the time of
23 the offense;

24 14. Violation of paragraph (a) of Section 11-506 of
25 this Code or a similar provision of a local ordinance
26 relating to the offense of street racing;

1 15. A second or subsequent conviction of driving while
2 the person's driver's license, permit or privileges was
3 revoked for reckless homicide or a similar out-of-state
4 offense;

5 16. Any offense against any provision in this Code, or
6 any local ordinance, regulating the movement of traffic
7 when that offense was the proximate cause of the death of
8 any person. Any person whose driving privileges have been
9 revoked pursuant to this paragraph may seek to have the
10 revocation terminated or to have the length of revocation
11 reduced by requesting an administrative hearing with the
12 Secretary of State prior to the projected driver's license
13 application eligibility date;

14 17. Violation of subsection (a-2) of Section 11-1301.3
15 of this Code or a similar provision of a local ordinance;~~z-~~

16 18 ~~17~~. A second or subsequent conviction of illegal
17 possession, while operating or in actual physical control,
18 as a driver, of a motor vehicle, of any controlled
19 substance prohibited under the Illinois Controlled
20 Substances Act, any cannabis prohibited under the Cannabis
21 Control Act, or any methamphetamine prohibited under the
22 Methamphetamine Control and Community Protection Act. A
23 defendant found guilty of this offense while operating a
24 motor vehicle shall have an entry made in the court record
25 by the presiding judge that this offense did occur while
26 the defendant was operating a motor vehicle and order the

1 clerk of the court to report the violation to the Secretary
2 of State.

3 (b) The Secretary of State shall also immediately revoke
4 the license or permit of any driver in the following
5 situations:

6 1. Of any minor upon receiving the notice provided for
7 in Section 5-901 of the Juvenile Court Act of 1987 that the
8 minor has been adjudicated under that Act as having
9 committed an offense relating to motor vehicles prescribed
10 in Section 4-103 of this Code;

11 2. Of any person when any other law of this State
12 requires either the revocation or suspension of a license
13 or permit;

14 3. Of any person adjudicated under the Juvenile Court
15 Act of 1987 based on an offense determined to have been
16 committed in furtherance of the criminal activities of an
17 organized gang as provided in Section 5-710 of that Act,
18 and that involved the operation or use of a motor vehicle
19 or the use of a driver's license or permit. The revocation
20 shall remain in effect for the period determined by the
21 court. Upon the direction of the court, the Secretary shall
22 issue the person a judicial driving permit, also known as a
23 JDP. The JDP shall be subject to the same terms as a JDP
24 issued under Section 6-206.1, except that the court may
25 direct that a JDP issued under this subdivision (b) (3) be
26 effective immediately.

1 (c)(1) Whenever a person is convicted of any of the
2 offenses enumerated in this Section, the court may recommend
3 and the Secretary of State in his discretion, without regard to
4 whether the recommendation is made by the court may, upon
5 application, issue to the person a restricted driving permit
6 granting the privilege of driving a motor vehicle between the
7 petitioner's residence and petitioner's place of employment or
8 within the scope of the petitioner's employment related duties,
9 or to allow the petitioner to transport himself or herself or a
10 family member of the petitioner's household to a medical
11 facility for the receipt of necessary medical care or to allow
12 the petitioner to transport himself or herself to and from
13 alcohol or drug remedial or rehabilitative activity
14 recommended by a licensed service provider, or to allow the
15 petitioner to transport himself or herself or a family member
16 of the petitioner's household to classes, as a student, at an
17 accredited educational institution, or to allow the petitioner
18 to transport children, elderly persons, or disabled persons who
19 do not hold driving privileges and are living in the
20 petitioner's household to and from daycare; if the petitioner
21 is able to demonstrate that no alternative means of
22 transportation is reasonably available and that the petitioner
23 will not endanger the public safety or welfare; provided that
24 the Secretary's discretion shall be limited to cases where
25 undue hardship, as defined by the rules of the Secretary of
26 State, would result from a failure to issue the restricted

1 driving permit. Those multiple offenders identified in
2 subdivision (b)4 of Section 6-208 of this Code, however, shall
3 not be eligible for the issuance of a restricted driving
4 permit.

5 (2) If a person's license or permit is revoked or
6 suspended due to 2 or more convictions of violating Section
7 11-501 of this Code or a similar provision of a local
8 ordinance or a similar out-of-state offense, or Section 9-3
9 of the Criminal Code of 1961 or the Criminal Code of 2012,
10 where the use of alcohol or other drugs is recited as an
11 element of the offense, or a similar out-of-state offense,
12 or a combination of these offenses, arising out of separate
13 occurrences, that person, if issued a restricted driving
14 permit, may not operate a vehicle unless it has been
15 equipped with an ignition interlock device as defined in
16 Section 1-129.1.

17 (3) If:

18 (A) a person's license or permit is revoked or
19 suspended 2 or more times within a 10 year period due
20 to any combination of:

21 (i) a single conviction of violating Section
22 11-501 of this Code or a similar provision of a
23 local ordinance or a similar out-of-state offense,
24 or Section 9-3 of the Criminal Code of 1961 or the
25 Criminal Code of 2012, where the use of alcohol or
26 other drugs is recited as an element of the

1 offense, or a similar out-of-state offense; or

2 (ii) a statutory summary suspension or
3 revocation under Section 11-501.1; or

4 (iii) a suspension pursuant to Section
5 6-203.1;

6 arising out of separate occurrences; or

7 (B) a person has been convicted of one violation of
8 Section 6-303 of this Code committed while his or her
9 driver's license, permit, or privilege was revoked
10 because of a violation of Section 9-3 of the Criminal
11 Code of 1961 or the Criminal Code of 2012, relating to
12 the offense of reckless homicide where the use of
13 alcohol or other drugs was recited as an element of the
14 offense, or a similar provision of a law of another
15 state;

16 that person, if issued a restricted driving permit, may not
17 operate a vehicle unless it has been equipped with an
18 ignition interlock device as defined in Section 1-129.1.

19 (4) The person issued a permit conditioned on the use
20 of an ignition interlock device must pay to the Secretary
21 of State DUI Administration Fund an amount not to exceed
22 \$30 per month. The Secretary shall establish by rule the
23 amount and the procedures, terms, and conditions relating
24 to these fees.

25 (5) If the restricted driving permit is issued for
26 employment purposes, then the prohibition against

1 operating a motor vehicle that is not equipped with an
2 ignition interlock device does not apply to the operation
3 of an occupational vehicle owned or leased by that person's
4 employer when used solely for employment purposes.

5 (6) In each case the Secretary of State may issue a
6 restricted driving permit for a period he deems
7 appropriate, except that the permit shall expire within one
8 year from the date of issuance. The Secretary may not,
9 however, issue a restricted driving permit to any person
10 whose current revocation is the result of a second or
11 subsequent conviction for a violation of Section 11-501 of
12 this Code or a similar provision of a local ordinance or
13 any similar out-of-state offense, or Section 9-3 of the
14 Criminal Code of 1961 or the Criminal Code of 2012, where
15 the use of alcohol or other drugs is recited as an element
16 of the offense, or any similar out-of-state offense, or any
17 combination of these offenses, until the expiration of at
18 least one year from the date of the revocation. A
19 restricted driving permit issued under this Section shall
20 be subject to cancellation, revocation, and suspension by
21 the Secretary of State in like manner and for like cause as
22 a driver's license issued under this Code may be cancelled,
23 revoked, or suspended; except that a conviction upon one or
24 more offenses against laws or ordinances regulating the
25 movement of traffic shall be deemed sufficient cause for
26 the revocation, suspension, or cancellation of a

1 restricted driving permit. The Secretary of State may, as a
2 condition to the issuance of a restricted driving permit,
3 require the petitioner to participate in a designated
4 driver remedial or rehabilitative program. The Secretary
5 of State is authorized to cancel a restricted driving
6 permit if the permit holder does not successfully complete
7 the program. However, if an individual's driving
8 privileges have been revoked in accordance with paragraph
9 13 of subsection (a) of this Section, no restricted driving
10 permit shall be issued until the individual has served 6
11 months of the revocation period.

12 (c-5) (Blank).

13 (c-6) If a person is convicted of a second violation of
14 operating a motor vehicle while the person's driver's license,
15 permit or privilege was revoked, where the revocation was for a
16 violation of Section 9-3 of the Criminal Code of 1961 or the
17 Criminal Code of 2012 relating to the offense of reckless
18 homicide or a similar out-of-state offense, the person's
19 driving privileges shall be revoked pursuant to subdivision
20 (a)(15) of this Section. The person may not make application
21 for a license or permit until the expiration of five years from
22 the effective date of the revocation or the expiration of five
23 years from the date of release from a term of imprisonment,
24 whichever is later.

25 (c-7) If a person is convicted of a third or subsequent
26 violation of operating a motor vehicle while the person's

1 driver's license, permit or privilege was revoked, where the
2 revocation was for a violation of Section 9-3 of the Criminal
3 Code of 1961 or the Criminal Code of 2012 relating to the
4 offense of reckless homicide or a similar out-of-state offense,
5 the person may never apply for a license or permit.

6 (d) (1) Whenever a person under the age of 21 is convicted
7 under Section 11-501 of this Code or a similar provision of a
8 local ordinance or a similar out-of-state offense, the
9 Secretary of State shall revoke the driving privileges of that
10 person. One year after the date of revocation, and upon
11 application, the Secretary of State may, if satisfied that the
12 person applying will not endanger the public safety or welfare,
13 issue a restricted driving permit granting the privilege of
14 driving a motor vehicle only between the hours of 5 a.m. and 9
15 p.m. or as otherwise provided by this Section for a period of
16 one year. After this one year period, and upon reapplication
17 for a license as provided in Section 6-106, upon payment of the
18 appropriate reinstatement fee provided under paragraph (b) of
19 Section 6-118, the Secretary of State, in his discretion, may
20 reinstate the petitioner's driver's license and driving
21 privileges, or extend the restricted driving permit as many
22 times as the Secretary of State deems appropriate, by
23 additional periods of not more than 12 months each.

24 (2) If a person's license or permit is revoked or
25 suspended due to 2 or more convictions of violating Section
26 11-501 of this Code or a similar provision of a local

1 ordinance or a similar out-of-state offense, or Section 9-3
2 of the Criminal Code of 1961 or the Criminal Code of 2012,
3 where the use of alcohol or other drugs is recited as an
4 element of the offense, or a similar out-of-state offense,
5 or a combination of these offenses, arising out of separate
6 occurrences, that person, if issued a restricted driving
7 permit, may not operate a vehicle unless it has been
8 equipped with an ignition interlock device as defined in
9 Section 1-129.1.

10 (3) If a person's license or permit is revoked or
11 suspended 2 or more times within a 10 year period due to
12 any combination of:

13 (A) a single conviction of violating Section
14 11-501 of this Code or a similar provision of a local
15 ordinance or a similar out-of-state offense, or
16 Section 9-3 of the Criminal Code of 1961 or the
17 Criminal Code of 2012, where the use of alcohol or
18 other drugs is recited as an element of the offense, or
19 a similar out-of-state offense; or

20 (B) a statutory summary suspension or revocation
21 under Section 11-501.1; or

22 (C) a suspension pursuant to Section 6-203.1;
23 arising out of separate occurrences, that person, if issued
24 a restricted driving permit, may not operate a vehicle
25 unless it has been equipped with an ignition interlock
26 device as defined in Section 1-129.1.

1 (4) The person issued a permit conditioned upon the use
2 of an interlock device must pay to the Secretary of State
3 DUI Administration Fund an amount not to exceed \$30 per
4 month. The Secretary shall establish by rule the amount and
5 the procedures, terms, and conditions relating to these
6 fees.

7 (5) If the restricted driving permit is issued for
8 employment purposes, then the prohibition against driving
9 a vehicle that is not equipped with an ignition interlock
10 device does not apply to the operation of an occupational
11 vehicle owned or leased by that person's employer when used
12 solely for employment purposes.

13 (6) A restricted driving permit issued under this
14 Section shall be subject to cancellation, revocation, and
15 suspension by the Secretary of State in like manner and for
16 like cause as a driver's license issued under this Code may
17 be cancelled, revoked, or suspended; except that a
18 conviction upon one or more offenses against laws or
19 ordinances regulating the movement of traffic shall be
20 deemed sufficient cause for the revocation, suspension, or
21 cancellation of a restricted driving permit.

22 (d-5) The revocation of the license, permit, or driving
23 privileges of a person convicted of a third or subsequent
24 violation of Section 6-303 of this Code committed while his or
25 her driver's license, permit, or privilege was revoked because
26 of a violation of Section 9-3 of the Criminal Code of 1961 or

1 the Criminal Code of 2012, relating to the offense of reckless
2 homicide, or a similar provision of a law of another state, is
3 permanent. The Secretary may not, at any time, issue a license
4 or permit to that person.

5 (e) This Section is subject to the provisions of the Driver
6 License Compact.

7 (f) Any revocation imposed upon any person under
8 subsections 2 and 3 of paragraph (b) that is in effect on
9 December 31, 1988 shall be converted to a suspension for a like
10 period of time.

11 (g) The Secretary of State shall not issue a restricted
12 driving permit to a person under the age of 16 years whose
13 driving privileges have been revoked under any provisions of
14 this Code.

15 (h) The Secretary of State shall require the use of
16 ignition interlock devices on all vehicles owned by a person
17 who has been convicted of a second or subsequent offense under
18 Section 11-501 of this Code or a similar provision of a local
19 ordinance. The person must pay to the Secretary of State DUI
20 Administration Fund an amount not to exceed \$30 for each month
21 that he or she uses the device. The Secretary shall establish
22 by rule and regulation the procedures for certification and use
23 of the interlock system, the amount of the fee, and the
24 procedures, terms, and conditions relating to these fees.

25 (i) (Blank).

26 (j) In accordance with 49 C.F.R. 384, the Secretary of

1 State may not issue a restricted driving permit for the
2 operation of a commercial motor vehicle to a person holding a
3 CDL whose driving privileges have been revoked, suspended,
4 cancelled, or disqualified under any provisions of this Code.

5 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;
6 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.
7 7-1-11; 97-333, eff. 8-12-11; 97-838, eff. 1-1-13; 97-844, eff.
8 1-1-13; revised 8-3-12.)

9 (625 ILCS 5/6-205.2)

10 Sec. 6-205.2. Suspension of driver's license of person
11 convicted of theft of motor fuel. The driver's license of a
12 person convicted of theft of motor fuel under Section 16-25 or
13 16K-15 of the Criminal Code of 1961 or the Criminal Code of
14 2012 shall be suspended by the Secretary for a period not to
15 exceed 6 months for a first offense. Upon a second or
16 subsequent conviction for theft of motor fuel, the suspension
17 shall be for a period not to exceed one year. Upon conviction
18 of a person for theft of motor fuel, the court shall order the
19 person to surrender his or her driver's license to the clerk of
20 the court who shall forward the suspended license to the
21 Secretary.

22 (Source: P.A. 97-597, eff. 1-1-12.)

23 (625 ILCS 5/6-206)

24 Sec. 6-206. Discretionary authority to suspend or revoke

1 license or permit; Right to a hearing.

2 (a) The Secretary of State is authorized to suspend or
3 revoke the driving privileges of any person without preliminary
4 hearing upon a showing of the person's records or other
5 sufficient evidence that the person:

6 1. Has committed an offense for which mandatory
7 revocation of a driver's license or permit is required upon
8 conviction;

9 2. Has been convicted of not less than 3 offenses
10 against traffic regulations governing the movement of
11 vehicles committed within any 12 month period. No
12 revocation or suspension shall be entered more than 6
13 months after the date of last conviction;

14 3. Has been repeatedly involved as a driver in motor
15 vehicle collisions or has been repeatedly convicted of
16 offenses against laws and ordinances regulating the
17 movement of traffic, to a degree that indicates lack of
18 ability to exercise ordinary and reasonable care in the
19 safe operation of a motor vehicle or disrespect for the
20 traffic laws and the safety of other persons upon the
21 highway;

22 4. Has by the unlawful operation of a motor vehicle
23 caused or contributed to an accident resulting in injury
24 requiring immediate professional treatment in a medical
25 facility or doctor's office to any person, except that any
26 suspension or revocation imposed by the Secretary of State

1 under the provisions of this subsection shall start no
2 later than 6 months after being convicted of violating a
3 law or ordinance regulating the movement of traffic, which
4 violation is related to the accident, or shall start not
5 more than one year after the date of the accident,
6 whichever date occurs later;

7 5. Has permitted an unlawful or fraudulent use of a
8 driver's license, identification card, or permit;

9 6. Has been lawfully convicted of an offense or
10 offenses in another state, including the authorization
11 contained in Section 6-203.1, which if committed within
12 this State would be grounds for suspension or revocation;

13 7. Has refused or failed to submit to an examination
14 provided for by Section 6-207 or has failed to pass the
15 examination;

16 8. Is ineligible for a driver's license or permit under
17 the provisions of Section 6-103;

18 9. Has made a false statement or knowingly concealed a
19 material fact or has used false information or
20 identification in any application for a license,
21 identification card, or permit;

22 10. Has possessed, displayed, or attempted to
23 fraudulently use any license, identification card, or
24 permit not issued to the person;

25 11. Has operated a motor vehicle upon a highway of this
26 State when the person's driving privilege or privilege to

1 obtain a driver's license or permit was revoked or
2 suspended unless the operation was authorized by a
3 monitoring device driving permit, judicial driving permit
4 issued prior to January 1, 2009, probationary license to
5 drive, or a restricted driving permit issued under this
6 Code;

7 12. Has submitted to any portion of the application
8 process for another person or has obtained the services of
9 another person to submit to any portion of the application
10 process for the purpose of obtaining a license,
11 identification card, or permit for some other person;

12 13. Has operated a motor vehicle upon a highway of this
13 State when the person's driver's license or permit was
14 invalid under the provisions of Sections 6-107.1 and 6-110;

15 14. Has committed a violation of Section 6-301,
16 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
17 of the Illinois Identification Card Act;

18 15. Has been convicted of violating Section 21-2 of the
19 Criminal Code of 1961 or the Criminal Code of 2012 relating
20 to criminal trespass to vehicles in which case, the
21 suspension shall be for one year;

22 16. Has been convicted of violating Section 11-204 of
23 this Code relating to fleeing from a peace officer;

24 17. Has refused to submit to a test, or tests, as
25 required under Section 11-501.1 of this Code and the person
26 has not sought a hearing as provided for in Section

1 11-501.1;

2 18. Has, since issuance of a driver's license or
3 permit, been adjudged to be afflicted with or suffering
4 from any mental disability or disease;

5 19. Has committed a violation of paragraph (a) or (b)
6 of Section 6-101 relating to driving without a driver's
7 license;

8 20. Has been convicted of violating Section 6-104
9 relating to classification of driver's license;

10 21. Has been convicted of violating Section 11-402 of
11 this Code relating to leaving the scene of an accident
12 resulting in damage to a vehicle in excess of \$1,000, in
13 which case the suspension shall be for one year;

14 22. Has used a motor vehicle in violating paragraph
15 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
16 the Criminal Code of 1961 or the Criminal Code of 2012
17 relating to unlawful use of weapons, in which case the
18 suspension shall be for one year;

19 23. Has, as a driver, been convicted of committing a
20 violation of paragraph (a) of Section 11-502 of this Code
21 for a second or subsequent time within one year of a
22 similar violation;

23 24. Has been convicted by a court-martial or punished
24 by non-judicial punishment by military authorities of the
25 United States at a military installation in Illinois of or
26 for a traffic related offense that is the same as or

1 similar to an offense specified under Section 6-205 or
2 6-206 of this Code;

3 25. Has permitted any form of identification to be used
4 by another in the application process in order to obtain or
5 attempt to obtain a license, identification card, or
6 permit;

7 26. Has altered or attempted to alter a license or has
8 possessed an altered license, identification card, or
9 permit;

10 27. Has violated Section 6-16 of the Liquor Control Act
11 of 1934;

12 28. Has been convicted for a first time of the illegal
13 possession, while operating or in actual physical control,
14 as a driver, of a motor vehicle, of any controlled
15 substance prohibited under the Illinois Controlled
16 Substances Act, any cannabis prohibited under the Cannabis
17 Control Act, or any methamphetamine prohibited under the
18 Methamphetamine Control and Community Protection Act, in
19 which case the person's driving privileges shall be
20 suspended for one year. Any defendant found guilty of this
21 offense while operating a motor vehicle, shall have an
22 entry made in the court record by the presiding judge that
23 this offense did occur while the defendant was operating a
24 motor vehicle and order the clerk of the court to report
25 the violation to the Secretary of State;

26 29. Has been convicted of the following offenses that

1 were committed while the person was operating or in actual
2 physical control, as a driver, of a motor vehicle: criminal
3 sexual assault, predatory criminal sexual assault of a
4 child, aggravated criminal sexual assault, criminal sexual
5 abuse, aggravated criminal sexual abuse, juvenile pimping,
6 soliciting for a juvenile prostitute, promoting juvenile
7 prostitution as described in subdivision (a)(1), (a)(2),
8 or (a)(3) of Section 11-14.4 of the Criminal Code of 1961
9 or the Criminal Code of 2012, and the manufacture, sale or
10 delivery of controlled substances or instruments used for
11 illegal drug use or abuse in which case the driver's
12 driving privileges shall be suspended for one year;

13 30. Has been convicted a second or subsequent time for
14 any combination of the offenses named in paragraph 29 of
15 this subsection, in which case the person's driving
16 privileges shall be suspended for 5 years;

17 31. Has refused to submit to a test as required by
18 Section 11-501.6 or has submitted to a test resulting in an
19 alcohol concentration of 0.08 or more or any amount of a
20 drug, substance, or compound resulting from the unlawful
21 use or consumption of cannabis as listed in the Cannabis
22 Control Act, a controlled substance as listed in the
23 Illinois Controlled Substances Act, an intoxicating
24 compound as listed in the Use of Intoxicating Compounds
25 Act, or methamphetamine as listed in the Methamphetamine
26 Control and Community Protection Act, in which case the

1 penalty shall be as prescribed in Section 6-208.1;

2 32. Has been convicted of Section 24-1.2 of the
3 Criminal Code of 1961 or the Criminal Code of 2012 relating
4 to the aggravated discharge of a firearm if the offender
5 was located in a motor vehicle at the time the firearm was
6 discharged, in which case the suspension shall be for 3
7 years;

8 33. Has as a driver, who was less than 21 years of age
9 on the date of the offense, been convicted a first time of
10 a violation of paragraph (a) of Section 11-502 of this Code
11 or a similar provision of a local ordinance;

12 34. Has committed a violation of Section 11-1301.5 of
13 this Code or a similar provision of a local ordinance;

14 35. Has committed a violation of Section 11-1301.6 of
15 this Code or a similar provision of a local ordinance;

16 36. Is under the age of 21 years at the time of arrest
17 and has been convicted of not less than 2 offenses against
18 traffic regulations governing the movement of vehicles
19 committed within any 24 month period. No revocation or
20 suspension shall be entered more than 6 months after the
21 date of last conviction;

22 37. Has committed a violation of subsection (c) of
23 Section 11-907 of this Code that resulted in damage to the
24 property of another or the death or injury of another;

25 38. Has been convicted of a violation of Section 6-20
26 of the Liquor Control Act of 1934 or a similar provision of

1 a local ordinance;

2 39. Has committed a second or subsequent violation of
3 Section 11-1201 of this Code;

4 40. Has committed a violation of subsection (a-1) of
5 Section 11-908 of this Code;

6 41. Has committed a second or subsequent violation of
7 Section 11-605.1 of this Code, a similar provision of a
8 local ordinance, or a similar violation in any other state
9 within 2 years of the date of the previous violation, in
10 which case the suspension shall be for 90 days;

11 42. Has committed a violation of subsection (a-1) of
12 Section 11-1301.3 of this Code or a similar provision of a
13 local ordinance;

14 43. Has received a disposition of court supervision for
15 a violation of subsection (a), (d), or (e) of Section 6-20
16 of the Liquor Control Act of 1934 or a similar provision of
17 a local ordinance, in which case the suspension shall be
18 for a period of 3 months;

19 44. Is under the age of 21 years at the time of arrest
20 and has been convicted of an offense against traffic
21 regulations governing the movement of vehicles after
22 having previously had his or her driving privileges
23 suspended or revoked pursuant to subparagraph 36 of this
24 Section;

25 45. Has, in connection with or during the course of a
26 formal hearing conducted under Section 2-118 of this Code:

1 (i) committed perjury; (ii) submitted fraudulent or
2 falsified documents; (iii) submitted documents that have
3 been materially altered; or (iv) submitted, as his or her
4 own, documents that were in fact prepared or composed for
5 another person; or

6 46. Has committed a violation of subsection (j) of
7 Section 3-413 of this Code.

8 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
9 and 27 of this subsection, license means any driver's license,
10 any traffic ticket issued when the person's driver's license is
11 deposited in lieu of bail, a suspension notice issued by the
12 Secretary of State, a duplicate or corrected driver's license,
13 a probationary driver's license or a temporary driver's
14 license.

15 (b) If any conviction forming the basis of a suspension or
16 revocation authorized under this Section is appealed, the
17 Secretary of State may rescind or withhold the entry of the
18 order of suspension or revocation, as the case may be, provided
19 that a certified copy of a stay order of a court is filed with
20 the Secretary of State. If the conviction is affirmed on
21 appeal, the date of the conviction shall relate back to the
22 time the original judgment of conviction was entered and the 6
23 month limitation prescribed shall not apply.

24 (c) 1. Upon suspending or revoking the driver's license or
25 permit of any person as authorized in this Section, the
26 Secretary of State shall immediately notify the person in

1 writing of the revocation or suspension. The notice to be
2 deposited in the United States mail, postage prepaid, to the
3 last known address of the person.

4 2. If the Secretary of State suspends the driver's
5 license of a person under subsection 2 of paragraph (a) of
6 this Section, a person's privilege to operate a vehicle as
7 an occupation shall not be suspended, provided an affidavit
8 is properly completed, the appropriate fee received, and a
9 permit issued prior to the effective date of the
10 suspension, unless 5 offenses were committed, at least 2 of
11 which occurred while operating a commercial vehicle in
12 connection with the driver's regular occupation. All other
13 driving privileges shall be suspended by the Secretary of
14 State. Any driver prior to operating a vehicle for
15 occupational purposes only must submit the affidavit on
16 forms to be provided by the Secretary of State setting
17 forth the facts of the person's occupation. The affidavit
18 shall also state the number of offenses committed while
19 operating a vehicle in connection with the driver's regular
20 occupation. The affidavit shall be accompanied by the
21 driver's license. Upon receipt of a properly completed
22 affidavit, the Secretary of State shall issue the driver a
23 permit to operate a vehicle in connection with the driver's
24 regular occupation only. Unless the permit is issued by the
25 Secretary of State prior to the date of suspension, the
26 privilege to drive any motor vehicle shall be suspended as

1 set forth in the notice that was mailed under this Section.
2 If an affidavit is received subsequent to the effective
3 date of this suspension, a permit may be issued for the
4 remainder of the suspension period.

5 The provisions of this subparagraph shall not apply to
6 any driver required to possess a CDL for the purpose of
7 operating a commercial motor vehicle.

8 Any person who falsely states any fact in the affidavit
9 required herein shall be guilty of perjury under Section
10 6-302 and upon conviction thereof shall have all driving
11 privileges revoked without further rights.

12 3. At the conclusion of a hearing under Section 2-118
13 of this Code, the Secretary of State shall either rescind
14 or continue an order of revocation or shall substitute an
15 order of suspension; or, good cause appearing therefor,
16 rescind, continue, change, or extend the order of
17 suspension. If the Secretary of State does not rescind the
18 order, the Secretary may upon application, to relieve undue
19 hardship (as defined by the rules of the Secretary of
20 State), issue a restricted driving permit granting the
21 privilege of driving a motor vehicle between the
22 petitioner's residence and petitioner's place of
23 employment or within the scope of the petitioner's
24 employment related duties, or to allow the petitioner to
25 transport himself or herself, or a family member of the
26 petitioner's household to a medical facility, to receive

1 necessary medical care, to allow the petitioner to
2 transport himself or herself to and from alcohol or drug
3 remedial or rehabilitative activity recommended by a
4 licensed service provider, or to allow the petitioner to
5 transport himself or herself or a family member of the
6 petitioner's household to classes, as a student, at an
7 accredited educational institution, or to allow the
8 petitioner to transport children, elderly persons, or
9 disabled persons who do not hold driving privileges and are
10 living in the petitioner's household to and from daycare.
11 The petitioner must demonstrate that no alternative means
12 of transportation is reasonably available and that the
13 petitioner will not endanger the public safety or welfare.
14 Those multiple offenders identified in subdivision (b)4 of
15 Section 6-208 of this Code, however, shall not be eligible
16 for the issuance of a restricted driving permit.

17 (A) If a person's license or permit is revoked or
18 suspended due to 2 or more convictions of violating
19 Section 11-501 of this Code or a similar provision of a
20 local ordinance or a similar out-of-state offense, or
21 Section 9-3 of the Criminal Code of 1961 or the
22 Criminal Code of 2012, where the use of alcohol or
23 other drugs is recited as an element of the offense, or
24 a similar out-of-state offense, or a combination of
25 these offenses, arising out of separate occurrences,
26 that person, if issued a restricted driving permit, may

1 not operate a vehicle unless it has been equipped with
2 an ignition interlock device as defined in Section
3 1-129.1.

4 (B) If a person's license or permit is revoked or
5 suspended 2 or more times within a 10 year period due
6 to any combination of:

7 (i) a single conviction of violating Section
8 11-501 of this Code or a similar provision of a
9 local ordinance or a similar out-of-state offense
10 or Section 9-3 of the Criminal Code of 1961 or the
11 Criminal Code of 2012, where the use of alcohol or
12 other drugs is recited as an element of the
13 offense, or a similar out-of-state offense; or

14 (ii) a statutory summary suspension or
15 revocation under Section 11-501.1; or

16 (iii) a suspension under Section 6-203.1;
17 arising out of separate occurrences; that person, if
18 issued a restricted driving permit, may not operate a
19 vehicle unless it has been equipped with an ignition
20 interlock device as defined in Section 1-129.1.

21 (C) The person issued a permit conditioned upon the
22 use of an ignition interlock device must pay to the
23 Secretary of State DUI Administration Fund an amount
24 not to exceed \$30 per month. The Secretary shall
25 establish by rule the amount and the procedures, terms,
26 and conditions relating to these fees.

1 (D) If the restricted driving permit is issued for
2 employment purposes, then the prohibition against
3 operating a motor vehicle that is not equipped with an
4 ignition interlock device does not apply to the
5 operation of an occupational vehicle owned or leased by
6 that person's employer when used solely for employment
7 purposes.

8 (E) In each case the Secretary may issue a
9 restricted driving permit for a period deemed
10 appropriate, except that all permits shall expire
11 within one year from the date of issuance. The
12 Secretary may not, however, issue a restricted driving
13 permit to any person whose current revocation is the
14 result of a second or subsequent conviction for a
15 violation of Section 11-501 of this Code or a similar
16 provision of a local ordinance or any similar
17 out-of-state offense, or Section 9-3 of the Criminal
18 Code of 1961 or the Criminal Code of 2012, where the
19 use of alcohol or other drugs is recited as an element
20 of the offense, or any similar out-of-state offense, or
21 any combination of those offenses, until the
22 expiration of at least one year from the date of the
23 revocation. A restricted driving permit issued under
24 this Section shall be subject to cancellation,
25 revocation, and suspension by the Secretary of State in
26 like manner and for like cause as a driver's license

1 issued under this Code may be cancelled, revoked, or
2 suspended; except that a conviction upon one or more
3 offenses against laws or ordinances regulating the
4 movement of traffic shall be deemed sufficient cause
5 for the revocation, suspension, or cancellation of a
6 restricted driving permit. The Secretary of State may,
7 as a condition to the issuance of a restricted driving
8 permit, require the applicant to participate in a
9 designated driver remedial or rehabilitative program.
10 The Secretary of State is authorized to cancel a
11 restricted driving permit if the permit holder does not
12 successfully complete the program.

13 (c-3) In the case of a suspension under paragraph 43 of
14 subsection (a), reports received by the Secretary of State
15 under this Section shall, except during the actual time the
16 suspension is in effect, be privileged information and for use
17 only by the courts, police officers, prosecuting authorities,
18 the driver licensing administrator of any other state, the
19 Secretary of State, or the parent or legal guardian of a driver
20 under the age of 18. However, beginning January 1, 2008, if the
21 person is a CDL holder, the suspension shall also be made
22 available to the driver licensing administrator of any other
23 state, the U.S. Department of Transportation, and the affected
24 driver or motor carrier or prospective motor carrier upon
25 request.

26 (c-4) In the case of a suspension under paragraph 43 of

1 subsection (a), the Secretary of State shall notify the person
2 by mail that his or her driving privileges and driver's license
3 will be suspended one month after the date of the mailing of
4 the notice.

5 (c-5) The Secretary of State may, as a condition of the
6 reissuance of a driver's license or permit to an applicant
7 whose driver's license or permit has been suspended before he
8 or she reached the age of 21 years pursuant to any of the
9 provisions of this Section, require the applicant to
10 participate in a driver remedial education course and be
11 retested under Section 6-109 of this Code.

12 (d) This Section is subject to the provisions of the
13 Drivers License Compact.

14 (e) The Secretary of State shall not issue a restricted
15 driving permit to a person under the age of 16 years whose
16 driving privileges have been suspended or revoked under any
17 provisions of this Code.

18 (f) In accordance with 49 C.F.R. 384, the Secretary of
19 State may not issue a restricted driving permit for the
20 operation of a commercial motor vehicle to a person holding a
21 CDL whose driving privileges have been suspended, revoked,
22 cancelled, or disqualified under any provisions of this Code.

23 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;
24 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.
25 7-1-11; 96-1551, eff. 7-1-11; 97-229, eff. 7-28-11; 97-333,
26 eff. 8-12-11; 97-743, eff. 1-1-13; 97-838, eff. 1-1-13; 97-844,

1 eff. 1-1-13; 97-1109, eff. 1-1-13; revised 9-20-12.)

2 (625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

3 Sec. 6-206.1. Monitoring Device Driving Permit.
4 Declaration of Policy. It is hereby declared a policy of the
5 State of Illinois that the driver who is impaired by alcohol,
6 other drug or drugs, or intoxicating compound or compounds is a
7 threat to the public safety and welfare. Therefore, to provide
8 a deterrent to such practice, a statutory summary driver's
9 license suspension is appropriate. It is also recognized that
10 driving is a privilege and therefore, that the granting of
11 driving privileges, in a manner consistent with public safety,
12 is warranted during the period of suspension in the form of a
13 monitoring device driving permit. A person who drives and fails
14 to comply with the requirements of the monitoring device
15 driving permit commits a violation of Section 6-303 of this
16 Code.

17 The following procedures shall apply whenever a first
18 offender, as defined in Section 11-500 of this Code, is
19 arrested for any offense as defined in Section 11-501 or a
20 similar provision of a local ordinance and is subject to the
21 provisions of Section 11-501.1:

22 (a) Upon mailing of the notice of suspension of driving
23 privileges as provided in subsection (h) of Section 11-501.1 of
24 this Code, the Secretary shall also send written notice
25 informing the person that he or she will be issued a monitoring

1 device driving permit (MDDP). The notice shall include, at
2 minimum, information summarizing the procedure to be followed
3 for issuance of the MDDP, installation of the breath alcohol
4 ignition installation device (BAIID), as provided in this
5 Section, exemption from BAIID installation requirements, and
6 procedures to be followed by those seeking indigent status, as
7 provided in this Section. The notice shall also include
8 information summarizing the procedure to be followed if the
9 person wishes to decline issuance of the MDDP. A copy of the
10 notice shall also be sent to the court of venue together with
11 the notice of suspension of driving privileges, as provided in
12 subsection (h) of Section 11-501. However, a MDDP shall not be
13 issued if the Secretary finds that:

14 (1) The offender's driver's license is otherwise
15 invalid;

16 (2) Death or great bodily harm resulted from the arrest
17 for Section 11-501;

18 (3) The offender has been previously convicted of
19 reckless homicide or aggravated driving under the
20 influence involving death; or

21 (4) The offender is less than 18 years of age.

22 Any offender participating in the MDDP program must pay the
23 Secretary a MDDP Administration Fee in an amount not to exceed
24 \$30 per month, to be deposited into the Monitoring Device
25 Driving Permit Administration Fee Fund. The Secretary shall
26 establish by rule the amount and the procedures, terms, and

1 conditions relating to these fees. The offender must have an
2 ignition interlock device installed within 14 days of the date
3 the Secretary issues the MDDP. The ignition interlock device
4 provider must notify the Secretary, in a manner and form
5 prescribed by the Secretary, of the installation. If the
6 Secretary does not receive notice of installation, the
7 Secretary shall cancel the MDDP.

8 A MDDP shall not become effective prior to the 31st day of
9 the original statutory summary suspension.

10 Upon receipt of the notice, as provided in paragraph (a) of
11 this Section, the person may file a petition to decline
12 issuance of the MDDP with the court of venue. The court shall
13 admonish the offender of all consequences of declining issuance
14 of the MDDP including, but not limited to, the enhanced
15 penalties for driving while suspended. After being so
16 admonished, the offender shall be permitted, in writing, to
17 execute a notice declining issuance of the MDDP. This notice
18 shall be filed with the court and forwarded by the clerk of the
19 court to the Secretary. The offender may, at any time
20 thereafter, apply to the Secretary for issuance of a MDDP.

21 (a-1) A person issued a MDDP may drive for any purpose and
22 at any time, subject to the rules adopted by the Secretary
23 under subsection (g). The person must, at his or her own
24 expense, drive only vehicles equipped with an ignition
25 interlock device as defined in Section 1-129.1, but in no event
26 shall such person drive a commercial motor vehicle.

1 (a-2) Persons who are issued a MDDP and must drive
2 employer-owned vehicles in the course of their employment
3 duties may seek permission to drive an employer-owned vehicle
4 that does not have an ignition interlock device. The employer
5 shall provide to the Secretary a form, as prescribed by the
6 Secretary, completed by the employer verifying that the
7 employee must drive an employer-owned vehicle in the course of
8 employment. If approved by the Secretary, the form must be in
9 the driver's possession while operating an employer-owner
10 vehicle not equipped with an ignition interlock device. No
11 person may use this exemption to drive a school bus, school
12 vehicle, or a vehicle designed to transport more than 15
13 passengers. No person may use this exemption to drive an
14 employer-owned motor vehicle that is owned by an entity that is
15 wholly or partially owned by the person holding the MDDP, or by
16 a family member of the person holding the MDDP. No person may
17 use this exemption to drive an employer-owned vehicle that is
18 made available to the employee for personal use. No person may
19 drive the exempted vehicle more than 12 hours per day, 6 days
20 per week.

21 (a-3) Persons who are issued a MDDP and who must drive a
22 farm tractor to and from a farm, within 50 air miles from the
23 originating farm are exempt from installation of a BAIID on the
24 farm tractor, so long as the farm tractor is being used for the
25 exclusive purpose of conducting farm operations.

26 (b) (Blank).

1 (c) (Blank).

2 (c-1) If the holder of the MDDP is convicted of or receives
3 court supervision for a violation of Section 6-206.2, 6-303,
4 11-204, 11-204.1, 11-401, 11-501, 11-503, 11-506 or a similar
5 provision of a local ordinance or a similar out-of-state
6 offense or is convicted of or receives court supervision for
7 any offense for which alcohol or drugs is an element of the
8 offense and in which a motor vehicle was involved (for an
9 arrest other than the one for which the MDDP is issued), or
10 de-installs the BAIID without prior authorization from the
11 Secretary, the MDDP shall be cancelled.

12 (c-5) If the Secretary determines that the person seeking
13 the MDDP is indigent, the Secretary shall provide the person
14 with a written document as evidence of that determination, and
15 the person shall provide that written document to an ignition
16 interlock device provider. The provider shall install an
17 ignition interlock device on that person's vehicle without
18 charge to the person, and seek reimbursement from the Indigent
19 BAIID Fund. If the Secretary has deemed an offender indigent,
20 the BAIID provider shall also provide the normal monthly
21 monitoring services and the de-installation without charge to
22 the offender and seek reimbursement from the Indigent BAIID
23 Fund. Any other monetary charges, such as a lockout fee or
24 reset fee, shall be the responsibility of the MDDP holder. A
25 BAIID provider may not seek a security deposit from the
26 Indigent BAIID Fund.

1 (d) MDDP information shall be available only to the courts,
2 police officers, and the Secretary, except during the actual
3 period the MDDP is valid, during which time it shall be a
4 public record.

5 (e) (Blank).

6 (f) (Blank).

7 (g) The Secretary shall adopt rules for implementing this
8 Section. The rules adopted shall address issues including, but
9 not limited to: compliance with the requirements of the MDDP;
10 methods for determining compliance with those requirements;
11 the consequences of noncompliance with those requirements;
12 what constitutes a violation of the MDDP; methods for
13 determining indigency; and the duties of a person or entity
14 that supplies the ignition interlock device.

15 (h) The rules adopted under subsection (g) shall provide,
16 at a minimum, that the person is not in compliance with the
17 requirements of the MDDP if he or she:

18 (1) tampers or attempts to tamper with or circumvent
19 the proper operation of the ignition interlock device;

20 (2) provides valid breath samples that register blood
21 alcohol levels in excess of the number of times allowed
22 under the rules;

23 (3) fails to provide evidence sufficient to satisfy the
24 Secretary that the ignition interlock device has been
25 installed in the designated vehicle or vehicles; or

26 (4) fails to follow any other applicable rules adopted

1 by the Secretary.

2 (i) Any person or entity that supplies an ignition
3 interlock device as provided under this Section shall, in
4 addition to supplying only those devices which fully comply
5 with all the rules adopted under subsection (g), provide the
6 Secretary, within 7 days of inspection, all monitoring reports
7 of each person who has had an ignition interlock device
8 installed. These reports shall be furnished in a manner or form
9 as prescribed by the Secretary.

10 (j) Upon making a determination that a violation of the
11 requirements of the MDDP has occurred, the Secretary shall
12 extend the summary suspension period for an additional 3 months
13 beyond the originally imposed summary suspension period,
14 during which time the person shall only be allowed to drive
15 vehicles equipped with an ignition interlock device; provided
16 further there are no limitations on the total number of times
17 the summary suspension may be extended. The Secretary may,
18 however, limit the number of extensions imposed for violations
19 occurring during any one monitoring period, as set forth by
20 rule. Any person whose summary suspension is extended pursuant
21 to this Section shall have the right to contest the extension
22 through a hearing with the Secretary, pursuant to Section 2-118
23 of this Code. If the summary suspension has already terminated
24 prior to the Secretary receiving the monitoring report that
25 shows a violation, the Secretary shall be authorized to suspend
26 the person's driving privileges for 3 months, provided that the

1 Secretary may, by rule, limit the number of suspensions to be
2 entered pursuant to this paragraph for violations occurring
3 during any one monitoring period. Any person whose license is
4 suspended pursuant to this paragraph, after the summary
5 suspension had already terminated, shall have the right to
6 contest the suspension through a hearing with the Secretary,
7 pursuant to Section 2-118 of this Code. The only permit the
8 person shall be eligible for during this new suspension period
9 is a MDDP.

10 (k) A person who has had his or her summary suspension
11 extended for the third time, or has any combination of 3
12 extensions and new suspensions, entered as a result of a
13 violation that occurred while holding the MDDP, so long as the
14 extensions and new suspensions relate to the same summary
15 suspension, shall have his or her vehicle impounded for a
16 period of 30 days, at the person's own expense. A person who
17 has his or her summary suspension extended for the fourth time,
18 or has any combination of 4 extensions and new suspensions,
19 entered as a result of a violation that occurred while holding
20 the MDDP, so long as the extensions and new suspensions relate
21 to the same summary suspension, shall have his or her vehicle
22 subject to seizure and forfeiture. The Secretary shall notify
23 the prosecuting authority of any third or fourth extensions or
24 new suspension entered as a result of a violation that occurred
25 while the person held a MDDP. Upon receipt of the notification,
26 the prosecuting authority shall impound or forfeit the vehicle.

1 The impoundment or forfeiture of a vehicle shall be conducted
2 pursuant to the procedure specified in Article 36 of the
3 Criminal Code of 2012 ~~1961~~.

4 (l) A person whose driving privileges have been suspended
5 under Section 11-501.1 of this Code and who had a MDDP that was
6 cancelled, or would have been cancelled had notification of a
7 violation been received prior to expiration of the MDDP,
8 pursuant to subsection (c-1) of this Section, shall not be
9 eligible for reinstatement when the summary suspension is
10 scheduled to terminate. Instead, the person's driving
11 privileges shall be suspended for a period of not less than
12 twice the original summary suspension period, or for the length
13 of any extensions entered under subsection (j), whichever is
14 longer. During the period of suspension, the person shall be
15 eligible only to apply for a restricted driving permit. If a
16 restricted driving permit is granted, the offender may only
17 operate vehicles equipped with a BAIID in accordance with this
18 Section.

19 (m) Any person or entity that supplies an ignition
20 interlock device under this Section shall, for each ignition
21 interlock device installed, pay 5% of the total gross revenue
22 received for the device, including monthly monitoring fees,
23 into the Indigent BAIID Fund. This 5% shall be clearly
24 indicated as a separate surcharge on each invoice that is
25 issued. The Secretary shall conduct an annual review of the
26 fund to determine whether the surcharge is sufficient to

1 provide for indigent users. The Secretary may increase or
2 decrease this surcharge requirement as needed.

3 (n) Any person or entity that supplies an ignition
4 interlock device under this Section that is requested to
5 provide an ignition interlock device to a person who presents
6 written documentation of indigency from the Secretary, as
7 provided in subsection (c-5) of this Section, shall install the
8 device on the person's vehicle without charge to the person and
9 shall seek reimbursement from the Indigent BAIID Fund.

10 (o) The Indigent BAIID Fund is created as a special fund in
11 the State treasury. The Secretary shall, subject to
12 appropriation by the General Assembly, use all money in the
13 Indigent BAIID Fund to reimburse ignition interlock device
14 providers who have installed devices in vehicles of indigent
15 persons. The Secretary shall make payments to such providers
16 every 3 months. If the amount of money in the fund at the time
17 payments are made is not sufficient to pay all requests for
18 reimbursement submitted during that 3 month period, the
19 Secretary shall make payments on a pro-rata basis, and those
20 payments shall be considered payment in full for the requests
21 submitted.

22 (p) The Monitoring Device Driving Permit Administration
23 Fee Fund is created as a special fund in the State treasury.
24 The Secretary shall, subject to appropriation by the General
25 Assembly, use the money paid into this fund to offset its
26 administrative costs for administering MDDPs.

1 (q) The Secretary is authorized to prescribe such forms as
2 it deems necessary to carry out the provisions of this Section.
3 (Source: P.A. 96-184, eff. 8-10-09; 96-1526, eff. 2-14-11;
4 97-229; 97-813, eff. 7-13-12.)

5 (625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)

6 Sec. 6-208. Period of Suspension - Application After
7 Revocation.

8 (a) Except as otherwise provided by this Code or any other
9 law of this State, the Secretary of State shall not suspend a
10 driver's license, permit, or privilege to drive a motor vehicle
11 on the highways for a period of more than one year.

12 (b) Any person whose license, permit, or privilege to drive
13 a motor vehicle on the highways has been revoked shall not be
14 entitled to have such license, permit, or privilege renewed or
15 restored. However, such person may, except as provided under
16 subsections (d) and (d-5) of Section 6-205, make application
17 for a license pursuant to Section 6-106 (i) if the revocation
18 was for a cause that has been removed or (ii) as provided in
19 the following subparagraphs:

20 1. Except as provided in subparagraphs 1.5, 2, 3, 4,
21 and 5, the person may make application for a license (A)
22 after the expiration of one year from the effective date of
23 the revocation, (B) in the case of a violation of paragraph
24 (b) of Section 11-401 of this Code or a similar provision
25 of a local ordinance, after the expiration of 3 years from

1 the effective date of the revocation, or (C) in the case of
2 a violation of Section 9-3 of the Criminal Code of 1961 or
3 the Criminal Code of 2012 or a similar provision of a law
4 of another state relating to the offense of reckless
5 homicide or a violation of subparagraph (F) of paragraph 1
6 of subsection (d) of Section 11-501 of this Code relating
7 to aggravated driving under the influence of alcohol, other
8 drug or drugs, intoxicating compound or compounds, or any
9 combination thereof, if the violation was the proximate
10 cause of a death, after the expiration of 2 years from the
11 effective date of the revocation or after the expiration of
12 24 months from the date of release from a period of
13 imprisonment as provided in Section 6-103 of this Code,
14 whichever is later.

15 1.5. If the person is convicted of a violation of
16 Section 6-303 of this Code committed while his or her
17 driver's license, permit, or privilege was revoked because
18 of a violation of Section 9-3 of the Criminal Code of 1961
19 or the Criminal Code of 2012, relating to the offense of
20 reckless homicide, or a similar provision of a law of
21 another state, the person may not make application for a
22 license or permit until the expiration of 3 years from the
23 date of the conviction.

24 2. If such person is convicted of committing a second
25 violation within a 20-year period of:

26 (A) Section 11-501 of this Code or a similar

1 provision of a local ordinance;

2 (B) Paragraph (b) of Section 11-401 of this Code or
3 a similar provision of a local ordinance;

4 (C) Section 9-3 of the Criminal Code of 1961 or the
5 Criminal Code of 2012, relating to the offense of
6 reckless homicide; or

7 (D) any combination of the above offenses
8 committed at different instances;

9 then such person may not make application for a license
10 until after the expiration of 5 years from the effective
11 date of the most recent revocation. The 20-year period
12 shall be computed by using the dates the offenses were
13 committed and shall also include similar out-of-state
14 offenses and similar offenses committed on a military
15 installation.

16 2.5. If a person is convicted of a second violation of
17 Section 6-303 of this Code committed while the person's
18 driver's license, permit, or privilege was revoked because
19 of a violation of Section 9-3 of the Criminal Code of 1961
20 or the Criminal Code of 2012, relating to the offense of
21 reckless homicide, or a similar provision of a law of
22 another state, the person may not make application for a
23 license or permit until the expiration of 5 years from the
24 date of release from a term of imprisonment.

25 3. However, except as provided in subparagraph 4, if
26 such person is convicted of committing a third or

1 subsequent violation or any combination of the above
2 offenses, including similar out-of-state offenses and
3 similar offenses committed on a military installation,
4 contained in subparagraph 2, then such person may not make
5 application for a license until after the expiration of 10
6 years from the effective date of the most recent
7 revocation.

8 4. The person may not make application for a license if
9 the person is convicted of committing a fourth or
10 subsequent violation of Section 11-501 of this Code or a
11 similar provision of a local ordinance, Section 11-401 of
12 this Code, Section 9-3 of the Criminal Code of 1961 or the
13 Criminal Code of 2012, or a combination of these offenses,
14 similar provisions of local ordinances, similar
15 out-of-state offenses, or similar offenses committed on a
16 military installation.

17 5. The person may not make application for a license or
18 permit if the person is convicted of a third or subsequent
19 violation of Section 6-303 of this Code committed while his
20 or her driver's license, permit, or privilege was revoked
21 because of a violation of Section 9-3 of the Criminal Code
22 of 1961 or the Criminal Code of 2012, relating to the
23 offense of reckless homicide, or a similar provision of a
24 law of another state.

25 Notwithstanding any other provision of this Code, all
26 persons referred to in this paragraph (b) may not have their

1 privileges restored until the Secretary receives payment of the
2 required reinstatement fee pursuant to subsection (b) of
3 Section 6-118.

4 In no event shall the Secretary issue such license unless
5 and until such person has had a hearing pursuant to this Code
6 and the appropriate administrative rules and the Secretary is
7 satisfied, after a review or investigation of such person, that
8 to grant the privilege of driving a motor vehicle on the
9 highways will not endanger the public safety or welfare.

10 (c) (Blank).

11 (Source: P.A. 95-331, eff. 8-21-07; 95-355, eff. 1-1-08;
12 95-377, eff. 1-1-08; 95-876, eff. 8-21-08; 96-607, eff.
13 8-24-09.)

14 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

15 Sec. 6-303. Driving while driver's license, permit or
16 privilege to operate a motor vehicle is suspended or revoked.

17 (a) Except as otherwise provided in subsection (a-5), any
18 person who drives or is in actual physical control of a motor
19 vehicle on any highway of this State at a time when such
20 person's driver's license, permit or privilege to do so or the
21 privilege to obtain a driver's license or permit is revoked or
22 suspended as provided by this Code or the law of another state,
23 except as may be specifically allowed by a judicial driving
24 permit issued prior to January 1, 2009, monitoring device
25 driving permit, family financial responsibility driving

1 permit, probationary license to drive, or a restricted driving
2 permit issued pursuant to this Code or under the law of another
3 state, shall be guilty of a Class A misdemeanor.

4 (a-5) Any person who violates this Section as provided in
5 subsection (a) while his or her driver's license, permit or
6 privilege is revoked because of a violation of Section 9-3 of
7 the Criminal Code of 1961 or the Criminal Code of 2012,
8 relating to the offense of reckless homicide or a similar
9 provision of a law of another state, is guilty of a Class 4
10 felony. The person shall be required to undergo a professional
11 evaluation, as provided in Section 11-501 of this Code, to
12 determine if an alcohol, drug, or intoxicating compound problem
13 exists and the extent of the problem, and to undergo the
14 imposition of treatment as appropriate.

15 (b) (Blank).

16 (b-1) Upon receiving a report of the conviction of any
17 violation indicating a person was operating a motor vehicle
18 during the time when the person's driver's license, permit or
19 privilege was suspended by the Secretary of State or the
20 driver's licensing administrator of another state, except as
21 specifically allowed by a probationary license, judicial
22 driving permit, restricted driving permit or monitoring device
23 driving permit the Secretary shall extend the suspension for
24 the same period of time as the originally imposed suspension
25 unless the suspension has already expired, in which case the
26 Secretary shall be authorized to suspend the person's driving

1 privileges for the same period of time as the originally
2 imposed suspension.

3 (b-2) Except as provided in subsection (b-6), upon
4 receiving a report of the conviction of any violation
5 indicating a person was operating a motor vehicle when the
6 person's driver's license, permit or privilege was revoked by
7 the Secretary of State or the driver's license administrator of
8 any other state, except as specifically allowed by a restricted
9 driving permit issued pursuant to this Code or the law of
10 another state, the Secretary shall not issue a driver's license
11 for an additional period of one year from the date of such
12 conviction indicating such person was operating a vehicle
13 during such period of revocation.

14 (b-3) (Blank).

15 (b-4) When the Secretary of State receives a report of a
16 conviction of any violation indicating a person was operating a
17 motor vehicle that was not equipped with an ignition interlock
18 device during a time when the person was prohibited from
19 operating a motor vehicle not equipped with such a device, the
20 Secretary shall not issue a driver's license to that person for
21 an additional period of one year from the date of the
22 conviction.

23 (b-5) Any person convicted of violating this Section shall
24 serve a minimum term of imprisonment of 30 consecutive days or
25 300 hours of community service when the person's driving
26 privilege was revoked or suspended as a result of a violation

1 of Section 9-3 of the Criminal Code of 1961 or the Criminal
2 Code of 2012, ~~as amended~~, relating to the offense of reckless
3 homicide, or a similar provision of a law of another state.

4 (b-6) Upon receiving a report of a first conviction of
5 operating a motor vehicle while the person's driver's license,
6 permit or privilege was revoked where the revocation was for a
7 violation of Section 9-3 of the Criminal Code of 1961 or the
8 Criminal Code of 2012 relating to the offense of reckless
9 homicide or a similar out-of-state offense, the Secretary shall
10 not issue a driver's license for an additional period of three
11 years from the date of such conviction.

12 (c) Except as provided in subsections (c-3) and (c-4), any
13 person convicted of violating this Section shall serve a
14 minimum term of imprisonment of 10 consecutive days or 30 days
15 of community service when the person's driving privilege was
16 revoked or suspended as a result of:

17 (1) a violation of Section 11-501 of this Code or a
18 similar provision of a local ordinance relating to the
19 offense of operating or being in physical control of a
20 vehicle while under the influence of alcohol, any other
21 drug or any combination thereof; or

22 (2) a violation of paragraph (b) of Section 11-401 of
23 this Code or a similar provision of a local ordinance
24 relating to the offense of leaving the scene of a motor
25 vehicle accident involving personal injury or death; or

26 (3) a statutory summary suspension or revocation under

1 Section 11-501.1 of this Code.

2 Such sentence of imprisonment or community service shall
3 not be subject to suspension in order to reduce such sentence.

4 (c-1) Except as provided in subsections (c-5) and (d), any
5 person convicted of a second violation of this Section shall be
6 ordered by the court to serve a minimum of 100 hours of
7 community service.

8 (c-2) In addition to other penalties imposed under this
9 Section, the court may impose on any person convicted a fourth
10 time of violating this Section any of the following:

11 (1) Seizure of the license plates of the person's
12 vehicle.

13 (2) Immobilization of the person's vehicle for a period
14 of time to be determined by the court.

15 (c-3) Any person convicted of a violation of this Section
16 during a period of summary suspension imposed pursuant to
17 Section 11-501.1 when the person was eligible for a MDDP shall
18 be guilty of a Class 4 felony and shall serve a minimum term of
19 imprisonment of 30 days.

20 (c-4) Any person who has been issued a MDDP and who is
21 convicted of a violation of this Section as a result of
22 operating or being in actual physical control of a motor
23 vehicle not equipped with an ignition interlock device at the
24 time of the offense shall be guilty of a Class 4 felony and
25 shall serve a minimum term of imprisonment of 30 days.

26 (c-5) Any person convicted of a second violation of this

1 Section is guilty of a Class 2 felony, is not eligible for
2 probation or conditional discharge, and shall serve a mandatory
3 term of imprisonment, if the revocation or suspension was for a
4 violation of Section 9-3 of the Criminal Code of 1961 or the
5 Criminal Code of 2012, relating to the offense of reckless
6 homicide, or a similar out-of-state offense.

7 (d) Any person convicted of a second violation of this
8 Section shall be guilty of a Class 4 felony and shall serve a
9 minimum term of imprisonment of 30 days or 300 hours of
10 community service, as determined by the court, if the original
11 revocation or suspension was for a violation of Section 11-401
12 or 11-501 of this Code, or a similar out-of-state offense, or a
13 similar provision of a local ordinance, or a statutory summary
14 suspension or revocation under Section 11-501.1 of this Code.

15 (d-1) Except as provided in subsections (d-2), (d-2.5), and
16 (d-3), any person convicted of a third or subsequent violation
17 of this Section shall serve a minimum term of imprisonment of
18 30 days or 300 hours of community service, as determined by the
19 court.

20 (d-2) Any person convicted of a third violation of this
21 Section is guilty of a Class 4 felony and must serve a minimum
22 term of imprisonment of 30 days if the revocation or suspension
23 was for a violation of Section 11-401 or 11-501 of this Code,
24 or a similar out-of-state offense, or a similar provision of a
25 local ordinance, or a statutory summary suspension or
26 revocation under Section 11-501.1 of this Code.

1 (d-2.5) Any person convicted of a third violation of this
2 Section is guilty of a Class 1 felony, is not eligible for
3 probation or conditional discharge, and must serve a mandatory
4 term of imprisonment if the revocation or suspension was for a
5 violation of Section 9-3 of the Criminal Code of 1961 or the
6 Criminal Code of 2012, relating to the offense of reckless
7 homicide, or a similar out-of-state offense. The person's
8 driving privileges shall be revoked for the remainder of the
9 person's life.

10 (d-3) Any person convicted of a fourth, fifth, sixth,
11 seventh, eighth, or ninth violation of this Section is guilty
12 of a Class 4 felony and must serve a minimum term of
13 imprisonment of 180 days if the revocation or suspension was
14 for a violation of Section 11-401 or 11-501 of this Code, or a
15 similar out-of-state offense, or a similar provision of a local
16 ordinance, or a statutory summary suspension or revocation
17 under Section 11-501.1 of this Code.

18 (d-3.5) Any person convicted of a fourth or subsequent
19 violation of this Section is guilty of a Class 1 felony, is not
20 eligible for probation or conditional discharge, and must serve
21 a mandatory term of imprisonment, and is eligible for an
22 extended term, if the revocation or suspension was for a
23 violation of Section 9-3 of the Criminal Code of 1961 or the
24 Criminal Code of 2012, relating to the offense of reckless
25 homicide, or a similar out-of-state offense.

26 (d-4) Any person convicted of a tenth, eleventh, twelfth,

1 thirteenth, or fourteenth violation of this Section is guilty
2 of a Class 3 felony, and is not eligible for probation or
3 conditional discharge, if the revocation or suspension was for
4 a violation of Section 11-401 or 11-501 of this Code, or a
5 similar out-of-state offense, or a similar provision of a local
6 ordinance, or a statutory summary suspension or revocation
7 under Section 11-501.1 of this Code.

8 (d-5) Any person convicted of a fifteenth or subsequent
9 violation of this Section is guilty of a Class 2 felony, and is
10 not eligible for probation or conditional discharge, if the
11 revocation or suspension was for a violation of Section 11-401
12 or 11-501 of this Code, or a similar out-of-state offense, or a
13 similar provision of a local ordinance, or a statutory summary
14 suspension or revocation under Section 11-501.1 of this Code.

15 (e) Any person in violation of this Section who is also in
16 violation of Section 7-601 of this Code relating to mandatory
17 insurance requirements, in addition to other penalties imposed
18 under this Section, shall have his or her motor vehicle
19 immediately impounded by the arresting law enforcement
20 officer. The motor vehicle may be released to any licensed
21 driver upon a showing of proof of insurance for the vehicle
22 that was impounded and the notarized written consent for the
23 release by the vehicle owner.

24 (f) For any prosecution under this Section, a certified
25 copy of the driving abstract of the defendant shall be admitted
26 as proof of any prior conviction.

1 (g) The motor vehicle used in a violation of this Section
2 is subject to seizure and forfeiture as provided in Sections
3 36-1 and 36-2 of the Criminal Code of 2012 ~~1961~~ if the person's
4 driving privilege was revoked or suspended as a result of:

5 (1) a violation of Section 11-501 of this Code, a
6 similar provision of a local ordinance, or a similar
7 provision of a law of another state;

8 (2) a violation of paragraph (b) of Section 11-401 of
9 this Code, a similar provision of a local ordinance, or a
10 similar provision of a law of another state;

11 (3) a statutory summary suspension or revocation under
12 Section 11-501.1 of this Code or a similar provision of a
13 law of another state; or

14 (4) a violation of Section 9-3 of the Criminal Code of
15 1961 or the Criminal Code of 2012 relating to the offense
16 of reckless homicide, or a similar provision of a law of
17 another state.

18 (Source: P.A. 96-502, eff. 1-1-10; 96-607, eff. 8-24-09;
19 96-1000, eff. 7-2-10; 96-1344, eff. 7-1-11; 97-984, eff.
20 1-1-13.)

21 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)
22 Sec. 6-508. Commercial Driver's License (CDL) -
23 qualification standards.

24 (a) Testing.

25 (1) General. No person shall be issued an original or

1 renewal CDL unless that person is domiciled in this State.
2 The Secretary shall cause to be administered such tests as
3 the Secretary deems necessary to meet the requirements of
4 49 C.F.R. Part 383, subparts F, G, H, and J.

5 (2) Third party testing. The Secretary of state may
6 authorize a "third party tester", pursuant to 49 C.F.R.
7 Part 383.75, to administer the skills test or tests
8 specified by Federal Motor Carrier Safety Administration
9 pursuant to the Commercial Motor Vehicle Safety Act of 1986
10 and any appropriate federal rule.

11 (b) Waiver of Skills Test. The Secretary of State may waive
12 the skills test specified in this Section for a driver
13 applicant for a commercial driver license who meets the
14 requirements of 49 C.F.R. Part 383.77 and Part 383.123.

15 (b-1) No person shall be issued a commercial driver
16 instruction permit or CDL unless the person certifies to the
17 Secretary one of the following types of driving operations in
18 which he or she will be engaged:

- 19 (1) non-excepted interstate;
20 (2) non-excepted intrastate;
21 (3) excepted interstate; or
22 (4) excepted intrastate.

23 (b-2) Persons who hold a commercial driver instruction
24 permit or CDL on January 30, 2012 must certify to the Secretary
25 no later than January 30, 2014 one of the following applicable
26 self-certifications:

- 1 (1) non-excepted interstate;
- 2 (2) non-excepted intrastate;
- 3 (3) excepted interstate; or
- 4 (4) excepted intrastate.

5 (c) Limitations on issuance of a CDL. A CDL, or a
6 commercial driver instruction permit, shall not be issued to a
7 person while the person is subject to a disqualification from
8 driving a commercial motor vehicle, or unless otherwise
9 permitted by this Code, while the person's driver's license is
10 suspended, revoked or cancelled in any state, or any territory
11 or province of Canada; nor may a CDL be issued to a person who
12 has a CDL issued by any other state, or foreign jurisdiction,
13 unless the person first surrenders all such licenses. No CDL
14 shall be issued to or renewed for a person who does not meet
15 the requirement of 49 CFR 391.41(b)(11). The requirement may be
16 met with the aid of a hearing aid.

17 (c-1) The Secretary may issue a CDL with a school bus
18 driver endorsement to allow a person to drive the type of bus
19 described in subsection (d-5) of Section 6-104 of this Code.
20 The CDL with a school bus driver endorsement may be issued only
21 to a person meeting the following requirements:

22 (1) the person has submitted his or her fingerprints to
23 the Department of State Police in the form and manner
24 prescribed by the Department of State Police. These
25 fingerprints shall be checked against the fingerprint
26 records now and hereafter filed in the Department of State

1 Police and Federal Bureau of Investigation criminal
2 history records databases;

3 (2) the person has passed a written test, administered
4 by the Secretary of State, on charter bus operation,
5 charter bus safety, and certain special traffic laws
6 relating to school buses determined by the Secretary of
7 State to be relevant to charter buses, and submitted to a
8 review of the driver applicant's driving habits by the
9 Secretary of State at the time the written test is given;

10 (3) the person has demonstrated physical fitness to
11 operate school buses by submitting the results of a medical
12 examination, including tests for drug use; and

13 (4) the person has not been convicted of committing or
14 attempting to commit any one or more of the following
15 offenses: (i) those offenses defined in Sections 8-1.2,
16 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2,
17 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20,
18 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6,
19 11-9, 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3,
20 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18,
21 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
22 11-20.1B, 11-20.3, 11-21, 11-22, 11-23, 11-24, 11-25,
23 11-26, 11-30, 12-2.6, 12-3.1, 12-4, 12-4.1, 12-4.2,
24 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9,
25 12-5.01, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5,
26 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2,

1 12-21.5, 12-21.6, 12-33, 12C-5, 12C-10, 12C-20, 12C-30,
2 12C-45, 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4, 18-5, 19-6,
3 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2,
4 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8,
5 24-3.9, 31A-1, 31A-1.1, 33A-2, and 33D-1, and in subsection
6 (b) of Section 8-1, and in subdivisions (a) (1), (a) (2),
7 (b) (1), (e) (1), (e) (2), (e) (3), (e) (4), and (f) (1) of
8 Section 12-3.05, and in subsection (a) and subsection (b),
9 clause (1), of Section 12-4, and in subsection (A), clauses
10 (a) and (b), of Section 24-3, and those offenses contained
11 in Article 29D of the Criminal Code of 1961 or the Criminal
12 Code of 2012; (ii) those offenses defined in the Cannabis
13 Control Act except those offenses defined in subsections
14 (a) and (b) of Section 4, and subsection (a) of Section 5
15 of the Cannabis Control Act; (iii) those offenses defined
16 in the Illinois Controlled Substances Act; (iv) those
17 offenses defined in the Methamphetamine Control and
18 Community Protection Act; (v) any offense committed or
19 attempted in any other state or against the laws of the
20 United States, which if committed or attempted in this
21 State would be punishable as one or more of the foregoing
22 offenses; (vi) the offenses defined in Sections 4.1 and 5.1
23 of the Wrongs to Children Act or Section 11-9.1A of the
24 Criminal Code of 1961 or the Criminal Code of 2012; (vii)
25 those offenses defined in Section 6-16 of the Liquor
26 Control Act of 1934; and (viii) those offenses defined in

1 the Methamphetamine Precursor Control Act.

2 The Department of State Police shall charge a fee for
3 conducting the criminal history records check, which shall be
4 deposited into the State Police Services Fund and may not
5 exceed the actual cost of the records check.

6 (c-2) The Secretary shall issue a CDL with a school bus
7 endorsement to allow a person to drive a school bus as defined
8 in this Section. The CDL shall be issued according to the
9 requirements outlined in 49 C.F.R. 383. A person may not
10 operate a school bus as defined in this Section without a
11 school bus endorsement. The Secretary of State may adopt rules
12 consistent with Federal guidelines to implement this
13 subsection (c-2).

14 (d) Commercial driver instruction permit. A commercial
15 driver instruction permit may be issued to any person holding a
16 valid Illinois driver's license if such person successfully
17 passes such tests as the Secretary determines to be necessary.
18 A commercial driver instruction permit shall not be issued to a
19 person who does not meet the requirements of 49 CFR 391.41
20 (b)(11), except for the renewal of a commercial driver
21 instruction permit for a person who possesses a commercial
22 instruction permit prior to the effective date of this
23 amendatory Act of 1999.

24 (Source: P.A. 96-1182, eff. 7-22-10; 96-1551, Article 1,
25 Section 95, eff. 7-1-11; 96-1551, Article 2, Section 1025, eff.
26 7-1-11; 97-208, eff. 1-1-12; 97-1108, eff. 1-1-13; 97-1109,

1 eff. 1-1-13; revised 9-20-12.)

2 (625 ILCS 5/6-514) (from Ch. 95 1/2, par. 6-514)

3 Sec. 6-514. Commercial Driver's License (CDL) -
4 Disqualifications.

5 (a) A person shall be disqualified from driving a
6 commercial motor vehicle for a period of not less than 12
7 months for the first violation of:

8 (1) Refusing to submit to or failure to complete a test
9 or tests to determine the driver's blood concentration of
10 alcohol, other drug, or both, while driving a commercial
11 motor vehicle or, if the driver is a CDL holder, while
12 driving a non-CMV; or

13 (2) Operating a commercial motor vehicle while the
14 alcohol concentration of the person's blood, breath or
15 urine is at least 0.04, or any amount of a drug, substance,
16 or compound in the person's blood or urine resulting from
17 the unlawful use or consumption of cannabis listed in the
18 Cannabis Control Act, a controlled substance listed in the
19 Illinois Controlled Substances Act, or methamphetamine as
20 listed in the Methamphetamine Control and Community
21 Protection Act as indicated by a police officer's sworn
22 report or other verified evidence; or operating a
23 non-commercial motor vehicle while the alcohol
24 concentration of the person's blood, breath, or urine was
25 above the legal limit defined in Section 11-501.1 or

1 11-501.8 or any amount of a drug, substance, or compound in
2 the person's blood or urine resulting from the unlawful use
3 or consumption of cannabis listed in the Cannabis Control
4 Act, a controlled substance listed in the Illinois
5 Controlled Substances Act, or methamphetamine as listed in
6 the Methamphetamine Control and Community Protection Act
7 as indicated by a police officer's sworn report or other
8 verified evidence while holding a commercial driver's
9 license; or

10 (3) Conviction for a first violation of:

11 (i) Driving a commercial motor vehicle or, if the
12 driver is a CDL holder, driving a non-CMV while under
13 the influence of alcohol, or any other drug, or
14 combination of drugs to a degree which renders such
15 person incapable of safely driving; or

16 (ii) Knowingly leaving the scene of an accident
17 while operating a commercial motor vehicle or, if the
18 driver is a CDL holder, while driving a non-CMV; or

19 (iii) Driving a commercial motor vehicle or, if the
20 driver is a CDL holder, driving a non-CMV while
21 committing any felony; or

22 (iv) Driving a commercial motor vehicle while the
23 person's driving privileges or driver's license or
24 permit is revoked, suspended, or cancelled or the
25 driver is disqualified from operating a commercial
26 motor vehicle; or

1 (v) Causing a fatality through the negligent
2 operation of a commercial motor vehicle, including but
3 not limited to the crimes of motor vehicle
4 manslaughter, homicide by a motor vehicle, and
5 negligent homicide.

6 As used in this subdivision (a)(3)(v), "motor
7 vehicle manslaughter" means the offense of involuntary
8 manslaughter if committed by means of a vehicle;
9 "homicide by a motor vehicle" means the offense of
10 first degree murder or second degree murder, if either
11 offense is committed by means of a vehicle; and
12 "negligent homicide" means reckless homicide under
13 Section 9-3 of the Criminal Code of 1961 or the
14 Criminal Code of 2012 and aggravated driving under the
15 influence of alcohol, other drug or drugs,
16 intoxicating compound or compounds, or any combination
17 thereof under subdivision (d)(1)(F) of Section 11-501
18 of this Code.

19 If any of the above violations or refusals occurred
20 while transporting hazardous material(s) required to be
21 placarded, the person shall be disqualified for a period of
22 not less than 3 years.

23 (b) A person is disqualified for life for a second
24 conviction of any of the offenses specified in paragraph (a),
25 or any combination of those offenses, arising from 2 or more
26 separate incidents.

1 (c) A person is disqualified from driving a commercial
2 motor vehicle for life if the person either (i) uses a
3 commercial motor vehicle in the commission of any felony
4 involving the manufacture, distribution, or dispensing of a
5 controlled substance, or possession with intent to
6 manufacture, distribute or dispense a controlled substance or
7 (ii) if the person is a CDL holder, uses a non-CMV in the
8 commission of a felony involving any of those activities.

9 (d) The Secretary of State may, when the United States
10 Secretary of Transportation so authorizes, issue regulations
11 in which a disqualification for life under paragraph (b) may be
12 reduced to a period of not less than 10 years. If a reinstated
13 driver is subsequently convicted of another disqualifying
14 offense, as specified in subsection (a) of this Section, he or
15 she shall be permanently disqualified for life and shall be
16 ineligible to again apply for a reduction of the lifetime
17 disqualification.

18 (e) A person is disqualified from driving a commercial
19 motor vehicle for a period of not less than 2 months if
20 convicted of 2 serious traffic violations, committed in a
21 commercial motor vehicle, non-CMV while holding a CDL, or any
22 combination thereof, arising from separate incidents,
23 occurring within a 3 year period, provided the serious traffic
24 violation committed in a non-CMV would result in the suspension
25 or revocation of the CDL holder's non-CMV privileges. However,
26 a person will be disqualified from driving a commercial motor

1 vehicle for a period of not less than 4 months if convicted of
2 3 serious traffic violations, committed in a commercial motor
3 vehicle, non-CMV while holding a CDL, or any combination
4 thereof, arising from separate incidents, occurring within a 3
5 year period, provided the serious traffic violation committed
6 in a non-CMV would result in the suspension or revocation of
7 the CDL holder's non-CMV privileges. If all the convictions
8 occurred in a non-CMV, the disqualification shall be entered
9 only if the convictions would result in the suspension or
10 revocation of the CDL holder's non-CMV privileges.

11 (e-1) (Blank).

12 (f) Notwithstanding any other provision of this Code, any
13 driver disqualified from operating a commercial motor vehicle,
14 pursuant to this UCCLA, shall not be eligible for restoration
15 of commercial driving privileges during any such period of
16 disqualification.

17 (g) After suspending, revoking, or cancelling a commercial
18 driver's license, the Secretary of State must update the
19 driver's records to reflect such action within 10 days. After
20 suspending or revoking the driving privilege of any person who
21 has been issued a CDL or commercial driver instruction permit
22 from another jurisdiction, the Secretary shall originate
23 notification to such issuing jurisdiction within 10 days.

24 (h) The "disqualifications" referred to in this Section
25 shall not be imposed upon any commercial motor vehicle driver,
26 by the Secretary of State, unless the prohibited action(s)

1 occurred after March 31, 1992.

2 (i) A person is disqualified from driving a commercial
3 motor vehicle in accordance with the following:

4 (1) For 6 months upon a first conviction of paragraph
5 (2) of subsection (b) or subsection (b-3) of Section 6-507
6 of this Code.

7 (2) For 2 years upon a second conviction of paragraph
8 (2) of subsection (b) or subsection (b-3) or any
9 combination of paragraphs (2) or (3) of subsection (b) or
10 subsections (b-3) or (b-5) of Section 6-507 of this Code
11 within a 10-year period if the second conviction is a
12 violation of paragraph (2) of subsection (b) or subsection
13 (b-3).

14 (3) For 3 years upon a third or subsequent conviction
15 of paragraph (2) of subsection (b) or subsection (b-3) or
16 any combination of paragraphs (2) or (3) of subsection (b)
17 or subsections (b-3) or (b-5) of Section 6-507 of this Code
18 within a 10-year period if the third or subsequent
19 conviction is a violation of paragraph (2) of subsection
20 (b) or subsection (b-3).

21 (4) For one year upon a first conviction of paragraph
22 (3) of subsection (b) or subsection (b-5) of Section 6-507
23 of this Code.

24 (5) For 3 years upon a second conviction of paragraph
25 (3) of subsection (b) or subsection (b-5) or any
26 combination of paragraphs (2) or (3) of subsection (b) or

1 subsections (b-3) or (b-5) of Section 6-507 of this Code
2 within a 10-year period if the second conviction is a
3 violation of paragraph (3) of subsection (b) or (b-5).

4 (6) For 5 years upon a third or subsequent conviction
5 of paragraph (3) of subsection (b) or subsection (b-5) or
6 any combination of paragraphs (2) or (3) of subsection (b)
7 or subsections (b-3) or (b-5) of Section 6-507 of this Code
8 within a 10-year period if the third or subsequent
9 conviction is a violation of paragraph (3) of subsection
10 (b) or (b-5).

11 (j) Disqualification for railroad-highway grade crossing
12 violation.

13 (1) General rule. A driver who is convicted of a
14 violation of a federal, State, or local law or regulation
15 pertaining to one of the following 6 offenses at a
16 railroad-highway grade crossing must be disqualified from
17 operating a commercial motor vehicle for the period of time
18 specified in paragraph (2) of this subsection (j) if the
19 offense was committed while operating a commercial motor
20 vehicle:

21 (i) For drivers who are not required to always
22 stop, failing to slow down and check that the tracks
23 are clear of an approaching train or railroad track
24 equipment, as described in subsection (a-5) of Section
25 11-1201 of this Code;

26 (ii) For drivers who are not required to always

1 stop, failing to stop before reaching the crossing, if
2 the tracks are not clear, as described in subsection
3 (a) of Section 11-1201 of this Code;

4 (iii) For drivers who are always required to stop,
5 failing to stop before driving onto the crossing, as
6 described in Section 11-1202 of this Code;

7 (iv) For all drivers, failing to have sufficient
8 space to drive completely through the crossing without
9 stopping, as described in subsection (b) of Section
10 11-1425 of this Code;

11 (v) For all drivers, failing to obey a traffic
12 control device or the directions of an enforcement
13 official at the crossing, as described in subdivision
14 (a)2 of Section 11-1201 of this Code;

15 (vi) For all drivers, failing to negotiate a
16 crossing because of insufficient undercarriage
17 clearance, as described in subsection (d-1) of Section
18 11-1201 of this Code.

19 (2) Duration of disqualification for railroad-highway
20 grade crossing violation.

21 (i) First violation. A driver must be disqualified
22 from operating a commercial motor vehicle for not less
23 than 60 days if the driver is convicted of a violation
24 described in paragraph (1) of this subsection (j) and,
25 in the three-year period preceding the conviction, the
26 driver had no convictions for a violation described in

1 paragraph (1) of this subsection (j).

2 (ii) Second violation. A driver must be
3 disqualified from operating a commercial motor vehicle
4 for not less than 120 days if the driver is convicted
5 of a violation described in paragraph (1) of this
6 subsection (j) and, in the three-year period preceding
7 the conviction, the driver had one other conviction for
8 a violation described in paragraph (1) of this
9 subsection (j) that was committed in a separate
10 incident.

11 (iii) Third or subsequent violation. A driver must
12 be disqualified from operating a commercial motor
13 vehicle for not less than one year if the driver is
14 convicted of a violation described in paragraph (1) of
15 this subsection (j) and, in the three-year period
16 preceding the conviction, the driver had 2 or more
17 other convictions for violations described in
18 paragraph (1) of this subsection (j) that were
19 committed in separate incidents.

20 (k) Upon notification of a disqualification of a driver's
21 commercial motor vehicle privileges imposed by the U.S.
22 Department of Transportation, Federal Motor Carrier Safety
23 Administration, in accordance with 49 C.F.R. 383.52, the
24 Secretary of State shall immediately record to the driving
25 record the notice of disqualification and confirm to the driver
26 the action that has been taken.

1 (Source: P.A. 96-544, eff. 1-1-10; 96-1080, eff. 7-16-10;
2 96-1244, eff. 1-1-11; 97-333, eff. 8-12-11.)

3 (625 ILCS 5/6-708) (from Ch. 95 1/2, par. 6-708)

4 Sec. 6-708. Construction and Severability. (a) This
5 compact shall be liberally construed so as to effectuate the
6 purposes thereof. The provisions of this compact shall be
7 severable and if any phrase, clause, sentence or provision of
8 this compact is declared to be contrary to the constitution of
9 any party state or of the United States or the applicability
10 thereof to any government, agency, person or circumstance is
11 held invalid, the validity of the remainder of this compact and
12 the applicability thereof to any government, agency, person or
13 circumstance shall not be affected thereby. If this compact
14 shall be held contrary to the constitution of any state party
15 thereto, the compact shall remain in full force and effect as
16 to the remaining states and in full force and effect as to the
17 state affected as to all severable matters.

18 (b) As used in the compact, the term "licensing authority"
19 with reference to this state, means the Secretary of State. The
20 Secretary of State shall furnish to the appropriate authorities
21 of any other party state any information or documents
22 reasonably necessary to facilitate the administration of
23 Sections 6-702, 6-703 and 6-704 of the compact.

24 (c) The compact administrator provided for in Section 6-706
25 of the compact shall not be entitled to any additional

1 compensation on account of his service as such administrator,
2 but shall be entitled to expenses incurred in connection with
3 his duties and responsibilities as such administrator, in the
4 same manner as for expenses incurred in connection with any
5 other duties or responsibilities of his office or employment.

6 (d) As used in the compact, with reference to this state,
7 the term "executive head" shall mean the Governor.

8 (e) The phrase "manslaughter or negligent homicide," as
9 used in subparagraph (1) of paragraph (a) of Section 6-703 of
10 the compact includes the offense of reckless homicide as
11 defined in Section 9-3 of the "Criminal Code of 1961 or the
12 Criminal Code of 2012," ~~as heretofore or hereafter amended,~~ or
13 in any predecessor statute, as well as the offenses of second
14 degree murder and involuntary manslaughter.

15 The offense described in subparagraph (2) of paragraph (a)
16 of Section 6-703 of the compact includes any violation of
17 Section 11-501 of this Code or any similar provision of a local
18 ordinance.

19 The offense described in subparagraph (4) of paragraph (a)
20 of Section 6-703 of the compact includes any violation of
21 paragraph (a) of Section 11-401 of this Code.

22 (Source: P.A. 85-951.)

23 (625 ILCS 5/11-204.1) (from Ch. 95 1/2, par. 11-204.1)

24 Sec. 11-204.1. Aggravated fleeing or attempting to elude a
25 peace officer.

1 (a) The offense of aggravated fleeing or attempting to
2 elude a peace officer is committed by any driver or operator of
3 a motor vehicle who flees or attempts to elude a peace officer,
4 after being given a visual or audible signal by a peace officer
5 in the manner prescribed in subsection (a) of Section 11-204 of
6 this Code, and such flight or attempt to elude:

7 (1) is at a rate of speed at least 21 miles per hour
8 over the legal speed limit;

9 (2) causes bodily injury to any individual;

10 (3) causes damage in excess of \$300 to property;

11 (4) involves disobedience of 2 or more official traffic
12 control devices; or

13 (5) involves the concealing or altering of the
14 vehicle's registration plate.

15 (b) Any person convicted of a first violation of this
16 Section shall be guilty of a Class 4 felony. Upon notice of
17 such a conviction the Secretary of State shall forthwith revoke
18 the driver's license of the person so convicted, as provided in
19 Section 6-205 of this Code. Any person convicted of a second or
20 subsequent violation of this Section shall be guilty of a Class
21 3 felony, and upon notice of such a conviction the Secretary of
22 State shall forthwith revoke the driver's license of the person
23 convicted, as provided in Section 6-205 of the Code.

24 (c) The motor vehicle used in a violation of this Section
25 is subject to seizure and forfeiture as provided in Sections
26 36-1 and 36-2 of the Criminal Code of 2012 ~~1961~~.

1 (Source: P.A. 96-328, eff. 8-11-09; 97-743, eff. 1-1-13.)

2 (625 ILCS 5/11-208.7)

3 Sec. 11-208.7. Administrative fees and procedures for
4 impounding vehicles for specified violations.

5 (a) Any municipality may, consistent with this Section,
6 provide by ordinance procedures for the release of properly
7 impounded vehicles and for the imposition of a reasonable
8 administrative fee related to its administrative and
9 processing costs associated with the investigation, arrest,
10 and detention of an offender, or the removal, impoundment,
11 storage, and release of the vehicle. The administrative fee
12 imposed by the municipality may be in addition to any fees
13 charged for the towing and storage of an impounded vehicle. The
14 administrative fee shall be waived by the municipality upon
15 verifiable proof that the vehicle was stolen at the time the
16 vehicle was impounded.

17 (b) Any ordinance establishing procedures for the release
18 of properly impounded vehicles under this Section may impose
19 fees for the following violations:

20 (1) operation or use of a motor vehicle in the
21 commission of, or in the attempt to commit, an offense for
22 which a motor vehicle may be seized and forfeited pursuant
23 to Section 36-1 of the Criminal Code of 2012 ~~1961~~; or

24 (2) driving under the influence of alcohol, another
25 drug or drugs, an intoxicating compound or compounds, or

1 any combination thereof, in violation of Section 11-501 of
2 this Code; or

3 (3) operation or use of a motor vehicle in the
4 commission of, or in the attempt to commit, a felony or in
5 violation of the Cannabis Control Act; or

6 (4) operation or use of a motor vehicle in the
7 commission of, or in the attempt to commit, an offense in
8 violation of the Illinois Controlled Substances Act; or

9 (5) operation or use of a motor vehicle in the
10 commission of, or in the attempt to commit, an offense in
11 violation of Section 24-1, 24-1.5, or 24-3.1 of the
12 Criminal Code of 1961 or the Criminal Code of 2012; or

13 (6) driving while a driver's license, permit, or
14 privilege to operate a motor vehicle is suspended or
15 revoked pursuant to Section 6-303 of this Code; except that
16 vehicles shall not be subjected to seizure or impoundment
17 if the suspension is for an unpaid citation (parking or
18 moving) or due to failure to comply with emission testing;
19 or

20 (7) operation or use of a motor vehicle while
21 soliciting, possessing, or attempting to solicit or
22 possess cannabis or a controlled substance, as defined by
23 the Cannabis Control Act or the Illinois Controlled
24 Substances Act; or

25 (8) operation or use of a motor vehicle with an expired
26 driver's license, in violation of Section 6-101 of this

1 Code, if the period of expiration is greater than one year;

2 or

3 (9) operation or use of a motor vehicle without ever
4 having been issued a driver's license or permit, in
5 violation of Section 6-101 of this Code, or operating a
6 motor vehicle without ever having been issued a driver's
7 license or permit due to a person's age; or

8 (10) operation or use of a motor vehicle by a person
9 against whom a warrant has been issued by a circuit clerk
10 in Illinois for failing to answer charges that the driver
11 violated Section 6-101, 6-303, or 11-501 of this Code; or

12 (11) operation or use of a motor vehicle in the
13 commission of, or in the attempt to commit, an offense in
14 violation of Article 16 or 16A of the Criminal Code of 1961
15 or the Criminal Code of 2012; or

16 (12) operation or use of a motor vehicle in the
17 commission of, or in the attempt to commit, any other
18 misdemeanor or felony offense in violation of the Criminal
19 Code of 1961 or the Criminal Code of 2012, when so provided
20 by local ordinance.

21 (c) The following shall apply to any fees imposed for
22 administrative and processing costs pursuant to subsection

23 (b):

24 (1) All administrative fees and towing and storage
25 charges shall be imposed on the registered owner of the
26 motor vehicle or the agents of that owner.

1 (2) The fees shall be in addition to (i) any other
2 penalties that may be assessed by a court of law for the
3 underlying violations; and (ii) any towing or storage fees,
4 or both, charged by the towing company.

5 (3) The fees shall be uniform for all similarly
6 situated vehicles.

7 (4) The fees shall be collected by and paid to the
8 municipality imposing the fees.

9 (5) The towing or storage fees, or both, shall be
10 collected by and paid to the person, firm, or entity that
11 tows and stores the impounded vehicle.

12 (d) Any ordinance establishing procedures for the release
13 of properly impounded vehicles under this Section shall provide
14 for an opportunity for a hearing, as provided in subdivision
15 (b) (4) of Section 11-208.3 of this Code, and for the release of
16 the vehicle to the owner of record, lessee, or a lienholder of
17 record upon payment of all administrative fees and towing and
18 storage fees.

19 (e) Any ordinance establishing procedures for the
20 impoundment and release of vehicles under this Section shall
21 include the following provisions concerning notice of
22 impoundment:

23 (1) Whenever a police officer has cause to believe that
24 a motor vehicle is subject to impoundment, the officer
25 shall provide for the towing of the vehicle to a facility
26 authorized by the municipality.

1 (2) At the time the vehicle is towed, the municipality
2 shall notify or make a reasonable attempt to notify the
3 owner, lessee, or person identifying himself or herself as
4 the owner or lessee of the vehicle, or any person who is
5 found to be in control of the vehicle at the time of the
6 alleged offense, of the fact of the seizure, and of the
7 vehicle owner's or lessee's right to an administrative
8 hearing.

9 (3) The municipality shall also provide notice that the
10 motor vehicle will remain impounded pending the completion
11 of an administrative hearing, unless the owner or lessee of
12 the vehicle or a lienholder posts with the municipality a
13 bond equal to the administrative fee as provided by
14 ordinance and pays for all towing and storage charges.

15 (f) Any ordinance establishing procedures for the
16 impoundment and release of vehicles under this Section shall
17 include a provision providing that the registered owner or
18 lessee of the vehicle and any lienholder of record shall be
19 provided with a notice of hearing. The notice shall:

20 (1) be served upon the owner, lessee, and any
21 lienholder of record either by personal service or by first
22 class mail to the interested party's address as registered
23 with the Secretary of State;

24 (2) be served upon interested parties within 10 days
25 after a vehicle is impounded by the municipality; and

26 (3) contain the date, time, and location of the

1 administrative hearing. An initial hearing shall be
2 scheduled and convened no later than 45 days after the date
3 of the mailing of the notice of hearing.

4 (g) In addition to the requirements contained in
5 subdivision (b) (4) of Section 11-208.3 of this Code relating to
6 administrative hearings, any ordinance providing for the
7 impoundment and release of vehicles under this Section shall
8 include the following requirements concerning administrative
9 hearings:

10 (1) administrative hearings shall be conducted by a
11 hearing officer who is an attorney licensed to practice law
12 in this State for a minimum of 3 years;

13 (2) at the conclusion of the administrative hearing,
14 the hearing officer shall issue a written decision either
15 sustaining or overruling the vehicle impoundment;

16 (3) if the basis for the vehicle impoundment is
17 sustained by the administrative hearing officer, any
18 administrative fee posted to secure the release of the
19 vehicle shall be forfeited to the municipality;

20 (4) all final decisions of the administrative hearing
21 officer shall be subject to review under the provisions of
22 the Administrative Review Law; and

23 (5) unless the administrative hearing officer
24 overturns the basis for the vehicle impoundment, no vehicle
25 shall be released to the owner, lessee, or lienholder of
26 record until all administrative fees and towing and storage

1 charges are paid.

2 (h) Vehicles not retrieved from the towing facility or
3 storage facility within 35 days after the administrative
4 hearing officer issues a written decision shall be deemed
5 abandoned and disposed of in accordance with the provisions of
6 Article II of Chapter 4 of this Code.

7 (i) Unless stayed by a court of competent jurisdiction, any
8 fine, penalty, or administrative fee imposed under this Section
9 which remains unpaid in whole or in part after the expiration
10 of the deadline for seeking judicial review under the
11 Administrative Review Law may be enforced in the same manner as
12 a judgment entered by a court of competent jurisdiction.

13 (Source: P.A. 97-109, eff. 1-1-12.)

14 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

15 Sec. 11-501. Driving while under the influence of alcohol,
16 other drug or drugs, intoxicating compound or compounds or any
17 combination thereof.

18 (a) A person shall not drive or be in actual physical
19 control of any vehicle within this State while:

20 (1) the alcohol concentration in the person's blood or
21 breath is 0.08 or more based on the definition of blood and
22 breath units in Section 11-501.2;

23 (2) under the influence of alcohol;

24 (3) under the influence of any intoxicating compound or
25 combination of intoxicating compounds to a degree that

1 renders the person incapable of driving safely;

2 (4) under the influence of any other drug or
3 combination of drugs to a degree that renders the person
4 incapable of safely driving;

5 (5) under the combined influence of alcohol, other drug
6 or drugs, or intoxicating compound or compounds to a degree
7 that renders the person incapable of safely driving; or

8 (6) there is any amount of a drug, substance, or
9 compound in the person's breath, blood, or urine resulting
10 from the unlawful use or consumption of cannabis listed in
11 the Cannabis Control Act, a controlled substance listed in
12 the Illinois Controlled Substances Act, an intoxicating
13 compound listed in the Use of Intoxicating Compounds Act,
14 or methamphetamine as listed in the Methamphetamine
15 Control and Community Protection Act.

16 (b) The fact that any person charged with violating this
17 Section is or has been legally entitled to use alcohol, other
18 drug or drugs, or intoxicating compound or compounds, or any
19 combination thereof, shall not constitute a defense against any
20 charge of violating this Section.

21 (c) Penalties.

22 (1) Except as otherwise provided in this Section, any
23 person convicted of violating subsection (a) of this
24 Section is guilty of a Class A misdemeanor.

25 (2) A person who violates subsection (a) or a similar
26 provision a second time shall be sentenced to a mandatory

1 minimum term of either 5 days of imprisonment or 240 hours
2 of community service in addition to any other criminal or
3 administrative sanction.

4 (3) A person who violates subsection (a) is subject to
5 6 months of imprisonment, an additional mandatory minimum
6 fine of \$1,000, and 25 days of community service in a
7 program benefiting children if the person was transporting
8 a person under the age of 16 at the time of the violation.

9 (4) A person who violates subsection (a) a first time,
10 if the alcohol concentration in his or her blood, breath,
11 or urine was 0.16 or more based on the definition of blood,
12 breath, or urine units in Section 11-501.2, shall be
13 subject, in addition to any other penalty that may be
14 imposed, to a mandatory minimum of 100 hours of community
15 service and a mandatory minimum fine of \$500.

16 (5) A person who violates subsection (a) a second time,
17 if at the time of the second violation the alcohol
18 concentration in his or her blood, breath, or urine was
19 0.16 or more based on the definition of blood, breath, or
20 urine units in Section 11-501.2, shall be subject, in
21 addition to any other penalty that may be imposed, to a
22 mandatory minimum of 2 days of imprisonment and a mandatory
23 minimum fine of \$1,250.

24 (d) Aggravated driving under the influence of alcohol,
25 other drug or drugs, or intoxicating compound or compounds, or
26 any combination thereof.

1 (1) Every person convicted of committing a violation of
2 this Section shall be guilty of aggravated driving under
3 the influence of alcohol, other drug or drugs, or
4 intoxicating compound or compounds, or any combination
5 thereof if:

6 (A) the person committed a violation of subsection
7 (a) or a similar provision for the third or subsequent
8 time;

9 (B) the person committed a violation of subsection
10 (a) while driving a school bus with persons 18 years of
11 age or younger on board;

12 (C) the person in committing a violation of
13 subsection (a) was involved in a motor vehicle accident
14 that resulted in great bodily harm or permanent
15 disability or disfigurement to another, when the
16 violation was a proximate cause of the injuries;

17 (D) the person committed a violation of subsection
18 (a) and has been previously convicted of violating
19 Section 9-3 of the Criminal Code of 1961 or the
20 Criminal Code of 2012 or a similar provision of a law
21 of another state relating to reckless homicide in which
22 the person was determined to have been under the
23 influence of alcohol, other drug or drugs, or
24 intoxicating compound or compounds as an element of the
25 offense or the person has previously been convicted
26 under subparagraph (C) or subparagraph (F) of this

1 paragraph (1);

2 (E) the person, in committing a violation of
3 subsection (a) while driving at any speed in a school
4 speed zone at a time when a speed limit of 20 miles per
5 hour was in effect under subsection (a) of Section
6 11-605 of this Code, was involved in a motor vehicle
7 accident that resulted in bodily harm, other than great
8 bodily harm or permanent disability or disfigurement,
9 to another person, when the violation of subsection (a)
10 was a proximate cause of the bodily harm;

11 (F) the person, in committing a violation of
12 subsection (a), was involved in a motor vehicle,
13 snowmobile, all-terrain vehicle, or watercraft
14 accident that resulted in the death of another person,
15 when the violation of subsection (a) was a proximate
16 cause of the death;

17 (G) the person committed a violation of subsection
18 (a) during a period in which the defendant's driving
19 privileges are revoked or suspended, where the
20 revocation or suspension was for a violation of
21 subsection (a) or a similar provision, Section
22 11-501.1, paragraph (b) of Section 11-401, or for
23 reckless homicide as defined in Section 9-3 of the
24 Criminal Code of 1961 or the Criminal Code of 2012;

25 (H) the person committed the violation while he or
26 she did not possess a driver's license or permit or a

1 restricted driving permit or a judicial driving permit
2 or a monitoring device driving permit;

3 (I) the person committed the violation while he or
4 she knew or should have known that the vehicle he or
5 she was driving was not covered by a liability
6 insurance policy;

7 (J) the person in committing a violation of
8 subsection (a) was involved in a motor vehicle accident
9 that resulted in bodily harm, but not great bodily
10 harm, to the child under the age of 16 being
11 transported by the person, if the violation was the
12 proximate cause of the injury; or

13 (K) the person in committing a second violation of
14 subsection (a) or a similar provision was transporting
15 a person under the age of 16.

16 (2) (A) Except as provided otherwise, a person
17 convicted of aggravated driving under the influence of
18 alcohol, other drug or drugs, or intoxicating compound or
19 compounds, or any combination thereof is guilty of a Class
20 4 felony.

21 (B) A third violation of this Section or a similar
22 provision is a Class 2 felony. If at the time of the third
23 violation the alcohol concentration in his or her blood,
24 breath, or urine was 0.16 or more based on the definition
25 of blood, breath, or urine units in Section 11-501.2, a
26 mandatory minimum of 90 days of imprisonment and a

1 mandatory minimum fine of \$2,500 shall be imposed in
2 addition to any other criminal or administrative sanction.
3 If at the time of the third violation, the defendant was
4 transporting a person under the age of 16, a mandatory fine
5 of \$25,000 and 25 days of community service in a program
6 benefiting children shall be imposed in addition to any
7 other criminal or administrative sanction.

8 (C) A fourth violation of this Section or a similar
9 provision is a Class 2 felony, for which a sentence of
10 probation or conditional discharge may not be imposed. If
11 at the time of the violation, the alcohol concentration in
12 the defendant's blood, breath, or urine was 0.16 or more
13 based on the definition of blood, breath, or urine units in
14 Section 11-501.2, a mandatory minimum fine of \$5,000 shall
15 be imposed in addition to any other criminal or
16 administrative sanction. If at the time of the fourth
17 violation, the defendant was transporting a person under
18 the age of 16 a mandatory fine of \$25,000 and 25 days of
19 community service in a program benefiting children shall be
20 imposed in addition to any other criminal or administrative
21 sanction.

22 (D) A fifth violation of this Section or a similar
23 provision is a Class 1 felony, for which a sentence of
24 probation or conditional discharge may not be imposed. If
25 at the time of the violation, the alcohol concentration in
26 the defendant's blood, breath, or urine was 0.16 or more

1 based on the definition of blood, breath, or urine units in
2 Section 11-501.2, a mandatory minimum fine of \$5,000 shall
3 be imposed in addition to any other criminal or
4 administrative sanction. If at the time of the fifth
5 violation, the defendant was transporting a person under
6 the age of 16, a mandatory fine of \$25,000, and 25 days of
7 community service in a program benefiting children shall be
8 imposed in addition to any other criminal or administrative
9 sanction.

10 (E) A sixth or subsequent violation of this Section or
11 similar provision is a Class X felony. If at the time of
12 the violation, the alcohol concentration in the
13 defendant's blood, breath, or urine was 0.16 or more based
14 on the definition of blood, breath, or urine units in
15 Section 11-501.2, a mandatory minimum fine of \$5,000 shall
16 be imposed in addition to any other criminal or
17 administrative sanction. If at the time of the violation,
18 the defendant was transporting a person under the age of
19 16, a mandatory fine of \$25,000 and 25 days of community
20 service in a program benefiting children shall be imposed
21 in addition to any other criminal or administrative
22 sanction.

23 (F) For a violation of subparagraph (C) of paragraph
24 (1) of this subsection (d), the defendant, if sentenced to
25 a term of imprisonment, shall be sentenced to not less than
26 one year nor more than 12 years.

1 (G) A violation of subparagraph (F) of paragraph (1) of
2 this subsection (d) is a Class 2 felony, for which the
3 defendant, unless the court determines that extraordinary
4 circumstances exist and require probation, shall be
5 sentenced to: (i) a term of imprisonment of not less than 3
6 years and not more than 14 years if the violation resulted
7 in the death of one person; or (ii) a term of imprisonment
8 of not less than 6 years and not more than 28 years if the
9 violation resulted in the deaths of 2 or more persons.

10 (H) For a violation of subparagraph (J) of paragraph
11 (1) of this subsection (d), a mandatory fine of \$2,500, and
12 25 days of community service in a program benefiting
13 children shall be imposed in addition to any other criminal
14 or administrative sanction.

15 (I) A violation of subparagraph (K) of paragraph (1) of
16 this subsection (d), is a Class 2 felony and a mandatory
17 fine of \$2,500, and 25 days of community service in a
18 program benefiting children shall be imposed in addition to
19 any other criminal or administrative sanction. If the child
20 being transported suffered bodily harm, but not great
21 bodily harm, in a motor vehicle accident, and the violation
22 was the proximate cause of that injury, a mandatory fine of
23 \$5,000 and 25 days of community service in a program
24 benefiting children shall be imposed in addition to any
25 other criminal or administrative sanction.

26 (J) A violation of subparagraph (D) of paragraph (1) of

1 this subsection (d) is a Class 3 felony, for which a
2 sentence of probation or conditional discharge may not be
3 imposed.

4 (3) Any person sentenced under this subsection (d) who
5 receives a term of probation or conditional discharge must
6 serve a minimum term of either 480 hours of community
7 service or 10 days of imprisonment as a condition of the
8 probation or conditional discharge in addition to any other
9 criminal or administrative sanction.

10 (e) Any reference to a prior violation of subsection (a) or
11 a similar provision includes any violation of a provision of a
12 local ordinance or a provision of a law of another state or an
13 offense committed on a military installation that is similar to
14 a violation of subsection (a) of this Section.

15 (f) The imposition of a mandatory term of imprisonment or
16 assignment of community service for a violation of this Section
17 shall not be suspended or reduced by the court.

18 (g) Any penalty imposed for driving with a license that has
19 been revoked for a previous violation of subsection (a) of this
20 Section shall be in addition to the penalty imposed for any
21 subsequent violation of subsection (a).

22 (h) For any prosecution under this Section, a certified
23 copy of the driving abstract of the defendant shall be admitted
24 as proof of any prior conviction.

25 (Source: P.A. 95-149, eff. 8-14-07; 95-355, eff. 1-1-08;
26 95-400, eff. 1-1-09; 95-578, eff. 6-1-08; 95-778, eff. 8-4-08;

1 95-876, eff. 8-21-08; 96-289, eff. 8-11-09.)

2 (625 ILCS 5/11-501.1)

3 Sec. 11-501.1. Suspension of drivers license; statutory
4 summary alcohol, other drug or drugs, or intoxicating compound
5 or compounds related suspension or revocation; implied
6 consent.

7 (a) Any person who drives or is in actual physical control
8 of a motor vehicle upon the public highways of this State shall
9 be deemed to have given consent, subject to the provisions of
10 Section 11-501.2, to a chemical test or tests of blood, breath,
11 or urine for the purpose of determining the content of alcohol,
12 other drug or drugs, or intoxicating compound or compounds or
13 any combination thereof in the person's blood if arrested, as
14 evidenced by the issuance of a Uniform Traffic Ticket, for any
15 offense as defined in Section 11-501 or a similar provision of
16 a local ordinance, or if arrested for violating Section 11-401.
17 If a law enforcement officer has probable cause to believe the
18 person was under the influence of alcohol, other drug or drugs,
19 intoxicating compound or compounds, or any combination
20 thereof, the law enforcement officer shall request a chemical
21 test or tests which shall be administered at the direction of
22 the arresting officer. The law enforcement agency employing the
23 officer shall designate which of the aforesaid tests shall be
24 administered. A urine test may be administered even after a
25 blood or breath test or both has been administered. For

1 purposes of this Section, an Illinois law enforcement officer
2 of this State who is investigating the person for any offense
3 defined in Section 11-501 may travel into an adjoining state,
4 where the person has been transported for medical care, to
5 complete an investigation and to request that the person submit
6 to the test or tests set forth in this Section. The
7 requirements of this Section that the person be arrested are
8 inapplicable, but the officer shall issue the person a Uniform
9 Traffic Ticket for an offense as defined in Section 11-501 or a
10 similar provision of a local ordinance prior to requesting that
11 the person submit to the test or tests. The issuance of the
12 Uniform Traffic Ticket shall not constitute an arrest, but
13 shall be for the purpose of notifying the person that he or she
14 is subject to the provisions of this Section and of the
15 officer's belief of the existence of probable cause to arrest.
16 Upon returning to this State, the officer shall file the
17 Uniform Traffic Ticket with the Circuit Clerk of the county
18 where the offense was committed, and shall seek the issuance of
19 an arrest warrant or a summons for the person.

20 (b) Any person who is dead, unconscious, or who is
21 otherwise in a condition rendering the person incapable of
22 refusal, shall be deemed not to have withdrawn the consent
23 provided by paragraph (a) of this Section and the test or tests
24 may be administered, subject to the provisions of Section
25 11-501.2.

26 (c) A person requested to submit to a test as provided

1 above shall be warned by the law enforcement officer requesting
2 the test that a refusal to submit to the test will result in
3 the statutory summary suspension of the person's privilege to
4 operate a motor vehicle, as provided in Section 6-208.1 of this
5 Code, and will also result in the disqualification of the
6 person's privilege to operate a commercial motor vehicle, as
7 provided in Section 6-514 of this Code, if the person is a CDL
8 holder. The person shall also be warned that a refusal to
9 submit to the test, when the person was involved in a motor
10 vehicle accident that caused personal injury or death to
11 another, will result in the statutory summary revocation of the
12 person's privilege to operate a motor vehicle, as provided in
13 Section 6-208.1, and will also result in the disqualification
14 of the person's privilege to operate a commercial motor
15 vehicle, as provided in Section 6-514 of this Code, if the
16 person is a CDL holder. The person shall also be warned by the
17 law enforcement officer that if the person submits to the test
18 or tests provided in paragraph (a) of this Section and the
19 alcohol concentration in the person's blood or breath is 0.08
20 or greater, or any amount of a drug, substance, or compound
21 resulting from the unlawful use or consumption of cannabis as
22 covered by the Cannabis Control Act, a controlled substance
23 listed in the Illinois Controlled Substances Act, an
24 intoxicating compound listed in the Use of Intoxicating
25 Compounds Act, or methamphetamine as listed in the
26 Methamphetamine Control and Community Protection Act is

1 detected in the person's blood or urine, a statutory summary
2 suspension of the person's privilege to operate a motor
3 vehicle, as provided in Sections 6-208.1 and 11-501.1 of this
4 Code, and a disqualification of the person's privilege to
5 operate a commercial motor vehicle, as provided in Section
6 6-514 of this Code, if the person is a CDL holder, will be
7 imposed.

8 A person who is under the age of 21 at the time the person
9 is requested to submit to a test as provided above shall, in
10 addition to the warnings provided for in this Section, be
11 further warned by the law enforcement officer requesting the
12 test that if the person submits to the test or tests provided
13 in paragraph (a) of this Section and the alcohol concentration
14 in the person's blood or breath is greater than 0.00 and less
15 than 0.08, a suspension of the person's privilege to operate a
16 motor vehicle, as provided under Sections 6-208.2 and 11-501.8
17 of this Code, will be imposed. The results of this test shall
18 be admissible in a civil or criminal action or proceeding
19 arising from an arrest for an offense as defined in Section
20 11-501 of this Code or a similar provision of a local ordinance
21 or pursuant to Section 11-501.4 in prosecutions for reckless
22 homicide brought under the Criminal Code of 1961 or the
23 Criminal Code of 2012. These test results, however, shall be
24 admissible only in actions or proceedings directly related to
25 the incident upon which the test request was made.

26 (d) If the person refuses testing or submits to a test that

1 discloses an alcohol concentration of 0.08 or more, or any
2 amount of a drug, substance, or intoxicating compound in the
3 person's breath, blood, or urine resulting from the unlawful
4 use or consumption of cannabis listed in the Cannabis Control
5 Act, a controlled substance listed in the Illinois Controlled
6 Substances Act, an intoxicating compound listed in the Use of
7 Intoxicating Compounds Act, or methamphetamine as listed in the
8 Methamphetamine Control and Community Protection Act, the law
9 enforcement officer shall immediately submit a sworn report to
10 the circuit court of venue and the Secretary of State,
11 certifying that the test or tests was or were requested under
12 paragraph (a) and the person refused to submit to a test, or
13 tests, or submitted to testing that disclosed an alcohol
14 concentration of 0.08 or more.

15 (e) Upon receipt of the sworn report of a law enforcement
16 officer submitted under paragraph (d), the Secretary of State
17 shall enter the statutory summary suspension or revocation and
18 disqualification for the periods specified in Sections 6-208.1
19 and 6-514, respectively, and effective as provided in paragraph
20 (g).

21 If the person is a first offender as defined in Section
22 11-500 of this Code, and is not convicted of a violation of
23 Section 11-501 of this Code or a similar provision of a local
24 ordinance, then reports received by the Secretary of State
25 under this Section shall, except during the actual time the
26 Statutory Summary Suspension is in effect, be privileged

1 information and for use only by the courts, police officers,
2 prosecuting authorities or the Secretary of State, unless the
3 person is a CDL holder, is operating a commercial motor vehicle
4 or vehicle required to be placarded for hazardous materials, in
5 which case the suspension shall not be privileged. Reports
6 received by the Secretary of State under this Section shall
7 also be made available to the parent or guardian of a person
8 under the age of 18 years that holds an instruction permit or a
9 graduated driver's license, regardless of whether the
10 statutory summary suspension is in effect. A statutory summary
11 revocation shall not be privileged information.

12 (f) The law enforcement officer submitting the sworn report
13 under paragraph (d) shall serve immediate notice of the
14 statutory summary suspension or revocation on the person and
15 the suspension or revocation and disqualification shall be
16 effective as provided in paragraph (g). In cases where the
17 blood alcohol concentration of 0.08 or greater or any amount of
18 a drug, substance, or compound resulting from the unlawful use
19 or consumption of cannabis as covered by the Cannabis Control
20 Act, a controlled substance listed in the Illinois Controlled
21 Substances Act, an intoxicating compound listed in the Use of
22 Intoxicating Compounds Act, or methamphetamine as listed in the
23 Methamphetamine Control and Community Protection Act is
24 established by a subsequent analysis of blood or urine
25 collected at the time of arrest, the arresting officer or
26 arresting agency shall give notice as provided in this Section

1 or by deposit in the United States mail of the notice in an
2 envelope with postage prepaid and addressed to the person at
3 his address as shown on the Uniform Traffic Ticket and the
4 statutory summary suspension and disqualification shall begin
5 as provided in paragraph (g). The officer shall confiscate any
6 Illinois driver's license or permit on the person at the time
7 of arrest. If the person has a valid driver's license or
8 permit, the officer shall issue the person a receipt, in a form
9 prescribed by the Secretary of State, that will allow that
10 person to drive during the periods provided for in paragraph
11 (g). The officer shall immediately forward the driver's license
12 or permit to the circuit court of venue along with the sworn
13 report provided for in paragraph (d).

14 (g) The statutory summary suspension or revocation and
15 disqualification referred to in this Section shall take effect
16 on the 46th day following the date the notice of the statutory
17 summary suspension or revocation was given to the person.

18 (h) The following procedure shall apply whenever a person
19 is arrested for any offense as defined in Section 11-501 or a
20 similar provision of a local ordinance:

21 Upon receipt of the sworn report from the law enforcement
22 officer, the Secretary of State shall confirm the statutory
23 summary suspension or revocation by mailing a notice of the
24 effective date of the suspension or revocation to the person
25 and the court of venue. The Secretary of State shall also mail
26 notice of the effective date of the disqualification to the

1 person. However, should the sworn report be defective by not
2 containing sufficient information or be completed in error, the
3 confirmation of the statutory summary suspension or revocation
4 shall not be mailed to the person or entered to the record;
5 instead, the sworn report shall be forwarded to the court of
6 venue with a copy returned to the issuing agency identifying
7 any defect.

8 (i) As used in this Section, "personal injury" includes any
9 Type A injury as indicated on the traffic accident report
10 completed by a law enforcement officer that requires immediate
11 professional attention in either a doctor's office or a medical
12 facility. A Type A injury includes severely bleeding wounds,
13 distorted extremities, and injuries that require the injured
14 party to be carried from the scene.

15 (Source: P.A. 96-1080, eff. 7-16-10; 96-1344, eff. 7-1-11;
16 97-333, eff. 8-12-11; 97-471, eff. 8-22-11.)

17 (625 ILCS 5/11-501.4) (from Ch. 95 1/2, par. 11-501.4)

18 Sec. 11-501.4. Admissibility of chemical tests of blood or
19 urine conducted in the regular course of providing emergency
20 medical treatment.

21 (a) Notwithstanding any other provision of law, the results
22 of blood or urine tests performed for the purpose of
23 determining the content of alcohol, other drug or drugs, or
24 intoxicating compound or compounds, or any combination
25 thereof, of an individual's blood or urine conducted upon

1 persons receiving medical treatment in a hospital emergency
2 room are admissible in evidence as a business record exception
3 to the hearsay rule only in prosecutions for any violation of
4 Section 11-501 of this Code or a similar provision of a local
5 ordinance, or in prosecutions for reckless homicide brought
6 under the Criminal Code of 1961 or the Criminal Code of 2012,
7 when each of the following criteria are met:

8 (1) the chemical tests performed upon an individual's
9 blood or urine were ordered in the regular course of
10 providing emergency medical treatment and not at the
11 request of law enforcement authorities;

12 (2) the chemical tests performed upon an individual's
13 blood or urine were performed by the laboratory routinely
14 used by the hospital; and

15 (3) results of chemical tests performed upon an
16 individual's blood or urine are admissible into evidence
17 regardless of the time that the records were prepared.

18 (b) The confidentiality provisions of law pertaining to
19 medical records and medical treatment shall not be applicable
20 with regard to chemical tests performed upon an individual's
21 blood or urine under the provisions of this Section in
22 prosecutions as specified in subsection (a) of this Section. No
23 person shall be liable for civil damages as a result of the
24 evidentiary use of chemical testing of an individual's blood or
25 urine test results under this Section, or as a result of that
26 person's testimony made available under this Section.

1 (Source: P.A. 96-289, eff. 8-11-09.)

2 (625 ILCS 5/11-501.4-1)

3 Sec. 11-501.4-1. Reporting of test results of blood or
4 urine conducted in the regular course of providing emergency
5 medical treatment.

6 (a) Notwithstanding any other provision of law, the results
7 of blood or urine tests performed for the purpose of
8 determining the content of alcohol, other drug or drugs, or
9 intoxicating compound or compounds, or any combination
10 thereof, in an individual's blood or urine conducted upon
11 persons receiving medical treatment in a hospital emergency
12 room for injuries resulting from a motor vehicle accident shall
13 be disclosed to the Department of State Police or local law
14 enforcement agencies of jurisdiction, upon request. Such blood
15 or urine tests are admissible in evidence as a business record
16 exception to the hearsay rule only in prosecutions for any
17 violation of Section 11-501 of this Code or a similar provision
18 of a local ordinance, or in prosecutions for reckless homicide
19 brought under the Criminal Code of 1961 or the Criminal Code of
20 2012.

21 (b) The confidentiality provisions of law pertaining to
22 medical records and medical treatment shall not be applicable
23 with regard to tests performed upon an individual's blood or
24 urine under the provisions of subsection (a) of this Section.
25 No person shall be liable for civil damages or professional

1 discipline as a result of the disclosure or reporting of the
2 tests or the evidentiary use of an individual's blood or urine
3 test results under this Section or Section 11-501.4 or as a
4 result of that person's testimony made available under this
5 Section or Section 11-501.4, except for willful or wanton
6 misconduct.

7 (Source: P.A. 90-779, eff. 1-1-99; 91-125, eff. 1-1-00.)

8 (625 ILCS 5/12-612)

9 Sec. 12-612. False or secret compartment in a vehicle.

10 (a) Offenses. It is unlawful for any person:

11 (1) to own or operate with criminal intent any vehicle
12 he or she knows to contain a false or secret compartment
13 that is used or has been used to conceal a firearm as
14 prohibited by paragraph (a) (4) of Section 24-1 or paragraph
15 (a) (1) of Section 24-1.6 of the Criminal Code of 2012 ~~1961~~,
16 or controlled substance as prohibited by the Illinois
17 Controlled Substances Act or the Methamphetamine Control
18 and Community Protection Act; or

19 (2) to install, create, build, or fabricate in any
20 vehicle a false or secret compartment knowing that another
21 person intends to use the compartment to conceal a firearm
22 as prohibited by paragraph (a) (4) of Section 24-1 of the
23 Criminal Code of 2012 ~~1961~~, or controlled substance as
24 prohibited by the Illinois Controlled Substances Act or the
25 Methamphetamine Control and Community Protection Act.

1 (b) Definitions. For purposes of this Section:

2 (1) "False or secret compartment" means an enclosure
3 integrated into a vehicle that is a modification of the
4 vehicle as built by the original manufacturer.

5 (2) "Vehicle" means any of the following vehicles
6 without regard to whether the vehicles are private or
7 commercial, including, but not limited to, cars, trucks,
8 buses, aircraft, and watercraft.

9 (c) Forfeiture. Any vehicle containing a false or secret
10 compartment used in violation of this Section, as well as any
11 items within that compartment, shall be subject to seizure by
12 the Department of State Police or by any municipal or other
13 local law enforcement agency within whose jurisdiction that
14 property is found as provided in Sections 36-1 and 36-2 of the
15 Criminal Code of 2012 ~~1961~~ (720 ILCS 5/36-1 and 5/36-2). The
16 removal of the false or secret compartment from the vehicle, or
17 the promise to do so, shall not be the basis for a defense to
18 forfeiture of the motor vehicle under Section 36-2 of the
19 Criminal Code of 2012 ~~1961~~ and shall not be the basis for the
20 court to release the vehicle to the owner.

21 (d) Sentence. A violation of this Section is a Class 4
22 felony. The sentence imposed for violation of this Section
23 shall be served consecutively to any other sentence imposed in
24 connection with the firearm, controlled substance, or other
25 contraband concealed in the false or secret compartment.

26 (e) For purposes of this Section, a new owner is not

1 responsible for any conduct that occurred or knowledge of
2 conduct that occurred prior to transfer of title.

3 (Source: P.A. 96-202, eff. 1-1-10.)

4 (625 ILCS 5/16-108)

5 Sec. 16-108. Claims of diplomatic immunity.

6 (a) This Section applies only to an individual that
7 displays to a police officer a driver's license issued by the
8 U.S. Department of State or that otherwise claims immunities or
9 privileges under Title 22, Chapter 6 of the United States Code
10 with respect to the individual's violation of Section 9-3 or
11 Section 9-3.2 of the Criminal Code of 2012 ~~1961~~ or his or her
12 violation of a traffic regulation governing the movement of
13 vehicles under this Code or a similar provision of a local
14 ordinance.

15 (b) If a driver subject to this Section is stopped by a
16 police officer that has probable cause to believe that the
17 driver has committed a violation described in subsection (a) of
18 this Section, the police officer shall:

19 (1) as soon as practicable contact the U.S. Department
20 of State office in order to verify the driver's status and
21 immunity, if any;

22 (2) record all relevant information from any driver's
23 license or identification card, including a driver's
24 license or identification card issued by the U.S.
25 Department of State; and

1 (3) within 5 workdays after the date of the stop,
2 forward the following to the Secretary of State of
3 Illinois:

4 (A) a vehicle accident report, if the driver was
5 involved in a vehicle accident;

6 (B) if a citation or charge was issued to the
7 driver, a copy of the citation or charge; and

8 (C) if a citation or charge was not issued to the
9 driver, a written report of the incident.

10 (c) Upon receiving material submitted under paragraph (3)
11 of subsection (b) of this Section, the Secretary of State
12 shall:

13 (1) file each vehicle accident report, citation or
14 charge, and incident report received;

15 (2) keep convenient records or make suitable notations
16 showing each:

17 (A) conviction;

18 (B) disposition of court supervision for any
19 violation of Section 11-501 of this Code; and

20 (C) vehicle accident; and

21 (3) send a copy of each document and record described
22 in paragraph (2) of this subsection (c) to the Bureau of
23 Diplomatic Security, Office of Foreign Missions, of the
24 U.S. Department of State.

25 (d) This Section does not prohibit or limit the application
26 of any law to a criminal or motor vehicle violation by an

1 individual who has or claims immunities or privileges under
2 Title 22, Chapter 6 of the United States Code.

3 (Source: P.A. 92-160, eff. 7-25-01.)

4 Section 580. The Snowmobile Registration and Safety Act is
5 amended by changing Sections 5-7.4 and 5-7.6 as follows:

6 (625 ILCS 40/5-7.4)

7 Sec. 5-7.4. Admissibility of chemical tests of blood or
8 urine conducted in the regular course of providing emergency
9 medical treatment.

10 (a) Notwithstanding any other provision of law, the results
11 of blood or urine tests performed for the purpose of
12 determining the content of alcohol, other drug or drugs,
13 intoxicating compound or compounds, or any combination of them
14 in an individual's blood or urine conducted upon persons
15 receiving medical treatment in a hospital emergency room, are
16 admissible in evidence as a business record exception to the
17 hearsay rule only in prosecutions for a violation of Section
18 5-7 of this Act or a similar provision of a local ordinance or
19 in prosecutions for reckless homicide brought under the
20 Criminal Code of 1961 or the Criminal Code of 2012.

21 The results of the tests are admissible only when each of
22 the following criteria are met:

23 1. The chemical tests performed upon an individual's
24 blood or urine were ordered in the regular course of

1 providing emergency treatment and not at the request of law
2 enforcement authorities; and

3 2. The chemical tests performed upon an individual's
4 blood or urine were performed by the laboratory routinely
5 used by the hospital.

6 3. (Blank).

7 Results of chemical tests performed upon an individual's
8 blood or urine are admissible into evidence regardless of the
9 time that the records were prepared.

10 (b) The confidentiality provisions of law pertaining to
11 medical records and medical treatment are not applicable with
12 regard to chemical tests performed upon a person's blood or
13 urine under the provisions of this Section in prosecutions as
14 specified in subsection (a) of this Section. No person shall be
15 liable for civil damages as a result of the evidentiary use of
16 the results of chemical testing of the individual's blood or
17 urine under this Section or as a result of that person's
18 testimony made available under this Section.

19 (Source: P.A. 96-289, eff. 8-11-09.)

20 (625 ILCS 40/5-7.6)

21 Sec. 5-7.6. Reporting of test results of blood or urine
22 conducted in the regular course of providing emergency medical
23 treatment.

24 (a) Notwithstanding any other provision of law, the results
25 of blood or urine tests performed for the purpose of

1 determining the content of alcohol, other drug or drugs,
2 intoxicating compound or compounds, or any combination of them
3 in an individual's blood or urine, conducted upon persons
4 receiving medical treatment in a hospital emergency room for
5 injuries resulting from a snowmobile accident, shall be
6 disclosed to the Department of Natural Resources, or local law
7 enforcement agencies of jurisdiction, upon request. The blood
8 or urine tests are admissible in evidence as a business record
9 exception to the hearsay rule only in prosecutions for
10 violations of Section 5-7 of this Code or a similar provision
11 of a local ordinance, or in prosecutions for reckless homicide
12 brought under the Criminal Code of 1961 or the Criminal Code of
13 2012.

14 (b) The confidentiality provisions of the law pertaining to
15 medical records and medical treatment shall not be applicable
16 with regard to tests performed upon an individual's blood or
17 urine under the provisions of subsection (a) of this Section.
18 No person shall be liable for civil damages or professional
19 discipline as a result of disclosure or reporting of the tests
20 or the evidentiary use of an individual's blood or urine test
21 results under this Section or Section 5-7.4 or as a result of
22 that person's testimony made available under this Section or
23 Section 5-7.4, except for willful or wanton misconduct.

24 (Source: P.A. 93-156, eff. 1-1-04.)

25 Section 585. The Boat Registration and Safety Act is

1 amended by changing Sections 5-16a and 5-16a.1 as follows:

2 (625 ILCS 45/5-16a) (from Ch. 95 1/2, par. 315-11a)

3 Sec. 5-16a. Admissibility of chemical tests of blood or
4 urine conducted in the regular course of providing emergency
5 medical treatment.

6 (a) Notwithstanding any other provision of law, the written
7 results of blood or urine alcohol tests conducted upon persons
8 receiving medical treatment in a hospital emergency room are
9 admissible in evidence as a business record exception to the
10 hearsay rule only in prosecutions for any violation of Section
11 5-16 of this Act or a similar provision of a local ordinance or
12 in prosecutions for reckless homicide brought under the
13 Criminal Code of 1961 or the Criminal Code of 2012, when:

14 (1) the chemical tests performed upon an individual's
15 blood or urine were ordered in the regular course of
16 providing emergency treatment and not at the request of law
17 enforcement authorities; and

18 (2) the chemical tests performed upon an individual's
19 blood or urine were performed by the laboratory routinely
20 used by the hospital.

21 Results of chemical tests performed upon an individual's
22 blood or urine are admissible into evidence regardless of the
23 time that the records were prepared.

24 (b) The confidentiality provisions of law pertaining to
25 medical records and medical treatment shall not be applicable

1 with regard to chemical tests performed upon an individual's
2 blood or urine under the provisions of this Section in
3 prosecutions as specified in subsection (a) of this Section. No
4 person shall be liable for civil damages as a result of the
5 evidentiary use of the results of chemical testing of an
6 individual's blood or urine under this Section or as a result
7 of that person's testimony made available under this Section.

8 (Source: P.A. 96-289, eff. 8-11-09.)

9 (625 ILCS 45/5-16a.1)

10 Sec. 5-16a.1. Reporting of test results of blood or urine
11 conducted in the regular course of providing emergency medical
12 treatment.

13 (a) Notwithstanding any other provision of law, the results
14 of blood or urine tests performed for the purpose of
15 determining the content of alcohol, other drug or drugs,
16 intoxicating compound or compounds, or any combination of them
17 in an individual's blood or urine, conducted upon persons
18 receiving medical treatment in a hospital emergency room for
19 injuries resulting from a boating accident, shall be disclosed
20 to the Department of Natural Resources or local law enforcement
21 agencies of jurisdiction, upon request. The blood or urine
22 tests are admissible in evidence as a business record exception
23 to the hearsay rule only in prosecutions for violations of
24 Section 5-16 of this Code or a similar provision of a local
25 ordinance, or in prosecutions for reckless homicide brought

1 under the Criminal Code of 1961 or the Criminal Code of 2012.

2 (b) The confidentiality provisions of the law pertaining to
3 medical records and medical treatment shall not be applicable
4 with regard to tests performed upon an individual's blood or
5 urine under the provisions of subsection (a) of this Section.
6 No person is liable for civil damages or professional
7 discipline as a result of disclosure or reporting of the tests
8 or the evidentiary use of an individual's blood or urine test
9 results under this Section or Section 5-16a, or as a result of
10 that person's testimony made available under this Section or
11 Section 5-16a, except for willful or wanton misconduct.

12 (Source: P.A. 93-156, eff. 1-1-04.)

13 Section 590. The Clerks of Courts Act is amended by
14 changing Sections 27.3a, 27.5, and 27.6 as follows:

15 (705 ILCS 105/27.3a)

16 Sec. 27.3a. Fees for automated record keeping, probation
17 and court services operations, and State and Conservation
18 Police operations.

19 1. The expense of establishing and maintaining automated
20 record keeping systems in the offices of the clerks of the
21 circuit court shall be borne by the county. To defray such
22 expense in any county having established such an automated
23 system or which elects to establish such a system, the county
24 board may require the clerk of the circuit court in their

1 county to charge and collect a court automation fee of not less
2 than \$1 nor more than \$15 to be charged and collected by the
3 clerk of the court. Such fee shall be paid at the time of
4 filing the first pleading, paper or other appearance filed by
5 each party in all civil cases or by the defendant in any
6 felony, traffic, misdemeanor, municipal ordinance, or
7 conservation case upon a judgment of guilty or grant of
8 supervision, provided that the record keeping system which
9 processes the case category for which the fee is charged is
10 automated or has been approved for automation by the county
11 board, and provided further that no additional fee shall be
12 required if more than one party is presented in a single
13 pleading, paper or other appearance. Such fee shall be
14 collected in the manner in which all other fees or costs are
15 collected.

16 1.1. Starting on July 6, 2012 (the effective date of Public
17 Act 97-761) ~~this amendatory Act of the 97th General Assembly~~
18 and pursuant to an administrative order from the chief judge of
19 the circuit or the presiding judge of the county authorizing
20 such collection, a clerk of the circuit court in any county
21 that imposes a fee pursuant to subsection 1 of this Section
22 shall also charge and collect an additional \$10 operations fee
23 for probation and court services department operations.

24 This additional fee shall be paid by the defendant in any
25 felony, traffic, misdemeanor, local ordinance, or conservation
26 case upon a judgment of guilty or grant of supervision, except

1 such \$10 operations fee shall not be charged and collected in
2 cases governed by Supreme Court Rule 529 in which the bail
3 amount is \$120 or less.

4 1.2. With respect to the fee imposed and collected under
5 subsection 1.1 of this Section, each clerk shall transfer all
6 fees monthly to the county treasurer for deposit into the
7 probation and court services fund created under Section 15.1 of
8 the Probation and Probation Officers Act, and such monies shall
9 be disbursed from the fund only at the direction of the chief
10 judge of the circuit or another judge designated by the Chief
11 Circuit Judge in accordance with the policies and guidelines
12 approved by the Supreme Court.

13 1.5. Starting on the effective date of this amendatory Act
14 of the 96th General Assembly, a clerk of the circuit court in
15 any county that imposes a fee pursuant to subsection 1 of this
16 Section, shall charge and collect an additional fee in an
17 amount equal to the amount of the fee imposed pursuant to
18 subsection 1 of this Section. This additional fee shall be paid
19 by the defendant in any felony, traffic, misdemeanor, or local
20 ordinance case upon a judgment of guilty or grant of
21 supervision. This fee shall not be paid by the defendant for
22 any conservation violation listed in subsection 1.6 of this
23 Section.

24 1.6. Starting on July 1, 2012 (the effective date of Public
25 Act 97-46), a clerk of the circuit court in any county that
26 imposes a fee pursuant to subsection 1 of this Section shall

1 charge and collect an additional fee in an amount equal to the
2 amount of the fee imposed pursuant to subsection 1 of this
3 Section. This additional fee shall be paid by the defendant
4 upon a judgment of guilty or grant of supervision for a
5 conservation violation under the State Parks Act, the
6 Recreational Trails of Illinois Act, the Illinois Explosives
7 Act, the Timber Buyers Licensing Act, the Forest Products
8 Transportation Act, the Firearm Owners Identification Card
9 Act, the Environmental Protection Act, the Fish and Aquatic
10 Life Code, the Wildlife Code, the Cave Protection Act, the
11 Illinois Exotic Weed Act, the Illinois Forestry Development
12 Act, the Ginseng Harvesting Act, the Illinois Lake Management
13 Program Act, the Illinois Natural Areas Preservation Act, the
14 Illinois Open Land Trust Act, the Open Space Lands Acquisition
15 and Development Act, the Illinois Prescribed Burning Act, the
16 State Forest Act, the Water Use Act of 1983, the Illinois
17 Veteran, Youth, and Young Adult Conservation Jobs Act, the
18 Snowmobile Registration and Safety Act, the Boat Registration
19 and Safety Act, the Illinois Dangerous Animals Act, the Hunter
20 and Fishermen Interference Prohibition Act, the Wrongful Tree
21 Cutting Act, or Section 11-1426.1, 11-1426.2, 11-1427,
22 11-1427.1, 11-1427.2, 11-1427.3, 11-1427.4, or 11-1427.5 of
23 the Illinois Vehicle Code, or Section 48-3 or 48-10 of the
24 Criminal Code of 2012 ~~1961~~.

25 2. With respect to the fee imposed under subsection 1 of
26 this Section, each clerk shall commence such charges and

1 collections upon receipt of written notice from the chairman of
2 the county board together with a certified copy of the board's
3 resolution, which the clerk shall file of record in his office.

4 3. With respect to the fee imposed under subsection 1 of
5 this Section, such fees shall be in addition to all other fees
6 and charges of such clerks, and assessable as costs, and may be
7 waived only if the judge specifically provides for the waiver
8 of the court automation fee. The fees shall be remitted monthly
9 by such clerk to the county treasurer, to be retained by him in
10 a special fund designated as the court automation fund. The
11 fund shall be audited by the county auditor, and the board
12 shall make expenditure from the fund in payment of any cost
13 related to the automation of court records, including hardware,
14 software, research and development costs and personnel related
15 thereto, provided that the expenditure is approved by the clerk
16 of the court and by the chief judge of the circuit court or his
17 designate.

18 4. With respect to the fee imposed under subsection 1 of
19 this Section, such fees shall not be charged in any matter
20 coming to any such clerk on change of venue, nor in any
21 proceeding to review the decision of any administrative
22 officer, agency or body.

23 5. With respect to the additional fee imposed under
24 subsection 1.5 of this Section, the fee shall be remitted by
25 the circuit clerk to the State Treasurer within one month after
26 receipt for deposit into the State Police Operations Assistance

1 Fund.

2 6. With respect to the additional fees imposed under
3 subsection 1.5 of this Section, the Director of State Police
4 may direct the use of these fees for homeland security purposes
5 by transferring these fees on a quarterly basis from the State
6 Police Operations Assistance Fund into the Illinois Law
7 Enforcement Alarm Systems (ILEAS) Fund for homeland security
8 initiatives programs. The transferred fees shall be allocated,
9 subject to the approval of the ILEAS Executive Board, as
10 follows: (i) 66.6% shall be used for homeland security
11 initiatives and (ii) 33.3% shall be used for airborne
12 operations. The ILEAS Executive Board shall annually supply the
13 Director of State Police with a report of the use of these
14 fees.

15 7. With respect to the additional fee imposed under
16 subsection 1.6 of this Section, the fee shall be remitted by
17 the circuit clerk to the State Treasurer within one month after
18 receipt for deposit into the Conservation Police Operations
19 Assistance Fund.

20 (Source: P.A. 96-1029, eff. 7-13-10; 97-46, eff. 7-1-12;
21 97-453, eff. 8-19-11; 97-738, eff. 7-5-12; 97-761, eff. 7-6-12;
22 97-813, eff. 7-13-12; 97-1108, eff. 1-1-13; revised 9-20-12.)

23 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

24 Sec. 27.5. (a) All fees, fines, costs, additional
25 penalties, bail balances assessed or forfeited, and any other

1 amount paid by a person to the circuit clerk that equals an
2 amount less than \$55, except restitution under Section 5-5-6 of
3 the Unified Code of Corrections, reimbursement for the costs of
4 an emergency response as provided under Section 11-501 of the
5 Illinois Vehicle Code, any fees collected for attending a
6 traffic safety program under paragraph (c) of Supreme Court
7 Rule 529, any fee collected on behalf of a State's Attorney
8 under Section 4-2002 of the Counties Code or a sheriff under
9 Section 4-5001 of the Counties Code, or any cost imposed under
10 Section 124A-5 of the Code of Criminal Procedure of 1963, for
11 convictions, orders of supervision, or any other disposition
12 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois
13 Vehicle Code, or a similar provision of a local ordinance, and
14 any violation of the Child Passenger Protection Act, or a
15 similar provision of a local ordinance, and except as otherwise
16 provided in this Section, shall be disbursed within 60 days
17 after receipt by the circuit clerk as follows: 47% shall be
18 disbursed to the entity authorized by law to receive the fine
19 imposed in the case; 12% shall be disbursed to the State
20 Treasurer; and 41% shall be disbursed to the county's general
21 corporate fund. Of the 12% disbursed to the State Treasurer,
22 1/6 shall be deposited by the State Treasurer into the Violent
23 Crime Victims Assistance Fund, 1/2 shall be deposited into the
24 Traffic and Criminal Conviction Surcharge Fund, and 1/3 shall
25 be deposited into the Drivers Education Fund. For fiscal years
26 1992 and 1993, amounts deposited into the Violent Crime Victims

1 Assistance Fund, the Traffic and Criminal Conviction Surcharge
2 Fund, or the Drivers Education Fund shall not exceed 110% of
3 the amounts deposited into those funds in fiscal year 1991. Any
4 amount that exceeds the 110% limit shall be distributed as
5 follows: 50% shall be disbursed to the county's general
6 corporate fund and 50% shall be disbursed to the entity
7 authorized by law to receive the fine imposed in the case. Not
8 later than March 1 of each year the circuit clerk shall submit
9 a report of the amount of funds remitted to the State Treasurer
10 under this Section during the preceding year based upon
11 independent verification of fines and fees. All counties shall
12 be subject to this Section, except that counties with a
13 population under 2,000,000 may, by ordinance, elect not to be
14 subject to this Section. For offenses subject to this Section,
15 judges shall impose one total sum of money payable for
16 violations. The circuit clerk may add on no additional amounts
17 except for amounts that are required by Sections 27.3a and
18 27.3c of this Act, Section 16-104c of the Illinois Vehicle
19 Code, and subsection (a) of Section 5-1101 of the Counties
20 Code, unless those amounts are specifically waived by the
21 judge. With respect to money collected by the circuit clerk as
22 a result of forfeiture of bail, ex parte judgment or guilty
23 plea pursuant to Supreme Court Rule 529, the circuit clerk
24 shall first deduct and pay amounts required by Sections 27.3a
25 and 27.3c of this Act. Unless a court ordered payment schedule
26 is implemented or fee requirements are waived pursuant to a

1 court order, the circuit clerk may add to any unpaid fees and
2 costs a delinquency amount equal to 5% of the unpaid fees that
3 remain unpaid after 30 days, 10% of the unpaid fees that remain
4 unpaid after 60 days, and 15% of the unpaid fees that remain
5 unpaid after 90 days. Notice to those parties may be made by
6 signage posting or publication. The additional delinquency
7 amounts collected under this Section shall be deposited in the
8 Circuit Court Clerk Operation and Administrative Fund to be
9 used to defray administrative costs incurred by the circuit
10 clerk in performing the duties required to collect and disburse
11 funds. This Section is a denial and limitation of home rule
12 powers and functions under subsection (h) of Section 6 of
13 Article VII of the Illinois Constitution.

14 (b) The following amounts must be remitted to the State
15 Treasurer for deposit into the Illinois Animal Abuse Fund:

16 (1) 50% of the amounts collected for felony offenses
17 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
18 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
19 Animals Act and Section 26-5 or 48-1 of the Criminal Code
20 of 1961 or the Criminal Code of 2012;

21 (2) 20% of the amounts collected for Class A and Class
22 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
23 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
24 for Animals Act and Section 26-5 or 48-1 of the Criminal
25 Code of 1961 or the Criminal Code of 2012; and

26 (3) 50% of the amounts collected for Class C

1 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
2 for Animals Act and Section 26-5 or 48-1 of the Criminal
3 Code of 1961 or the Criminal Code of 2012.

4 (c) Any person who receives a disposition of court
5 supervision for a violation of the Illinois Vehicle Code or a
6 similar provision of a local ordinance shall, in addition to
7 any other fines, fees, and court costs, pay an additional fee
8 of \$29, to be disbursed as provided in Section 16-104c of the
9 Illinois Vehicle Code. In addition to the fee of \$29, the
10 person shall also pay a fee of \$6, if not waived by the court.
11 If this \$6 fee is collected, \$5.50 of the fee shall be
12 deposited into the Circuit Court Clerk Operation and
13 Administrative Fund created by the Clerk of the Circuit Court
14 and 50 cents of the fee shall be deposited into the Prisoner
15 Review Board Vehicle and Equipment Fund in the State treasury.

16 (d) Any person convicted of, pleading guilty to, or placed
17 on supervision for a serious traffic violation, as defined in
18 Section 1-187.001 of the Illinois Vehicle Code, a violation of
19 Section 11-501 of the Illinois Vehicle Code, or a violation of
20 a similar provision of a local ordinance shall pay an
21 additional fee of \$35, to be disbursed as provided in Section
22 16-104d of that Code.

23 This subsection (d) becomes inoperative 7 years after the
24 effective date of Public Act 95-154.

25 (e) In all counties having a population of 3,000,000 or
26 more inhabitants:

1 (1) A person who is found guilty of or pleads guilty to
2 violating subsection (a) of Section 11-501 of the Illinois
3 Vehicle Code, including any person placed on court
4 supervision for violating subsection (a), shall be fined
5 \$750 as provided for by subsection (f) of Section 11-501.01
6 of the Illinois Vehicle Code, payable to the circuit clerk,
7 who shall distribute the money pursuant to subsection (f)
8 of Section 11-501.01 of the Illinois Vehicle Code.

9 (2) When a crime laboratory DUI analysis fee of \$150,
10 provided for by Section 5-9-1.9 of the Unified Code of
11 Corrections is assessed, it shall be disbursed by the
12 circuit clerk as provided by subsection (f) of Section
13 5-9-1.9 of the Unified Code of Corrections.

14 (3) When a fine for a violation of subsection (a) of
15 Section 11-605 of the Illinois Vehicle Code is \$150 or
16 greater, the additional \$50 which is charged as provided
17 for by subsection (f) of Section 11-605 of the Illinois
18 Vehicle Code shall be disbursed by the circuit clerk to a
19 school district or districts for school safety purposes as
20 provided by subsection (f) of Section 11-605.

21 (4) When a fine for a violation of subsection (a) of
22 Section 11-1002.5 of the Illinois Vehicle Code is \$150 or
23 greater, the additional \$50 which is charged as provided
24 for by subsection (c) of Section 11-1002.5 of the Illinois
25 Vehicle Code shall be disbursed by the circuit clerk to a
26 school district or districts for school safety purposes as

1 provided by subsection (c) of Section 11-1002.5 of the
2 Illinois Vehicle Code.

3 (5) When a mandatory drug court fee of up to \$5 is
4 assessed as provided in subsection (f) of Section 5-1101 of
5 the Counties Code, it shall be disbursed by the circuit
6 clerk as provided in subsection (f) of Section 5-1101 of
7 the Counties Code.

8 (6) When a mandatory teen court, peer jury, youth
9 court, or other youth diversion program fee is assessed as
10 provided in subsection (e) of Section 5-1101 of the
11 Counties Code, it shall be disbursed by the circuit clerk
12 as provided in subsection (e) of Section 5-1101 of the
13 Counties Code.

14 (7) When a Children's Advocacy Center fee is assessed
15 pursuant to subsection (f-5) of Section 5-1101 of the
16 Counties Code, it shall be disbursed by the circuit clerk
17 as provided in subsection (f-5) of Section 5-1101 of the
18 Counties Code.

19 (8) When a victim impact panel fee is assessed pursuant
20 to subsection (b) of Section 11-501.01 of the Illinois
21 Vehicle Code, it shall be disbursed by the circuit clerk to
22 the victim impact panel to be attended by the defendant.

23 (9) When a new fee collected in traffic cases is
24 enacted after January 1, 2010 (the effective date of Public
25 Act 96-735), it shall be excluded from the percentage
26 disbursement provisions of this Section unless otherwise

1 indicated by law.

2 (f) Any person who receives a disposition of court
3 supervision for a violation of Section 11-501 of the Illinois
4 Vehicle Code shall, in addition to any other fines, fees, and
5 court costs, pay an additional fee of \$50, which shall be
6 collected by the circuit clerk and then remitted to the State
7 Treasurer for deposit into the Roadside Memorial Fund, a
8 special fund in the State treasury. However, the court may
9 waive the fee if full restitution is complied with. Subject to
10 appropriation, all moneys in the Roadside Memorial Fund shall
11 be used by the Department of Transportation to pay fees imposed
12 under subsection (f) of Section 20 of the Roadside Memorial
13 Act. The fee shall be remitted by the circuit clerk within one
14 month after receipt to the State Treasurer for deposit into the
15 Roadside Memorial Fund.

16 (g) For any conviction or disposition of court supervision
17 for a violation of Section 11-1429 of the Illinois Vehicle
18 Code, the circuit clerk shall distribute the fines paid by the
19 person as specified by subsection (h) of Section 11-1429 of the
20 Illinois Vehicle Code.

21 (Source: P.A. 96-286, eff. 8-11-09; 96-576, eff. 8-18-09;
22 96-625, eff. 1-1-10; 96-667, eff. 8-25-09; 96-735, eff. 1-1-10;
23 96-1000, eff. 7-2-10; 96-1175, eff. 9-20-10; 96-1342, eff.
24 1-1-11; 97-333, eff. 8-12-11; 97-1108, eff. 1-1-13.)

25 (705 ILCS 105/27.6)

1 (Section as amended by P.A. 96-286, 96-576, 96-578, 96-625,
2 96-667, 96-1175, 96-1342, 97-434, 97-1051, and 97-1108)

3 Sec. 27.6. (a) All fees, fines, costs, additional
4 penalties, bail balances assessed or forfeited, and any other
5 amount paid by a person to the circuit clerk equalling an
6 amount of \$55 or more, except the fine imposed by Section
7 5-9-1.15 of the Unified Code of Corrections, the additional fee
8 required by subsections (b) and (c), restitution under Section
9 5-5-6 of the Unified Code of Corrections, contributions to a
10 local anti-crime program ordered pursuant to Section
11 5-6-3(b)(13) or Section 5-6-3.1(c)(13) of the Unified Code of
12 Corrections, reimbursement for the costs of an emergency
13 response as provided under Section 11-501 of the Illinois
14 Vehicle Code, any fees collected for attending a traffic safety
15 program under paragraph (c) of Supreme Court Rule 529, any fee
16 collected on behalf of a State's Attorney under Section 4-2002
17 of the Counties Code or a sheriff under Section 4-5001 of the
18 Counties Code, or any cost imposed under Section 124A-5 of the
19 Code of Criminal Procedure of 1963, for convictions, orders of
20 supervision, or any other disposition for a violation of
21 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
22 similar provision of a local ordinance, and any violation of
23 the Child Passenger Protection Act, or a similar provision of a
24 local ordinance, and except as otherwise provided in this
25 Section shall be disbursed within 60 days after receipt by the
26 circuit clerk as follows: 44.5% shall be disbursed to the

1 entity authorized by law to receive the fine imposed in the
2 case; 16.825% shall be disbursed to the State Treasurer; and
3 38.675% shall be disbursed to the county's general corporate
4 fund. Of the 16.825% disbursed to the State Treasurer, 2/17
5 shall be deposited by the State Treasurer into the Violent
6 Crime Victims Assistance Fund, 5.052/17 shall be deposited into
7 the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall
8 be deposited into the Drivers Education Fund, and 6.948/17
9 shall be deposited into the Trauma Center Fund. Of the 6.948/17
10 deposited into the Trauma Center Fund from the 16.825%
11 disbursed to the State Treasurer, 50% shall be disbursed to the
12 Department of Public Health and 50% shall be disbursed to the
13 Department of Healthcare and Family Services. For fiscal year
14 1993, amounts deposited into the Violent Crime Victims
15 Assistance Fund, the Traffic and Criminal Conviction Surcharge
16 Fund, or the Drivers Education Fund shall not exceed 110% of
17 the amounts deposited into those funds in fiscal year 1991. Any
18 amount that exceeds the 110% limit shall be distributed as
19 follows: 50% shall be disbursed to the county's general
20 corporate fund and 50% shall be disbursed to the entity
21 authorized by law to receive the fine imposed in the case. Not
22 later than March 1 of each year the circuit clerk shall submit
23 a report of the amount of funds remitted to the State Treasurer
24 under this Section during the preceding year based upon
25 independent verification of fines and fees. All counties shall
26 be subject to this Section, except that counties with a

1 population under 2,000,000 may, by ordinance, elect not to be
2 subject to this Section. For offenses subject to this Section,
3 judges shall impose one total sum of money payable for
4 violations. The circuit clerk may add on no additional amounts
5 except for amounts that are required by Sections 27.3a and
6 27.3c of this Act, unless those amounts are specifically waived
7 by the judge. With respect to money collected by the circuit
8 clerk as a result of forfeiture of bail, ex parte judgment or
9 guilty plea pursuant to Supreme Court Rule 529, the circuit
10 clerk shall first deduct and pay amounts required by Sections
11 27.3a and 27.3c of this Act. This Section is a denial and
12 limitation of home rule powers and functions under subsection
13 (h) of Section 6 of Article VII of the Illinois Constitution.

14 (b) In addition to any other fines and court costs assessed
15 by the courts, any person convicted or receiving an order of
16 supervision for driving under the influence of alcohol or drugs
17 shall pay an additional fee of \$100 to the clerk of the circuit
18 court. This amount, less 2 1/2% that shall be used to defray
19 administrative costs incurred by the clerk, shall be remitted
20 by the clerk to the Treasurer within 60 days after receipt for
21 deposit into the Trauma Center Fund. This additional fee of
22 \$100 shall not be considered a part of the fine for purposes of
23 any reduction in the fine for time served either before or
24 after sentencing. Not later than March 1 of each year the
25 Circuit Clerk shall submit a report of the amount of funds
26 remitted to the State Treasurer under this subsection during

1 the preceding calendar year.

2 (b-1) In addition to any other fines and court costs
3 assessed by the courts, any person convicted or receiving an
4 order of supervision for driving under the influence of alcohol
5 or drugs shall pay an additional fee of \$5 to the clerk of the
6 circuit court. This amount, less 2 1/2% that shall be used to
7 defray administrative costs incurred by the clerk, shall be
8 remitted by the clerk to the Treasurer within 60 days after
9 receipt for deposit into the Spinal Cord Injury Paralysis Cure
10 Research Trust Fund. This additional fee of \$5 shall not be
11 considered a part of the fine for purposes of any reduction in
12 the fine for time served either before or after sentencing. Not
13 later than March 1 of each year the Circuit Clerk shall submit
14 a report of the amount of funds remitted to the State Treasurer
15 under this subsection during the preceding calendar year.

16 (c) In addition to any other fines and court costs assessed
17 by the courts, any person convicted for a violation of Sections
18 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or the
19 Criminal Code of 2012 or a person sentenced for a violation of
20 the Cannabis Control Act, the Illinois Controlled Substances
21 Act, or the Methamphetamine Control and Community Protection
22 Act shall pay an additional fee of \$100 to the clerk of the
23 circuit court. This amount, less 2 1/2% that shall be used to
24 defray administrative costs incurred by the clerk, shall be
25 remitted by the clerk to the Treasurer within 60 days after
26 receipt for deposit into the Trauma Center Fund. This

1 additional fee of \$100 shall not be considered a part of the
2 fine for purposes of any reduction in the fine for time served
3 either before or after sentencing. Not later than March 1 of
4 each year the Circuit Clerk shall submit a report of the amount
5 of funds remitted to the State Treasurer under this subsection
6 during the preceding calendar year.

7 (c-1) In addition to any other fines and court costs
8 assessed by the courts, any person sentenced for a violation of
9 the Cannabis Control Act, the Illinois Controlled Substances
10 Act, or the Methamphetamine Control and Community Protection
11 Act shall pay an additional fee of \$5 to the clerk of the
12 circuit court. This amount, less 2 1/2% that shall be used to
13 defray administrative costs incurred by the clerk, shall be
14 remitted by the clerk to the Treasurer within 60 days after
15 receipt for deposit into the Spinal Cord Injury Paralysis Cure
16 Research Trust Fund. This additional fee of \$5 shall not be
17 considered a part of the fine for purposes of any reduction in
18 the fine for time served either before or after sentencing. Not
19 later than March 1 of each year the Circuit Clerk shall submit
20 a report of the amount of funds remitted to the State Treasurer
21 under this subsection during the preceding calendar year.

22 (d) The following amounts must be remitted to the State
23 Treasurer for deposit into the Illinois Animal Abuse Fund:

24 (1) 50% of the amounts collected for felony offenses
25 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
26 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for

1 Animals Act and Section 26-5 or 48-1 of the Criminal Code
2 of 1961 or the Criminal Code of 2012;

3 (2) 20% of the amounts collected for Class A and Class
4 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
5 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
6 for Animals Act and Section 26-5 or 48-1 of the Criminal
7 Code of 1961 or the Criminal Code of 2012; and

8 (3) 50% of the amounts collected for Class C
9 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
10 for Animals Act and Section 26-5 or 48-1 of the Criminal
11 Code of 1961 or the Criminal Code of 2012.

12 (e) Any person who receives a disposition of court
13 supervision for a violation of the Illinois Vehicle Code or a
14 similar provision of a local ordinance shall, in addition to
15 any other fines, fees, and court costs, pay an additional fee
16 of \$29, to be disbursed as provided in Section 16-104c of the
17 Illinois Vehicle Code. In addition to the fee of \$29, the
18 person shall also pay a fee of \$6, if not waived by the court.
19 If this \$6 fee is collected, \$5.50 of the fee shall be
20 deposited into the Circuit Court Clerk Operation and
21 Administrative Fund created by the Clerk of the Circuit Court
22 and 50 cents of the fee shall be deposited into the Prisoner
23 Review Board Vehicle and Equipment Fund in the State treasury.

24 (f) This Section does not apply to the additional child
25 pornography fines assessed and collected under Section
26 5-9-1.14 of the Unified Code of Corrections.

1 (g) (Blank).

2 (h) (Blank).

3 (i) Of the amounts collected as fines under subsection (b)
4 of Section 3-712 of the Illinois Vehicle Code, 99% shall be
5 deposited into the Illinois Military Family Relief Fund and 1%
6 shall be deposited into the Circuit Court Clerk Operation and
7 Administrative Fund created by the Clerk of the Circuit Court
8 to be used to offset the costs incurred by the Circuit Court
9 Clerk in performing the additional duties required to collect
10 and disburse funds to entities of State and local government as
11 provided by law.

12 (j) Any person convicted of, pleading guilty to, or placed
13 on supervision for a serious traffic violation, as defined in
14 Section 1-187.001 of the Illinois Vehicle Code, a violation of
15 Section 11-501 of the Illinois Vehicle Code, or a violation of
16 a similar provision of a local ordinance shall pay an
17 additional fee of \$35, to be disbursed as provided in Section
18 16-104d of that Code.

19 This subsection (j) becomes inoperative 7 years after the
20 effective date of Public Act 95-154.

21 (k) For any conviction or disposition of court supervision
22 for a violation of Section 11-1429 of the Illinois Vehicle
23 Code, the circuit clerk shall distribute the fines paid by the
24 person as specified by subsection (h) of Section 11-1429 of the
25 Illinois Vehicle Code.

26 (l) Any person who receives a disposition of court

1 supervision for a violation of Section 11-501 of the Illinois
2 Vehicle Code or a similar provision of a local ordinance shall,
3 in addition to any other fines, fees, and court costs, pay an
4 additional fee of \$50, which shall be collected by the circuit
5 clerk and then remitted to the State Treasurer for deposit into
6 the Roadside Memorial Fund, a special fund in the State
7 treasury. However, the court may waive the fee if full
8 restitution is complied with. Subject to appropriation, all
9 moneys in the Roadside Memorial Fund shall be used by the
10 Department of Transportation to pay fees imposed under
11 subsection (f) of Section 20 of the Roadside Memorial Act. The
12 fee shall be remitted by the circuit clerk within one month
13 after receipt to the State Treasurer for deposit into the
14 Roadside Memorial Fund.

15 (m) Of the amounts collected as fines under subsection (c)
16 of Section 411.4 of the Illinois Controlled Substances Act or
17 subsection (c) of Section 90 of the Methamphetamine Control and
18 Community Protection Act, 99% shall be deposited to the law
19 enforcement agency or fund specified and 1% shall be deposited
20 into the Circuit Court Clerk Operation and Administrative Fund
21 to be used to offset the costs incurred by the Circuit Court
22 Clerk in performing the additional duties required to collect
23 and disburse funds to entities of State and local government as
24 provided by law.

25 (n) In addition to any other fines and court costs assessed
26 by the courts, any person who is convicted of or pleads guilty

1 to a violation of the Criminal Code of 1961 or the Criminal
2 Code of 2012, or a similar provision of a local ordinance, or
3 who is convicted of, pleads guilty to, or receives a
4 disposition of court supervision for a violation of the
5 Illinois Vehicle Code, or a similar provision of a local
6 ordinance, shall pay an additional fee of \$15 to the clerk of
7 the circuit court. This additional fee of \$15 shall not be
8 considered a part of the fine for purposes of any reduction in
9 the fine for time served either before or after sentencing.
10 This amount, less 2.5% that shall be used to defray
11 administrative costs incurred by the clerk, shall be remitted
12 by the clerk to the State Treasurer within 60 days after
13 receipt for deposit into the State Police Merit Board Public
14 Safety Fund.

15 (Source: P.A. 95-191, eff. 1-1-08; 95-291, eff. 1-1-08; 95-428,
16 eff. 8-24-07; 95-600, eff. 6-1-08; 95-876, eff. 8-21-08;
17 96-286, eff. 8-11-09; 96-576, eff. 8-18-09; 96-578, eff.
18 8-18-09; 96-625, eff. 1-1-10; 96-667, eff. 8-25-09; 96-1175,
19 eff. 9-20-10; 96-1342, eff. 1-1-11; 97-1051, eff. 1-1-13;
20 97-1108, eff. 1-1-13; revised 9-20-12.)

21 (Section as amended by P.A. 96-576, 96-578, 96-625, 96-667,
22 96-735, 96-1175, 96-1342, 97-434, 97-1051, and 97-1108)

23 Sec. 27.6. (a) All fees, fines, costs, additional
24 penalties, bail balances assessed or forfeited, and any other
25 amount paid by a person to the circuit clerk equalling an

1 amount of \$55 or more, except the fine imposed by Section
2 5-9-1.15 of the Unified Code of Corrections, the additional fee
3 required by subsections (b) and (c), restitution under Section
4 5-5-6 of the Unified Code of Corrections, contributions to a
5 local anti-crime program ordered pursuant to Section
6 5-6-3(b)(13) or Section 5-6-3.1(c)(13) of the Unified Code of
7 Corrections, reimbursement for the costs of an emergency
8 response as provided under Section 11-501 of the Illinois
9 Vehicle Code, any fees collected for attending a traffic safety
10 program under paragraph (c) of Supreme Court Rule 529, any fee
11 collected on behalf of a State's Attorney under Section 4-2002
12 of the Counties Code or a sheriff under Section 4-5001 of the
13 Counties Code, or any cost imposed under Section 124A-5 of the
14 Code of Criminal Procedure of 1963, for convictions, orders of
15 supervision, or any other disposition for a violation of
16 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
17 similar provision of a local ordinance, and any violation of
18 the Child Passenger Protection Act, or a similar provision of a
19 local ordinance, and except as otherwise provided in this
20 Section shall be disbursed within 60 days after receipt by the
21 circuit clerk as follows: 44.5% shall be disbursed to the
22 entity authorized by law to receive the fine imposed in the
23 case; 16.825% shall be disbursed to the State Treasurer; and
24 38.675% shall be disbursed to the county's general corporate
25 fund. Of the 16.825% disbursed to the State Treasurer, 2/17
26 shall be deposited by the State Treasurer into the Violent

1 Crime Victims Assistance Fund, 5.052/17 shall be deposited into
2 the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall
3 be deposited into the Drivers Education Fund, and 6.948/17
4 shall be deposited into the Trauma Center Fund. Of the 6.948/17
5 deposited into the Trauma Center Fund from the 16.825%
6 disbursed to the State Treasurer, 50% shall be disbursed to the
7 Department of Public Health and 50% shall be disbursed to the
8 Department of Healthcare and Family Services. For fiscal year
9 1993, amounts deposited into the Violent Crime Victims
10 Assistance Fund, the Traffic and Criminal Conviction Surcharge
11 Fund, or the Drivers Education Fund shall not exceed 110% of
12 the amounts deposited into those funds in fiscal year 1991. Any
13 amount that exceeds the 110% limit shall be distributed as
14 follows: 50% shall be disbursed to the county's general
15 corporate fund and 50% shall be disbursed to the entity
16 authorized by law to receive the fine imposed in the case. Not
17 later than March 1 of each year the circuit clerk shall submit
18 a report of the amount of funds remitted to the State Treasurer
19 under this Section during the preceding year based upon
20 independent verification of fines and fees. All counties shall
21 be subject to this Section, except that counties with a
22 population under 2,000,000 may, by ordinance, elect not to be
23 subject to this Section. For offenses subject to this Section,
24 judges shall impose one total sum of money payable for
25 violations. The circuit clerk may add on no additional amounts
26 except for amounts that are required by Sections 27.3a and

1 27.3c of this Act, Section 16-104c of the Illinois Vehicle
2 Code, and subsection (a) of Section 5-1101 of the Counties
3 Code, unless those amounts are specifically waived by the
4 judge. With respect to money collected by the circuit clerk as
5 a result of forfeiture of bail, ex parte judgment or guilty
6 plea pursuant to Supreme Court Rule 529, the circuit clerk
7 shall first deduct and pay amounts required by Sections 27.3a
8 and 27.3c of this Act. Unless a court ordered payment schedule
9 is implemented or fee requirements are waived pursuant to court
10 order, the clerk of the court may add to any unpaid fees and
11 costs a delinquency amount equal to 5% of the unpaid fees that
12 remain unpaid after 30 days, 10% of the unpaid fees that remain
13 unpaid after 60 days, and 15% of the unpaid fees that remain
14 unpaid after 90 days. Notice to those parties may be made by
15 signage posting or publication. The additional delinquency
16 amounts collected under this Section shall be deposited in the
17 Circuit Court Clerk Operation and Administrative Fund to be
18 used to defray administrative costs incurred by the circuit
19 clerk in performing the duties required to collect and disburse
20 funds. This Section is a denial and limitation of home rule
21 powers and functions under subsection (h) of Section 6 of
22 Article VII of the Illinois Constitution.

23 (b) In addition to any other fines and court costs assessed
24 by the courts, any person convicted or receiving an order of
25 supervision for driving under the influence of alcohol or drugs
26 shall pay an additional fee of \$100 to the clerk of the circuit

1 court. This amount, less 2 1/2% that shall be used to defray
2 administrative costs incurred by the clerk, shall be remitted
3 by the clerk to the Treasurer within 60 days after receipt for
4 deposit into the Trauma Center Fund. This additional fee of
5 \$100 shall not be considered a part of the fine for purposes of
6 any reduction in the fine for time served either before or
7 after sentencing. Not later than March 1 of each year the
8 Circuit Clerk shall submit a report of the amount of funds
9 remitted to the State Treasurer under this subsection during
10 the preceding calendar year.

11 (b-1) In addition to any other fines and court costs
12 assessed by the courts, any person convicted or receiving an
13 order of supervision for driving under the influence of alcohol
14 or drugs shall pay an additional fee of \$5 to the clerk of the
15 circuit court. This amount, less 2 1/2% that shall be used to
16 defray administrative costs incurred by the clerk, shall be
17 remitted by the clerk to the Treasurer within 60 days after
18 receipt for deposit into the Spinal Cord Injury Paralysis Cure
19 Research Trust Fund. This additional fee of \$5 shall not be
20 considered a part of the fine for purposes of any reduction in
21 the fine for time served either before or after sentencing. Not
22 later than March 1 of each year the Circuit Clerk shall submit
23 a report of the amount of funds remitted to the State Treasurer
24 under this subsection during the preceding calendar year.

25 (c) In addition to any other fines and court costs assessed
26 by the courts, any person convicted for a violation of Sections

1 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or the
2 Criminal Code of 2012 or a person sentenced for a violation of
3 the Cannabis Control Act, the Illinois Controlled Substances
4 Act, or the Methamphetamine Control and Community Protection
5 Act shall pay an additional fee of \$100 to the clerk of the
6 circuit court. This amount, less 2 1/2% that shall be used to
7 defray administrative costs incurred by the clerk, shall be
8 remitted by the clerk to the Treasurer within 60 days after
9 receipt for deposit into the Trauma Center Fund. This
10 additional fee of \$100 shall not be considered a part of the
11 fine for purposes of any reduction in the fine for time served
12 either before or after sentencing. Not later than March 1 of
13 each year the Circuit Clerk shall submit a report of the amount
14 of funds remitted to the State Treasurer under this subsection
15 during the preceding calendar year.

16 (c-1) In addition to any other fines and court costs
17 assessed by the courts, any person sentenced for a violation of
18 the Cannabis Control Act, the Illinois Controlled Substances
19 Act, or the Methamphetamine Control and Community Protection
20 Act shall pay an additional fee of \$5 to the clerk of the
21 circuit court. This amount, less 2 1/2% that shall be used to
22 defray administrative costs incurred by the clerk, shall be
23 remitted by the clerk to the Treasurer within 60 days after
24 receipt for deposit into the Spinal Cord Injury Paralysis Cure
25 Research Trust Fund. This additional fee of \$5 shall not be
26 considered a part of the fine for purposes of any reduction in

1 the fine for time served either before or after sentencing. Not
2 later than March 1 of each year the Circuit Clerk shall submit
3 a report of the amount of funds remitted to the State Treasurer
4 under this subsection during the preceding calendar year.

5 (d) The following amounts must be remitted to the State
6 Treasurer for deposit into the Illinois Animal Abuse Fund:

7 (1) 50% of the amounts collected for felony offenses
8 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
9 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
10 Animals Act and Section 26-5 or 48-1 of the Criminal Code
11 of 1961 or the Criminal Code of 2012;

12 (2) 20% of the amounts collected for Class A and Class
13 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
14 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
15 for Animals Act and Section 26-5 or 48-1 of the Criminal
16 Code of 1961 or the Criminal Code of 2012; and

17 (3) 50% of the amounts collected for Class C
18 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
19 for Animals Act and Section 26-5 or 48-1 of the Criminal
20 Code of 1961 or the Criminal Code of 2012.

21 (e) Any person who receives a disposition of court
22 supervision for a violation of the Illinois Vehicle Code or a
23 similar provision of a local ordinance shall, in addition to
24 any other fines, fees, and court costs, pay an additional fee
25 of \$29, to be disbursed as provided in Section 16-104c of the
26 Illinois Vehicle Code. In addition to the fee of \$29, the

1 person shall also pay a fee of \$6, if not waived by the court.
2 If this \$6 fee is collected, \$5.50 of the fee shall be
3 deposited into the Circuit Court Clerk Operation and
4 Administrative Fund created by the Clerk of the Circuit Court
5 and 50 cents of the fee shall be deposited into the Prisoner
6 Review Board Vehicle and Equipment Fund in the State treasury.

7 (f) This Section does not apply to the additional child
8 pornography fines assessed and collected under Section
9 5-9-1.14 of the Unified Code of Corrections.

10 (g) Any person convicted of or pleading guilty to a serious
11 traffic violation, as defined in Section 1-187.001 of the
12 Illinois Vehicle Code, shall pay an additional fee of \$35, to
13 be disbursed as provided in Section 16-104d of that Code. This
14 subsection (g) becomes inoperative 7 years after the effective
15 date of Public Act 95-154.

16 (h) In all counties having a population of 3,000,000 or
17 more inhabitants,

18 (1) A person who is found guilty of or pleads guilty to
19 violating subsection (a) of Section 11-501 of the Illinois
20 Vehicle Code, including any person placed on court
21 supervision for violating subsection (a), shall be fined
22 \$750 as provided for by subsection (f) of Section 11-501.01
23 of the Illinois Vehicle Code, payable to the circuit clerk,
24 who shall distribute the money pursuant to subsection (f)
25 of Section 11-501.01 of the Illinois Vehicle Code.

26 (2) When a crime laboratory DUI analysis fee of \$150,

1 provided for by Section 5-9-1.9 of the Unified Code of
2 Corrections is assessed, it shall be disbursed by the
3 circuit clerk as provided by subsection (f) of Section
4 5-9-1.9 of the Unified Code of Corrections.

5 (3) When a fine for a violation of Section 11-605.1 of
6 the Illinois Vehicle Code is \$250 or greater, the person
7 who violated that Section shall be charged an additional
8 \$125 as provided for by subsection (e) of Section 11-605.1
9 of the Illinois Vehicle Code, which shall be disbursed by
10 the circuit clerk to a State or county Transportation
11 Safety Highway Hire-back Fund as provided by subsection (e)
12 of Section 11-605.1 of the Illinois Vehicle Code.

13 (4) When a fine for a violation of subsection (a) of
14 Section 11-605 of the Illinois Vehicle Code is \$150 or
15 greater, the additional \$50 which is charged as provided
16 for by subsection (f) of Section 11-605 of the Illinois
17 Vehicle Code shall be disbursed by the circuit clerk to a
18 school district or districts for school safety purposes as
19 provided by subsection (f) of Section 11-605.

20 (5) When a fine for a violation of subsection (a) of
21 Section 11-1002.5 of the Illinois Vehicle Code is \$150 or
22 greater, the additional \$50 which is charged as provided
23 for by subsection (c) of Section 11-1002.5 of the Illinois
24 Vehicle Code shall be disbursed by the circuit clerk to a
25 school district or districts for school safety purposes as
26 provided by subsection (c) of Section 11-1002.5 of the

1 Illinois Vehicle Code.

2 (6) When a mandatory drug court fee of up to \$5 is
3 assessed as provided in subsection (f) of Section 5-1101 of
4 the Counties Code, it shall be disbursed by the circuit
5 clerk as provided in subsection (f) of Section 5-1101 of
6 the Counties Code.

7 (7) When a mandatory teen court, peer jury, youth
8 court, or other youth diversion program fee is assessed as
9 provided in subsection (e) of Section 5-1101 of the
10 Counties Code, it shall be disbursed by the circuit clerk
11 as provided in subsection (e) of Section 5-1101 of the
12 Counties Code.

13 (8) When a Children's Advocacy Center fee is assessed
14 pursuant to subsection (f-5) of Section 5-1101 of the
15 Counties Code, it shall be disbursed by the circuit clerk
16 as provided in subsection (f-5) of Section 5-1101 of the
17 Counties Code.

18 (9) When a victim impact panel fee is assessed pursuant
19 to subsection (b) of Section 11-501.01 of the Vehicle Code,
20 it shall be disbursed by the circuit clerk to the victim
21 impact panel to be attended by the defendant.

22 (10) When a new fee collected in traffic cases is
23 enacted after the effective date of this subsection (h), it
24 shall be excluded from the percentage disbursement
25 provisions of this Section unless otherwise indicated by
26 law.

1 (i) Of the amounts collected as fines under subsection (b)
2 of Section 3-712 of the Illinois Vehicle Code, 99% shall be
3 deposited into the Illinois Military Family Relief Fund and 1%
4 shall be deposited into the Circuit Court Clerk Operation and
5 Administrative Fund created by the Clerk of the Circuit Court
6 to be used to offset the costs incurred by the Circuit Court
7 Clerk in performing the additional duties required to collect
8 and disburse funds to entities of State and local government as
9 provided by law.

10 (j) (Blank).

11 (k) For any conviction or disposition of court supervision
12 for a violation of Section 11-1429 of the Illinois Vehicle
13 Code, the circuit clerk shall distribute the fines paid by the
14 person as specified by subsection (h) of Section 11-1429 of the
15 Illinois Vehicle Code.

16 (l) Any person who receives a disposition of court
17 supervision for a violation of Section 11-501 of the Illinois
18 Vehicle Code or a similar provision of a local ordinance shall,
19 in addition to any other fines, fees, and court costs, pay an
20 additional fee of \$50, which shall be collected by the circuit
21 clerk and then remitted to the State Treasurer for deposit into
22 the Roadside Memorial Fund, a special fund in the State
23 treasury. However, the court may waive the fee if full
24 restitution is complied with. Subject to appropriation, all
25 moneys in the Roadside Memorial Fund shall be used by the
26 Department of Transportation to pay fees imposed under

1 subsection (f) of Section 20 of the Roadside Memorial Act. The
2 fee shall be remitted by the circuit clerk within one month
3 after receipt to the State Treasurer for deposit into the
4 Roadside Memorial Fund.

5 (m) Of the amounts collected as fines under subsection (c)
6 of Section 411.4 of the Illinois Controlled Substances Act or
7 subsection (c) of Section 90 of the Methamphetamine Control and
8 Community Protection Act, 99% shall be deposited to the law
9 enforcement agency or fund specified and 1% shall be deposited
10 into the Circuit Court Clerk Operation and Administrative Fund
11 to be used to offset the costs incurred by the Circuit Court
12 Clerk in performing the additional duties required to collect
13 and disburse funds to entities of State and local government as
14 provided by law.

15 (n) In addition to any other fines and court costs assessed
16 by the courts, any person who is convicted of or pleads guilty
17 to a violation of the Criminal Code of 1961 or the Criminal
18 Code of 2012, or a similar provision of a local ordinance, or
19 who is convicted of, pleads guilty to, or receives a
20 disposition of court supervision for a violation of the
21 Illinois Vehicle Code, or a similar provision of a local
22 ordinance, shall pay an additional fee of \$15 to the clerk of
23 the circuit court. This additional fee of \$15 shall not be
24 considered a part of the fine for purposes of any reduction in
25 the fine for time served either before or after sentencing.
26 This amount, less 2.5% that shall be used to defray

1 administrative costs incurred by the clerk, shall be remitted
2 by the clerk to the State Treasurer within 60 days after
3 receipt for deposit into the State Police Merit Board Public
4 Safety Fund.

5 (Source: P.A. 96-576, eff. 8-18-09; 96-578, eff. 8-18-09;
6 96-625, eff. 1-1-10; 96-667, eff. 8-25-09; 96-735, eff. 1-1-10;
7 96-1175, eff. 9-20-10; 96-1342, eff. 1-1-11; 97-434, eff.
8 1-1-12; 97-1051, eff. 1-1-13; 97-1108, eff. 1-1-13; revised
9 9-20-12.)

10 Section 595. The Juror Protection Act is amended by
11 changing Section 15 as follows:

12 (705 ILCS 320/15)

13 Sec. 15. Violation. Any attempt to contact a member of the
14 jury panel following that member's refusal to speak as outlined
15 in subsection (e) of Section 10 shall be deemed a violation of
16 Section 32-4 of the Criminal Code of 2012 ~~1961~~.

17 (Source: P.A. 94-186, eff. 1-1-06.)

18 Section 600. The Juvenile Court Act of 1987 is amended by
19 changing Sections 1-2, 1-3, 1-7, 1-8, 2-3, 2-10, 2-13, 2-17,
20 2-18, 2-25, 2-27, 3-19, 3-26, 3-40, 4-16, 4-23, 5-125, 5-130,
21 5-155, 5-170, 5-401.5, 5-407, 5-415, 5-605, 5-615, 5-710,
22 5-715, 5-730, 5-805, 5-901, and 5-905 as follows:

1 (705 ILCS 405/1-2) (from Ch. 37, par. 801-2)

2 Sec. 1-2. Purpose and policy.

3 (1) The purpose of this Act is to secure for each minor
4 subject hereto such care and guidance, preferably in his or her
5 own home, as will serve the safety and moral, emotional,
6 mental, and physical welfare of the minor and the best
7 interests of the community; to preserve and strengthen the
8 minor's family ties whenever possible, removing him or her from
9 the custody of his or her parents only when his or her safety
10 or welfare or the protection of the public cannot be adequately
11 safeguarded without removal; if the child is removed from the
12 custody of his or her parent, the Department of Children and
13 Family Services immediately shall consider concurrent
14 planning, as described in Section 5 of the Children and Family
15 Services Act so that permanency may occur at the earliest
16 opportunity; consideration should be given so that if
17 reunification fails or is delayed, the placement made is the
18 best available placement to provide permanency for the child;
19 and, when the minor is removed from his or her own family, to
20 secure for him or her custody, care and discipline as nearly as
21 possible equivalent to that which should be given by his or her
22 parents, and in cases where it should and can properly be done
23 to place the minor in a family home so that he or she may become
24 a member of the family by legal adoption or otherwise. Provided
25 that a ground for unfitness under the Adoption Act can be met,
26 it may be appropriate to expedite termination of parental

1 rights:

2 (a) when reasonable efforts are inappropriate, or have
3 been provided and were unsuccessful, and there are
4 aggravating circumstances including, but not limited to,
5 those cases in which (i) the child or another child of that
6 child's parent was (A) abandoned, (B) tortured, or (C)
7 chronically abused or (ii) the parent is criminally
8 convicted of (A) first degree murder or second degree
9 murder of any child, (B) attempt or conspiracy to commit
10 first degree murder or second degree murder of any child,
11 (C) solicitation to commit murder, solicitation to commit
12 murder for hire, solicitation to commit second degree
13 murder of any child, or aggravated assault in violation of
14 subdivision (a) (13) of Section 12-2 of the Criminal Code of
15 1961 or the Criminal Code of 2012, or (D) aggravated
16 criminal sexual assault in violation of Section
17 11-1.40(a)(1) or 12-14.1(a)(1) ~~12-14(b)(1)~~ of the Criminal
18 Code of 1961 or the Criminal Code of 2012; or

19 (b) when the parental rights of a parent with respect
20 to another child of the parent have been involuntarily
21 terminated; or

22 (c) in those extreme cases in which the parent's
23 incapacity to care for the child, combined with an
24 extremely poor prognosis for treatment or rehabilitation,
25 justifies expedited termination of parental rights.

26 (2) In all proceedings under this Act the court may direct

1 the course thereof so as promptly to ascertain the
2 jurisdictional facts and fully to gather information bearing
3 upon the current condition and future welfare of persons
4 subject to this Act. This Act shall be administered in a spirit
5 of humane concern, not only for the rights of the parties, but
6 also for the fears and the limits of understanding of all who
7 appear before the court.

8 (3) In all procedures under this Act, the following shall
9 apply:

10 (a) The procedural rights assured to the minor shall be
11 the rights of adults unless specifically precluded by laws
12 which enhance the protection of such minors.

13 (b) Every child has a right to services necessary to
14 his or her safety and proper development, including health,
15 education and social services.

16 (c) The parents' right to the custody of their child
17 shall not prevail when the court determines that it is
18 contrary to the health, safety, and best interests of the
19 child.

20 (4) This Act shall be liberally construed to carry out the
21 foregoing purpose and policy.

22 (Source: P.A. 89-704, eff. 8-16-97 (changed from 1-1-98 by P.A.
23 90-443); 90-27, eff. 1-1-98; 90-28, eff. 1-1-98; 90-443, eff.
24 8-16-97; 90-608, eff. 6-30-98.)

25 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

1 Sec. 1-3. Definitions. Terms used in this Act, unless the
2 context otherwise requires, have the following meanings
3 ascribed to them:

4 (1) "Adjudicatory hearing" means a hearing to determine
5 whether the allegations of a petition under Section 2-13, 3-15
6 or 4-12 that a minor under 18 years of age is abused, neglected
7 or dependent, or requires authoritative intervention, or
8 addicted, respectively, are supported by a preponderance of the
9 evidence or whether the allegations of a petition under Section
10 5-520 that a minor is delinquent are proved beyond a reasonable
11 doubt.

12 (2) "Adult" means a person 21 years of age or older.

13 (3) "Agency" means a public or private child care facility
14 legally authorized or licensed by this State for placement or
15 institutional care or for both placement and institutional
16 care.

17 (4) "Association" means any organization, public or
18 private, engaged in welfare functions which include services to
19 or on behalf of children but does not include "agency" as
20 herein defined.

21 (4.05) Whenever a "best interest" determination is
22 required, the following factors shall be considered in the
23 context of the child's age and developmental needs:

24 (a) the physical safety and welfare of the child,
25 including food, shelter, health, and clothing;

26 (b) the development of the child's identity;

1 (c) the child's background and ties, including
2 familial, cultural, and religious;

3 (d) the child's sense of attachments, including:

4 (i) where the child actually feels love,
5 attachment, and a sense of being valued (as opposed to
6 where adults believe the child should feel such love,
7 attachment, and a sense of being valued);

8 (ii) the child's sense of security;

9 (iii) the child's sense of familiarity;

10 (iv) continuity of affection for the child;

11 (v) the least disruptive placement alternative for
12 the child;

13 (e) the child's wishes and long-term goals;

14 (f) the child's community ties, including church,
15 school, and friends;

16 (g) the child's need for permanence which includes the
17 child's need for stability and continuity of relationships
18 with parent figures and with siblings and other relatives;

19 (h) the uniqueness of every family and child;

20 (i) the risks attendant to entering and being in
21 substitute care; and

22 (j) the preferences of the persons available to care
23 for the child.

24 (4.1) "Chronic truant" shall have the definition ascribed
25 to it in Section 26-2a of the School Code.

26 (5) "Court" means the circuit court in a session or

1 division assigned to hear proceedings under this Act.

2 (6) "Dispositional hearing" means a hearing to determine
3 whether a minor should be adjudged to be a ward of the court,
4 and to determine what order of disposition should be made in
5 respect to a minor adjudged to be a ward of the court.

6 (7) "Emancipated minor" means any minor 16 years of age or
7 over who has been completely or partially emancipated under the
8 Emancipation of Minors Act or under this Act.

9 (8) "Guardianship of the person" of a minor means the duty
10 and authority to act in the best interests of the minor,
11 subject to residual parental rights and responsibilities, to
12 make important decisions in matters having a permanent effect
13 on the life and development of the minor and to be concerned
14 with his or her general welfare. It includes but is not
15 necessarily limited to:

16 (a) the authority to consent to marriage, to enlistment
17 in the armed forces of the United States, or to a major
18 medical, psychiatric, and surgical treatment; to represent
19 the minor in legal actions; and to make other decisions of
20 substantial legal significance concerning the minor;

21 (b) the authority and duty of reasonable visitation,
22 except to the extent that these have been limited in the
23 best interests of the minor by court order;

24 (c) the rights and responsibilities of legal custody
25 except where legal custody has been vested in another
26 person or agency; and

1 (d) the power to consent to the adoption of the minor,
2 but only if expressly conferred on the guardian in
3 accordance with Section 2-29, 3-30, or 4-27.

4 (9) "Legal custody" means the relationship created by an
5 order of court in the best interests of the minor which imposes
6 on the custodian the responsibility of physical possession of a
7 minor and the duty to protect, train and discipline him and to
8 provide him with food, shelter, education and ordinary medical
9 care, except as these are limited by residual parental rights
10 and responsibilities and the rights and responsibilities of the
11 guardian of the person, if any.

12 (9.1) "Mentally capable adult relative" means a person 21
13 years of age or older who is not suffering from a mental
14 illness that prevents him or her from providing the care
15 necessary to safeguard the physical safety and welfare of a
16 minor who is left in that person's care by the parent or
17 parents or other person responsible for the minor's welfare.

18 (10) "Minor" means a person under the age of 21 years
19 subject to this Act.

20 (11) "Parent" means the father or mother of a child and
21 includes any adoptive parent. It also includes a man (i) whose
22 paternity is presumed or has been established under the law of
23 this or another jurisdiction or (ii) who has registered with
24 the Putative Father Registry in accordance with Section 12.1 of
25 the Adoption Act and whose paternity has not been ruled out
26 under the law of this or another jurisdiction. It does not

1 include a parent whose rights in respect to the minor have been
2 terminated in any manner provided by law. It does not include a
3 person who has been or could be determined to be a parent under
4 the Illinois Parentage Act of 1984, or similar parentage law in
5 any other state, if that person has been convicted of or pled
6 nolo contendere to a crime that resulted in the conception of
7 the child under Section 11-1.20, 11-1.30, 11-1.40, 11-11,
8 12-13, 12-14, 12-14.1, subsection (a) or (b) (but not
9 subsection (c)) of Section 11-1.50 or 12-15, or subsection (a),
10 (b), (c), (e), or (f) (but not subsection (d)) of Section
11 11-1.60 or 12-16 of the Criminal Code of 1961 or the Criminal
12 Code of 2012, or similar statute in another jurisdiction unless
13 upon motion of any party, other than the offender, to the
14 juvenile court proceedings the court finds it is in the child's
15 best interest to deem the offender a parent for purposes of the
16 juvenile court proceedings.

17 (11.1) "Permanency goal" means a goal set by the court as
18 defined in subdivision (2) of Section 2-28.

19 (11.2) "Permanency hearing" means a hearing to set the
20 permanency goal and to review and determine (i) the
21 appropriateness of the services contained in the plan and
22 whether those services have been provided, (ii) whether
23 reasonable efforts have been made by all the parties to the
24 service plan to achieve the goal, and (iii) whether the plan
25 and goal have been achieved.

26 (12) "Petition" means the petition provided for in Section

1 2-13, 3-15, 4-12 or 5-520, including any supplemental petitions
2 thereunder in Section 3-15, 4-12 or 5-520.

3 (12.1) "Physically capable adult relative" means a person
4 21 years of age or older who does not have a severe physical
5 disability or medical condition, or is not suffering from
6 alcoholism or drug addiction, that prevents him or her from
7 providing the care necessary to safeguard the physical safety
8 and welfare of a minor who is left in that person's care by the
9 parent or parents or other person responsible for the minor's
10 welfare.

11 (12.2) "Post Permanency Sibling Contact Agreement" has the
12 meaning ascribed to the term in Section 7.4 of the Children and
13 Family Services Act.

14 (13) "Residual parental rights and responsibilities" means
15 those rights and responsibilities remaining with the parent
16 after the transfer of legal custody or guardianship of the
17 person, including, but not necessarily limited to, the right to
18 reasonable visitation (which may be limited by the court in the
19 best interests of the minor as provided in subsection (8) (b) of
20 this Section), the right to consent to adoption, the right to
21 determine the minor's religious affiliation, and the
22 responsibility for his support.

23 (14) "Shelter" means the temporary care of a minor in
24 physically unrestricting facilities pending court disposition
25 or execution of court order for placement.

26 (14.1) "Sibling Contact Support Plan" has the meaning

1 ascribed to the term in Section 7.4 of the Children and Family
2 Services Act.

3 (15) "Station adjustment" means the informal handling of an
4 alleged offender by a juvenile police officer.

5 (16) "Ward of the court" means a minor who is so adjudged
6 under Section 2-22, 3-23, 4-20 or 5-705, after a finding of the
7 requisite jurisdictional facts, and thus is subject to the
8 dispositional powers of the court under this Act.

9 (17) "Juvenile police officer" means a sworn police officer
10 who has completed a Basic Recruit Training Course, has been
11 assigned to the position of juvenile police officer by his or
12 her chief law enforcement officer and has completed the
13 necessary juvenile officers training as prescribed by the
14 Illinois Law Enforcement Training Standards Board, or in the
15 case of a State police officer, juvenile officer training
16 approved by the Director of the Department of State Police.

17 (18) "Secure child care facility" means any child care
18 facility licensed by the Department of Children and Family
19 Services to provide secure living arrangements for children
20 under 18 years of age who are subject to placement in
21 facilities under the Children and Family Services Act and who
22 are not subject to placement in facilities for whom standards
23 are established by the Department of Corrections under Section
24 3-15-2 of the Unified Code of Corrections. "Secure child care
25 facility" also means a facility that is designed and operated
26 to ensure that all entrances and exits from the facility, a

1 building, or a distinct part of the building are under the
2 exclusive control of the staff of the facility, whether or not
3 the child has the freedom of movement within the perimeter of
4 the facility, building, or distinct part of the building.

5 (Source: P.A. 96-168, eff. 8-10-09; 97-568, eff. 8-25-11;
6 97-1076, eff. 8-24-12.)

7 (705 ILCS 405/1-7) (from Ch. 37, par. 801-7)

8 Sec. 1-7. Confidentiality of law enforcement records.

9 (A) Inspection and copying of law enforcement records
10 maintained by law enforcement agencies that relate to a minor
11 who has been arrested or taken into custody before his or her
12 17th birthday shall be restricted to the following:

13 (1) Any local, State or federal law enforcement
14 officers of any jurisdiction or agency when necessary for
15 the discharge of their official duties during the
16 investigation or prosecution of a crime or relating to a
17 minor who has been adjudicated delinquent and there has
18 been a previous finding that the act which constitutes the
19 previous offense was committed in furtherance of criminal
20 activities by a criminal street gang, or, when necessary
21 for the discharge of its official duties in connection with
22 a particular investigation of the conduct of a law
23 enforcement officer, an independent agency or its staff
24 created by ordinance and charged by a unit of local
25 government with the duty of investigating the conduct of

1 law enforcement officers. For purposes of this Section,
2 "criminal street gang" has the meaning ascribed to it in
3 Section 10 of the Illinois Streetgang Terrorism Omnibus
4 Prevention Act.

5 (2) Prosecutors, probation officers, social workers,
6 or other individuals assigned by the court to conduct a
7 pre-adjudication or pre-disposition investigation, and
8 individuals responsible for supervising or providing
9 temporary or permanent care and custody for minors pursuant
10 to the order of the juvenile court, when essential to
11 performing their responsibilities.

12 (3) Prosecutors and probation officers:

13 (a) in the course of a trial when institution of
14 criminal proceedings has been permitted or required
15 under Section 5-805; or

16 (b) when institution of criminal proceedings has
17 been permitted or required under Section 5-805 and such
18 minor is the subject of a proceeding to determine the
19 amount of bail; or

20 (c) when criminal proceedings have been permitted
21 or required under Section 5-805 and such minor is the
22 subject of a pre-trial investigation, pre-sentence
23 investigation, fitness hearing, or proceedings on an
24 application for probation.

25 (4) Adult and Juvenile Prisoner Review Board.

26 (5) Authorized military personnel.

1 (6) Persons engaged in bona fide research, with the
2 permission of the Presiding Judge of the Juvenile Court and
3 the chief executive of the respective law enforcement
4 agency; provided that publication of such research results
5 in no disclosure of a minor's identity and protects the
6 confidentiality of the minor's record.

7 (7) Department of Children and Family Services child
8 protection investigators acting in their official
9 capacity.

10 (8) The appropriate school official only if the agency
11 or officer believes that there is an imminent threat of
12 physical harm to students, school personnel, or others who
13 are present in the school or on school grounds.

14 (A) Inspection and copying shall be limited to law
15 enforcement records transmitted to the appropriate
16 school official or officials whom the school has
17 determined to have a legitimate educational or safety
18 interest by a local law enforcement agency under a
19 reciprocal reporting system established and maintained
20 between the school district and the local law
21 enforcement agency under Section 10-20.14 of the
22 School Code concerning a minor enrolled in a school
23 within the school district who has been arrested or
24 taken into custody for any of the following offenses:

25 (i) any violation of Article 24 of the Criminal
26 Code of 1961 or the Criminal Code of 2012;

1 (ii) a violation of the Illinois Controlled
2 Substances Act;

3 (iii) a violation of the Cannabis Control Act;

4 (iv) a forcible felony as defined in Section 2-8 of
5 the Criminal Code of 1961 or the Criminal Code of 2012;

6 (v) a violation of the Methamphetamine Control and
7 Community Protection Act;

8 (vi) a violation of Section 1-2 of the Harassing
9 and Obscene Communications Act;

10 (vii) a violation of the Hazing Act; or

11 (viii) a violation of Section 12-1, 12-2, 12-3,
12 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5, 12-5, 12-7.3,
13 12-7.4, 12-7.5, 25-1, or 25-5 of the Criminal Code of
14 1961 or the Criminal Code of 2012.

15 The information derived from the law enforcement
16 records shall be kept separate from and shall not
17 become a part of the official school record of that
18 child and shall not be a public record. The information
19 shall be used solely by the appropriate school official
20 or officials whom the school has determined to have a
21 legitimate educational or safety interest to aid in the
22 proper rehabilitation of the child and to protect the
23 safety of students and employees in the school. If the
24 designated law enforcement and school officials deem
25 it to be in the best interest of the minor, the student
26 may be referred to in-school or community based social

1 services if those services are available.
2 "Rehabilitation services" may include interventions by
3 school support personnel, evaluation for eligibility
4 for special education, referrals to community-based
5 agencies such as youth services, behavioral healthcare
6 service providers, drug and alcohol prevention or
7 treatment programs, and other interventions as deemed
8 appropriate for the student.

9 (B) Any information provided to appropriate school
10 officials whom the school has determined to have a
11 legitimate educational or safety interest by local law
12 enforcement officials about a minor who is the subject
13 of a current police investigation that is directly
14 related to school safety shall consist of oral
15 information only, and not written law enforcement
16 records, and shall be used solely by the appropriate
17 school official or officials to protect the safety of
18 students and employees in the school and aid in the
19 proper rehabilitation of the child. The information
20 derived orally from the local law enforcement
21 officials shall be kept separate from and shall not
22 become a part of the official school record of the
23 child and shall not be a public record. This limitation
24 on the use of information about a minor who is the
25 subject of a current police investigation shall in no
26 way limit the use of this information by prosecutors in

1 pursuing criminal charges arising out of the
2 information disclosed during a police investigation of
3 the minor. For purposes of this paragraph,
4 "investigation" means an official systematic inquiry
5 by a law enforcement agency into actual or suspected
6 criminal activity.

7 (9) Mental health professionals on behalf of the
8 Illinois Department of Corrections or the Department of
9 Human Services or prosecutors who are evaluating,
10 prosecuting, or investigating a potential or actual
11 petition brought under the Sexually Violent Persons
12 Commitment Act relating to a person who is the subject of
13 juvenile law enforcement records or the respondent to a
14 petition brought under the Sexually Violent Persons
15 Commitment Act who is the subject of the juvenile law
16 enforcement records sought. Any records and any
17 information obtained from those records under this
18 paragraph (9) may be used only in sexually violent persons
19 commitment proceedings.

20 (10) The president of a park district. Inspection and
21 copying shall be limited to law enforcement records
22 transmitted to the president of the park district by the
23 Illinois State Police under Section 8-23 of the Park
24 District Code or Section 16a-5 of the Chicago Park District
25 Act concerning a person who is seeking employment with that
26 park district and who has been adjudicated a juvenile

1 delinquent for any of the offenses listed in subsection (c)
2 of Section 8-23 of the Park District Code or subsection (c)
3 of Section 16a-5 of the Chicago Park District Act.

4 (B) (1) Except as provided in paragraph (2), no law
5 enforcement officer or other person or agency may knowingly
6 transmit to the Department of Corrections or the Department
7 of State Police or to the Federal Bureau of Investigation
8 any fingerprint or photograph relating to a minor who has
9 been arrested or taken into custody before his or her 17th
10 birthday, unless the court in proceedings under this Act
11 authorizes the transmission or enters an order under
12 Section 5-805 permitting or requiring the institution of
13 criminal proceedings.

14 (2) Law enforcement officers or other persons or
15 agencies shall transmit to the Department of State Police
16 copies of fingerprints and descriptions of all minors who
17 have been arrested or taken into custody before their 17th
18 birthday for the offense of unlawful use of weapons under
19 Article 24 of the Criminal Code of 1961 or the Criminal
20 Code of 2012, a Class X or Class 1 felony, a forcible
21 felony as defined in Section 2-8 of the Criminal Code of
22 1961 or the Criminal Code of 2012, or a Class 2 or greater
23 felony under the Cannabis Control Act, the Illinois
24 Controlled Substances Act, the Methamphetamine Control and
25 Community Protection Act, or Chapter 4 of the Illinois
26 Vehicle Code, pursuant to Section 5 of the Criminal

1 Identification Act. Information reported to the Department
2 pursuant to this Section may be maintained with records
3 that the Department files pursuant to Section 2.1 of the
4 Criminal Identification Act. Nothing in this Act prohibits
5 a law enforcement agency from fingerprinting a minor taken
6 into custody or arrested before his or her 17th birthday
7 for an offense other than those listed in this paragraph
8 (2).

9 (C) The records of law enforcement officers, or of an
10 independent agency created by ordinance and charged by a unit
11 of local government with the duty of investigating the conduct
12 of law enforcement officers, concerning all minors under 17
13 years of age must be maintained separate from the records of
14 arrests and may not be open to public inspection or their
15 contents disclosed to the public except by order of the court
16 presiding over matters pursuant to this Act or when the
17 institution of criminal proceedings has been permitted or
18 required under Section 5-805 or such a person has been
19 convicted of a crime and is the subject of pre-sentence
20 investigation or proceedings on an application for probation or
21 when provided by law. For purposes of obtaining documents
22 pursuant to this Section, a civil subpoena is not an order of
23 the court.

24 (1) In cases where the law enforcement, or independent
25 agency, records concern a pending juvenile court case, the
26 party seeking to inspect the records shall provide actual

1 notice to the attorney or guardian ad litem of the minor
2 whose records are sought.

3 (2) In cases where the records concern a juvenile court
4 case that is no longer pending, the party seeking to
5 inspect the records shall provide actual notice to the
6 minor or the minor's parent or legal guardian, and the
7 matter shall be referred to the chief judge presiding over
8 matters pursuant to this Act.

9 (3) In determining whether the records should be
10 available for inspection, the court shall consider the
11 minor's interest in confidentiality and rehabilitation
12 over the moving party's interest in obtaining the
13 information. Any records obtained in violation of this
14 subsection (C) shall not be admissible in any criminal or
15 civil proceeding, or operate to disqualify a minor from
16 subsequently holding public office or securing employment,
17 or operate as a forfeiture of any public benefit, right,
18 privilege, or right to receive any license granted by
19 public authority.

20 (D) Nothing contained in subsection (C) of this Section
21 shall prohibit the inspection or disclosure to victims and
22 witnesses of photographs contained in the records of law
23 enforcement agencies when the inspection and disclosure is
24 conducted in the presence of a law enforcement officer for the
25 purpose of the identification or apprehension of any person
26 subject to the provisions of this Act or for the investigation

1 or prosecution of any crime.

2 (E) Law enforcement officers, and personnel of an
3 independent agency created by ordinance and charged by a unit
4 of local government with the duty of investigating the conduct
5 of law enforcement officers, may not disclose the identity of
6 any minor in releasing information to the general public as to
7 the arrest, investigation or disposition of any case involving
8 a minor.

9 (F) Nothing contained in this Section shall prohibit law
10 enforcement agencies from communicating with each other by
11 letter, memorandum, teletype or intelligence alert bulletin or
12 other means the identity or other relevant information
13 pertaining to a person under 17 years of age if there are
14 reasonable grounds to believe that the person poses a real and
15 present danger to the safety of the public or law enforcement
16 officers. The information provided under this subsection (F)
17 shall remain confidential and shall not be publicly disclosed,
18 except as otherwise allowed by law.

19 (G) Nothing in this Section shall prohibit the right of a
20 Civil Service Commission or appointing authority of any state,
21 county or municipality examining the character and fitness of
22 an applicant for employment with a law enforcement agency,
23 correctional institution, or fire department from obtaining
24 and examining the records of any law enforcement agency
25 relating to any record of the applicant having been arrested or
26 taken into custody before the applicant's 17th birthday.

1 (Source: P.A. 96-419, eff. 8-13-09; 97-700, eff. 6-22-12;
2 97-1083, eff. 8-24-12; 97-1104, eff. 1-1-13; revised 9-20-12.)

3 (705 ILCS 405/1-8) (from Ch. 37, par. 801-8)

4 Sec. 1-8. Confidentiality and accessibility of juvenile
5 court records.

6 (A) Inspection and copying of juvenile court records
7 relating to a minor who is the subject of a proceeding under
8 this Act shall be restricted to the following:

9 (1) The minor who is the subject of record, his
10 parents, guardian and counsel.

11 (2) Law enforcement officers and law enforcement
12 agencies when such information is essential to executing an
13 arrest or search warrant or other compulsory process, or to
14 conducting an ongoing investigation or relating to a minor
15 who has been adjudicated delinquent and there has been a
16 previous finding that the act which constitutes the
17 previous offense was committed in furtherance of criminal
18 activities by a criminal street gang.

19 Before July 1, 1994, for the purposes of this Section,
20 "criminal street gang" means any ongoing organization,
21 association, or group of 3 or more persons, whether formal
22 or informal, having as one of its primary activities the
23 commission of one or more criminal acts and that has a
24 common name or common identifying sign, symbol or specific
25 color apparel displayed, and whose members individually or

1 collectively engage in or have engaged in a pattern of
2 criminal activity.

3 Beginning July 1, 1994, for purposes of this Section,
4 "criminal street gang" has the meaning ascribed to it in
5 Section 10 of the Illinois Streetgang Terrorism Omnibus
6 Prevention Act.

7 (3) Judges, hearing officers, prosecutors, probation
8 officers, social workers or other individuals assigned by
9 the court to conduct a pre-adjudication or predisposition
10 investigation, and individuals responsible for supervising
11 or providing temporary or permanent care and custody for
12 minors pursuant to the order of the juvenile court when
13 essential to performing their responsibilities.

14 (4) Judges, prosecutors and probation officers:

15 (a) in the course of a trial when institution of
16 criminal proceedings has been permitted or required
17 under Section 5-805; or

18 (b) when criminal proceedings have been permitted
19 or required under Section 5-805 and a minor is the
20 subject of a proceeding to determine the amount of
21 bail; or

22 (c) when criminal proceedings have been permitted
23 or required under Section 5-805 and a minor is the
24 subject of a pre-trial investigation, pre-sentence
25 investigation or fitness hearing, or proceedings on an
26 application for probation; or

1 (d) when a minor becomes 17 years of age or older,
2 and is the subject of criminal proceedings, including a
3 hearing to determine the amount of bail, a pre-trial
4 investigation, a pre-sentence investigation, a fitness
5 hearing, or proceedings on an application for
6 probation.

7 (5) Adult and Juvenile Prisoner Review Boards.

8 (6) Authorized military personnel.

9 (7) Victims, their subrogees and legal
10 representatives; however, such persons shall have access
11 only to the name and address of the minor and information
12 pertaining to the disposition or alternative adjustment
13 plan of the juvenile court.

14 (8) Persons engaged in bona fide research, with the
15 permission of the presiding judge of the juvenile court and
16 the chief executive of the agency that prepared the
17 particular records; provided that publication of such
18 research results in no disclosure of a minor's identity and
19 protects the confidentiality of the record.

20 (9) The Secretary of State to whom the Clerk of the
21 Court shall report the disposition of all cases, as
22 required in Section 6-204 of the Illinois Vehicle Code.
23 However, information reported relative to these offenses
24 shall be privileged and available only to the Secretary of
25 State, courts, and police officers.

26 (10) The administrator of a bonafide substance abuse

1 student assistance program with the permission of the
2 presiding judge of the juvenile court.

3 (11) Mental health professionals on behalf of the
4 Illinois Department of Corrections or the Department of
5 Human Services or prosecutors who are evaluating,
6 prosecuting, or investigating a potential or actual
7 petition brought under the Sexually Violent Persons
8 Commitment Act relating to a person who is the subject of
9 juvenile court records or the respondent to a petition
10 brought under the Sexually Violent Persons Commitment Act,
11 who is the subject of juvenile court records sought. Any
12 records and any information obtained from those records
13 under this paragraph (11) may be used only in sexually
14 violent persons commitment proceedings.

15 (A-1) Findings and exclusions of paternity entered in
16 proceedings occurring under Article II of this Act shall be
17 disclosed, in a manner and form approved by the Presiding Judge
18 of the Juvenile Court, to the Department of Healthcare and
19 Family Services when necessary to discharge the duties of the
20 Department of Healthcare and Family Services under Article X of
21 the Illinois Public Aid Code.

22 (B) A minor who is the victim in a juvenile proceeding
23 shall be provided the same confidentiality regarding
24 disclosure of identity as the minor who is the subject of
25 record.

26 (C) Except as otherwise provided in this subsection (C),

1 juvenile court records shall not be made available to the
2 general public but may be inspected by representatives of
3 agencies, associations and news media or other properly
4 interested persons by general or special order of the court
5 presiding over matters pursuant to this Act.

6 (0.1) In cases where the records concern a pending
7 juvenile court case, the party seeking to inspect the
8 juvenile court records shall provide actual notice to the
9 attorney or guardian ad litem of the minor whose records
10 are sought.

11 (0.2) In cases where the records concern a juvenile
12 court case that is no longer pending, the party seeking to
13 inspect the juvenile court records shall provide actual
14 notice to the minor or the minor's parent or legal
15 guardian, and the matter shall be referred to the chief
16 judge presiding over matters pursuant to this Act.

17 (0.3) In determining whether the records should be
18 available for inspection, the court shall consider the
19 minor's interest in confidentiality and rehabilitation
20 over the moving party's interest in obtaining the
21 information. The State's Attorney, the minor, and the
22 minor's parents, guardian, and counsel shall at all times
23 have the right to examine court files and records. For
24 purposes of obtaining documents pursuant to this Section, a
25 civil subpoena is not an order of the court.

26 (0.4) Any records obtained in violation of this

1 subsection (C) shall not be admissible in any criminal or
2 civil proceeding, or operate to disqualify a minor from
3 subsequently holding public office, or operate as a
4 forfeiture of any public benefit, right, privilege, or
5 right to receive any license granted by public authority.

6 (1) The court shall allow the general public to have
7 access to the name, address, and offense of a minor who is
8 adjudicated a delinquent minor under this Act under either
9 of the following circumstances:

10 (A) The adjudication of delinquency was based upon
11 the minor's commission of first degree murder, attempt
12 to commit first degree murder, aggravated criminal
13 sexual assault, or criminal sexual assault; or

14 (B) The court has made a finding that the minor was
15 at least 13 years of age at the time the act was
16 committed and the adjudication of delinquency was
17 based upon the minor's commission of: (i) an act in
18 furtherance of the commission of a felony as a member
19 of or on behalf of a criminal street gang, (ii) an act
20 involving the use of a firearm in the commission of a
21 felony, (iii) an act that would be a Class X felony
22 offense under or the minor's second or subsequent Class
23 2 or greater felony offense under the Cannabis Control
24 Act if committed by an adult, (iv) an act that would be
25 a second or subsequent offense under Section 402 of the
26 Illinois Controlled Substances Act if committed by an

1 adult, (v) an act that would be an offense under
2 Section 401 of the Illinois Controlled Substances Act
3 if committed by an adult, (vi) an act that would be a
4 second or subsequent offense under Section 60 of the
5 Methamphetamine Control and Community Protection Act,
6 or (vii) an act that would be an offense under another
7 Section of the Methamphetamine Control and Community
8 Protection Act.

9 (2) The court shall allow the general public to have
10 access to the name, address, and offense of a minor who is
11 at least 13 years of age at the time the offense is
12 committed and who is convicted, in criminal proceedings
13 permitted or required under Section 5-4, under either of
14 the following circumstances:

15 (A) The minor has been convicted of first degree
16 murder, attempt to commit first degree murder,
17 aggravated criminal sexual assault, or criminal sexual
18 assault,

19 (B) The court has made a finding that the minor was
20 at least 13 years of age at the time the offense was
21 committed and the conviction was based upon the minor's
22 commission of: (i) an offense in furtherance of the
23 commission of a felony as a member of or on behalf of a
24 criminal street gang, (ii) an offense involving the use
25 of a firearm in the commission of a felony, (iii) a
26 Class X felony offense under or a second or subsequent

1 Class 2 or greater felony offense under the Cannabis
2 Control Act, (iv) a second or subsequent offense under
3 Section 402 of the Illinois Controlled Substances Act,
4 (v) an offense under Section 401 of the Illinois
5 Controlled Substances Act, (vi) an act that would be a
6 second or subsequent offense under Section 60 of the
7 Methamphetamine Control and Community Protection Act,
8 or (vii) an act that would be an offense under another
9 Section of the Methamphetamine Control and Community
10 Protection Act.

11 (D) Pending or following any adjudication of delinquency
12 for any offense defined in Sections 11-1.20 through 11-1.60 or
13 12-13 through 12-16 of the Criminal Code of 1961 or the
14 Criminal Code of 2012, the victim of any such offense shall
15 receive the rights set out in Sections 4 and 6 of the Bill of
16 Rights for Victims and Witnesses of Violent Crime Act; and the
17 juvenile who is the subject of the adjudication,
18 notwithstanding any other provision of this Act, shall be
19 treated as an adult for the purpose of affording such rights to
20 the victim.

21 (E) Nothing in this Section shall affect the right of a
22 Civil Service Commission or appointing authority of any state,
23 county or municipality examining the character and fitness of
24 an applicant for employment with a law enforcement agency,
25 correctional institution, or fire department to ascertain
26 whether that applicant was ever adjudicated to be a delinquent

1 minor and, if so, to examine the records of disposition or
2 evidence which were made in proceedings under this Act.

3 (F) Following any adjudication of delinquency for a crime
4 which would be a felony if committed by an adult, or following
5 any adjudication of delinquency for a violation of Section
6 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the
7 Criminal Code of 2012, the State's Attorney shall ascertain
8 whether the minor respondent is enrolled in school and, if so,
9 shall provide a copy of the dispositional order to the
10 principal or chief administrative officer of the school. Access
11 to such juvenile records shall be limited to the principal or
12 chief administrative officer of the school and any guidance
13 counselor designated by him.

14 (G) Nothing contained in this Act prevents the sharing or
15 disclosure of information or records relating or pertaining to
16 juveniles subject to the provisions of the Serious Habitual
17 Offender Comprehensive Action Program when that information is
18 used to assist in the early identification and treatment of
19 habitual juvenile offenders.

20 (H) When a Court hearing a proceeding under Article II of
21 this Act becomes aware that an earlier proceeding under Article
22 II had been heard in a different county, that Court shall
23 request, and the Court in which the earlier proceedings were
24 initiated shall transmit, an authenticated copy of the Court
25 record, including all documents, petitions, and orders filed
26 therein and the minute orders, transcript of proceedings, and

1 docket entries of the Court.

2 (I) The Clerk of the Circuit Court shall report to the
3 Department of State Police, in the form and manner required by
4 the Department of State Police, the final disposition of each
5 minor who has been arrested or taken into custody before his or
6 her 17th birthday for those offenses required to be reported
7 under Section 5 of the Criminal Identification Act. Information
8 reported to the Department under this Section may be maintained
9 with records that the Department files under Section 2.1 of the
10 Criminal Identification Act.

11 (Source: P.A. 96-212, eff. 8-10-09; 96-1551, eff. 7-1-11;
12 97-813, eff. 7-13-12.)

13 (705 ILCS 405/2-3) (from Ch. 37, par. 802-3)

14 Sec. 2-3. Neglected or abused minor.

15 (1) Those who are neglected include:

16 (a) any minor under 18 years of age who is not
17 receiving the proper or necessary support, education as
18 required by law, or medical or other remedial care
19 recognized under State law as necessary for a minor's
20 well-being, or other care necessary for his or her
21 well-being, including adequate food, clothing and shelter,
22 or who is abandoned by his or her parent or parents or
23 other person or persons responsible for the minor's
24 welfare, except that a minor shall not be considered
25 neglected for the sole reason that the minor's parent or

1 parents or other person or persons responsible for the
2 minor's welfare have left the minor in the care of an adult
3 relative for any period of time, who the parent or parents
4 or other person responsible for the minor's welfare know is
5 both a mentally capable adult relative and physically
6 capable adult relative, as defined by this Act; or

7 (b) any minor under 18 years of age whose environment
8 is injurious to his or her welfare; or

9 (c) any newborn infant whose blood, urine, or meconium
10 contains any amount of a controlled substance as defined in
11 subsection (f) of Section 102 of the Illinois Controlled
12 Substances Act, as now or hereafter amended, or a
13 metabolite of a controlled substance, with the exception of
14 controlled substances or metabolites of such substances,
15 the presence of which in the newborn infant is the result
16 of medical treatment administered to the mother or the
17 newborn infant; or

18 (d) any minor under the age of 14 years whose parent or
19 other person responsible for the minor's welfare leaves the
20 minor without supervision for an unreasonable period of
21 time without regard for the mental or physical health,
22 safety, or welfare of that minor; or

23 (e) any minor who has been provided with interim crisis
24 intervention services under Section 3-5 of this Act and
25 whose parent, guardian, or custodian refuses to permit the
26 minor to return home unless the minor is an immediate

1 physical danger to himself, herself, or others living in
2 the home.

3 Whether the minor was left without regard for the mental or
4 physical health, safety, or welfare of that minor or the period
5 of time was unreasonable shall be determined by considering the
6 following factors, including but not limited to:

7 (1) the age of the minor;

8 (2) the number of minors left at the location;

9 (3) special needs of the minor, including whether the
10 minor is physically or mentally handicapped, or otherwise
11 in need of ongoing prescribed medical treatment such as
12 periodic doses of insulin or other medications;

13 (4) the duration of time in which the minor was left
14 without supervision;

15 (5) the condition and location of the place where the
16 minor was left without supervision;

17 (6) the time of day or night when the minor was left
18 without supervision;

19 (7) the weather conditions, including whether the
20 minor was left in a location with adequate protection from
21 the natural elements such as adequate heat or light;

22 (8) the location of the parent or guardian at the time
23 the minor was left without supervision, the physical
24 distance the minor was from the parent or guardian at the
25 time the minor was without supervision;

26 (9) whether the minor's movement was restricted, or the

1 minor was otherwise locked within a room or other
2 structure;

3 (10) whether the minor was given a phone number of a
4 person or location to call in the event of an emergency and
5 whether the minor was capable of making an emergency call;

6 (11) whether there was food and other provision left
7 for the minor;

8 (12) whether any of the conduct is attributable to
9 economic hardship or illness and the parent, guardian or
10 other person having physical custody or control of the
11 child made a good faith effort to provide for the health
12 and safety of the minor;

13 (13) the age and physical and mental capabilities of
14 the person or persons who provided supervision for the
15 minor;

16 (14) whether the minor was left under the supervision
17 of another person;

18 (15) any other factor that would endanger the health
19 and safety of that particular minor.

20 A minor shall not be considered neglected for the sole
21 reason that the minor has been relinquished in accordance with
22 the Abandoned Newborn Infant Protection Act.

23 (2) Those who are abused include any minor under 18 years
24 of age whose parent or immediate family member, or any person
25 responsible for the minor's welfare, or any person who is in
26 the same family or household as the minor, or any individual

1 residing in the same home as the minor, or a paramour of the
2 minor's parent:

3 (i) inflicts, causes to be inflicted, or allows to be
4 inflicted upon such minor physical injury, by other than
5 accidental means, which causes death, disfigurement,
6 impairment of physical or emotional health, or loss or
7 impairment of any bodily function;

8 (ii) creates a substantial risk of physical injury to
9 such minor by other than accidental means which would be
10 likely to cause death, disfigurement, impairment of
11 emotional health, or loss or impairment of any bodily
12 function;

13 (iii) commits or allows to be committed any sex offense
14 against such minor, as such sex offenses are defined in the
15 Criminal Code of 1961 or the Criminal Code of 2012, as
16 ~~amended,~~ or in the Wrongs to Children Act, and extending
17 those definitions of sex offenses to include minors under
18 18 years of age;

19 (iv) commits or allows to be committed an act or acts
20 of torture upon such minor;

21 (v) inflicts excessive corporal punishment;

22 (vi) commits or allows to be committed the offense of
23 involuntary servitude, involuntary sexual servitude of a
24 minor, or trafficking in persons as defined in Section 10-9
25 of the Criminal Code of 1961 or the Criminal Code of 2012,
26 upon such minor; or

1 (vii) allows, encourages or requires a minor to commit
2 any act of prostitution, as defined in the Criminal Code of
3 1961 or the Criminal Code of 2012, and extending those
4 definitions to include minors under 18 years of age.

5 A minor shall not be considered abused for the sole reason
6 that the minor has been relinquished in accordance with the
7 Abandoned Newborn Infant Protection Act.

8 (3) This Section does not apply to a minor who would be
9 included herein solely for the purpose of qualifying for
10 financial assistance for himself, his parents, guardian or
11 custodian.

12 (Source: P.A. 96-168, eff. 8-10-09; 96-1464, eff. 8-20-10;
13 97-897, eff. 1-1-13.)

14 (705 ILCS 405/2-10) (from Ch. 37, par. 802-10)

15 Sec. 2-10. Temporary custody hearing. At the appearance of
16 the minor before the court at the temporary custody hearing,
17 all witnesses present shall be examined before the court in
18 relation to any matter connected with the allegations made in
19 the petition.

20 (1) If the court finds that there is not probable cause to
21 believe that the minor is abused, neglected or dependent it
22 shall release the minor and dismiss the petition.

23 (2) If the court finds that there is probable cause to
24 believe that the minor is abused, neglected or dependent, the
25 court shall state in writing the factual basis supporting its

1 finding and the minor, his or her parent, guardian, custodian
2 and other persons able to give relevant testimony shall be
3 examined before the court. The Department of Children and
4 Family Services shall give testimony concerning indicated
5 reports of abuse and neglect, of which they are aware of
6 through the central registry, involving the minor's parent,
7 guardian or custodian. After such testimony, the court may,
8 consistent with the health, safety and best interests of the
9 minor, enter an order that the minor shall be released upon the
10 request of parent, guardian or custodian if the parent,
11 guardian or custodian appears to take custody. If it is
12 determined that a parent's, guardian's, or custodian's
13 compliance with critical services mitigates the necessity for
14 removal of the minor from his or her home, the court may enter
15 an Order of Protection setting forth reasonable conditions of
16 behavior that a parent, guardian, or custodian must observe for
17 a specified period of time, not to exceed 12 months, without a
18 violation; provided, however, that the 12-month period shall
19 begin anew after any violation. Custodian shall include any
20 agency of the State which has been given custody or wardship of
21 the child. If it is consistent with the health, safety and best
22 interests of the minor, the court may also prescribe shelter
23 care and order that the minor be kept in a suitable place
24 designated by the court or in a shelter care facility
25 designated by the Department of Children and Family Services or
26 a licensed child welfare agency; however, a minor charged with

1 a criminal offense under the Criminal Code of 1961 or the
2 Criminal Code of 2012 or adjudicated delinquent shall not be
3 placed in the custody of or committed to the Department of
4 Children and Family Services by any court, except a minor less
5 than 15 years of age and committed to the Department of
6 Children and Family Services under Section 5-710 of this Act or
7 a minor for whom an independent basis of abuse, neglect, or
8 dependency exists. An independent basis exists when the
9 allegations or adjudication of abuse, neglect, or dependency do
10 not arise from the same facts, incident, or circumstances which
11 give rise to a charge or adjudication of delinquency.

12 In placing the minor, the Department or other agency shall,
13 to the extent compatible with the court's order, comply with
14 Section 7 of the Children and Family Services Act. In
15 determining the health, safety and best interests of the minor
16 to prescribe shelter care, the court must find that it is a
17 matter of immediate and urgent necessity for the safety and
18 protection of the minor or of the person or property of another
19 that the minor be placed in a shelter care facility or that he
20 or she is likely to flee the jurisdiction of the court, and
21 must further find that reasonable efforts have been made or
22 that, consistent with the health, safety and best interests of
23 the minor, no efforts reasonably can be made to prevent or
24 eliminate the necessity of removal of the minor from his or her
25 home. The court shall require documentation from the Department
26 of Children and Family Services as to the reasonable efforts

1 that were made to prevent or eliminate the necessity of removal
2 of the minor from his or her home or the reasons why no efforts
3 reasonably could be made to prevent or eliminate the necessity
4 of removal. When a minor is placed in the home of a relative,
5 the Department of Children and Family Services shall complete a
6 preliminary background review of the members of the minor's
7 custodian's household in accordance with Section 4.3 of the
8 Child Care Act of 1969 within 90 days of that placement. If the
9 minor is ordered placed in a shelter care facility of the
10 Department of Children and Family Services or a licensed child
11 welfare agency, the court shall, upon request of the
12 appropriate Department or other agency, appoint the Department
13 of Children and Family Services Guardianship Administrator or
14 other appropriate agency executive temporary custodian of the
15 minor and the court may enter such other orders related to the
16 temporary custody as it deems fit and proper, including the
17 provision of services to the minor or his family to ameliorate
18 the causes contributing to the finding of probable cause or to
19 the finding of the existence of immediate and urgent necessity.

20 Where the Department of Children and Family Services
21 Guardianship Administrator is appointed as the executive
22 temporary custodian, the Department of Children and Family
23 Services shall file with the court and serve on the parties a
24 parent-child visiting plan, within 10 days, excluding weekends
25 and holidays, after the appointment. The parent-child visiting
26 plan shall set out the time and place of visits, the frequency

1 of visits, the length of visits, who shall be present at the
2 visits, and where appropriate, the minor's opportunities to
3 have telephone and mail communication with the parents.

4 Where the Department of Children and Family Services
5 Guardianship Administrator is appointed as the executive
6 temporary custodian, and when the child has siblings in care,
7 the Department of Children and Family Services shall file with
8 the court and serve on the parties a sibling placement and
9 contact plan within 10 days, excluding weekends and holidays,
10 after the appointment. The sibling placement and contact plan
11 shall set forth whether the siblings are placed together, and
12 if they are not placed together, what, if any, efforts are
13 being made to place them together. If the Department has
14 determined that it is not in a child's best interest to be
15 placed with a sibling, the Department shall document in the
16 sibling placement and contact plan the basis for its
17 determination. For siblings placed separately, the sibling
18 placement and contact plan shall set the time and place for
19 visits, the frequency of the visits, the length of visits, who
20 shall be present for the visits, and where appropriate, the
21 child's opportunities to have contact with their siblings in
22 addition to in person contact. If the Department determines it
23 is not in the best interest of a sibling to have contact with a
24 sibling, the Department shall document in the sibling placement
25 and contact plan the basis for its determination. The sibling
26 placement and contact plan shall specify a date for development

1 of the Sibling Contact Support Plan, under subsection (f) of
2 Section 7.4 of the Children and Family Services Act, and shall
3 remain in effect until the Sibling Contact Support Plan is
4 developed.

5 For good cause, the court may waive the requirement to
6 file the parent-child visiting plan or the sibling placement
7 and contact plan, or extend the time for filing either plan.
8 Any party may, by motion, request the court to review the
9 parent-child visiting plan to determine whether it is
10 reasonably calculated to expeditiously facilitate the
11 achievement of the permanency goal. A party may, by motion,
12 request the court to review the parent-child visiting plan or
13 the sibling placement and contact plan to determine whether it
14 is consistent with the minor's best interest. The court may
15 refer the parties to mediation where available. The frequency,
16 duration, and locations of visitation shall be measured by the
17 needs of the child and family, and not by the convenience of
18 Department personnel. Child development principles shall be
19 considered by the court in its analysis of how frequent
20 visitation should be, how long it should last, where it should
21 take place, and who should be present. If upon motion of the
22 party to review either plan and after receiving evidence, the
23 court determines that the parent-child visiting plan is not
24 reasonably calculated to expeditiously facilitate the
25 achievement of the permanency goal or that the restrictions
26 placed on parent-child contact or sibling placement or contact

1 are contrary to the child's best interests, the court shall put
2 in writing the factual basis supporting the determination and
3 enter specific findings based on the evidence. The court shall
4 enter an order for the Department to implement changes to the
5 parent-child visiting plan or sibling placement or contact
6 plan, consistent with the court's findings. At any stage of
7 proceeding, any party may by motion request the court to enter
8 any orders necessary to implement the parent-child visiting
9 plan, sibling placement or contact plan or subsequently
10 developed Sibling Contact Support Plan. Nothing under this
11 subsection (2) shall restrict the court from granting
12 discretionary authority to the Department to increase
13 opportunities for additional parent-child contacts or sibling
14 contacts, without further court orders. Nothing in this
15 subsection (2) shall restrict the Department from immediately
16 restricting or terminating parent-child contact or sibling
17 contacts, without either amending the parent-child visiting
18 plan or the sibling contact plan or obtaining a court order,
19 where the Department or its assigns reasonably believe that
20 continuation of the contact, as set out in the plan, would be
21 contrary to the child's health, safety, and welfare. The
22 Department shall file with the court and serve on the parties
23 any amendments to the plan within 10 days, excluding weekends
24 and holidays, of the change of the visitation.

25 Acceptance of services shall not be considered an admission
26 of any allegation in a petition made pursuant to this Act, nor

1 may a referral of services be considered as evidence in any
2 proceeding pursuant to this Act, except where the issue is
3 whether the Department has made reasonable efforts to reunite
4 the family. In making its findings that it is consistent with
5 the health, safety and best interests of the minor to prescribe
6 shelter care, the court shall state in writing (i) the factual
7 basis supporting its findings concerning the immediate and
8 urgent necessity for the protection of the minor or of the
9 person or property of another and (ii) the factual basis
10 supporting its findings that reasonable efforts were made to
11 prevent or eliminate the removal of the minor from his or her
12 home or that no efforts reasonably could be made to prevent or
13 eliminate the removal of the minor from his or her home. The
14 parents, guardian, custodian, temporary custodian and minor
15 shall each be furnished a copy of such written findings. The
16 temporary custodian shall maintain a copy of the court order
17 and written findings in the case record for the child. The
18 order together with the court's findings of fact in support
19 thereof shall be entered of record in the court.

20 Once the court finds that it is a matter of immediate and
21 urgent necessity for the protection of the minor that the minor
22 be placed in a shelter care facility, the minor shall not be
23 returned to the parent, custodian or guardian until the court
24 finds that such placement is no longer necessary for the
25 protection of the minor.

26 If the child is placed in the temporary custody of the

1 Department of Children and Family Services for his or her
2 protection, the court shall admonish the parents, guardian,
3 custodian or responsible relative that the parents must
4 cooperate with the Department of Children and Family Services,
5 comply with the terms of the service plans, and correct the
6 conditions which require the child to be in care, or risk
7 termination of their parental rights.

8 (3) If prior to the shelter care hearing for a minor
9 described in Sections 2-3, 2-4, 3-3 and 4-3 the moving party is
10 unable to serve notice on the party respondent, the shelter
11 care hearing may proceed ex-parte. A shelter care order from an
12 ex-parte hearing shall be endorsed with the date and hour of
13 issuance and shall be filed with the clerk's office and entered
14 of record. The order shall expire after 10 days from the time
15 it is issued unless before its expiration it is renewed, at a
16 hearing upon appearance of the party respondent, or upon an
17 affidavit of the moving party as to all diligent efforts to
18 notify the party respondent by notice as herein prescribed. The
19 notice prescribed shall be in writing and shall be personally
20 delivered to the minor or the minor's attorney and to the last
21 known address of the other person or persons entitled to
22 notice. The notice shall also state the nature of the
23 allegations, the nature of the order sought by the State,
24 including whether temporary custody is sought, and the
25 consequences of failure to appear and shall contain a notice
26 that the parties will not be entitled to further written

1 notices or publication notices of proceedings in this case,
 2 including the filing of an amended petition or a motion to
 3 terminate parental rights, except as required by Supreme Court
 4 Rule 11; and shall explain the right of the parties and the
 5 procedures to vacate or modify a shelter care order as provided
 6 in this Section. The notice for a shelter care hearing shall be
 7 substantially as follows:

8 NOTICE TO PARENTS AND CHILDREN
 9 OF SHELTER CARE HEARING

10 On at, before the Honorable
 11, (address:), the State
 12 of Illinois will present evidence (1) that (name of child
 13 or children) are abused, neglected
 14 or dependent for the following reasons:
 15 and (2)
 16 whether there is "immediate and urgent necessity" to remove
 17 the child or children from the responsible relative.

18 YOUR FAILURE TO APPEAR AT THE HEARING MAY RESULT IN
 19 PLACEMENT of the child or children in foster care until a
 20 trial can be held. A trial may not be held for up to 90
 21 days. You will not be entitled to further notices of
 22 proceedings in this case, including the filing of an
 23 amended petition or a motion to terminate parental rights.

24 At the shelter care hearing, parents have the following
 25 rights:

- 26 1. To ask the court to appoint a lawyer if they

1 cannot afford one.

2 2. To ask the court to continue the hearing to
3 allow them time to prepare.

4 3. To present evidence concerning:

5 a. Whether or not the child or children were
6 abused, neglected or dependent.

7 b. Whether or not there is "immediate and
8 urgent necessity" to remove the child from home
9 (including: their ability to care for the child,
10 conditions in the home, alternative means of
11 protecting the child other than removal).

12 c. The best interests of the child.

13 4. To cross examine the State's witnesses.

14 The Notice for rehearings shall be substantially as
15 follows:

16 NOTICE OF PARENT'S AND CHILDREN'S RIGHTS
17 TO REHEARING ON TEMPORARY CUSTODY

18 If you were not present at and did not have adequate
19 notice of the Shelter Care Hearing at which temporary
20 custody of was awarded to
21, you have the right to request a full
22 rehearing on whether the State should have temporary
23 custody of To request this rehearing,
24 you must file with the Clerk of the Juvenile Court
25 (address):, in person or by

1 mailing a statement (affidavit) setting forth the
2 following:

3 1. That you were not present at the shelter care
4 hearing.

5 2. That you did not get adequate notice (explaining
6 how the notice was inadequate).

7 3. Your signature.

8 4. Signature must be notarized.

9 The rehearing should be scheduled within 48 hours of
10 your filing this affidavit.

11 At the rehearing, your rights are the same as at the
12 initial shelter care hearing. The enclosed notice explains
13 those rights.

14 At the Shelter Care Hearing, children have the
15 following rights:

16 1. To have a guardian ad litem appointed.

17 2. To be declared competent as a witness and to
18 present testimony concerning:

19 a. Whether they are abused, neglected or
20 dependent.

21 b. Whether there is "immediate and urgent
22 necessity" to be removed from home.

23 c. Their best interests.

24 3. To cross examine witnesses for other parties.

25 4. To obtain an explanation of any proceedings and
26 orders of the court.

1 (4) If the parent, guardian, legal custodian, responsible
2 relative, minor age 8 or over, or counsel of the minor did not
3 have actual notice of or was not present at the shelter care
4 hearing, he or she may file an affidavit setting forth these
5 facts, and the clerk shall set the matter for rehearing not
6 later than 48 hours, excluding Sundays and legal holidays,
7 after the filing of the affidavit. At the rehearing, the court
8 shall proceed in the same manner as upon the original hearing.

9 (5) Only when there is reasonable cause to believe that the
10 minor taken into custody is a person described in subsection
11 (3) of Section 5-105 may the minor be kept or detained in a
12 detention home or county or municipal jail. This Section shall
13 in no way be construed to limit subsection (6).

14 (6) No minor under 16 years of age may be confined in a
15 jail or place ordinarily used for the confinement of prisoners
16 in a police station. Minors under 17 years of age must be kept
17 separate from confined adults and may not at any time be kept
18 in the same cell, room, or yard with adults confined pursuant
19 to the criminal law.

20 (7) If the minor is not brought before a judicial officer
21 within the time period as specified in Section 2-9, the minor
22 must immediately be released from custody.

23 (8) If neither the parent, guardian or custodian appears
24 within 24 hours to take custody of a minor released upon
25 request pursuant to subsection (2) of this Section, then the
26 clerk of the court shall set the matter for rehearing not later

1 than 7 days after the original order and shall issue a summons
2 directed to the parent, guardian or custodian to appear. At the
3 same time the probation department shall prepare a report on
4 the minor. If a parent, guardian or custodian does not appear
5 at such rehearing, the judge may enter an order prescribing
6 that the minor be kept in a suitable place designated by the
7 Department of Children and Family Services or a licensed child
8 welfare agency.

9 (9) Notwithstanding any other provision of this Section any
10 interested party, including the State, the temporary
11 custodian, an agency providing services to the minor or family
12 under a service plan pursuant to Section 8.2 of the Abused and
13 Neglected Child Reporting Act, foster parent, or any of their
14 representatives, on notice to all parties entitled to notice,
15 may file a motion that it is in the best interests of the minor
16 to modify or vacate a temporary custody order on any of the
17 following grounds:

18 (a) It is no longer a matter of immediate and urgent
19 necessity that the minor remain in shelter care; or

20 (b) There is a material change in the circumstances of
21 the natural family from which the minor was removed and the
22 child can be cared for at home without endangering the
23 child's health or safety; or

24 (c) A person not a party to the alleged abuse, neglect
25 or dependency, including a parent, relative or legal
26 guardian, is capable of assuming temporary custody of the

1 minor; or

2 (d) Services provided by the Department of Children and
3 Family Services or a child welfare agency or other service
4 provider have been successful in eliminating the need for
5 temporary custody and the child can be cared for at home
6 without endangering the child's health or safety.

7 In ruling on the motion, the court shall determine whether
8 it is consistent with the health, safety and best interests of
9 the minor to modify or vacate a temporary custody order.

10 The clerk shall set the matter for hearing not later than
11 14 days after such motion is filed. In the event that the court
12 modifies or vacates a temporary custody order but does not
13 vacate its finding of probable cause, the court may order that
14 appropriate services be continued or initiated in behalf of the
15 minor and his or her family.

16 (10) When the court finds or has found that there is
17 probable cause to believe a minor is an abused minor as
18 described in subsection (2) of Section 2-3 and that there is an
19 immediate and urgent necessity for the abused minor to be
20 placed in shelter care, immediate and urgent necessity shall be
21 presumed for any other minor residing in the same household as
22 the abused minor provided:

23 (a) Such other minor is the subject of an abuse or
24 neglect petition pending before the court; and

25 (b) A party to the petition is seeking shelter care for
26 such other minor.

1 Once the presumption of immediate and urgent necessity has
2 been raised, the burden of demonstrating the lack of immediate
3 and urgent necessity shall be on any party that is opposing
4 shelter care for the other minor.

5 (Source: P.A. 97-1076, eff. 8-24-12.)

6 (705 ILCS 405/2-13) (from Ch. 37, par. 802-13)

7 Sec. 2-13. Petition.

8 (1) Any adult person, any agency or association by its
9 representative may file, or the court on its own motion,
10 consistent with the health, safety and best interests of the
11 minor may direct the filing through the State's Attorney of a
12 petition in respect of a minor under this Act. The petition and
13 all subsequent court documents shall be entitled "In the
14 interest of, a minor".

15 (2) The petition shall be verified but the statements may
16 be made upon information and belief. It shall allege that the
17 minor is abused, neglected, or dependent, with citations to the
18 appropriate provisions of this Act, and set forth (a) facts
19 sufficient to bring the minor under Section 2-3 or 2-4 and to
20 inform respondents of the cause of action, including, but not
21 limited to, a plain and concise statement of the factual
22 allegations that form the basis for the filing of the petition;
23 (b) the name, age and residence of the minor; (c) the names and
24 residences of his parents; (d) the name and residence of his
25 legal guardian or the person or persons having custody or

1 control of the minor, or of the nearest known relative if no
2 parent or guardian can be found; and (e) if the minor upon
3 whose behalf the petition is brought is sheltered in custody,
4 the date on which such temporary custody was ordered by the
5 court or the date set for a temporary custody hearing. If any
6 of the facts herein required are not known by the petitioner,
7 the petition shall so state.

8 (3) The petition must allege that it is in the best
9 interests of the minor and of the public that he be adjudged a
10 ward of the court and may pray generally for relief available
11 under this Act. The petition need not specify any proposed
12 disposition following adjudication of wardship. The petition
13 may request that the minor remain in the custody of the parent,
14 guardian, or custodian under an Order of Protection.

15 (4) If termination of parental rights and appointment of a
16 guardian of the person with power to consent to adoption of the
17 minor under Section 2-29 is sought, the petition shall so
18 state. If the petition includes this request, the prayer for
19 relief shall clearly and obviously state that the parents could
20 permanently lose their rights as a parent at this hearing.

21 In addition to the foregoing, the petitioner, by motion,
22 may request the termination of parental rights and appointment
23 of a guardian of the person with power to consent to adoption
24 of the minor under Section 2-29 at any time after the entry of
25 a dispositional order under Section 2-22.

26 (4.5) (a) With respect to any minors committed to its care

1 pursuant to this Act, the Department of Children and Family
2 Services shall request the State's Attorney to file a petition
3 or motion for termination of parental rights and appointment of
4 guardian of the person with power to consent to adoption of the
5 minor under Section 2-29 if:

6 (i) a minor has been in foster care, as described in
7 subsection (b), for 15 months of the most recent 22 months;
8 or

9 (ii) a minor under the age of 2 years has been
10 previously determined to be abandoned at an adjudicatory
11 hearing; or

12 (iii) the parent is criminally convicted of (A) first
13 degree murder or second degree murder of any child, (B)
14 attempt or conspiracy to commit first degree murder or
15 second degree murder of any child, (C) solicitation to
16 commit murder of any child, solicitation to commit murder
17 for hire of any child, or solicitation to commit second
18 degree murder of any child, (D) aggravated battery,
19 aggravated battery of a child, or felony domestic battery,
20 any of which has resulted in serious injury to the minor or
21 a sibling of the minor, (E) aggravated criminal sexual
22 assault in violation of subdivision (a)(1) of Section
23 11-1.40 or subdivision (a)(1) ~~(b)(1)~~ of Section 12-14.1
24 ~~12-14~~ of the Criminal Code of 1961 or the Criminal Code of
25 2012, or (F) an offense in any other state the elements of
26 which are similar and bear a substantial relationship to

1 any of the foregoing offenses

2 unless:

3 (i) the child is being cared for by a relative,

4 (ii) the Department has documented in the case plan a
5 compelling reason for determining that filing such
6 petition would not be in the best interests of the child,

7 (iii) the court has found within the preceding 12
8 months that the Department has failed to make reasonable
9 efforts to reunify the child and family, or

10 (iv) paragraph (c) of this subsection (4.5) provides
11 otherwise.

12 (b) For purposes of this subsection, the date of entering
13 foster care is defined as the earlier of:

14 (1) The date of a judicial finding at an adjudicatory
15 hearing that the child is an abused, neglected, or
16 dependent minor; or

17 (2) 60 days after the date on which the child is
18 removed from his or her parent, guardian, or legal
19 custodian.

20 (c) With respect to paragraph (a)(i), the following
21 transition rules shall apply:

22 (1) If the child entered foster care after November 19,
23 1997 and this amendatory Act of 1998 takes effect before
24 the child has been in foster care for 15 months of the
25 preceding 22 months, then the Department shall comply with
26 the requirements of paragraph (a) of this subsection (4.5)

1 for that child as soon as the child has been in foster care
2 for 15 of the preceding 22 months.

3 (2) If the child entered foster care after November 19,
4 1997 and this amendatory Act of 1998 takes effect after the
5 child has been in foster care for 15 of the preceding 22
6 months, then the Department shall comply with the
7 requirements of paragraph (a) of this subsection (4.5) for
8 that child within 3 months after the end of the next
9 regular session of the General Assembly.

10 (3) If the child entered foster care prior to November
11 19, 1997, then the Department shall comply with the
12 requirements of paragraph (a) of this subsection (4.5) for
13 that child in accordance with Department policy or rule.

14 (d) If the State's Attorney determines that the
15 Department's request for filing of a petition or motion
16 conforms to the requirements set forth in subdivisions (a),
17 (b), and (c) of this subsection (4.5), then the State's
18 Attorney shall file the petition or motion as requested.

19 (5) The court shall liberally allow the petitioner to amend
20 the petition to set forth a cause of action or to add, amend,
21 or supplement factual allegations that form the basis for a
22 cause of action up until 14 days before the adjudicatory
23 hearing. The petitioner may amend the petition after that date
24 and prior to the adjudicatory hearing if the court grants leave
25 to amend upon a showing of good cause. The court may allow
26 amendment of the petition to conform with the evidence at any

1 time prior to ruling. In all cases in which the court has
2 granted leave to amend based on new evidence or new
3 allegations, the court shall permit the respondent an adequate
4 opportunity to prepare a defense to the amended petition.

5 (6) At any time before dismissal of the petition or before
6 final closing and discharge under Section 2-31, one or more
7 motions in the best interests of the minor may be filed. The
8 motion shall specify sufficient facts in support of the relief
9 requested.

10 (Source: P.A. 95-405, eff. 6-1-08.)

11 (705 ILCS 405/2-17) (from Ch. 37, par. 802-17)

12 Sec. 2-17. Guardian ad litem.

13 (1) Immediately upon the filing of a petition alleging that
14 the minor is a person described in Sections 2-3 or 2-4 of this
15 Article, the court shall appoint a guardian ad litem for the
16 minor if:

17 (a) such petition alleges that the minor is an abused
18 or neglected child; or

19 (b) such petition alleges that charges alleging the
20 commission of any of the sex offenses defined in Article 11
21 or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,
22 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the
23 Criminal Code of 1961 or the Criminal Code of 2012,~~as~~
24 ~~amended~~, have been filed against a defendant in any court
25 and that such minor is the alleged victim of the acts of

1 defendant in the commission of such offense.

2 Unless the guardian ad litem appointed pursuant to this
3 paragraph (1) is an attorney at law he shall be represented in
4 the performance of his duties by counsel. The guardian ad litem
5 shall represent the best interests of the minor and shall
6 present recommendations to the court consistent with that duty.

7 (2) Before proceeding with the hearing, the court shall
8 appoint a guardian ad litem for the minor if

9 (a) no parent, guardian, custodian or relative of the
10 minor appears at the first or any subsequent hearing of the
11 case;

12 (b) the petition prays for the appointment of a
13 guardian with power to consent to adoption; or

14 (c) the petition for which the minor is before the
15 court resulted from a report made pursuant to the Abused
16 and Neglected Child Reporting Act.

17 (3) The court may appoint a guardian ad litem for the minor
18 whenever it finds that there may be a conflict of interest
19 between the minor and his parents or other custodian or that it
20 is otherwise in the minor's best interest to do so.

21 (4) Unless the guardian ad litem is an attorney, he shall
22 be represented by counsel.

23 (5) The reasonable fees of a guardian ad litem appointed
24 under this Section shall be fixed by the court and charged to
25 the parents of the minor, to the extent they are able to pay.
26 If the parents are unable to pay those fees, they shall be paid

1 from the general fund of the county.

2 (6) A guardian ad litem appointed under this Section, shall
3 receive copies of any and all classified reports of child abuse
4 and neglect made under the Abused and Neglected Child Reporting
5 Act in which the minor who is the subject of a report under the
6 Abused and Neglected Child Reporting Act, is also the minor for
7 whom the guardian ad litem is appointed under this Section.

8 (7) The appointed guardian ad litem shall remain the
9 child's guardian ad litem throughout the entire juvenile trial
10 court proceedings, including permanency hearings and
11 termination of parental rights proceedings, unless there is a
12 substitution entered by order of the court.

13 (8) The guardian ad litem or an agent of the guardian ad
14 litem shall have a minimum of one in-person contact with the
15 minor and one contact with one of the current foster parents or
16 caregivers prior to the adjudicatory hearing, and at least one
17 additional in-person contact with the child and one contact
18 with one of the current foster parents or caregivers after the
19 adjudicatory hearing but prior to the first permanency hearing
20 and one additional in-person contact with the child and one
21 contact with one of the current foster parents or caregivers
22 each subsequent year. For good cause shown, the judge may
23 excuse face-to-face interviews required in this subsection.

24 (9) In counties with a population of 100,000 or more but
25 less than 3,000,000, each guardian ad litem must successfully
26 complete a training program approved by the Department of

1 Children and Family Services. The Department of Children and
2 Family Services shall provide training materials and documents
3 to guardians ad litem who are not mandated to attend the
4 training program. The Department of Children and Family
5 Services shall develop and distribute to all guardians ad litem
6 a bibliography containing information including but not
7 limited to the juvenile court process, termination of parental
8 rights, child development, medical aspects of child abuse, and
9 the child's need for safety and permanence.

10 (Source: P.A. 96-1551, eff. 7-1-11.)

11 (705 ILCS 405/2-18) (from Ch. 37, par. 802-18)

12 Sec. 2-18. Evidence.

13 (1) At the adjudicatory hearing, the court shall first
14 consider only the question whether the minor is abused,
15 neglected or dependent. The standard of proof and the rules of
16 evidence in the nature of civil proceedings in this State are
17 applicable to proceedings under this Article. If the petition
18 also seeks the appointment of a guardian of the person with
19 power to consent to adoption of the minor under Section 2-29,
20 the court may also consider legally admissible evidence at the
21 adjudicatory hearing that one or more grounds of unfitness
22 exists under subdivision D of Section 1 of the Adoption Act.

23 (2) In any hearing under this Act, the following shall
24 constitute prima facie evidence of abuse or neglect, as the
25 case may be:

1 (a) proof that a minor has a medical diagnosis of
2 battered child syndrome is prima facie evidence of abuse;

3 (b) proof that a minor has a medical diagnosis of
4 failure to thrive syndrome is prima facie evidence of
5 neglect;

6 (c) proof that a minor has a medical diagnosis of fetal
7 alcohol syndrome is prima facie evidence of neglect;

8 (d) proof that a minor has a medical diagnosis at birth
9 of withdrawal symptoms from narcotics or barbiturates is
10 prima facie evidence of neglect;

11 (e) proof of injuries sustained by a minor or of the
12 condition of a minor of such a nature as would ordinarily
13 not be sustained or exist except by reason of the acts or
14 omissions of the parent, custodian or guardian of such
15 minor shall be prima facie evidence of abuse or neglect, as
16 the case may be;

17 (f) proof that a parent, custodian or guardian of a
18 minor repeatedly used a drug, to the extent that it has or
19 would ordinarily have the effect of producing in the user a
20 substantial state of stupor, unconsciousness,
21 intoxication, hallucination, disorientation or
22 incompetence, or a substantial impairment of judgment, or a
23 substantial manifestation of irrationality, shall be prima
24 facie evidence of neglect;

25 (g) proof that a parent, custodian, or guardian of a
26 minor repeatedly used a controlled substance, as defined in

1 subsection (f) of Section 102 of the Illinois Controlled
2 Substances Act, in the presence of the minor or a sibling
3 of the minor is prima facie evidence of neglect. "Repeated
4 use", for the purpose of this subsection, means more than
5 one use of a controlled substance as defined in subsection
6 (f) of Section 102 of the Illinois Controlled Substances
7 Act;

8 (h) proof that a newborn infant's blood, urine, or
9 meconium contains any amount of a controlled substance as
10 defined in subsection (f) of Section 102 of the Illinois
11 Controlled Substances Act, or a metabolite of a controlled
12 substance, with the exception of controlled substances or
13 metabolites of those substances, the presence of which is
14 the result of medical treatment administered to the mother
15 or the newborn, is prime facie evidence of neglect;

16 (i) proof that a minor was present in a structure or
17 vehicle in which the minor's parent, custodian, or guardian
18 was involved in the manufacture of methamphetamine
19 constitutes prima facie evidence of abuse and neglect;

20 (j) proof that a parent, custodian, or guardian of a
21 minor allows, encourages, or requires a minor to perform,
22 offer, or agree to perform any act of sexual penetration as
23 defined in Section 11-0.1 ~~12-12~~ of the Criminal Code of
24 2012 ~~1961~~ for any money, property, token, object, or
25 article or anything of value, or any touching or fondling
26 of the sex organs of one person by another person, for any

1 money, property, token, object, or article or anything of
2 value, for the purpose of sexual arousal or gratification,
3 constitutes prima facie evidence of abuse and neglect;

4 (k) proof that a parent, custodian, or guardian of a
5 minor commits or allows to be committed the offense of
6 involuntary servitude, involuntary sexual servitude of a
7 minor, or trafficking in persons as defined in Section 10-9
8 of the Criminal Code of 1961 or the Criminal Code of 2012,
9 upon such minor, constitutes prima facie evidence of abuse
10 and neglect.

11 (3) In any hearing under this Act, proof of the abuse,
12 neglect or dependency of one minor shall be admissible evidence
13 on the issue of the abuse, neglect or dependency of any other
14 minor for whom the respondent is responsible.

15 (4) (a) Any writing, record, photograph or x-ray of any
16 hospital or public or private agency, whether in the form of an
17 entry in a book or otherwise, made as a memorandum or record of
18 any condition, act, transaction, occurrence or event relating
19 to a minor in an abuse, neglect or dependency proceeding, shall
20 be admissible in evidence as proof of that condition, act,
21 transaction, occurrence or event, if the court finds that the
22 document was made in the regular course of the business of the
23 hospital or agency and that it was in the regular course of
24 such business to make it, at the time of the act, transaction,
25 occurrence or event, or within a reasonable time thereafter. A
26 certification by the head or responsible employee of the

1 hospital or agency that the writing, record, photograph or
2 x-ray is the full and complete record of the condition, act,
3 transaction, occurrence or event and that it satisfies the
4 conditions of this paragraph shall be prima facie evidence of
5 the facts contained in such certification. A certification by
6 someone other than the head of the hospital or agency shall be
7 accompanied by a photocopy of a delegation of authority signed
8 by both the head of the hospital or agency and by such other
9 employee. All other circumstances of the making of the
10 memorandum, record, photograph or x-ray, including lack of
11 personal knowledge of the maker, may be proved to affect the
12 weight to be accorded such evidence, but shall not affect its
13 admissibility.

14 (b) Any indicated report filed pursuant to the Abused and
15 Neglected Child Reporting Act shall be admissible in evidence.

16 (c) Previous statements made by the minor relating to any
17 allegations of abuse or neglect shall be admissible in
18 evidence. However, no such statement, if uncorroborated and not
19 subject to cross-examination, shall be sufficient in itself to
20 support a finding of abuse or neglect.

21 (d) There shall be a rebuttable presumption that a minor is
22 competent to testify in abuse or neglect proceedings. The court
23 shall determine how much weight to give to the minor's
24 testimony, and may allow the minor to testify in chambers with
25 only the court, the court reporter and attorneys for the
26 parties present.

1 (e) The privileged character of communication between any
2 professional person and patient or client, except privilege
3 between attorney and client, shall not apply to proceedings
4 subject to this Article.

5 (f) Proof of the impairment of emotional health or
6 impairment of mental or emotional condition as a result of the
7 failure of the respondent to exercise a minimum degree of care
8 toward a minor may include competent opinion or expert
9 testimony, and may include proof that such impairment lessened
10 during a period when the minor was in the care, custody or
11 supervision of a person or agency other than the respondent.

12 (5) In any hearing under this Act alleging neglect for
13 failure to provide education as required by law under
14 subsection (1) of Section 2-3, proof that a minor under 13
15 years of age who is subject to compulsory school attendance
16 under the School Code is a chronic truant as defined under the
17 School Code shall be prima facie evidence of neglect by the
18 parent or guardian in any hearing under this Act and proof that
19 a minor who is 13 years of age or older who is subject to
20 compulsory school attendance under the School Code is a chronic
21 truant shall raise a rebuttable presumption of neglect by the
22 parent or guardian. This subsection (5) shall not apply in
23 counties with 2,000,000 or more inhabitants.

24 (6) In any hearing under this Act, the court may take
25 judicial notice of prior sworn testimony or evidence admitted
26 in prior proceedings involving the same minor if (a) the

1 parties were either represented by counsel at such prior
2 proceedings or the right to counsel was knowingly waived and
3 (b) the taking of judicial notice would not result in admitting
4 hearsay evidence at a hearing where it would otherwise be
5 prohibited.

6 (Source: P.A. 96-1464, eff. 8-20-10; 97-897, eff. 1-1-13.)

7 (705 ILCS 405/2-25) (from Ch. 37, par. 802-25)

8 Sec. 2-25. Order of protection.

9 (1) The court may make an order of protection in assistance
10 of or as a condition of any other order authorized by this Act.
11 The order of protection shall be based on the health, safety
12 and best interests of the minor and may set forth reasonable
13 conditions of behavior to be observed for a specified period.
14 Such an order may require a person:

15 (a) to stay away from the home or the minor;

16 (b) to permit a parent to visit the minor at stated
17 periods;

18 (c) to abstain from offensive conduct against the
19 minor, his parent or any person to whom custody of the
20 minor is awarded;

21 (d) to give proper attention to the care of the home;

22 (e) to cooperate in good faith with an agency to which
23 custody of a minor is entrusted by the court or with an
24 agency or association to which the minor is referred by the
25 court;

1 (f) to prohibit and prevent any contact whatsoever with
2 the respondent minor by a specified individual or
3 individuals who are alleged in either a criminal or
4 juvenile proceeding to have caused injury to a respondent
5 minor or a sibling of a respondent minor;

6 (g) to refrain from acts of commission or omission that
7 tend to make the home not a proper place for the minor;

8 (h) to refrain from contacting the minor and the foster
9 parents in any manner that is not specified in writing in
10 the case plan.

11 (2) The court shall enter an order of protection to
12 prohibit and prevent any contact between a respondent minor or
13 a sibling of a respondent minor and any person named in a
14 petition seeking an order of protection who has been convicted
15 of heinous battery or aggravated battery under subdivision
16 (a)(2) of Section 12-3.05, aggravated battery of a child or
17 aggravated battery under subdivision (b)(1) of Section
18 12-3.05, criminal sexual assault, aggravated criminal sexual
19 assault, predatory criminal sexual assault of a child, criminal
20 sexual abuse, or aggravated criminal sexual abuse as described
21 in the Criminal Code of 1961 or the Criminal Code of 2012, or
22 has been convicted of an offense that resulted in the death of
23 a child, or has violated a previous order of protection under
24 this Section.

25 (3) When the court issues an order of protection against
26 any person as provided by this Section, the court shall direct

1 a copy of such order to the Sheriff of that county. The Sheriff
2 shall furnish a copy of the order of protection to the
3 Department of State Police within 24 hours of receipt, in the
4 form and manner required by the Department. The Department of
5 State Police shall maintain a complete record and index of such
6 orders of protection and make this data available to all local
7 law enforcement agencies.

8 (4) After notice and opportunity for hearing afforded to a
9 person subject to an order of protection, the order may be
10 modified or extended for a further specified period or both or
11 may be terminated if the court finds that the health, safety,
12 and best interests of the minor and the public will be served
13 thereby.

14 (5) An order of protection may be sought at any time during
15 the course of any proceeding conducted pursuant to this Act if
16 such an order is consistent with the health, safety, and best
17 interests of the minor. Any person against whom an order of
18 protection is sought may retain counsel to represent him at a
19 hearing, and has rights to be present at the hearing, to be
20 informed prior to the hearing in writing of the contents of the
21 petition seeking a protective order and of the date, place and
22 time of such hearing, and to cross examine witnesses called by
23 the petitioner and to present witnesses and argument in
24 opposition to the relief sought in the petition.

25 (6) Diligent efforts shall be made by the petitioner to
26 serve any person or persons against whom any order of

1 protection is sought with written notice of the contents of the
2 petition seeking a protective order and of the date, place and
3 time at which the hearing on the petition is to be held. When a
4 protective order is being sought in conjunction with a
5 temporary custody hearing, if the court finds that the person
6 against whom the protective order is being sought has been
7 notified of the hearing or that diligent efforts have been made
8 to notify such person, the court may conduct a hearing. If a
9 protective order is sought at any time other than in
10 conjunction with a temporary custody hearing, the court may not
11 conduct a hearing on the petition in the absence of the person
12 against whom the order is sought unless the petitioner has
13 notified such person by personal service at least 3 days before
14 the hearing or has sent written notice by first class mail to
15 such person's last known address at least 5 days before the
16 hearing.

17 (7) A person against whom an order of protection is being
18 sought who is neither a parent, guardian, legal custodian or
19 responsible relative as described in Section 1-5 is not a party
20 or respondent as defined in that Section and shall not be
21 entitled to the rights provided therein. Such person does not
22 have a right to appointed counsel or to be present at any
23 hearing other than the hearing in which the order of protection
24 is being sought or a hearing directly pertaining to that order.
25 Unless the court orders otherwise, such person does not have a
26 right to inspect the court file.

1 (8) All protective orders entered under this Section shall
2 be in writing. Unless the person against whom the order was
3 obtained was present in court when the order was issued, the
4 sheriff, other law enforcement official or special process
5 server shall promptly serve that order upon that person and
6 file proof of such service, in the manner provided for service
7 of process in civil proceedings. The person against whom the
8 protective order was obtained may seek a modification of the
9 order by filing a written motion to modify the order within 7
10 days after actual receipt by the person of a copy of the order.
11 Any modification of the order granted by the court must be
12 determined to be consistent with the best interests of the
13 minor.

14 (9) If a petition is filed charging a violation of a
15 condition contained in the protective order and if the court
16 determines that this violation is of a critical service
17 necessary to the safety and welfare of the minor, the court may
18 proceed to findings and an order for temporary custody.

19 (Source: P.A. 96-1551, Article 1, Section 955, eff. 7-1-11;
20 96-1551, Article 2, Section 1030, eff. 7-1-11; 97-1109, eff.
21 1-1-13.)

22 (705 ILCS 405/2-27) (from Ch. 37, par. 802-27)

23 Sec. 2-27. Placement; legal custody or guardianship.

24 (1) If the court determines and puts in writing the factual
25 basis supporting the determination of whether the parents,

1 guardian, or legal custodian of a minor adjudged a ward of the
2 court are unfit or are unable, for some reason other than
3 financial circumstances alone, to care for, protect, train or
4 discipline the minor or are unwilling to do so, and that the
5 health, safety, and best interest of the minor will be
6 jeopardized if the minor remains in the custody of his or her
7 parents, guardian or custodian, the court may at this hearing
8 and at any later point:

9 (a) place the minor in the custody of a suitable
10 relative or other person as legal custodian or guardian;

11 (a-5) with the approval of the Department of Children
12 and Family Services, place the minor in the subsidized
13 guardianship of a suitable relative or other person as
14 legal guardian; "subsidized guardianship" means a private
15 guardianship arrangement for children for whom the
16 permanency goals of return home and adoption have been
17 ruled out and who meet the qualifications for subsidized
18 guardianship as defined by the Department of Children and
19 Family Services in administrative rules;

20 (b) place the minor under the guardianship of a
21 probation officer;

22 (c) commit the minor to an agency for care or
23 placement, except an institution under the authority of the
24 Department of Corrections or of the Department of Children
25 and Family Services;

26 (d) commit the minor to the Department of Children and

1 Family Services for care and service; however, a minor
2 charged with a criminal offense under the Criminal Code of
3 1961 or the Criminal Code of 2012 or adjudicated delinquent
4 shall not be placed in the custody of or committed to the
5 Department of Children and Family Services by any court,
6 except (i) a minor less than 15 years of age and committed
7 to the Department of Children and Family Services under
8 Section 5-710 of this Act, (ii) a minor for whom an
9 independent basis of abuse, neglect, or dependency exists,
10 or (iii) a minor for whom the court has granted a
11 supplemental petition to reinstate wardship pursuant to
12 subsection (2) of Section 2-33 of this Act. An independent
13 basis exists when the allegations or adjudication of abuse,
14 neglect, or dependency do not arise from the same facts,
15 incident, or circumstances which give rise to a charge or
16 adjudication of delinquency. The Department shall be given
17 due notice of the pendency of the action and the
18 Guardianship Administrator of the Department of Children
19 and Family Services shall be appointed guardian of the
20 person of the minor. Whenever the Department seeks to
21 discharge a minor from its care and service, the
22 Guardianship Administrator shall petition the court for an
23 order terminating guardianship. The Guardianship
24 Administrator may designate one or more other officers of
25 the Department, appointed as Department officers by
26 administrative order of the Department Director,

1 authorized to affix the signature of the Guardianship
2 Administrator to documents affecting the guardian-ward
3 relationship of children for whom he or she has been
4 appointed guardian at such times as he or she is unable to
5 perform the duties of his or her office. The signature
6 authorization shall include but not be limited to matters
7 of consent of marriage, enlistment in the armed forces,
8 legal proceedings, adoption, major medical and surgical
9 treatment and application for driver's license. Signature
10 authorizations made pursuant to the provisions of this
11 paragraph shall be filed with the Secretary of State and
12 the Secretary of State shall provide upon payment of the
13 customary fee, certified copies of the authorization to any
14 court or individual who requests a copy.

15 (1.5) In making a determination under this Section, the
16 court shall also consider whether, based on health, safety, and
17 the best interests of the minor,

18 (a) appropriate services aimed at family preservation
19 and family reunification have been unsuccessful in
20 rectifying the conditions that have led to a finding of
21 unfitness or inability to care for, protect, train, or
22 discipline the minor, or

23 (b) no family preservation or family reunification
24 services would be appropriate,
25 and if the petition or amended petition contained an allegation
26 that the parent is an unfit person as defined in subdivision

1 (D) of Section 1 of the Adoption Act, and the order of
2 adjudication recites that parental unfitness was established
3 by clear and convincing evidence, the court shall, when
4 appropriate and in the best interest of the minor, enter an
5 order terminating parental rights and appointing a guardian
6 with power to consent to adoption in accordance with Section
7 2-29.

8 When making a placement, the court, wherever possible,
9 shall require the Department of Children and Family Services to
10 select a person holding the same religious belief as that of
11 the minor or a private agency controlled by persons of like
12 religious faith of the minor and shall require the Department
13 to otherwise comply with Section 7 of the Children and Family
14 Services Act in placing the child. In addition, whenever
15 alternative plans for placement are available, the court shall
16 ascertain and consider, to the extent appropriate in the
17 particular case, the views and preferences of the minor.

18 (2) When a minor is placed with a suitable relative or
19 other person pursuant to item (a) of subsection (1), the court
20 shall appoint him or her the legal custodian or guardian of the
21 person of the minor. When a minor is committed to any agency,
22 the court shall appoint the proper officer or representative
23 thereof as legal custodian or guardian of the person of the
24 minor. Legal custodians and guardians of the person of the
25 minor have the respective rights and duties set forth in
26 subsection (9) of Section 1-3 except as otherwise provided by

1 order of court; but no guardian of the person may consent to
2 adoption of the minor unless that authority is conferred upon
3 him or her in accordance with Section 2-29. An agency whose
4 representative is appointed guardian of the person or legal
5 custodian of the minor may place the minor in any child care
6 facility, but the facility must be licensed under the Child
7 Care Act of 1969 or have been approved by the Department of
8 Children and Family Services as meeting the standards
9 established for such licensing. No agency may place a minor
10 adjudicated under Sections 2-3 or 2-4 in a child care facility
11 unless the placement is in compliance with the rules and
12 regulations for placement under this Section promulgated by the
13 Department of Children and Family Services under Section 5 of
14 the Children and Family Services Act. Like authority and
15 restrictions shall be conferred by the court upon any probation
16 officer who has been appointed guardian of the person of a
17 minor.

18 (3) No placement by any probation officer or agency whose
19 representative is appointed guardian of the person or legal
20 custodian of a minor may be made in any out of State child care
21 facility unless it complies with the Interstate Compact on the
22 Placement of Children. Placement with a parent, however, is not
23 subject to that Interstate Compact.

24 (4) The clerk of the court shall issue to the legal
25 custodian or guardian of the person a certified copy of the
26 order of court, as proof of his authority. No other process is

1 necessary as authority for the keeping of the minor.

2 (5) Custody or guardianship granted under this Section
3 continues until the court otherwise directs, but not after the
4 minor reaches the age of 19 years except as set forth in
5 Section 2-31, or if the minor was previously committed to the
6 Department of Children and Family Services for care and service
7 and the court has granted a supplemental petition to reinstate
8 wardship pursuant to subsection (2) of Section 2-33.

9 (6) (Blank).

10 (Source: P.A. 95-642, eff. 6-1-08; 96-581, eff. 1-1-10.)

11 (705 ILCS 405/3-19) (from Ch. 37, par. 803-19)

12 Sec. 3-19. Guardian ad litem.

13 (1) Immediately upon the filing of a petition alleging that
14 the minor requires authoritative intervention, the court may
15 appoint a guardian ad litem for the minor if

16 (a) such petition alleges that the minor is the victim
17 of sexual abuse or misconduct; or

18 (b) such petition alleges that charges alleging the
19 commission of any of the sex offenses defined in Article 11
20 or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,
21 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the
22 Criminal Code of 1961 or the Criminal Code of 2012,~~as~~
23 ~~amended~~, have been filed against a defendant in any court
24 and that such minor is the alleged victim of the acts of
25 the defendant in the commission of such offense.

1 (2) Unless the guardian ad litem appointed pursuant to
2 paragraph (1) is an attorney at law he shall be represented in
3 the performance of his duties by counsel.

4 (3) Before proceeding with the hearing, the court shall
5 appoint a guardian ad litem for the minor if

6 (a) no parent, guardian, custodian or relative of the
7 minor appears at the first or any subsequent hearing of the
8 case;

9 (b) the petition prays for the appointment of a
10 guardian with power to consent to adoption; or

11 (c) the petition for which the minor is before the
12 court resulted from a report made pursuant to the Abused
13 and Neglected Child Reporting Act.

14 (4) The court may appoint a guardian ad litem for the minor
15 whenever it finds that there may be a conflict of interest
16 between the minor and his parents or other custodian or that it
17 is otherwise in the minor's interest to do so.

18 (5) The reasonable fees of a guardian ad litem appointed
19 under this Section shall be fixed by the court and charged to
20 the parents of the minor, to the extent they are able to pay.
21 If the parents are unable to pay those fees, they shall be paid
22 from the general fund of the county.

23 (Source: P.A. 96-1551, eff. 7-1-11.)

24 (705 ILCS 405/3-26) (from Ch. 37, par. 803-26)

25 Sec. 3-26. Order of protection.

1 (1) The court may make an order of protection in assistance
2 of or as a condition of any other order authorized by this Act.
3 The order of protection may set forth reasonable conditions of
4 behavior to be observed for a specified period. Such an order
5 may require a person:

6 (a) To stay away from the home or the minor;

7 (b) To permit a parent to visit the minor at stated
8 periods;

9 (c) To abstain from offensive conduct against the
10 minor, his parent or any person to whom custody of the
11 minor is awarded;

12 (d) To give proper attention to the care of the home;

13 (e) To cooperate in good faith with an agency to which
14 custody of a minor is entrusted by the court or with an
15 agency or association to which the minor is referred by the
16 court;

17 (f) To prohibit and prevent any contact whatsoever with
18 the respondent minor by a specified individual or
19 individuals who are alleged in either a criminal or
20 juvenile proceeding to have caused injury to a respondent
21 minor or a sibling of a respondent minor;

22 (g) To refrain from acts of commission or omission that
23 tend to make the home not a proper place for the minor.

24 (2) The court shall enter an order of protection to
25 prohibit and prevent any contact between a respondent minor or
26 a sibling of a respondent minor and any person named in a

1 petition seeking an order of protection who has been convicted
2 of heinous battery or aggravated battery under subdivision
3 (a)(2) of Section 12-3.05, aggravated battery of a child or
4 aggravated battery under subdivision (b)(1) of Section
5 12-3.05, criminal sexual assault, aggravated criminal sexual
6 assault, predatory criminal sexual assault of a child, criminal
7 sexual abuse, or aggravated criminal sexual abuse as described
8 in the Criminal Code of 1961 or the Criminal Code of 2012, or
9 has been convicted of an offense that resulted in the death of
10 a child, or has violated a previous order of protection under
11 this Section.

12 (3) When the court issues an order of protection against
13 any person as provided by this Section, the court shall direct
14 a copy of such order to the Sheriff of that county. The Sheriff
15 shall furnish a copy of the order of protection to the
16 Department of State Police within 24 hours of receipt, in the
17 form and manner required by the Department. The Department of
18 State Police shall maintain a complete record and index of such
19 orders of protection and make this data available to all local
20 law enforcement agencies.

21 (4) After notice and opportunity for hearing afforded to a
22 person subject to an order of protection, the order may be
23 modified or extended for a further specified period or both or
24 may be terminated if the court finds that the best interests of
25 the minor and the public will be served thereby.

26 (5) An order of protection may be sought at any time during

1 the course of any proceeding conducted pursuant to this Act.
2 Any person against whom an order of protection is sought may
3 retain counsel to represent him at a hearing, and has rights to
4 be present at the hearing, to be informed prior to the hearing
5 in writing of the contents of the petition seeking a protective
6 order and of the date, place and time of such hearing, and to
7 cross examine witnesses called by the petitioner and to present
8 witnesses and argument in opposition to the relief sought in
9 the petition.

10 (6) Diligent efforts shall be made by the petitioner to
11 serve any person or persons against whom any order of
12 protection is sought with written notice of the contents of the
13 petition seeking a protective order and of the date, place and
14 time at which the hearing on the petition is to be held. When a
15 protective order is being sought in conjunction with a shelter
16 care hearing, if the court finds that the person against whom
17 the protective order is being sought has been notified of the
18 hearing or that diligent efforts have been made to notify such
19 person, the court may conduct a hearing. If a protective order
20 is sought at any time other than in conjunction with a shelter
21 care hearing, the court may not conduct a hearing on the
22 petition in the absence of the person against whom the order is
23 sought unless the petitioner has notified such person by
24 personal service at least 3 days before the hearing or has sent
25 written notice by first class mail to such person's last known
26 address at least 5 days before the hearing.

1 (7) A person against whom an order of protection is being
2 sought who is neither a parent, guardian, legal custodian or
3 responsible relative as described in Section 1-5 is not a party
4 or respondent as defined in that Section and shall not be
5 entitled to the rights provided therein. Such person does not
6 have a right to appointed counsel or to be present at any
7 hearing other than the hearing in which the order of protection
8 is being sought or a hearing directly pertaining to that order.
9 Unless the court orders otherwise, such person does not have a
10 right to inspect the court file.

11 (8) All protective orders entered under this Section shall
12 be in writing. Unless the person against whom the order was
13 obtained was present in court when the order was issued, the
14 sheriff, other law enforcement official or special process
15 server shall promptly serve that order upon that person and
16 file proof of such service, in the manner provided for service
17 of process in civil proceedings. The person against whom the
18 protective order was obtained may seek a modification of the
19 order by filing a written motion to modify the order within 7
20 days after actual receipt by the person of a copy of the order.

21 (Source: P.A. 96-1551, Article 1, Section 995, eff. 7-1-11;
22 96-1551, Article 2, Section 1030, eff. 7-1-11; 97-1109, eff.
23 1-1-13.)

24 (705 ILCS 405/3-40)

25 Sec. 3-40. Minors involved in electronic dissemination of

1 indecent visual depictions in need of supervision.

2 (a) For the purposes of this Section:

3 "Computer" has the meaning ascribed to it in Section 17-0.5
4 of the Criminal Code of 2012 ~~1961~~.

5 "Electronic communication device" means an electronic
6 device, including but not limited to a wireless telephone,
7 personal digital assistant, or a portable or mobile computer,
8 that is capable of transmitting images or pictures.

9 "Indecent visual depiction" means a depiction or portrayal
10 in any pose, posture, or setting involving a lewd exhibition of
11 the unclothed or transparently clothed genitals, pubic area,
12 buttocks, or, if such person is female, a fully or partially
13 developed breast of the person.

14 "Minor" means a person under 18 years of age.

15 (b) A minor shall not distribute or disseminate an indecent
16 visual depiction of another minor through the use of a computer
17 or electronic communication device.

18 (c) Adjudication. A minor who violates subsection (b) of
19 this Section may be subject to a petition for adjudication and
20 adjudged a minor in need of supervision.

21 (d) Kinds of dispositional orders. A minor found to be in
22 need of supervision under this Section may be:

23 (1) ordered to obtain counseling or other supportive
24 services to address the acts that led to the need for
25 supervision; or

26 (2) ordered to perform community service.

1 (e) Nothing in this Section shall be construed to prohibit
2 a prosecution for disorderly conduct, public indecency, child
3 pornography, a violation of Article 26.5 Harassing and Obscene
4 Communications of the Criminal Code of 2012 ~~1961~~, or any other
5 applicable provision of law.

6 (Source: P.A. 96-1087, eff. 1-1-11; 97-1108, eff. 1-1-13.)

7 (705 ILCS 405/4-16) (from Ch. 37, par. 804-16)

8 Sec. 4-16. Guardian ad litem.

9 (1) Immediately upon the filing of a petition alleging that
10 the minor is a person described in Section 4-3 of this Act, the
11 court may appoint a guardian ad litem for the minor if:

12 (a) such petition alleges that the minor is the victim
13 of sexual abuse or misconduct; or

14 (b) such petition alleges that charges alleging the
15 commission of any of the sex offenses defined in Article 11
16 or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,
17 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the
18 Criminal Code of 1961 or the Criminal Code of 2012, ~~as~~
19 ~~amended~~, have been filed against a defendant in any court
20 and that such minor is the alleged victim of the acts of
21 the defendant in the commission of such offense.

22 Unless the guardian ad litem appointed pursuant to this
23 paragraph (1) is an attorney at law he shall be represented in
24 the performance of his duties by counsel.

25 (2) Before proceeding with the hearing, the court shall

1 appoint a guardian ad litem for the minor if

2 (a) no parent, guardian, custodian or relative of the
3 minor appears at the first or any subsequent hearing of the
4 case;

5 (b) the petition prays for the appointment of a
6 guardian with power to consent to adoption; or

7 (c) the petition for which the minor is before the
8 court resulted from a report made pursuant to the Abused
9 and Neglected Child Reporting Act.

10 (3) The court may appoint a guardian ad litem for the minor
11 whenever it finds that there may be a conflict of interest
12 between the minor and his parents or other custodian or that it
13 is otherwise in the minor's interest to do so.

14 (4) Unless the guardian ad litem is an attorney, he shall
15 be represented by counsel.

16 (5) The reasonable fees of a guardian ad litem appointed
17 under this Section shall be fixed by the court and charged to
18 the parents of the minor, to the extent they are able to pay.
19 If the parents are unable to pay those fees, they shall be paid
20 from the general fund of the county.

21 (Source: P.A. 96-1551, eff. 7-1-11.)

22 (705 ILCS 405/4-23) (from Ch. 37, par. 804-23)

23 Sec. 4-23. Order of protection.

24 (1) The court may make an order of protection in assistance
25 of or as a condition of any other order authorized by this Act.

1 The order of protection may set forth reasonable conditions of
2 behavior to be observed for a specified period. Such an order
3 may require a person:

4 (a) To stay away from the home or the minor;

5 (b) To permit a parent to visit the minor at stated
6 periods;

7 (c) To abstain from offensive conduct against the
8 minor, his parent or any person to whom custody of the
9 minor is awarded;

10 (d) To give proper attention to the care of the home;

11 (e) To cooperate in good faith with an agency to which
12 custody of a minor is entrusted by the court or with an
13 agency or association to which the minor is referred by the
14 court;

15 (f) To prohibit and prevent any contact whatsoever with
16 the respondent minor by a specified individual or
17 individuals who are alleged in either a criminal or
18 juvenile proceeding to have caused injury to a respondent
19 minor or a sibling of a respondent minor;

20 (g) To refrain from acts of commission or omission that
21 tend to make the home not a proper place for the minor.

22 (2) The court shall enter an order of protection to
23 prohibit and prevent any contact between a respondent minor or
24 a sibling of a respondent minor and any person named in a
25 petition seeking an order of protection who has been convicted
26 of heinous battery or aggravated battery under subdivision

1 (a) (2) of Section 12-3.05, aggravated battery of a child or
2 aggravated battery under subdivision (b) (1) of Section
3 12-3.05, criminal sexual assault, aggravated criminal sexual
4 assault, predatory criminal sexual assault of a child, criminal
5 sexual abuse, or aggravated criminal sexual abuse as described
6 in the Criminal Code of 1961 or the Criminal Code of 2012, or
7 has been convicted of an offense that resulted in the death of
8 a child, or has violated a previous order of protection under
9 this Section.

10 (3) When the court issues an order of protection against
11 any person as provided by this Section, the court shall direct
12 a copy of such order to the Sheriff of that county. The Sheriff
13 shall furnish a copy of the order of protection to the
14 Department of State Police within 24 hours of receipt, in the
15 form and manner required by the Department. The Department of
16 State Police shall maintain a complete record and index of such
17 orders of protection and make this data available to all local
18 law enforcement agencies.

19 (4) After notice and opportunity for hearing afforded to a
20 person subject to an order of protection, the order may be
21 modified or extended for a further specified period or both or
22 may be terminated if the court finds that the best interests of
23 the minor and the public will be served thereby.

24 (5) An order of protection may be sought at any time during
25 the course of any proceeding conducted pursuant to this Act.
26 Any person against whom an order of protection is sought may

1 retain counsel to represent him at a hearing, and has rights to
2 be present at the hearing, to be informed prior to the hearing
3 in writing of the contents of the petition seeking a protective
4 order and of the date, place and time of such hearing, and to
5 cross examine witnesses called by the petitioner and to present
6 witnesses and argument in opposition to the relief sought in
7 the petition.

8 (6) Diligent efforts shall be made by the petitioner to
9 serve any person or persons against whom any order of
10 protection is sought with written notice of the contents of the
11 petition seeking a protective order and of the date, place and
12 time at which the hearing on the petition is to be held. When a
13 protective order is being sought in conjunction with a shelter
14 care hearing, if the court finds that the person against whom
15 the protective order is being sought has been notified of the
16 hearing or that diligent efforts have been made to notify such
17 person, the court may conduct a hearing. If a protective order
18 is sought at any time other than in conjunction with a shelter
19 care hearing, the court may not conduct a hearing on the
20 petition in the absence of the person against whom the order is
21 sought unless the petitioner has notified such person by
22 personal service at least 3 days before the hearing or has sent
23 written notice by first class mail to such person's last known
24 address at least 5 days before the hearing.

25 (7) A person against whom an order of protection is being
26 sought who is neither a parent, guardian, legal custodian or

1 responsible relative as described in Section 1-5 is not a party
2 or respondent as defined in that Section and shall not be
3 entitled to the rights provided therein. Such person does not
4 have a right to appointed counsel or to be present at any
5 hearing other than the hearing in which the order of protection
6 is being sought or a hearing directly pertaining to that order.
7 Unless the court orders otherwise, such person does not have a
8 right to inspect the court file.

9 (8) All protective orders entered under this Section shall
10 be in writing. Unless the person against whom the order was
11 obtained was present in court when the order was issued, the
12 sheriff, other law enforcement official or special process
13 server shall promptly serve that order upon that person and
14 file proof of such service, in the manner provided for service
15 of process in civil proceedings. The person against whom the
16 protective order was obtained may seek a modification of the
17 order by filing a written motion to modify the order within 7
18 days after actual receipt by the person of a copy of the order.

19 (Source: P.A. 96-1551, Article 1, Section 955, eff. 7-1-11;
20 96-1551, Article 2, Section 1030, eff. 7-1-11; 97-1109, eff.
21 1-1-13.)

22 (705 ILCS 405/5-125)

23 Sec. 5-125. Concurrent jurisdiction. Any minor alleged to
24 have violated a traffic, boating, or fish and game law, or a
25 municipal or county ordinance, may be prosecuted for the

1 violation and if found guilty punished under any statute or
2 ordinance relating to the violation, without reference to the
3 procedures set out in this Article, except that any detention,
4 must be in compliance with this Article.

5 For the purpose of this Section, "traffic violation" shall
6 include a violation of Section 9-3 of the Criminal Code of 1961
7 or the Criminal Code of 2012 relating to the offense of
8 reckless homicide, Section 11-501 of the Illinois Vehicle Code,
9 or any similar county or municipal ordinance.

10 (Source: P.A. 90-590, eff. 1-1-99.)

11 (705 ILCS 405/5-130)

12 Sec. 5-130. Excluded jurisdiction.

13 (1) (a) The definition of delinquent minor under Section
14 5-120 of this Article shall not apply to any minor who at the
15 time of an offense was at least 15 years of age and who is
16 charged with: (i) first degree murder, (ii) aggravated criminal
17 sexual assault, (iii) aggravated battery with a firearm as
18 described in Section 12-4.2 or subdivision (e)(1), (e)(2),
19 (e)(3), or (e)(4) of Section 12-3.05 where the minor personally
20 discharged a firearm as defined in Section 2-15.5 of the
21 Criminal Code of 1961 or the Criminal Code of 2012, (iv) armed
22 robbery when the armed robbery was committed with a firearm, or
23 (v) aggravated vehicular hijacking when the hijacking was
24 committed with a firearm.

25 These charges and all other charges arising out of the same

1 incident shall be prosecuted under the criminal laws of this
2 State.

3 (b) (i) If before trial or plea an information or
4 indictment is filed that does not charge an offense specified
5 in paragraph (a) of this subsection (1) the State's Attorney
6 may proceed on any lesser charge or charges, but only in
7 Juvenile Court under the provisions of this Article. The
8 State's Attorney may proceed ~~under the Criminal Code of 1961~~ on
9 a lesser charge if before trial the minor defendant knowingly
10 and with advice of counsel waives, in writing, his or her right
11 to have the matter proceed in Juvenile Court.

12 (ii) If before trial or plea an information or indictment
13 is filed that includes one or more charges specified in
14 paragraph (a) of this subsection (1) and additional charges
15 that are not specified in that paragraph, all of the charges
16 arising out of the same incident shall be prosecuted under the
17 Criminal Code of 1961 or the Criminal Code of 2012.

18 (c) (i) If after trial or plea the minor is convicted of
19 any offense covered by paragraph (a) of this subsection (1),
20 then, in sentencing the minor, the court shall have available
21 any or all dispositions prescribed for that offense under
22 Chapter V of the Unified Code of Corrections.

23 (ii) If after trial or plea the court finds that the minor
24 committed an offense not covered by paragraph (a) of this
25 subsection (1), that finding shall not invalidate the verdict
26 or the prosecution of the minor under the criminal laws of the

1 State; however, unless the State requests a hearing for the
2 purpose of sentencing the minor under Chapter V of the Unified
3 Code of Corrections, the Court must proceed under Sections
4 5-705 and 5-710 of this Article. To request a hearing, the
5 State must file a written motion within 10 days following the
6 entry of a finding or the return of a verdict. Reasonable
7 notice of the motion shall be given to the minor or his or her
8 counsel. If the motion is made by the State, the court shall
9 conduct a hearing to determine if the minor should be sentenced
10 under Chapter V of the Unified Code of Corrections. In making
11 its determination, the court shall consider among other
12 matters: (a) whether there is evidence that the offense was
13 committed in an aggressive and premeditated manner; (b) the age
14 of the minor; (c) the previous history of the minor; (d)
15 whether there are facilities particularly available to the
16 Juvenile Court or the Department of Juvenile Justice for the
17 treatment and rehabilitation of the minor; (e) whether the
18 security of the public requires sentencing under Chapter V of
19 the Unified Code of Corrections; and (f) whether the minor
20 possessed a deadly weapon when committing the offense. The
21 rules of evidence shall be the same as if at trial. If after
22 the hearing the court finds that the minor should be sentenced
23 under Chapter V of the Unified Code of Corrections, then the
24 court shall sentence the minor accordingly having available to
25 it any or all dispositions so prescribed.

26 (2) (Blank).

1 (3) (a) The definition of delinquent minor under Section
2 5-120 of this Article shall not apply to any minor who at the
3 time of the offense was at least 15 years of age and who is
4 charged with a violation of the provisions of paragraph (1),
5 (3), (4), or (10) of subsection (a) of Section 24-1 of the
6 Criminal Code of 1961 or the Criminal Code of 2012 while in
7 school, regardless of the time of day or the time of year, or
8 on the real property comprising any school, regardless of the
9 time of day or the time of year. School is defined, for
10 purposes of this Section as any public or private elementary or
11 secondary school, community college, college, or university.
12 These charges and all other charges arising out of the same
13 incident shall be prosecuted under the criminal laws of this
14 State.

15 (b) (i) If before trial or plea an information or
16 indictment is filed that does not charge an offense specified
17 in paragraph (a) of this subsection (3) the State's Attorney
18 may proceed on any lesser charge or charges, but only in
19 Juvenile Court under the provisions of this Article. The
20 State's Attorney may proceed under the criminal laws of this
21 State on a lesser charge if before trial the minor defendant
22 knowingly and with advice of counsel waives, in writing, his or
23 her right to have the matter proceed in Juvenile Court.

24 (ii) If before trial or plea an information or indictment
25 is filed that includes one or more charges specified in
26 paragraph (a) of this subsection (3) and additional charges

1 that are not specified in that paragraph, all of the charges
2 arising out of the same incident shall be prosecuted under the
3 criminal laws of this State.

4 (c) (i) If after trial or plea the minor is convicted of
5 any offense covered by paragraph (a) of this subsection (3),
6 then, in sentencing the minor, the court shall have available
7 any or all dispositions prescribed for that offense under
8 Chapter V of the Unified Code of Corrections.

9 (ii) If after trial or plea the court finds that the minor
10 committed an offense not covered by paragraph (a) of this
11 subsection (3), that finding shall not invalidate the verdict
12 or the prosecution of the minor under the criminal laws of the
13 State; however, unless the State requests a hearing for the
14 purpose of sentencing the minor under Chapter V of the Unified
15 Code of Corrections, the Court must proceed under Sections
16 5-705 and 5-710 of this Article. To request a hearing, the
17 State must file a written motion within 10 days following the
18 entry of a finding or the return of a verdict. Reasonable
19 notice of the motion shall be given to the minor or his or her
20 counsel. If the motion is made by the State, the court shall
21 conduct a hearing to determine if the minor should be sentenced
22 under Chapter V of the Unified Code of Corrections. In making
23 its determination, the court shall consider among other
24 matters: (a) whether there is evidence that the offense was
25 committed in an aggressive and premeditated manner; (b) the age
26 of the minor; (c) the previous history of the minor; (d)

1 whether there are facilities particularly available to the
2 Juvenile Court or the Department of Juvenile Justice for the
3 treatment and rehabilitation of the minor; (e) whether the
4 security of the public requires sentencing under Chapter V of
5 the Unified Code of Corrections; and (f) whether the minor
6 possessed a deadly weapon when committing the offense. The
7 rules of evidence shall be the same as if at trial. If after
8 the hearing the court finds that the minor should be sentenced
9 under Chapter V of the Unified Code of Corrections, then the
10 court shall sentence the minor accordingly having available to
11 it any or all dispositions so prescribed.

12 (4) (a) The definition of delinquent minor under Section
13 5-120 of this Article shall not apply to any minor who at the
14 time of an offense was at least 13 years of age and who is
15 charged with first degree murder committed during the course of
16 either aggravated criminal sexual assault, criminal sexual
17 assault, or aggravated kidnaping. However, this subsection (4)
18 does not include a minor charged with first degree murder based
19 exclusively upon the accountability provisions of the Criminal
20 Code of 1961 or the Criminal Code of 2012.

21 (b) (i) If before trial or plea an information or
22 indictment is filed that does not charge first degree murder
23 committed during the course of aggravated criminal sexual
24 assault, criminal sexual assault, or aggravated kidnaping, the
25 State's Attorney may proceed on any lesser charge or charges,
26 but only in Juvenile Court under the provisions of this

1 Article. The State's Attorney may proceed under the criminal
2 laws of this State on a lesser charge if before trial the minor
3 defendant knowingly and with advice of counsel waives, in
4 writing, his or her right to have the matter proceed in
5 Juvenile Court.

6 (ii) If before trial or plea an information or indictment
7 is filed that includes first degree murder committed during the
8 course of aggravated criminal sexual assault, criminal sexual
9 assault, or aggravated kidnaping, and additional charges that
10 are not specified in paragraph (a) of this subsection, all of
11 the charges arising out of the same incident shall be
12 prosecuted under the criminal laws of this State.

13 (c) (i) If after trial or plea the minor is convicted of
14 first degree murder committed during the course of aggravated
15 criminal sexual assault, criminal sexual assault, or
16 aggravated kidnaping, in sentencing the minor, the court shall
17 have available any or all dispositions prescribed for that
18 offense under Chapter V of the Unified Code of Corrections.

19 (ii) If the minor was not yet 15 years of age at the time of
20 the offense, and if after trial or plea the court finds that
21 the minor committed an offense other than first degree murder
22 committed during the course of either aggravated criminal
23 sexual assault, criminal sexual assault, or aggravated
24 kidnaping, the finding shall not invalidate the verdict or the
25 prosecution of the minor under the criminal laws of the State;
26 however, unless the State requests a hearing for the purpose of

1 sentencing the minor under Chapter V of the Unified Code of
2 Corrections, the Court must proceed under Sections 5-705 and
3 5-710 of this Article. To request a hearing, the State must
4 file a written motion within 10 days following the entry of a
5 finding or the return of a verdict. Reasonable notice of the
6 motion shall be given to the minor or his or her counsel. If
7 the motion is made by the State, the court shall conduct a
8 hearing to determine whether the minor should be sentenced
9 under Chapter V of the Unified Code of Corrections. In making
10 its determination, the court shall consider among other
11 matters: (a) whether there is evidence that the offense was
12 committed in an aggressive and premeditated manner; (b) the age
13 of the minor; (c) the previous delinquent history of the minor;
14 (d) whether there are facilities particularly available to the
15 Juvenile Court or the Department of Juvenile Justice for the
16 treatment and rehabilitation of the minor; (e) whether the best
17 interest of the minor and the security of the public require
18 sentencing under Chapter V of the Unified Code of Corrections;
19 and (f) whether the minor possessed a deadly weapon when
20 committing the offense. The rules of evidence shall be the same
21 as if at trial. If after the hearing the court finds that the
22 minor should be sentenced under Chapter V of the Unified Code
23 of Corrections, then the court shall sentence the minor
24 accordingly having available to it any or all dispositions so
25 prescribed.

26 (5) (a) The definition of delinquent minor under Section

1 5-120 of this Article shall not apply to any minor who is
2 charged with a violation of subsection (a) of Section 31-6 or
3 Section 32-10 of the Criminal Code of 1961 or the Criminal Code
4 of 2012 when the minor is subject to prosecution under the
5 criminal laws of this State as a result of the application of
6 the provisions of Section 5-125, or subsection (1) or (2) of
7 this Section. These charges and all other charges arising out
8 of the same incident shall be prosecuted under the criminal
9 laws of this State.

10 (b) (i) If before trial or plea an information or
11 indictment is filed that does not charge an offense specified
12 in paragraph (a) of this subsection (5), the State's Attorney
13 may proceed on any lesser charge or charges, but only in
14 Juvenile Court under the provisions of this Article. The
15 State's Attorney may proceed under the criminal laws of this
16 State on a lesser charge if before trial the minor defendant
17 knowingly and with advice of counsel waives, in writing, his or
18 her right to have the matter proceed in Juvenile Court.

19 (ii) If before trial or plea an information or indictment
20 is filed that includes one or more charges specified in
21 paragraph (a) of this subsection (5) and additional charges
22 that are not specified in that paragraph, all of the charges
23 arising out of the same incident shall be prosecuted under the
24 criminal laws of this State.

25 (c) (i) If after trial or plea the minor is convicted of
26 any offense covered by paragraph (a) of this subsection (5),

1 then, in sentencing the minor, the court shall have available
2 any or all dispositions prescribed for that offense under
3 Chapter V of the Unified Code of Corrections.

4 (ii) If after trial or plea the court finds that the minor
5 committed an offense not covered by paragraph (a) of this
6 subsection (5), the conviction shall not invalidate the verdict
7 or the prosecution of the minor under the criminal laws of this
8 State; however, unless the State requests a hearing for the
9 purpose of sentencing the minor under Chapter V of the Unified
10 Code of Corrections, the Court must proceed under Sections
11 5-705 and 5-710 of this Article. To request a hearing, the
12 State must file a written motion within 10 days following the
13 entry of a finding or the return of a verdict. Reasonable
14 notice of the motion shall be given to the minor or his or her
15 counsel. If the motion is made by the State, the court shall
16 conduct a hearing to determine if whether the minor should be
17 sentenced under Chapter V of the Unified Code of Corrections.
18 In making its determination, the court shall consider among
19 other matters: (a) whether there is evidence that the offense
20 was committed in an aggressive and premeditated manner; (b) the
21 age of the minor; (c) the previous delinquent history of the
22 minor; (d) whether there are facilities particularly available
23 to the Juvenile Court or the Department of Juvenile Justice for
24 the treatment and rehabilitation of the minor; (e) whether the
25 security of the public requires sentencing under Chapter V of
26 the Unified Code of Corrections; and (f) whether the minor

1 possessed a deadly weapon when committing the offense. The
2 rules of evidence shall be the same as if at trial. If after
3 the hearing the court finds that the minor should be sentenced
4 under Chapter V of the Unified Code of Corrections, then the
5 court shall sentence the minor accordingly having available to
6 it any or all dispositions so prescribed.

7 (6) The definition of delinquent minor under Section 5-120
8 of this Article shall not apply to any minor who, pursuant to
9 subsection (1) or (3) or Section 5-805 or 5-810, has previously
10 been placed under the jurisdiction of the criminal court and
11 has been convicted of a crime under an adult criminal or penal
12 statute. Such a minor shall be subject to prosecution under the
13 criminal laws of this State.

14 (7) The procedures set out in this Article for the
15 investigation, arrest and prosecution of juvenile offenders
16 shall not apply to minors who are excluded from jurisdiction of
17 the Juvenile Court, except that minors under 17 years of age
18 shall be kept separate from confined adults.

19 (8) Nothing in this Act prohibits or limits the prosecution
20 of any minor for an offense committed on or after his or her
21 17th birthday even though he or she is at the time of the
22 offense a ward of the court.

23 (9) If an original petition for adjudication of wardship
24 alleges the commission by a minor 13 years of age or over of an
25 act that constitutes a crime under the laws of this State, the
26 minor, with the consent of his or her counsel, may, at any time

1 before commencement of the adjudicatory hearing, file with the
2 court a motion that criminal prosecution be ordered and that
3 the petition be dismissed insofar as the act or acts involved
4 in the criminal proceedings are concerned. If such a motion is
5 filed as herein provided, the court shall enter its order
6 accordingly.

7 (10) If, prior to August 12, 2005 (the effective date of
8 Public Act 94-574), a minor is charged with a violation of
9 Section 401 of the Illinois Controlled Substances Act under the
10 criminal laws of this State, other than a minor charged with a
11 Class X felony violation of the Illinois Controlled Substances
12 Act or the Methamphetamine Control and Community Protection
13 Act, any party including the minor or the court sua sponte may,
14 before trial, move for a hearing for the purpose of trying and
15 sentencing the minor as a delinquent minor. To request a
16 hearing, the party must file a motion prior to trial.
17 Reasonable notice of the motion shall be given to all parties.
18 On its own motion or upon the filing of a motion by one of the
19 parties including the minor, the court shall conduct a hearing
20 to determine whether the minor should be tried and sentenced as
21 a delinquent minor under this Article. In making its
22 determination, the court shall consider among other matters:

23 (a) The age of the minor;

24 (b) Any previous delinquent or criminal history of the
25 minor;

26 (c) Any previous abuse or neglect history of the minor;

1 (d) Any mental health or educational history of the minor,
2 or both; and

3 (e) Whether there is probable cause to support the charge,
4 whether the minor is charged through accountability, and
5 whether there is evidence the minor possessed a deadly weapon
6 or caused serious bodily harm during the offense.

7 Any material that is relevant and reliable shall be
8 admissible at the hearing. In all cases, the judge shall enter
9 an order permitting prosecution under the criminal laws of
10 Illinois unless the judge makes a finding based on a
11 preponderance of the evidence that the minor would be amenable
12 to the care, treatment, and training programs available through
13 the facilities of the juvenile court based on an evaluation of
14 the factors listed in this subsection (10).

15 (Source: P.A. 96-1551, eff. 7-1-11.)

16 (705 ILCS 405/5-155)

17 Sec. 5-155. Any weapon in possession of a minor found to be
18 a delinquent under Section 5-105 for an offense involving the
19 use of a weapon or for being in possession of a weapon during
20 the commission of an offense shall be confiscated and disposed
21 of by the juvenile court whether the weapon is the property of
22 the minor or his or her parent or guardian. Disposition of the
23 weapon by the court shall be in accordance with Section 24-6 of
24 the Criminal Code of 2012 ~~1961~~.

25 (Source: P.A. 90-590, eff. 1-1-99.)

1 (705 ILCS 405/5-170)

2 Sec. 5-170. Representation by counsel.

3 (a) In a proceeding under this Article, a minor who was
4 under 13 years of age at the time of the commission of an act
5 that if committed by an adult would be a violation of Section
6 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 11-1.20, 11-1.30,
7 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
8 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
9 must be represented by counsel during the entire custodial
10 interrogation of the minor.

11 (b) In a judicial proceeding under this Article, a minor
12 may not waive the right to the assistance of counsel in his or
13 her defense.

14 (Source: P.A. 96-1551, eff. 7-1-11.)

15 (705 ILCS 405/5-401.5)

16 Sec. 5-401.5. When statements by minor may be used.

17 (a) In this Section, "custodial interrogation" means any
18 interrogation (i) during which a reasonable person in the
19 subject's position would consider himself or herself to be in
20 custody and (ii) during which a question is asked that is
21 reasonably likely to elicit an incriminating response.

22 In this Section, "electronic recording" includes motion
23 picture, audiotape, videotape, or digital recording.

24 In this Section, "place of detention" means a building or a

1 police station that is a place of operation for a municipal
2 police department or county sheriff department or other law
3 enforcement agency at which persons are or may be held in
4 detention in connection with criminal charges against those
5 persons or allegations that those persons are delinquent
6 minors.

7 (b) An oral, written, or sign language statement of a minor
8 who, at the time of the commission of the offense was under the
9 age of 17 years, made as a result of a custodial interrogation
10 conducted at a police station or other place of detention on or
11 after the effective date of this amendatory Act of the 93rd
12 General Assembly shall be presumed to be inadmissible as
13 evidence against the minor in any criminal proceeding or
14 juvenile court proceeding, for an act that if committed by an
15 adult would be brought under Section 9-1, 9-1.2, 9-2, 9-2.1,
16 9-3, 9-3.2, or 9-3.3, of the Criminal Code of 1961 or the
17 Criminal Code of 2012, or under clause (d)(1)(F) of Section
18 11-501 of the Illinois Vehicle Code unless:

19 (1) an electronic recording is made of the custodial
20 interrogation; and

21 (2) the recording is substantially accurate and not
22 intentionally altered.

23 (c) Every electronic recording required under this Section
24 must be preserved until such time as the minor's adjudication
25 for any offense relating to the statement is final and all
26 direct and habeas corpus appeals are exhausted, or the

1 prosecution of such offenses is barred by law.

2 (d) If the court finds, by a preponderance of the evidence,
3 that the minor was subjected to a custodial interrogation in
4 violation of this Section, then any statements made by the
5 minor during or following that non-recorded custodial
6 interrogation, even if otherwise in compliance with this
7 Section, are presumed to be inadmissible in any criminal
8 proceeding or juvenile court proceeding against the minor
9 except for the purposes of impeachment.

10 (e) Nothing in this Section precludes the admission (i) of
11 a statement made by the minor in open court in any criminal
12 proceeding or juvenile court proceeding, before a grand jury,
13 or at a preliminary hearing, (ii) of a statement made during a
14 custodial interrogation that was not recorded as required by
15 this Section because electronic recording was not feasible,
16 (iii) of a voluntary statement, whether or not the result of a
17 custodial interrogation, that has a bearing on the credibility
18 of the accused as a witness, (iv) of a spontaneous statement
19 that is not made in response to a question, (v) of a statement
20 made after questioning that is routinely asked during the
21 processing of the arrest of the suspect, (vi) of a statement
22 made during a custodial interrogation by a suspect who
23 requests, prior to making the statement, to respond to the
24 interrogator's questions only if an electronic recording is not
25 made of the statement, provided that an electronic recording is
26 made of the statement of agreeing to respond to the

1 interrogator's question, only if a recording is not made of the
2 statement, (vii) of a statement made during a custodial
3 interrogation that is conducted out-of-state, (viii) of a
4 statement given at a time when the interrogators are unaware
5 that a death has in fact occurred, or (ix) of any other
6 statement that may be admissible under law. The State shall
7 bear the burden of proving, by a preponderance of the evidence,
8 that one of the exceptions described in this subsection (e) is
9 applicable. Nothing in this Section precludes the admission of
10 a statement, otherwise inadmissible under this Section, that is
11 used only for impeachment and not as substantive evidence.

12 (f) The presumption of inadmissibility of a statement made
13 by a suspect at a custodial interrogation at a police station
14 or other place of detention may be overcome by a preponderance
15 of the evidence that the statement was voluntarily given and is
16 reliable, based on the totality of the circumstances.

17 (g) Any electronic recording of any statement made by a
18 minor during a custodial interrogation that is compiled by any
19 law enforcement agency as required by this Section for the
20 purposes of fulfilling the requirements of this Section shall
21 be confidential and exempt from public inspection and copying,
22 as provided under Section 7 of the Freedom of Information Act,
23 and the information shall not be transmitted to anyone except
24 as needed to comply with this Section.

25 (h) A statement, admission, confession, or incriminating
26 information made by or obtained from a minor related to the

1 instant offense, as part of any behavioral health screening,
2 assessment, evaluation, or treatment, whether or not
3 court-ordered, shall not be admissible as evidence against the
4 minor on the issue of guilt only in the instant juvenile court
5 proceeding. The provisions of this subsection (h) are in
6 addition to and do not override any existing statutory and
7 constitutional prohibition on the admission into evidence in
8 delinquency proceedings of information obtained during
9 screening, assessment, or treatment.

10 (Source: P.A. 96-1251, eff. 1-1-11.)

11 (705 ILCS 405/5-407)

12 Sec. 5-407. Processing of juvenile in possession of a
13 firearm.

14 (a) If a law enforcement officer detains a minor pursuant
15 to Section 10-27.1A of the School Code, the officer shall
16 deliver the minor to the nearest juvenile officer, in the
17 manner prescribed by subsection (2) of Section 5-405 of this
18 Act. The juvenile officer shall deliver the minor without
19 unnecessary delay to the court or to the place designated by
20 rule or order of court for the reception of minors. In no event
21 shall the minor be eligible for any other disposition by the
22 juvenile police officer, notwithstanding the provisions of
23 subsection (3) of Section 5-405 of this Act.

24 (b) Minors not excluded from this Act's jurisdiction under
25 subsection (3) (a) of Section 5-130 of this Act shall be brought

1 before a judicial officer within 40 hours, exclusive of
2 Saturdays, Sundays, and court-designated holidays, for a
3 detention hearing to determine whether he or she shall be
4 further held in custody. If the court finds that there is
5 probable cause to believe that the minor is a delinquent minor
6 by virtue of his or her violation of item (4) of subsection (a)
7 of Section 24-1 of the Criminal Code of 1961 or the Criminal
8 Code of 2012 while on school grounds, that finding shall create
9 a presumption that immediate and urgent necessity exists under
10 subdivision (2) of Section 5-501 of this Act. Once the
11 presumption of immediate and urgent necessity has been raised,
12 the burden of demonstrating the lack of immediate and urgent
13 necessity shall be on any party that is opposing detention for
14 the minor. Should the court order detention pursuant to this
15 Section, the minor shall be detained, pending the results of a
16 court-ordered psychological evaluation to determine if the
17 minor is a risk to himself, herself, or others. Upon receipt of
18 the psychological evaluation, the court shall review the
19 determination regarding the existence of urgent and immediate
20 necessity. The court shall consider the psychological
21 evaluation in conjunction with the other factors identified in
22 subdivision (2) of Section 5-501 of this Act in order to make a
23 de novo determination regarding whether it is a matter of
24 immediate and urgent necessity for the protection of the minor
25 or of the person or property of another that the minor be
26 detained or placed in a shelter care facility. In addition to

1 the pre-trial conditions found in Section 5-505 of this Act,
2 the court may order the minor to receive counseling and any
3 other services recommended by the psychological evaluation as a
4 condition for release of the minor.

5 (c) Upon making a determination that the student presents a
6 risk to himself, herself, or others, the court shall issue an
7 order restraining the student from entering the property of the
8 school if he or she has been suspended or expelled from the
9 school as a result of possessing a firearm. The order shall
10 restrain the student from entering the school and school owned
11 or leased property, including any conveyance owned, leased, or
12 contracted by the school to transport students to or from
13 school or a school-related activity. The order shall remain in
14 effect until such time as the court determines that the student
15 no longer presents a risk to himself, herself, or others.

16 (d) Psychological evaluations ordered pursuant to
17 subsection (b) of this Section and statements made by the minor
18 during the course of these evaluations, shall not be admissible
19 on the issue of delinquency during the course of any
20 adjudicatory hearing held under this Act.

21 (e) In this Section:

22 "School" means any public or private elementary or
23 secondary school.

24 "School grounds" includes the real property comprising any
25 school, any conveyance owned, leased, or contracted by a school
26 to transport students to or from school or a school-related

1 activity, or any public way within 1,000 feet of the real
2 property comprising any school.

3 (Source: P.A. 91-11, eff. 6-4-99.)

4 (705 ILCS 405/5-415)

5 Sec. 5-415. Setting of detention or shelter care hearing;
6 release.

7 (1) Unless sooner released, a minor alleged to be a
8 delinquent minor taken into temporary custody must be brought
9 before a judicial officer within 40 hours for a detention or
10 shelter care hearing to determine whether he or she shall be
11 further held in custody. If a minor alleged to be a delinquent
12 minor taken into custody is hospitalized or is receiving
13 treatment for a physical or mental condition, and is unable to
14 be brought before a judicial officer for a detention or shelter
15 care hearing, the 40 hour period will not commence until the
16 minor is released from the hospital or place of treatment. If
17 the minor gives false information to law enforcement officials
18 regarding the minor's identity or age, the 40 hour period will
19 not commence until the court rules that the minor is subject to
20 this Act and not subject to prosecution under the Criminal Code
21 of 1961 or the Criminal Code of 2012. Any other delay
22 attributable to a minor alleged to be a delinquent minor who is
23 taken into temporary custody shall act to toll the 40 hour time
24 period. The 40 hour time period shall be tolled to allow
25 counsel for the minor to prepare for the detention or shelter

1 care hearing, upon a motion filed by such counsel and granted
2 by the court. In all cases, the 40 hour time period is
3 exclusive of Saturdays, Sundays and court-designated holidays.

4 (2) If the State's Attorney or probation officer (or other
5 public officer designated by the court in a county having more
6 than 3,000,000 inhabitants) determines that the minor should be
7 retained in custody, he or she shall cause a petition to be
8 filed as provided in Section 5-520 of this Article, and the
9 clerk of the court shall set the matter for hearing on the
10 detention or shelter care hearing calendar. Immediately upon
11 the filing of a petition in the case of a minor retained in
12 custody, the court shall cause counsel to be appointed to
13 represent the minor. When a parent, legal guardian, custodian,
14 or responsible relative is present and so requests, the
15 detention or shelter care hearing shall be held immediately if
16 the court is in session and the State is ready to proceed,
17 otherwise at the earliest feasible time. In no event shall a
18 detention or shelter care hearing be held until the minor has
19 had adequate opportunity to consult with counsel. The probation
20 officer or such other public officer designated by the court in
21 a county having more than 3,000,000 inhabitants shall notify
22 the minor's parent, legal guardian, custodian, or responsible
23 relative of the time and place of the hearing. The notice may
24 be given orally.

25 (3) The minor must be released from custody at the
26 expiration of the 40 hour period specified by this Section if

1 not brought before a judicial officer within that period.

2 (4) After the initial 40 hour period has lapsed, the court
3 may review the minor's custodial status at any time prior to
4 the trial or sentencing hearing. If during this time period new
5 or additional information becomes available concerning the
6 minor's conduct, the court may conduct a hearing to determine
7 whether the minor should be placed in a detention or shelter
8 care facility. If the court finds that there is probable cause
9 that the minor is a delinquent minor and that it is a matter of
10 immediate and urgent necessity for the protection of the minor
11 or of the person or property of another, or that he or she is
12 likely to flee the jurisdiction of the court, the court may
13 order that the minor be placed in detention or shelter care.
14 (Source: P.A. 95-846, eff. 1-1-09.)

15 (705 ILCS 405/5-605)

16 Sec. 5-605. Trials, pleas, guilty but mentally ill and not
17 guilty by reason of insanity.

18 (1) Method of trial. All delinquency proceedings shall be
19 heard by the court except those proceedings under this Act
20 where the right to trial by jury is specifically set forth. At
21 any time a minor may waive his or her right to trial by jury.

22 (2) Pleas of guilty and guilty but mentally ill.

23 (a) Before or during trial, a plea of guilty may be
24 accepted when the court has informed the minor of the
25 consequences of his or her plea and of the maximum penalty

1 provided by law which may be imposed upon acceptance of the
2 plea. Upon acceptance of a plea of guilty, the court shall
3 determine the factual basis of a plea.

4 (b) Before or during trial, a plea of guilty but
5 mentally ill may be accepted by the court when:

6 (i) the minor has undergone an examination by a
7 clinical psychologist or psychiatrist and has waived
8 his or her right to trial; and

9 (ii) the judge has examined the psychiatric or
10 psychological report or reports; and

11 (iii) the judge has held a hearing, at which either
12 party may present evidence, on the issue of the minor's
13 mental health and, at the conclusion of the hearing, is
14 satisfied that there is a factual basis that the minor
15 was mentally ill at the time of the offense to which
16 the plea is entered.

17 (3) Trial by the court.

18 (a) A trial shall be conducted in the presence of the
19 minor unless he or she waives the right to be present. At
20 the trial, the court shall consider the question whether
21 the minor is delinquent. The standard of proof and the
22 rules of evidence in the nature of criminal proceedings in
23 this State are applicable to that consideration.

24 (b) Upon conclusion of the trial the court shall enter
25 a general finding, except that, when the affirmative
26 defense of insanity has been presented during the trial and

1 acquittal is based solely upon the defense of insanity, the
2 court shall enter a finding of not guilty by reason of
3 insanity. In the event of a finding of not guilty by reason
4 of insanity, a hearing shall be held pursuant to the Mental
5 Health and Developmental Disabilities Code to determine
6 whether the minor is subject to involuntary admission.

7 (c) When the minor has asserted a defense of insanity,
8 the court may find the minor guilty but mentally ill if,
9 after hearing all of the evidence, the court finds that:

10 (i) the State has proven beyond a reasonable doubt
11 that the minor is guilty of the offense charged; and

12 (ii) the minor has failed to prove his or her
13 insanity as required in subsection (b) of Section 3-2
14 of the Criminal Code of 2012 ~~1961~~, and subsections (a),
15 (b) and (e) of Section 6-2 of the Criminal Code of 2012
16 ~~1961~~; and

17 (iii) the minor has proven by a preponderance of
18 the evidence that he was mentally ill, as defined in
19 subsections (c) and (d) of Section 6-2 of the Criminal
20 Code of 2012 ~~1961~~ at the time of the offense.

21 (4) Trial by court and jury.

22 (a) Questions of law shall be decided by the court and
23 questions of fact by the jury.

24 (b) The jury shall consist of 12 members.

25 (c) Upon request the parties shall be furnished with a
26 list of prospective jurors with their addresses if known.

1 (d) Each party may challenge jurors for cause. If a
2 prospective juror has a physical impairment, the court
3 shall consider the prospective juror's ability to perceive
4 and appreciate the evidence when considering a challenge
5 for cause.

6 (e) A minor tried alone shall be allowed 7 peremptory
7 challenges; except that, in a single trial of more than one
8 minor, each minor shall be allowed 5 peremptory challenges.
9 If several charges against a minor or minors are
10 consolidated for trial, each minor shall be allowed
11 peremptory challenges upon one charge only, which single
12 charge shall be the charge against that minor authorizing
13 the greatest maximum penalty. The State shall be allowed
14 the same number of peremptory challenges as all of the
15 minors.

16 (f) After examination by the court, the jurors may be
17 examined, passed upon, accepted and tendered by opposing
18 counsel as provided by Supreme Court Rules.

19 (g) After the jury is impaneled and sworn, the court
20 may direct the selection of 2 alternate jurors who shall
21 take the same oath as the regular jurors. Each party shall
22 have one additional peremptory challenge for each
23 alternate juror. If before the final submission of a cause
24 a member of the jury dies or is discharged, he or she shall
25 be replaced by an alternate juror in the order of
26 selection.

1 (h) A trial by the court and jury shall be conducted in
2 the presence of the minor unless he or she waives the right
3 to be present.

4 (i) After arguments of counsel the court shall instruct
5 the jury as to the law.

6 (j) Unless the affirmative defense of insanity has been
7 presented during the trial, the jury shall return a general
8 verdict as to each offense charged. When the affirmative
9 defense of insanity has been presented during the trial,
10 the court shall provide the jury not only with general
11 verdict forms but also with a special verdict form of not
12 guilty by reason of insanity, as to each offense charged,
13 and in the event the court shall separately instruct the
14 jury that a special verdict of not guilty by reason of
15 insanity may be returned instead of a general verdict but
16 the special verdict requires a unanimous finding by the
17 jury that the minor committed the acts charged but at the
18 time of the commission of those acts the minor was insane.
19 In the event of a verdict of not guilty by reason of
20 insanity, a hearing shall be held pursuant to the Mental
21 Health and Developmental Disabilities Code to determine
22 whether the minor is subject to involuntary admission. When
23 the affirmative defense of insanity has been presented
24 during the trial, the court, where warranted by the
25 evidence, shall also provide the jury with a special
26 verdict form of guilty but mentally ill, as to each offense

1 charged and shall separately instruct the jury that a
2 special verdict of guilty but mentally ill may be returned
3 instead of a general verdict, but that the special verdict
4 requires a unanimous finding by the jury that: (i) the
5 State has proven beyond a reasonable doubt that the minor
6 is guilty of the offense charged; and (ii) the minor has
7 failed to prove his or her insanity as required in
8 subsection (b) of Section 3-2 of the Criminal Code of 2012
9 ~~1961~~ and subsections (a), (b) and (e) of Section 6-2 of the
10 Criminal Code of 2012 ~~1961~~; and (iii) the minor has proven
11 by a preponderance of the evidence that he or she was
12 mentally ill, as defined in subsections (c) and (d) of
13 Section 6-2 of the Criminal Code of 2012 ~~1961~~ at the time
14 of the offense.

15 (k) When, at the close of the State's evidence or at
16 the close of all of the evidence, the evidence is
17 insufficient to support a finding or verdict of guilty the
18 court may and on motion of the minor shall make a finding
19 or direct the jury to return a verdict of not guilty, enter
20 a judgment of acquittal and discharge the minor.

21 (l) When the jury retires to consider its verdict, an
22 officer of the court shall be appointed to keep them
23 together and to prevent conversation between the jurors and
24 others; however, if any juror is deaf, the jury may be
25 accompanied by and may communicate with a court-appointed
26 interpreter during its deliberations. Upon agreement

1 between the State and minor or his or her counsel, and the
2 parties waive polling of the jury, the jury may seal and
3 deliver its verdict to the clerk of the court, separate,
4 and then return the verdict in open court at its next
5 session.

6 (m) In a trial, any juror who is a member of a panel or
7 jury which has been impaneled and sworn as a panel or as a
8 jury shall be permitted to separate from other jurors
9 during every period of adjournment to a later day, until
10 final submission of the cause to the jury for
11 determination, except that no such separation shall be
12 permitted in any trial after the court, upon motion by the
13 minor or the State or upon its own motion, finds a
14 probability that prejudice to the minor or to the State
15 will result from the separation.

16 (n) The members of the jury shall be entitled to take
17 notes during the trial, and the sheriff of the county in
18 which the jury is sitting shall provide them with writing
19 materials for this purpose. The notes shall remain
20 confidential, and shall be destroyed by the sheriff after
21 the verdict has been returned or a mistrial declared.

22 (o) A minor tried by the court and jury shall only be
23 found guilty, guilty but mentally ill, not guilty or not
24 guilty by reason of insanity, upon the unanimous verdict of
25 the jury.

26 (Source: P.A. 90-590, eff. 1-1-99.)

1 (705 ILCS 405/5-615)

2 Sec. 5-615. Continuance under supervision.

3 (1) The court may enter an order of continuance under
4 supervision for an offense other than first degree murder, a
5 Class X felony or a forcible felony (a) upon an admission or
6 stipulation by the appropriate respondent or minor respondent
7 of the facts supporting the petition and before proceeding to
8 adjudication, or after hearing the evidence at the trial, and
9 (b) in the absence of objection made in open court by the
10 minor, his or her parent, guardian, or legal custodian, the
11 minor's attorney or the State's Attorney.

12 (2) If the minor, his or her parent, guardian, or legal
13 custodian, the minor's attorney or State's Attorney objects in
14 open court to any continuance and insists upon proceeding to
15 findings and adjudication, the court shall so proceed.

16 (3) Nothing in this Section limits the power of the court
17 to order a continuance of the hearing for the production of
18 additional evidence or for any other proper reason.

19 (4) When a hearing where a minor is alleged to be a
20 delinquent is continued pursuant to this Section, the period of
21 continuance under supervision may not exceed 24 months. The
22 court may terminate a continuance under supervision at any time
23 if warranted by the conduct of the minor and the ends of
24 justice.

25 (5) When a hearing where a minor is alleged to be

1 delinquent is continued pursuant to this Section, the court
2 may, as conditions of the continuance under supervision,
3 require the minor to do any of the following:

4 (a) not violate any criminal statute of any
5 jurisdiction;

6 (b) make a report to and appear in person before any
7 person or agency as directed by the court;

8 (c) work or pursue a course of study or vocational
9 training;

10 (d) undergo medical or psychotherapeutic treatment
11 rendered by a therapist licensed under the provisions of
12 the Medical Practice Act of 1987, the Clinical Psychologist
13 Licensing Act, or the Clinical Social Work and Social Work
14 Practice Act, or an entity licensed by the Department of
15 Human Services as a successor to the Department of
16 Alcoholism and Substance Abuse, for the provision of drug
17 addiction and alcoholism treatment;

18 (e) attend or reside in a facility established for the
19 instruction or residence of persons on probation;

20 (f) support his or her dependents, if any;

21 (g) pay costs;

22 (h) refrain from possessing a firearm or other
23 dangerous weapon, or an automobile;

24 (i) permit the probation officer to visit him or her at
25 his or her home or elsewhere;

26 (j) reside with his or her parents or in a foster home;

1 (k) attend school;

2 (k-5) with the consent of the superintendent of the
3 facility, attend an educational program at a facility other
4 than the school in which the offense was committed if he or
5 she committed a crime of violence as defined in Section 2
6 of the Crime Victims Compensation Act in a school, on the
7 real property comprising a school, or within 1,000 feet of
8 the real property comprising a school;

9 (l) attend a non-residential program for youth;

10 (m) contribute to his or her own support at home or in
11 a foster home;

12 (n) perform some reasonable public or community
13 service;

14 (o) make restitution to the victim, in the same manner
15 and under the same conditions as provided in subsection (4)
16 of Section 5-710, except that the "sentencing hearing"
17 referred to in that Section shall be the adjudicatory
18 hearing for purposes of this Section;

19 (p) comply with curfew requirements as designated by
20 the court;

21 (q) refrain from entering into a designated geographic
22 area except upon terms as the court finds appropriate. The
23 terms may include consideration of the purpose of the
24 entry, the time of day, other persons accompanying the
25 minor, and advance approval by a probation officer;

26 (r) refrain from having any contact, directly or

1 indirectly, with certain specified persons or particular
2 types of persons, including but not limited to members of
3 street gangs and drug users or dealers;

4 (r-5) undergo a medical or other procedure to have a
5 tattoo symbolizing allegiance to a street gang removed from
6 his or her body;

7 (s) refrain from having in his or her body the presence
8 of any illicit drug prohibited by the Cannabis Control Act,
9 the Illinois Controlled Substances Act, or the
10 Methamphetamine Control and Community Protection Act,
11 unless prescribed by a physician, and submit samples of his
12 or her blood or urine or both for tests to determine the
13 presence of any illicit drug; or

14 (t) comply with any other conditions as may be ordered
15 by the court.

16 (6) A minor whose case is continued under supervision under
17 subsection (5) shall be given a certificate setting forth the
18 conditions imposed by the court. Those conditions may be
19 reduced, enlarged, or modified by the court on motion of the
20 probation officer or on its own motion, or that of the State's
21 Attorney, or, at the request of the minor after notice and
22 hearing.

23 (7) If a petition is filed charging a violation of a
24 condition of the continuance under supervision, the court shall
25 conduct a hearing. If the court finds that a condition of
26 supervision has not been fulfilled, the court may proceed to

1 findings and adjudication and disposition. The filing of a
2 petition for violation of a condition of the continuance under
3 supervision shall toll the period of continuance under
4 supervision until the final determination of the charge, and
5 the term of the continuance under supervision shall not run
6 until the hearing and disposition of the petition for
7 violation; provided where the petition alleges conduct that
8 does not constitute a criminal offense, the hearing must be
9 held within 30 days of the filing of the petition unless a
10 delay shall continue the tolling of the period of continuance
11 under supervision for the period of the delay.

12 (8) When a hearing in which a minor is alleged to be a
13 delinquent for reasons that include a violation of Section
14 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
15 2012 is continued under this Section, the court shall, as a
16 condition of the continuance under supervision, require the
17 minor to perform community service for not less than 30 and not
18 more than 120 hours, if community service is available in the
19 jurisdiction. The community service shall include, but need not
20 be limited to, the cleanup and repair of the damage that was
21 caused by the alleged violation or similar damage to property
22 located in the municipality or county in which the alleged
23 violation occurred. The condition may be in addition to any
24 other condition.

25 (8.5) When a hearing in which a minor is alleged to be a
26 delinquent for reasons that include a violation of Section 3.02

1 or Section 3.03 of the Humane Care for Animals Act or paragraph
2 (d) of subsection (1) of Section 21-1 of the Criminal Code of
3 1961 or paragraph (4) of subsection (a) of Section 21-1 or the
4 Criminal Code of 2012 is continued under this Section, the
5 court shall, as a condition of the continuance under
6 supervision, require the minor to undergo medical or
7 psychiatric treatment rendered by a psychiatrist or
8 psychological treatment rendered by a clinical psychologist.
9 The condition may be in addition to any other condition.

10 (9) When a hearing in which a minor is alleged to be a
11 delinquent is continued under this Section, the court, before
12 continuing the case, shall make a finding whether the offense
13 alleged to have been committed either: (i) was related to or in
14 furtherance of the activities of an organized gang or was
15 motivated by the minor's membership in or allegiance to an
16 organized gang, or (ii) is a violation of paragraph (13) of
17 subsection (a) of Section 12-2 or paragraph (2) of subsection
18 (c) of Section 12-2 of the Criminal Code of 1961 or the
19 Criminal Code of 2012, a violation of any Section of Article 24
20 of the Criminal Code of 1961 or the Criminal Code of 2012, or a
21 violation of any statute that involved the unlawful use of a
22 firearm. If the court determines the question in the
23 affirmative the court shall, as a condition of the continuance
24 under supervision and as part of or in addition to any other
25 condition of the supervision, require the minor to perform
26 community service for not less than 30 hours, provided that

1 community service is available in the jurisdiction and is
2 funded and approved by the county board of the county where the
3 offense was committed. The community service shall include, but
4 need not be limited to, the cleanup and repair of any damage
5 caused by an alleged violation of Section 21-1.3 of the
6 Criminal Code of 1961 or the Criminal Code of 2012 and similar
7 damage to property located in the municipality or county in
8 which the alleged violation occurred. When possible and
9 reasonable, the community service shall be performed in the
10 minor's neighborhood. For the purposes of this Section,
11 "organized gang" has the meaning ascribed to it in Section 10
12 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

13 (10) The court shall impose upon a minor placed on
14 supervision, as a condition of the supervision, a fee of \$50
15 for each month of supervision ordered by the court, unless
16 after determining the inability of the minor placed on
17 supervision to pay the fee, the court assesses a lesser amount.
18 The court may not impose the fee on a minor who is made a ward
19 of the State under this Act while the minor is in placement.
20 The fee shall be imposed only upon a minor who is actively
21 supervised by the probation and court services department. A
22 court may order the parent, guardian, or legal custodian of the
23 minor to pay some or all of the fee on the minor's behalf.

24 (11) If a minor is placed on supervision for a violation of
25 subsection (a-7) of Section 1 of the Prevention of Tobacco Use
26 by Minors Act, the court may, in its discretion, and upon

1 recommendation by the State's Attorney, order that minor and
2 his or her parents or legal guardian to attend a smoker's
3 education or youth diversion program as defined in that Act if
4 that program is available in the jurisdiction where the
5 offender resides. Attendance at a smoker's education or youth
6 diversion program shall be time-credited against any community
7 service time imposed for any first violation of subsection
8 (a-7) of Section 1 of that Act. In addition to any other
9 penalty that the court may impose for a violation of subsection
10 (a-7) of Section 1 of that Act, the court, upon request by the
11 State's Attorney, may in its discretion require the offender to
12 remit a fee for his or her attendance at a smoker's education
13 or youth diversion program.

14 For purposes of this Section, "smoker's education program"
15 or "youth diversion program" includes, but is not limited to, a
16 seminar designed to educate a person on the physical and
17 psychological effects of smoking tobacco products and the
18 health consequences of smoking tobacco products that can be
19 conducted with a locality's youth diversion program.

20 In addition to any other penalty that the court may impose
21 under this subsection (11):

22 (a) If a minor violates subsection (a-7) of Section 1
23 of the Prevention of Tobacco Use by Minors Act, the court
24 may impose a sentence of 15 hours of community service or a
25 fine of \$25 for a first violation.

26 (b) A second violation by a minor of subsection (a-7)

1 of Section 1 of that Act that occurs within 12 months after
2 the first violation is punishable by a fine of \$50 and 25
3 hours of community service.

4 (c) A third or subsequent violation by a minor of
5 subsection (a-7) of Section 1 of that Act that occurs
6 within 12 months after the first violation is punishable by
7 a \$100 fine and 30 hours of community service.

8 (d) Any second or subsequent violation not within the
9 12-month time period after the first violation is
10 punishable as provided for a first violation.

11 (Source: P.A. 96-179, eff. 8-10-09; 96-1414, eff. 1-1-11.)

12 (705 ILCS 405/5-710)

13 Sec. 5-710. Kinds of sentencing orders.

14 (1) The following kinds of sentencing orders may be made in
15 respect of wards of the court:

16 (a) Except as provided in Sections 5-805, 5-810, 5-815,
17 a minor who is found guilty under Section 5-620 may be:

18 (i) put on probation or conditional discharge and
19 released to his or her parents, guardian or legal
20 custodian, provided, however, that any such minor who
21 is not committed to the Department of Juvenile Justice
22 under this subsection and who is found to be a
23 delinquent for an offense which is first degree murder,
24 a Class X felony, or a forcible felony shall be placed
25 on probation;

1 (ii) placed in accordance with Section 5-740, with
2 or without also being put on probation or conditional
3 discharge;

4 (iii) required to undergo a substance abuse
5 assessment conducted by a licensed provider and
6 participate in the indicated clinical level of care;

7 (iv) placed in the guardianship of the Department
8 of Children and Family Services, but only if the
9 delinquent minor is under 15 years of age or, pursuant
10 to Article II of this Act, a minor for whom an
11 independent basis of abuse, neglect, or dependency
12 exists. An independent basis exists when the
13 allegations or adjudication of abuse, neglect, or
14 dependency do not arise from the same facts, incident,
15 or circumstances which give rise to a charge or
16 adjudication of delinquency;

17 (v) placed in detention for a period not to exceed
18 30 days, either as the exclusive order of disposition
19 or, where appropriate, in conjunction with any other
20 order of disposition issued under this paragraph,
21 provided that any such detention shall be in a juvenile
22 detention home and the minor so detained shall be 10
23 years of age or older. However, the 30-day limitation
24 may be extended by further order of the court for a
25 minor under age 15 committed to the Department of
26 Children and Family Services if the court finds that

1 the minor is a danger to himself or others. The minor
2 shall be given credit on the sentencing order of
3 detention for time spent in detention under Sections
4 5-501, 5-601, 5-710, or 5-720 of this Article as a
5 result of the offense for which the sentencing order
6 was imposed. The court may grant credit on a sentencing
7 order of detention entered under a violation of
8 probation or violation of conditional discharge under
9 Section 5-720 of this Article for time spent in
10 detention before the filing of the petition alleging
11 the violation. A minor shall not be deprived of credit
12 for time spent in detention before the filing of a
13 violation of probation or conditional discharge
14 alleging the same or related act or acts;

15 (vi) ordered partially or completely emancipated
16 in accordance with the provisions of the Emancipation
17 of Minors Act;

18 (vii) subject to having his or her driver's license
19 or driving privileges suspended for such time as
20 determined by the court but only until he or she
21 attains 18 years of age;

22 (viii) put on probation or conditional discharge
23 and placed in detention under Section 3-6039 of the
24 Counties Code for a period not to exceed the period of
25 incarceration permitted by law for adults found guilty
26 of the same offense or offenses for which the minor was

1 adjudicated delinquent, and in any event no longer than
2 upon attainment of age 21; this subdivision (viii)
3 notwithstanding any contrary provision of the law;

4 (ix) ordered to undergo a medical or other
5 procedure to have a tattoo symbolizing allegiance to a
6 street gang removed from his or her body; or

7 (x) placed in electronic home detention under Part
8 7A of this Article.

9 (b) A minor found to be guilty may be committed to the
10 Department of Juvenile Justice under Section 5-750 if the
11 minor is 13 years of age or older, provided that the
12 commitment to the Department of Juvenile Justice shall be
13 made only if a term of incarceration is permitted by law
14 for adults found guilty of the offense for which the minor
15 was adjudicated delinquent. The time during which a minor
16 is in custody before being released upon the request of a
17 parent, guardian or legal custodian shall be considered as
18 time spent in detention.

19 (c) When a minor is found to be guilty for an offense
20 which is a violation of the Illinois Controlled Substances
21 Act, the Cannabis Control Act, or the Methamphetamine
22 Control and Community Protection Act and made a ward of the
23 court, the court may enter a disposition order requiring
24 the minor to undergo assessment, counseling or treatment in
25 a substance abuse program approved by the Department of
26 Human Services.

1 (2) Any sentencing order other than commitment to the
2 Department of Juvenile Justice may provide for protective
3 supervision under Section 5-725 and may include an order of
4 protection under Section 5-730.

5 (3) Unless the sentencing order expressly so provides, it
6 does not operate to close proceedings on the pending petition,
7 but is subject to modification until final closing and
8 discharge of the proceedings under Section 5-750.

9 (4) In addition to any other sentence, the court may order
10 any minor found to be delinquent to make restitution, in
11 monetary or non-monetary form, under the terms and conditions
12 of Section 5-5-6 of the Unified Code of Corrections, except
13 that the "presentencing hearing" referred to in that Section
14 shall be the sentencing hearing for purposes of this Section.
15 The parent, guardian or legal custodian of the minor may be
16 ordered by the court to pay some or all of the restitution on
17 the minor's behalf, pursuant to the Parental Responsibility
18 Law. The State's Attorney is authorized to act on behalf of any
19 victim in seeking restitution in proceedings under this
20 Section, up to the maximum amount allowed in Section 5 of the
21 Parental Responsibility Law.

22 (5) Any sentencing order where the minor is committed or
23 placed in accordance with Section 5-740 shall provide for the
24 parents or guardian of the estate of the minor to pay to the
25 legal custodian or guardian of the person of the minor such
26 sums as are determined by the custodian or guardian of the

1 person of the minor as necessary for the minor's needs. The
2 payments may not exceed the maximum amounts provided for by
3 Section 9.1 of the Children and Family Services Act.

4 (6) Whenever the sentencing order requires the minor to
5 attend school or participate in a program of training, the
6 truant officer or designated school official shall regularly
7 report to the court if the minor is a chronic or habitual
8 truant under Section 26-2a of the School Code. Notwithstanding
9 any other provision of this Act, in instances in which
10 educational services are to be provided to a minor in a
11 residential facility where the minor has been placed by the
12 court, costs incurred in the provision of those educational
13 services must be allocated based on the requirements of the
14 School Code.

15 (7) In no event shall a guilty minor be committed to the
16 Department of Juvenile Justice for a period of time in excess
17 of that period for which an adult could be committed for the
18 same act.

19 (8) A minor found to be guilty for reasons that include a
20 violation of Section 21-1.3 of the Criminal Code of 1961 or the
21 Criminal Code of 2012 shall be ordered to perform community
22 service for not less than 30 and not more than 120 hours, if
23 community service is available in the jurisdiction. The
24 community service shall include, but need not be limited to,
25 the cleanup and repair of the damage that was caused by the
26 violation or similar damage to property located in the

1 municipality or county in which the violation occurred. The
2 order may be in addition to any other order authorized by this
3 Section.

4 (8.5) A minor found to be guilty for reasons that include a
5 violation of Section 3.02 or Section 3.03 of the Humane Care
6 for Animals Act or paragraph (d) of subsection (1) of Section
7 21-1 of the Criminal Code of 1961 or paragraph (4) of
8 subsection (a) of Section 21-1 of the Criminal Code of 2012
9 shall be ordered to undergo medical or psychiatric treatment
10 rendered by a psychiatrist or psychological treatment rendered
11 by a clinical psychologist. The order may be in addition to any
12 other order authorized by this Section.

13 (9) In addition to any other sentencing order, the court
14 shall order any minor found to be guilty for an act which would
15 constitute, predatory criminal sexual assault of a child,
16 aggravated criminal sexual assault, criminal sexual assault,
17 aggravated criminal sexual abuse, or criminal sexual abuse if
18 committed by an adult to undergo medical testing to determine
19 whether the defendant has any sexually transmissible disease
20 including a test for infection with human immunodeficiency
21 virus (HIV) or any other identified causative agency of
22 acquired immunodeficiency syndrome (AIDS). Any medical test
23 shall be performed only by appropriately licensed medical
24 practitioners and may include an analysis of any bodily fluids
25 as well as an examination of the minor's person. Except as
26 otherwise provided by law, the results of the test shall be

1 kept strictly confidential by all medical personnel involved in
2 the testing and must be personally delivered in a sealed
3 envelope to the judge of the court in which the sentencing
4 order was entered for the judge's inspection in camera. Acting
5 in accordance with the best interests of the victim and the
6 public, the judge shall have the discretion to determine to
7 whom the results of the testing may be revealed. The court
8 shall notify the minor of the results of the test for infection
9 with the human immunodeficiency virus (HIV). The court shall
10 also notify the victim if requested by the victim, and if the
11 victim is under the age of 15 and if requested by the victim's
12 parents or legal guardian, the court shall notify the victim's
13 parents or the legal guardian, of the results of the test for
14 infection with the human immunodeficiency virus (HIV). The
15 court shall provide information on the availability of HIV
16 testing and counseling at the Department of Public Health
17 facilities to all parties to whom the results of the testing
18 are revealed. The court shall order that the cost of any test
19 shall be paid by the county and may be taxed as costs against
20 the minor.

21 (10) When a court finds a minor to be guilty the court
22 shall, before entering a sentencing order under this Section,
23 make a finding whether the offense committed either: (a) was
24 related to or in furtherance of the criminal activities of an
25 organized gang or was motivated by the minor's membership in or
26 allegiance to an organized gang, or (b) involved a violation of

1 subsection (a) of Section 12-7.1 of the Criminal Code of 1961
2 or the Criminal Code of 2012, a violation of any Section of
3 Article 24 of the Criminal Code of 1961 or the Criminal Code of
4 2012, or a violation of any statute that involved the wrongful
5 use of a firearm. If the court determines the question in the
6 affirmative, and the court does not commit the minor to the
7 Department of Juvenile Justice, the court shall order the minor
8 to perform community service for not less than 30 hours nor
9 more than 120 hours, provided that community service is
10 available in the jurisdiction and is funded and approved by the
11 county board of the county where the offense was committed. The
12 community service shall include, but need not be limited to,
13 the cleanup and repair of any damage caused by a violation of
14 Section 21-1.3 of the Criminal Code of 1961 or the Criminal
15 Code of 2012 and similar damage to property located in the
16 municipality or county in which the violation occurred. When
17 possible and reasonable, the community service shall be
18 performed in the minor's neighborhood. This order shall be in
19 addition to any other order authorized by this Section except
20 for an order to place the minor in the custody of the
21 Department of Juvenile Justice. For the purposes of this
22 Section, "organized gang" has the meaning ascribed to it in
23 Section 10 of the Illinois Streetgang Terrorism Omnibus
24 Prevention Act.

25 (11) If the court determines that the offense was committed
26 in furtherance of the criminal activities of an organized gang,

1 as provided in subsection (10), and that the offense involved
2 the operation or use of a motor vehicle or the use of a
3 driver's license or permit, the court shall notify the
4 Secretary of State of that determination and of the period for
5 which the minor shall be denied driving privileges. If, at the
6 time of the determination, the minor does not hold a driver's
7 license or permit, the court shall provide that the minor shall
8 not be issued a driver's license or permit until his or her
9 18th birthday. If the minor holds a driver's license or permit
10 at the time of the determination, the court shall provide that
11 the minor's driver's license or permit shall be revoked until
12 his or her 21st birthday, or until a later date or occurrence
13 determined by the court. If the minor holds a driver's license
14 at the time of the determination, the court may direct the
15 Secretary of State to issue the minor a judicial driving
16 permit, also known as a JDP. The JDP shall be subject to the
17 same terms as a JDP issued under Section 6-206.1 of the
18 Illinois Vehicle Code, except that the court may direct that
19 the JDP be effective immediately.

20 (12) If a minor is found to be guilty of a violation of
21 subsection (a-7) of Section 1 of the Prevention of Tobacco Use
22 by Minors Act, the court may, in its discretion, and upon
23 recommendation by the State's Attorney, order that minor and
24 his or her parents or legal guardian to attend a smoker's
25 education or youth diversion program as defined in that Act if
26 that program is available in the jurisdiction where the

1 offender resides. Attendance at a smoker's education or youth
2 diversion program shall be time-credited against any community
3 service time imposed for any first violation of subsection
4 (a-7) of Section 1 of that Act. In addition to any other
5 penalty that the court may impose for a violation of subsection
6 (a-7) of Section 1 of that Act, the court, upon request by the
7 State's Attorney, may in its discretion require the offender to
8 remit a fee for his or her attendance at a smoker's education
9 or youth diversion program.

10 For purposes of this Section, "smoker's education program"
11 or "youth diversion program" includes, but is not limited to, a
12 seminar designed to educate a person on the physical and
13 psychological effects of smoking tobacco products and the
14 health consequences of smoking tobacco products that can be
15 conducted with a locality's youth diversion program.

16 In addition to any other penalty that the court may impose
17 under this subsection (12):

18 (a) If a minor violates subsection (a-7) of Section 1
19 of the Prevention of Tobacco Use by Minors Act, the court
20 may impose a sentence of 15 hours of community service or a
21 fine of \$25 for a first violation.

22 (b) A second violation by a minor of subsection (a-7)
23 of Section 1 of that Act that occurs within 12 months after
24 the first violation is punishable by a fine of \$50 and 25
25 hours of community service.

26 (c) A third or subsequent violation by a minor of

1 subsection (a-7) of Section 1 of that Act that occurs
2 within 12 months after the first violation is punishable by
3 a \$100 fine and 30 hours of community service.

4 (d) Any second or subsequent violation not within the
5 12-month time period after the first violation is
6 punishable as provided for a first violation.

7 (Source: P.A. 95-337, eff. 6-1-08; 95-642, eff. 6-1-08; 95-844,
8 eff. 8-15-08; 95-876, eff. 8-21-08; 96-179, eff. 8-10-09;
9 96-293, eff. 1-1-10; 96-1000, eff. 7-2-10.)

10 (705 ILCS 405/5-715)

11 Sec. 5-715. Probation.

12 (1) The period of probation or conditional discharge shall
13 not exceed 5 years or until the minor has attained the age of
14 21 years, whichever is less, except as provided in this Section
15 for a minor who is found to be guilty for an offense which is
16 first degree murder, a Class X felony or a forcible felony. The
17 juvenile court may terminate probation or conditional
18 discharge and discharge the minor at any time if warranted by
19 the conduct of the minor and the ends of justice; provided,
20 however, that the period of probation for a minor who is found
21 to be guilty for an offense which is first degree murder, a
22 Class X felony, or a forcible felony shall be at least 5 years.

23 (2) The court may as a condition of probation or of
24 conditional discharge require that the minor:

25 (a) not violate any criminal statute of any

1 jurisdiction;

2 (b) make a report to and appear in person before any
3 person or agency as directed by the court;

4 (c) work or pursue a course of study or vocational
5 training;

6 (d) undergo medical or psychiatric treatment, rendered
7 by a psychiatrist or psychological treatment rendered by a
8 clinical psychologist or social work services rendered by a
9 clinical social worker, or treatment for drug addiction or
10 alcoholism;

11 (e) attend or reside in a facility established for the
12 instruction or residence of persons on probation;

13 (f) support his or her dependents, if any;

14 (g) refrain from possessing a firearm or other
15 dangerous weapon, or an automobile;

16 (h) permit the probation officer to visit him or her at
17 his or her home or elsewhere;

18 (i) reside with his or her parents or in a foster home;

19 (j) attend school;

20 (j-5) with the consent of the superintendent of the
21 facility, attend an educational program at a facility other
22 than the school in which the offense was committed if he or
23 she committed a crime of violence as defined in Section 2
24 of the Crime Victims Compensation Act in a school, on the
25 real property comprising a school, or within 1,000 feet of
26 the real property comprising a school;

- 1 (k) attend a non-residential program for youth;
- 2 (l) make restitution under the terms of subsection (4)
- 3 of Section 5-710;
- 4 (m) contribute to his or her own support at home or in
- 5 a foster home;
- 6 (n) perform some reasonable public or community
- 7 service;
- 8 (o) participate with community corrections programs
- 9 including unified delinquency intervention services
- 10 administered by the Department of Human Services subject to
- 11 Section 5 of the Children and Family Services Act;
- 12 (p) pay costs;
- 13 (q) 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 minor:
- 17 (i) remain within the interior premises of the
- 18 place designated for his or her confinement during the
- 19 hours designated by the court;
- 20 (ii) admit any person or agent designated by the
- 21 court into the minor's place of confinement at any time
- 22 for purposes of verifying the minor's compliance with
- 23 the conditions of his or her confinement; and
- 24 (iii) use an approved electronic monitoring device
- 25 if ordered by the court subject to Article 8A of
- 26 Chapter V of the Unified Code of Corrections;

1 (r) refrain from entering into a designated geographic
2 area except upon terms as the court finds appropriate. The
3 terms may include consideration of the purpose of the
4 entry, the time of day, other persons accompanying the
5 minor, and advance approval by a probation officer, if the
6 minor has been placed on probation, or advance approval by
7 the court, if the minor has been placed on conditional
8 discharge;

9 (s) refrain from having any contact, directly or
10 indirectly, with certain specified persons or particular
11 types of persons, including but not limited to members of
12 street gangs and drug users or dealers;

13 (s-5) undergo a medical or other procedure to have a
14 tattoo symbolizing allegiance to a street gang removed from
15 his or her body;

16 (t) refrain from having in his or her body the presence
17 of any illicit drug prohibited by the Cannabis Control Act,
18 the Illinois Controlled Substances Act, or the
19 Methamphetamine Control and Community Protection Act,
20 unless prescribed by a physician, and shall submit samples
21 of his or her blood or urine or both for tests to determine
22 the presence of any illicit drug; or

23 (u) comply with other conditions as may be ordered by
24 the court.

25 (3) The court may as a condition of probation or of
26 conditional discharge require that a minor found guilty on any

1 alcohol, cannabis, methamphetamine, or controlled substance
2 violation, refrain from acquiring a driver's license during the
3 period of probation or conditional discharge. If the minor is
4 in possession of a permit or license, the court may require
5 that the minor refrain from driving or operating any motor
6 vehicle during the period of probation or conditional
7 discharge, except as may be necessary in the course of the
8 minor's lawful employment.

9 (3.5) The court shall, as a condition of probation or of
10 conditional discharge, require that a minor found to be guilty
11 and placed on probation for reasons that include a violation of
12 Section 3.02 or Section 3.03 of the Humane Care for Animals Act
13 or paragraph (4) of subsection (a) of Section 21-1 of the
14 Criminal Code of 2012 ~~1961~~ undergo medical or psychiatric
15 treatment rendered by a psychiatrist or psychological
16 treatment rendered by a clinical psychologist. The condition
17 may be in addition to any other condition.

18 (3.10) The court shall order that a minor placed on
19 probation or conditional discharge for a sex offense as defined
20 in the Sex Offender Management Board Act undergo and
21 successfully complete sex offender treatment. The treatment
22 shall be in conformance with the standards developed under the
23 Sex Offender Management Board Act and conducted by a treatment
24 provider approved by the Board. The treatment shall be at the
25 expense of the person evaluated based upon that person's
26 ability to pay for the treatment.

1 (4) A minor on probation or conditional discharge shall be
2 given a certificate setting forth the conditions upon which he
3 or she is being released.

4 (5) The court shall impose upon a minor placed on probation
5 or conditional discharge, as a condition of the probation or
6 conditional discharge, a fee of \$50 for each month of probation
7 or conditional discharge supervision ordered by the court,
8 unless after determining the inability of the minor placed on
9 probation or conditional discharge to pay the fee, the court
10 assesses a lesser amount. The court may not impose the fee on a
11 minor who is made a ward of the State under this Act while the
12 minor is in placement. The fee shall be imposed only upon a
13 minor who is actively supervised by the probation and court
14 services department. The court may order the parent, guardian,
15 or legal custodian of the minor to pay some or all of the fee on
16 the minor's behalf.

17 (6) The General Assembly finds that in order to protect the
18 public, the juvenile justice system must compel compliance with
19 the conditions of probation by responding to violations with
20 swift, certain, and fair punishments and intermediate
21 sanctions. The Chief Judge of each circuit shall adopt a system
22 of structured, intermediate sanctions for violations of the
23 terms and conditions of a sentence of supervision, probation or
24 conditional discharge, under this Act.

25 The court shall provide as a condition of a disposition of
26 probation, conditional discharge, or supervision, that the

1 probation agency may invoke any sanction from the list of
2 intermediate sanctions adopted by the chief judge of the
3 circuit court for violations of the terms and conditions of the
4 sentence of probation, conditional discharge, or supervision,
5 subject to the provisions of Section 5-720 of this Act.

6 (Source: P.A. 96-1414, eff. 1-1-11; 97-1108, eff. 1-1-13.)

7 (705 ILCS 405/5-730)

8 Sec. 5-730. Order of protection.

9 (1) The court may make an order of protection in assistance
10 of or as a condition of any other order authorized by this Act.
11 The order of protection may set forth reasonable conditions of
12 behavior to be observed for a specified period. The order may
13 require a person:

14 (a) to stay away from the home or the minor;

15 (b) to permit a parent to visit the minor at stated
16 periods;

17 (c) to abstain from offensive conduct against the
18 minor, his or her parent or any person to whom custody of
19 the minor is awarded;

20 (d) to give proper attention to the care of the home;

21 (e) to cooperate in good faith with an agency to which
22 custody of a minor is entrusted by the court or with an
23 agency or association to which the minor is referred by the
24 court;

25 (f) to prohibit and prevent any contact whatsoever with

1 the respondent minor by a specified individual or
2 individuals who are alleged in either a criminal or
3 juvenile proceeding to have caused injury to a respondent
4 minor or a sibling of a respondent minor;

5 (g) to refrain from acts of commission or omission that
6 tend to make the home not a proper place for the minor.

7 (2) The court shall enter an order of protection to
8 prohibit and prevent any contact between a respondent minor or
9 a sibling of a respondent minor and any person named in a
10 petition seeking an order of protection who has been convicted
11 of heinous battery or aggravated battery under subdivision
12 (a)(2) of Section 12-3.05, aggravated battery of a child or
13 aggravated battery under subdivision (b)(1) of Section
14 12-3.05, criminal sexual assault, aggravated criminal sexual
15 assault, predatory criminal sexual assault of a child, criminal
16 sexual abuse, or aggravated criminal sexual abuse as described
17 in the Criminal Code of 1961 or the Criminal Code of 2012, or
18 has been convicted of an offense that resulted in the death of
19 a child, or has violated a previous order of protection under
20 this Section.

21 (3) When the court issues an order of protection against
22 any person as provided by this Section, the court shall direct
23 a copy of such order to the sheriff of that county. The sheriff
24 shall furnish a copy of the order of protection to the
25 Department of State Police within 24 hours of receipt, in the
26 form and manner required by the Department. The Department of

1 State Police shall maintain a complete record and index of the
2 orders of protection and make this data available to all local
3 law enforcement agencies.

4 (4) After notice and opportunity for hearing afforded to a
5 person subject to an order of protection, the order may be
6 modified or extended for a further specified period or both or
7 may be terminated if the court finds that the best interests of
8 the minor and the public will be served by the modification,
9 extension, or termination.

10 (5) An order of protection may be sought at any time during
11 the course of any proceeding conducted under this Act. Any
12 person against whom an order of protection is sought may retain
13 counsel to represent him or her at a hearing, and has rights to
14 be present at the hearing, to be informed prior to the hearing
15 in writing of the contents of the petition seeking a protective
16 order and of the date, place, and time of the hearing, and to
17 cross-examine witnesses called by the petitioner and to present
18 witnesses and argument in opposition to the relief sought in
19 the petition.

20 (6) Diligent efforts shall be made by the petitioner to
21 serve any person or persons against whom any order of
22 protection is sought with written notice of the contents of the
23 petition seeking a protective order and of the date, place and
24 time at which the hearing on the petition is to be held. When a
25 protective order is being sought in conjunction with a shelter
26 care or detention hearing, if the court finds that the person

1 against whom the protective order is being sought has been
2 notified of the hearing or that diligent efforts have been made
3 to notify the person, the court may conduct a hearing. If a
4 protective order is sought at any time other than in
5 conjunction with a shelter care or detention hearing, the court
6 may not conduct a hearing on the petition in the absence of the
7 person against whom the order is sought unless the petitioner
8 has notified the person by personal service at least 3 days
9 before the hearing or has sent written notice by first class
10 mail to the person's last known address at least 5 days before
11 the hearing.

12 (7) A person against whom an order of protection is being
13 sought who is neither a parent, guardian, or legal custodian or
14 responsible relative as described in Section 1-5 of this Act or
15 is not a party or respondent as defined in that Section shall
16 not be entitled to the rights provided in that Section. The
17 person does not have a right to appointed counsel or to be
18 present at any hearing other than the hearing in which the
19 order of protection is being sought or a hearing directly
20 pertaining to that order. Unless the court orders otherwise,
21 the person does not have a right to inspect the court file.

22 (8) All protective orders entered under this Section shall
23 be in writing. Unless the person against whom the order was
24 obtained was present in court when the order was issued, the
25 sheriff, other law enforcement official, or special process
26 server shall promptly serve that order upon that person and

1 file proof of that service, in the manner provided for service
2 of process in civil proceedings. The person against whom the
3 protective order was obtained may seek a modification of the
4 order by filing a written motion to modify the order within 7
5 days after actual receipt by the person of a copy of the order.
6 (Source: P.A. 96-1551, Article 1, Section 955, eff. 7-1-11;
7 96-1551, Article 2, Section 1030, eff. 7-1-11; 97-1109, eff.
8 1-1-13.)

9 (705 ILCS 405/5-805)

10 Sec. 5-805. Transfer of jurisdiction.

11 (1) Mandatory transfers.

12 (a) If a petition alleges commission by a minor 15
13 years of age or older of an act that constitutes a forcible
14 felony under the laws of this State, and if a motion by the
15 State's Attorney to prosecute the minor under the criminal
16 laws of Illinois for the alleged forcible felony alleges
17 that (i) the minor has previously been adjudicated
18 delinquent or found guilty for commission of an act that
19 constitutes a felony under the laws of this State or any
20 other state and (ii) the act that constitutes the offense
21 was committed in furtherance of criminal activity by an
22 organized gang, the Juvenile Judge assigned to hear and
23 determine those motions shall, upon determining that there
24 is probable cause that both allegations are true, enter an
25 order permitting prosecution under the criminal laws of

1 Illinois.

2 (b) If a petition alleges commission by a minor 15
3 years of age or older of an act that constitutes a felony
4 under the laws of this State, and if a motion by a State's
5 Attorney to prosecute the minor under the criminal laws of
6 Illinois for the alleged felony alleges that (i) the minor
7 has previously been adjudicated delinquent or found guilty
8 for commission of an act that constitutes a forcible felony
9 under the laws of this State or any other state and (ii)
10 the act that constitutes the offense was committed in
11 furtherance of criminal activities by an organized gang,
12 the Juvenile Judge assigned to hear and determine those
13 motions shall, upon determining that there is probable
14 cause that both allegations are true, enter an order
15 permitting prosecution under the criminal laws of
16 Illinois.

17 (c) If a petition alleges commission by a minor 15
18 years of age or older of: (i) an act that constitutes an
19 offense enumerated in the presumptive transfer provisions
20 of subsection (2); and (ii) the minor has previously been
21 adjudicated delinquent or found guilty of a forcible
22 felony, the Juvenile Judge designated to hear and determine
23 those motions shall, upon determining that there is
24 probable cause that both allegations are true, enter an
25 order permitting prosecution under the criminal laws of
26 Illinois.

1 (d) If a petition alleges commission by a minor 15
2 years of age or older of an act that constitutes the
3 offense of aggravated discharge of a firearm committed in a
4 school, on the real property comprising a school, within
5 1,000 feet of the real property comprising a school, at a
6 school related activity, or on, boarding, or departing from
7 any conveyance owned, leased, or contracted by a school or
8 school district to transport students to or from school or
9 a school related activity, regardless of the time of day or
10 the time of year, the juvenile judge designated to hear and
11 determine those motions shall, upon determining that there
12 is probable cause that the allegations are true, enter an
13 order permitting prosecution under the criminal laws of
14 Illinois.

15 For purposes of this paragraph (d) of subsection (1):

16 "School" means a public or private elementary or
17 secondary school, community college, college, or
18 university.

19 "School related activity" means any sporting, social,
20 academic, or other activity for which students' attendance
21 or participation is sponsored, organized, or funded in
22 whole or in part by a school or school district.

23 (2) Presumptive transfer.

24 (a) If the State's Attorney files a petition, at any
25 time prior to commencement of the minor's trial, to permit
26 prosecution under the criminal laws and the petition

1 alleges the commission by a minor 15 years of age or older
2 of: (i) a Class X felony other than armed violence; (ii)
3 aggravated discharge of a firearm; (iii) armed violence
4 with a firearm when the predicate offense is a Class 1 or
5 Class 2 felony and the State's Attorney's motion to
6 transfer the case alleges that the offense committed is in
7 furtherance of the criminal activities of an organized
8 gang; (iv) armed violence with a firearm when the predicate
9 offense is a violation of the Illinois Controlled
10 Substances Act, a violation of the Cannabis Control Act, or
11 a violation of the Methamphetamine Control and Community
12 Protection Act; (v) armed violence when the weapon involved
13 was a machine gun or other weapon described in subsection
14 (a) (7) of Section 24-1 of the Criminal Code of 1961 or the
15 Criminal Code of 2012; (vi) an act in violation of Section
16 401 of the Illinois Controlled Substances Act which is a
17 Class X felony, while in a school, regardless of the time
18 of day or the time of year, or on any conveyance owned,
19 leased, or contracted by a school to transport students to
20 or from school or a school related activity, or on
21 residential property owned, operated, or managed by a
22 public housing agency or leased by a public housing agency
23 as part of a scattered site or mixed-income development; or
24 (vii) an act in violation of Section 401 of the Illinois
25 Controlled Substances Act and the offense is alleged to
26 have occurred while in a school or on a public way within

1 1,000 feet of the real property comprising any school,
2 regardless of the time of day or the time of year when the
3 delivery or intended delivery of any amount of the
4 controlled substance is to a person under 17 years of age,
5 (to qualify for a presumptive transfer under paragraph (vi)
6 or (vii) of this clause (2)(a), the violation cannot be
7 based upon subsection (b) of Section 407 of the Illinois
8 Controlled Substances Act) and, if the juvenile judge
9 assigned to hear and determine motions to transfer a case
10 for prosecution in the criminal court determines that there
11 is probable cause to believe that the allegations in the
12 petition and motion are true, there is a rebuttable
13 presumption that the minor is not a fit and proper subject
14 to be dealt with under the Juvenile Justice Reform
15 Provisions of 1998 (Public Act 90-590), and that, except as
16 provided in paragraph (b), the case should be transferred
17 to the criminal court.

18 (b) The judge shall enter an order permitting
19 prosecution under the criminal laws of Illinois unless the
20 judge makes a finding based on clear and convincing
21 evidence that the minor would be amenable to the care,
22 treatment, and training programs available through the
23 facilities of the juvenile court based on an evaluation of
24 the following:

25 (i) the age of the minor;

26 (ii) the history of the minor, including:

1 (A) any previous delinquent or criminal
2 history of the minor,

3 (B) any previous abuse or neglect history of
4 the minor, and

5 (C) any mental health, physical or educational
6 history of the minor or combination of these
7 factors;

8 (iii) the circumstances of the offense, including:

9 (A) the seriousness of the offense,

10 (B) whether the minor is charged through
11 accountability,

12 (C) whether there is evidence the offense was
13 committed in an aggressive and premeditated
14 manner,

15 (D) whether there is evidence the offense
16 caused serious bodily harm,

17 (E) whether there is evidence the minor
18 possessed a deadly weapon;

19 (iv) the advantages of treatment within the
20 juvenile justice system including whether there are
21 facilities or programs, or both, particularly
22 available in the juvenile system;

23 (v) whether the security of the public requires
24 sentencing under Chapter V of the Unified Code of
25 Corrections:

26 (A) the minor's history of services, including

1 the minor's willingness to participate
2 meaningfully in available services;

3 (B) whether there is a reasonable likelihood
4 that the minor can be rehabilitated before the
5 expiration of the juvenile court's jurisdiction;

6 (C) the adequacy of the punishment or
7 services.

8 In considering these factors, the court shall give
9 greater weight to the seriousness of the alleged offense
10 and the minor's prior record of delinquency than to the
11 other factors listed in this subsection.

12 For purposes of clauses (2) (a) (vi) and (vii):

13 "School" means a public or private elementary or secondary
14 school, community college, college, or university.

15 "School related activity" means any sporting, social,
16 academic, or other activity for which students' attendance or
17 participation is sponsored, organized, or funded in whole or in
18 part by a school or school district.

19 (3) Discretionary transfer.

20 (a) If a petition alleges commission by a minor 13
21 years of age or over of an act that constitutes a crime
22 under the laws of this State and, on motion of the State's
23 Attorney to permit prosecution of the minor under the
24 criminal laws, a Juvenile Judge assigned by the Chief Judge
25 of the Circuit to hear and determine those motions, after
26 hearing but before commencement of the trial, finds that

1 there is probable cause to believe that the allegations in
2 the motion are true and that it is not in the best
3 interests of the public to proceed under this Act, the
4 court may enter an order permitting prosecution under the
5 criminal laws.

6 (b) In making its determination on the motion to permit
7 prosecution under the criminal laws, the court shall
8 consider among other matters:

9 (i) the age of the minor;

10 (ii) the history of the minor, including:

11 (A) any previous delinquent or criminal
12 history of the minor,

13 (B) any previous abuse or neglect history of
14 the minor, and

15 (C) any mental health, physical, or
16 educational history of the minor or combination of
17 these factors;

18 (iii) the circumstances of the offense, including:

19 (A) the seriousness of the offense,

20 (B) whether the minor is charged through
21 accountability,

22 (C) whether there is evidence the offense was
23 committed in an aggressive and premeditated
24 manner,

25 (D) whether there is evidence the offense
26 caused serious bodily harm,

1 (E) whether there is evidence the minor
2 possessed a deadly weapon;

3 (iv) the advantages of treatment within the
4 juvenile justice system including whether there are
5 facilities or programs, or both, particularly
6 available in the juvenile system;

7 (v) whether the security of the public requires
8 sentencing under Chapter V of the Unified Code of
9 Corrections:

10 (A) the minor's history of services, including
11 the minor's willingness to participate
12 meaningfully in available services;

13 (B) whether there is a reasonable likelihood
14 that the minor can be rehabilitated before the
15 expiration of the juvenile court's jurisdiction;

16 (C) the adequacy of the punishment or
17 services.

18 In considering these factors, the court shall give
19 greater weight to the seriousness of the alleged offense
20 and the minor's prior record of delinquency than to the
21 other factors listed in this subsection.

22 (4) The rules of evidence for this hearing shall be the
23 same as under Section 5-705 of this Act. A minor must be
24 represented in court by counsel before the hearing may be
25 commenced.

26 (5) If criminal proceedings are instituted, the petition

1 for adjudication of wardship shall be dismissed insofar as the
2 act or acts involved in the criminal proceedings. Taking of
3 evidence in a trial on petition for adjudication of wardship is
4 a bar to criminal proceedings based upon the conduct alleged in
5 the petition.

6 (Source: P.A. 94-556, eff. 9-11-05; 94-574, eff. 8-12-05;
7 95-331, eff. 8-21-07.)

8 (705 ILCS 405/5-901)

9 Sec. 5-901. Court file.

10 (1) The Court file with respect to proceedings under this
11 Article shall consist of the petitions, pleadings, victim
12 impact statements, process, service of process, orders, writs
13 and docket entries reflecting hearings held and judgments and
14 decrees entered by the court. The court file shall be kept
15 separate from other records of the court.

16 (a) The file, including information identifying the
17 victim or alleged victim of any sex offense, shall be
18 disclosed only to the following parties when necessary for
19 discharge of their official duties:

20 (i) A judge of the circuit court and members of the
21 staff of the court designated by the judge;

22 (ii) Parties to the proceedings and their
23 attorneys;

24 (iii) Victims and their attorneys, except in cases
25 of multiple victims of sex offenses in which case the

1 information identifying the nonrequesting victims
2 shall be redacted;

3 (iv) Probation officers, law enforcement officers
4 or prosecutors or their staff;

5 (v) Adult and juvenile Prisoner Review Boards.

6 (b) The Court file redacted to remove any information
7 identifying the victim or alleged victim of any sex offense
8 shall be disclosed only to the following parties when
9 necessary for discharge of their official duties:

10 (i) Authorized military personnel;

11 (ii) Persons engaged in bona fide research, with
12 the permission of the judge of the juvenile court and
13 the chief executive of the agency that prepared the
14 particular recording: provided that publication of
15 such research results in no disclosure of a minor's
16 identity and protects the confidentiality of the
17 record;

18 (iii) The Secretary of State to whom the Clerk of
19 the Court shall report the disposition of all cases, as
20 required in Section 6-204 or Section 6-205.1 of the
21 Illinois Vehicle Code. However, information reported
22 relative to these offenses shall be privileged and
23 available only to the Secretary of State, courts, and
24 police officers;

25 (iv) The administrator of a bonafide substance
26 abuse student assistance program with the permission

1 of the presiding judge of the juvenile court;

2 (v) Any individual, or any public or private agency
3 or institution, having custody of the juvenile under
4 court order or providing educational, medical or
5 mental health services to the juvenile or a
6 court-approved advocate for the juvenile or any
7 placement provider or potential placement provider as
8 determined by the court.

9 (3) A minor who is the victim or alleged victim in a
10 juvenile proceeding shall be provided the same confidentiality
11 regarding disclosure of identity as the minor who is the
12 subject of record. Information identifying victims and alleged
13 victims of sex offenses, shall not be disclosed or open to
14 public inspection under any circumstances. Nothing in this
15 Section shall prohibit the victim or alleged victim of any sex
16 offense from voluntarily disclosing his or her identity.

17 (4) Relevant information, reports and records shall be made
18 available to the Department of Juvenile Justice when a juvenile
19 offender has been placed in the custody of the Department of
20 Juvenile Justice.

21 (5) Except as otherwise provided in this subsection (5),
22 juvenile court records shall not be made available to the
23 general public but may be inspected by representatives of
24 agencies, associations and news media or other properly
25 interested persons by general or special order of the court.
26 The State's Attorney, the minor, his or her parents, guardian

1 and counsel shall at all times have the right to examine court
2 files and records.

3 (a) The court shall allow the general public to have
4 access to the name, address, and offense of a minor who is
5 adjudicated a delinquent minor under this Act under either
6 of the following circumstances:

7 (i) The adjudication of delinquency was based upon
8 the minor's commission of first degree murder, attempt
9 to commit first degree murder, aggravated criminal
10 sexual assault, or criminal sexual assault; or

11 (ii) The court has made a finding that the minor
12 was at least 13 years of age at the time the act was
13 committed and the adjudication of delinquency was
14 based upon the minor's commission of: (A) an act in
15 furtherance of the commission of a felony as a member
16 of or on behalf of a criminal street gang, (B) an act
17 involving the use of a firearm in the commission of a
18 felony, (C) an act that would be a Class X felony
19 offense under or the minor's second or subsequent Class
20 2 or greater felony offense under the Cannabis Control
21 Act if committed by an adult, (D) an act that would be
22 a second or subsequent offense under Section 402 of the
23 Illinois Controlled Substances Act if committed by an
24 adult, (E) an act that would be an offense under
25 Section 401 of the Illinois Controlled Substances Act
26 if committed by an adult, or (F) an act that would be

1 an offense under the Methamphetamine Control and
2 Community Protection Act if committed by an adult.

3 (b) The court shall allow the general public to have
4 access to the name, address, and offense of a minor who is
5 at least 13 years of age at the time the offense is
6 committed and who is convicted, in criminal proceedings
7 permitted or required under Section 5-805, under either of
8 the following circumstances:

9 (i) The minor has been convicted of first degree
10 murder, attempt to commit first degree murder,
11 aggravated criminal sexual assault, or criminal sexual
12 assault,

13 (ii) The court has made a finding that the minor
14 was at least 13 years of age at the time the offense
15 was committed and the conviction was based upon the
16 minor's commission of: (A) an offense in furtherance of
17 the commission of a felony as a member of or on behalf
18 of a criminal street gang, (B) an offense involving the
19 use of a firearm in the commission of a felony, (C) a
20 Class X felony offense under the Cannabis Control Act
21 or a second or subsequent Class 2 or greater felony
22 offense under the Cannabis Control Act, (D) a second or
23 subsequent offense under Section 402 of the Illinois
24 Controlled Substances Act, (E) an offense under
25 Section 401 of the Illinois Controlled Substances Act,
26 or (F) an offense under the Methamphetamine Control and

1 Community Protection Act.

2 (6) Nothing in this Section shall be construed to limit the
3 use of a adjudication of delinquency as evidence in any
4 juvenile or criminal proceeding, where it would otherwise be
5 admissible under the rules of evidence, including but not
6 limited to, use as impeachment evidence against any witness,
7 including the minor if he or she testifies.

8 (7) Nothing in this Section shall affect the right of a
9 Civil Service Commission or appointing authority examining the
10 character and fitness of an applicant for a position as a law
11 enforcement officer to ascertain whether that applicant was
12 ever adjudicated to be a delinquent minor and, if so, to
13 examine the records or evidence which were made in proceedings
14 under this Act.

15 (8) Following any adjudication of delinquency for a crime
16 which would be a felony if committed by an adult, or following
17 any adjudication of delinquency for a violation of Section
18 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the
19 Criminal Code of 2012, the State's Attorney shall ascertain
20 whether the minor respondent is enrolled in school and, if so,
21 shall provide a copy of the sentencing order to the principal
22 or chief administrative officer of the school. Access to such
23 juvenile records shall be limited to the principal or chief
24 administrative officer of the school and any guidance counselor
25 designated by him or her.

26 (9) Nothing contained in this Act prevents the sharing or

1 disclosure of information or records relating or pertaining to
2 juveniles subject to the provisions of the Serious Habitual
3 Offender Comprehensive Action Program when that information is
4 used to assist in the early identification and treatment of
5 habitual juvenile offenders.

6 (11) The Clerk of the Circuit Court shall report to the
7 Department of State Police, in the form and manner required by
8 the Department of State Police, the final disposition of each
9 minor who has been arrested or taken into custody before his or
10 her 17th birthday for those offenses required to be reported
11 under Section 5 of the Criminal Identification Act. Information
12 reported to the Department under this Section may be maintained
13 with records that the Department files under Section 2.1 of the
14 Criminal Identification Act.

15 (12) Information or records may be disclosed to the general
16 public when the court is conducting hearings under Section
17 5-805 or 5-810.

18 (Source: P.A. 94-556, eff. 9-11-05; 94-696, eff. 6-1-06.)

19 (705 ILCS 405/5-905)

20 Sec. 5-905. Law enforcement records.

21 (1) Law Enforcement Records. Inspection and copying of law
22 enforcement records maintained by law enforcement agencies
23 that relate to a minor who has been arrested or taken into
24 custody before his or her 17th birthday shall be restricted to
25 the following and when necessary for the discharge of their

1 official duties:

2 (a) A judge of the circuit court and members of the
3 staff of the court designated by the judge;

4 (b) Law enforcement officers, probation officers or
5 prosecutors or their staff, or, when necessary for the
6 discharge of its official duties in connection with a
7 particular investigation of the conduct of a law
8 enforcement officer, an independent agency or its staff
9 created by ordinance and charged by a unit of local
10 government with the duty of investigating the conduct of
11 law enforcement officers;

12 (c) The minor, the minor's parents or legal guardian
13 and their attorneys, but only when the juvenile has been
14 charged with an offense;

15 (d) Adult and Juvenile Prisoner Review Boards;

16 (e) Authorized military personnel;

17 (f) Persons engaged in bona fide research, with the
18 permission of the judge of juvenile court and the chief
19 executive of the agency that prepared the particular
20 recording: provided that publication of such research
21 results in no disclosure of a minor's identity and protects
22 the confidentiality of the record;

23 (g) Individuals responsible for supervising or
24 providing temporary or permanent care and custody of minors
25 pursuant to orders of the juvenile court or directives from
26 officials of the Department of Children and Family Services

1 or the Department of Human Services who certify in writing
2 that the information will not be disclosed to any other
3 party except as provided under law or order of court;

4 (h) The appropriate school official only if the agency
5 or officer believes that there is an imminent threat of
6 physical harm to students, school personnel, or others who
7 are present in the school or on school grounds.

8 (A) Inspection and copying shall be limited to law
9 enforcement records transmitted to the appropriate
10 school official or officials whom the school has
11 determined to have a legitimate educational or safety
12 interest by a local law enforcement agency under a
13 reciprocal reporting system established and maintained
14 between the school district and the local law
15 enforcement agency under Section 10-20.14 of the
16 School Code concerning a minor enrolled in a school
17 within the school district who has been arrested or
18 taken into custody for any of the following offenses:

19 (i) any violation of Article 24 of the Criminal
20 Code of 1961 or the Criminal Code of 2012;

21 (ii) a violation of the Illinois Controlled
22 Substances Act;

23 (iii) a violation of the Cannabis Control Act;

24 (iv) a forcible felony as defined in Section
25 2-8 of the Criminal Code of 1961 or the Criminal
26 Code of 2012;

1 (v) a violation of the Methamphetamine Control
2 and Community Protection Act;

3 (vi) a violation of Section 1-2 of the
4 Harassing and Obscene Communications Act;

5 (vii) a violation of the Hazing Act; or

6 (viii) a violation of Section 12-1, 12-2,
7 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
8 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
9 Criminal Code of 1961 or the Criminal Code of 2012.

10 The information derived from the law enforcement
11 records shall be kept separate from and shall not
12 become a part of the official school record of that
13 child and shall not be a public record. The information
14 shall be used solely by the appropriate school official
15 or officials whom the school has determined to have a
16 legitimate educational or safety interest to aid in the
17 proper rehabilitation of the child and to protect the
18 safety of students and employees in the school. If the
19 designated law enforcement and school officials deem
20 it to be in the best interest of the minor, the student
21 may be referred to in-school or community based social
22 services if those services are available.
23 "Rehabilitation services" may include interventions by
24 school support personnel, evaluation for eligibility
25 for special education, referrals to community-based
26 agencies such as youth services, behavioral healthcare

1 service providers, drug and alcohol prevention or
2 treatment programs, and other interventions as deemed
3 appropriate for the student.

4 (B) Any information provided to appropriate school
5 officials whom the school has determined to have a
6 legitimate educational or safety interest by local law
7 enforcement officials about a minor who is the subject
8 of a current police investigation that is directly
9 related to school safety shall consist of oral
10 information only, and not written law enforcement
11 records, and shall be used solely by the appropriate
12 school official or officials to protect the safety of
13 students and employees in the school and aid in the
14 proper rehabilitation of the child. The information
15 derived orally from the local law enforcement
16 officials shall be kept separate from and shall not
17 become a part of the official school record of the
18 child and shall not be a public record. This limitation
19 on the use of information about a minor who is the
20 subject of a current police investigation shall in no
21 way limit the use of this information by prosecutors in
22 pursuing criminal charges arising out of the
23 information disclosed during a police investigation of
24 the minor. For purposes of this paragraph,
25 "investigation" means an official systematic inquiry
26 by a law enforcement agency into actual or suspected

1 criminal activity~~;~~

2 (i) The president of a park district. Inspection and
3 copying shall be limited to law enforcement records
4 transmitted to the president of the park district by the
5 Illinois State Police under Section 8-23 of the Park
6 District Code or Section 16a-5 of the Chicago Park District
7 Act concerning a person who is seeking employment with that
8 park district and who has been adjudicated a juvenile
9 delinquent for any of the offenses listed in subsection (c)
10 of Section 8-23 of the Park District Code or subsection (c)
11 of Section 16a-5 of the Chicago Park District Act.

12 (2) Information identifying victims and alleged victims of
13 sex offenses, shall not be disclosed or open to public
14 inspection under any circumstances. Nothing in this Section
15 shall prohibit the victim or alleged victim of any sex offense
16 from voluntarily disclosing his or her identity.

17 (2.5) If the minor is a victim of aggravated battery,
18 battery, attempted first degree murder, or other non-sexual
19 violent offense, the identity of the victim may be disclosed to
20 appropriate school officials, for the purpose of preventing
21 foreseeable future violence involving minors, by a local law
22 enforcement agency pursuant to an agreement established
23 between the school district and a local law enforcement agency
24 subject to the approval by the presiding judge of the juvenile
25 court.

26 (3) Relevant information, reports and records shall be made

1 available to the Department of Juvenile Justice when a juvenile
2 offender has been placed in the custody of the Department of
3 Juvenile Justice.

4 (4) Nothing in this Section shall prohibit the inspection
5 or disclosure to victims and witnesses of photographs contained
6 in the records of law enforcement agencies when the inspection
7 or disclosure is conducted in the presence of a law enforcement
8 officer for purposes of identification or apprehension of any
9 person in the course of any criminal investigation or
10 prosecution.

11 (5) The records of law enforcement officers, or of an
12 independent agency created by ordinance and charged by a unit
13 of local government with the duty of investigating the conduct
14 of law enforcement officers, concerning all minors under 17
15 years of age must be maintained separate from the records of
16 adults and may not be open to public inspection or their
17 contents disclosed to the public except by order of the court
18 or when the institution of criminal proceedings has been
19 permitted under Section 5-130 or 5-805 or required under
20 Section 5-130 or 5-805 or such a person has been convicted of a
21 crime and is the subject of pre-sentence investigation or when
22 provided by law.

23 (6) Except as otherwise provided in this subsection (6),
24 law enforcement officers, and personnel of an independent
25 agency created by ordinance and charged by a unit of local
26 government with the duty of investigating the conduct of law

1 enforcement officers, may not disclose the identity of any
2 minor in releasing information to the general public as to the
3 arrest, investigation or disposition of any case involving a
4 minor. Any victim or parent or legal guardian of a victim may
5 petition the court to disclose the name and address of the
6 minor and the minor's parents or legal guardian, or both. Upon
7 a finding by clear and convincing evidence that the disclosure
8 is either necessary for the victim to pursue a civil remedy
9 against the minor or the minor's parents or legal guardian, or
10 both, or to protect the victim's person or property from the
11 minor, then the court may order the disclosure of the
12 information to the victim or to the parent or legal guardian of
13 the victim only for the purpose of the victim pursuing a civil
14 remedy against the minor or the minor's parents or legal
15 guardian, or both, or to protect the victim's person or
16 property from the minor.

17 (7) Nothing contained in this Section shall prohibit law
18 enforcement agencies when acting in their official capacity
19 from communicating with each other by letter, memorandum,
20 teletype or intelligence alert bulletin or other means the
21 identity or other relevant information pertaining to a person
22 under 17 years of age. The information provided under this
23 subsection (7) shall remain confidential and shall not be
24 publicly disclosed, except as otherwise allowed by law.

25 (8) No person shall disclose information under this Section
26 except when acting in his or her official capacity and as

1 provided by law or order of court.

2 (Source: P.A. 96-419, eff. 8-13-09; 96-1414, eff. 1-1-11;
3 97-700, eff. 6-22-12; 97-1104, eff. 1-1-13; revised 9-20-12.)

4 Section 605. The Criminal Code of 2012 is amended by
5 changing Sections 1-6, 2-13, 11-6, 11-6.5, 11-9.1, 11-9.1A,
6 11-9.3, 11-23, 16-1, 17-10.5, 19-6, 26.5-5, 33G-3, 36-1, 37-1,
7 and 48-8 as follows:

8 (720 ILCS 5/1-6) (from Ch. 38, par. 1-6)

9 Sec. 1-6. Place of trial.

10 (a) Generally.

11 Criminal actions shall be tried in the county where the
12 offense was committed, except as otherwise provided by law. The
13 State is not required to prove during trial that the alleged
14 offense occurred in any particular county in this State. When a
15 defendant contests the place of trial under this Section, all
16 proceedings regarding this issue shall be conducted under
17 Section 114-1 of the Code of Criminal Procedure of 1963. All
18 objections of improper place of trial are waived by a defendant
19 unless made before trial.

20 (b) Assailant and Victim in Different Counties.

21 If a person committing an offense upon the person of
22 another is located in one county and his victim is located in
23 another county at the time of the commission of the offense,
24 trial may be had in either of said counties.

1 (c) Death and Cause of Death in Different Places or
2 Undetermined.

3 If cause of death is inflicted in one county and death
4 ensues in another county, the offender may be tried in either
5 county. If neither the county in which the cause of death was
6 inflicted nor the county in which death ensued are known before
7 trial, the offender may be tried in the county where the body
8 was found.

9 (d) Offense Commenced Outside the State.

10 If the commission of an offense commenced outside the State
11 is consummated within this State, the offender shall be tried
12 in the county where the offense is consummated.

13 (e) Offenses Committed in Bordering Navigable Waters.

14 If an offense is committed on any of the navigable waters
15 bordering on this State, the offender may be tried in any
16 county adjacent to such navigable water.

17 (f) Offenses Committed while in Transit.

18 If an offense is committed upon any railroad car, vehicle,
19 watercraft or aircraft passing within this State, and it cannot
20 readily be determined in which county the offense was
21 committed, the offender may be tried in any county through
22 which such railroad car, vehicle, watercraft or aircraft has
23 passed.

24 (g) Theft.

25 A person who commits theft of property may be tried in any
26 county in which he exerted control over such property.

1 (h) Bigamy.

2 A person who commits the offense of bigamy may be tried in
3 any county where the bigamous marriage or bigamous cohabitation
4 has occurred.

5 (i) Kidnaping.

6 A person who commits the offense of kidnaping may be tried
7 in any county in which his victim has traveled or has been
8 confined during the course of the offense.

9 (j) Pandering.

10 A person who commits the offense of pandering as set forth
11 in subdivision (a) (2) (A) or (a) (2) (B) of Section 11-14.3 may be
12 tried in any county in which the prostitution was practiced or
13 in any county in which any act in furtherance of the offense
14 shall have been committed.

15 (k) Treason.

16 A person who commits the offense of treason may be tried in
17 any county.

18 (l) Criminal Defamation.

19 If criminal defamation is spoken, printed or written in one
20 county and is received or circulated in another or other
21 counties, the offender shall be tried in the county where the
22 defamation is spoken, printed or written. If the defamation is
23 spoken, printed or written outside this state, or the offender
24 resides outside this state, the offender may be tried in any
25 county in this state in which the defamation was circulated or
26 received.

1 (m) Inchoate Offenses.

2 A person who commits an inchoate offense may be tried in
3 any county in which any act which is an element of the offense,
4 including the agreement in conspiracy, is committed.

5 (n) Accountability for Conduct of Another.

6 Where a person in one county solicits, aids, abets, agrees,
7 or attempts to aid another in the planning or commission of an
8 offense in another county, he may be tried for the offense in
9 either county.

10 (o) Child Abduction.

11 A person who commits the offense of child abduction may be
12 tried in any county in which his victim has traveled, been
13 detained, concealed or removed to during the course of the
14 offense. Notwithstanding the foregoing, unless for good cause
15 shown, the preferred place of trial shall be the county of the
16 residence of the lawful custodian.

17 (p) A person who commits the offense of narcotics
18 racketeering may be tried in any county where cannabis or a
19 controlled substance which is the basis for the charge of
20 narcotics racketeering was used; acquired; transferred or
21 distributed to, from or through; or any county where any act
22 was performed to further the use; acquisition, transfer or
23 distribution of said cannabis or controlled substance; any
24 money, property, property interest, or any other asset
25 generated by narcotics activities was acquired, used, sold,
26 transferred or distributed to, from or through; or, any

1 enterprise interest obtained as a result of narcotics
2 racketeering was acquired, used, transferred or distributed
3 to, from or through, or where any activity was conducted by the
4 enterprise or any conduct to further the interests of such an
5 enterprise.

6 (q) A person who commits the offense of money laundering
7 may be tried in any county where any part of a financial
8 transaction in criminally derived property took place or in any
9 county where any money or monetary instrument which is the
10 basis for the offense was acquired, used, sold, transferred or
11 distributed to, from or through.

12 (r) A person who commits the offense of cannabis
13 trafficking or controlled substance trafficking may be tried in
14 any county.

15 (s) A person who commits the offense of online sale of
16 stolen property, online theft by deception, or electronic
17 fencing may be tried in any county where any one or more
18 elements of the offense took place, regardless of whether the
19 element of the offense was the result of acts by the accused,
20 the victim or by another person, and regardless of whether the
21 defendant was ever physically present within the boundaries of
22 the county.

23 (t) A person who commits the offense of identity theft or
24 aggravated identity theft may be tried in any one of the
25 following counties in which: (1) the offense occurred; (2) the
26 information used to commit the offense was illegally used; or

1 (3) the victim resides.

2 If a person is charged with more than one violation of
3 identity theft or aggravated identity theft and those
4 violations may be tried in more than one county, any of those
5 counties is a proper venue for all of the violations.

6 (Source: P.A. 95-331, eff. 8-21-07; 96-1551, eff. 7-1-11.)

7 (720 ILCS 5/2-13) (from Ch. 38, par. 2-13)

8 Sec. 2-13. "Peace officer". "Peace officer" means (i) any
9 person who by virtue of his office or public employment is
10 vested by law with a duty to maintain public order or to make
11 arrests for offenses, whether that duty extends to all offenses
12 or is limited to specific offenses, or (ii) any person who, by
13 statute, is granted and authorized to exercise powers similar
14 to those conferred upon any peace officer employed by a law
15 enforcement agency of this State.

16 For purposes of Sections concerning unlawful use of
17 weapons, for the purposes of assisting an Illinois peace
18 officer in an arrest, or when the commission of any offense
19 under Illinois law is directly observed by the person, and
20 statutes involving the false personation of a peace officer,
21 false personation of a peace officer while carrying a deadly
22 weapon, false personation of a peace officer in attempting or
23 committing a felony, and false personation of a peace officer
24 in attempting or committing a forcible felony ~~aggravated false~~
25 ~~personation of a peace officer,~~ then officers, agents, or

1 employees of the federal government commissioned by federal
2 statute to make arrests for violations of federal criminal laws
3 shall be considered "peace officers" under this Code,
4 including, but not limited to all criminal investigators of:

5 (1) the United States Department of Justice, the
6 Federal Bureau of Investigation, the Drug Enforcement
7 Agency and the Department of Immigration and
8 Naturalization;

9 (2) the United States Department of the Treasury, the
10 Secret Service, the Bureau of Alcohol, Tobacco and Firearms
11 and the Customs Service;

12 (3) the United States Internal Revenue Service;

13 (4) the United States General Services Administration;

14 (5) the United States Postal Service;

15 (6) all United States Marshals or Deputy United States
16 Marshals whose duties involve the enforcement of federal
17 criminal laws; and

18 (7) the United States Department of Defense.

19 (Source: P.A. 94-730, eff. 4-17-06; 94-846, eff. 1-1-07; 95-24,
20 eff. 1-1-08; 95-331, eff. 8-21-07; 95-750, eff. 7-23-08;
21 95-1007, eff. 12-15-08.)

22 (720 ILCS 5/11-6) (from Ch. 38, par. 11-6)

23 Sec. 11-6. Indecent solicitation of a child.

24 (a) A person of the age of 17 years and upwards commits
25 indecent solicitation of a child if the person, with the intent

1 that the offense of aggravated criminal sexual assault,
2 criminal sexual assault, predatory criminal sexual assault of a
3 child, or aggravated criminal sexual abuse be committed,
4 knowingly solicits a child or one whom he or she believes to be
5 a child to perform an act of sexual penetration or sexual
6 conduct as defined in Section 11-0.1 of this Code.

7 (a-5) A person of the age of 17 years and upwards commits
8 indecent solicitation of a child if the person knowingly
9 discusses an act of sexual conduct or sexual penetration with a
10 child or with one whom he or she believes to be a child by means
11 of the Internet with the intent that the offense of aggravated
12 criminal sexual assault, predatory criminal sexual assault of a
13 child, or aggravated criminal sexual abuse be committed.

14 (a-6) It is not a defense to subsection (a-5) that the
15 person did not solicit the child to perform sexual conduct or
16 sexual penetration with the person.

17 (b) Definitions. As used in this Section:

18 "Solicit" means to command, authorize, urge, incite,
19 request, or advise another to perform an act by any means
20 including, but not limited to, in person, over the phone,
21 in writing, by computer, or by advertisement of any kind.

22 "Child" means a person under 17 years of age.

23 "Internet" has the meaning set forth in Section 16-0.1
24 ~~16J-5~~ of this Code.

25 "Sexual penetration" or "sexual conduct" are defined
26 in Section 11-0.1 of this Code.

1 (c) Sentence. Indecent solicitation of a child under
2 subsection (a) is:

3 (1) a Class 1 felony when the act, if done, would be
4 predatory criminal sexual assault of a child or aggravated
5 criminal sexual assault;

6 (2) a Class 2 felony when the act, if done, would be
7 criminal sexual assault;

8 (3) a Class 3 felony when the act, if done, would be
9 aggravated criminal sexual abuse.

10 Indecent solicitation of a child under subsection (a-5) is
11 a Class 4 felony.

12 (Source: P.A. 95-143, eff. 1-1-08; 96-1551, eff. 7-1-11.)

13 (720 ILCS 5/11-6.5)

14 Sec. 11-6.5. Indecent solicitation of an adult.

15 (a) A person commits indecent solicitation of an adult if
16 the person knowingly:

17 (1) Arranges for a person 17 years of age or over to
18 commit an act of sexual penetration as defined in Section
19 11-0.1 with a person:

20 (i) Under the age of 13 years; or

21 (ii) Thirteen years of age or over but under the
22 age of 17 years; or

23 (2) Arranges for a person 17 years of age or over to
24 commit an act of sexual conduct as defined in Section
25 11-0.1 with a person:

- 1 (i) Under the age of 13 years; or
2 (ii) Thirteen years of age or older but under the
3 age of 17 years.

4 (b) Sentence.

5 (1) Violation of paragraph (a)(1)(i) is a Class X
6 felony.

7 (2) Violation of paragraph (a)(1)(ii) is a Class 1
8 felony.

9 (3) Violation of paragraph (a)(2)(i) is a Class 2
10 felony.

11 (4) Violation of paragraph (a)(2)(ii) is a Class A
12 misdemeanor.

13 (c) For the purposes of this Section, "arranges" includes
14 but is not limited to oral or written communication and
15 communication by telephone, computer, or other electronic
16 means. "Computer" has the meaning ascribed to it in Section
17 17-0.5 ~~16D-2~~ of this Code.

18 (Source: P.A. 96-1551, eff. 7-1-11.)

19 (720 ILCS 5/11-9.1) (from Ch. 38, par. 11-9.1)

20 Sec. 11-9.1. Sexual exploitation of a child.

21 (a) A person commits sexual exploitation of a child if in
22 the presence or virtual presence, or both, of a child and with
23 knowledge that a child or one whom he or she believes to be a
24 child would view his or her acts, that person:

25 (1) engages in a sexual act; or

1 (2) exposes his or her sex organs, anus or breast for
2 the purpose of sexual arousal or gratification of such
3 person or the child or one whom he or she believes to be a
4 child.

5 (a-5) A person commits sexual exploitation of a child who
6 knowingly entices, coerces, or persuades a child to remove the
7 child's clothing for the purpose of sexual arousal or
8 gratification of the person or the child, or both.

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

10 "Sexual act" means masturbation, sexual conduct or sexual
11 penetration as defined in Section 11-0.1 of this Code.

12 "Sex offense" means any violation of Article 11 of this
13 Code or Section 12-5.01 ~~12-16.2~~ of this Code.

14 "Child" means a person under 17 years of age.

15 "Virtual presence" means an environment that is created
16 with software and presented to the user and or receiver via the
17 Internet, in such a way that the user appears in front of the
18 receiver on the computer monitor or screen or hand held
19 portable electronic device, usually through a web camming
20 program. "Virtual presence" includes primarily experiencing
21 through sight or sound, or both, a video image that can be
22 explored interactively at a personal computer or hand held
23 communication device, or both.

24 "Webcam" means a video capturing device connected to a
25 computer or computer network that is designed to take digital
26 photographs or live or recorded video which allows for the live

1 transmission to an end user over the Internet.

2 (c) Sentence.

3 (1) Sexual exploitation of a child is a Class A
4 misdemeanor. A second or subsequent violation of this
5 Section or a substantially similar law of another state is
6 a Class 4 felony.

7 (2) Sexual exploitation of a child is a Class 4 felony
8 if the person has been previously convicted of a sex
9 offense.

10 (3) Sexual exploitation of a child is a Class 4 felony
11 if the victim was under 13 years of age at the time of the
12 commission of the offense.

13 (4) Sexual exploitation of a child is a Class 4 felony
14 if committed by a person 18 years of age or older who is on
15 or within 500 feet of elementary or secondary school
16 grounds when children are present on the grounds.

17 (Source: P.A. 96-1090, eff. 1-1-11; 96-1098, eff. 1-1-11;
18 96-1551, eff. 7-1-11; 97-333, eff. 8-12-11.)

19 (720 ILCS 5/11-9.1A)

20 Sec. 11-9.1A. Permitting sexual abuse of a child.

21 (a) A person responsible for a child's welfare commits
22 permitting sexual abuse of a child if the person has actual
23 knowledge of and permits an act of sexual abuse upon the child,
24 or permits the child to engage in prostitution as defined in
25 Section 11-14 of this ~~the Criminal Code of 1961~~.

1 (b) In this Section:

2 "Actual knowledge" includes credible allegations made by
3 the child.

4 "Child" means a minor under the age of 17 years.

5 "Person responsible for the child's welfare" means the
6 child's parent, step-parent, legal guardian, or other person
7 having custody of a child, who is responsible for the child's
8 care at the time of the alleged sexual abuse.

9 "Prostitution" means prostitution as defined in Section
10 11-14 of this ~~the Criminal Code of 1961~~.

11 "Sexual abuse" includes criminal sexual abuse or criminal
12 sexual assault as defined in Section 11-1.20, 11-1.30, 11-1.40,
13 11-1.50, or 11-1.60 of this ~~the Criminal Code of 1961~~.

14 (c) This Section does not apply to a person responsible for
15 the child's welfare who, having reason to believe that sexual
16 abuse has occurred, makes timely and reasonable efforts to stop
17 the sexual abuse by reporting the sexual abuse in conformance
18 with the Abused and Neglected Child Reporting Act or by
19 reporting the sexual abuse, or causing a report to be made, to
20 medical or law enforcement authorities or anyone who is a
21 mandated reporter under Section 4 of the Abused and Neglected
22 Child Reporting Act.

23 (d) Whenever a law enforcement officer has reason to
24 believe that the child or the person responsible for the
25 child's welfare has been abused by a family or household member
26 as defined by the Illinois Domestic Violence Act of 1986, the

1 officer shall immediately use all reasonable means to prevent
2 further abuse under Section 112A-30 of the Code of Criminal
3 Procedure of 1963.

4 (e) An order of protection under Section 111-8 of the Code
5 of Criminal Procedure of 1963 shall be sought in all cases
6 where there is reason to believe that a child has been sexually
7 abused by a family or household member. In considering
8 appropriate available remedies, it shall be presumed that
9 awarding physical care or custody to the abuser is not in the
10 child's best interest.

11 (f) A person may not be charged with the offense of
12 permitting sexual abuse of a child under this Section until the
13 person who committed the offense is charged with criminal
14 sexual assault, aggravated criminal sexual assault, predatory
15 criminal sexual assault of a child, criminal sexual abuse,
16 aggravated criminal sexual abuse, or prostitution.

17 (g) A person convicted of permitting the sexual abuse of a
18 child is guilty of a Class 1 felony. As a condition of any
19 sentence of supervision, probation, conditional discharge, or
20 mandatory supervised release, any person convicted under this
21 Section shall be ordered to undergo child sexual abuse,
22 domestic violence, or other appropriate counseling for a
23 specified duration with a qualified social or mental health
24 worker.

25 (h) It is an affirmative defense to a charge of permitting
26 sexual abuse of a child under this Section that the person

1 responsible for the child's welfare had a reasonable
2 apprehension that timely action to stop the abuse or
3 prostitution would result in the imminent infliction of death,
4 great bodily harm, permanent disfigurement, or permanent
5 disability to that person or another in retaliation for
6 reporting.

7 (Source: P.A. 96-1551, eff. 7-1-11.)

8 (720 ILCS 5/11-9.3)

9 Sec. 11-9.3. Presence within school zone by child sex
10 offenders prohibited; approaching, contacting, residing with,
11 or communicating with a child within certain places by child
12 sex offenders prohibited.

13 (a) It is unlawful for a child sex offender to knowingly be
14 present in any school building, on real property comprising any
15 school, or in any conveyance owned, leased, or contracted by a
16 school to transport students to or from school or a school
17 related activity when persons under the age of 18 are present
18 in the building, on the grounds or in the conveyance, unless
19 the offender is a parent or guardian of a student attending the
20 school and the parent or guardian is: (i) attending a
21 conference at the school with school personnel to discuss the
22 progress of his or her child academically or socially, (ii)
23 participating in child review conferences in which evaluation
24 and placement decisions may be made with respect to his or her
25 child regarding special education services, or (iii) attending

1 conferences to discuss other student issues concerning his or
2 her child such as retention and promotion and notifies the
3 principal of the school of his or her presence at the school or
4 unless the offender has permission to be present from the
5 superintendent or the school board or in the case of a private
6 school from the principal. In the case of a public school, if
7 permission is granted, the superintendent or school board
8 president must inform the principal of the school where the sex
9 offender will be present. Notification includes the nature of
10 the sex offender's visit and the hours in which the sex
11 offender will be present in the school. The sex offender is
12 responsible for notifying the principal's office when he or she
13 arrives on school property and when he or she departs from
14 school property. If the sex offender is to be present in the
15 vicinity of children, the sex offender has the duty to remain
16 under the direct supervision of a school official.

17 (a-5) It is unlawful for a child sex offender to knowingly
18 be present within 100 feet of a site posted as a pick-up or
19 discharge stop for a conveyance owned, leased, or contracted by
20 a school to transport students to or from school or a school
21 related activity when one or more persons under the age of 18
22 are present at the site.

23 (a-10) It is unlawful for a child sex offender to knowingly
24 be present in any public park building or on real property
25 comprising any public park when persons under the age of 18 are
26 present in the building or on the grounds and to approach,

1 contact, or communicate with a child under 18 years of age,
2 unless the offender is a parent or guardian of a person under
3 18 years of age present in the building or on the grounds.

4 (b) It is unlawful for a child sex offender to knowingly
5 loiter within 500 feet of a school building or real property
6 comprising any school while persons under the age of 18 are
7 present in the building or on the grounds, unless the offender
8 is a parent or guardian of a student attending the school and
9 the parent or guardian is: (i) attending a conference at the
10 school with school personnel to discuss the progress of his or
11 her child academically or socially, (ii) participating in child
12 review conferences in which evaluation and placement decisions
13 may be made with respect to his or her child regarding special
14 education services, or (iii) attending conferences to discuss
15 other student issues concerning his or her child such as
16 retention and promotion and notifies the principal of the
17 school of his or her presence at the school or has permission
18 to be present from the superintendent or the school board or in
19 the case of a private school from the principal. In the case of
20 a public school, if permission is granted, the superintendent
21 or school board president must inform the principal of the
22 school where the sex offender will be present. Notification
23 includes the nature of the sex offender's visit and the hours
24 in which the sex offender will be present in the school. The
25 sex offender is responsible for notifying the principal's
26 office when he or she arrives on school property and when he or

1 she departs from school property. If the sex offender is to be
2 present in the vicinity of children, the sex offender has the
3 duty to remain under the direct supervision of a school
4 official.

5 (b-2) It is unlawful for a child sex offender to knowingly
6 loiter on a public way within 500 feet of a public park
7 building or real property comprising any public park while
8 persons under the age of 18 are present in the building or on
9 the grounds and to approach, contact, or communicate with a
10 child under 18 years of age, unless the offender is a parent or
11 guardian of a person under 18 years of age present in the
12 building or on the grounds.

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 July 7, 2000 (the effective date of Public
21 Act 91-911).

22 (b-10) It is unlawful for a child sex offender to knowingly
23 reside within 500 feet of a playground, child care institution,
24 day care center, part day child care facility, day care home,
25 group day care home, or a facility providing programs or
26 services exclusively directed toward persons under 18 years of

1 age. Nothing in this subsection (b-10) prohibits a child sex
2 offender from residing within 500 feet of a playground or a
3 facility providing programs or services exclusively directed
4 toward persons under 18 years of age if the property is owned
5 by the child sex offender and was purchased before July 7,
6 2000. Nothing in this subsection (b-10) prohibits a child sex
7 offender from residing within 500 feet of a child care
8 institution, day care center, or part day child care facility
9 if the property is owned by the child sex offender and was
10 purchased before June 26, 2006. Nothing in this subsection
11 (b-10) prohibits a child sex offender from residing within 500
12 feet of a day care home or group day care home if the property
13 is owned by the child sex offender and was purchased before
14 August 14, 2008 (the effective date of Public Act 95-821).

15 (b-15) It is unlawful for a child sex offender to knowingly
16 reside within 500 feet of the victim of the sex offense.
17 Nothing in this subsection (b-15) prohibits a child sex
18 offender from residing within 500 feet of the victim if the
19 property in which the child sex offender resides is owned by
20 the child sex offender and was purchased before August 22,
21 2002.

22 This subsection (b-15) does not apply if the victim of the
23 sex offense is 21 years of age or older.

24 (b-20) It is unlawful for a child sex offender to knowingly
25 communicate, other than for a lawful purpose under Illinois
26 law, using the Internet or any other digital media, with a

1 person under 18 years of age or with a person whom he or she
2 believes to be a person under 18 years of age, unless the
3 offender is a parent or guardian of the person under 18 years
4 of age.

5 (c) It is unlawful for a child sex offender to knowingly
6 operate, manage, be employed by, volunteer at, be associated
7 with, or knowingly be present at any: (i) facility providing
8 programs or services exclusively directed toward persons under
9 the age of 18; (ii) day care center; (iii) part day child care
10 facility; (iv) child care institution; (v) school providing
11 before and after school programs for children under 18 years of
12 age; (vi) day care home; or (vii) group day care home. This
13 does not prohibit a child sex offender from owning the real
14 property upon which the programs or services are offered or
15 upon which the day care center, part day child care facility,
16 child care institution, or school providing before and after
17 school programs for children under 18 years of age is located,
18 provided the child sex offender refrains from being present on
19 the premises for the hours during which: (1) the programs or
20 services are being offered or (2) the day care center, part day
21 child care facility, child care institution, or school
22 providing before and after school programs for children under
23 18 years of age, day care home, or group day care home is
24 operated.

25 (c-2) It is unlawful for a child sex offender to
26 participate in a holiday event involving children under 18

1 years of age, including but not limited to distributing candy
2 or other items to children on Halloween, wearing a Santa Claus
3 costume on or preceding Christmas, being employed as a
4 department store Santa Claus, or wearing an Easter Bunny
5 costume on or preceding Easter. For the purposes of this
6 subsection, child sex offender has the meaning as defined in
7 this Section, but does not include as a sex offense under
8 paragraph (2) of subsection (d) of this Section, the offense
9 under subsection (c) of Section 11-1.50 of this Code. This
10 subsection does not apply to a child sex offender who is a
11 parent or guardian of children under 18 years of age that are
12 present in the home and other non-familial minors are not
13 present.

14 (c-5) It is unlawful for a child sex offender to knowingly
15 operate, manage, be employed by, or be associated with any
16 county fair when persons under the age of 18 are present.

17 (c-6) It is unlawful for a child sex offender who owns and
18 resides at residential real estate to knowingly rent any
19 residential unit within the same building in which he or she
20 resides to a person who is the parent or guardian of a child or
21 children under 18 years of age. This subsection shall apply
22 only to leases or other rental arrangements entered into after
23 January 1, 2009 (the effective date of Public Act 95-820).

24 (c-7) It is unlawful for a child sex offender to knowingly
25 offer or provide any programs or services to persons under 18
26 years of age in his or her residence or the residence of

1 another or in any facility for the purpose of offering or
2 providing such programs or services, whether such programs or
3 services are offered or provided by contract, agreement,
4 arrangement, or on a volunteer basis.

5 (c-8) It is unlawful for a child sex offender to knowingly
6 operate, whether authorized to do so or not, any of the
7 following vehicles: (1) a vehicle which is specifically
8 designed, constructed or modified and equipped to be used for
9 the retail sale of food or beverages, including but not limited
10 to an ice cream truck; (2) an authorized emergency vehicle; or
11 (3) a rescue vehicle.

12 (d) Definitions. In this Section:

13 (1) "Child sex offender" means any person who:

14 (i) has been charged under Illinois law, or any
15 substantially similar federal law or law of another
16 state, with a sex offense set forth in paragraph (2) of
17 this subsection (d) or the attempt to commit an
18 included sex offense, and the victim is a person under
19 18 years of age at the time of the offense; and:

20 (A) is convicted of such offense or an attempt
21 to commit such offense; or

22 (B) is found not guilty by reason of insanity
23 of such offense or an attempt to commit such
24 offense; or

25 (C) is found not guilty by reason of insanity
26 pursuant to subsection (c) of Section 104-25 of the

1 Code of Criminal Procedure of 1963 of such offense
2 or an attempt to commit such offense; or

3 (D) is the subject of a finding not resulting
4 in an acquittal at a hearing conducted pursuant to
5 subsection (a) of Section 104-25 of the Code of
6 Criminal Procedure of 1963 for the alleged
7 commission or attempted commission of such
8 offense; or

9 (E) is found not guilty by reason of insanity
10 following a hearing conducted pursuant to a
11 federal law or the law of another state
12 substantially similar to subsection (c) of Section
13 104-25 of the Code of Criminal Procedure of 1963 of
14 such offense or of the attempted commission of such
15 offense; or

16 (F) is the subject of a finding not resulting
17 in an acquittal at a hearing conducted pursuant to
18 a federal law or the law of another state
19 substantially similar to subsection (a) of Section
20 104-25 of the Code of Criminal Procedure of 1963
21 for the alleged violation or attempted commission
22 of such offense; or

23 (ii) is certified as a sexually dangerous person
24 pursuant to the Illinois Sexually Dangerous Persons
25 Act, or any substantially similar federal law or the
26 law of another state, when any conduct giving rise to

1 such certification is committed or attempted against a
2 person less than 18 years of age; or

3 (iii) is subject to the provisions of Section 2 of
4 the Interstate Agreements on Sexually Dangerous
5 Persons Act.

6 Convictions that result from or are connected with the
7 same act, or result from offenses committed at the same
8 time, shall be counted for the purpose of this Section as
9 one conviction. Any conviction set aside pursuant to law is
10 not a conviction for purposes of this Section.

11 (2) Except as otherwise provided in paragraph (2.5),
12 "sex offense" means:

13 (i) A violation of any of the following Sections of
14 the Criminal Code of 1961 or the Criminal Code of 2012:
15 10-4 (forcible detention), 10-7 (aiding or abetting
16 child abduction under Section 10-5(b)(10)),
17 10-5(b)(10) (child luring), 11-1.40 (predatory
18 criminal sexual assault of a child), 11-6 (indecent
19 solicitation of a child), 11-6.5 (indecent
20 solicitation of an adult), 11-9.1 (sexual exploitation
21 of a child), 11-9.2 (custodial sexual misconduct),
22 11-9.5 (sexual misconduct with a person with a
23 disability), 11-11 (sexual relations within families),
24 11-14.3(a)(1) (promoting prostitution by advancing
25 prostitution), 11-14.3(a)(2)(A) (promoting
26 prostitution by profiting from prostitution by

1 compelling a person to be a prostitute),
2 11-14.3(a)(2)(C) (promoting prostitution by profiting
3 from prostitution by means other than as described in
4 subparagraphs (A) and (B) of paragraph (2) of
5 subsection (a) of Section 11-14.3), 11-14.4 (promoting
6 juvenile prostitution), 11-18.1 (patronizing a
7 juvenile prostitute), 11-20.1 (child pornography),
8 11-20.1B (aggravated child pornography), 11-21
9 (harmful material), 11-25 (grooming), 11-26 (traveling
10 to meet a minor), 12-33 (ritualized abuse of a child),
11 11-20 (obscenity) (when that offense was committed in
12 any school, on real property comprising any school, in
13 any conveyance owned, leased, or contracted by a school
14 to transport students to or from school or a school
15 related activity, or in a public park), 11-30 (public
16 indecency) (when committed in a school, on real
17 property comprising a school, in any conveyance owned,
18 leased, or contracted by a school to transport students
19 to or from school or a school related activity, or in a
20 public park). An attempt to commit any of these
21 offenses.

22 (ii) A violation of any of the following Sections
23 of the Criminal Code of 1961 or the Criminal Code of
24 2012, when the victim is a person under 18 years of
25 age: 11-1.20 (criminal sexual assault), 11-1.30
26 (aggravated criminal sexual assault), 11-1.50

1 (criminal sexual abuse), 11-1.60 (aggravated criminal
2 sexual abuse). An attempt to commit any of these
3 offenses.

4 (iii) A violation of any of the following Sections
5 of the Criminal Code of 1961 or the Criminal Code of
6 2012, when the victim is a person under 18 years of age
7 and the defendant is not a 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 11-9.1(A) (permitting sexual abuse of a child).

13 An attempt to commit any of these offenses.

14 (iv) A violation of any former law of this State
15 substantially equivalent to any offense listed in
16 clause (2)(i) or (2)(ii) of subsection (d) of this
17 Section.

18 (2.5) For the purposes of subsections (b-5) and (b-10)
19 only, a sex offense means:

20 (i) A violation of any of the following Sections of
21 the Criminal Code of 1961 or the Criminal Code of 2012:

22 10-5(b)(10) (child luring), 10-7 (aiding or

23 abetting child abduction under Section 10-5(b)(10)),

24 11-1.40 (predatory criminal sexual assault of a

25 child), 11-6 (indecent solicitation of a child),

26 11-6.5 (indecent solicitation of an adult), 11-9.2

1 (custodial sexual misconduct), 11-9.5 (sexual
2 misconduct with a person with a disability), 11-11
3 (sexual relations within families), 11-14.3(a)(1)
4 (promoting prostitution by advancing prostitution),
5 11-14.3(a)(2)(A) (promoting prostitution by profiting
6 from prostitution by compelling a person to be a
7 prostitute), 11-14.3(a)(2)(C) (promoting prostitution
8 by profiting from prostitution by means other than as
9 described in subparagraphs (A) and (B) of paragraph (2)
10 of subsection (a) of Section 11-14.3), 11-14.4
11 (promoting juvenile prostitution), 11-18.1
12 (patronizing a juvenile prostitute), 11-20.1 (child
13 pornography), 11-20.1B (aggravated child pornography),
14 11-25 (grooming), 11-26 (traveling to meet a minor), or
15 12-33 (ritualized abuse of a child). An attempt to
16 commit any of these offenses.

17 (ii) A violation of any of the following Sections
18 of the Criminal Code of 1961 or the Criminal Code of
19 2012, when the victim is a person under 18 years of
20 age: 11-1.20 (criminal sexual assault), 11-1.30
21 (aggravated criminal sexual assault), 11-1.60
22 (aggravated criminal sexual abuse), and subsection (a)
23 of Section 11-1.50 (criminal sexual abuse). An attempt
24 to commit any of these offenses.

25 (iii) A violation of any of the following Sections
26 of the Criminal Code of 1961 or the Criminal Code of

1 2012, when the victim is a person under 18 years of age
2 and the defendant is not a parent of the victim:

3 10-1 (kidnapping),
4 10-2 (aggravated kidnapping),
5 10-3 (unlawful restraint),
6 10-3.1 (aggravated unlawful restraint),
7 11-9.1(A) (permitting sexual abuse of a child).

8 An attempt to commit any of these offenses.

9 (iv) A violation of any former law of this State
10 substantially equivalent to any offense listed in this
11 paragraph (2.5) of this subsection.

12 (3) A conviction for an offense of federal law or the
13 law of another state that is substantially equivalent to
14 any offense listed in paragraph (2) of subsection (d) of
15 this Section shall constitute a conviction for the purpose
16 of this Section. A finding or adjudication as a sexually
17 dangerous person under any federal law or law of another
18 state that is substantially equivalent to the Sexually
19 Dangerous Persons Act shall constitute an adjudication for
20 the purposes of this Section.

21 (4) "Authorized emergency vehicle", "rescue vehicle",
22 and "vehicle" have the meanings ascribed to them in
23 Sections 1-105, 1-171.8 and 1-217, respectively, of the
24 Illinois Vehicle Code.

25 (5) "Child care institution" has the meaning ascribed
26 to it in Section 2.06 of the Child Care Act of 1969.

1 (6) "Day care center" has the meaning ascribed to it in
2 Section 2.09 of the Child Care Act of 1969.

3 (7) "Day care home" has the meaning ascribed to it in
4 Section 2.18 of the Child Care Act of 1969.

5 (8) "Facility providing programs or services directed
6 towards persons under the age of 18" means any facility
7 providing programs or services exclusively directed
8 towards persons under the age of 18.

9 (9) "Group day care home" has the meaning ascribed to
10 it in Section 2.20 of the Child Care Act of 1969.

11 (10) "Internet" has the meaning set forth in Section
12 16-0.1 ~~16J-5~~ of this Code.

13 (11) "Loiter" means:

14 (i) Standing, sitting idly, whether or not the
15 person is in a vehicle, or remaining in or around
16 school or public park property.

17 (ii) Standing, sitting idly, whether or not the
18 person is in a vehicle, or remaining in or around
19 school or public park property, for the purpose of
20 committing or attempting to commit a sex offense.

21 (iii) Entering or remaining in a building in or
22 around school property, other than the offender's
23 residence.

24 (12) "Part day child care facility" has the meaning
25 ascribed to it in Section 2.10 of the Child Care Act of
26 1969.

1 (13) "Playground" means a piece of land owned or
2 controlled by a unit of local government that is designated
3 by the unit of local government for use solely or primarily
4 for children's recreation.

5 (14) "Public park" includes a park, forest preserve,
6 bikeway, trail, or conservation area under the
7 jurisdiction of the State or a unit of local government.

8 (15) "School" means a public or private preschool or
9 elementary or secondary school.

10 (16) "School official" means the principal, a teacher,
11 or any other certified employee of the school, the
12 superintendent of schools or a member of the school board.

13 (e) For the purposes of this Section, the 500 feet distance
14 shall be measured from: (1) the edge of the property of the
15 school building or the real property comprising the school that
16 is closest to the edge of the property of the child sex
17 offender's residence or where he or she is loitering, and (2)
18 the edge of the property comprising the public park building or
19 the real property comprising the public park, playground, child
20 care institution, day care center, part day child care
21 facility, or facility providing programs or services
22 exclusively directed toward persons under 18 years of age, or a
23 victim of the sex offense who is under 21 years of age, to the
24 edge of the child sex offender's place of residence or place
25 where he or she is loitering.

26 (f) Sentence. A person who violates this Section is guilty

1 of a Class 4 felony.

2 (Source: P.A. 96-328, eff. 8-11-09; 96-710, eff. 1-1-10;
3 96-1551, eff. 7-1-11; 97-698, eff. 1-1-13; 97-699, eff. 1-1-13;
4 revised 7-10-12.)

5 (720 ILCS 5/11-23)

6 Sec. 11-23. Posting of identifying or graphic information
7 on a pornographic Internet site or possessing graphic
8 information with pornographic material.

9 (a) A person at least 17 years of age who knowingly
10 discloses on an adult obscenity or child pornography Internet
11 site the name, address, telephone number, or e-mail address of
12 a person under 17 years of age at the time of the commission of
13 the offense or of a person at least 17 years of age without the
14 consent of the person at least 17 years of age is guilty of
15 posting of identifying information on a pornographic Internet
16 site.

17 (a-5) Any person who knowingly places, posts, reproduces,
18 or maintains on an adult obscenity or child pornography
19 Internet site a photograph, video, or digital image of a person
20 under 18 years of age that is not child pornography under
21 Section 11-20.1, without the knowledge and consent of the
22 person under 18 years of age, is guilty of posting of graphic
23 information on a pornographic Internet site. This provision
24 applies even if the person under 18 years of age is fully or
25 properly clothed in the photograph, video, or digital image.

1 (a-10) Any person who knowingly places, posts, reproduces,
2 or maintains on an adult obscenity or child pornography
3 Internet site, or possesses with obscene or child pornographic
4 material a photograph, video, or digital image of a person
5 under 18 years of age in which the child is posed in a
6 suggestive manner with the focus or concentration of the image
7 on the child's clothed genitals, clothed pubic area, clothed
8 buttocks area, or if the child is female, the breast exposed
9 through transparent clothing, and the photograph, video, or
10 digital image is not child pornography under Section 11-20.1,
11 is guilty of posting of graphic information on a pornographic
12 Internet site or possessing graphic information with
13 pornographic material.

14 (b) Sentence. A person who violates subsection (a) of this
15 Section is guilty of a Class 4 felony if the victim is at least
16 17 years of age at the time of the offense and a Class 3 felony
17 if the victim is under 17 years of age at the time of the
18 offense. A person who violates subsection (a-5) of this Section
19 is guilty of a Class 4 felony. A person who violates subsection
20 (a-10) of this Section is guilty of a Class 3 felony.

21 (c) Definitions. For purposes of this Section:

22 (1) "Adult obscenity or child pornography Internet
23 site" means a site on the Internet that contains material
24 that is obscene as defined in Section 11-20 of this Code or
25 that is child pornography as defined in Section 11-20.1 of
26 this Code.

1 (2) "Internet" has the meaning set forth in Section
2 16-0.1 ~~16J-5~~ of this Code.

3 (Source: P.A. 95-983, eff. 6-1-09; 96-1551, eff. 7-1-11.)

4 (720 ILCS 5/16-1) (from Ch. 38, par. 16-1)
5 Sec. 16-1. Theft.

6 (a) A person commits theft when he or she knowingly:

7 (1) Obtains or exerts unauthorized control over
8 property of the owner; or

9 (2) Obtains by deception control over property of the
10 owner; or

11 (3) Obtains by threat control over property of the
12 owner; or

13 (4) Obtains control over stolen property knowing the
14 property to have been stolen or under such circumstances as
15 would reasonably induce him or her to believe that the
16 property was stolen; or

17 (5) Obtains or exerts control over property in the
18 custody of any law enforcement agency which any law
19 enforcement officer or any individual acting in behalf of a
20 law enforcement agency explicitly represents to the person
21 as being stolen or represents to the person such
22 circumstances as would reasonably induce the person to
23 believe that the property was stolen, and

24 (A) Intends to deprive the owner permanently of the
25 use or benefit of the property; or

1 (B) Knowingly uses, conceals or abandons the
2 property in such manner as to deprive the owner
3 permanently of such use or benefit; or

4 (C) Uses, conceals, or abandons the property
5 knowing such use, concealment or abandonment probably
6 will deprive the owner permanently of such use or
7 benefit.

8 (b) Sentence.

9 (1) Theft of property not from the person and not
10 exceeding \$500 in value is a Class A misdemeanor.

11 (1.1) Theft of property not from the person and not
12 exceeding \$500 in value is a Class 4 felony if the theft
13 was committed in a school or place of worship or if the
14 theft was of governmental property.

15 (2) A person who has been convicted of theft of
16 property not from the person and not exceeding \$500 in
17 value who has been previously convicted of any type of
18 theft, robbery, armed robbery, burglary, residential
19 burglary, possession of burglary tools, home invasion,
20 forgery, a violation of Section 4-103, 4-103.1, 4-103.2, or
21 4-103.3 of the Illinois Vehicle Code relating to the
22 possession of a stolen or converted motor vehicle, or a
23 violation of Section 17-36 of the Criminal Code of 1961 or
24 the Criminal Code of 2012, or Section 8 of the Illinois
25 Credit Card and Debit Card Act is guilty of a Class 4
26 felony.

1 (3) (Blank).

2 (4) Theft of property from the person not exceeding
3 \$500 in value, or theft of property exceeding \$500 and not
4 exceeding \$10,000 in value, is a Class 3 felony.

5 (4.1) Theft of property from the person not exceeding
6 \$500 in value, or theft of property exceeding \$500 and not
7 exceeding \$10,000 in value, is a Class 2 felony if the
8 theft was committed in a school or place of worship or if
9 the theft was of governmental property.

10 (5) Theft of property exceeding \$10,000 and not
11 exceeding \$100,000 in value is a Class 2 felony.

12 (5.1) Theft of property exceeding \$10,000 and not
13 exceeding \$100,000 in value is a Class 1 felony if the
14 theft was committed in a school or place of worship or if
15 the theft was of governmental property.

16 (6) Theft of property exceeding \$100,000 and not
17 exceeding \$500,000 in value is a Class 1 felony.

18 (6.1) Theft of property exceeding \$100,000 in value is
19 a Class X felony if the theft was committed in a school or
20 place of worship or if the theft was of governmental
21 property.

22 (6.2) Theft of property exceeding \$500,000 and not
23 exceeding \$1,000,000 in value is a Class 1
24 non-probationable felony.

25 (6.3) Theft of property exceeding \$1,000,000 in value
26 is a Class X felony.

1 (7) Theft by deception, as described by paragraph (2)
2 of subsection (a) of this Section, in which the offender
3 obtained money or property valued at \$5,000 or more from a
4 victim 60 years of age or older is a Class 2 felony.

5 (8) Theft by deception, as described by paragraph (2)
6 of subsection (a) of this Section, in which the offender
7 falsely poses as a landlord or agent or employee of the
8 landlord and obtains a rent payment or a security deposit
9 from a tenant is a Class 3 felony if the rent payment or
10 security deposit obtained does not exceed \$500.

11 (9) Theft by deception, as described by paragraph (2)
12 of subsection (a) of this Section, in which the offender
13 falsely poses as a landlord or agent or employee of the
14 landlord and obtains a rent payment or a security deposit
15 from a tenant is a Class 2 felony if the rent payment or
16 security deposit obtained exceeds \$500 and does not exceed
17 \$10,000.

18 (10) Theft by deception, as described by paragraph (2)
19 of subsection (a) of this Section, in which the offender
20 falsely poses as a landlord or agent or employee of the
21 landlord and obtains a rent payment or a security deposit
22 from a tenant is a Class 1 felony if the rent payment or
23 security deposit obtained exceeds \$10,000 and does not
24 exceed \$100,000.

25 (11) Theft by deception, as described by paragraph (2)
26 of subsection (a) of this Section, in which the offender

1 falsely poses as a landlord or agent or employee of the
2 landlord and obtains a rent payment or a security deposit
3 from a tenant is a Class X felony if the rent payment or
4 security deposit obtained exceeds \$100,000.

5 (c) When a charge of theft of property exceeding a
6 specified value is brought, the value of the property involved
7 is an element of the offense to be resolved by the trier of
8 fact as either exceeding or not exceeding the specified value.

9 (d) Theft by lessee; permissive inference. The trier of
10 fact may infer evidence that a person intends to deprive the
11 owner permanently of the use or benefit of the property (1) if
12 a lessee of the personal property of another fails to return it
13 to the owner within 10 days after written demand from the owner
14 for its return or (2) if a lessee of the personal property of
15 another fails to return it to the owner within 24 hours after
16 written demand from the owner for its return and the lessee had
17 presented identification to the owner that contained a
18 materially fictitious name, address, or telephone number. A
19 notice in writing, given after the expiration of the leasing
20 agreement, addressed and mailed, by registered mail, to the
21 lessee at the address given by him and shown on the leasing
22 agreement shall constitute proper demand.

23 (e) Permissive inference; evidence of intent that a person
24 obtains by deception control over property. The trier of fact
25 may infer that a person "knowingly obtains by deception control
26 over property of the owner" when he or she fails to return,

1 within 45 days after written demand from the owner, the
2 downpayment and any additional payments accepted under a
3 promise, oral or in writing, to perform services for the owner
4 for consideration of \$3,000 or more, and the promisor knowingly
5 without good cause failed to substantially perform pursuant to
6 the agreement after taking a down payment of 10% or more of the
7 agreed upon consideration. This provision shall not apply where
8 the owner initiated the suspension of performance under the
9 agreement, or where the promisor responds to the notice within
10 the 45-day notice period. A notice in writing, addressed and
11 mailed, by registered mail, to the promisor at the last known
12 address of the promisor, shall constitute proper demand.

13 (f) Offender's interest in the property.

14 (1) It is no defense to a charge of theft of property
15 that the offender has an interest therein, when the owner
16 also has an interest to which the offender is not entitled.

17 (2) Where the property involved is that of the
18 offender's spouse, no prosecution for theft may be
19 maintained unless the parties were not living together as
20 man and wife and were living in separate abodes at the time
21 of the alleged theft.

22 (Source: P.A. 96-496, eff. 1-1-10; 96-534, eff. 8-14-09;
23 96-1000, eff. 7-2-10; 96-1301, eff. 1-1-11; 96-1532, eff.
24 1-1-12; 96-1551, eff. 7-1-11; 97-597, eff. 1-1-12.)

25 (720 ILCS 5/17-10.5)

1 Sec. 17-10.5. Insurance fraud.

2 (a) Insurance fraud.

3 (1) A person commits insurance fraud when he or she
4 knowingly obtains, attempts to obtain, or causes to be
5 obtained, by deception, control over the property of an
6 insurance company or self-insured entity by the making of a
7 false claim or by causing a false claim to be made on any
8 policy of insurance issued by an insurance company or by
9 the making of a false claim or by causing a false claim to
10 be made to a self-insured entity, intending to deprive an
11 insurance company or self-insured entity permanently of
12 the use and benefit of that property.

13 (2) A person commits health care benefits fraud against
14 a provider, other than a governmental unit or agency, when
15 he or she knowingly obtains or attempts to obtain, by
16 deception, health care benefits and that obtaining or
17 attempt to obtain health care benefits does not involve
18 control over property of the provider.

19 (b) Aggravated insurance fraud.

20 (1) A person commits aggravated insurance fraud on a
21 private entity when he or she commits insurance fraud 3 or
22 more times within an 18-month period arising out of
23 separate incidents or transactions.

24 (2) A person commits being an organizer of an
25 aggravated insurance fraud on a private entity conspiracy
26 if aggravated insurance fraud on a private entity forms the

1 basis for a charge of conspiracy under Section 8-2 of this
2 Code and the person occupies a position of organizer,
3 supervisor, financier, or other position of management
4 within the conspiracy.

5 (c) Conspiracy to commit insurance fraud. If aggravated
6 insurance fraud on a private entity forms the basis for charges
7 of conspiracy under Section 8-2 of this Code, the person or
8 persons with whom the accused is alleged to have agreed to
9 commit the 3 or more violations of this Section need not be the
10 same person or persons for each violation, as long as the
11 accused was a part of the common scheme or plan to engage in
12 each of the 3 or more alleged violations.

13 If aggravated insurance fraud on a private entity forms the
14 basis for a charge of conspiracy under Section 8-2 of this
15 Code, and the accused occupies a position of organizer,
16 supervisor, financier, or other position of management within
17 the conspiracy, the person or persons with whom the accused is
18 alleged to have agreed to commit the 3 or more violations of
19 this Section need not be the same person or persons for each
20 violation as long as the accused occupied a position of
21 organizer, supervisor, financier, or other position of
22 management in each of the 3 or more alleged violations.

23 (d) Sentence.

24 (1) A violation of paragraph (a)(1) in which the value
25 of the property obtained, attempted to be obtained, or
26 caused to be obtained is \$300 or less is a Class A

1 misdemeanor.

2 (2) A violation of paragraph (a)(1) in which the value
3 of the property obtained, attempted to be obtained, or
4 caused to be obtained is more than \$300 but not more than
5 \$10,000 is a Class 3 felony.

6 (3) A violation of paragraph (a)(1) in which the value
7 of the property obtained, attempted to be obtained, or
8 caused to be obtained is more than \$10,000 but not more
9 than \$100,000 is a Class 2 felony.

10 (4) A violation of paragraph (a)(1) in which the value
11 of the property obtained, attempted to be obtained, or
12 caused to be obtained is more than \$100,000 is a Class 1
13 felony.

14 (5) A violation of paragraph (a)(2) is a Class A
15 misdemeanor.

16 (6) A violation of paragraph (b)(1) is a Class 1
17 felony, regardless of the value of the property obtained,
18 attempted to be obtained, or caused to be obtained.

19 (7) A violation of paragraph (b)(2) is a Class X
20 felony.

21 (8) A person convicted of insurance fraud, vendor
22 fraud, or a federal criminal violation associated with
23 defrauding the Medicaid program shall be ordered to pay
24 monetary restitution to the insurance company or
25 self-insured entity or any other person for any financial
26 loss sustained as a result of a violation of this Section,

1 including any court costs and attorney's fees. An order of
2 restitution shall include expenses incurred and paid by the
3 State of Illinois or an insurance company or self-insured
4 entity in connection with any medical evaluation or
5 treatment services.

6 (9) Notwithstanding Section 8-5 of this Code, a person
7 may be convicted and sentenced both for the offense of
8 conspiracy to commit insurance fraud or the offense of
9 being an organizer of an aggravated insurance fraud
10 conspiracy and for any other offense that is the object of
11 the conspiracy.

12 (e) Civil damages for insurance fraud.

13 (1) A person who knowingly obtains, attempts to obtain,
14 or causes to be obtained, by deception, control over the
15 property of any insurance company by the making of a false
16 claim or by causing a false claim to be made on a policy of
17 insurance issued by an insurance company, or by the making
18 of a false claim or by causing a false claim to be made to a
19 self-insured entity, intending to deprive an insurance
20 company or self-insured entity permanently of the use and
21 benefit of that property, shall be civilly liable to the
22 insurance company or self-insured entity that paid the
23 claim or against whom the claim was made or to the subrogee
24 of that insurance company or self-insured entity in an
25 amount equal to either 3 times the value of the property
26 wrongfully obtained or, if no property was wrongfully

1 obtained, twice the value of the property attempted to be
2 obtained, whichever amount is greater, plus reasonable
3 attorney's fees.

4 (2) An insurance company or self-insured entity that
5 brings an action against a person under paragraph (1) of
6 this subsection in bad faith shall be liable to that person
7 for twice the value of the property claimed, plus
8 reasonable attorney's fees. In determining whether an
9 insurance company or self-insured entity acted in bad
10 faith, the court shall relax the rules of evidence to allow
11 for the introduction of any facts or other information on
12 which the insurance company or self-insured entity may have
13 relied in bringing an action under paragraph (1) of this
14 subsection.

15 (f) Determination of property value. For the purposes of
16 this Section, if the exact value of the property attempted to
17 be obtained is either not alleged by the claimant or not
18 specifically set by the terms of a policy of insurance, the
19 value of the property shall be the fair market replacement
20 value of the property claimed to be lost, the reasonable costs
21 of reimbursing a vendor or other claimant for services to be
22 rendered, or both.

23 (g) Actions by State licensing agencies.

24 (1) All State licensing agencies, the Illinois State
25 Police, and the Department of Financial and Professional
26 Regulation shall coordinate enforcement efforts relating

1 to acts of insurance fraud.

2 (2) If a person who is licensed or registered under the
3 laws of the State of Illinois to engage in a business or
4 profession is convicted of or pleads guilty to engaging in
5 an act of insurance fraud, the Illinois State Police must
6 forward to each State agency by which the person is
7 licensed or registered a copy of the conviction or plea and
8 all supporting evidence.

9 (3) Any agency that receives information under this
10 Section shall, not later than 6 months after the date on
11 which it receives the information, publicly report the
12 final action taken against the convicted person, including
13 but not limited to the revocation or suspension of the
14 license or any other disciplinary action taken.

15 (h) Definitions. For the purposes of this Section,
16 "obtain", "obtains control", "deception", "property", and
17 "permanent deprivation" have the meanings ascribed to those
18 terms in Article 15 of this Code.

19 (Source: P.A. 96-1551, eff. 7-1-11.)

20 (720 ILCS 5/19-6) (was 720 ILCS 5/12-11)

21 Sec. 19-6. Home Invasion.

22 (a) A person who is not a peace officer acting in the line
23 of duty commits home invasion when without authority he or she
24 knowingly enters the dwelling place of another when he or she
25 knows or has reason to know that one or more persons is present

1 or he or she knowingly enters the dwelling place of another and
2 remains in the dwelling place until he or she knows or has
3 reason to know that one or more persons is present or who
4 falsely represents himself or herself, including but not
5 limited to, falsely representing himself or herself to be a
6 representative of any unit of government or a construction,
7 telecommunications, or utility company, for the purpose of
8 gaining entry to the dwelling place of another when he or she
9 knows or has reason to know that one or more persons are
10 present and

11 (1) While armed with a dangerous weapon, other than a
12 firearm, uses force or threatens the imminent use of force
13 upon any person or persons within the dwelling place
14 whether or not injury occurs, or

15 (2) Intentionally causes any injury, except as
16 provided in subsection (a)(5), to any person or persons
17 within the dwelling place, or

18 (3) While armed with a firearm uses force or threatens
19 the imminent use of force upon any person or persons within
20 the dwelling place whether or not injury occurs, or

21 (4) Uses force or threatens the imminent use of force
22 upon any person or persons within the dwelling place
23 whether or not injury occurs and during the commission of
24 the offense personally discharges a firearm, or

25 (5) Personally discharges a firearm that proximately
26 causes great bodily harm, permanent disability, permanent

1 disfigurement, or death to another person within the
2 dwelling place, or

3 (6) Commits, against any person or persons within that
4 dwelling place, a violation of Section 11-1.20, 11-1.30,
5 11-1.40, 11-1.50, or 11-1.60, ~~12-13, 12-14, 12-14.1,~~
6 ~~12-15, or 12-16~~ of this ~~the Criminal~~ Code ~~of 1961~~.

7 (b) It is an affirmative defense to a charge of home
8 invasion that the accused who knowingly enters the dwelling
9 place of another and remains in the dwelling place until he or
10 she knows or has reason to know that one or more persons is
11 present either immediately leaves the premises or surrenders to
12 the person or persons lawfully present therein without either
13 attempting to cause or causing serious bodily injury to any
14 person present therein.

15 (c) Sentence. Home invasion in violation of subsection
16 (a) (1), (a) (2) or (a) (6) is a Class X felony. A violation of
17 subsection (a) (3) is a Class X felony for which 15 years shall
18 be added to the term of imprisonment imposed by the court. A
19 violation of subsection (a) (4) is a Class X felony for which 20
20 years shall be added to the term of imprisonment imposed by the
21 court. A violation of subsection (a) (5) is a Class X felony for
22 which 25 years or up to a term of natural life shall be added to
23 the term of imprisonment imposed by the court.

24 (d) For purposes of this Section, "dwelling place of
25 another" includes a dwelling place where the defendant
26 maintains a tenancy interest but from which the defendant has

1 been barred by a divorce decree, judgment of dissolution of
2 marriage, order of protection, or other court order.

3 (Source: P.A. 96-1113, eff. 1-1-11; 96-1551, eff. 7-1-11;
4 97-1108, eff. 1-1-13.)

5 (720 ILCS 5/26.5-5)

6 Sec. 26.5-5. Sentence.

7 (a) Except as provided in subsection (b), a person who
8 violates any of the provisions of Section 26.5-1, 26.5-2, or
9 26.5-3 of this Article is guilty of a Class B misdemeanor.
10 Except as provided in subsection (b), a second or subsequent
11 violation of Section 26.5-1, 26.5-2, or 26.5-3 of this Article
12 is a Class A misdemeanor, for which the court shall impose a
13 minimum of 14 days in jail or, if public or community service
14 is established in the county in which the offender was
15 convicted, 240 hours of public or community service.

16 (b) In any of the following circumstances, a person who
17 violates Section 26.5-1, 26.5-2, or 26.5-3 of this Article
18 shall be guilty of a Class 4 felony:

19 (1) The person has 3 or more prior violations in the
20 last 10 years of harassment by telephone, harassment
21 through electronic communications, or any similar offense
22 of any other state;

23 (2) The person has previously violated the harassment
24 by telephone provisions, or the harassment through
25 electronic communications provisions, or committed any

1 similar offense in any other state with the same victim or
2 a member of the victim's family or household;

3 (3) At the time of the offense, the offender was under
4 conditions of bail, probation, conditional discharge,
5 mandatory supervised release or was the subject of an order
6 of protection, in this or any other state, prohibiting
7 contact with the victim or any member of the victim's
8 family or household;

9 (4) In the course of the offense, the offender
10 threatened to kill the victim or any member of the victim's
11 family or household;

12 (5) The person has been convicted in the last 10 years
13 of a forcible felony as defined in Section 2-8 of the
14 Criminal Code of 1961 or the Criminal Code of 2012;

15 (6) The person violates paragraph (5) of Section 26.5-2
16 or paragraph (4) of Section 26.5-3; or

17 (7) The person was at least 18 years of age at the time
18 of the commission of the offense and the victim was under
19 18 years of age at the time of the commission of the
20 offense.

21 (c) The court may order any person convicted under this
22 Article to submit to a psychiatric examination.

23 (Source: P.A. 97-1108, eff. 1-1-13.)

24 (720 ILCS 5/33G-3)

25 (Section scheduled to be repealed on June 11, 2017)

1 Sec. 33G-3. Definitions. As used in this Article:

2 (a) "Another state" means any State of the United States
3 (other than the State of Illinois), or the District of
4 Columbia, or the Commonwealth of Puerto Rico, or any territory
5 or possession of the United States, or any political
6 subdivision, or any department, agency, or instrumentality
7 thereof.

8 (b) "Enterprise" includes:

9 (1) any partnership, corporation, association,
10 business or charitable trust, or other legal entity; and

11 (2) any group of individuals or other legal entities,
12 or any combination thereof, associated in fact although not
13 itself a legal entity. An association in fact must be held
14 together by a common purpose of engaging in a course of
15 conduct, and it may be associated together for purposes
16 that are both legal and illegal. An association in fact
17 must:

18 (A) have an ongoing organization or structure,
19 either formal or informal;

20 (B) the various members of the group must function
21 as a continuing unit, even if the group changes
22 membership by gaining or losing members over time; and

23 (C) have an ascertainable structure distinct from
24 that inherent in the conduct of a pattern of predicate
25 activity.

26 As used in this Article, "enterprise" includes licit and

1 illicit enterprises.

2 (c) "Labor organization" includes any organization, labor
3 union, craft union, or any voluntary unincorporated
4 association designed to further the cause of the rights of
5 union labor that is constituted for the purpose, in whole or in
6 part, of collective bargaining or of dealing with employers
7 concerning grievances, terms or conditions of employment, or
8 apprenticeships or applications for apprenticeships, or of
9 other mutual aid or protection in connection with employment,
10 including apprenticeships or applications for apprenticeships.

11 (d) "Operation or management" means directing or carrying
12 out the enterprise's affairs and is limited to any person who
13 knowingly serves as a leader, organizer, operator, manager,
14 director, supervisor, financier, advisor, recruiter, supplier,
15 or enforcer of an enterprise in violation of this Article.

16 (e) "Predicate activity" means any act that is a Class 2
17 felony or higher and constitutes a violation or violations of
18 any of the following provisions of the laws of the State of
19 Illinois (as amended or revised as of the date the activity
20 occurred or, in the instance of a continuing offense, the date
21 that charges under this Article are filed in a particular
22 matter in the State of Illinois) or any act under the law of
23 another jurisdiction for an offense that could be charged as a
24 Class 2 felony or higher in this State:

25 (1) under the Criminal Code of 1961 or the Criminal
26 Code of 2012: 8-1.2 (solicitation of murder for hire), 9-1

1 (first degree murder), 9-3.3 (drug-induced homicide), 10-1
2 (kidnapping), 10-2 (aggravated kidnapping), 10-3.1
3 (aggravated unlawful restraint), 10-4 (forcible
4 detention), 10-5(b)(10) (child abduction), 10-9
5 (trafficking in persons, involuntary servitude, and
6 related offenses), 11-1.20 (criminal sexual assault),
7 11-1.30 (aggravated criminal sexual assault), 11-1.40
8 (predatory criminal sexual assault of a child), 11-1.60
9 (aggravated criminal sexual abuse), 11-6 (indecent
10 solicitation of a child), 11-6.5 (indecent solicitation of
11 an adult), 11-14.3(a)(2)(A) and (a)(2)(B) (promoting
12 prostitution), 11-14.4 (promoting juvenile prostitution),
13 11-18.1 (patronizing a minor engaged in prostitution;
14 patronizing a juvenile prostitute), 12-3.05 (aggravated
15 battery), 12-6.4 (criminal street gang recruitment),
16 12-6.5 (compelling organization membership of persons),
17 12-7.3 (stalking), 12-7.4 (aggravated stalking), 12-7.5
18 (cyberstalking), 12-11 or 19-6 (home invasion), 12-11.1 or
19 18-6 (vehicular invasion), 18-1 (robbery; aggravated
20 robbery), 18-2 (armed robbery), 18-3 (vehicular
21 hijacking), 18-4 (aggravated vehicular hijacking), 18-5
22 (aggravated robbery), 19-1 (burglary), 19-3 (residential
23 burglary), 20-1 (arson; residential arson; place of
24 worship arson), 20-1.1 (aggravated arson), 20-1.2
25 (residential arson), 20-1.3 (place of worship arson),
26 24-1.2 (aggravated discharge of a firearm), 24-1.2-5

1 (aggravated discharge of a machine gun or silencer equipped
2 firearm), 24-1.8 (unlawful possession of a firearm by a
3 street gang member), 24-3.2 (unlawful discharge of firearm
4 projectiles), 24-3.9 (aggravated possession of a stolen
5 firearm), 24-3A (gunrunning), 26-5 or 48-1 (dog-fighting),
6 29D-14.9 (terrorism), 29D-15 (soliciting support for
7 terrorism), 29D-15.1 (causing a catastrophe), 29D-15.2
8 (possession of a deadly substance), 29D-20 (making a
9 terrorist threat), 29D-25 (falsely making a terrorist
10 threat), 29D-29.9 (material support for terrorism), 29D-35
11 (hindering prosecution of terrorism), 31A-1.2
12 (unauthorized contraband in a penal institution), or 33A-3
13 (armed violence);

14 (2) under the Cannabis Control Act: Sections 5
15 (manufacture or delivery of cannabis), 5.1 (cannabis
16 trafficking), or 8 (production or possession of cannabis
17 plants), provided the offense either involves more than 500
18 grams of any substance containing cannabis or involves more
19 than 50 cannabis sativa plants;

20 (3) under the Illinois Controlled Substances Act:
21 Sections 401 (manufacture or delivery of a controlled
22 substance), 401.1 (controlled substance trafficking), 405
23 (calculated criminal drug conspiracy), or 405.2 (street
24 gang criminal drug conspiracy); or

25 (4) under the Methamphetamine Control and Community
26 Protection Act: Sections 15 (methamphetamine

1 manufacturing), or 55 (methamphetamine delivery).

2 (f) "Pattern of predicate activity" means:

3 (1) at least 3 occurrences of predicate activity that
4 are in some way related to each other and that have
5 continuity between them, and that are separate acts. Acts
6 are related to each other if they are not isolated events,
7 including if they have similar purposes, or results, or
8 participants, or victims, or are committed a similar way,
9 or have other similar distinguishing characteristics, or
10 are part of the affairs of the same enterprise. There is
11 continuity between acts if they are ongoing over a
12 substantial period, or if they are part of the regular way
13 some entity does business or conducts its affairs; and

14 (2) which occurs after the effective date of this
15 Article, and the last of which falls within 3 years
16 (excluding any period of imprisonment) after the first
17 occurrence of predicate activity.

18 (g) "Unlawful death" includes the following offenses:
19 under the ~~Criminal~~ Code of 1961 or the Criminal Code of 2012:
20 Sections 9-1 (first degree murder) or 9-2 (second degree
21 murder).

22 (Source: P.A. 97-686, eff. 6-11-12.)

23 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

24 Sec. 36-1. Seizure. Any vessel, vehicle or aircraft used
25 with the knowledge and consent of the owner in the commission

1 of, or in the attempt to commit as defined in Section 8-4 of
2 this Code, an offense prohibited by (a) Section 9-1, 9-3, 10-2,
3 11-1.20, 11-1.30, 11-1.40, 11-6, 11-14.4 except for keeping a
4 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
5 11-20.1, 11-20.1B, 11-20.3, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3,
6 12-4.6, 12-7.3, 12-7.4, 12-13, 12-14, 16-1 if the theft is of
7 precious metal or of scrap metal, 18-2, 19-1, 19-2, 19-3, 20-1,
8 20-2, 24-1.2, 24-1.2-5, 24-1.5, 28-1, or 29D-15.2 of this Code,
9 subdivision (a) (1), (a) (2), (a) (4), (b) (1), (e) (1), (e) (2),
10 (e) (3), (e) (4), (e) (5), (e) (6), or (e) (7) of Section 12-3.05,
11 paragraph (a) of Section 12-4 of this Code, paragraph (a) of
12 Section 11-1.50, paragraph (a) of Section 12-15, paragraph (a),
13 (c), or (d) of Section 11-1.60, or paragraphs (a), (c) or (d)
14 of Section 12-16 of this Code, or paragraph (a) (6) or (a) (7) of
15 Section 24-1 of this Code; (b) Section 21, 22, 23, 24 or 26 of
16 the Cigarette Tax Act if the vessel, vehicle or aircraft
17 contains more than 10 cartons of such cigarettes; (c) Section
18 28, 29 or 30 of the Cigarette Use Tax Act if the vessel,
19 vehicle or aircraft contains more than 10 cartons of such
20 cigarettes; (d) Section 44 of the Environmental Protection Act;
21 (e) 11-204.1 of the Illinois Vehicle Code; (f) (1) driving
22 under the influence of alcohol or other drug or drugs,
23 intoxicating compound or compounds or any combination thereof
24 under Section 11-501 of the Illinois Vehicle Code during a
25 period in which his or her driving privileges are revoked or
26 suspended where the revocation or suspension was for driving

1 under the influence of alcohol or other drug or drugs,
2 intoxicating compound or compounds or any combination thereof,
3 Section 11-501.1, paragraph (b) of Section 11-401, or for
4 reckless homicide as defined in Section 9-3 of the Criminal
5 Code of 1961 or the Criminal Code of 2012; (2) driving while
6 under the influence of alcohol, other drug or drugs,
7 intoxicating compound or compounds or any combination thereof
8 and has been previously convicted of reckless homicide or a
9 similar provision of a law of another state relating to
10 reckless homicide in which the person was determined to have
11 been under the influence of alcohol, other drug or drugs, or
12 intoxicating compound or compounds as an element of the offense
13 or the person has previously been convicted of committing a
14 violation of driving under the influence of alcohol or other
15 drug or drugs, intoxicating compound or compounds or any
16 combination thereof and was involved in a motor vehicle
17 accident that resulted in death, great bodily harm, or
18 permanent disability or disfigurement to another, when the
19 violation was a proximate cause of the death or injuries; (3)
20 the person committed a violation of driving under the influence
21 of alcohol or other drug or drugs, intoxicating compound or
22 compounds or any combination thereof under Section 11-501 of
23 the Illinois Vehicle Code or a similar provision for the third
24 or subsequent time; (4) the person committed the violation
25 while he or she did not possess a driver's license or permit or
26 a restricted driving permit or a judicial driving permit or a

1 monitoring device driving permit; or (5) the person committed
2 the violation while he or she knew or should have known that
3 the vehicle he or she was driving was not covered by a
4 liability insurance policy; (g) an offense described in
5 subsection (g) of Section 6-303 of the Illinois Vehicle Code;
6 or (h) an offense described in subsection (e) of Section 6-101
7 of the Illinois Vehicle Code; may be seized and delivered
8 forthwith to the sheriff of the county of seizure.

9 Within 15 days after such delivery the sheriff shall give
10 notice of seizure to each person according to the following
11 method: Upon each such person whose right, title or interest is
12 of record in the office of the Secretary of State, the
13 Secretary of Transportation, the Administrator of the Federal
14 Aviation Agency, or any other Department of this State, or any
15 other state of the United States if such vessel, vehicle or
16 aircraft is required to be so registered, as the case may be,
17 by mailing a copy of the notice by certified mail to the
18 address as given upon the records of the Secretary of State,
19 the Department of Aeronautics, Department of Public Works and
20 Buildings or any other Department of this State or the United
21 States if such vessel, vehicle or aircraft is required to be so
22 registered. Within that 15 day period the sheriff shall also
23 notify the State's Attorney of the county of seizure about the
24 seizure.

25 In addition, any mobile or portable equipment used in the
26 commission of an act which is in violation of Section 7g of the

1 Metropolitan Water Reclamation District Act shall be subject to
2 seizure and forfeiture under the same procedures provided in
3 this Article for the seizure and forfeiture of vessels,
4 vehicles and aircraft, and any such equipment shall be deemed a
5 vessel, vehicle or aircraft for purposes of this Article.

6 When a person discharges a firearm at another individual
7 from a vehicle with the knowledge and consent of the owner of
8 the vehicle and with the intent to cause death or great bodily
9 harm to that individual and as a result causes death or great
10 bodily harm to that individual, the vehicle shall be subject to
11 seizure and forfeiture under the same procedures provided in
12 this Article for the seizure and forfeiture of vehicles used in
13 violations of clauses (a), (b), (c), or (d) of this Section.

14 If the spouse of the owner of a vehicle seized for an
15 offense described in subsection (g) of Section 6-303 of the
16 Illinois Vehicle Code, a violation of subdivision (d)(1)(A),
17 (d)(1)(D), (d)(1)(G), (d)(1)(H), or (d)(1)(I) of Section
18 11-501 of the Illinois Vehicle Code, or Section 9-3 of this
19 Code makes a showing that the seized vehicle is the only source
20 of transportation and it is determined that the financial
21 hardship to the family as a result of the seizure outweighs the
22 benefit to the State from the seizure, the vehicle may be
23 forfeited to the spouse or family member and the title to the
24 vehicle shall be transferred to the spouse or family member who
25 is properly licensed and who requires the use of the vehicle
26 for employment or family transportation purposes. A written

1 declaration of forfeiture of a vehicle under this Section shall
2 be sufficient cause for the title to be transferred to the
3 spouse or family member. The provisions of this paragraph shall
4 apply only to one forfeiture per vehicle. If the vehicle is the
5 subject of a subsequent forfeiture proceeding by virtue of a
6 subsequent conviction of either spouse or the family member,
7 the spouse or family member to whom the vehicle was forfeited
8 under the first forfeiture proceeding may not utilize the
9 provisions of this paragraph in another forfeiture proceeding.
10 If the owner of the vehicle seized owns more than one vehicle,
11 the procedure set out in this paragraph may be used for only
12 one vehicle.

13 Property declared contraband under Section 40 of the
14 Illinois Streetgang Terrorism Omnibus Prevention Act may be
15 seized and forfeited under this Article.

16 (Source: P.A. 96-313, eff. 1-1-10; 96-710, eff. 1-1-10;
17 96-1000, eff. 7-2-10; 96-1267, eff. 7-26-10; 96-1289, eff.
18 1-1-11; 96-1551, Article 1, Section 960, eff. 7-1-11; 96-1551,
19 Article 2, Section 1035, eff. 7-1-11; 97-333, eff. 8-12-11;
20 97-1109, eff. 1-1-13.)

21 (720 ILCS 5/37-1) (from Ch. 38, par. 37-1)

22 Sec. 37-1. Maintaining Public Nuisance. Any building used
23 in the commission of offenses prohibited by Sections 9-1, 10-1,
24 10-2, 11-14, 11-15, 11-16, 11-17, 11-20, 11-20.1, 11-20.1B,
25 11-20.3, 11-21, 11-22, 12-5.1, 16-1, 20-2, 23-1, 23-1(a)(1),

1 24-1(a)(7), 24-3, 28-1, 28-3, 31-5 or 39A-1, or subdivision
2 (a)(1), (a)(2)(A), or (a)(2)(B) of Section 11-14.3, of this ~~the~~
3 ~~Criminal Code of 1961~~, or prohibited by the Illinois Controlled
4 Substances Act, the Methamphetamine Control and Community
5 Protection Act, or the Cannabis Control Act, or used in the
6 commission of an inchoate offense relative to any of the
7 aforesaid principal offenses, or any real property erected,
8 established, maintained, owned, leased, or used by a streetgang
9 for the purpose of conducting streetgang related activity as
10 defined in Section 10 of the Illinois Streetgang Terrorism
11 Omnibus Prevention Act is a public nuisance.

12 (b) Sentence. A person convicted of knowingly maintaining
13 such a public nuisance commits a Class A misdemeanor. Each
14 subsequent offense under this Section is a Class 4 felony.

15 (Source: P.A. 96-1551, eff. 7-1-11.)

16 (720 ILCS 5/48-8)

17 Sec. 48-8. Service animal ~~Guide dog~~ access.

18 (a) When a ~~blind, hearing impaired or physically~~
19 ~~handicapped~~ person with a physical, mental, or intellectual
20 disability requiring the use of a service animal ~~or a person~~
21 ~~who is subject to epilepsy or other seizure disorders~~ is
22 accompanied by a service animal ~~a dog which serves as a guide,~~
23 ~~leader, seizure alert, or seizure response dog for the person~~
24 or when a trainer of a service animal ~~guide, leader,~~
25 ~~seizure alert, or seizure response dog~~ is accompanied by a

1 service animal ~~guide, leader, seizure alert, or~~
2 ~~seizure response dog or a dog that is being trained to be a~~
3 ~~guide, leader, seizure alert, or seizure response dog,~~ neither
4 the person nor the service animal ~~dog~~ shall be denied the right
5 of entry and use of facilities of any public place of
6 accommodation as defined in Section 5-101 of the Illinois Human
7 Rights Act, ~~if the dog is wearing a harness and the person~~
8 ~~presents credentials for inspection issued by a school for~~
9 ~~training guide, leader, seizure alert, or seizure response~~
10 ~~dogs.~~

11 For the purposes of this Section, "service animal" means a
12 dog or miniature horse trained or being trained as a hearing
13 animal, a guide animal, an assistance animal, a seizure alert
14 animal, a mobility animal, a psychiatric service animal, an
15 autism service animal, or an animal trained for any other
16 physical, mental, or intellectual disability. "Service animal"
17 includes a miniature horse that a public place of accommodation
18 shall make reasonable accommodation so long as the public place
19 of accommodation takes into consideration: (1) the type, size,
20 and weight of the miniature horse and whether the facility can
21 accommodate its features; (2) whether the handler has
22 sufficient control of the miniature horse; (3) whether the
23 miniature horse is housebroken; and (4) whether the miniature
24 horse's presence in the facility compromises legitimate safety
25 requirements necessary for operation.

26 (b) A person who knowingly violates this Section commits a

1 Class C misdemeanor.

2 (Source: P.A. 97-1108, eff. 1-1-13; incorporates 97-956, eff.
3 8-14-12; revised 10-3-12.)

4 (720 ILCS 5/Art. 16C rep.)

5 (720 ILCS 5/Art. 16D rep.)

6 (720 ILCS 5/Art. 17B rep.)

7 Section 610. The Criminal Code of 2012 is amended by
8 repealing Articles 16C, 16D, and 17B.

9 Section 620. The Cannabis Control Act is amended by
10 changing Section 10 as follows:

11 (720 ILCS 550/10) (from Ch. 56 1/2, par. 710)

12 Sec. 10. (a) Whenever any person who has not previously
13 been convicted of, or placed on probation or court supervision
14 for, any offense under this Act or any law of the United States
15 or of any State relating to cannabis, or controlled substances
16 as defined in the Illinois Controlled Substances Act, pleads
17 guilty to or is found guilty of violating Sections 4(a), 4(b),
18 4(c), 5(a), 5(b), 5(c) or 8 of this Act, the court may, without
19 entering a judgment and with the consent of such person,
20 sentence him to probation.

21 (b) When a person is placed on probation, the court shall
22 enter an order specifying a period of probation of 24 months,
23 and shall defer further proceedings in the case until the

1 conclusion of the period or until the filing of a petition
2 alleging violation of a term or condition of probation.

3 (c) The conditions of probation shall be that the person:
4 (1) not violate any criminal statute of any jurisdiction; (2)
5 refrain from possession of a firearm or other dangerous weapon;
6 (3) submit to periodic drug testing at a time and in a manner
7 as ordered by the court, but no less than 3 times during the
8 period of the probation, with the cost of the testing to be
9 paid by the probationer; and (4) perform no less than 30 hours
10 of community service, provided community service is available
11 in the jurisdiction and is funded and approved by the county
12 board.

13 (d) The court may, in addition to other conditions, require
14 that the person:

15 (1) make a report to and appear in person before or
16 participate with the court or such courts, person, or
17 social service agency as directed by the court in the order
18 of probation;

19 (2) pay a fine and costs;

20 (3) work or pursue a course of study or vocational
21 training;

22 (4) undergo medical or psychiatric treatment; or
23 treatment for drug addiction or alcoholism;

24 (5) attend or reside in a facility established for the
25 instruction or residence of defendants on probation;

26 (6) support his dependents;

1 (7) refrain from possessing a firearm or other
2 dangerous weapon;

3 (7-5) refrain from having in his or her body the
4 presence of any illicit drug prohibited by the Cannabis
5 Control Act, the Illinois Controlled Substances Act, or the
6 Methamphetamine Control and Community Protection Act,
7 unless prescribed by a physician, and submit samples of his
8 or her blood or urine or both for tests to determine the
9 presence of any illicit drug;

10 (8) and in addition, if a minor:

11 (i) reside with his parents or in a foster home;

12 (ii) attend school;

13 (iii) attend a non-residential program for youth;

14 (iv) contribute to his own support at home or in a
15 foster home.

16 (e) Upon violation of a term or condition of probation, the
17 court may enter a judgment on its original finding of guilt and
18 proceed as otherwise provided.

19 (f) Upon fulfillment of the terms and conditions of
20 probation, the court shall discharge such person and dismiss
21 the proceedings against him.

22 (g) A disposition of probation is considered to be a
23 conviction for the purposes of imposing the conditions of
24 probation and for appeal, however, discharge and dismissal
25 under this Section is not a conviction for purposes of
26 disqualification or disabilities imposed by law upon

1 conviction of a crime (including the additional penalty imposed
2 for subsequent offenses under Section 4(c), 4(d), 5(c) or 5(d)
3 of this Act).

4 (h) Discharge and dismissal under this Section, Section 410
5 of the Illinois Controlled Substances Act, Section 70 of the
6 Methamphetamine Control and Community Protection Act, Section
7 5-6-3.3 of the Unified Code of Corrections, or subsection (c)
8 of Section 11-14 of the Criminal Code of 1961 or the Criminal
9 Code of 2012 may occur only once with respect to any person.

10 (i) If a person is convicted of an offense under this Act,
11 the Illinois Controlled Substances Act, or the Methamphetamine
12 Control and Community Protection Act within 5 years subsequent
13 to a discharge and dismissal under this Section, the discharge
14 and dismissal under this Section shall be admissible in the
15 sentencing proceeding for that conviction as a factor in
16 aggravation.

17 (Source: P.A. 97-1118, eff. 1-1-13.)

18 Section 625. The Illinois Controlled Substances Act is
19 amended by changing Section 410 as follows:

20 (720 ILCS 570/410) (from Ch. 56 1/2, par. 1410)

21 Sec. 410. (a) Whenever any person who has not previously
22 been convicted of, or placed on probation or court supervision
23 for any offense under this Act or any law of the United States
24 or of any State relating to cannabis or controlled substances,

1 pleads guilty to or is found guilty of possession of a
2 controlled or counterfeit substance under subsection (c) of
3 Section 402 or of unauthorized possession of prescription form
4 under Section 406.2, the court, without entering a judgment and
5 with the consent of such person, may sentence him or her to
6 probation.

7 (b) When a person is placed on probation, the court shall
8 enter an order specifying a period of probation of 24 months
9 and shall defer further proceedings in the case until the
10 conclusion of the period or until the filing of a petition
11 alleging violation of a term or condition of probation.

12 (c) The conditions of probation shall be that the person:
13 (1) not violate any criminal statute of any jurisdiction; (2)
14 refrain from possessing a firearm or other dangerous weapon;
15 (3) submit to periodic drug testing at a time and in a manner
16 as ordered by the court, but no less than 3 times during the
17 period of the probation, with the cost of the testing to be
18 paid by the probationer; and (4) perform no less than 30 hours
19 of community service, provided community service is available
20 in the jurisdiction and is funded and approved by the county
21 board.

22 (d) The court may, in addition to other conditions, require
23 that the person:

24 (1) make a report to and appear in person before or
25 participate with the court or such courts, person, or
26 social service agency as directed by the court in the order

1 of probation;

2 (2) pay a fine and costs;

3 (3) work or pursue a course of study or vocational
4 training;

5 (4) undergo medical or psychiatric treatment; or
6 treatment or rehabilitation approved by the Illinois
7 Department of Human Services;

8 (5) attend or reside in a facility established for the
9 instruction or residence of defendants on probation;

10 (6) support his or her dependents;

11 (6-5) refrain from having in his or her body the
12 presence of any illicit drug prohibited by the Cannabis
13 Control Act, the Illinois Controlled Substances Act, or the
14 Methamphetamine Control and Community Protection Act,
15 unless prescribed by a physician, and submit samples of his
16 or her blood or urine or both for tests to determine the
17 presence of any illicit drug;

18 (7) and in addition, if a minor:

19 (i) reside with his or her parents or in a foster
20 home;

21 (ii) attend school;

22 (iii) attend a non-residential program for youth;

23 (iv) contribute to his or her own support at home
24 or in a foster home.

25 (e) Upon violation of a term or condition of probation, the
26 court may enter a judgment on its original finding of guilt and

1 proceed as otherwise provided.

2 (f) Upon fulfillment of the terms and conditions of
3 probation, the court shall discharge the person and dismiss the
4 proceedings against him or her.

5 (g) A disposition of probation is considered to be a
6 conviction for the purposes of imposing the conditions of
7 probation and for appeal, however, discharge and dismissal
8 under this Section is not a conviction for purposes of this Act
9 or for purposes of disqualifications or disabilities imposed by
10 law upon conviction of a crime.

11 (h) There may be only one discharge and dismissal under
12 this Section, Section 10 of the Cannabis Control Act, Section
13 70 of the Methamphetamine Control and Community Protection Act,
14 Section 5-6-3.3 of the Unified Code of Corrections, or
15 subsection (c) of Section 11-14 of the Criminal Code of 1961 or
16 the Criminal Code of 2012 with respect to any person.

17 (i) If a person is convicted of an offense under this Act,
18 the Cannabis Control Act, or the Methamphetamine Control and
19 Community Protection Act within 5 years subsequent to a
20 discharge and dismissal under this Section, the discharge and
21 dismissal under this Section shall be admissible in the
22 sentencing proceeding for that conviction as evidence in
23 aggravation.

24 (Source: P.A. 97-334, eff. 1-1-12; 97-1118, eff. 1-1-13.)

25 Section 630. The Methamphetamine Control and Community

1 Protection Act is amended by changing Section 70 as follows:

2 (720 ILCS 646/70)

3 Sec. 70. Probation.

4 (a) Whenever any person who has not previously been
5 convicted of, or placed on probation or court supervision for
6 any offense under this Act, the Illinois Controlled Substances
7 Act, the Cannabis Control Act, or any law of the United States
8 or of any state relating to cannabis or controlled substances,
9 pleads guilty to or is found guilty of possession of less than
10 15 grams of methamphetamine under paragraph (1) or (2) of
11 subsection (b) of Section 60 of this Act, the court, without
12 entering a judgment and with the consent of the person, may
13 sentence him or her to probation.

14 (b) When a person is placed on probation, the court shall
15 enter an order specifying a period of probation of 24 months
16 and shall defer further proceedings in the case until the
17 conclusion of the period or until the filing of a petition
18 alleging violation of a term or condition of probation.

19 (c) The conditions of probation shall be that the person:

20 (1) not violate any criminal statute of any
21 jurisdiction;

22 (2) refrain from possessing a firearm or other
23 dangerous weapon;

24 (3) submit to periodic drug testing at a time and in a
25 manner as ordered by the court, but no less than 3 times

1 during the period of the probation, with the cost of the
2 testing to be paid by the probationer; and

3 (4) perform no less than 30 hours of community service,
4 if community service is available in the jurisdiction and
5 is funded and approved by the county board.

6 (d) The court may, in addition to other conditions, require
7 that the person take one or more of the following actions:

8 (1) make a report to and appear in person before or
9 participate with the court or such courts, person, or
10 social service agency as directed by the court in the order
11 of probation;

12 (2) pay a fine and costs;

13 (3) work or pursue a course of study or vocational
14 training;

15 (4) undergo medical or psychiatric treatment; or
16 treatment or rehabilitation approved by the Illinois
17 Department of Human Services;

18 (5) attend or reside in a facility established for the
19 instruction or residence of defendants on probation;

20 (6) support his or her dependents;

21 (7) refrain from having in his or her body the presence
22 of any illicit drug prohibited by this Act, the Cannabis
23 Control Act, or the Illinois Controlled Substances 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; or

1 (8) if a minor:

2 (i) reside with his or her parents or in a foster
3 home;

4 (ii) attend school;

5 (iii) attend a non-residential program for youth;

6 or

7 (iv) contribute to his or her own support at home
8 or in a foster home.

9 (e) Upon violation of a term or condition of probation, the
10 court may enter a judgment on its original finding of guilt and
11 proceed as otherwise provided.

12 (f) Upon fulfillment of the terms and conditions of
13 probation, the court shall discharge the person and dismiss the
14 proceedings against the person.

15 (g) A disposition of probation is considered to be a
16 conviction for the purposes of imposing the conditions of
17 probation and for appeal, however, discharge and dismissal
18 under this Section is not a conviction for purposes of this Act
19 or for purposes of disqualifications or disabilities imposed by
20 law upon conviction of a crime.

21 (h) There may be only one discharge and dismissal under
22 this Section, Section 410 of the Illinois Controlled Substances
23 Act, Section 10 of the Cannabis Control Act, Section 5-6-3.3 of
24 the Unified Code of Corrections, or subsection (c) of Section
25 11-14 of the Criminal Code of 1961 or the Criminal Code of 2012
26 with respect to any person.

1 (i) If a person is convicted of an offense under this Act,
2 the Cannabis Control Act, or the Illinois Controlled Substances
3 Act within 5 years subsequent to a discharge and dismissal
4 under this Section, the discharge and dismissal under this
5 Section are admissible in the sentencing proceeding for that
6 conviction as evidence in aggravation.

7 (Source: P.A. 97-1118, eff. 1-1-13.)

8 Section 635. The Code of Criminal Procedure of 1963 is
9 amended by changing Sections 102-2, 103-2.1, 103-8, 108-4,
10 108-12, 108B-3, 108B-7.5, 108B-8, 109-3, 110-2, 110-4, 110-5,
11 110-5.1, 110-6, 110-6.3, 110-7, 110-10, 110-12, 111-1, 111-2,
12 111-3, 111-4, 111-8, 112A-3, 112A-11.1, 112A-11.2, 112A-14,
13 112A-16, 112A-23, 112A-26, 112A-30, 114-1, 114-4, 114-11,
14 114-12, 115-3, 115-4, 115-6, 115-7, 115-7.2, 115-7.3, 115-10,
15 115-10.2a, 115-10.3, 115-10.6, 115-11, 115-11.1, 115-13,
16 115-15, 115-16, 115-17b, 116-2.1, 116-4, 124B-10, 124B-100,
17 124B-300, 124B-405, 124B-415, 124B-420, 124B-500, 124B-600,
18 124B-610, 124B-700, 124B-710, 124B-800, 124B-905, and
19 124B-1000 as follows:

20 (725 ILCS 5/102-2) (from Ch. 38, par. 102-2)

21 Sec. 102-2. Reference to criminal code for words and
22 phrases not described.

23 A word or phrase not described in this Code but which is
24 described in Article 2 of the "Criminal Code of 2012 ~~1961~~",

1 ~~approved July 28, 1961, as heretofore and hereafter amended,~~
2 shall have the meaning therein described, except when a
3 particular context in this Code clearly requires a different
4 meaning.

5 (Source: Laws 1963, p. 2836.)

6 (725 ILCS 5/103-2.1)

7 Sec. 103-2.1. When statements by accused may be used.

8 (a) In this Section, "custodial interrogation" means any
9 interrogation during which (i) a reasonable person in the
10 subject's position would consider himself or herself to be in
11 custody and (ii) during which a question is asked that is
12 reasonably likely to elicit an incriminating response.

13 In this Section, "place of detention" means a building or a
14 police station that is a place of operation for a municipal
15 police department or county sheriff department or other law
16 enforcement agency, not a courthouse, that is owned or operated
17 by a law enforcement agency at which persons are or may be held
18 in detention in connection with criminal charges against those
19 persons.

20 In this Section, "electronic recording" includes motion
21 picture, audiotape, or videotape, or digital recording.

22 (b) An oral, written, or sign language statement of an
23 accused made as a result of a custodial interrogation at a
24 police station or other place of detention shall be presumed to
25 be inadmissible as evidence against the accused in any criminal

1 proceeding brought under Section 9-1, 9-1.2, 9-2, 9-2.1, 9-3,
2 9-3.2, or 9-3.3 of the Criminal Code of 1961 or the Criminal
3 Code of 2012 or under clause (d) (1) (F) of Section 11-501 of the
4 Illinois Vehicle Code unless:

5 (1) an electronic recording is made of the custodial
6 interrogation; and

7 (2) the recording is substantially accurate and not
8 intentionally altered.

9 (c) Every electronic recording required under this Section
10 must be preserved until such time as the defendant's conviction
11 for any offense relating to the statement is final and all
12 direct and habeas corpus appeals are exhausted, or the
13 prosecution of such offenses is barred by law.

14 (d) If the court finds, by a preponderance of the evidence,
15 that the defendant was subjected to a custodial interrogation
16 in violation of this Section, then any statements made by the
17 defendant during or following that non-recorded custodial
18 interrogation, even if otherwise in compliance with this
19 Section, are presumed to be inadmissible in any criminal
20 proceeding against the defendant except for the purposes of
21 impeachment.

22 (e) Nothing in this Section precludes the admission (i) of
23 a statement made by the accused in open court at his or her
24 trial, before a grand jury, or at a preliminary hearing, (ii)
25 of a statement made during a custodial interrogation that was
26 not recorded as required by this Section, because electronic

1 recording was not feasible, (iii) of a voluntary statement,
2 whether or not the result of a custodial interrogation, that
3 has a bearing on the credibility of the accused as a witness,
4 (iv) of a spontaneous statement that is not made in response to
5 a question, (v) of a statement made after questioning that is
6 routinely asked during the processing of the arrest of the
7 suspect, (vi) of a statement made during a custodial
8 interrogation by a suspect who requests, prior to making the
9 statement, to respond to the interrogator's questions only if
10 an electronic recording is not made of the statement, provided
11 that an electronic recording is made of the statement of
12 agreeing to respond to the interrogator's question, only if a
13 recording is not made of the statement, (vii) of a statement
14 made during a custodial interrogation that is conducted
15 out-of-state, (viii) of a statement given at a time when the
16 interrogators are unaware that a death has in fact occurred, or
17 (ix) of any other statement that may be admissible under law.
18 The State shall bear the burden of proving, by a preponderance
19 of the evidence, that one of the exceptions described in this
20 subsection (e) is applicable. Nothing in this Section precludes
21 the admission of a statement, otherwise inadmissible under this
22 Section, that is used only for impeachment and not as
23 substantive evidence.

24 (f) The presumption of inadmissibility of a statement made
25 by a suspect at a custodial interrogation at a police station
26 or other place of detention may be overcome by a preponderance

1 of the evidence that the statement was voluntarily given and is
2 reliable, based on the totality of the circumstances.

3 (g) Any electronic recording of any statement made by an
4 accused during a custodial interrogation that is compiled by
5 any law enforcement agency as required by this Section for the
6 purposes of fulfilling the requirements of this Section shall
7 be confidential and exempt from public inspection and copying,
8 as provided under Section 7 of the Freedom of Information Act,
9 and the information shall not be transmitted to anyone except
10 as needed to comply with this Section.

11 (Source: P.A. 93-206, eff. 7-18-05; 93-517, eff. 8-6-05;
12 94-117, eff. 7-5-05.)

13 (725 ILCS 5/103-8) (from Ch. 38, par. 103-8)

14 Sec. 103-8. Mandatory duty of officers.

15 Any peace officer who intentionally prevents the exercise
16 by an accused of any right conferred by this Article or who
17 intentionally fails to perform any act required of him by this
18 Article shall be guilty of official misconduct and may be
19 punished in accordance with Section 33-3 of the "Criminal Code
20 of 2012 ~~1961~~" ~~approved July 28, 1961, as heretofore and~~
21 ~~hereafter amended.~~

22 (Source: Laws 1963, p. 2836.)

23 (725 ILCS 5/108-4) (from Ch. 38, par. 108-4)

24 Sec. 108-4. Issuance of search warrant.

1 (a) All warrants upon written complaint shall state the
2 time and date of issuance and be the warrants of the judge
3 issuing the same and not the warrants of the court in which he
4 is then sitting and such warrants need not bear the seal of the
5 court or clerk thereof. The complaint on which the warrant is
6 issued need not be filed with the clerk of the court nor with
7 the court if there is no clerk until the warrant has been
8 executed or has been returned "not executed".

9 The search warrant upon written complaint may be issued
10 electronically or electromagnetically by use of a facsimile
11 transmission machine and any such warrant shall have the same
12 validity as a written search warrant.

13 (b) Warrant upon oral testimony.

14 (1) General rule. When the offense in connection with
15 which a search warrant is sought constitutes terrorism or
16 any related offense as defined in Article 29D of the
17 Criminal Code of 2012 ~~1961~~, and if the circumstances make
18 it reasonable to dispense, in whole or in part, with a
19 written affidavit, a judge may issue a warrant based upon
20 sworn testimony communicated by telephone or other
21 appropriate means, including facsimile transmission.

22 (2) Application. The person who is requesting the
23 warrant shall prepare a document to be known as a duplicate
24 original warrant and shall read such duplicate original
25 warrant, verbatim, to the judge. The judge shall enter,
26 verbatim, what is so read to the judge on a document to be

1 known as the original warrant. The judge may direct that
2 the warrant be modified.

3 (3) Issuance. If the judge is satisfied that the
4 offense in connection with which the search warrant is
5 sought constitutes terrorism or any related offense as
6 defined in Article 29D of the Criminal Code of 2012 ~~1961~~,
7 that the circumstances are such as to make it reasonable to
8 dispense with a written affidavit, and that grounds for the
9 application exist or that there is probable cause to
10 believe that they exist, the judge shall order the issuance
11 of a warrant by directing the person requesting the warrant
12 to sign the judge's name on the duplicate original warrant.
13 The judge shall immediately sign the original warrant and
14 enter on the face of the original warrant the exact time
15 when the warrant was ordered to be issued. The finding of
16 probable cause for a warrant upon oral testimony may be
17 based on the same kind of evidence as is sufficient for a
18 warrant upon affidavit.

19 (4) Recording and certification of testimony. When a
20 caller informs the judge that the purpose of the call is to
21 request a warrant, the judge shall immediately place under
22 oath each person whose testimony forms a basis of the
23 application and each person applying for that warrant. If a
24 voice recording device is available, the judge shall record
25 by means of the device all of the call after the caller
26 informs the judge that the purpose of the call is to

1 request a warrant, otherwise a stenographic or longhand
2 verbatim record shall be made. If a voice recording device
3 is used or a stenographic record made, the judge shall have
4 the record transcribed, shall certify the accuracy of the
5 transcription, and shall file a copy of the original record
6 and the transcription with the court. If a longhand
7 verbatim record is made, the judge shall file a signed copy
8 with the court.

9 (5) Contents. The contents of a warrant upon oral
10 testimony shall be the same as the contents of a warrant
11 upon affidavit.

12 (6) Additional rule for execution. The person who
13 executes the warrant shall enter the exact time of
14 execution on the face of the duplicate original warrant.

15 (7) Motion to suppress based on failure to obtain a
16 written affidavit. Evidence obtained pursuant to a warrant
17 issued under this subsection (b) is not subject to a motion
18 to suppress on the ground that the circumstances were not
19 such as to make it reasonable to dispense with a written
20 affidavit, absent a finding of bad faith. All other grounds
21 to move to suppress are preserved.

22 (8) This subsection (b) is inoperative on and after
23 January 1, 2005.

24 (9) No evidence obtained pursuant to this subsection
25 (b) shall be inadmissible in a court of law by virtue of
26 subdivision (8).

1 (Source: P.A. 95-331, eff. 8-21-07.)

2 (725 ILCS 5/108-12) (from Ch. 38, par. 108-12)

3 Sec. 108-12. Disposition of obscene material. In the case
4 of any material seized which is alleged to have been possessed
5 or used or intended to be used contrary to, or is evidence of a
6 violation of, Section 11-20 of the "Criminal Code of 1961 or
7 the Criminal Code of 2012", ~~approved July 28, 1961, as~~
8 ~~heretofore and hereafter amended~~, the court before which the
9 material is returned shall, upon written request of any person
10 from whom the material was seized or any person claiming
11 ownership or other right to possession of such material, enter
12 an order providing for a hearing to determine the obscene
13 nature thereof not more than 10 days after such return. If the
14 material is determined to be obscene it shall be held pending
15 further proceedings as provided by Section 108-11 of this Code.
16 If the material is determined not to be obscene it shall be
17 returned to the person from whom or place from which it was
18 seized, or to the person claiming ownership or other right to
19 possession of such material; provided that enough of the record
20 material may be retained by the State for purposes of appellate
21 proceedings. The decision of the court upon this hearing shall
22 not be admissible as evidence in any other proceeding nor shall
23 it be res judicata of any question in any other proceeding.

24 (Source: P.A. 83-334.)

1 (725 ILCS 5/108B-3) (from Ch. 38, par. 108B-3)

2 Sec. 108B-3. Authorization for the interception of private
3 communication.

4 (a) The State's Attorney, or a person designated in writing
5 or by law to act for him and to perform his duties during his
6 absence or disability, may authorize, in writing, an ex parte
7 application to the chief judge of a court of competent
8 jurisdiction for an order authorizing the interception of a
9 private communication when no party has consented to the
10 interception and (i) the interception may provide evidence of,
11 or may assist in the apprehension of a person who has
12 committed, is committing or is about to commit, a violation of
13 Section 8-1(b) (solicitation of murder), 8-1.2 (solicitation
14 of murder for hire), 9-1 (first degree murder), 10-9
15 (involuntary servitude, involuntary sexual servitude of a
16 minor, or trafficking in persons), paragraph (1), (2), or (3)
17 of subsection (a) of Section 11-14.4 (promoting juvenile
18 prostitution), subdivision (a)(2)(A) or (a)(2)(B) of Section
19 11-14.3 (promoting prostitution), 11-15.1 (soliciting for a
20 minor engaged in prostitution), 11-16 (pandering), 11-17.1
21 (keeping a place of juvenile prostitution), 11-18.1
22 (patronizing a minor engaged in prostitution), 11-19.1
23 (juvenile pimping and aggravated juvenile pimping), or 29B-1
24 (money laundering) of the Criminal Code of 1961 or the Criminal
25 Code of 2012, Section 401, 401.1 (controlled substance
26 trafficking), 405, 405.1 (criminal drug conspiracy) or 407 of

1 the Illinois Controlled Substances Act or any Section of the
2 Methamphetamine Control and Community Protection Act, a
3 violation of Section 24-2.1, 24-2.2, 24-3, 24-3.1, 24-3.3,
4 24-3.4, 24-4, or 24-5 or subsection 24-1(a)(4), 24-1(a)(6),
5 24-1(a)(7), 24-1(a)(9), 24-1(a)(10), or 24-1(c) of the
6 Criminal Code of 1961 or the Criminal Code of 2012 or
7 conspiracy to commit money laundering or conspiracy to commit
8 first degree murder; (ii) in response to a clear and present
9 danger of imminent death or great bodily harm to persons
10 resulting from: (1) a kidnapping or the holding of a hostage by
11 force or the threat of the imminent use of force; or (2) the
12 occupation by force or the threat of the imminent use of force
13 of any premises, place, vehicle, vessel or aircraft; (iii) to
14 aid an investigation or prosecution of a civil action brought
15 under the Illinois Streetgang Terrorism Omnibus Prevention Act
16 when there is probable cause to believe the interception of the
17 private communication will provide evidence that a streetgang
18 is committing, has committed, or will commit a second or
19 subsequent gang-related offense or that the interception of the
20 private communication will aid in the collection of a judgment
21 entered under that Act; or (iv) upon information and belief
22 that a streetgang has committed, is committing, or is about to
23 commit a felony.

24 (b) The State's Attorney or a person designated in writing
25 or by law to act for the State's Attorney and to perform his or
26 her duties during his or her absence or disability, may

1 authorize, in writing, an ex parte application to the chief
2 judge of a circuit court for an order authorizing the
3 interception of a private communication when no party has
4 consented to the interception and the interception may provide
5 evidence of, or may assist in the apprehension of a person who
6 has committed, is committing or is about to commit, a violation
7 of an offense under Article 29D of the Criminal Code of 1961 or
8 the Criminal Code of 2012.

9 (b-1) Subsection (b) is inoperative on and after January 1,
10 2005.

11 (b-2) No conversations recorded or monitored pursuant to
12 subsection (b) shall be made inadmissible in a court of law by
13 virtue of subsection (b-1).

14 (c) As used in this Section, "streetgang" and
15 "gang-related" have the meanings ascribed to them in Section 10
16 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

17 (Source: P.A. 96-710, eff. 1-1-10; 96-1464, eff. 8-20-10;
18 97-897, eff. 1-1-13.)

19 (725 ILCS 5/108B-7.5)

20 Sec. 108B-7.5. Applicability.

21 (a) The requirements of subdivisions (a)(3)(iv) and
22 (a)(3)(v) of Section 108B-4, subdivision (1)(b) of Section
23 108B-5, and subdivision (a)(3) of Section 108B-7 of this
24 Article relating to the specification of the facilities from
25 which, or the place where, the communication is to be

1 intercepted do not apply if:

2 (1) in the case of an application with respect to the
3 interception of an oral communication:

4 (A) the application is by the State's Attorney, or
5 a person designated in writing or by law to act for the
6 State's Attorney and to perform his or her duties
7 during his or her absence or disability;

8 (B) the application contains a full and complete
9 statement as to why such specification is not practical
10 and identifies the person committing the offense and
11 whose communications are to be intercepted;

12 (C) the judge finds that such specification is not
13 practical; and

14 (D) the order sought is in connection with an
15 investigation of a violation of Article 29D of the
16 Criminal Code of 1961 or the Criminal Code of 2012.

17 (2) in the case of an application with respect to a
18 wire or electronic communication:

19 (A) the application is by the State's Attorney, or
20 a person designated in writing or by law to act for the
21 State's Attorney and to perform his or her duties
22 during his or her absence or disability;

23 (B) the application identifies the person believed
24 to be committing the offense and whose communications
25 are to be intercepted and the applicant makes a showing
26 that there is probable cause to believe that the

1 person's actions could have the effect of thwarting
2 interception from a specified facility;

3 (C) the judge finds that such showing has been
4 adequately made;

5 (D) the order authorizing or approving the
6 interception is limited to interception only for such
7 time as it is reasonable to presume that the person
8 identified in the application is or was reasonably
9 proximate to the instrument through which such
10 communication will be or was transmitted; and

11 (E) the order sought is in connection with an
12 investigation of a violation of Article 29D of the
13 Criminal Code of 1961 or the Criminal Code of 2012.

14 (b) An interception of a communication under an order with
15 respect to which the requirements of subdivisions (a) (3) (iv)
16 and (a) (3) (v) of Section 108B-4, subdivision (1) (b) of Section
17 108B-5, and subdivision (a) (3) of Section 108B-7 of this
18 Article do not apply by reason of this Section shall not begin
19 until the place where the communication is to be intercepted is
20 ascertained by the person implementing the interception order.
21 A provider of wire or electronic communications service that
22 has received an order as provided for in subdivision (a) (2) may
23 upon notice to the People move the court to modify or quash the
24 order on the ground that its assistance with respect to the
25 interception cannot be performed in a timely or reasonable
26 fashion. The court shall decide such a motion expeditiously.

1 (Source: P.A. 92-854, eff. 12-5-02.)

2 (725 ILCS 5/108B-8) (from Ch. 38, par. 108B-8)

3 Sec. 108B-8. Emergency use of eavesdropping device.

4 (a) Whenever, upon informal application by the State's
5 Attorney, a chief judge of competent jurisdiction determines
6 that:

7 (1) there may be grounds upon which an order could be
8 issued under this Article;

9 (2) there is probable cause to believe that an
10 emergency situation exists with respect to the
11 investigation of an offense enumerated in Section 108B-3;
12 and

13 (3) there is probable cause to believe that a
14 substantial danger to life or limb exists justifying the
15 authorization for immediate interception of a private
16 communication before formal application for an order could
17 with due diligence be submitted to him and acted upon; the
18 chief judge may grant oral approval for an interception,
19 without an order, conditioned upon the filing with him,
20 within 48 hours, of an application for an order under
21 Section 108B-4 which shall also recite the oral approval
22 under this Section and be retroactive to the time of the
23 oral approval.

24 (b) Interception under oral approval under this Section
25 shall immediately terminate when the communication sought is

1 obtained or when the application for an order is denied,
2 whichever is earlier.

3 (c) In the event no formal application for an order is
4 subsequently made under this Section, the content of any
5 private communication intercepted under oral approval under
6 this Section shall be treated as having been obtained in
7 violation of this Article.

8 (d) In the event no application for an order is made under
9 this Section or an application made under this Section is
10 subsequently denied, the judge shall cause an inventory to be
11 served under Section 108B-11 of this Article and shall require
12 the tape or other recording of the intercepted communication to
13 be delivered to, and sealed by, the judge. The evidence shall
14 be retained by the court, and it shall not be used or disclosed
15 in any legal proceeding, except a civil action brought by an
16 aggrieved person under Section 14-6 of the Criminal Code of
17 1961 or the Criminal Code of 2012, or as otherwise authorized
18 by the order of a court of competent jurisdiction. In addition
19 to other remedies or penalties provided by law, failure to
20 deliver any tape or other recording to the chief judge shall be
21 punishable as contempt by the judge directing the delivery.

22 (Source: P.A. 92-854, eff. 12-5-02.)

23 (725 ILCS 5/109-3) (from Ch. 38, par. 109-3)

24 Sec. 109-3. Preliminary examination.) (a) The judge shall
25 hold the defendant to answer to the court having jurisdiction

1 of the offense if from the evidence it appears there is
2 probable cause to believe an offense has been committed by the
3 defendant, as provided in Section 109-3.1 of this Code, if the
4 offense is a felony.

5 (b) If the defendant waives preliminary examination the
6 judge shall hold him to answer and may, or on the demand of the
7 prosecuting attorney shall, cause the witnesses for the State
8 to be examined. After hearing the testimony if it appears that
9 there is not probable cause to believe the defendant guilty of
10 any offense the judge shall discharge him.

11 (c) During the examination of any witness or when the
12 defendant is making a statement or testifying the judge may and
13 on the request of the defendant or State shall exclude all
14 other witnesses. He may also cause the witnesses to be kept
15 separate and to be prevented from communicating with each other
16 until all are examined.

17 (d) If the defendant is held to answer the judge may
18 require any material witness for the State or defendant to
19 enter into a written undertaking to appear at the trial, and
20 may provide for the forfeiture of a sum certain in the event
21 the witness does not appear at the trial. Any witness who
22 refuses to execute a recognizance may be committed by the judge
23 to the custody of the sheriff until trial or further order of
24 the court having jurisdiction of the cause. Any witness who
25 executes a recognizance and fails to comply with its terms
26 shall, in addition to any forfeiture provided in the

1 recognizance, be subject to the penalty provided in Section
2 32-10 of the "Criminal Code of 2012 ~~1961~~", ~~approved July 28,~~
3 ~~1961, as heretofore and hereafter amended,~~ for violation of
4 bail bond.

5 (e) During preliminary hearing or examination the
6 defendant may move for an order of suppression of evidence
7 pursuant to Section 114-11 or 114-12 of this Act or for other
8 reasons, and may move for dismissal of the charge pursuant to
9 Section 114-1 of this Act or for other reasons.

10 (Source: P.A. 83-644.)

11 (725 ILCS 5/110-2) (from Ch. 38, par. 110-2)

12 Sec. 110-2. Release on own recognizance. When from all the
13 circumstances the court is of the opinion that the defendant
14 will appear as required either before or after conviction and
15 the defendant will not pose a danger to any person or the
16 community and that the defendant will comply with all
17 conditions of bond, which shall include the defendant's current
18 address with a written admonishment to the defendant that he or
19 she must comply with the provisions of Section 110-12 of this
20 Code regarding any change in his or her address, the defendant
21 may be released on his or her own recognizance. The defendant's
22 address shall at all times remain a matter of public record
23 with the clerk of the court. A failure to appear as required by
24 such recognizance shall constitute an offense subject to the
25 penalty provided in Section 32-10 of the "Criminal Code of 2012

1 ~~1961", approved July 28, 1961, as heretofore and hereafter~~
2 ~~amended,~~ for violation of the bail bond, and any obligated sum
3 fixed in the recognizance shall be forfeited and collected in
4 accordance with subsection (g) of Section 110-7 of this Code.

5 This Section shall be liberally construed to effectuate the
6 purpose of relying upon contempt of court proceedings or
7 criminal sanctions instead of financial loss to assure the
8 appearance of the defendant, and that the defendant will not
9 pose a danger to any person or the community and that the
10 defendant will comply with all conditions of bond. Monetary
11 bail should be set only when it is determined that no other
12 conditions of release will reasonably assure the defendant's
13 appearance in court, that the defendant does not present a
14 danger to any person or the community and that the defendant
15 will comply with all conditions of bond.

16 The State may appeal any order permitting release by
17 personal recognizance.

18 (Source: P.A. 89-377, eff. 8-18-95.)

19 (725 ILCS 5/110-4) (from Ch. 38, par. 110-4)

20 Sec. 110-4. Bailable Offenses.

21 (a) All persons shall be bailable before conviction, except
22 the following offenses where the proof is evident or the
23 presumption great that the defendant is guilty of the offense:
24 capital offenses; offenses for which a sentence of life
25 imprisonment may be imposed as a consequence of conviction;

1 felony offenses for which a sentence of imprisonment, without
2 conditional and revocable release, shall be imposed by law as a
3 consequence of conviction, where the court after a hearing,
4 determines that the release of the defendant would pose a real
5 and present threat to the physical safety of any person or
6 persons; stalking or aggravated stalking, where the court,
7 after a hearing, determines that the release of the defendant
8 would pose a real and present threat to the physical safety of
9 the alleged victim of the offense and denial of bail is
10 necessary to prevent fulfillment of the threat upon which the
11 charge is based; or unlawful use of weapons in violation of
12 item (4) of subsection (a) of Section 24-1 of the Criminal Code
13 of 1961 or the Criminal Code of 2012 when that offense occurred
14 in a school or in any conveyance owned, leased, or contracted
15 by a school to transport students to or from school or a
16 school-related activity, or on any public way within 1,000 feet
17 of real property comprising any school, where the court, after
18 a hearing, determines that the release of the defendant would
19 pose a real and present threat to the physical safety of any
20 person and denial of bail is necessary to prevent fulfillment
21 of that threat; or making a terrorist threat in violation of
22 Section 29D-20 of the Criminal Code of 1961 or the Criminal
23 Code of 2012 or an attempt to commit the offense of making a
24 terrorist threat, where the court, after a hearing, determines
25 that the release of the defendant would pose a real and present
26 threat to the physical safety of any person and denial of bail

1 is necessary to prevent fulfillment of that threat.

2 (b) A person seeking release on bail who is charged with a
3 capital offense or an offense for which a sentence of life
4 imprisonment may be imposed shall not be bailable until a
5 hearing is held wherein such person has the burden of
6 demonstrating that the proof of his guilt is not evident and
7 the presumption is not great.

8 (c) Where it is alleged that bail should be denied to a
9 person upon the grounds that the person presents a real and
10 present threat to the physical safety of any person or persons,
11 the burden of proof of such allegations shall be upon the
12 State.

13 (d) When it is alleged that bail should be denied to a
14 person charged with stalking or aggravated stalking upon the
15 grounds set forth in Section 110-6.3 of this Code, the burden
16 of proof of those allegations shall be upon the State.

17 (Source: P.A. 95-952, eff. 8-29-08.)

18 (725 ILCS 5/110-5) (from Ch. 38, par. 110-5)

19 Sec. 110-5. Determining the amount of bail and conditions
20 of release.

21 (a) In determining the amount of monetary bail or
22 conditions of release, if any, which will reasonably assure the
23 appearance of a defendant as required or the safety of any
24 other person or the community and the likelihood of compliance
25 by the defendant with all the conditions of bail, the court

1 shall, on the basis of available information, take into account
2 such matters as the nature and circumstances of the offense
3 charged, whether the evidence shows that as part of the offense
4 there was a use of violence or threatened use of violence,
5 whether the offense involved corruption of public officials or
6 employees, whether there was physical harm or threats of
7 physical harm to any public official, public employee, judge,
8 prosecutor, juror or witness, senior citizen, child or
9 handicapped person, whether evidence shows that during the
10 offense or during the arrest the defendant possessed or used a
11 firearm, machine gun, explosive or metal piercing ammunition or
12 explosive bomb device or any military or paramilitary armament,
13 whether the evidence shows that the offense committed was
14 related to or in furtherance of the criminal activities of an
15 organized gang or was motivated by the defendant's membership
16 in or allegiance to an organized gang, the condition of the
17 victim, any written statement submitted by the victim or
18 proffer or representation by the State regarding the impact
19 which the alleged criminal conduct has had on the victim and
20 the victim's concern, if any, with further contact with the
21 defendant if released on bail, whether the offense was based on
22 racial, religious, sexual orientation or ethnic hatred, the
23 likelihood of the filing of a greater charge, the likelihood of
24 conviction, the sentence applicable upon conviction, the
25 weight of the evidence against such defendant, whether there
26 exists motivation or ability to flee, whether there is any

1 verification as to prior residence, education, or family ties
2 in the local jurisdiction, in another county, state or foreign
3 country, the defendant's employment, financial resources,
4 character and mental condition, past conduct, prior use of
5 alias names or dates of birth, and length of residence in the
6 community, the consent of the defendant to periodic drug
7 testing in accordance with Section 110-6.5, whether a foreign
8 national defendant is lawfully admitted in the United States of
9 America, whether the government of the foreign national
10 maintains an extradition treaty with the United States by which
11 the foreign government will extradite to the United States its
12 national for a trial for a crime allegedly committed in the
13 United States, whether the defendant is currently subject to
14 deportation or exclusion under the immigration laws of the
15 United States, whether the defendant, although a United States
16 citizen, is considered under the law of any foreign state a
17 national of that state for the purposes of extradition or
18 non-extradition to the United States, the amount of unrecovered
19 proceeds lost as a result of the alleged offense, the source of
20 bail funds tendered or sought to be tendered for bail, whether
21 from the totality of the court's consideration, the loss of
22 funds posted or sought to be posted for bail will not deter the
23 defendant from flight, whether the evidence shows that the
24 defendant is engaged in significant possession, manufacture,
25 or delivery of a controlled substance or cannabis, either
26 individually or in consort with others, whether at the time of

1 the offense charged he was on bond or pre-trial release pending
2 trial, probation, periodic imprisonment or conditional
3 discharge pursuant to this Code or the comparable Code of any
4 other state or federal jurisdiction, whether the defendant is
5 on bond or pre-trial release pending the imposition or
6 execution of sentence or appeal of sentence for any offense
7 under the laws of Illinois or any other state or federal
8 jurisdiction, whether the defendant is under parole or
9 mandatory supervised release or work release from the Illinois
10 Department of Corrections or any penal institution or
11 corrections department of any state or federal jurisdiction,
12 the defendant's record of convictions, whether the defendant
13 has been convicted of a misdemeanor or ordinance offense in
14 Illinois or similar offense in other state or federal
15 jurisdiction within the 10 years preceding the current charge
16 or convicted of a felony in Illinois, whether the defendant was
17 convicted of an offense in another state or federal
18 jurisdiction that would be a felony if committed in Illinois
19 within the 20 years preceding the current charge or has been
20 convicted of such felony and released from the penitentiary
21 within 20 years preceding the current charge if a penitentiary
22 sentence was imposed in Illinois or other state or federal
23 jurisdiction, the defendant's records of juvenile adjudication
24 of delinquency in any jurisdiction, any record of appearance or
25 failure to appear by the defendant at court proceedings,
26 whether there was flight to avoid arrest or prosecution,

1 whether the defendant escaped or attempted to escape to avoid
2 arrest, whether the defendant refused to identify himself, or
3 whether there was a refusal by the defendant to be
4 fingerprinted as required by law. Information used by the court
5 in its findings or stated in or offered in connection with this
6 Section may be by way of proffer based upon reliable
7 information offered by the State or defendant. All evidence
8 shall be admissible if it is relevant and reliable regardless
9 of whether it would be admissible under the rules of evidence
10 applicable at criminal trials. If the State presents evidence
11 that the offense committed by the defendant was related to or
12 in furtherance of the criminal activities of an organized gang
13 or was motivated by the defendant's membership in or allegiance
14 to an organized gang, and if the court determines that the
15 evidence may be substantiated, the court shall prohibit the
16 defendant from associating with other members of the organized
17 gang as a condition of bail or release. For the purposes of
18 this Section, "organized gang" has the meaning ascribed to it
19 in Section 10 of the Illinois Streetgang Terrorism Omnibus
20 Prevention Act.

21 (b) The amount of bail shall be:

22 (1) Sufficient to assure compliance with the
23 conditions set forth in the bail bond, which shall include
24 the defendant's current address with a written
25 admonishment to the defendant that he or she must comply
26 with the provisions of Section 110-12 regarding any change

1 in his or her address. The defendant's address shall at all
2 times remain a matter of public record with the clerk of
3 the court.

4 (2) Not oppressive.

5 (3) Considerate of the financial ability of the
6 accused.

7 (4) When a person is charged with a drug related
8 offense involving possession or delivery of cannabis or
9 possession or delivery of a controlled substance as defined
10 in the Cannabis Control Act, the Illinois Controlled
11 Substances Act, or the Methamphetamine Control and
12 Community Protection Act, the full street value of the
13 drugs seized shall be considered. "Street value" shall be
14 determined by the court on the basis of a proffer by the
15 State based upon reliable information of a law enforcement
16 official contained in a written report as to the amount
17 seized and such proffer may be used by the court as to the
18 current street value of the smallest unit of the drug
19 seized.

20 (b-5) Upon the filing of a written request demonstrating
21 reasonable cause, the State's Attorney may request a source of
22 bail hearing either before or after the posting of any funds.
23 If the hearing is granted, before the posting of any bail, the
24 accused must file a written notice requesting that the court
25 conduct a source of bail hearing. The notice must be
26 accompanied by justifying affidavits stating the legitimate

1 and lawful source of funds for bail. At the hearing, the court
2 shall inquire into any matters stated in any justifying
3 affidavits, and may also inquire into matters appropriate to
4 the determination which shall include, but are not limited to,
5 the following:

6 (1) the background, character, reputation, and
7 relationship to the accused of any surety; and

8 (2) the source of any money or property deposited by
9 any surety, and whether any such money or property
10 constitutes the fruits of criminal or unlawful conduct; and

11 (3) the source of any money posted as cash bail, and
12 whether any such money constitutes the fruits of criminal
13 or unlawful conduct; and

14 (4) the background, character, reputation, and
15 relationship to the accused of the person posting cash
16 bail.

17 Upon setting the hearing, the court shall examine, under
18 oath, any persons who may possess material information.

19 The State's Attorney has a right to attend the hearing, to
20 call witnesses and to examine any witness in the proceeding.
21 The court shall, upon request of the State's Attorney, continue
22 the proceedings for a reasonable period to allow the State's
23 Attorney to investigate the matter raised in any testimony or
24 affidavit. If the hearing is granted after the accused has
25 posted bail, the court shall conduct a hearing consistent with
26 this subsection (b-5). At the conclusion of the hearing, the

1 court must issue an order either approving or disapproving the
2 bail.

3 (c) When a person is charged with an offense punishable by
4 fine only the amount of the bail shall not exceed double the
5 amount of the maximum penalty.

6 (d) When a person has been convicted of an offense and only
7 a fine has been imposed the amount of the bail shall not exceed
8 double the amount of the fine.

9 (e) The State may appeal any order granting bail or setting
10 a given amount for bail.

11 (f) When a person is charged with a violation of an order
12 of protection under Section 12-3.4 or 12-30 of the Criminal
13 Code of 1961 or the Criminal Code of 2012,

14 (1) whether the alleged incident involved harassment
15 or abuse, as defined in the Illinois Domestic Violence Act
16 of 1986;

17 (2) whether the person has a history of domestic
18 violence, as defined in the Illinois Domestic Violence Act,
19 or a history of other criminal acts;

20 (3) based on the mental health of the person;

21 (4) whether the person has a history of violating the
22 orders of any court or governmental entity;

23 (5) whether the person has been, or is, potentially a
24 threat to any other person;

25 (6) whether the person has access to deadly weapons or
26 a history of using deadly weapons;

1 (7) whether the person has a history of abusing alcohol
2 or any controlled substance;

3 (8) based on the severity of the alleged incident that
4 is the basis of the alleged offense, including, but not
5 limited to, the duration of the current incident, and
6 whether the alleged incident involved physical injury,
7 sexual assault, strangulation, abuse during the alleged
8 victim's pregnancy, abuse of pets, or forcible entry to
9 gain access to the alleged victim;

10 (9) whether a separation of the person from the alleged
11 victim or a termination of the relationship between the
12 person and the alleged victim has recently occurred or is
13 pending;

14 (10) whether the person has exhibited obsessive or
15 controlling behaviors toward the alleged victim,
16 including, but not limited to, stalking, surveillance, or
17 isolation of the alleged victim or victim's family member
18 or members;

19 (11) whether the person has expressed suicidal or
20 homicidal ideations;

21 (12) based on any information contained in the
22 complaint and any police reports, affidavits, or other
23 documents accompanying the complaint,

24 the court may, in its discretion, order the respondent to
25 undergo a risk assessment evaluation conducted by an Illinois
26 Department of Human Services approved partner abuse

1 intervention program provider, pretrial service, probation, or
2 parole agency. These agencies shall have access to summaries of
3 the defendant's criminal history, which shall not include
4 victim interviews or information, for the risk evaluation.
5 Based on the information collected from the 12 points to be
6 considered at a bail hearing for a violation of an order of
7 protection, the results of any risk evaluation conducted and
8 the other circumstances of the violation, the court may order
9 that the person, as a condition of bail, be placed under
10 electronic surveillance as provided in Section 5-8A-7 of the
11 Unified Code of Corrections.

12 (Source: P.A. 95-773, eff. 1-1-09; 96-688, eff. 8-25-09;
13 96-1551, eff. 7-1-11.)

14 (725 ILCS 5/110-5.1)

15 Sec. 110-5.1. Bail; certain persons charged with violent
16 crimes against family or household members.

17 (a) Subject to subsection (c), a person who is charged with
18 a violent crime shall appear before the court for the setting
19 of bail if the alleged victim was a family or household member
20 at the time of the alleged offense, and if any of the following
21 applies:

22 (1) the person charged, at the time of the alleged
23 offense, was subject to the terms of an order of protection
24 issued under Section 112A-14 of this Code or Section 214 of
25 the Illinois Domestic Violence Act of 1986 or previously

1 was convicted of a violation of an order of protection
2 under Section 12-3.4 or 12-30 of the Criminal Code of 1961
3 or the Criminal Code of 2012 or a violent crime if the
4 victim was a family or household member at the time of the
5 offense or a violation of a substantially similar municipal
6 ordinance or law of this or any other state or the United
7 States if the victim was a family or household member at
8 the time of the offense;

9 (2) the arresting officer indicates in a police report
10 or other document accompanying the complaint any of the
11 following:

12 (A) that the arresting officer observed on the
13 alleged victim objective manifestations of physical
14 harm that the arresting officer reasonably believes
15 are a result of the alleged offense;

16 (B) that the arresting officer reasonably believes
17 that the person had on the person's person at the time
18 of the alleged offense a deadly weapon;

19 (C) that the arresting officer reasonably believes
20 that the person presents a credible threat of serious
21 physical harm to the alleged victim or to any other
22 person if released on bail before trial.

23 (b) To the extent that information about any of the
24 following is available to the court, the court shall consider
25 all of the following, in addition to any other circumstances
26 considered by the court, before setting bail for a person who

1 appears before the court pursuant to subsection (a):

2 (1) whether the person has a history of domestic
3 violence or a history of other violent acts;

4 (2) the mental health of the person;

5 (3) whether the person has a history of violating the
6 orders of any court or governmental entity;

7 (4) whether the person is potentially a threat to any
8 other person;

9 (5) whether the person has access to deadly weapons or
10 a history of using deadly weapons;

11 (6) whether the person has a history of abusing alcohol
12 or any controlled substance;

13 (7) the severity of the alleged violence that is the
14 basis of the alleged offense, including, but not limited
15 to, the duration of the alleged violent incident, and
16 whether the alleged violent incident involved serious
17 physical injury, sexual assault, strangulation, abuse
18 during the alleged victim's pregnancy, abuse of pets, or
19 forcible entry to gain access to the alleged victim;

20 (8) whether a separation of the person from the alleged
21 victim or a termination of the relationship between the
22 person and the alleged victim has recently occurred or is
23 pending;

24 (9) whether the person has exhibited obsessive or
25 controlling behaviors toward the alleged victim,
26 including, but not limited to, stalking, surveillance, or

1 isolation of the alleged victim;

2 (10) whether the person has expressed suicidal or
3 homicidal ideations;

4 (11) any information contained in the complaint and any
5 police reports, affidavits, or other documents
6 accompanying the complaint.

7 (c) Upon the court's own motion or the motion of a party
8 and upon any terms that the court may direct, a court may
9 permit a person who is required to appear before it by
10 subsection (a) to appear by video conferencing equipment. If,
11 in the opinion of the court, the appearance in person or by
12 video conferencing equipment of a person who is charged with a
13 misdemeanor and who is required to appear before the court by
14 subsection (a) is not practicable, the court may waive the
15 appearance and release the person on bail on one or both of the
16 following types of bail in an amount set by the court:

17 (1) a bail bond secured by a deposit of 10% of the
18 amount of the bond in cash;

19 (2) a surety bond, a bond secured by real estate or
20 securities as allowed by law, or the deposit of cash, at
21 the option of the person.

22 Subsection (a) does not create a right in a person to
23 appear before the court for the setting of bail or prohibit a
24 court from requiring any person charged with a violent crime
25 who is not described in subsection (a) from appearing before
26 the court for the setting of bail.

1 (d) As used in this Section:

2 (1) "Violent crime" has the meaning ascribed to it in
3 Section 3 of the Rights of Crime Victims and Witnesses Act.

4 (2) "Family or household member" has the meaning
5 ascribed to it in Section 112A-3 of this Code.

6 (Source: P.A. 96-1551, eff. 7-1-11.)

7 (725 ILCS 5/110-6) (from Ch. 38, par. 110-6)

8 Sec. 110-6. (a) Upon verified application by the State or
9 the defendant or on its own motion the court before which the
10 proceeding is pending may increase or reduce the amount of bail
11 or may alter the conditions of the bail bond or grant bail
12 where it has been previously revoked or denied. If bail has
13 been previously revoked pursuant to subsection (f) of this
14 Section or if bail has been denied to the defendant pursuant to
15 subsection (e) of Section 110-6.1 or subsection (e) of Section
16 110-6.3, the defendant shall be required to present a verified
17 application setting forth in detail any new facts not known or
18 obtainable at the time of the previous revocation or denial of
19 bail proceedings. If the court grants bail where it has been
20 previously revoked or denied, the court shall state on the
21 record of the proceedings the findings of facts and conclusion
22 of law upon which such order is based.

23 (b) Violation of the conditions of Section 110-10 of this
24 Code or any special conditions of bail as ordered by the court
25 shall constitute grounds for the court to increase the amount

1 of bail, or otherwise alter the conditions of bail, or, where
2 the alleged offense committed on bail is a forcible felony in
3 Illinois or a Class 2 or greater offense under the Illinois
4 Controlled Substances Act, the Cannabis Control Act, or the
5 Methamphetamine Control and Community Protection Act, revoke
6 bail pursuant to the appropriate provisions of subsection (e)
7 of this Section.

8 (c) Reasonable notice of such application by the defendant
9 shall be given to the State.

10 (d) Reasonable notice of such application by the State
11 shall be given to the defendant, except as provided in
12 subsection (e).

13 (e) Upon verified application by the State stating facts or
14 circumstances constituting a violation or a threatened
15 violation of any of the conditions of the bail bond the court
16 may issue a warrant commanding any peace officer to bring the
17 defendant without unnecessary delay before the court for a
18 hearing on the matters set forth in the application. If the
19 actual court before which the proceeding is pending is absent
20 or otherwise unavailable another court may issue a warrant
21 pursuant to this Section. When the defendant is charged with a
22 felony offense and while free on bail is charged with a
23 subsequent felony offense and is the subject of a proceeding
24 set forth in Section 109-1 or 109-3 of this Code, upon the
25 filing of a verified petition by the State alleging a violation
26 of Section 110-10 (a) (4) of this Code, the court shall without

1 prior notice to the defendant, grant leave to file such
2 application and shall order the transfer of the defendant and
3 the application without unnecessary delay to the court before
4 which the previous felony matter is pending for a hearing as
5 provided in subsection (b) or this subsection of this Section.
6 The defendant shall be held without bond pending transfer to
7 and a hearing before such court. At the conclusion of the
8 hearing based on a violation of the conditions of Section
9 110-10 of this Code or any special conditions of bail as
10 ordered by the court the court may enter an order increasing
11 the amount of bail or alter the conditions of bail as deemed
12 appropriate.

13 (f) Where the alleged violation consists of the violation
14 of one or more felony statutes of any jurisdiction which would
15 be a forcible felony in Illinois or a Class 2 or greater
16 offense under the Illinois Controlled Substances Act, the
17 Cannabis Control Act, or the Methamphetamine Control and
18 Community Protection Act and the defendant is on bail for the
19 alleged commission of a felony, or where the defendant is on
20 bail for a felony domestic battery (enhanced pursuant to
21 subsection (b) of Section 12-3.2 of the Criminal Code of 1961
22 or the Criminal Code of 2012), aggravated domestic battery,
23 aggravated battery, unlawful restraint, aggravated unlawful
24 restraint or domestic battery in violation of item (1) of
25 subsection (a) of Section 12-3.2 of the Criminal Code of 1961
26 or the Criminal Code of 2012 against a family or household

1 member as defined in Section 112A-3 of this Code and the
2 violation is an offense of domestic battery against the same
3 victim the court shall, on the motion of the State or its own
4 motion, revoke bail in accordance with the following
5 provisions:

6 (1) The court shall hold the defendant without bail
7 pending the hearing on the alleged breach; however, if the
8 defendant is not admitted to bail the hearing shall be
9 commenced within 10 days from the date the defendant is
10 taken into custody or the defendant may not be held any
11 longer without bail, unless delay is occasioned by the
12 defendant. Where defendant occasions the delay, the
13 running of the 10 day period is temporarily suspended and
14 resumes at the termination of the period of delay. Where
15 defendant occasions the delay with 5 or fewer days
16 remaining in the 10 day period, the court may grant a
17 period of up to 5 additional days to the State for good
18 cause shown. The State, however, shall retain the right to
19 proceed to hearing on the alleged violation at any time,
20 upon reasonable notice to the defendant and the court.

21 (2) At a hearing on the alleged violation the State has
22 the burden of going forward and proving the violation by
23 clear and convincing evidence. The evidence shall be
24 presented in open court with the opportunity to testify, to
25 present witnesses in his behalf, and to cross-examine
26 witnesses if any are called by the State, and

1 representation by counsel and if the defendant is indigent
2 to have counsel appointed for him. The rules of evidence
3 applicable in criminal trials in this State shall not
4 govern the admissibility of evidence at such hearing.
5 Information used by the court in its findings or stated in
6 or offered in connection with hearings for increase or
7 revocation of bail may be by way of proffer based upon
8 reliable information offered by the State or defendant. All
9 evidence shall be admissible if it is relevant and reliable
10 regardless of whether it would be admissible under the
11 rules of evidence applicable at criminal trials. A motion
12 by the defendant to suppress evidence or to suppress a
13 confession shall not be entertained at such a hearing.
14 Evidence that proof may have been obtained as a result of
15 an unlawful search and seizure or through improper
16 interrogation is not relevant to this hearing.

17 (3) Upon a finding by the court that the State has
18 established by clear and convincing evidence that the
19 defendant has committed a forcible felony or a Class 2 or
20 greater offense under the Illinois Controlled Substances
21 Act, the Cannabis Control Act, or the Methamphetamine
22 Control and Community Protection Act while admitted to
23 bail, or where the defendant is on bail for a felony
24 domestic battery (enhanced pursuant to subsection (b) of
25 Section 12-3.2 of the Criminal Code of 1961 or the Criminal
26 Code of 2012), aggravated domestic battery, aggravated

1 battery, unlawful restraint, aggravated unlawful restraint
2 or domestic battery in violation of item (1) of subsection
3 (a) of Section 12-3.2 of the Criminal Code of 1961 or the
4 Criminal Code of 2012 against a family or household member
5 as defined in Section 112A-3 of this Code and the violation
6 is an offense of domestic battery, against the same victim,
7 the court shall revoke the bail of the defendant and hold
8 the defendant for trial without bail. Neither the finding
9 of the court nor any transcript or other record of the
10 hearing shall be admissible in the State's case in chief,
11 but shall be admissible for impeachment, or as provided in
12 Section 115-10.1 of this Code or in a perjury proceeding.

13 (4) If the bail of any defendant is revoked pursuant to
14 paragraph (f) (3) of this Section, the defendant may demand
15 and shall be entitled to be brought to trial on the offense
16 with respect to which he was formerly released on bail
17 within 90 days after the date on which his bail was
18 revoked. If the defendant is not brought to trial within
19 the 90 day period required by the preceding sentence, he
20 shall not be held longer without bail. In computing the 90
21 day period, the court shall omit any period of delay
22 resulting from a continuance granted at the request of the
23 defendant.

24 (5) If the defendant either is arrested on a warrant
25 issued pursuant to this Code or is arrested for an
26 unrelated offense and it is subsequently discovered that

1 the defendant is a subject of another warrant or warrants
2 issued pursuant to this Code, the defendant shall be
3 transferred promptly to the court which issued such
4 warrant. If, however, the defendant appears initially
5 before a court other than the court which issued such
6 warrant, the non-issuing court shall not alter the amount
7 of bail heretofore set on such warrant unless the court
8 sets forth on the record of proceedings the conclusions of
9 law and facts which are the basis for such altering of
10 another court's bond. The non-issuing court shall not alter
11 another courts bail set on a warrant unless the interests
12 of justice and public safety are served by such action.

13 (g) The State may appeal any order where the court has
14 increased or reduced the amount of bail or altered the
15 conditions of the bail bond or granted bail where it has
16 previously been revoked.

17 (Source: P.A. 93-417, eff. 8-5-03; 94-556, eff. 9-11-05.)

18 (725 ILCS 5/110-6.3) (from Ch. 38, par. 110-6.3)

19 Sec. 110-6.3. Denial of bail in stalking and aggravated
20 stalking offenses.

21 (a) Upon verified petition by the State, the court shall
22 hold a hearing to determine whether bail should be denied to a
23 defendant who is charged with stalking or aggravated stalking,
24 when it is alleged that the defendant's admission to bail poses
25 a real and present threat to the physical safety of the alleged

1 victim of the offense, and denial of release on bail or
2 personal recognizance is necessary to prevent fulfillment of
3 the threat upon which the charge is based.

4 (1) A petition may be filed without prior notice to the
5 defendant at the first appearance before a judge, or within
6 21 calendar days, except as provided in Section 110-6,
7 after arrest and release of the defendant upon reasonable
8 notice to defendant; provided that while the petition is
9 pending before the court, the defendant if previously
10 released shall not be detained.

11 (2) The hearing shall be held immediately upon the
12 defendant's appearance before the court, unless for good
13 cause shown the defendant or the State seeks a continuance.
14 A continuance on motion of the defendant may not exceed 5
15 calendar days, and the defendant may be held in custody
16 during the continuance. A continuance on the motion of the
17 State may not exceed 3 calendar days; however, the
18 defendant may be held in custody during the continuance
19 under this provision if the defendant has been previously
20 found to have violated an order of protection or has been
21 previously convicted of, or granted court supervision for,
22 any of the offenses set forth in Sections 11-1.20, 11-1.30,
23 11-1.40, 11-1.50, 11-1.60, 12-2, 12-3.05, 12-3.2, 12-3.3,
24 12-4, 12-4.1, 12-7.3, 12-7.4, 12-13, 12-14, 12-14.1, 12-15
25 or 12-16 of the Criminal Code of 1961 or the Criminal Code
26 of 2012, against the same person as the alleged victim of

1 the stalking or aggravated stalking offense.

2 (b) The court may deny bail to the defendant when, after
3 the hearing, it is determined that:

4 (1) the proof is evident or the presumption great that
5 the defendant has committed the offense of stalking or
6 aggravated stalking; and

7 (2) the defendant poses a real and present threat to
8 the physical safety of the alleged victim of the offense;
9 and

10 (3) the denial of release on bail or personal
11 recognizance is necessary to prevent fulfillment of the
12 threat upon which the charge is based; and

13 (4) the court finds that no condition or combination of
14 conditions set forth in subsection (b) of Section 110-10 of
15 this Code, including mental health treatment at a community
16 mental health center, hospital, or facility of the
17 Department of Human Services, can reasonably assure the
18 physical safety of the alleged victim of the offense.

19 (c) Conduct of the hearings.

20 (1) The hearing on the defendant's culpability and
21 threat to the alleged victim of the offense shall be
22 conducted in accordance with the following provisions:

23 (A) Information used by the court in its findings
24 or stated in or offered at the hearing may be by way of
25 proffer based upon reliable information offered by the
26 State or by defendant. Defendant has the right to be

1 represented by counsel, and if he is indigent, to have
2 counsel appointed for him. Defendant shall have the
3 opportunity to testify, to present witnesses in his own
4 behalf, and to cross-examine witnesses if any are
5 called by the State. The defendant has the right to
6 present witnesses in his favor. When the ends of
7 justice so require, the court may exercise its
8 discretion and compel the appearance of a complaining
9 witness. The court shall state on the record reasons
10 for granting a defense request to compel the presence
11 of a complaining witness. Cross-examination of a
12 complaining witness at the pretrial detention hearing
13 for the purpose of impeaching the witness' credibility
14 is insufficient reason to compel the presence of the
15 witness. In deciding whether to compel the appearance
16 of a complaining witness, the court shall be
17 considerate of the emotional and physical well-being
18 of the witness. The pretrial detention hearing is not
19 to be used for the purposes of discovery, and the post
20 arraignment rules of discovery do not apply. The State
21 shall tender to the defendant, prior to the hearing,
22 copies of defendant's criminal history, if any, if
23 available, and any written or recorded statements and
24 the substance of any oral statements made by any
25 person, if relied upon by the State. The rules
26 concerning the admissibility of evidence in criminal

1 trials do not apply to the presentation and
2 consideration of information at the hearing. At the
3 trial concerning the offense for which the hearing was
4 conducted neither the finding of the court nor any
5 transcript or other record of the hearing shall be
6 admissible in the State's case in chief, but shall be
7 admissible for impeachment, or as provided in Section
8 115-10.1 of this Code, or in a perjury proceeding.

9 (B) A motion by the defendant to suppress evidence
10 or to suppress a confession shall not be entertained.
11 Evidence that proof may have been obtained as the
12 result of an unlawful search and seizure or through
13 improper interrogation is not relevant to this state of
14 the prosecution.

15 (2) The facts relied upon by the court to support a
16 finding that:

17 (A) the defendant poses a real and present threat
18 to the physical safety of the alleged victim of the
19 offense; and

20 (B) the denial of release on bail or personal
21 recognizance is necessary to prevent fulfillment of
22 the threat upon which the charge is based;

23 shall be supported by clear and convincing evidence
24 presented by the State.

25 (d) Factors to be considered in making a determination of
26 the threat to the alleged victim of the offense. The court may,

1 in determining whether the defendant poses, at the time of the
2 hearing, a real and present threat to the physical safety of
3 the alleged victim of the offense, consider but shall not be
4 limited to evidence or testimony concerning:

5 (1) The nature and circumstances of the offense
6 charged;

7 (2) The history and characteristics of the defendant
8 including:

9 (A) Any evidence of the defendant's prior criminal
10 history indicative of violent, abusive or assaultive
11 behavior, or lack of that behavior. The evidence may
12 include testimony or documents received in juvenile
13 proceedings, criminal, quasi-criminal, civil
14 commitment, domestic relations or other proceedings;

15 (B) Any evidence of the defendant's psychological,
16 psychiatric or other similar social history that tends
17 to indicate a violent, abusive, or assaultive nature,
18 or lack of any such history.

19 (3) The nature of the threat which is the basis of the
20 charge against the defendant;

21 (4) Any statements made by, or attributed to the
22 defendant, together with the circumstances surrounding
23 them;

24 (5) The age and physical condition of any person
25 assaulted by the defendant;

26 (6) Whether the defendant is known to possess or have

1 access to any weapon or weapons;

2 (7) Whether, at the time of the current offense or any
3 other offense or arrest, the defendant was on probation,
4 parole, mandatory supervised release or other release from
5 custody pending trial, sentencing, appeal or completion of
6 sentence for an offense under federal or state law;

7 (8) Any other factors, including those listed in
8 Section 110-5 of this Code, deemed by the court to have a
9 reasonable bearing upon the defendant's propensity or
10 reputation for violent, abusive or assaultive behavior, or
11 lack of that behavior.

12 (e) The court shall, in any order denying bail to a person
13 charged with stalking or aggravated stalking:

14 (1) briefly summarize the evidence of the defendant's
15 culpability and its reasons for concluding that the
16 defendant should be held without bail;

17 (2) direct that the defendant be committed to the
18 custody of the sheriff for confinement in the county jail
19 pending trial;

20 (3) direct that the defendant be given a reasonable
21 opportunity for private consultation with counsel, and for
22 communication with others of his choice by visitation, mail
23 and telephone; and

24 (4) direct that the sheriff deliver the defendant as
25 required for appearances in connection with court
26 proceedings.

1 (f) If the court enters an order for the detention of the
2 defendant under subsection (e) of this Section, the defendant
3 shall be brought to trial on the offense for which he is
4 detained within 90 days after the date on which the order for
5 detention was entered. If the defendant is not brought to trial
6 within the 90 day period required by this subsection (f), he
7 shall not be held longer without bail. In computing the 90 day
8 period, the court shall omit any period of delay resulting from
9 a continuance granted at the request of the defendant. The
10 court shall immediately notify the alleged victim of the
11 offense that the defendant has been admitted to bail under this
12 subsection.

13 (g) Any person shall be entitled to appeal any order
14 entered under this Section denying bail to the defendant.

15 (h) The State may appeal any order entered under this
16 Section denying any motion for denial of bail.

17 (i) Nothing in this Section shall be construed as modifying
18 or limiting in any way the defendant's presumption of innocence
19 in further criminal proceedings.

20 (Source: P.A. 96-1551, Article 1, Section 965, eff. 7-1-11;
21 96-1551, Article 2, Section 1040, eff. 7-1-11; 97-1109, eff.
22 1-1-13.)

23 (725 ILCS 5/110-7) (from Ch. 38, par. 110-7)
24 Sec. 110-7. Deposit of Bail Security.

25 (a) The person for whom bail has been set shall execute the

1 bail bond and deposit with the clerk of the court before which
2 the proceeding is pending a sum of money equal to 10% of the
3 bail, but in no event shall such deposit be less than \$25. The
4 clerk of the court shall provide a space on each form for a
5 person other than the accused who has provided the money for
6 the posting of bail to so indicate and a space signed by an
7 accused who has executed the bail bond indicating whether a
8 person other than the accused has provided the money for the
9 posting of bail. The form shall also include a written notice
10 to such person who has provided the defendant with the money
11 for the posting of bail indicating that the bail may be used to
12 pay costs, attorney's fees, fines, or other purposes authorized
13 by the court and if the defendant fails to comply with the
14 conditions of the bail bond, the court shall enter an order
15 declaring the bail to be forfeited. The written notice must be:
16 (1) distinguishable from the surrounding text; (2) in bold type
17 or underscored; and (3) in a type size at least 2 points larger
18 than the surrounding type. When a person for whom bail has been
19 set is charged with an offense under the Illinois Controlled
20 Substances Act or the Methamphetamine Control and Community
21 Protection Act which is a Class X felony, or making a terrorist
22 threat in violation of Section 29D-20 of the Criminal Code of
23 1961 or the Criminal Code of 2012 or an attempt to commit the
24 offense of making a terrorist threat, the court may require the
25 defendant to deposit a sum equal to 100% of the bail. Where any
26 person is charged with a forcible felony while free on bail and

1 is the subject of proceedings under Section 109-3 of this Code
2 the judge conducting the preliminary examination may also
3 conduct a hearing upon the application of the State pursuant to
4 the provisions of Section 110-6 of this Code to increase or
5 revoke the bail for that person's prior alleged offense.

6 (b) Upon depositing this sum and any bond fee authorized by
7 law, the person shall be released from custody subject to the
8 conditions of the bail bond.

9 (c) Once bail has been given and a charge is pending or is
10 thereafter filed in or transferred to a court of competent
11 jurisdiction the latter court shall continue the original bail
12 in that court subject to the provisions of Section 110-6 of
13 this Code.

14 (d) After conviction the court may order that the original
15 bail stand as bail pending appeal or deny, increase or reduce
16 bail subject to the provisions of Section 110-6.2.

17 (e) After the entry of an order by the trial court allowing
18 or denying bail pending appeal either party may apply to the
19 reviewing court having jurisdiction or to a justice thereof
20 sitting in vacation for an order increasing or decreasing the
21 amount of bail or allowing or denying bail pending appeal
22 subject to the provisions of Section 110-6.2.

23 (f) When the conditions of the bail bond have been
24 performed and the accused has been discharged from all
25 obligations in the cause the clerk of the court shall return to
26 the accused or to the defendant's designee by an assignment

1 executed at the time the bail amount is deposited, unless the
2 court orders otherwise, 90% of the sum which had been deposited
3 and shall retain as bail bond costs 10% of the amount
4 deposited. However, in no event shall the amount retained by
5 the clerk as bail bond costs be less than \$5. Bail bond
6 deposited by or on behalf of a defendant in one case may be
7 used, in the court's discretion, to satisfy financial
8 obligations of that same defendant incurred in a different case
9 due to a fine, court costs, restitution or fees of the
10 defendant's attorney of record. In counties with a population
11 of 3,000,000 or more, the court shall not order bail bond
12 deposited by or on behalf of a defendant in one case to be used
13 to satisfy financial obligations of that same defendant in a
14 different case until the bail bond is first used to satisfy
15 court costs and attorney's fees in the case in which the bail
16 bond has been deposited and any other unpaid child support
17 obligations are satisfied. In counties with a population of
18 less than 3,000,000, the court shall not order bail bond
19 deposited by or on behalf of a defendant in one case to be used
20 to satisfy financial obligations of that same defendant in a
21 different case until the bail bond is first used to satisfy
22 court costs in the case in which the bail bond has been
23 deposited.

24 At the request of the defendant the court may order such
25 90% of defendant's bail deposit, or whatever amount is
26 repayable to defendant from such deposit, to be paid to

1 defendant's attorney of record.

2 (g) If the accused does not comply with the conditions of
3 the bail bond the court having jurisdiction shall enter an
4 order declaring the bail to be forfeited. Notice of such order
5 of forfeiture shall be mailed forthwith to the accused at his
6 last known address. If the accused does not appear and
7 surrender to the court having jurisdiction within 30 days from
8 the date of the forfeiture or within such period satisfy the
9 court that appearance and surrender by the accused is
10 impossible and without his fault the court shall enter judgment
11 for the State if the charge for which the bond was given was a
12 felony or misdemeanor, or if the charge was quasi-criminal or
13 traffic, judgment for the political subdivision of the State
14 which prosecuted the case, against the accused for the amount
15 of the bail and costs of the court proceedings; however, in
16 counties with a population of less than 3,000,000, instead of
17 the court entering a judgment for the full amount of the bond
18 the court may, in its discretion, enter judgment for the cash
19 deposit on the bond, less costs, retain the deposit for further
20 disposition or, if a cash bond was posted for failure to appear
21 in a matter involving enforcement of child support or
22 maintenance, the amount of the cash deposit on the bond, less
23 outstanding costs, may be awarded to the person or entity to
24 whom the child support or maintenance is due. The deposit made
25 in accordance with paragraph (a) shall be applied to the
26 payment of costs. If judgment is entered and any amount of such

1 deposit remains after the payment of costs it shall be applied
2 to payment of the judgment and transferred to the treasury of
3 the municipal corporation wherein the bond was taken if the
4 offense was a violation of any penal ordinance of a political
5 subdivision of this State, or to the treasury of the county
6 wherein the bond was taken if the offense was a violation of
7 any penal statute of this State. The balance of the judgment
8 may be enforced and collected in the same manner as a judgment
9 entered in a civil action.

10 (h) After a judgment for a fine and court costs or either
11 is entered in the prosecution of a cause in which a deposit had
12 been made in accordance with paragraph (a) the balance of such
13 deposit, after deduction of bail bond costs, shall be applied
14 to the payment of the judgment.

15 (i) When a court appearance is required for an alleged
16 violation of the Criminal Code of 1961, the Criminal Code of
17 2012, the Illinois Vehicle Code, the Wildlife Code, the Fish
18 and Aquatic Life Code, the Child Passenger Protection Act, or a
19 comparable offense of a unit of local government as specified
20 in Supreme Court Rule 551, and if the accused does not appear
21 in court on the date set for appearance or any date to which
22 the case may be continued and the court issues an arrest
23 warrant for the accused, based upon his or her failure to
24 appear when having so previously been ordered to appear by the
25 court, the accused upon his or her admission to bail shall be
26 assessed by the court a fee of \$75. Payment of the fee shall be

1 a condition of release unless otherwise ordered by the court.
2 The fee shall be in addition to any bail that the accused is
3 required to deposit for the offense for which the accused has
4 been charged and may not be used for the payment of court costs
5 or fines assessed for the offense. The clerk of the court shall
6 remit \$70 of the fee assessed to the arresting agency who
7 brings the offender in on the arrest warrant. If the Department
8 of State Police is the arresting agency, \$70 of the fee
9 assessed shall be remitted by the clerk of the court to the
10 State Treasurer within one month after receipt for deposit into
11 the State Police Operations Assistance Fund. The clerk of the
12 court shall remit \$5 of the fee assessed to the Circuit Court
13 Clerk Operation and Administrative Fund as provided in Section
14 27.3d of the Clerks of Courts Act.

15 (Source: P.A. 96-1431, eff. 1-1-11; 97-175, eff. 1-1-12.)

16 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

17 Sec. 110-10. Conditions of bail bond.

18 (a) If a person is released prior to conviction, either
19 upon payment of bail security or on his or her own
20 recognizance, the conditions of the bail bond shall be that he
21 or she will:

22 (1) Appear to answer the charge in the court having
23 jurisdiction on a day certain and thereafter as ordered by
24 the court until discharged or final order of the court;

25 (2) Submit himself or herself to the orders and process

1 of the court;

2 (3) Not depart this State without leave of the court;

3 (4) Not violate any criminal statute of any
4 jurisdiction;

5 (5) At a time and place designated by the court,
6 surrender all firearms in his or her possession to a law
7 enforcement officer designated by the court to take custody
8 of and impound the firearms and physically surrender his or
9 her Firearm Owner's Identification Card to the clerk of the
10 circuit court when the offense the person has been charged
11 with is a forcible felony, stalking, aggravated stalking,
12 domestic battery, any violation of the Illinois Controlled
13 Substances Act, the Methamphetamine Control and Community
14 Protection Act, or the Cannabis Control Act that is
15 classified as a Class 2 or greater felony, or any felony
16 violation of Article 24 of the Criminal Code of 1961 or the
17 Criminal Code of 2012; the court may, however, forgo the
18 imposition of this condition when the circumstances of the
19 case clearly do not warrant it or when its imposition would
20 be impractical; if the Firearm Owner's Identification Card
21 is confiscated, the clerk of the circuit court shall mail
22 the confiscated card to the Illinois State Police; all
23 legally possessed firearms shall be returned to the person
24 upon the charges being dismissed, or if the person is found
25 not guilty, unless the finding of not guilty is by reason
26 of insanity; and

1 (6) At a time and place designated by the court, submit
2 to a psychological evaluation when the person has been
3 charged with a violation of item (4) of subsection (a) of
4 Section 24-1 of the Criminal Code of 1961 or the Criminal
5 Code of 2012 and that violation occurred in a school or in
6 any conveyance owned, leased, or contracted by a school to
7 transport students to or from school or a school-related
8 activity, or on any public way within 1,000 feet of real
9 property comprising any school.

10 Psychological evaluations ordered pursuant to this Section
11 shall be completed promptly and made available to the State,
12 the defendant, and the court. As a further condition of bail
13 under these circumstances, the court shall order the defendant
14 to refrain from entering upon the property of the school,
15 including any conveyance owned, leased, or contracted by a
16 school to transport students to or from school or a
17 school-related activity, or on any public way within 1,000 feet
18 of real property comprising any school. Upon receipt of the
19 psychological evaluation, either the State or the defendant may
20 request a change in the conditions of bail, pursuant to Section
21 110-6 of this Code. The court may change the conditions of bail
22 to include a requirement that the defendant follow the
23 recommendations of the psychological evaluation, including
24 undergoing psychiatric treatment. The conclusions of the
25 psychological evaluation and any statements elicited from the
26 defendant during its administration are not admissible as

1 evidence of guilt during the course of any trial on the charged
2 offense, unless the defendant places his or her mental
3 competency in issue.

4 (b) The court may impose other conditions, such as the
5 following, if the court finds that such conditions are
6 reasonably necessary to assure the defendant's appearance in
7 court, protect the public from the defendant, or prevent the
8 defendant's unlawful interference with the orderly
9 administration of justice:

10 (1) Report to or appear in person before such person or
11 agency as the court may direct;

12 (2) Refrain from possessing a firearm or other
13 dangerous weapon;

14 (3) Refrain from approaching or communicating with
15 particular persons or classes of persons;

16 (4) Refrain from going to certain described
17 geographical areas or premises;

18 (5) Refrain from engaging in certain activities or
19 indulging in intoxicating liquors or in certain drugs;

20 (6) Undergo treatment for drug addiction or
21 alcoholism;

22 (7) Undergo medical or psychiatric treatment;

23 (8) Work or pursue a course of study or vocational
24 training;

25 (9) Attend or reside in a facility designated by the
26 court;

1 (10) Support his or her dependents;

2 (11) If a minor resides with his or her parents or in a
3 foster home, attend school, attend a non-residential
4 program for youths, and contribute to his or her own
5 support at home or in a foster home;

6 (12) Observe any curfew ordered by the court;

7 (13) Remain in the custody of such designated person or
8 organization agreeing to supervise his release. Such third
9 party custodian shall be responsible for notifying the
10 court if the defendant fails to observe the conditions of
11 release which the custodian has agreed to monitor, and
12 shall be subject to contempt of court for failure so to
13 notify the court;

14 (14) Be placed under direct supervision of the Pretrial
15 Services Agency, Probation Department or Court Services
16 Department in a pretrial bond home supervision capacity
17 with or without the use of an approved electronic
18 monitoring device subject to Article 8A of Chapter V of the
19 Unified Code of Corrections;

20 (14.1) The court shall impose upon a defendant who is
21 charged with any alcohol, cannabis, methamphetamine, or
22 controlled substance violation and is placed under direct
23 supervision of the Pretrial Services Agency, Probation
24 Department or Court Services Department in a pretrial bond
25 home supervision capacity with the use of an approved
26 monitoring device, as a condition of such bail bond, a fee

1 that represents costs incidental to the electronic
2 monitoring for each day of such bail supervision ordered by
3 the court, unless after determining the inability of the
4 defendant to pay the fee, the court assesses a lesser fee
5 or no fee as the case may be. The fee shall be collected by
6 the clerk of the circuit court. The clerk of the circuit
7 court shall pay all monies collected from this fee to the
8 county treasurer for deposit in the substance abuse
9 services fund under Section 5-1086.1 of the Counties Code;

10 (14.2) The court shall impose upon all defendants,
11 including those defendants subject to paragraph (14.1)
12 above, placed under direct supervision of the Pretrial
13 Services Agency, Probation Department or Court Services
14 Department in a pretrial bond home supervision capacity
15 with the use of an approved monitoring device, as a
16 condition of such bail bond, a fee which shall represent
17 costs incidental to such electronic monitoring for each day
18 of such bail supervision ordered by the court, unless after
19 determining the inability of the defendant to pay the fee,
20 the court assesses a lesser fee or no fee as the case may
21 be. The fee shall be collected by the clerk of the circuit
22 court. The clerk of the circuit court shall pay all monies
23 collected from this fee to the county treasurer who shall
24 use the monies collected to defray the costs of
25 corrections. The county treasurer shall deposit the fee
26 collected in the county working cash fund under Section

1 6-27001 or Section 6-29002 of the Counties Code, as the
2 case may be;

3 (14.3) The Chief Judge of the Judicial Circuit may
4 establish reasonable fees to be paid by a person receiving
5 pretrial services while under supervision of a pretrial
6 services agency, probation department, or court services
7 department. Reasonable fees may be charged for pretrial
8 services including, but not limited to, pretrial
9 supervision, diversion programs, electronic monitoring,
10 victim impact services, drug and alcohol testing, DNA
11 testing, GPS electronic monitoring, assessments and
12 evaluations related to domestic violence and other
13 victims, and victim mediation services. The person
14 receiving pretrial services may be ordered to pay all costs
15 incidental to pretrial services in accordance with his or
16 her ability to pay those costs;

17 (14.4) For persons charged with violating Section
18 11-501 of the Illinois Vehicle Code, refrain from operating
19 a motor vehicle not equipped with an ignition interlock
20 device, as defined in Section 1-129.1 of the Illinois
21 Vehicle Code, pursuant to the rules promulgated by the
22 Secretary of State for the installation of ignition
23 interlock devices. Under this condition the court may allow
24 a defendant who is not self-employed to operate a vehicle
25 owned by the defendant's employer that is not equipped with
26 an ignition interlock device in the course and scope of the

1 defendant's employment;

2 (15) Comply with the terms and conditions of an order
3 of protection issued by the court under the Illinois
4 Domestic Violence Act of 1986 or an order of protection
5 issued by the court of another state, tribe, or United
6 States territory;

7 (16) Under Section 110-6.5 comply with the conditions
8 of the drug testing program; and

9 (17) Such other reasonable conditions as the court may
10 impose.

11 (c) When a person is charged with an offense under Section
12 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
13 12-14.1, 12-15 or 12-16 of the "Criminal Code of 1961" or the
14 Criminal Code of 2012, involving a victim who is a minor under
15 18 years of age living in the same household with the defendant
16 at the time of the offense, in granting bail or releasing the
17 defendant on his own recognizance, the judge shall impose
18 conditions to restrict the defendant's access to the victim
19 which may include, but are not limited to conditions that he
20 will:

- 21 1. Vacate the Household.
- 22 2. Make payment of temporary support to his dependents.
- 23 3. Refrain from contact or communication with the child
24 victim, except as ordered by the court.

25 (d) When a person is charged with a criminal offense and
26 the victim is a family or household member as defined in

1 Article 112A, conditions shall be imposed at the time of the
2 defendant's release on bond that restrict the defendant's
3 access to the victim. Unless provided otherwise by the court,
4 the restrictions shall include requirements that the defendant
5 do the following:

6 (1) refrain from contact or communication with the
7 victim for a minimum period of 72 hours following the
8 defendant's release; and

9 (2) refrain from entering or remaining at the victim's
10 residence for a minimum period of 72 hours following the
11 defendant's release.

12 (e) Local law enforcement agencies shall develop
13 standardized bond forms for use in cases involving family or
14 household members as defined in Article 112A, including
15 specific conditions of bond as provided in subsection (d).
16 Failure of any law enforcement department to develop or use
17 those forms shall in no way limit the applicability and
18 enforcement of subsections (d) and (f).

19 (f) If the defendant is admitted to bail after conviction
20 the conditions of the bail bond shall be that he will, in
21 addition to the conditions set forth in subsections (a) and (b)
22 hereof:

23 (1) Duly prosecute his appeal;

24 (2) Appear at such time and place as the court may
25 direct;

26 (3) Not depart this State without leave of the court;

1 (4) Comply with such other reasonable conditions as the
2 court may impose; and

3 (5) If the judgment is affirmed or the cause reversed
4 and remanded for a new trial, forthwith surrender to the
5 officer from whose custody he was bailed.

6 (g) Upon a finding of guilty for any felony offense, the
7 defendant shall physically surrender, at a time and place
8 designated by the court, any and all firearms in his or her
9 possession and his or her Firearm Owner's Identification Card
10 as a condition of remaining on bond pending sentencing.

11 (Source: P.A. 96-340, eff. 8-11-09; 96-1551, eff. 7-1-11;
12 97-401, eff. 1-1-12; 97-1109, eff. 1-1-13.)

13 (725 ILCS 5/110-12) (from Ch. 38, par. 110-12)

14 Sec. 110-12. Notice of change of address.

15 A defendant who has been admitted to bail shall file a
16 written notice with the clerk of the court before which the
17 proceeding is pending of any change in his or her address
18 within 24 hours after such change, except that a defendant who
19 has been admitted to bail for a forcible felony as defined in
20 Section 2-8 of the Criminal Code of 2012 ~~1961~~ shall file a
21 written notice with the clerk of the court before which the
22 proceeding is pending and the clerk shall immediately deliver a
23 time stamped copy of the written notice to the State's Attorney
24 charged with the prosecution within 24 hours prior to such
25 change. The address of a defendant who has been admitted to

1 bail shall at all times remain a matter of public record with
2 the clerk of the court.

3 (Source: P.A. 89-377, eff. 8-18-95.)

4 (725 ILCS 5/111-1) (from Ch. 38, par. 111-1)

5 Sec. 111-1. Methods of prosecution.

6 When authorized by law a prosecution may be commenced by:

7 (a) A complaint;

8 (b) An information;

9 (c) An indictment.

10 Upon commencement of a prosecution for a violation of
11 Section 11-501 of the ~~The~~ Illinois Vehicle Code, or a similar
12 provision of a local ordinance, or Section 9-3 of the Criminal
13 Code of 1961 or the Criminal Code of 2012, ~~as amended,~~ relating
14 to the offense of reckless homicide, the victims of these
15 offenses shall have all the rights under this Section as they
16 do in Section 4 of the Bill of Rights for Victims and Witnesses
17 of Violent Crime Act.

18 For the purposes of this Section "victim" shall mean an
19 individual who has suffered personal injury as a result of the
20 commission of a violation of Section 11-501 of the ~~The~~ Illinois
21 Vehicle Code, or a similar provision of a local ordinance, or
22 Section 9-3 of the Criminal Code of 1961 or the Criminal Code
23 of 2012, ~~as amended,~~ relating to the offense of reckless
24 homicide. In regard to a violation of Section 9-3 of the
25 Criminal Code of 1961 or the Criminal Code of 2012, ~~as amended,~~

1 relating to the offense of reckless homicide, "victim" shall
2 also include, but not be limited to, spouse, guardian, parent,
3 or other family member.

4 (Source: P.A. 84-272.)

5 (725 ILCS 5/111-2) (from Ch. 38, par. 111-2)

6 Sec. 111-2. Commencement of prosecutions.

7 (a) All prosecutions of felonies shall be by information or
8 by indictment. No prosecution may be pursued by information
9 unless a preliminary hearing has been held or waived in
10 accordance with Section 109-3 and at that hearing probable
11 cause to believe the defendant committed an offense was found,
12 and the provisions of Section 109-3.1 of this Code have been
13 complied with.

14 (b) All other prosecutions may be by indictment,
15 information or complaint.

16 (c) Upon the filing of an information or indictment in open
17 court charging the defendant with the commission of a sex
18 offense defined in any Section of Article 11 of the Criminal
19 Code of 1961 or the Criminal Code of 2012, ~~as amended,~~ and a
20 minor as defined in Section 1-3 of the Juvenile Court Act of
21 1987, ~~as amended,~~ is alleged to be the victim of the commission
22 of the acts of the defendant in the commission of such offense,
23 the court may appoint a guardian ad litem for the minor as
24 provided in Section 2-17, 3-19, 4-16 or 5-610 of the Juvenile
25 Court Act of 1987.

1 (d) Upon the filing of an information or indictment in open
2 court, the court shall immediately issue a warrant for the
3 arrest of each person charged with an offense directed to a
4 peace officer or some other person specifically named
5 commanding him to arrest such person.

6 (e) When the offense is bailable, the judge shall endorse
7 on the warrant the amount of bail required by the order of the
8 court, and if the court orders the process returnable
9 forthwith, the warrant shall require that the accused be
10 arrested and brought immediately into court.

11 (f) Where the prosecution of a felony is by information or
12 complaint after preliminary hearing, or after a waiver of
13 preliminary hearing in accordance with paragraph (a) of this
14 Section, such prosecution may be for all offenses, arising from
15 the same transaction or conduct of a defendant even though the
16 complaint or complaints filed at the preliminary hearing
17 charged only one or some of the offenses arising from that
18 transaction or conduct.

19 (Source: P.A. 90-590, eff. 1-1-99.)

20 (725 ILCS 5/111-3) (from Ch. 38, par. 111-3)

21 Sec. 111-3. Form of charge.

22 (a) A charge shall be in writing and allege the commission
23 of an offense by:

24 (1) Stating the name of the offense;

25 (2) Citing the statutory provision alleged to have been

1 violated;

2 (3) Setting forth the nature and elements of the
3 offense charged;

4 (4) Stating the date and county of the offense as
5 definitely as can be done; and

6 (5) Stating the name of the accused, if known, and if
7 not known, designate the accused by any name or description
8 by which he can be identified with reasonable certainty.

9 (b) An indictment shall be signed by the foreman of the
10 Grand Jury and an information shall be signed by the State's
11 Attorney and sworn to by him or another. A complaint shall be
12 sworn to and signed by the complainant; provided, that when a
13 peace officer observes the commission of a misdemeanor and is
14 the complaining witness, the signing of the complaint by the
15 peace officer is sufficient to charge the defendant with the
16 commission of the offense, and the complaint need not be sworn
17 to if the officer signing the complaint certifies that the
18 statements set forth in the complaint are true and correct and
19 are subject to the penalties provided by law for false
20 certification under Section 1-109 of the Code of Civil
21 Procedure and perjury under Section 32-2 of the Criminal Code
22 of 2012 ~~1961~~; and further provided , however, that when a
23 citation is issued on a Uniform Traffic Ticket or Uniform
24 Conservation Ticket (in a form prescribed by the Conference of
25 Chief Circuit Judges and filed with the Supreme Court), the
26 copy of such Uniform Ticket which is filed with the circuit

1 court constitutes a complaint to which the defendant may plead,
2 unless he specifically requests that a verified complaint be
3 filed.

4 (c) When the State seeks an enhanced sentence because of a
5 prior conviction, the charge shall also state the intention to
6 seek an enhanced sentence and shall state such prior conviction
7 so as to give notice to the defendant. However, the fact of
8 such prior conviction and the State's intention to seek an
9 enhanced sentence are not elements of the offense and may not
10 be disclosed to the jury during trial unless otherwise
11 permitted by issues properly raised during such trial. For the
12 purposes of this Section, "enhanced sentence" means a sentence
13 which is increased by a prior conviction from one
14 classification of offense to another higher level
15 classification of offense set forth in Section 5-4.5-10 of the
16 Unified Code of Corrections (730 ILCS 5/5-4.5-10); it does not
17 include an increase in the sentence applied within the same
18 level of classification of offense.

19 (c-5) Notwithstanding any other provision of law, in all
20 cases in which the imposition of the death penalty is not a
21 possibility, if an alleged fact (other than the fact of a prior
22 conviction) is not an element of an offense but is sought to be
23 used to increase the range of penalties for the offense beyond
24 the statutory maximum that could otherwise be imposed for the
25 offense, the alleged fact must be included in the charging
26 instrument or otherwise provided to the defendant through a

1 written notification before trial, submitted to a trier of fact
2 as an aggravating factor, and proved beyond a reasonable doubt.
3 Failure to prove the fact beyond a reasonable doubt is not a
4 bar to a conviction for commission of the offense, but is a bar
5 to increasing, based on that fact, the range of penalties for
6 the offense beyond the statutory maximum that could otherwise
7 be imposed for that offense. Nothing in this subsection (c-5)
8 requires the imposition of a sentence that increases the range
9 of penalties for the offense beyond the statutory maximum that
10 could otherwise be imposed for the offense if the imposition of
11 that sentence is not required by law.

12 (d) At any time prior to trial, the State on motion shall
13 be permitted to amend the charge, whether brought by
14 indictment, information or complaint, to make the charge comply
15 with subsection (c) or (c-5) of this Section. Nothing in
16 Section 103-5 of this Code precludes such an amendment or a
17 written notification made in accordance with subsection (c-5)
18 of this Section.

19 (e) The provisions of subsection (a) of Section 5-4.5-95 of
20 the Unified Code of Corrections (730 ILCS 5/5-4.5-95) shall not
21 be affected by this Section.

22 (Source: P.A. 95-1052, eff. 7-1-09; 96-1206, eff. 1-1-11.)

23 (725 ILCS 5/111-4)

24 Sec. 111-4. Joinder of offenses and defendants.

25 (a) Two or more offenses may be charged in the same

1 indictment, information or complaint in a separate count for
2 each offense if the offenses charged, whether felonies or
3 misdemeanors or both, are based on the same act or on 2 or more
4 acts which are part of the same comprehensive transaction.

5 (b) Two or more defendants may be charged in the same
6 indictment, information or complaint if they are alleged to
7 have participated in the same act or in the same comprehensive
8 transaction out of which the offense or offenses arose. Such
9 defendants may be charged in one or more counts together or
10 separately and all of the defendants need not be charged in
11 each count.

12 (c) Two or more acts or transactions in violation of any
13 provision or provisions of Sections 8A-2, 8A-3, 8A-4, 8A-4A and
14 8A-5 of the Illinois Public Aid Code, Section 14 of the
15 Illinois Wage Payment and Collection Act, Sections 16-1,
16 16-1.3, 16-2, 16-3, 16-5, 16-7, 16-8, 16-10, 16-25, 16-30,
17 16A-3, 16B-2, 16G-15, 16G-20, 16H-15, 16H-20, 16H-25, 16H-30,
18 16H-45, 16H-50, 16H-55, 17-1, 17-3, 17-6, 17-30, 17-56, or
19 17-60, or item (ii) of subsection (a) or (b) of Section 17-9,
20 or subdivision (a)(2) of Section 17-10.5, or subsection (a),
21 (b), (c), (d), (g), (h), or (i) of Section 17-10.6, or
22 subsection (a) of Section 17-32 of the Criminal Code of 1961 or
23 the Criminal Code of 2012 and Section 118 of Division I of the
24 Criminal Jurisprudence Act, may be charged as a single offense
25 in a single count of the same indictment, information or
26 complaint, if such acts or transactions by one or more

1 defendants are in furtherance of a single intention and design
2 or if the property, labor or services obtained are of the same
3 person or are of several persons having a common interest in
4 such property, labor or services. In such a charge, the period
5 between the dates of the first and the final such acts or
6 transactions may be alleged as the date of the offense and, if
7 any such act or transaction by any defendant was committed in
8 the county where the prosecution was commenced, such county may
9 be alleged as the county of the offense.

10 (Source: P.A. 96-354, eff. 8-13-09; 96-1207, eff. 7-22-10;
11 96-1407, eff. 1-1-11; 96-1551, eff. 7-1-11; 97-333, eff.
12 8-12-11; 97-597, eff. 1-1-12.)

13 (725 ILCS 5/111-8) (from Ch. 38, par. 111-8)

14 Sec. 111-8. Orders of protection to prohibit domestic
15 violence.

16 (a) Whenever a violation of Section 9-1, 9-2, 9-3, 10-3,
17 10-3.1, 10-4, 10-5, 11-1.20, 11-1.30, 11-1.40, 11-1.50,
18 11-1.60, 11-14.3 that involves soliciting for a prostitute,
19 11-14.4 that involves soliciting for a juvenile prostitute,
20 11-15, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, 11-20a, 12-1,
21 12-2, 12-3, 12-3.05, 12-3.2, 12-3.3, 12-3.5, 12-4, 12-4.1,
22 12-4.3, 12-4.6, 12-5, 12-6, 12-6.3, 12-7.3, 12-7.4, 12-7.5,
23 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 19-4, 19-6, 21-1,
24 21-2, 21-3, or 26.5-2 of the Criminal Code of 1961 or the
25 Criminal Code of 2012 or Section 1-1 of the Harassing and

1 Obscene Communications Act is alleged in an information,
2 complaint or indictment on file, and the alleged offender and
3 victim are family or household members, as defined in the
4 Illinois Domestic Violence Act, as now or hereafter amended,
5 the People through the respective State's Attorneys may by
6 separate petition and upon notice to the defendant, except as
7 provided in subsection (c) herein, request the court to issue
8 an order of protection.

9 (b) In addition to any other remedies specified in Section
10 208 of the Illinois Domestic Violence Act, as now or hereafter
11 amended, the order may direct the defendant to initiate no
12 contact with the alleged victim or victims who are family or
13 household members and to refrain from entering the residence,
14 school or place of business of the alleged victim or victims.

15 (c) The court may grant emergency relief without notice
16 upon a showing of immediate and present danger of abuse to the
17 victim or minor children of the victim and may enter a
18 temporary order pending notice and full hearing on the matter.

19 (Source: P.A. 96-1551, Article 1, Section 965, eff. 7-1-11;
20 P.A. 96-1551, Article 2, Section 1040, eff. 7-1-11; 97-1108,
21 eff. 1-1-13; 97-1109, eff. 1-1-13.)

22 (725 ILCS 5/112A-3) (from Ch. 38, par. 112A-3)

23 Sec. 112A-3. Definitions. For the purposes of this Article,
24 the following terms shall have the following meanings:

25 (1) "Abuse" means physical abuse, harassment, intimidation

1 of a dependent, interference with personal liberty or willful
2 deprivation but does not include reasonable direction of a
3 minor child by a parent or person in loco parentis.

4 (2) "Domestic violence" means abuse as described in
5 paragraph (1).

6 (3) "Family or household members" include spouses, former
7 spouses, parents, children, stepchildren and other persons
8 related by blood or by present or prior marriage, persons who
9 share or formerly shared a common dwelling, persons who have or
10 allegedly have a child in common, persons who share or
11 allegedly share a blood relationship through a child, persons
12 who have or have had a dating or engagement relationship,
13 persons with disabilities and their personal assistants, and
14 caregivers as defined in ~~paragraph (3) of subsection (b) of~~
15 ~~Section 12-21 or in~~ subsection (e) of Section 12-4.4a of the
16 Criminal Code of 2012 ~~1961~~. For purposes of this paragraph,
17 neither a casual acquaintanceship nor ordinary fraternization
18 between 2 individuals in business or social contexts shall be
19 deemed to constitute a dating relationship.

20 (4) "Harassment" means knowing conduct which is not
21 necessary to accomplish a purpose which is reasonable under the
22 circumstances; would cause a reasonable person emotional
23 distress; and does cause emotional distress to the petitioner.
24 Unless the presumption is rebutted by a preponderance of the
25 evidence, the following types of conduct shall be presumed to
26 cause emotional distress:

1 (i) creating a disturbance at petitioner's place of
2 employment or school;

3 (ii) repeatedly telephoning petitioner's place of
4 employment, home or residence;

5 (iii) repeatedly following petitioner about in a
6 public place or places;

7 (iv) repeatedly keeping petitioner under surveillance
8 by remaining present outside his or her home, school, place
9 of employment, vehicle or other place occupied by
10 petitioner or by peering in petitioner's windows;

11 (v) improperly concealing a minor child from
12 petitioner, repeatedly threatening to improperly remove a
13 minor child of petitioner's from the jurisdiction or from
14 the physical care of petitioner, repeatedly threatening to
15 conceal a minor child from petitioner, or making a single
16 such threat following an actual or attempted improper
17 removal or concealment, unless respondent was fleeing from
18 an incident or pattern of domestic violence; or

19 (vi) threatening physical force, confinement or
20 restraint on one or more occasions.

21 (5) "Interference with personal liberty" means committing
22 or threatening physical abuse, harassment, intimidation or
23 willful deprivation so as to compel another to engage in
24 conduct from which she or he has a right to abstain or to
25 refrain from conduct in which she or he has a right to engage.

26 (6) "Intimidation of a dependent" means subjecting a person

1 who is dependent because of age, health or disability to
2 participation in or the witnessing of: physical force against
3 another or physical confinement or restraint of another which
4 constitutes physical abuse as defined in this Article,
5 regardless of whether the abused person is a family or
6 household member.

7 (7) "Order of protection" means an emergency order, interim
8 order or plenary order, granted pursuant to this Article, which
9 includes any or all of the remedies authorized by Section
10 112A-14 of this Code.

11 (8) "Petitioner" may mean not only any named petitioner for
12 the order of protection and any named victim of abuse on whose
13 behalf the petition is brought, but also any other person
14 protected by this Article.

15 (9) "Physical abuse" includes sexual abuse and means any of
16 the following:

17 (i) knowing or reckless use of physical force,
18 confinement or restraint;

19 (ii) knowing, repeated and unnecessary sleep
20 deprivation; or

21 (iii) knowing or reckless conduct which creates an
22 immediate risk of physical harm.

23 (9.5) "Stay away" means for the respondent to refrain from
24 both physical presence and nonphysical contact with the
25 petitioner whether direct, indirect (including, but not
26 limited to, telephone calls, mail, email, faxes, and written

1 notes), or through third parties who may or may not know about
2 the order of protection.

3 (10) "Willful deprivation" means wilfully denying a person
4 who because of age, health or disability requires medication,
5 medical care, shelter, accessible shelter or services, food,
6 therapeutic device, or other physical assistance, and thereby
7 exposing that person to the risk of physical, mental or
8 emotional harm, except with regard to medical care and
9 treatment when such dependent person has expressed the intent
10 to forgo such medical care or treatment. This paragraph does
11 not create any new affirmative duty to provide support to
12 dependent persons.

13 (Source: P.A. 96-1551, eff. 7-1-11.)

14 (725 ILCS 5/112A-11.1)

15 Sec. 112A-11.1. Procedure for determining whether certain
16 misdemeanor crimes are crimes of domestic violence for purposes
17 of federal law.

18 (a) When a defendant has been charged with a violation of
19 Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or 12-3.5 of the
20 Criminal Code of 1961 or the Criminal Code of 2012, the State
21 may, at arraignment or no later than 45 days after arraignment,
22 for the purpose of notification to the Department of State
23 Police Firearm Owner's Identification Card Office, serve on the
24 defendant and file with the court a notice alleging that
25 conviction of the offense would subject the defendant to the

1 prohibitions of 18 U.S.C. 922(g)(9) because of the relationship
2 between the defendant and the alleged victim and the nature of
3 the alleged offense.

4 (b) The notice shall include the name of the person alleged
5 to be the victim of the crime and shall specify the nature of
6 the alleged relationship as set forth in 18 U.S.C.
7 921(a)(33)(A)(ii). It shall also specify the element of the
8 charged offense which requires the use or attempted use of
9 physical force, or the threatened use of a deadly weapon, as
10 set forth 18 U.S.C. 921(a)(33)(A)(ii). It shall also include
11 notice that the defendant is entitled to a hearing on the
12 allegation contained in the notice and that if the allegation
13 is sustained, that determination and conviction shall be
14 reported to the Department of State Police Firearm Owner's
15 Identification Card Office.

16 (c) After having been notified as provided in subsection
17 (b) of this Section, the defendant may stipulate or admit,
18 orally on the record or in writing, that conviction of the
19 offense would subject the defendant to the prohibitions of 18
20 U.S.C. 922(g)(9). In that case, the applicability of 18 U.S.C.
21 922(g)(9) shall be deemed established for purposes of Section
22 112A-11.2. If the defendant denies the applicability of 18
23 U.S.C. 922(g)(9) as alleged in the notice served by the State,
24 or stands mute with respect to that allegation, then the State
25 shall bear the burden to prove beyond a reasonable doubt that
26 the offense is one to which the prohibitions of 18 U.S.C.

1 922(g)(9) apply. The court may consider reliable hearsay
2 evidence submitted by either party provided that it is relevant
3 to the determination of the allegation. Facts previously proven
4 at trial or elicited at the time of entry of a plea of guilty
5 shall be deemed established beyond a reasonable doubt and shall
6 not be relitigated. At the conclusion of the hearing, or upon a
7 stipulation or admission, as applicable, the court shall make a
8 specific written determination with respect to the allegation.
9 (Source: P.A. 97-1131, eff. 1-1-13.)

10 (725 ILCS 5/112A-11.2)

11 Sec. 112A-11.2. Notification to the Department of State
12 Police Firearm Owner's Identification Card Office of
13 determinations in certain misdemeanor cases. Upon judgment of
14 conviction of a violation of Section 12-1, 12-2, 12-3, 12-3.2,
15 12-3.4, or 12-3.5 of the Criminal Code of 1961 or the Criminal
16 Code of 2012 when the defendant has been determined, under
17 Section 112A-11.1, to be subject to the prohibitions of 18
18 U.S.C. 922(g)(9), the circuit court clerk shall include
19 notification and a copy of the written determination in a
20 report of the conviction to the Department of State Police
21 Firearm Owner's Identification Card Office to enable the office
22 to report that determination to the Federal Bureau of
23 Investigation and assist the Bureau in identifying persons
24 prohibited from purchasing and possessing a firearm pursuant to
25 the provisions of 18 U.S.C. 922.

1 (Source: P.A. 97-1131, eff. 1-1-13.)

2 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

3 Sec. 112A-14. Order of protection; remedies.

4 (a) Issuance of order. If the court finds that petitioner
5 has been abused by a family or household member, as defined in
6 this Article, an order of protection prohibiting such abuse
7 shall issue; provided that petitioner must also satisfy the
8 requirements of one of the following Sections, as appropriate:
9 Section 112A-17 on emergency orders, Section 112A-18 on interim
10 orders, or Section 112A-19 on plenary orders. Petitioner shall
11 not be denied an order of protection because petitioner or
12 respondent is a minor. The court, when determining whether or
13 not to issue an order of protection, shall not require physical
14 manifestations of abuse on the person of the victim.
15 Modification and extension of prior orders of protection shall
16 be in accordance with this Article.

17 (b) Remedies and standards. The remedies to be included in
18 an order of protection shall be determined in accordance with
19 this Section and one of the following Sections, as appropriate:
20 Section 112A-17 on emergency orders, Section 112A-18 on interim
21 orders, and Section 112A-19 on plenary orders. The remedies
22 listed in this subsection shall be in addition to other civil
23 or criminal remedies available to petitioner.

24 (1) Prohibition of abuse. Prohibit respondent's
25 harassment, interference with personal liberty,

1 intimidation of a dependent, physical abuse or willful
2 deprivation, as defined in this Article, if such abuse has
3 occurred or otherwise appears likely to occur if not
4 prohibited.

5 (2) Grant of exclusive possession of residence.
6 Prohibit respondent from entering or remaining in any
7 residence, household, or premises of the petitioner,
8 including one owned or leased by respondent, if petitioner
9 has a right to occupancy thereof. The grant of exclusive
10 possession of the residence, household, or premises shall
11 not affect title to real property, nor shall the court be
12 limited by the standard set forth in Section 701 of the
13 Illinois Marriage and Dissolution of Marriage Act.

14 (A) Right to occupancy. A party has a right to
15 occupancy of a residence or household if it is solely
16 or jointly owned or leased by that party, that party's
17 spouse, a person with a legal duty to support that
18 party or a minor child in that party's care, or by any
19 person or entity other than the opposing party that
20 authorizes that party's occupancy (e.g., a domestic
21 violence shelter). Standards set forth in subparagraph
22 (B) shall not preclude equitable relief.

23 (B) Presumption of hardships. If petitioner and
24 respondent each has the right to occupancy of a
25 residence or household, the court shall balance (i) the
26 hardships to respondent and any minor child or

1 dependent adult in respondent's care resulting from
2 entry of this remedy with (ii) the hardships to
3 petitioner and any minor child or dependent adult in
4 petitioner's care resulting from continued exposure to
5 the risk of abuse (should petitioner remain at the
6 residence or household) or from loss of possession of
7 the residence or household (should petitioner leave to
8 avoid the risk of abuse). When determining the balance
9 of hardships, the court shall also take into account
10 the accessibility of the residence or household.
11 Hardships need not be balanced if respondent does not
12 have a right to occupancy.

13 The balance of hardships is presumed to favor
14 possession by petitioner unless the presumption is
15 rebutted by a preponderance of the evidence, showing
16 that the hardships to respondent substantially
17 outweigh the hardships to petitioner and any minor
18 child or dependent adult in petitioner's care. The
19 court, on the request of petitioner or on its own
20 motion, may order respondent to provide suitable,
21 accessible, alternate housing for petitioner instead
22 of excluding respondent from a mutual residence or
23 household.

24 (3) Stay away order and additional prohibitions. Order
25 respondent to stay away from petitioner or any other person
26 protected by the order of protection, or prohibit

1 respondent from entering or remaining present at
2 petitioner's school, place of employment, or other
3 specified places at times when petitioner is present, or
4 both, if reasonable, given the balance of hardships.
5 Hardships need not be balanced for the court to enter a
6 stay away order or prohibit entry if respondent has no
7 right to enter the premises.

8 If an order of protection grants petitioner exclusive
9 possession of the residence, or prohibits respondent from
10 entering the residence, or orders respondent to stay away
11 from petitioner or other protected persons, then the court
12 may allow respondent access to the residence to remove
13 items of clothing and personal adornment used exclusively
14 by respondent, medications, and other items as the court
15 directs. The right to access shall be exercised on only one
16 occasion as the court directs and in the presence of an
17 agreed-upon adult third party or law enforcement officer.

18 (4) Counseling. Require or recommend the respondent to
19 undergo counseling for a specified duration with a social
20 worker, psychologist, clinical psychologist, psychiatrist,
21 family service agency, alcohol or substance abuse program,
22 mental health center guidance counselor, agency providing
23 services to elders, program designed for domestic violence
24 abusers or any other guidance service the court deems
25 appropriate. The court may order the respondent in any
26 intimate partner relationship to report to an Illinois

1 Department of Human Services protocol approved partner
2 abuse intervention program for an assessment and to follow
3 all recommended treatment.

4 (5) Physical care and possession of the minor child. In
5 order to protect the minor child from abuse, neglect, or
6 unwarranted separation from the person who has been the
7 minor child's primary caretaker, or to otherwise protect
8 the well-being of the minor child, the court may do either
9 or both of the following: (i) grant petitioner physical
10 care or possession of the minor child, or both, or (ii)
11 order respondent to return a minor child to, or not remove
12 a minor child from, the physical care of a parent or person
13 in loco parentis.

14 If a court finds, after a hearing, that respondent has
15 committed abuse (as defined in Section 112A-3) of a minor
16 child, there shall be a rebuttable presumption that
17 awarding physical care to respondent would not be in the
18 minor child's best interest.

19 (6) Temporary legal custody. Award temporary legal
20 custody to petitioner in accordance with this Section, the
21 Illinois Marriage and Dissolution of Marriage Act, the
22 Illinois Parentage Act of 1984, and this State's Uniform
23 Child-Custody Jurisdiction and Enforcement Act.

24 If a court finds, after a hearing, that respondent has
25 committed abuse (as defined in Section 112A-3) of a minor
26 child, there shall be a rebuttable presumption that

1 awarding temporary legal custody to respondent would not be
2 in the child's best interest.

3 (7) Visitation. Determine the visitation rights, if
4 any, of respondent in any case in which the court awards
5 physical care or temporary legal custody of a minor child
6 to petitioner. The court shall restrict or deny
7 respondent's visitation with a minor child if the court
8 finds that respondent has done or is likely to do any of
9 the following: (i) abuse or endanger the minor child during
10 visitation; (ii) use the visitation as an opportunity to
11 abuse or harass petitioner or petitioner's family or
12 household members; (iii) improperly conceal or detain the
13 minor child; or (iv) otherwise act in a manner that is not
14 in the best interests of the minor child. The court shall
15 not be limited by the standards set forth in Section 607.1
16 of the Illinois Marriage and Dissolution of Marriage Act.
17 If the court grants visitation, the order shall specify
18 dates and times for the visitation to take place or other
19 specific parameters or conditions that are appropriate. No
20 order for visitation shall refer merely to the term
21 "reasonable visitation".

22 Petitioner may deny respondent access to the minor
23 child if, when respondent arrives for visitation,
24 respondent is under the influence of drugs or alcohol and
25 constitutes a threat to the safety and well-being of
26 petitioner or petitioner's minor children or is behaving in

1 a violent or abusive manner.

2 If necessary to protect any member of petitioner's
3 family or household from future abuse, respondent shall be
4 prohibited from coming to petitioner's residence to meet
5 the minor child for visitation, and the parties shall
6 submit to the court their recommendations for reasonable
7 alternative arrangements for visitation. A person may be
8 approved to supervise visitation only after filing an
9 affidavit accepting that responsibility and acknowledging
10 accountability to the court.

11 (8) Removal or concealment of minor child. Prohibit
12 respondent from removing a minor child from the State or
13 concealing the child within the State.

14 (9) Order to appear. Order the respondent to appear in
15 court, alone or with a minor child, to prevent abuse,
16 neglect, removal or concealment of the child, to return the
17 child to the custody or care of the petitioner or to permit
18 any court-ordered interview or examination of the child or
19 the respondent.

20 (10) Possession of personal property. Grant petitioner
21 exclusive possession of personal property and, if
22 respondent has possession or control, direct respondent to
23 promptly make it available to petitioner, if:

24 (i) petitioner, but not respondent, owns the
25 property; or

26 (ii) the parties own the property jointly; sharing

1 it would risk abuse of petitioner by respondent or is
2 impracticable; and the balance of hardships favors
3 temporary possession by petitioner.

4 If petitioner's sole claim to ownership of the property
5 is that it is marital property, the court may award
6 petitioner temporary possession thereof under the
7 standards of subparagraph (ii) of this paragraph only if a
8 proper proceeding has been filed under the Illinois
9 Marriage and Dissolution of Marriage Act, as now or
10 hereafter amended.

11 No order under this provision shall affect title to
12 property.

13 (11) Protection of property. Forbid the respondent
14 from taking, transferring, encumbering, concealing,
15 damaging or otherwise disposing of any real or personal
16 property, except as explicitly authorized by the court, if:

17 (i) petitioner, but not respondent, owns the
18 property; or

19 (ii) the parties own the property jointly, and the
20 balance of hardships favors granting this remedy.

21 If petitioner's sole claim to ownership of the property
22 is that it is marital property, the court may grant
23 petitioner relief under subparagraph (ii) of this
24 paragraph only if a proper proceeding has been filed under
25 the Illinois Marriage and Dissolution of Marriage Act, as
26 now or hereafter amended.

1 The court may further prohibit respondent from
2 improperly using the financial or other resources of an
3 aged member of the family or household for the profit or
4 advantage of respondent or of any other person.

5 (11.5) Protection of animals. Grant the petitioner the
6 exclusive care, custody, or control of any animal owned,
7 possessed, leased, kept, or held by either the petitioner
8 or the respondent or a minor child residing in the
9 residence or household of either the petitioner or the
10 respondent and order the respondent to stay away from the
11 animal and forbid the respondent from taking,
12 transferring, encumbering, concealing, harming, or
13 otherwise disposing of the animal.

14 (12) Order for payment of support. Order respondent to
15 pay temporary support for the petitioner or any child in
16 the petitioner's care or custody, when the respondent has a
17 legal obligation to support that person, in accordance with
18 the Illinois Marriage and Dissolution of Marriage Act,
19 which shall govern, among other matters, the amount of
20 support, payment through the clerk and withholding of
21 income to secure payment. An order for child support may be
22 granted to a petitioner with lawful physical care or
23 custody of a child, or an order or agreement for physical
24 care or custody, prior to entry of an order for legal
25 custody. Such a support order shall expire upon entry of a
26 valid order granting legal custody to another, unless

1 otherwise provided in the custody order.

2 (13) Order for payment of losses. Order respondent to
3 pay petitioner for losses suffered as a direct result of
4 the abuse. Such losses shall include, but not be limited
5 to, medical expenses, lost earnings or other support,
6 repair or replacement of property damaged or taken,
7 reasonable attorney's fees, court costs and moving or other
8 travel expenses, including additional reasonable expenses
9 for temporary shelter and restaurant meals.

10 (i) Losses affecting family needs. If a party is
11 entitled to seek maintenance, child support or
12 property distribution from the other party under the
13 Illinois Marriage and Dissolution of Marriage Act, as
14 now or hereafter amended, the court may order
15 respondent to reimburse petitioner's actual losses, to
16 the extent that such reimbursement would be
17 "appropriate temporary relief", as authorized by
18 subsection (a) (3) of Section 501 of that Act.

19 (ii) Recovery of expenses. In the case of an
20 improper concealment or removal of a minor child, the
21 court may order respondent to pay the reasonable
22 expenses incurred or to be incurred in the search for
23 and recovery of the minor child, including but not
24 limited to legal fees, court costs, private
25 investigator fees, and travel costs.

26 (14) Prohibition of entry. Prohibit the respondent

1 from entering or remaining in the residence or household
2 while the respondent is under the influence of alcohol or
3 drugs and constitutes a threat to the safety and well-being
4 of the petitioner or the petitioner's children.

5 (14.5) Prohibition of firearm possession.

6 (a) Prohibit a respondent against whom an order of
7 protection was issued from possessing any firearms
8 during the duration of the order if the order:

9 (1) was issued after a hearing of which such
10 person received actual notice, and at which such
11 person had an opportunity to participate;

12 (2) restrains such person from harassing,
13 stalking, or threatening an intimate partner of
14 such person or child of such intimate partner or
15 person, or engaging in other conduct that would
16 place an intimate partner in reasonable fear of
17 bodily injury to the partner or child; and

18 (3)(i) includes a finding that such person
19 represents a credible threat to the physical
20 safety of such intimate partner or child; or (ii)
21 by its terms explicitly prohibits the use,
22 attempted use, or threatened use of physical force
23 against such intimate partner or child that would
24 reasonably be expected to cause bodily injury.

25 Any firearms in the possession of the respondent,
26 except as provided in subsection (b), shall be ordered

1 by the court to be turned over to the local law
2 enforcement agency for safekeeping. The court shall
3 issue an order that the respondent's Firearm Owner's
4 Identification Card be turned over to the local law
5 enforcement agency, which in turn shall immediately
6 mail the card to the Department of State Police Firearm
7 Owner's Identification Card Office for safekeeping.
8 The period of safekeeping shall be for the duration of
9 the order of protection. The firearm or firearms and
10 Firearm Owner's Identification Card, if unexpired,
11 shall at the respondent's request be returned to the
12 respondent at expiration of the order of protection.

13 (b) If the respondent is a peace officer as defined
14 in Section 2-13 of the Criminal Code of 2012 ~~1961~~, the
15 court shall order that any firearms used by the
16 respondent in the performance of his or her duties as a
17 peace officer be surrendered to the chief law
18 enforcement executive of the agency in which the
19 respondent is employed, who shall retain the firearms
20 for safekeeping for the duration of the order of
21 protection.

22 (c) Upon expiration of the period of safekeeping,
23 if the firearms or Firearm Owner's Identification Card
24 cannot be returned to respondent because respondent
25 cannot be located, fails to respond to requests to
26 retrieve the firearms, or is not lawfully eligible to

1 possess a firearm, upon petition from the local law
2 enforcement agency, the court may order the local law
3 enforcement agency to destroy the firearms, use the
4 firearms for training purposes, or for any other
5 application as deemed appropriate by the local law
6 enforcement agency; or that the firearms be turned over
7 to a third party who is lawfully eligible to possess
8 firearms, and who does not reside with respondent.

9 (15) Prohibition of access to records. If an order of
10 protection prohibits respondent from having contact with
11 the minor child, or if petitioner's address is omitted
12 under subsection (b) of Section 112A-5, or if necessary to
13 prevent abuse or wrongful removal or concealment of a minor
14 child, the order shall deny respondent access to, and
15 prohibit respondent from inspecting, obtaining, or
16 attempting to inspect or obtain, school or any other
17 records of the minor child who is in the care of
18 petitioner.

19 (16) Order for payment of shelter services. Order
20 respondent to reimburse a shelter providing temporary
21 housing and counseling services to the petitioner for the
22 cost of the services, as certified by the shelter and
23 deemed reasonable by the court.

24 (17) Order for injunctive relief. Enter injunctive
25 relief necessary or appropriate to prevent further abuse of
26 a family or household member or to effectuate one of the

1 granted remedies, if supported by the balance of hardships.
2 If the harm to be prevented by the injunction is abuse or
3 any other harm that one of the remedies listed in
4 paragraphs (1) through (16) of this subsection is designed
5 to prevent, no further evidence is necessary to establish
6 that the harm is an irreparable injury.

7 (c) Relevant factors; findings.

8 (1) In determining whether to grant a specific remedy,
9 other than payment of support, the court shall consider
10 relevant factors, including but not limited to the
11 following:

12 (i) the nature, frequency, severity, pattern and
13 consequences of the respondent's past abuse of the
14 petitioner or any family or household member,
15 including the concealment of his or her location in
16 order to evade service of process or notice, and the
17 likelihood of danger of future abuse to petitioner or
18 any member of petitioner's or respondent's family or
19 household; and

20 (ii) the danger that any minor child will be abused
21 or neglected or improperly removed from the
22 jurisdiction, improperly concealed within the State or
23 improperly separated from the child's primary
24 caretaker.

25 (2) In comparing relative hardships resulting to the
26 parties from loss of possession of the family home, the

1 court shall consider relevant factors, including but not
2 limited to the following:

3 (i) availability, accessibility, cost, safety,
4 adequacy, location and other characteristics of
5 alternate housing for each party and any minor child or
6 dependent adult in the party's care;

7 (ii) the effect on the party's employment; and

8 (iii) the effect on the relationship of the party,
9 and any minor child or dependent adult in the party's
10 care, to family, school, church and community.

11 (3) Subject to the exceptions set forth in paragraph
12 (4) of this subsection, the court shall make its findings
13 in an official record or in writing, and shall at a minimum
14 set forth the following:

15 (i) That the court has considered the applicable
16 relevant factors described in paragraphs (1) and (2) of
17 this subsection.

18 (ii) Whether the conduct or actions of respondent,
19 unless prohibited, will likely cause irreparable harm
20 or continued abuse.

21 (iii) Whether it is necessary to grant the
22 requested relief in order to protect petitioner or
23 other alleged abused persons.

24 (4) For purposes of issuing an ex parte emergency order
25 of protection, the court, as an alternative to or as a
26 supplement to making the findings described in paragraphs

1 (c) (3) (i) through (c) (3) (iii) of this subsection, may use
2 the following procedure:

3 When a verified petition for an emergency order of
4 protection in accordance with the requirements of Sections
5 112A-5 and 112A-17 is presented to the court, the court
6 shall examine petitioner on oath or affirmation. An
7 emergency order of protection shall be issued by the court
8 if it appears from the contents of the petition and the
9 examination of petitioner that the averments are
10 sufficient to indicate abuse by respondent and to support
11 the granting of relief under the issuance of the emergency
12 order of protection.

13 (5) Never married parties. No rights or
14 responsibilities for a minor child born outside of marriage
15 attach to a putative father until a father and child
16 relationship has been established under the Illinois
17 Parentage Act of 1984. Absent such an adjudication, no
18 putative father shall be granted temporary custody of the
19 minor child, visitation with the minor child, or physical
20 care and possession of the minor child, nor shall an order
21 of payment for support of the minor child be entered.

22 (d) Balance of hardships; findings. If the court finds that
23 the balance of hardships does not support the granting of a
24 remedy governed by paragraph (2), (3), (10), (11), or (16) of
25 subsection (b) of this Section, which may require such
26 balancing, the court's findings shall so indicate and shall

1 include a finding as to whether granting the remedy will result
2 in hardship to respondent that would substantially outweigh the
3 hardship to petitioner from denial of the remedy. The findings
4 shall be an official record or in writing.

5 (e) Denial of remedies. Denial of any remedy shall not be
6 based, in whole or in part, on evidence that:

7 (1) Respondent has cause for any use of force, unless
8 that cause satisfies the standards for justifiable use of
9 force provided by Article 7 ~~VII~~ of the Criminal Code of
10 2012 ~~1961~~;

11 (2) Respondent was voluntarily intoxicated;

12 (3) Petitioner acted in self-defense or defense of
13 another, provided that, if petitioner utilized force, such
14 force was justifiable under Article 7 ~~VII~~ of the Criminal
15 Code of 2012 ~~1961~~;

16 (4) Petitioner did not act in self-defense or defense
17 of another;

18 (5) Petitioner left the residence or household to avoid
19 further abuse by respondent;

20 (6) Petitioner did not leave the residence or household
21 to avoid further abuse by respondent;

22 (7) Conduct by any family or household member excused
23 the abuse by respondent, unless that same conduct would
24 have excused such abuse if the parties had not been family
25 or household members.

26 (Source: P.A. 96-701, eff. 1-1-10; 96-1239, eff. 1-1-11;

1 97-158, eff. 1-1-12; 97-1131, eff. 1-1-13.)

2 (725 ILCS 5/112A-16) (from Ch. 38, par. 112A-16)

3 Sec. 112A-16. Accountability for Actions of Others. For the
4 purposes of issuing an order of protection, deciding what
5 remedies should be included and enforcing the order, Article 5
6 of the Criminal Code of 2012 ~~1961~~ shall govern whether
7 respondent is legally accountable for the conduct of another
8 person.

9 (Source: P.A. 84-1305.)

10 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

11 Sec. 112A-23. Enforcement of orders of protection.

12 (a) When violation is crime. A violation of any order of
13 protection, whether issued in a civil, quasi-criminal
14 proceeding, shall be enforced by a criminal court when:

15 (1) The respondent commits the crime of violation of an
16 order of protection pursuant to Section 12-3.4 or 12-30 of
17 the Criminal Code of 1961 or the Criminal Code of 2012, by
18 having knowingly violated:

19 (i) remedies described in paragraphs (1), (2),
20 (3), (14), or (14.5) of subsection (b) of Section
21 112A-14,

22 (ii) a remedy, which is substantially similar to
23 the remedies authorized under paragraphs (1), (2),
24 (3), (14) or (14.5) of subsection (b) of Section 214 of

1 the Illinois Domestic Violence Act of 1986, in a valid
2 order of protection, which is authorized under the laws
3 of another state, tribe or United States territory,

4 (iii) or any other remedy when the act constitutes
5 a crime against the protected parties as defined by the
6 Criminal Code of 1961 or the Criminal Code of 2012.

7 Prosecution for a violation of an order of protection shall
8 not bar concurrent prosecution for any other crime, including
9 any crime that may have been committed at the time of the
10 violation of the order of protection; or

11 (2) The respondent commits the crime of child abduction
12 pursuant to Section 10-5 of the Criminal Code of 1961 or
13 the Criminal Code of 2012, by having knowingly violated:

14 (i) remedies described in paragraphs (5), (6) or
15 (8) of subsection (b) of Section 112A-14, or

16 (ii) a remedy, which is substantially similar to
17 the remedies authorized under paragraphs (1), (5),
18 (6), or (8) of subsection (b) of Section 214 of the
19 Illinois Domestic Violence Act of 1986, in a valid
20 order of protection, which is authorized under the laws
21 of another state, tribe or United States territory.

22 (b) When violation is contempt of court. A violation of any
23 valid order of protection, whether issued in a civil or
24 criminal proceeding, may be enforced through civil or criminal
25 contempt procedures, as appropriate, by any court with
26 jurisdiction, regardless where the act or acts which violated

1 the order of protection were committed, to the extent
2 consistent with the venue provisions of this Article. Nothing
3 in this Article shall preclude any Illinois court from
4 enforcing any valid order of protection issued in another
5 state. Illinois courts may enforce orders of protection through
6 both criminal prosecution and contempt proceedings, unless the
7 action which is second in time is barred by collateral estoppel
8 or the constitutional prohibition against double jeopardy.

9 (1) In a contempt proceeding where the petition for a
10 rule to show cause sets forth facts evidencing an immediate
11 danger that the respondent will flee the jurisdiction,
12 conceal a child, or inflict physical abuse on the
13 petitioner or minor children or on dependent adults in
14 petitioner's care, the court may order the attachment of
15 the respondent without prior service of the rule to show
16 cause or the petition for a rule to show cause. Bond shall
17 be set unless specifically denied in writing.

18 (2) A petition for a rule to show cause for violation
19 of an order of protection shall be treated as an expedited
20 proceeding.

21 (c) Violation of custody or support orders. A violation of
22 remedies described in paragraphs (5), (6), (8), or (9) of
23 subsection (b) of Section 112A-14 may be enforced by any remedy
24 provided by Section 611 of the Illinois Marriage and
25 Dissolution of Marriage Act. The court may enforce any order
26 for support issued under paragraph (12) of subsection (b) of

1 Section 112A-14 in the manner provided for under Parts V and
2 VII of the Illinois Marriage and Dissolution of Marriage Act.

3 (d) Actual knowledge. An order of protection may be
4 enforced pursuant to this Section if the respondent violates
5 the order after respondent has actual knowledge of its contents
6 as shown through one of the following means:

7 (1) By service, delivery, or notice under Section
8 112A-10.

9 (2) By notice under Section 112A-11.

10 (3) By service of an order of protection under Section
11 112A-22.

12 (4) By other means demonstrating actual knowledge of
13 the contents of the order.

14 (e) The enforcement of an order of protection in civil or
15 criminal court shall not be affected by either of the
16 following:

17 (1) The existence of a separate, correlative order
18 entered under Section 112A-15.

19 (2) Any finding or order entered in a conjoined
20 criminal proceeding.

21 (f) Circumstances. The court, when determining whether or
22 not a violation of an order of protection has occurred, shall
23 not require physical manifestations of abuse on the person of
24 the victim.

25 (g) Penalties.

26 (1) Except as provided in paragraph (3) of this

1 subsection, where the court finds the commission of a crime
2 or contempt of court under subsections (a) or (b) of this
3 Section, the penalty shall be the penalty that generally
4 applies in such criminal or contempt proceedings, and may
5 include one or more of the following: incarceration,
6 payment of restitution, a fine, payment of attorneys' fees
7 and costs, or community service.

8 (2) The court shall hear and take into account evidence
9 of any factors in aggravation or mitigation before deciding
10 an appropriate penalty under paragraph (1) of this
11 subsection.

12 (3) To the extent permitted by law, the court is
13 encouraged to:

14 (i) increase the penalty for the knowing violation
15 of any order of protection over any penalty previously
16 imposed by any court for respondent's violation of any
17 order of protection or penal statute involving
18 petitioner as victim and respondent as defendant;

19 (ii) impose a minimum penalty of 24 hours
20 imprisonment for respondent's first violation of any
21 order of protection; and

22 (iii) impose a minimum penalty of 48 hours
23 imprisonment for respondent's second or subsequent
24 violation of an order of protection

25 unless the court explicitly finds that an increased penalty
26 or that period of imprisonment would be manifestly unjust.

1 (4) In addition to any other penalties imposed for a
2 violation of an order of protection, a criminal court may
3 consider evidence of any violations of an order of
4 protection:

5 (i) to increase, revoke or modify the bail bond on
6 an underlying criminal charge pursuant to Section
7 110-6;

8 (ii) to revoke or modify an order of probation,
9 conditional discharge or supervision, pursuant to
10 Section 5-6-4 of the Unified Code of Corrections;

11 (iii) to revoke or modify a sentence of periodic
12 imprisonment, pursuant to Section 5-7-2 of the Unified
13 Code of Corrections.

14 (Source: P.A. 95-331, eff. 8-21-07; 96-1551, eff. 7-1-11.)

15 (725 ILCS 5/112A-26) (from Ch. 38, par. 112A-26)

16 Sec. 112A-26. Arrest without warrant.

17 (a) Any law enforcement officer may make an arrest without
18 warrant if the officer has probable cause to believe that the
19 person has committed or is committing any crime, including but
20 not limited to violation of an order of protection, under
21 Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the
22 Criminal Code of 2012, even if the crime was not committed in
23 the presence of the officer.

24 (b) The law enforcement officer may verify the existence of
25 an order of protection by telephone or radio communication with

1 his or her law enforcement agency or by referring to the copy
2 of the order provided by petitioner or respondent.

3 (Source: P.A. 96-1551, eff. 7-1-11.)

4 (725 ILCS 5/112A-30) (from Ch. 38, par. 112A-30)

5 Sec. 112A-30. Assistance by law enforcement officers.

6 (a) Whenever a law enforcement officer has reason to
7 believe that a person has been abused by a family or household
8 member, the officer shall immediately use all reasonable means
9 to prevent further abuse, including:

10 (1) Arresting the abusing party, where appropriate;

11 (2) If there is probable cause to believe that
12 particular weapons were used to commit the incident of
13 abuse, subject to constitutional limitations, seizing and
14 taking inventory of the weapons;

15 (3) Accompanying the victim of abuse to his or her
16 place of residence for a reasonable period of time to
17 remove necessary personal belongings and possessions;

18 (4) Offering the victim of abuse immediate and adequate
19 information (written in a language appropriate for the
20 victim or in Braille or communicated in appropriate sign
21 language), which shall include a summary of the procedures
22 and relief available to victims of abuse under subsection
23 (c) of Section 112A-17 and the officer's name and badge
24 number;

25 (5) Providing the victim with one referral to an

1 accessible service agency;

2 (6) Advising the victim of abuse about seeking medical
3 attention and preserving evidence (specifically including
4 photographs of injury or damage and damaged clothing or
5 other property); and

6 (7) Providing or arranging accessible transportation
7 for the victim of abuse (and, at the victim's request, any
8 minors or dependents in the victim's care) to a medical
9 facility for treatment of injuries or to a nearby place of
10 shelter or safety; or, after the close of court business
11 hours, providing or arranging for transportation for the
12 victim (and, at the victim's request, any minors or
13 dependents in the victim's care) to the nearest available
14 circuit judge or associate judge so the victim may file a
15 petition for an emergency order of protection under
16 subsection (c) of Section 112A-17. When a victim of abuse
17 chooses to leave the scene of the offense, it shall be
18 presumed that it is in the best interests of any minors or
19 dependents in the victim's care to remain with the victim
20 or a person designated by the victim, rather than to remain
21 with the abusing party.

22 (b) Whenever a law enforcement officer does not exercise
23 arrest powers or otherwise initiate criminal proceedings, the
24 officer shall:

25 (1) Make a police report of the investigation of any
26 bona fide allegation of an incident of abuse and the

1 disposition of the investigation, in accordance with
2 subsection (a) of Section 112A-29;

3 (2) Inform the victim of abuse of the victim's right to
4 request that a criminal proceeding be initiated where
5 appropriate, including specific times and places for
6 meeting with the State's Attorney's office, a warrant
7 officer, or other official in accordance with local
8 procedure; and

9 (3) Advise the victim of the importance of seeking
10 medical attention and preserving evidence (specifically
11 including photographs of injury or damage and damaged
12 clothing or other property).

13 (c) Except as provided by Section 24-6 of the Criminal Code
14 of 2012 ~~1961~~ or under a court order, any weapon seized under
15 subsection (a) (2) shall be returned forthwith to the person
16 from whom it was seized when it is no longer needed for
17 evidentiary purposes.

18 (Source: P.A. 87-1186; 88-498.)

19 (725 ILCS 5/114-1) (from Ch. 38, par. 114-1)

20 Sec. 114-1. Motion to dismiss charge.

21 (a) Upon the written motion of the defendant made prior to
22 trial before or after a plea has been entered the court may
23 dismiss the indictment, information or complaint upon any of
24 the following grounds:

25 (1) The defendant has not been placed on trial in

1 compliance with Section 103-5 of this Code.

2 (2) The prosecution of the offense is barred by
3 Sections 3-3 through 3-8 of the Criminal Code of 2012 ~~1961,~~
4 ~~as heretofore and hereafter amended.~~

5 (3) The defendant has received immunity from
6 prosecution for the offense charged.

7 (4) The indictment was returned by a Grand Jury which
8 was improperly selected and which results in substantial
9 injustice to the defendant.

10 (5) The indictment was returned by a Grand Jury which
11 acted contrary to Article 112 of this Code and which
12 results in substantial injustice to the defendant.

13 (6) The court in which the charge has been filed does
14 not have jurisdiction.

15 (7) The county is an improper place of trial.

16 (8) The charge does not state an offense.

17 (9) The indictment is based solely upon the testimony
18 of an incompetent witness.

19 (10) The defendant is misnamed in the charge and the
20 misnomer results in substantial injustice to the
21 defendant.

22 (11) The requirements of Section 109-3.1 have not been
23 complied with.

24 (b) The court shall require any motion to dismiss to be
25 filed within a reasonable time after the defendant has been
26 arraigned. Any motion not filed within such time or an

1 extension thereof shall not be considered by the court and the
2 grounds therefor, except as to subsections (a)(6) and (a)(8) of
3 this Section, are waived.

4 (c) If the motion presents only an issue of law the court
5 shall determine it without the necessity of further pleadings.
6 If the motion alleges facts not of record in the case the State
7 shall file an answer admitting or denying each of the factual
8 allegations of the motion.

9 (d) When an issue of fact is presented by a motion to
10 dismiss and the answer of the State the court shall conduct a
11 hearing and determine the issues.

12 (d-5) When a defendant seeks dismissal of the charge upon
13 the ground set forth in subsection (a)(7) of this Section, the
14 defendant shall make a prima facie showing that the county is
15 an improper place of trial. Upon such showing, the State shall
16 have the burden of proving, by a preponderance of the evidence,
17 that the county is the proper place of trial.

18 (e) Dismissal of the charge upon the grounds set forth in
19 subsections (a)(4) through (a)(11) of this Section shall not
20 prevent the return of a new indictment or the filing of a new
21 charge, and upon such dismissal the court may order that the
22 defendant be held in custody or, if the defendant had been
23 previously released on bail, that the bail be continued for a
24 specified time pending the return of a new indictment or the
25 filing of a new charge.

26 (f) If the court determines that the motion to dismiss

1 based upon the grounds set forth in subsections (a)(6) and
2 (a)(7) is well founded it may, instead of dismissal, order the
3 cause transferred to a court of competent jurisdiction or to a
4 proper place of trial.

5 (Source: P.A. 92-16, eff. 6-28-01.)

6 (725 ILCS 5/114-4) (from Ch. 38, par. 114-4)

7 Sec. 114-4. Motion for continuance.

8 (a) The defendant or the State may move for a continuance.
9 If the motion is made more than 30 days after arraignment the
10 court shall require that it be in writing and supported by
11 affidavit.

12 (b) A written motion for continuance made by defendant more
13 than 30 days after arraignment may be granted when:

14 (1) Counsel for the defendant is ill, has died, or is
15 held to trial in another cause; or

16 (2) Counsel for the defendant has been unable to
17 prepare for trial because of illness or because he has been
18 held to trial in another cause; or

19 (3) A material witness is unavailable and the defense
20 will be prejudiced by the absence of his testimony;
21 however, this shall not be a ground for continuance if the
22 State will stipulate that the testimony of the witness
23 would be as alleged; or

24 (4) The defendant cannot stand trial because of
25 physical or mental incompetency; or

1 (5) Pre-trial publicity concerning the case has caused
2 a prejudice against defendant on the part of the community;
3 or

4 (6) The amendment of a charge or a bill of particulars
5 has taken the defendant by surprise and he cannot fairly
6 defend against such an amendment without a continuance.

7 (c) A written motion for continuance made by the State more
8 than 30 days after arraignment may be granted when:

9 (1) The prosecutor assigned to the case is ill, has
10 died, or is held to trial in another cause; or

11 (2) A material witness is unavailable and the
12 prosecution will be prejudiced by the absence of his
13 testimony; however this shall not be a ground for
14 continuance if the defendant will stipulate that the
15 testimony of the witness would be as alleged; or

16 (3) Pre-trial publicity concerning the case has caused
17 a prejudice against the prosecution on the part of the
18 community.

19 (d) The court may upon the written motion of either party
20 or upon the court's own motion order a continuance for grounds
21 not stated in subsections (b) and (c) of this Section if he
22 finds that the interests of justice so require.

23 (e) All motions for continuance are addressed to the
24 discretion of the trial court and shall be considered in the
25 light of the diligence shown on the part of the movant. Where 1
26 year has expired since the filing of an information or

1 indictments, filed after January 1, 1980, if the court finds
2 that the State has failed to use due diligence in bringing the
3 case to trial, the court may, after a hearing had on the cause,
4 on its own motion, dismiss the information or indictment. Any
5 demand that the defendant had made for a speedy trial under
6 Section 103-5 of this code shall not abate if the State files a
7 new information or the grand jury reindicts in the cause.

8 After a hearing has been held upon the issue of the State's
9 diligence and the court has found that the State has failed to
10 use due diligence in pursuing the prosecution, the court may
11 not dismiss the indictment or information without granting the
12 State one more court date upon which to proceed. Such date
13 shall be not less than 14 nor more than 30 days from the date of
14 the court's finding. If the State is not prepared to proceed
15 upon that date, the court shall dismiss the indictment or
16 information, as provided in this Section.

17 (f) After trial has begun a reasonably brief continuance
18 may be granted to either side in the interests of justice.

19 (g) During the time the General Assembly is in session, the
20 court shall, on motion of either party or on its own motion,
21 grant a continuance where the party or his attorney is a member
22 of either house of the General Assembly whose presence is
23 necessary for the full, fair trial of the cause and, in the
24 case of an attorney, where the attorney was retained by the
25 party before the cause was set for trial.

26 (h) This Section shall be construed to the end that

1 criminal cases are tried with due diligence consonant with the
2 rights of the defendant and the State to a speedy, fair and
3 impartial trial.

4 (i) Physical incapacity of a defendant may be grounds for a
5 continuance at any time. If, upon written motion of the
6 defendant or the State or upon the court's own motion, and
7 after presentation of affidavits or evidence, the court
8 determines that the defendant is physically unable to appear in
9 court or to assist in his defense, or that such appearance
10 would endanger his health or result in substantial prejudice, a
11 continuance shall be granted. If such continuance precedes the
12 appearance of counsel for such defendant the court shall
13 simultaneously appoint counsel in the manner prescribed by
14 Section 113-3 of this Act. Such continuance shall suspend the
15 provisions of Section 103-5 of this Act, which periods of time
16 limitation shall commence anew when the court, after
17 presentation of additional affidavits or evidence, has
18 determined that such physical incapacity has been
19 substantially removed.

20 (j) In actions arising out of building code violations or
21 violations of municipal ordinances caused by the failure of a
22 building or structure to conform to the minimum standards of
23 health and safety, the court shall grant a continuance only
24 upon a written motion by the party seeking the continuance
25 specifying the reason why such continuance should be granted.

26 (k) In prosecutions for violations of Section 10-1, 10-2,

1 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
2 12-14.1, 12-15 or 12-16 of the "Criminal Code of 1961" or the
3 Criminal Code of 2012 involving a victim or witness who is a
4 minor under 18 years of age, the court shall, in ruling on any
5 motion or other request for a delay or continuance of
6 proceedings, consider and give weight to the adverse impact the
7 delay or continuance may have on the well-being of a child or
8 witness.

9 (1) The court shall consider the age of the victim and the
10 condition of the victim's health when ruling on a motion for a
11 continuance.

12 (Source: P.A. 96-1551, eff. 7-1-11.)

13 (725 ILCS 5/114-11) (from Ch. 38, par. 114-11)

14 Sec. 114-11. Motion to Suppress Confession.

15 (a) Prior to the trial of any criminal case a defendant may
16 move to suppress as evidence any confession given by him on the
17 ground that it was not voluntary.

18 (b) The motion shall be in writing and state facts showing
19 wherein the confession is involuntary.

20 (c) If the allegations of the motion state facts which, if
21 true, show that the confession was not voluntarily made the
22 court shall conduct a hearing into the merits of the motion.

23 (d) The burden of going forward with the evidence and the
24 burden of proving that a confession was voluntary shall be on
25 the State. Objection to the failure of the State to call all

1 material witnesses on the issue of whether the confession was
2 voluntary must be made in the trial court.

3 (e) The motion shall be made only before a court with
4 jurisdiction to try the offense.

5 (f) The issue of the admissibility of the confession shall
6 not be submitted to the jury. The circumstances surrounding the
7 making of the confession may be submitted to the jury as
8 bearing upon the credibility or the weight to be given to the
9 confession.

10 (g) The motion shall be made before trial unless
11 opportunity therefor did not exist or the defendant was not
12 aware of the grounds for the motion. If the motion is made
13 during trial, and the court determines that the motion is not
14 untimely, and the court conducts a hearing on the merits and
15 enters an order suppressing the confession, the court shall
16 terminate the trial with respect to every defendant who was a
17 party to the hearing and who was within the scope of the order
18 of suppression, without further proceedings, unless the State
19 files a written notice that there will be no interlocutory
20 appeal from such order of suppression. In the event of such
21 termination, the court shall proceed with the trial of other
22 defendants not thus affected. Such termination of trial shall
23 be proper and shall not bar subsequent prosecution of the
24 identical charges and defendants; however, if after such
25 termination the State fails to prosecute the interlocutory
26 appeal until a determination of the merits of the appeal by the

1 reviewing court, the termination shall be improper within the
2 meaning of subparagraph (a) (3) of Section 3-4 of the "Criminal
3 Code of 2012 1961", ~~approved July 28, 1961, as amended,~~ and
4 subsequent prosecution of such defendants upon such charges
5 shall be barred.

6 (Source: P.A. 76-1096.)

7 (725 ILCS 5/114-12) (from Ch. 38, par. 114-12)

8 Sec. 114-12. Motion to Suppress Evidence Illegally Seized.

9 (a) A defendant aggrieved by an unlawful search and seizure may
10 move the court for the return of property and to suppress as
11 evidence anything so obtained on the ground that:

12 (1) The search and seizure without a warrant was illegal;
13 or

14 (2) The search and seizure with a warrant was illegal
15 because the warrant is insufficient on its face; the evidence
16 seized is not that described in the warrant; there was not
17 probable cause for the issuance of the warrant; or, the warrant
18 was illegally executed.

19 (b) The motion shall be in writing and state facts showing
20 wherein the search and seizure were unlawful. The judge shall
21 receive evidence on any issue of fact necessary to determine
22 the motion and the burden of proving that the search and
23 seizure were unlawful shall be on the defendant. If the motion
24 is granted the property shall be restored, unless otherwise
25 subject to lawful detention, and it shall not be admissible in

1 evidence against the movant at any trial.

2 (1) If a defendant seeks to suppress evidence because of
3 the conduct of a peace officer in obtaining the evidence, the
4 State may urge that the peace officer's conduct was taken in a
5 reasonable and objective good faith belief that the conduct was
6 proper and that the evidence discovered should not be
7 suppressed if otherwise admissible. The court shall not
8 suppress evidence which is otherwise admissible in a criminal
9 proceeding if the court determines that the evidence was seized
10 by a peace officer who acted in good faith.

11 (2) "Good faith" means whenever a peace officer obtains
12 evidence:

13 (i) pursuant to a search or an arrest warrant obtained from
14 a neutral and detached judge, which warrant is free from
15 obvious defects other than non-deliberate errors in
16 preparation and contains no material misrepresentation by any
17 agent of the State, and the officer reasonably believed the
18 warrant to be valid; or

19 (ii) pursuant to a warrantless search incident to an arrest
20 for violation of a statute or local ordinance which is later
21 declared unconstitutional or otherwise invalidated.

22 (3) This amendatory Act of 1987 shall not be construed to
23 limit the enforcement of any appropriate civil remedy or
24 criminal sanction in actions pursuant to other provisions of
25 law against any individual or government entity found to have
26 conducted an unreasonable search or seizure.

1 (4) This amendatory Act of 1987 does not apply to unlawful
2 electronic eavesdropping or wiretapping.

3 (c) The motion shall be made before trial unless
4 opportunity therefor did not exist or the defendant was not
5 aware of the grounds for the motion. If the motion is made
6 during trial, and the court determines that the motion is not
7 untimely, and the court conducts a hearing on the merits and
8 enters an order suppressing the evidence, the court shall
9 terminate the trial with respect to every defendant who was a
10 party to the hearing and who was within the scope of the order
11 of suppression, without further proceedings, unless the State
12 files a written notice that there will be no interlocutory
13 appeal from such order of suppression. In the event of such
14 termination, the court shall proceed with the trial of other
15 defendants not thus affected. Such termination of trial shall
16 be proper and shall not bar subsequent prosecution of the
17 identical charges and defendants; however, if after such
18 termination the State fails to prosecute the interlocutory
19 appeal until a determination of the merits of the appeal by the
20 reviewing court, the termination shall be improper within the
21 meaning of subparagraph (a) (3) of Section 3-4 of the "Criminal
22 Code of 2012 ~~1961~~", ~~approved July 28, 1961, as amended,~~ and
23 subsequent prosecution of such defendants upon such charges
24 shall be barred.

25 (d) The motion shall be made only before a court with
26 jurisdiction to try the offense.

1 (e) The order or judgment granting or denying the motion
2 shall state the findings of facts and conclusions of law upon
3 which the order or judgment is based.

4 (Source: P.A. 85-388.)

5 (725 ILCS 5/115-3) (from Ch. 38, par. 115-3)

6 Sec. 115-3. Trial by the Court. (a) A trial shall be
7 conducted in the presence of the defendant unless he waives the
8 right to be present.

9 (b) Upon conclusion of the trial the court shall enter a
10 general finding, except that, when the affirmative defense of
11 insanity has been presented during the trial and acquittal is
12 based solely upon the defense of insanity, the court shall
13 enter a finding of not guilty by reason of insanity. In the
14 event of a finding of not guilty by reason of insanity, a
15 hearing shall be held pursuant to the Mental Health and
16 Developmental Disabilities Code to determine whether the
17 defendant is subject to involuntary admission.

18 (c) When the defendant has asserted a defense of insanity,
19 the court may find the defendant guilty but mentally ill if,
20 after hearing all of the evidence, the court finds that:

21 (1) the State has proven beyond a reasonable doubt that the
22 defendant is guilty of the offense charged; and

23 (2) the defendant has failed to prove his insanity as
24 required in subsection (b) of Section 3-2 of the Criminal Code
25 of 2012 ~~1961, as amended,~~ and subsections (a), (b) and (e) of

1 Section 6-2 of the Criminal Code of 2012 ~~1961, as amended~~; and

2 (3) the defendant has proven by a preponderance of the
3 evidence that he was mentally ill, as defined in subsections
4 (c) and (d) of Section 6-2 of the Criminal Code of 2012 ~~1961,~~
5 ~~as amended~~, at the time of the offense.

6 (Source: P.A. 86-392.)

7 (725 ILCS 5/115-4) (from Ch. 38, par. 115-4)

8 Sec. 115-4. Trial by Court and Jury.) (a) Questions of law
9 shall be decided by the court and questions of fact by the
10 jury.

11 (b) The jury shall consist of 12 members.

12 (c) Upon request the parties shall be furnished with a list
13 of prospective jurors with their addresses if known.

14 (d) Each party may challenge jurors for cause. If a
15 prospective juror has a physical impairment, the court shall
16 consider such prospective juror's ability to perceive and
17 appreciate the evidence when considering a challenge for cause.

18 (e) A defendant tried alone shall be allowed 20 peremptory
19 challenges in a capital case, 10 in a case in which the
20 punishment may be imprisonment in the penitentiary, and 5 in
21 all other cases; except that, in a single trial of more than
22 one defendant, each defendant shall be allowed 12 peremptory
23 challenges in a capital case, 6 in a case in which the
24 punishment may be imprisonment in the penitentiary, and 3 in
25 all other cases. If several charges against a defendant or

1 defendants are consolidated for trial, each defendant shall be
2 allowed peremptory challenges upon one charge only, which
3 single charge shall be the charge against that defendant
4 authorizing the greatest maximum penalty. The State shall be
5 allowed the same number of peremptory challenges as all of the
6 defendants.

7 (f) After examination by the court the jurors may be
8 examined, passed upon, accepted and tendered by opposing
9 counsel as provided by Supreme Court rules.

10 (g) After the jury is impaneled and sworn the court may
11 direct the selection of 2 alternate jurors who shall take the
12 same oath as the regular jurors. Each party shall have one
13 additional peremptory challenge for each alternate juror. If
14 before the final submission of a cause a member of the jury
15 dies or is discharged he shall be replaced by an alternate
16 juror in the order of selection.

17 (h) A trial by the court and jury shall be conducted in the
18 presence of the defendant unless he waives the right to be
19 present.

20 (i) After arguments of counsel the court shall instruct the
21 jury as to the law.

22 (j) Unless the affirmative defense of insanity has been
23 presented during the trial, the jury shall return a general
24 verdict as to each offense charged. When the affirmative
25 defense of insanity has been presented during the trial, the
26 court shall provide the jury not only with general verdict

1 forms but also with a special verdict form of not guilty by
2 reason of insanity, as to each offense charged, and in such
3 event the court shall separately instruct the jury that a
4 special verdict of not guilty by reason of insanity may be
5 returned instead of a general verdict but such special verdict
6 requires a unanimous finding by the jury that the defendant
7 committed the acts charged but at the time of the commission of
8 those acts the defendant was insane. In the event of a verdict
9 of not guilty by reason of insanity, a hearing shall be held
10 pursuant to the Mental Health and Developmental Disabilities
11 Code to determine whether the defendant is subject to
12 involuntary admission. When the affirmative defense of
13 insanity has been presented during the trial, the court, where
14 warranted by the evidence, shall also provide the jury with a
15 special verdict form of guilty but mentally ill, as to each
16 offense charged and shall separately instruct the jury that a
17 special verdict of guilty but mentally ill may be returned
18 instead of a general verdict, but that such special verdict
19 requires a unanimous finding by the jury that: (1) the State
20 has proven beyond a reasonable doubt that the defendant is
21 guilty of the offense charged; and (2) the defendant has failed
22 to prove his insanity as required in subsection (b) of Section
23 3-2 of the Criminal Code of 2012 ~~1961, as amended,~~ and
24 subsections (a), (b) and (e) of Section 6-2 of the Criminal
25 Code of 2012 ~~1961, as amended;~~ and (3) the defendant has proven
26 by a preponderance of the evidence that he was mentally ill, as

1 defined in subsections (c) and (d) of Section 6-2 of the
2 Criminal Code of 2012 ~~1961, as amended,~~ at the time of the
3 offense.

4 (k) When, at the close of the State's evidence or at the
5 close of all of the evidence, the evidence is insufficient to
6 support a finding or verdict of guilty the court may and on
7 motion of the defendant shall make a finding or direct the jury
8 to return a verdict of not guilty, enter a judgment of
9 acquittal and discharge the defendant.

10 (l) When the jury retires to consider its verdict an
11 officer of the court shall be appointed to keep them together
12 and to prevent conversation between the jurors and others;
13 however, if any juror is deaf, the jury may be accompanied by
14 and may communicate with a court-appointed interpreter during
15 its deliberations. Upon agreement between the State and
16 defendant or his counsel the jury may seal and deliver its
17 verdict to the clerk of the court, separate, and then return
18 such verdict in open court at its next session.

19 (m) In the trial of a capital or other offense, any juror
20 who is a member of a panel or jury which has been impaneled and
21 sworn as a panel or as a jury shall be permitted to separate
22 from other such jurors during every period of adjournment to a
23 later day, until final submission of the cause to the jury for
24 determination, except that no such separation shall be
25 permitted in any trial after the court, upon motion by the
26 defendant or the State or upon its own motion, finds a

1 probability that prejudice to the defendant or to the State
2 will result from such separation.

3 (n) The members of the jury shall be entitled to take notes
4 during the trial, and the sheriff of the county in which the
5 jury is sitting shall provide them with writing materials for
6 this purpose. Such notes shall remain confidential, and shall
7 be destroyed by the sheriff after the verdict has been returned
8 or a mistrial declared.

9 (o) A defendant tried by the court and jury shall only be
10 found guilty, guilty but mentally ill, not guilty or not guilty
11 by reason of insanity, upon the unanimous verdict of the jury.
12 (Source: P.A. 86-392.)

13 (725 ILCS 5/115-6) (from Ch. 38, par. 115-6)

14 Sec. 115-6. Appointment of Psychiatrist or Clinical
15 Psychologist. If the defendant has given notice that he may
16 rely upon the defense of insanity as defined in Section 6-2 of
17 the Criminal Code of 2012 ~~1961~~ or the defendant indicates that
18 he intends to plead guilty but mentally ill or the defense of
19 intoxicated or drugged condition as defined in Section 6-3 of
20 the Criminal Code of 2012 ~~1961~~ or if the facts and
21 circumstances of the case justify a reasonable belief that the
22 aforesaid defenses may be raised, the Court shall, on motion of
23 the State, order the defendant to submit to examination by at
24 least one clinical psychologist or psychiatrist, to be named by
25 the prosecuting attorney. The Court shall also order the

1 defendant to submit to an examination by one neurologist, one
2 clinical psychologist and one electroencephalographer to be
3 named by the prosecuting attorney if the State asks for one or
4 more of such additional examinations. The Court may order
5 additional examinations if the Court finds that additional
6 examinations by additional experts will be of substantial value
7 in the determination of issues of insanity or drugged
8 conditions. The reports of such experts shall be made available
9 to the defense. Any statements made by defendant to such
10 experts shall not be admissible against the defendant unless he
11 raises the defense of insanity or the defense of drugged
12 condition, in which case they shall be admissible only on the
13 issue of whether he was insane or drugged. The refusal of the
14 defendant to cooperate in such examinations shall not
15 automatically preclude the raising of the aforesaid defenses
16 but shall preclude the defendant from offering expert evidence
17 or testimony tending to support such defenses if the expert
18 evidence or testimony is based upon the expert's examination of
19 the defendant. If the Court, after a hearing, determines to its
20 satisfaction that the defendant's refusal to cooperate was
21 unreasonable it may, in its sound discretion, bar any or all
22 evidence upon the defense asserted.

23 (Source: P.A. 82-553.)

24 (725 ILCS 5/115-7) (from Ch. 38, par. 115-7)

25 Sec. 115-7. a. In prosecutions for predatory criminal

1 sexual assault of a child, aggravated criminal sexual assault,
2 criminal sexual assault, aggravated criminal sexual abuse,
3 criminal sexual abuse, or criminal transmission of HIV; and in
4 prosecutions for battery and aggravated battery, when the
5 commission of the offense involves sexual penetration or sexual
6 conduct as defined in Section 11-0.1 of the Criminal Code of
7 2012 ~~1961~~; and with the trial or retrial of the offenses
8 formerly known as rape, deviate sexual assault, indecent
9 liberties with a child, and aggravated indecent liberties with
10 a child, the prior sexual activity or the reputation of the
11 alleged victim or corroborating witness under Section 115-7.3
12 of this Code is inadmissible except (1) as evidence concerning
13 the past sexual conduct of the alleged victim or corroborating
14 witness under Section 115-7.3 of this Code with the accused
15 when this evidence is offered by the accused upon the issue of
16 whether the alleged victim or corroborating witness under
17 Section 115-7.3 of this Code consented to the sexual conduct
18 with respect to which the offense is alleged; or (2) when
19 constitutionally required to be admitted.

20 b. No evidence admissible under this Section shall be
21 introduced unless ruled admissible by the trial judge after an
22 offer of proof has been made at a hearing to be held in camera
23 in order to determine whether the defense has evidence to
24 impeach the witness in the event that prior sexual activity
25 with the defendant is denied. Such offer of proof shall include
26 reasonably specific information as to the date, time and place

1 of the past sexual conduct between the alleged victim or
2 corroborating witness under Section 115-7.3 of this Code and
3 the defendant. Unless the court finds that reasonably specific
4 information as to date, time or place, or some combination
5 thereof, has been offered as to prior sexual activity with the
6 defendant, counsel for the defendant shall be ordered to
7 refrain from inquiring into prior sexual activity between the
8 alleged victim or corroborating witness under Section 115-7.3
9 of this Code and the defendant. The court shall not admit
10 evidence under this Section unless it determines at the hearing
11 that the evidence is relevant and the probative value of the
12 evidence outweighs the danger of unfair prejudice. The evidence
13 shall be admissible at trial to the extent an order made by the
14 court specifies the evidence that may be admitted and areas
15 with respect to which the alleged victim or corroborating
16 witness under Section 115-7.3 of this Code may be examined or
17 cross examined.

18 (Source: P.A. 96-1551, eff. 7-1-11.)

19 (725 ILCS 5/115-7.2) (from Ch. 38, par. 115-7.2)

20 Sec. 115-7.2. In a prosecution for an illegal sexual act
21 perpetrated upon a victim, including but not limited to
22 prosecutions for violations of Sections 11-1.20 through
23 11-1.60 or 12-13 through 12-16 of the Criminal Code of 1961 or
24 the Criminal Code of 2012, or ritualized abuse of a child under
25 Section 12-33 of the Criminal Code of 1961 or the Criminal Code

1 of 2012, testimony by an expert, qualified by the court
2 relating to any recognized and accepted form of post-traumatic
3 stress syndrome shall be admissible as evidence.

4 (Source: P.A. 96-1551, eff. 7-1-11.)

5 (725 ILCS 5/115-7.3)

6 Sec. 115-7.3. Evidence in certain cases.

7 (a) This Section applies to criminal cases in which:

8 (1) the defendant is accused of predatory criminal
9 sexual assault of a child, aggravated criminal sexual
10 assault, criminal sexual assault, aggravated criminal
11 sexual abuse, criminal sexual abuse, child pornography,
12 aggravated child pornography, or criminal transmission of
13 HIV;

14 (2) the defendant is accused of battery, aggravated
15 battery, first degree murder, or second degree murder when
16 the commission of the offense involves sexual penetration
17 or sexual conduct as defined in Section 11-0.1 of the
18 Criminal Code of 2012 ~~1961~~; or

19 (3) the defendant is tried or retried for any of the
20 offenses formerly known as rape, deviate sexual assault,
21 indecent liberties with a child, or aggravated indecent
22 liberties with a child.

23 (b) If the defendant is accused of an offense set forth in
24 paragraph (1) or (2) of subsection (a) or the defendant is
25 tried or retried for any of the offenses set forth in paragraph

1 (3) of subsection (a), evidence of the defendant's commission
2 of another offense or offenses set forth in paragraph (1), (2),
3 or (3) of subsection (a), or evidence to rebut that proof or an
4 inference from that proof, may be admissible (if that evidence
5 is otherwise admissible under the rules of evidence) and may be
6 considered for its bearing on any matter to which it is
7 relevant.

8 (c) In weighing the probative value of the evidence against
9 undue prejudice to the defendant, the court may consider:

10 (1) the proximity in time to the charged or predicate
11 offense;

12 (2) the degree of factual similarity to the charged or
13 predicate offense; or

14 (3) other relevant facts and circumstances.

15 (d) In a criminal case in which the prosecution intends to
16 offer evidence under this Section, it must disclose the
17 evidence, including statements of witnesses or a summary of the
18 substance of any testimony, at a reasonable time in advance of
19 trial, or during trial if the court excuses pretrial notice on
20 good cause shown.

21 (e) In a criminal case in which evidence is offered under
22 this Section, proof may be made by specific instances of
23 conduct, testimony as to reputation, or testimony in the form
24 of an expert opinion, except that the prosecution may offer
25 reputation testimony only after the opposing party has offered
26 that testimony.

1 (f) In prosecutions for a violation of Section 10-2,
2 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-3.05, 12-4,
3 12-13, 12-14, 12-14.1, 12-15, 12-16, or 18-5 of the Criminal
4 Code of 1961 or the Criminal Code of 2012, involving the
5 involuntary delivery of a controlled substance to a victim, no
6 inference may be made about the fact that a victim did not
7 consent to a test for the presence of controlled substances.

8 (Source: P.A. 96-1551, eff. 7-1-11; 97-1109, eff. 1-1-13.)

9 (725 ILCS 5/115-10) (from Ch. 38, par. 115-10)

10 Sec. 115-10. Certain hearsay exceptions.

11 (a) In a prosecution for a physical or sexual act
12 perpetrated upon or against a child under the age of 13, or a
13 person who was a moderately, severely, or profoundly
14 intellectually disabled person as defined in this Code and in
15 Section 2-10.1 of the Criminal Code of 1961 or the Criminal
16 Code of 2012 at the time the act was committed, including but
17 not limited to prosecutions for violations of Sections 11-1.20
18 through 11-1.60 or 12-13 through 12-16 of the Criminal Code of
19 1961 or the Criminal Code of 2012 and prosecutions for
20 violations of Sections 10-1 (kidnapping), 10-2 (aggravated
21 kidnapping), 10-3 (unlawful restraint), 10-3.1 (aggravated
22 unlawful restraint), 10-4 (forcible detention), 10-5 (child
23 abduction), 10-6 (harboring a runaway), 10-7 (aiding or
24 abetting child abduction), 11-9 (public indecency), 11-11
25 (sexual relations within families), 11-21 (harmful material),

1 12-1 (assault), 12-2 (aggravated assault), 12-3 (battery),
2 12-3.2 (domestic battery), 12-3.3 (aggravated domestic
3 battery), 12-3.05 or 12-4 (aggravated battery), 12-4.1
4 (heinous battery), 12-4.2 (aggravated battery with a firearm),
5 12-4.3 (aggravated battery of a child), 12-4.7 (drug induced
6 infliction of great bodily harm), 12-5 (reckless conduct), 12-6
7 (intimidation), 12-6.1 or 12-6.5 (compelling organization
8 membership of persons), 12-7.1 (hate crime), 12-7.3
9 (stalking), 12-7.4 (aggravated stalking), 12-10 or 12C-35
10 (tattooing the body of a minor), 12-11 or 19-6 (home invasion),
11 12-21.5 or 12C-10 (child abandonment), 12-21.6 or 12C-5
12 (endangering the life or health of a child) or 12-32 (ritual
13 mutilation) of the Criminal Code of 1961 or the Criminal Code
14 of 2012 or any sex offense as defined in subsection (B) of
15 Section 2 of the Sex Offender Registration Act, the following
16 evidence shall be admitted as an exception to the hearsay rule:

17 (1) testimony by the victim of an out of court
18 statement made by the victim that he or she complained of
19 such act to another; and

20 (2) testimony of an out of court statement made by the
21 victim describing any complaint of such act or matter or
22 detail pertaining to any act which is an element of an
23 offense which is the subject of a prosecution for a sexual
24 or physical act against that victim.

25 (b) Such testimony shall only be admitted if:

26 (1) The court finds in a hearing conducted outside the

1 presence of the jury that the time, content, and
2 circumstances of the statement provide sufficient
3 safeguards of reliability; and

4 (2) The child or moderately, severely, or profoundly
5 intellectually disabled person either:

6 (A) testifies at the proceeding; or

7 (B) is unavailable as a witness and there is
8 corroborative evidence of the act which is the subject
9 of the statement; and

10 (3) In a case involving an offense perpetrated against
11 a child under the age of 13, the out of court statement was
12 made before the victim attained 13 years of age or within 3
13 months after the commission of the offense, whichever
14 occurs later, but the statement may be admitted regardless
15 of the age of the victim at the time of the proceeding.

16 (c) If a statement is admitted pursuant to this Section,
17 the court shall instruct the jury that it is for the jury to
18 determine the weight and credibility to be given the statement
19 and that, in making the determination, it shall consider the
20 age and maturity of the child, or the intellectual capabilities
21 of the moderately, severely, or profoundly intellectually
22 disabled person, the nature of the statement, the circumstances
23 under which the statement was made, and any other relevant
24 factor.

25 (d) The proponent of the statement shall give the adverse
26 party reasonable notice of his intention to offer the statement

1 and the particulars of the statement.

2 (e) Statements described in paragraphs (1) and (2) of
3 subsection (a) shall not be excluded on the basis that they
4 were obtained as a result of interviews conducted pursuant to a
5 protocol adopted by a Child Advocacy Advisory Board as set
6 forth in subsections (c), (d), and (e) of Section 3 of the
7 Children's Advocacy Center Act or that an interviewer or
8 witness to the interview was or is an employee, agent, or
9 investigator of a State's Attorney's office.

10 (Source: P.A. 96-710, eff. 1-1-10; 96-1551, Article 1, Section
11 965, eff. 7-1-11; 96-1551, Article 2, Section 1040, eff.
12 7-1-11; 97-227, eff. 1-1-12; 97-1108, eff. 1-1-13; 97-1109,
13 eff. 1-1-13; revised 9-20-12.)

14 (725 ILCS 5/115-10.2a)

15 Sec. 115-10.2a. Admissibility of prior statements in
16 domestic violence prosecutions when the witness is unavailable
17 to testify.

18 (a) In a domestic violence prosecution, a statement, made
19 by an individual identified in Section 201 of the Illinois
20 Domestic Violence Act of 1986 as a person protected by that
21 Act, that is not specifically covered by any other hearsay
22 exception but having equivalent circumstantial guarantees of
23 trustworthiness, is not excluded by the hearsay rule if the
24 declarant is identified as unavailable as defined in subsection
25 (c) and if the court determines that:

1 (1) the statement is offered as evidence of a material
2 fact; and

3 (2) the statement is more probative on the point for
4 which it is offered than any other evidence which the
5 proponent can procure through reasonable efforts; and

6 (3) the general purposes of this Section and the
7 interests of justice will best be served by admission of
8 the statement into evidence.

9 (b) A statement may not be admitted under this exception
10 unless the proponent of it makes known to the adverse party
11 sufficiently in advance of the trial or hearing to provide the
12 adverse party with a fair opportunity to prepare to meet it,
13 the proponent's intention to offer the statement, and the
14 particulars of the statement, including the name and address of
15 the declarant.

16 (c) Unavailability as a witness includes circumstances in
17 which the declarant:

18 (1) is exempted by ruling of the court on the ground of
19 privilege from testifying concerning the subject matter of
20 the declarant's statement; or

21 (2) persists in refusing to testify concerning the
22 subject matter of the declarant's statement despite an
23 order of the court to do so; or

24 (3) testifies to a lack of memory of the subject matter
25 of the declarant's statement; or

26 (4) is unable to be present or to testify at the

1 hearing because of health or then existing physical or
2 mental illness or infirmity; or

3 (5) is absent from the hearing and the proponent of the
4 statement has been unable to procure the declarant's
5 attendance by process or other reasonable means; or

6 (6) is a crime victim as defined in Section 3 of the
7 Rights of Crime Victims and Witnesses Act and the failure
8 of the declarant to testify is caused by the defendant's
9 intimidation of the declarant as defined in Section 12-6 of
10 the Criminal Code of 2012 ~~1961~~.

11 (d) A declarant is not unavailable as a witness if
12 exemption, refusal, claim of lack of memory, inability, or
13 absence is due to the procurement or wrongdoing of the
14 proponent of a statement for purpose of preventing the witness
15 from attending or testifying.

16 (e) Nothing in this Section shall render a prior statement
17 inadmissible for purposes of impeachment because the statement
18 was not recorded or otherwise fails to meet the criteria set
19 forth in this Section.

20 (Source: P.A. 93-443, eff. 8-5-03.)

21 (725 ILCS 5/115-10.3)

22 Sec. 115-10.3. Hearsay exception regarding elder adults.

23 (a) In a prosecution for a physical act, abuse, neglect, or
24 financial exploitation perpetrated upon or against an eligible
25 adult, as defined in the Elder Abuse and Neglect Act, who has

1 been diagnosed by a physician to suffer from (i) any form of
2 dementia, developmental disability, or other form of mental
3 incapacity or (ii) any physical infirmity, including but not
4 limited to prosecutions for violations of Sections 10-1, 10-2,
5 10-3, 10-3.1, 10-4, 11-1.20, 11-1.30, 11-1.40, 11-1.50,
6 11-1.60, 11-11, 12-1, 12-2, 12-3, 12-3.05, 12-3.2, 12-3.3,
7 12-4, 12-4.1, 12-4.2, 12-4.5, 12-4.6, 12-4.7, 12-5, 12-6,
8 12-7.3, 12-7.4, 12-11, 12-11.1, 12-13, 12-14, 12-15, 12-16,
9 12-21, 16-1, 16-1.3, 17-1, 17-3, 17-56, 18-1, 18-2, 18-3, 18-4,
10 18-5, 18-6, 19-6, 20-1.1, 24-1.2, and 33A-2, or subsection (b)
11 of Section 12-4.4a, or subsection (a) of Section 17-32, of the
12 Criminal Code of 1961 or the Criminal Code of 2012, the
13 following evidence shall be admitted as an exception to the
14 hearsay rule:

15 (1) testimony by an eligible adult, of an out of court
16 statement made by the eligible adult, that he or she
17 complained of such act to another; and

18 (2) testimony of an out of court statement made by the
19 eligible adult, describing any complaint of such act or
20 matter or detail pertaining to any act which is an element
21 of an offense which is the subject of a prosecution for a
22 physical act, abuse, neglect, or financial exploitation
23 perpetrated upon or against the eligible adult.

24 (b) Such testimony shall only be admitted if:

25 (1) The court finds in a hearing conducted outside the
26 presence of the jury that the time, content, and

1 circumstances of the statement provide sufficient
2 safeguards of reliability; and

3 (2) The eligible adult either:

4 (A) testifies at the proceeding; or

5 (B) is unavailable as a witness and there is
6 corroborative evidence of the act which is the subject
7 of the statement.

8 (c) If a statement is admitted pursuant to this Section,
9 the court shall instruct the jury that it is for the jury to
10 determine the weight and credibility to be given the statement
11 and that, in making the determination, it shall consider the
12 condition of the eligible adult, the nature of the statement,
13 the circumstances under which the statement was made, and any
14 other relevant factor.

15 (d) The proponent of the statement shall give the adverse
16 party reasonable notice of his or her intention to offer the
17 statement and the particulars of the statement.

18 (Source: P.A. 96-1551, Article 1, Section 965, eff. 7-1-11;
19 96-1551, Article 2, Section 1040, eff. 7-1-11; 96-1551, Article
20 10, Section 10-145, eff. 7-1-11; 97-1108, eff. 1-1-13; 97-1109,
21 eff. 1-1-13.)

22 (725 ILCS 5/115-10.6)

23 Sec. 115-10.6. Hearsay exception for intentional murder of
24 a witness.

25 (a) A statement is not rendered inadmissible by the hearsay

1 rule if it is offered against a party that has killed the
2 declarant in violation of clauses (a) (1) and (a) (2) of Section
3 9-1 of the Criminal Code of 1961 or the Criminal Code of 2012
4 intending to procure the unavailability of the declarant as a
5 witness in a criminal or civil proceeding.

6 (b) While intent to procure the unavailability of the
7 witness is a necessary element for the introduction of the
8 statements, it need not be the sole motivation behind the
9 murder which procured the unavailability of the declarant as a
10 witness.

11 (c) The murder of the declarant may, but need not, be the
12 subject of the trial at which the statement is being offered.
13 If the murder of the declarant is not the subject of the trial
14 at which the statement is being offered, the murder need not
15 have ever been prosecuted.

16 (d) The proponent of the statements shall give the adverse
17 party reasonable written notice of its intention to offer the
18 statements and the substance of the particulars of each
19 statement of the declarant. For purposes of this Section,
20 identifying the location of the statements in tendered
21 discovery shall be sufficient to satisfy the substance of the
22 particulars of the statement.

23 (e) The admissibility of the statements shall be determined
24 by the court at a pretrial hearing. At the hearing, the
25 proponent of the statement bears the burden of establishing 3
26 criteria by a preponderance of the evidence:

1 (1) first, that the adverse party murdered the
2 declarant and that the murder was intended to cause the
3 unavailability of the declarant as a witness;

4 (2) second, that the time, content, and circumstances
5 of the statements provide sufficient safeguards of
6 reliability;

7 (3) third, the interests of justice will best be served
8 by admission of the statement into evidence.

9 (f) The court shall make specific findings as to each of
10 these criteria on the record before ruling on the admissibility
11 of said statements.

12 (g) This Section in no way precludes or changes the
13 application of the existing common law doctrine of forfeiture
14 by wrongdoing.

15 (Source: P.A. 95-1004, eff. 12-8-08.)

16 (725 ILCS 5/115-11) (from Ch. 38, par. 115-11)

17 Sec. 115-11. In a prosecution for a criminal offense
18 defined in Article 11 or in Section 11-1.20, 11-1.30, 11-1.40,
19 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the
20 "Criminal Code of 1961 or the Criminal Code of 2012", where the
21 alleged victim of the offense is a minor under 18 years of age,
22 the court may exclude from the proceedings while the victim is
23 testifying, all persons, who, in the opinion of the court, do
24 not have a direct interest in the case, except the media.

25 (Source: P.A. 96-1551, eff. 7-1-11.)

1 (725 ILCS 5/115-11.1) (from Ch. 38, par. 115-11.1)

2 Sec. 115-11.1. Use of "Rape". The use of the word "rape",
3 "rapist", or any derivative of "rape" by any victim, witness,
4 State's Attorney, defense attorney, judge or other court
5 personnel in any prosecutions of offenses in Sections 11-1.20
6 through 11-1.60 or 12-13 through 12-16 of the Criminal Code of
7 1961 or the Criminal Code of 2012, ~~as amended~~, is not
8 inadmissible.

9 (Source: P.A. 96-1551, eff. 7-1-11.)

10 (725 ILCS 5/115-13) (from Ch. 38, par. 115-13)

11 Sec. 115-13. In a prosecution for violation of Section
12 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
13 12-14.1, 12-15 or 12-16 of the "Criminal Code of 1961 or the
14 Criminal Code of 2012", statements made by the victim to
15 medical personnel for purposes of medical diagnosis or
16 treatment including descriptions of the cause of symptom, pain
17 or sensations, or the inception or general character of the
18 cause or external source thereof insofar as reasonably
19 pertinent to diagnosis or treatment shall be admitted as an
20 exception to the hearsay rule.

21 (Source: P.A. 96-1551, eff. 7-1-11.)

22 (725 ILCS 5/115-15)

23 Sec. 115-15. Laboratory reports.

1 (a) In any criminal prosecution for a violation of the
2 Cannabis Control Act, the Illinois Controlled Substances Act,
3 or the Methamphetamine Control and Community Protection Act, a
4 laboratory report from the Department of State Police, Division
5 of Forensic Services, that is signed and sworn to by the person
6 performing an analysis and that states (1) that the substance
7 that is the basis of the alleged violation has been weighed and
8 analyzed, and (2) the person's findings as to the contents,
9 weight and identity of the substance, and (3) that it contains
10 any amount of a controlled substance or cannabis is prima facie
11 evidence of the contents, identity and weight of the substance.
12 Attached to the report shall be a copy of a notarized statement
13 by the signer of the report giving the name of the signer and
14 stating (i) that he or she is an employee of the Department of
15 State Police, Division of Forensic Services, (ii) the name and
16 location of the laboratory where the analysis was performed,
17 (iii) that performing the analysis is a part of his or her
18 regular duties, and (iv) that the signer is qualified by
19 education, training and experience to perform the analysis. The
20 signer shall also allege that scientifically accepted tests
21 were performed with due caution and that the evidence was
22 handled in accordance with established and accepted procedures
23 while in the custody of the laboratory.

24 (a-5) In any criminal prosecution for reckless homicide
25 under Section 9-3 of the Criminal Code of 1961 or the Criminal
26 Code of 2012, or driving under the influence of alcohol, other

1 drug, or combination of both, in violation of Section 11-501 of
2 the Illinois Vehicle Code or in any civil action held under a
3 statutory summary suspension or revocation hearing under
4 Section 2-118.1 of the Illinois Vehicle Code, a laboratory
5 report from the Department of State Police, Division of
6 Forensic Services, that is signed and sworn to by the person
7 performing an analysis, and that states that the sample of
8 blood or urine was tested for alcohol or drugs, and contains
9 the person's findings as to the presence and amount of alcohol
10 or drugs and type of drug is prima facie evidence of the
11 presence, content, and amount of the alcohol or drugs analyzed
12 in the blood or urine. Attached to the report must be a copy of
13 a notarized statement by the signer of the report giving the
14 name of the signer and stating (1) that he or she is an
15 employee of the Department of State Police, Division of
16 Forensic Services, (2) the name and location of the laboratory
17 where the analysis was performed, (3) that performing the
18 analysis is a part of his or her regular duties, (4) that the
19 signer is qualified by education, training, and experience to
20 perform the analysis, and (5) that scientifically accepted
21 tests were performed with due caution and that the evidence was
22 handled in accordance with established and accepted procedures
23 while in the custody of the laboratory.

24 (b) The State's Attorney shall serve a copy of the report
25 on the attorney of record for the accused, or on the accused if
26 he or she has no attorney, before any proceeding in which the

1 report is to be used against the accused other than at a
2 preliminary hearing or grand jury hearing when the report may
3 be used without having been previously served upon the accused.

4 (c) The report shall not be prima facie evidence if the
5 accused or his or her attorney demands the testimony of the
6 person signing the report by serving the demand upon the
7 State's Attorney within 7 days from the accused or his or her
8 attorney's receipt of the report.

9 (Source: P.A. 96-1344, eff. 7-1-11.)

10 (725 ILCS 5/115-16)

11 Sec. 115-16. Witness disqualification. No person shall be
12 disqualified as a witness in a criminal case or proceeding by
13 reason of his or her interest in the event of the case or
14 proceeding, as a party or otherwise, or by reason of his or her
15 having been convicted of a crime; but the interest or
16 conviction may be shown for the purpose of affecting the
17 credibility of the witness. A defendant in a criminal case or
18 proceeding shall only at his or her own request be deemed a
19 competent witness, and the person's neglect to testify shall
20 not create a presumption against the person, nor shall the
21 court permit a reference or comment to be made to or upon that
22 neglect.

23 In criminal cases, husband and wife may testify for or
24 against each other. Neither, however, may testify as to any
25 communication or admission made by either of them to the other

1 or as to any conversation between them during marriage, except
2 in cases in which either is charged with an offense against the
3 person or property of the other, in case of spouse abandonment,
4 when the interests of their child or children or of any child
5 or children in either spouse's care, custody, or control are
6 directly involved, when either is charged with or under
7 investigation for an offense under Section 11-1.20, 11-1.30,
8 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
9 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
10 and the victim is a minor under 18 years of age in either
11 spouse's care, custody, or control at the time of the offense,
12 or as to matters in which either has acted as agent of the
13 other.

14 (Source: P.A. 96-1242, eff. 7-23-10; 96-1551, eff. 7-1-11.)

15 (725 ILCS 5/115-17b)

16 Sec. 115-17b. Administrative subpoenas.

17 (a) Definitions. As used in this Section:

18 "Electronic communication services" and "remote
19 computing services" have the same meaning as provided in
20 the Electronic Communications Privacy Act in Chapter 121
21 (commencing with Section 2701) of Part I of Title 18 of the
22 United States Code Annotated.

23 "Offense involving the sexual exploitation of
24 children" means an offense under Section 11-1.20, 11-1.30,
25 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6, 11-9.1,

1 11-14.4, 11-15.1, 11-17.1, 11-18.1, 11-19.1, 11-19.2,
2 11-20.1, 11-20.1B, 11-20.3, 11-21, 11-23, 11-25, 11-26,
3 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code
4 of 1961 or the Criminal Code of 2012 or any attempt to
5 commit any of these offenses when the victim is under 18
6 years of age.

7 (b) Subpoenas duces tecum. In any criminal investigation of
8 an offense involving the sexual exploitation of children, the
9 Attorney General, or his or her designee, or a State's
10 Attorney, or his or her designee, may issue in writing and
11 cause to be served subpoenas duces tecum to providers of
12 electronic communication services or remote computing services
13 requiring the production of records relevant to the
14 investigation. Any such request for records shall not extend
15 beyond requiring the provider to disclose the information
16 specified in 18 U.S.C. 2703(c)(2). Any subpoena duces tecum
17 issued under this Section shall be made returnable to the Chief
18 Judge of the Circuit Court for the Circuit in which the State's
19 Attorney resides, or his or her designee, or for subpoenas
20 issued by the Attorney General, the subpoena shall be made
21 returnable to the Chief Judge of the Circuit Court for the
22 Circuit to which the investigation pertains, or his or her
23 designee, to determine whether the documents are privileged and
24 whether the subpoena is unreasonable or oppressive.

25 (c) Contents of subpoena. A subpoena under this Section
26 shall describe the records or other things required to be

1 produced and prescribe a return date within a reasonable period
2 of time within which the objects or records can be assembled
3 and made available.

4 (c-5) Contemporaneous notice to Chief Judge. Whenever a
5 subpoena is issued under this Section, the Attorney General or
6 his or her designee or the State's Attorney or his or her
7 designee shall be required to provide a copy of the subpoena to
8 the Chief Judge of the county in which the subpoena is
9 returnable.

10 (d) Modifying or quashing subpoena. At any time before the
11 return date specified in the subpoena, the person or entity to
12 whom the subpoena is directed may petition for an order
13 modifying or quashing the subpoena on the grounds that the
14 subpoena is oppressive or unreasonable or that the subpoena
15 seeks privileged documents or records.

16 (e) Ex parte order. An Illinois circuit court for the
17 circuit in which the subpoena is or will be issued, upon
18 application of the Attorney General, or his or her designee, or
19 State's Attorney, or his or her designee, may issue an ex parte
20 order that no person or entity disclose to any other person or
21 entity (other than persons necessary to comply with the
22 subpoena) the existence of such subpoena for a period of up to
23 90 days.

24 (1) Such order may be issued upon a showing that the
25 things being sought may be relevant to the investigation
26 and there is reason to believe that such disclosure may

1 result in:

2 (A) endangerment to the life or physical safety of
3 any person;

4 (B) flight to avoid prosecution;

5 (C) destruction of or tampering with evidence;

6 (D) intimidation of potential witnesses; or

7 (E) otherwise seriously jeopardizing an
8 investigation or unduly delaying a trial.

9 (2) An order under this Section may be renewed for
10 additional periods of up to 90 days upon a showing that the
11 circumstances described in paragraph (1) of this
12 subsection (e) continue to exist.

13 (f) Enforcement. A witness who is duly subpoenaed who
14 neglects or refuses to comply with the subpoena shall be
15 proceeded against and punished for contempt of the court. A
16 subpoena duces tecum issued under this Section may be enforced
17 pursuant to the Uniform Act to Secure the Attendance of
18 Witnesses from Within or Without a State in Criminal
19 Proceedings.

20 (g) Immunity from civil liability. Notwithstanding any
21 federal, State, or local law, any person, including officers,
22 agents, and employees, receiving a subpoena under this Section,
23 who complies in good faith with the subpoena and thus produces
24 the materials sought, shall not be liable in any court of
25 Illinois to any customer or other person for such production or
26 for nondisclosure of that production to the customer.

1 (Source: P.A. 97-475, eff. 8-22-11.)

2 (725 ILCS 5/116-2.1)

3 Sec. 116-2.1. Motion to vacate prostitution convictions
4 for sex trafficking victims.

5 (a) A motion under this Section may be filed at any time
6 following the entry of a verdict or finding of guilty where the
7 conviction was under Section 11-14 (prostitution) or Section
8 11-14.2 (first offender; felony prostitution) of the Criminal
9 Code of 1961 or the Criminal Code of 2012 or a similar local
10 ordinance and the defendant's participation in the offense was
11 a result of having been a trafficking victim under Section 10-9
12 (involuntary servitude, involuntary sexual servitude of a
13 minor, or trafficking in persons) of the Criminal Code of 1961
14 or the Criminal Code of 2012; or a victim of a severe form of
15 trafficking under the federal Trafficking Victims Protection
16 Act (22 U.S.C. Section 7102(13)); provided that:

17 (1) a motion under this Section shall state why the
18 facts giving rise to this motion were not presented to the
19 trial court, and shall be made with due diligence, after
20 the defendant has ceased to be a victim of such trafficking
21 or has sought services for victims of such trafficking,
22 subject to reasonable concerns for the safety of the
23 defendant, family members of the defendant, or other
24 victims of such trafficking that may be jeopardized by the
25 bringing of such motion, or for other reasons consistent

1 with the purpose of this Section; and

2 (2) reasonable notice of the motion shall be served
3 upon the State.

4 (b) The court may grant the motion if, in the discretion of
5 the court, the violation was a result of the defendant having
6 been a victim of human trafficking. Evidence of such may
7 include, but is not limited to:

8 (1) certified records of federal or State court
9 proceedings which demonstrate that the defendant was a
10 victim of a trafficker charged with a trafficking offense
11 under Section 10-9 of the Criminal Code of 1961 or the
12 Criminal Code of 2012, or under 22 U.S.C. Chapter 78;

13 (2) certified records of "approval notices" or "law
14 enforcement certifications" generated from federal
15 immigration proceedings available to such victims; or

16 (3) a sworn statement from a trained professional staff
17 of a victim services organization, an attorney, a member of
18 the clergy, or a medical or other professional from whom
19 the defendant has sought assistance in addressing the
20 trauma associated with being trafficked.

21 Alternatively, the court may consider such other evidence
22 as it deems of sufficient credibility and probative value in
23 determining whether the defendant is a trafficking victim or
24 victim of a severe form of trafficking.

25 (c) If the court grants a motion under this Section, it
26 must vacate the conviction and may take such additional action

1 as is appropriate in the circumstances.

2 (Source: P.A. 97-267, eff. 1-1-12; 97-897, eff. 1-1-13.)

3 (725 ILCS 5/116-4)

4 Sec. 116-4. Preservation of evidence for forensic testing.

5 (a) Before or after the trial in a prosecution for a
6 violation of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50,
7 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal
8 Code of 1961 or the Criminal Code of 2012 or in a prosecution
9 for an offense defined in Article 9 of that Code, or in a
10 prosecution for an attempt in violation of Section 8-4 of that
11 Code of any of the above-enumerated offenses, unless otherwise
12 provided herein under subsection (b) or (c), a law enforcement
13 agency or an agent acting on behalf of the law enforcement
14 agency shall preserve, subject to a continuous chain of
15 custody, any physical evidence in their possession or control
16 that is reasonably likely to contain forensic evidence,
17 including, but not limited to, fingerprints or biological
18 material secured in relation to a trial and with sufficient
19 documentation to locate that evidence.

20 (b) After a judgment of conviction is entered, the evidence
21 shall either be impounded with the Clerk of the Circuit Court
22 or shall be securely retained by a law enforcement agency.
23 Retention shall be permanent in cases where a sentence of death
24 is imposed. Retention shall be until the completion of the
25 sentence, including the period of mandatory supervised release

1 for the offense, or January 1, 2006, whichever is later, for
2 any conviction for an offense or an attempt of an offense
3 defined in Article 9 of the Criminal Code of 1961 or the
4 Criminal Code of 2012 or in Section 11-1.20, 11-1.30, 11-1.40,
5 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the
6 Criminal Code of 1961 or the Criminal Code of 2012 or for 7
7 years following any conviction for any other felony for which
8 the defendant's genetic profile may be taken by a law
9 enforcement agency and submitted for comparison in a forensic
10 DNA database for unsolved offenses.

11 (c) After a judgment of conviction is entered, the law
12 enforcement agency required to retain evidence described in
13 subsection (a) may petition the court with notice to the
14 defendant or, in cases where the defendant has died, his
15 estate, his attorney of record, or an attorney appointed for
16 that purpose by the court for entry of an order allowing it to
17 dispose of evidence if, after a hearing, the court determines
18 by a preponderance of the evidence that:

19 (1) it has no significant value for forensic science
20 analysis and should be returned to its rightful owner,
21 destroyed, used for training purposes, or as otherwise
22 provided by law; or

23 (2) it has no significant value for forensic science
24 analysis and is of a size, bulk, or physical character not
25 usually retained by the law enforcement agency and cannot
26 practicably be retained by the law enforcement agency; or

1 (3) there no longer exists a reasonable basis to
2 require the preservation of the evidence because of the
3 death of the defendant; however, this paragraph (3) does
4 not apply if a sentence of death was imposed.

5 (d) The court may order the disposition of the evidence if
6 the defendant is allowed the opportunity to take reasonable
7 measures to remove or preserve portions of the evidence in
8 question for future testing.

9 (d-5) Any order allowing the disposition of evidence
10 pursuant to subsection (c) or (d) shall be a final and
11 appealable order. No evidence shall be disposed of until 30
12 days after the order is entered, and if a notice of appeal is
13 filed, no evidence shall be disposed of until the mandate has
14 been received by the circuit court from the appellate court.

15 (d-10) All records documenting the possession, control,
16 storage, and destruction of evidence and all police reports,
17 evidence control or inventory records, and other reports cited
18 in this Section, including computer records, must be retained
19 for as long as the evidence exists and may not be disposed of
20 without the approval of the Local Records Commission.

21 (e) In this Section, "law enforcement agency" includes any
22 of the following or an agent acting on behalf of any of the
23 following: a municipal police department, county sheriff's
24 office, any prosecuting authority, the Department of State
25 Police, or any other State, university, county, federal, or
26 municipal police unit or police force.

1 "Biological material" includes, but is not limited to, any
2 blood, hair, saliva, or semen from which genetic marker
3 groupings may be obtained.

4 (Source: P.A. 96-1551, eff. 7-1-11.)

5 (725 ILCS 5/124B-10)

6 Sec. 124B-10. Applicability; offenses. This Article
7 applies to forfeiture of property in connection with the
8 following:

9 (1) A violation of Section 10-9 or 10A-10 of the
10 Criminal Code of 1961 or the Criminal Code of 2012
11 (involuntary servitude; involuntary servitude of a minor;
12 or trafficking in persons).

13 (2) A violation of subdivision (a)(1) of Section
14 11-14.4 of the Criminal Code of 1961 or the Criminal Code
15 of 2012 (promoting juvenile prostitution) or a violation of
16 Section 11-17.1 of the Criminal Code of 1961 (keeping a
17 place of juvenile prostitution).

18 (3) A violation of subdivision (a)(4) of Section
19 11-14.4 of the Criminal Code of 1961 or the Criminal Code
20 of 2012 (promoting juvenile prostitution) or a violation of
21 Section 11-19.2 of the Criminal Code of 1961 (exploitation
22 of a child).

23 (4) A second or subsequent violation of Section 11-20
24 of the Criminal Code of 1961 or the Criminal Code of 2012
25 (obscenity).

1 (5) A ~~second or subsequent~~ violation of Section 11-20.1
2 of the Criminal Code of 1961 or the Criminal Code of 2012
3 (child pornography).

4 (6) A violation of Section 11-20.1B or 11-20.3 of the
5 Criminal Code of 1961 (aggravated child pornography).

6 (7) A violation of Section 12C-65 of the Criminal Code
7 of 2012 or Article 44 of the Criminal Code of 1961
8 (unlawful transfer of a telecommunications device to a
9 minor).

10 (8) A violation of Section 17-50 or Section 16D-5 of
11 the Criminal Code of 2012 or the Criminal Code of 1961
12 (computer fraud).

13 (9) A felony violation of Section 17-6.3 or Article 17B
14 of the Criminal Code of 2012 or the Criminal Code of 1961
15 (WIC fraud).

16 (10) A felony violation of Section 48-1 of the Criminal
17 Code of 2012 or Section 26-5 of the Criminal Code of 1961
18 (dog fighting).

19 (11) A violation of Article 29D of the Criminal Code of
20 1961 or the Criminal Code of 2012 (terrorism).

21 (12) A felony violation of Section 4.01 of the Humane
22 Care for Animals Act (animals in entertainment).

23 (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11;
24 97-897, eff. 1-1-13; 97-1108, eff. 1-1-13; 97-1109, eff.
25 1-1-13; revised 9-20-12.)

1 (725 ILCS 5/124B-100)

2 Sec. 124B-100. Definition; "offense". For purposes of this
3 Article, "offense" is defined as follows:

4 (1) In the case of forfeiture authorized under Section
5 10A-15 of the Criminal Code of 1961 or Section 10-9 of the
6 Criminal Code of 2012, "offense" means the offense of
7 involuntary servitude, involuntary servitude of a minor,
8 or trafficking in persons in violation of Section 10-9 or
9 10A-10 of those Codes ~~that Code~~.

10 (2) In the case of forfeiture authorized under
11 subdivision (a)(1) of Section 11-14.4, or Section 11-17.1,
12 of the Criminal Code of 1961 or the Criminal Code of 2012,
13 "offense" means the offense of promoting juvenile
14 prostitution or keeping a place of juvenile prostitution in
15 violation of subdivision (a)(1) of Section 11-14.4, or
16 Section 11-17.1, of those Codes ~~that Code~~.

17 (3) In the case of forfeiture authorized under
18 subdivision (a)(4) of Section 11-14.4, or Section 11-19.2,
19 of the Criminal Code of 1961 or the Criminal Code of 2012,
20 "offense" means the offense of promoting juvenile
21 prostitution or exploitation of a child in violation of
22 subdivision (a)(4) of Section 11-14.4, or Section 11-19.2,
23 of those Codes ~~that Code~~.

24 (4) In the case of forfeiture authorized under Section
25 11-20 of the Criminal Code of 1961 or the Criminal Code of
26 2012, "offense" means the offense of obscenity in violation

1 of that Section.

2 (5) In the case of forfeiture authorized under Section
3 11-20.1 of the Criminal Code of 1961 or the Criminal Code
4 of 2012, "offense" means the offense of child pornography
5 in violation of Section 11-20.1 of that Code.

6 (6) In the case of forfeiture authorized under Section
7 11-20.1B or 11-20.3 of the Criminal Code of 1961, "offense"
8 means the offense of aggravated child pornography in
9 violation of Section 11-20.1B or 11-20.3 of that Code.

10 (7) In the case of forfeiture authorized under Section
11 12C-65 of the Criminal Code of 2012 or Article 44 of the
12 Criminal Code of 1961, "offense" means the offense of
13 unlawful transfer of a telecommunications device to a minor
14 in violation of Section 12C-65 or Article 44 of those Codes
15 ~~that Code~~.

16 (8) In the case of forfeiture authorized under Section
17 17-50 or 16D-5 of the Criminal Code of 1961 or the Criminal
18 Code of 2012, "offense" means the offense of computer fraud
19 in violation of Section 17-50 or 16D-5 of those Codes ~~that~~
20 ~~Code~~.

21 (9) In the case of forfeiture authorized under Section
22 17-6.3 or Article 17B of the Criminal Code of 1961 or the
23 Criminal Code of 2012, "offense" means any felony violation
24 of Section 17-6.3 or Article 17B of those Codes ~~that Code~~.

25 (10) In the case of forfeiture authorized under Section
26 29D-65 of the Criminal Code of 1961 or the Criminal Code of

1 2012, "offense" means any offense under Article 29D of that
2 Code.

3 (11) In the case of forfeiture authorized under Section
4 4.01 of the Humane Care for Animals Act, Section 26-5 of
5 the Criminal Code of 1961, or Section 48-1 of the Criminal
6 Code of 2012 ~~1961~~, "offense" means any felony offense under
7 either of those Sections.

8 (12) In the case of forfeiture authorized under Section
9 124B-1000(b) of the Code of Criminal Procedure of 1963,
10 "offense" means an offense in violation of ~~prohibited by~~
11 the Criminal Code of 1961, the Criminal Code of 2012, the
12 Illinois Controlled Substances Act, the Cannabis Control
13 Act, or the Methamphetamine Control and Community
14 Protection Act, or an offense involving a
15 telecommunications device possessed by a person on the real
16 property of any elementary or secondary school without
17 authority of the school principal.

18 (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11;
19 97-897, eff. 1-1-13; 97-1108, eff. 1-1-13; 97-1109, eff.
20 1-1-13; revised 9-20-12.)

21 (725 ILCS 5/124B-300)

22 Sec. 124B-300. Persons and property subject to forfeiture.
23 A person who commits the offense of involuntary servitude,
24 involuntary servitude of a minor, or trafficking of persons for
25 forced labor or services under Section 10A-10 or Section 10-9

1 of the Criminal Code of 1961 or the Criminal Code of 2012 shall
2 forfeit to the State of Illinois any profits or proceeds and
3 any property he or she has acquired or maintained in violation
4 of Section 10A-10 or Section 10-9 of the Criminal Code of 1961
5 or the Criminal Code of 2012 that the sentencing court
6 determines, after a forfeiture hearing under this Article, to
7 have been acquired or maintained as a result of maintaining a
8 person in involuntary servitude or participating in
9 trafficking of persons for forced labor or services.

10 (Source: P.A. 96-712, eff. 1-1-10.)

11 (725 ILCS 5/124B-405)

12 Sec. 124B-405. Persons and property subject to forfeiture.
13 A person who has been convicted previously of the offense of
14 obscenity under Section 11-20 of the Criminal Code of 1961 or
15 the Criminal Code of 2012 and who is convicted of a second or
16 subsequent offense of obscenity under that Section shall
17 forfeit the following to the State of Illinois:

18 (1) Any property constituting or derived from any
19 proceeds that the person obtained, directly or indirectly,
20 as a result of the offense.

21 (2) Any of the person's property used in any manner,
22 wholly or in part, to commit the offense.

23 (Source: P.A. 96-712, eff. 1-1-10.)

24 (725 ILCS 5/124B-415)

1 Sec. 124B-415. Order to destroy property. If the Attorney
2 General or State's Attorney believes any property forfeited and
3 seized under this Part 400 describes, depicts, or portrays any
4 of the acts or activities described in subsection (b) of
5 Section 11-20 of the Criminal Code of 1961 or the Criminal Code
6 of 2012, the Attorney General or State's Attorney shall apply
7 to the court for an order to destroy that property. If the
8 court determines that the property describes, depicts, or
9 portrays such acts or activities it shall order the Attorney
10 General or State's Attorney to destroy the property.

11 (Source: P.A. 96-712, eff. 1-1-10.)

12 (725 ILCS 5/124B-420)

13 Sec. 124B-420. Distribution of property and sale proceeds.

14 (a) All moneys and the sale proceeds of all other property
15 forfeited and seized under this Part 400 shall be distributed
16 as follows:

17 (1) 50% shall be distributed to the unit of local
18 government whose officers or employees conducted the
19 investigation into the offense and caused the arrest or
20 arrests and prosecution leading to the forfeiture, except
21 that if the investigation, arrest or arrests, and
22 prosecution leading to the forfeiture were undertaken by
23 the sheriff, this portion shall be distributed to the
24 county for deposit into a special fund in the county
25 treasury appropriated to the sheriff. Amounts distributed

1 to the county for the sheriff or to units of local
2 government under this paragraph shall be used for
3 enforcement of laws or ordinances governing obscenity and
4 child pornography. If the investigation, arrest or
5 arrests, and prosecution leading to the forfeiture were
6 undertaken solely by a State agency, however, the portion
7 designated in this paragraph shall be paid into the State
8 treasury to be used for enforcement of laws governing
9 obscenity and child pornography.

10 (2) 25% shall be distributed to the county in which the
11 prosecution resulting in the forfeiture was instituted,
12 deposited into a special fund in the county treasury, and
13 appropriated to the State's Attorney for use in the
14 enforcement of laws governing obscenity and child
15 pornography.

16 (3) 25% shall be distributed to the Office of the
17 State's Attorneys Appellate Prosecutor and deposited into
18 the Obscenity Profits Forfeiture Fund, which is hereby
19 created in the State treasury, to be used by the Office of
20 the State's Attorneys Appellate Prosecutor for additional
21 expenses incurred in prosecuting appeals arising under
22 Sections 11-20, 11-20.1, 11-20.1B, and 11-20.3 of the
23 Criminal Code of 1961 or the Criminal Code of 2012. Any
24 amounts remaining in the Fund after all additional expenses
25 have been paid shall be used by the Office to reduce the
26 participating county contributions to the Office on a

1 pro-rated basis as determined by the board of governors of
2 the Office of the State's Attorneys Appellate Prosecutor
3 based on the populations of the participating counties.

4 (b) Before any distribution under subsection (a), the
5 Attorney General or State's Attorney shall retain from the
6 forfeited moneys or sale proceeds, or both, sufficient moneys
7 to cover expenses related to the administration and sale of the
8 forfeited property.

9 (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11.)

10 (725 ILCS 5/124B-500)

11 Sec. 124B-500. Persons and property subject to forfeiture.
12 A person who commits the offense of promoting juvenile
13 prostitution, keeping a place of juvenile prostitution,
14 exploitation of a child, child pornography, or aggravated child
15 pornography under subdivision (a)(1) or (a)(4) of Section
16 11-14.4 or under Section 11-17.1, 11-19.2, 11-20.1, 11-20.1B,
17 or 11-20.3 of the Criminal Code of 1961 or the Criminal Code of
18 2012 shall forfeit the following property to the State of
19 Illinois:

20 (1) Any profits or proceeds and any property the person
21 has acquired or maintained in violation of subdivision
22 (a)(1) or (a)(4) of Section 11-14.4 or in violation of
23 Section 11-17.1, 11-19.2, 11-20.1, 11-20.1B, or 11-20.3 of
24 the Criminal Code of 1961 or the Criminal Code of 2012 that
25 the sentencing court determines, after a forfeiture

1 hearing under this Article, to have been acquired or
2 maintained as a result of keeping a place of juvenile
3 prostitution, exploitation of a child, child pornography,
4 or aggravated child pornography.

5 (2) Any interest in, securities of, claim against, or
6 property or contractual right of any kind affording a
7 source of influence over any enterprise that the person has
8 established, operated, controlled, or conducted in
9 violation of subdivision (a)(1) or (a)(4) of Section
10 11-14.4 or in violation of Section 11-17.1, 11-19.2,
11 11-20.1, 11-20.1B, or 11-20.3 of the Criminal Code of 1961
12 or the Criminal Code of 2012 that the sentencing court
13 determines, after a forfeiture hearing under this Article,
14 to have been acquired or maintained as a result of keeping
15 a place of juvenile prostitution, exploitation of a child,
16 child pornography, or aggravated child pornography.

17 (3) Any computer that contains a depiction of child
18 pornography in any encoded or decoded format in violation
19 of Section 11-20.1, 11-20.1B, or 11-20.3 of the Criminal
20 Code of 1961 or the Criminal Code of 2012. For purposes of
21 this paragraph (3), "computer" has the meaning ascribed to
22 it in Section 17-0.5 ~~16D-2~~ of the Criminal Code of 2012
23 ~~1961~~.

24 (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11.)

25 (725 ILCS 5/124B-600)

1 Sec. 124B-600. Persons and property subject to forfeiture.
2 A person who commits the offense of computer fraud as set forth
3 in Section 16D-5 or Section 17-50 of the Criminal Code of 1961
4 or the Criminal Code of 2012 shall forfeit any property that
5 the sentencing court determines, after a forfeiture hearing
6 under this Article, the person has acquired or maintained,
7 directly or indirectly, in whole or in part, as a result of
8 that offense. The person shall also forfeit any interest in,
9 securities of, claim against, or contractual right of any kind
10 that affords the person a source of influence over any
11 enterprise that the person has established, operated,
12 controlled, conducted, or participated in conducting, if the
13 person's relationship to or connection with any such thing or
14 activity directly or indirectly, in whole or in part, is
15 traceable to any item or benefit that the person has obtained
16 or acquired through computer fraud.

17 (Source: P.A. 96-712, eff. 1-1-10; 97-1108, eff. 1-1-13.)

18 (725 ILCS 5/124B-610)

19 Sec. 124B-610. Computer used in commission of felony;
20 forfeiture. If a person commits a felony under any provision of
21 the Criminal Code of 1961 or the Criminal Code of 2012 or
22 another statute and the instrumentality used in the commission
23 of the offense, or in connection with or in furtherance of a
24 scheme or design to commit the offense, is a computer owned by
25 the defendant (or, if the defendant is a minor, owned by the

1 minor's parent or legal guardian), the computer is subject to
2 forfeiture under this Article. A computer, or any part of a
3 computer, is not subject to forfeiture under this Article,
4 however, under either of the following circumstances:

5 (1) The computer accessed in the commission of the
6 offense was owned or leased by the victim or an innocent
7 third party at the time the offense was committed.

8 (2) The rights of a creditor, lienholder, or person
9 having a security interest in the computer at the time the
10 offense was committed will be adversely affected.

11 (Source: P.A. 96-712, eff. 1-1-10.)

12 (725 ILCS 5/124B-700)

13 Sec. 124B-700. Persons and property subject to forfeiture.
14 A person who commits a felony violation of Article 17B or
15 Section 17-6.3 of the Criminal Code of 1961 or the Criminal
16 Code of 2012 shall forfeit any property that the sentencing
17 court determines, after a forfeiture hearing under this
18 Article, (i) the person has acquired, in whole or in part, as a
19 result of committing the violation or (ii) the person has
20 maintained or used, in whole or in part, to facilitate,
21 directly or indirectly, the commission of the violation. The
22 person shall also forfeit any interest in, securities of, claim
23 against, or contractual right of any kind that affords the
24 person a source of influence over any enterprise that the
25 person has established, operated, controlled, conducted, or

1 participated in conducting, if the person's relationship to or
2 connection with any such thing or activity directly or
3 indirectly, in whole or in part, is traceable to any item or
4 benefit that the person has obtained or acquired as a result of
5 a felony violation of Article 17B or Section 17-6.3 of the
6 Criminal Code of 1961 or the Criminal Code of 2012. Property
7 subject to forfeiture under this Part 700 includes the
8 following:

9 (1) All moneys, things of value, books, records, and
10 research products and materials that are used or intended
11 to be used in committing a felony violation of Article 17B
12 or Section 17-6.3 of the Criminal Code of 1961 or the
13 Criminal Code of 2012.

14 (2) Everything of value furnished, or intended to be
15 furnished, in exchange for a substance in violation of
16 Article 17B or Section 17-6.3 of the Criminal Code of 1961
17 or the Criminal Code of 2012; all proceeds traceable to
18 that exchange; and all moneys, negotiable instruments, and
19 securities used or intended to be used to commit or in any
20 manner to facilitate the commission of a felony violation
21 of Article 17B or Section 17-6.3 of the Criminal Code of
22 1961 or the Criminal Code of 2012.

23 (3) All real property, including any right, title, and
24 interest (including, but not limited to, any leasehold
25 interest or the beneficial interest in a land trust) in the
26 whole of any lot or tract of land and any appurtenances or

1 improvements, that is used or intended to be used, in any
2 manner or part, to commit or in any manner to facilitate
3 the commission of a felony violation of Article 17B or
4 Section 17-6.3 of the Criminal Code of 1961 or the Criminal
5 Code of 2012 or that is the proceeds of any act that
6 constitutes a felony violation of Article 17B or Section
7 17-6.3 of the Criminal Code of 1961 or the Criminal Code of
8 2012.

9 (Source: P.A. 96-712, eff. 1-1-10; 97-1108, eff. 1-1-13.)

10 (725 ILCS 5/124B-710)

11 Sec. 124B-710. Sale of forfeited property by Director of
12 State Police; return to seizing agency or prosecutor.

13 (a) The court shall authorize the Director of State Police
14 to seize any property declared forfeited under this Article on
15 terms and conditions the court deems proper.

16 (b) When property is forfeited under this Part 700, the
17 Director of State Police shall sell the property unless the
18 property is required by law to be destroyed or is harmful to
19 the public. The Director shall distribute the proceeds of the
20 sale, together with any moneys forfeited or seized, in
21 accordance with Section 124B-715.

22 (c) On the application of the seizing agency or prosecutor
23 who was responsible for the investigation, arrest, and
24 prosecution that lead to the forfeiture, however, the Director
25 may return any item of forfeited property to the seizing agency

1 or prosecutor for official use in the enforcement of laws
2 relating to Article 17B or Section 17-6.3 of the Criminal Code
3 of 1961 or the Criminal Code of 2012 if the agency or
4 prosecutor can demonstrate that the item requested would be
5 useful to the agency or prosecutor in their enforcement
6 efforts. When any real property returned to the seizing agency
7 is sold by the agency or its unit of government, the proceeds
8 of the sale shall be delivered to the Director and distributed
9 in accordance with Section 124B-715.

10 (Source: P.A. 96-712, eff. 1-1-10; 97-1108, eff. 1-1-13.)

11 (725 ILCS 5/124B-800)

12 Sec. 124B-800. Persons and property subject to forfeiture.

13 (a) A person who commits an offense under Article 29D of
14 the Criminal Code of 1961 or the Criminal Code of 2012 shall
15 forfeit any property that the sentencing court determines,
16 after a forfeiture hearing under this Article, (i) the person
17 has acquired or maintained, directly or indirectly, in whole or
18 in part, as a result of the offense or (ii) the person used,
19 was about to use, or intended to use in connection with the
20 offense. The person shall also forfeit any interest in,
21 securities of, claim against, or contractual right of any kind
22 that affords the person a source of influence over any
23 enterprise that the person has established, operated,
24 controlled, conducted, or participated in conducting, if the
25 person's relationship to or connection with any such thing or

1 activity directly or indirectly, in whole or in part, is
2 traceable to any item or benefit that the person has obtained
3 or acquired as a result of a violation of Article 29D of the
4 Criminal Code of 1961 or the Criminal Code of 2012 or that the
5 person used, was about to use, or intended to use in connection
6 with a violation of Article 29D of the Criminal Code of 1961 or
7 the Criminal Code of 2012.

8 (b) For purposes of this Part 800, "person" has the meaning
9 given in Section 124B-115 of this Code and, in addition to that
10 meaning, includes, without limitation, any charitable
11 organization, whether incorporated or unincorporated, any
12 professional fund raiser, professional solicitor, limited
13 liability company, association, joint stock company,
14 association, trust, trustee, or any group of people formally or
15 informally affiliated or associated for a common purpose, and
16 any officer, director, partner, member, or agent of any person.
17 (Source: P.A. 96-712, eff. 1-1-10.)

18 (725 ILCS 5/124B-905)

19 Sec. 124B-905. Persons and property subject to forfeiture.
20 A person who commits a felony violation of Section 4.01 of the
21 Humane Care for Animals Act or a felony violation of Section
22 48-1 or Section 26-5 of the Criminal Code of 2012 ~~or~~ the
23 Criminal Code of 1961 shall forfeit the following:

24 (1) Any moneys, profits, or proceeds the person
25 acquired, in whole or in part, as a result of committing

1 the violation.

2 (2) Any real property or interest in real property that
3 the sentencing court determines, after a forfeiture
4 hearing under this Article, (i) the person has acquired, in
5 whole or in part, as a result of committing the violation
6 or (ii) the person has maintained or used, in whole or in
7 part, to facilitate, directly or indirectly, the
8 commission of the violation. Real property subject to
9 forfeiture under this Part 900 includes property that
10 belongs to any of the following:

11 (A) The person organizing the show, exhibition,
12 program, or other activity described in subsections
13 (a) through (g) of Section 4.01 of the Humane Care for
14 Animals Act, ~~or~~ Section 48-1 of the Criminal Code of
15 2012, or Section 26-5 of the Criminal Code of 1961.

16 (B) Any other person participating in the activity
17 described in subsections (a) through (g) of Section
18 4.01 of the Humane Care for Animals Act, ~~or~~ Section
19 48-1 of the Criminal Code of 2012, or Section 26-5 of
20 the Criminal Code of 1961 who is related to the
21 organization and operation of the activity.

22 (C) Any person who knowingly allowed the
23 activities to occur on his or her premises.

24 The person shall also forfeit any interest in, securities
25 of, claim against, or contractual right of any kind that
26 affords the person a source of influence over any enterprise

1 that the person has established, operated, controlled,
2 conducted, or participated in conducting, if the person's
3 relationship to or connection with any such thing or activity
4 directly or indirectly, in whole or in part, is traceable to
5 any item or benefit that the person has obtained or acquired as
6 a result of a felony violation of Section 4.01 of the Humane
7 Care for Animals Act, ~~or~~ a felony violation of Section 48-1 of
8 the Criminal Code of 2012 or Section 26-5 of the Criminal Code
9 of 1961.

10 (Source: P.A. 96-712, eff. 1-1-10; 97-1108, eff. 1-1-13.)

11 (725 ILCS 5/124B-1000)

12 Sec. 124B-1000. Persons and property subject to
13 forfeiture.

14 (a) A person who commits the offense of unlawful transfer
15 of a telecommunications device to a minor in violation of
16 Section 12C-65 or Article 44 of the Criminal Code of 2012 or ~~of~~
17 the Criminal Code of 1961 shall forfeit any telecommunications
18 device used in the commission of the offense or which
19 constitutes evidence of the commission of such offense.

20 (b) A person who commits an offense prohibited by the
21 Criminal Code of 1961, the Criminal Code of 2012, the Illinois
22 Controlled Substances Act, the Cannabis Control Act, or the
23 Methamphetamine Control and Community Protection Act, or an
24 offense involving a telecommunications device possessed by a
25 person on the real property of any elementary or secondary

1 school without authority of the school principal shall forfeit
2 any telecommunications device used in the commission of the
3 offense or which constitutes evidence of the commission of such
4 offense. A person who is not a student of the particular
5 elementary or secondary school, who is on school property as an
6 invitee of the school, and who has possession of a
7 telecommunications device for lawful and legitimate purposes,
8 shall not need to obtain authority from the school principal to
9 possess the telecommunications device on school property.

10 (Source: P.A. 97-1109, eff. 1-1-13.)

11 Section 640. The Bill of Rights for Children is amended by
12 changing Section 3 as follows:

13 (725 ILCS 115/3) (from Ch. 38, par. 1353)

14 Sec. 3. Rights to present child impact statement.

15 (a) In any case where a defendant has been convicted of a
16 violent crime involving a child or a juvenile has been
17 adjudicated a delinquent for any offense defined in Sections
18 11-6, 11-20.1, 11-20.1B, and 11-20.3 and in Sections 11-1.20
19 through 11-1.60 or 12-13 through 12-16 of the Criminal Code of
20 1961 or the Criminal Code of 2012, except those in which both
21 parties have agreed to the imposition of a specific sentence,
22 and a parent or legal guardian of the child involved is present
23 in the courtroom at the time of the sentencing or the
24 disposition hearing, the parent or legal guardian upon his or

1 her request shall have the right to address the court regarding
2 the impact which the defendant's criminal conduct or the
3 juvenile's delinquent conduct has had upon the child. If the
4 parent or legal guardian chooses to exercise this right, the
5 impact statement must have been prepared in writing in
6 conjunction with the Office of the State's Attorney prior to
7 the initial hearing or sentencing, before it can be presented
8 orally at the sentencing hearing. The court shall consider any
9 statements made by the parent or legal guardian, along with all
10 other appropriate factors in determining the sentence of the
11 defendant or disposition of such juvenile.

12 (b) The crime victim has the right to prepare a victim
13 impact statement and present it to the office of the State's
14 Attorney at any time during the proceedings.

15 (c) This Section shall apply to any child victims of any
16 offense defined in Sections 11-1.20 through 11-1.60 or 12-13
17 through 12-16 of the Criminal Code of 1961 or the Criminal Code
18 of 2012 during any dispositional hearing under Section 5-705 of
19 the Juvenile Court Act of 1987 which takes place pursuant to an
20 adjudication of delinquency for any such offense.

21 (Source: P.A. 96-292, eff. 1-1-10; 96-1551, eff. 7-1-11.)

22 Section 645. The Rights of Crime Victims and Witnesses Act
23 is amended by changing Section 3 as follows:

24 (725 ILCS 120/3) (from Ch. 38, par. 1403)

1 Sec. 3. The terms used in this Act, unless the context
2 clearly requires otherwise, shall have the following meanings:

3 (a) "Crime victim" and "victim" mean (1) a person
4 physically injured in this State as a result of a violent crime
5 perpetrated or attempted against that person or (2) a person
6 who suffers injury to or loss of property as a result of a
7 violent crime perpetrated or attempted against that person or
8 (3) a single representative who may be the spouse, parent,
9 child or sibling of a person killed as a result of a violent
10 crime perpetrated against the person killed or the spouse,
11 parent, child or sibling of any person granted rights under
12 this Act who is physically or mentally incapable of exercising
13 such rights, except where the spouse, parent, child or sibling
14 is also the defendant or prisoner or (4) any person against
15 whom a violent crime has been committed or (5) any person who
16 has suffered personal injury as a result of a violation of
17 Section 11-501 of the Illinois Vehicle Code, or of a similar
18 provision of a local ordinance, or of Section 9-3 of the
19 Criminal Code of 1961 or the Criminal Code of 2012, ~~as amended~~
20 or (6) in proceedings under the Juvenile Court Act of 1987,
21 both parents, legal guardians, foster parents, or a single
22 adult representative of a minor or disabled person who is a
23 crime victim.

24 (b) "Witness" means any person who personally observed the
25 commission of a violent crime and who will testify on behalf of
26 the State of Illinois in the criminal prosecution of the

1 violent crime.

2 (c) "Violent Crime" means any felony in which force or
3 threat of force was used against the victim, or any offense
4 involving sexual exploitation, sexual conduct or sexual
5 penetration, or a violation of Section 11-20.1, 11-20.1B, or
6 11-20.3 of the Criminal Code of 1961 or the Criminal Code of
7 2012, domestic battery, violation of an order of protection,
8 stalking, or any misdemeanor which results in death or great
9 bodily harm to the victim or any violation of Section 9-3 of
10 the Criminal Code of 1961 or the Criminal Code of 2012, or
11 Section 11-501 of the Illinois Vehicle Code, or a similar
12 provision of a local ordinance, if the violation resulted in
13 personal injury or death, and includes any action committed by
14 a juvenile that would be a violent crime if committed by an
15 adult. For the purposes of this paragraph, "personal injury"
16 shall include any Type A injury as indicated on the traffic
17 accident report completed by a law enforcement officer that
18 requires immediate professional attention in either a doctor's
19 office or medical facility. A type A injury shall include
20 severely bleeding wounds, distorted extremities, and injuries
21 that require the injured party to be carried from the scene.

22 (d) "Sentencing Hearing" means any hearing where a sentence
23 is imposed by the court on a convicted defendant and includes
24 hearings conducted pursuant to Sections 5-6-4, 5-6-4.1, 5-7-2
25 and 5-7-7 of the Unified Code of Corrections.

26 (e) "Court proceedings" includes the preliminary hearing,

1 any hearing the effect of which may be the release of the
2 defendant from custody or to alter the conditions of bond, the
3 trial, sentencing hearing, notice of appeal, any modification
4 of sentence, probation revocation hearings or parole hearings.

5 (f) "Concerned citizen" includes relatives of the victim,
6 friends of the victim, witnesses to the crime, or any other
7 person associated with the victim or prisoner.

8 (Source: P.A. 96-292, eff. 1-1-10; 96-875, eff. 1-22-10;
9 96-1551, eff. 7-1-11; 97-572, eff. 1-1-12.)

10 Section 650. The Narcotics Profit Forfeiture Act is amended
11 by changing Section 4 as follows:

12 (725 ILCS 175/4) (from Ch. 56 1/2, par. 1654)

13 Sec. 4. A person commits narcotics racketeering when he:

14 (a) Receives income knowing such income to be derived,
15 directly or indirectly, from a pattern of narcotics activity in
16 which he participated, or for which he is accountable under
17 Section 5-2 of the Criminal Code of 2012 ~~1961~~; or

18 (b) Receives income, knowing such income to be derived,
19 directly or indirectly, from a pattern of narcotics activity in
20 which he participated, or for which he is accountable under
21 Section 5-2 of the Criminal Code of 2012 ~~1961~~, and he uses or
22 invests, directly or indirectly, any part of such income, or
23 the proceeds of such income, in acquisition of any interest in,
24 or the establishment or operation of, any enterprise doing

1 business in the State of Illinois; or

2 (c) Knowingly, through a pattern of narcotics activity in
3 which he participated, or for which he is accountable under
4 Section 5-2 of the Criminal Code of 2012 ~~1961~~, acquires or
5 maintains, directly or indirectly, any interest in or contract
6 of any enterprise which is engaged in, or the activities of
7 which affect, business in the State of Illinois; or

8 (d) Being a person employed by or associated with any
9 enterprise doing business in the State of Illinois, he
10 knowingly conducts or participates, directly or indirectly, in
11 the conduct of such enterprise's affairs through a pattern of
12 narcotics activity in which he participated, or for which he is
13 accountable under Section 5-2 of the Criminal Code of 2012
14 ~~1961~~.

15 (Source: P.A. 82-940.)

16 Section 655. The Sex Offense Victim Polygraph Act is
17 amended by changing Section 1 as follows:

18 (725 ILCS 200/1) (from Ch. 38, par. 1551)

19 Sec. 1. Lie Detector Tests.

20 (a) No law enforcement officer, State's Attorney or other
21 official shall ask or require an alleged victim of an offense
22 described in Sections 11-1.20 through 11-1.60 or 12-13 through
23 12-16 of the Criminal Code of 1961 or the Criminal Code of
24 2012, ~~as amended~~, to submit to a polygraph examination or any

1 form of a mechanical or electrical lie detector test.

2 (b) A victim's refusal to submit to a polygraph or any form
3 of a mechanical or electrical lie detector test shall not
4 mitigate against the investigation, charging or prosecution of
5 the pending case as originally charged.

6 (Source: P.A. 96-1273, eff. 1-1-11; 96-1551, eff. 7-1-11.)

7 Section 660. 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 11-1.20, 11-1.30,
20 11-1.40, 11-1.60, 11-6, 11-20.1, 11-20.1B, 11-20.3, 12-13,
21 12-14, 12-14.1, or 12-16 of the Criminal Code of 1961 or
22 the Criminal Code of 2012; or

23 (1.5) Any former law of this State specified in Section
24 11-1 (rape), 11-3 (deviate sexual assault), 11-4 (indecent

1 liberties with a child) or 11-4.1 (aggravated indecent
2 liberties with a child) of the Criminal Code of 1961; or

3 (2) First degree murder, if it is determined by the
4 agency with jurisdiction to have been sexually motivated;
5 or

6 (3) Any solicitation, conspiracy or attempt to commit a
7 crime under paragraph (e) (1) or (e) (2) of this Section.

8 (f) "Sexually violent person" means a person who has been
9 convicted of a sexually violent offense, has been adjudicated
10 delinquent for a sexually violent offense, or has been found
11 not guilty of a sexually violent offense by reason of insanity
12 and who is dangerous because he or she suffers from a mental
13 disorder that makes it substantially probable that the person
14 will engage in acts of sexual violence.

15 (Source: P.A. 96-292, eff. 1-1-10; 96-328, eff. 8-11-09;
16 96-1551, eff. 7-1-11.)

17 Section 665. The Statewide Grand Jury Act is amended by
18 changing Sections 2, 3, and 4 as follows:

19 (725 ILCS 215/2) (from Ch. 38, par. 1702)

20 Sec. 2. (a) County grand juries and State's Attorneys have
21 always had and shall continue to have primary responsibility
22 for investigating, indicting, and prosecuting persons who
23 violate the criminal laws of the State of Illinois. However, in
24 recent years organized terrorist activity directed against

1 innocent civilians and certain criminal enterprises have
2 developed that require investigation, indictment, and
3 prosecution on a statewide or multicounty level. The criminal
4 enterprises exist as a result of the allure of profitability
5 present in narcotic activity, the unlawful sale and transfer of
6 firearms, and streetgang related felonies and organized
7 terrorist activity is supported by the contribution of money
8 and expert assistance from geographically diverse sources. In
9 order to shut off the life blood of terrorism and weaken or
10 eliminate the criminal enterprises, assets, and property used
11 to further these offenses must be frozen, and any profit must
12 be removed. State statutes exist that can accomplish that goal.
13 Among them are the offense of money laundering, the Cannabis
14 and Controlled Substances Tax Act, violations of Article 29D of
15 the Criminal Code of 1961 or the Criminal Code of 2012, the
16 Narcotics Profit Forfeiture Act, and gunrunning. Local
17 prosecutors need investigative personnel and specialized
18 training to attack and eliminate these profits. In light of the
19 transitory and complex nature of conduct that constitutes these
20 criminal activities, the many diverse property interests that
21 may be used, acquired directly or indirectly as a result of
22 these criminal activities, and the many places that illegally
23 obtained property may be located, it is the purpose of this Act
24 to create a limited, multicounty Statewide Grand Jury with
25 authority to investigate, indict, and prosecute: narcotic
26 activity, including cannabis and controlled substance

1 trafficking, narcotics racketeering, money laundering,
2 violations of the Cannabis and Controlled Substances Tax Act,
3 and violations of Article 29D of the Criminal Code of 1961 or
4 the Criminal Code of 2012; the unlawful sale and transfer of
5 firearms; gunrunning; and streetgang related felonies.

6 (b) A Statewide Grand Jury may also investigate, indict,
7 and prosecute violations facilitated by the use of a computer
8 of any of the following offenses: indecent solicitation of a
9 child, sexual exploitation of a child, soliciting for a
10 juvenile prostitute, keeping a place of juvenile prostitution,
11 juvenile pimping, child pornography, aggravated child
12 pornography, or promoting juvenile prostitution except as
13 described in subdivision (a)(4) of Section 11-14.4 of the
14 Criminal Code of 1961 or the Criminal Code of 2012.

15 (Source: P.A. 96-1551, eff. 7-1-11.)

16 (725 ILCS 215/3) (from Ch. 38, par. 1703)

17 Sec. 3. Written application for the appointment of a
18 Circuit Judge to convene and preside over a Statewide Grand
19 Jury, with jurisdiction extending throughout the State, shall
20 be made to the Chief Justice of the Supreme Court. Upon such
21 written application, the Chief Justice of the Supreme Court
22 shall appoint a Circuit Judge from the circuit where the
23 Statewide Grand Jury is being sought to be convened, who shall
24 make a determination that the convening of a Statewide Grand
25 Jury is necessary.

1 In such application the Attorney General shall state that
2 the convening of a Statewide Grand Jury is necessary because of
3 an alleged offense or offenses set forth in this Section
4 involving more than one county of the State and identifying any
5 such offense alleged; and

6 (a) that he or she believes that the grand jury
7 function for the investigation and indictment of the
8 offense or offenses cannot effectively be performed by a
9 county grand jury together with the reasons for such
10 belief, and

11 (b) (1) that each State's Attorney with jurisdiction
12 over an offense or offenses to be investigated has
13 consented to the impaneling of the Statewide Grand
14 Jury, or

15 (2) if one or more of the State's Attorneys having
16 jurisdiction over an offense or offenses to be
17 investigated fails to consent to the impaneling of the
18 Statewide Grand Jury, the Attorney General shall set
19 forth good cause for impaneling the Statewide Grand
20 Jury.

21 If the Circuit Judge determines that the convening of a
22 Statewide Grand Jury is necessary, he or she shall convene and
23 impanel the Statewide Grand Jury with jurisdiction extending
24 throughout the State to investigate and return indictments:

25 (a) For violations of any of the following or for any
26 other criminal offense committed in the course of violating

1 any of the following: Article 29D of the Criminal Code of
2 1961 or the Criminal Code of 2012, the Illinois Controlled
3 Substances Act, the Cannabis Control Act, the
4 Methamphetamine Control and Community Protection Act, the
5 Narcotics Profit Forfeiture Act, or the Cannabis and
6 Controlled Substances Tax Act; a streetgang related felony
7 offense; Section 24-2.1, 24-2.2, 24-3, 24-3A, 24-3.1,
8 24-3.3, 24-3.4, 24-4, or 24-5 or subsection 24-1(a)(4),
9 24-1(a)(6), 24-1(a)(7), 24-1(a)(9), 24-1(a)(10), or
10 24-1(c) of the Criminal Code of 1961 or the Criminal Code
11 of 2012; or a money laundering offense; provided that the
12 violation or offense involves acts occurring in more than
13 one county of this State; and

14 (a-5) For violations facilitated by the use of a
15 computer, including the use of the Internet, the World Wide
16 Web, electronic mail, message board, newsgroup, or any
17 other commercial or noncommercial on-line service, of any
18 of the following offenses: indecent solicitation of a
19 child, sexual exploitation of a child, soliciting for a
20 juvenile prostitute, keeping a place of juvenile
21 prostitution, juvenile pimping, child pornography,
22 aggravated child pornography, or promoting juvenile
23 prostitution except as described in subdivision (a)(4) of
24 Section 11-14.4 of the Criminal Code of 1961 or the
25 Criminal Code of 2012; and

26 (b) For the offenses of perjury, subornation of

1 perjury, communicating with jurors and witnesses, and
2 harassment of jurors and witnesses, as they relate to
3 matters before the Statewide Grand Jury.

4 "Streetgang related" has the meaning ascribed to it in
5 Section 10 of the Illinois Streetgang Terrorism Omnibus
6 Prevention Act.

7 Upon written application by the Attorney General for the
8 convening of an additional Statewide Grand Jury, the Chief
9 Justice of the Supreme Court shall appoint a Circuit Judge from
10 the circuit for which the additional Statewide Grand Jury is
11 sought. The Circuit Judge shall determine the necessity for an
12 additional Statewide Grand Jury in accordance with the
13 provisions of this Section. No more than 2 Statewide Grand
14 Juries may be empaneled at any time.

15 (Source: P.A. 96-1551, eff. 7-1-11.)

16 (725 ILCS 215/4) (from Ch. 38, par. 1704)

17 Sec. 4. (a) The presiding judge of the Statewide Grand Jury
18 will receive recommendations from the Attorney General as to
19 the county in which the Grand Jury will sit. Prior to making
20 the recommendations, the Attorney General shall obtain the
21 permission of the local State's Attorney to use his or her
22 county for the site of the Statewide Grand Jury. Upon receiving
23 the Attorney General's recommendations, the presiding judge
24 will choose one of those recommended locations as the site
25 where the Grand Jury shall sit.

1 Any indictment by a Statewide Grand Jury shall be returned
2 to the Circuit Judge presiding over the Statewide Grand Jury
3 and shall include a finding as to the county or counties in
4 which the alleged offense was committed. Thereupon, the judge
5 shall, by order, designate the county of venue for the purpose
6 of trial. The judge may also, by order, direct the
7 consolidation of an indictment returned by a county grand jury
8 with an indictment returned by the Statewide Grand Jury and set
9 venue for trial.

10 (b) Venue for purposes of trial for the offense of
11 narcotics racketeering shall be proper in any county where:

12 (1) Cannabis or a controlled substance which is the
13 basis for the charge of narcotics racketeering was used;
14 acquired; transferred or distributed to, from or through;
15 or any county where any act was performed to further the
16 use; acquisition, transfer or distribution of said
17 cannabis or controlled substance; or

18 (2) Any money, property, property interest, or any
19 other asset generated by narcotics activities was
20 acquired, used, sold, transferred or distributed to, from
21 or through; or,

22 (3) Any enterprise interest obtained as a result of
23 narcotics racketeering was acquired, used, transferred or
24 distributed to, from or through, or where any activity was
25 conducted by the enterprise or any conduct to further the
26 interests of such an enterprise.

1 (c) Venue for purposes of trial for the offense of money
2 laundering shall be proper in any county where any part of a
3 financial transaction in criminally derived property took
4 place, or in any county where any money or monetary interest
5 which is the basis for the offense, was acquired, used, sold,
6 transferred or distributed to, from, or through.

7 (d) A person who commits the offense of cannabis
8 trafficking or controlled substance trafficking may be tried in
9 any county.

10 (e) Venue for purposes of trial for any violation of
11 Article 29D of the Criminal Code of 1961 or the Criminal Code
12 of 2012 may be in the county in which an act of terrorism
13 occurs, the county in which material support or resources are
14 provided or solicited, the county in which criminal assistance
15 is rendered, or any county in which any act in furtherance of
16 any violation of Article 29D of the Criminal Code of 1961 or
17 the Criminal Code of 2012 occurs.

18 (Source: P.A. 92-854, eff. 12-5-02.)

19 Section 670. The Unified Code of Corrections is amended by
20 changing Sections 3-1-2, 3-3-2, 3-3-7, 3-6-3, 3-6-4, 3-10-7,
21 3-14-1.5, 3-14-2, 5-3-2, 5-3-4, 5-4-1, 5-4-3, 5-4-3.1,
22 5-4-3.2, 5-4.5-20, 5-5-3, 5-5-3.2, 5-5-5, 5-5-6, 5-6-1, 5-6-3,
23 5-6-3.1, 5-8-1, 5-8-1.2, 5-8-4, 5-8A-6, 5-9-1.3, 5-9-1.7,
24 5-9-1.8, 5-9-1.10, 5-9-1.14, 5-9-1.16, 5-9-1.19, and 5-9-1.20
25 as follows:

1 (730 ILCS 5/3-1-2) (from Ch. 38, par. 1003-1-2)

2 Sec. 3-1-2. Definitions.

3 (a) "Chief Administrative Officer" means the person
4 designated by the Director to exercise the powers and duties of
5 the Department of Corrections in regard to committed persons
6 within a correctional institution or facility, and includes the
7 superintendent of any juvenile institution or facility.

8 (a-5) "Sex offense" for the purposes of paragraph (16) of
9 subsection (a) of Section 3-3-7, paragraph (10) of subsection
10 (a) of Section 5-6-3, and paragraph (18) of subsection (c) of
11 Section 5-6-3.1 only means:

12 (i) A violation of any of the following Sections of the
13 Criminal Code of 1961 or the Criminal Code of 2012: 10-7
14 (aiding or abetting child abduction under Section
15 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6 (indecent
16 solicitation of a child), 11-6.5 (indecent solicitation of
17 an adult), 11-14.4 (promoting juvenile prostitution),
18 11-15.1 (soliciting for a juvenile prostitute), 11-17.1
19 (keeping a place of juvenile prostitution), 11-18.1
20 (patronizing a juvenile prostitute), 11-19.1 (juvenile
21 pimping), 11-19.2 (exploitation of a child), 11-20.1
22 (child pornography), 11-20.1B or 11-20.3 (aggravated child
23 pornography), 11-1.40 or 12-14.1 (predatory criminal
24 sexual assault of a child), or 12-33 (ritualized abuse of a
25 child). An attempt to commit any of these offenses.

1 (ii) A violation of any of the following Sections of
2 the Criminal Code of 1961 or the Criminal Code of 2012:
3 11-1.20 or 12-13 (criminal sexual assault), 11-1.30 or
4 12-14 (aggravated criminal sexual assault), 11-1.60 or
5 12-16 (aggravated criminal sexual abuse), and subsection
6 (a) of Section 11-1.50 or subsection (a) of Section 12-15
7 (criminal sexual abuse). An attempt to commit any of these
8 offenses.

9 (iii) A violation of any of the following Sections of
10 the Criminal Code of 1961 or the Criminal Code of 2012 when
11 the defendant is not a 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 subsection (a-5).

20 An offense violating federal law or the law of another
21 state that is substantially equivalent to any offense listed in
22 this subsection (a-5) shall constitute a sex offense for the
23 purpose of this subsection (a-5). A finding or adjudication as
24 a sexually dangerous person under any federal law or law of
25 another state that is substantially equivalent to the Sexually
26 Dangerous Persons Act shall constitute an adjudication for a

1 sex offense for the purposes of this subsection (a-5).

2 (b) "Commitment" means a judicially determined placement
3 in the custody of the Department of Corrections on the basis of
4 delinquency or conviction.

5 (c) "Committed Person" is a person committed to the
6 Department, however a committed person shall not be considered
7 to be an employee of the Department of Corrections for any
8 purpose, including eligibility for a pension, benefits, or any
9 other compensation or rights or privileges which may be
10 provided to employees of the Department.

11 (c-5) "Computer scrub software" means any third-party
12 added software, designed to delete information from the
13 computer unit, the hard drive, or other software, which would
14 eliminate and prevent discovery of browser activity, including
15 but not limited to Internet history, address bar or bars, cache
16 or caches, and/or cookies, and which would over-write files in
17 a way so as to make previous computer activity, including but
18 not limited to website access, more difficult to discover.

19 (d) "Correctional Institution or Facility" means any
20 building or part of a building where committed persons are kept
21 in a secured manner.

22 (e) In the case of functions performed before the effective
23 date of this amendatory Act of the 94th General Assembly,
24 "Department" means the Department of Corrections of this State.
25 In the case of functions performed on or after the effective
26 date of this amendatory Act of the 94th General Assembly,

1 "Department" has the meaning ascribed to it in subsection
2 (f-5).

3 (f) In the case of functions performed before the effective
4 date of this amendatory Act of the 94th General Assembly,
5 "Director" means the Director of the Department of Corrections.
6 In the case of functions performed on or after the effective
7 date of this amendatory Act of the 94th General Assembly,
8 "Director" has the meaning ascribed to it in subsection (f-5).

9 (f-5) In the case of functions performed on or after the
10 effective date of this amendatory Act of the 94th General
11 Assembly, references to "Department" or "Director" refer to
12 either the Department of Corrections or the Director of
13 Corrections or to the Department of Juvenile Justice or the
14 Director of Juvenile Justice unless the context is specific to
15 the Department of Juvenile Justice or the Director of Juvenile
16 Justice.

17 (g) "Discharge" means the final termination of a commitment
18 to the Department of Corrections.

19 (h) "Discipline" means the rules and regulations for the
20 maintenance of order and the protection of persons and property
21 within the institutions and facilities of the Department and
22 their enforcement.

23 (i) "Escape" means the intentional and unauthorized
24 absence of a committed person from the custody of the
25 Department.

26 (j) "Furlough" means an authorized leave of absence from

1 the Department of Corrections for a designated purpose and
2 period of time.

3 (k) "Parole" means the conditional and revocable release of
4 a committed person under the supervision of a parole officer.

5 (l) "Prisoner Review Board" means the Board established in
6 Section 3-3-1(a), independent of the Department, to review
7 rules and regulations with respect to good time credits, to
8 hear charges brought by the Department against certain
9 prisoners alleged to have violated Department rules with
10 respect to good time credits, to set release dates for certain
11 prisoners sentenced under the law in effect prior to the
12 effective date of this Amendatory Act of 1977, to hear requests
13 and make recommendations to the Governor with respect to
14 pardon, reprieve or commutation, to set conditions for parole
15 and mandatory supervised release and determine whether
16 violations of those conditions justify revocation of parole or
17 release, and to assume all other functions previously exercised
18 by the Illinois Parole and Pardon Board.

19 (m) Whenever medical treatment, service, counseling, or
20 care is referred to in this Unified Code of Corrections, such
21 term may be construed by the Department or Court, within its
22 discretion, to include treatment, service or counseling by a
23 Christian Science practitioner or nursing care appropriate
24 therewith whenever request therefor is made by a person subject
25 to the provisions of this Act.

26 (n) "Victim" shall have the meaning ascribed to it in

1 subsection (a) of Section 3 of the Bill of Rights for Victims
2 and Witnesses of Violent Crime Act.

3 (o) "Wrongfully imprisoned person" means a person who has
4 been discharged from a prison of this State and has received:

5 (1) a pardon from the Governor stating that such pardon
6 is issued on the ground of innocence of the crime for which
7 he or she was imprisoned; or

8 (2) a certificate of innocence from the Circuit Court
9 as provided in Section 2-702 of the Code of Civil
10 Procedure.

11 (Source: P.A. 96-362, eff. 1-1-10; 96-710, eff. 1-1-10;
12 96-1000, eff. 7-2-10; 96-1550, eff. 7-1-11; 96-1551, eff.
13 7-1-11; 97-1109, eff. 1-1-13.)

14 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

15 Sec. 3-3-2. Powers and Duties.

16 (a) The Parole and Pardon Board is abolished and the term
17 "Parole and Pardon Board" as used in any law of Illinois, shall
18 read "Prisoner Review Board." After the effective date of this
19 amendatory Act of 1977, the Prisoner Review Board shall provide
20 by rule for the orderly transition of all files, records, and
21 documents of the Parole and Pardon Board and for such other
22 steps as may be necessary to effect an orderly transition and
23 shall:

24 (1) hear by at least one member and through a panel of
25 at least 3 members decide, cases of prisoners who were

1 sentenced under the law in effect prior to the effective
2 date of this amendatory Act of 1977, and who are eligible
3 for parole;

4 (2) hear by at least one member and through a panel of
5 at least 3 members decide, the conditions of parole and the
6 time of discharge from parole, impose sanctions for
7 violations of parole, and revoke parole for those sentenced
8 under the law in effect prior to this amendatory Act of
9 1977; provided that the decision to parole and the
10 conditions of parole for all prisoners who were sentenced
11 for first degree murder or who received a minimum sentence
12 of 20 years or more under the law in effect prior to
13 February 1, 1978 shall be determined by a majority vote of
14 the Prisoner Review Board. One representative supporting
15 parole and one representative opposing parole will be
16 allowed to speak. Their comments shall be limited to making
17 corrections and filling in omissions to the Board's
18 presentation and discussion;

19 (3) hear by at least one member and through a panel of
20 at least 3 members decide, the conditions of mandatory
21 supervised release and the time of discharge from mandatory
22 supervised release, impose sanctions for violations of
23 mandatory supervised release, and revoke mandatory
24 supervised release for those sentenced under the law in
25 effect after the effective date of this amendatory Act of
26 1977;

1 (3.5) hear by at least one member and through a panel
2 of at least 3 members decide, the conditions of mandatory
3 supervised release and the time of discharge from mandatory
4 supervised release, to impose sanctions for violations of
5 mandatory supervised release and revoke mandatory
6 supervised release for those serving extended supervised
7 release terms pursuant to paragraph (4) of subsection (d)
8 of Section 5-8-1;

9 (4) hear by at least one ± member and through a panel
10 of at least 3 members, decide cases brought by the
11 Department of Corrections against a prisoner in the custody
12 of the Department for alleged violation of Department rules
13 with respect to sentence credits under Section 3-6-3 of
14 this Code in which the Department seeks to revoke sentence
15 credits, if the amount of time at issue exceeds 30 days or
16 when, during any 12 month period, the cumulative amount of
17 credit revoked exceeds 30 days except where the infraction
18 is committed or discovered within 60 days of scheduled
19 release. In such cases, the Department of Corrections may
20 revoke up to 30 days of sentence credit. The Board may
21 subsequently approve the revocation of additional sentence
22 credit, if the Department seeks to revoke sentence credit
23 in excess of thirty days. However, the Board shall not be
24 empowered to review the Department's decision with respect
25 to the loss of 30 days of sentence credit for any prisoner
26 or to increase any penalty beyond the length requested by

1 the Department;

2 (5) hear by at least one member and through a panel of
3 at least 3 members decide, the release dates for certain
4 prisoners sentenced under the law in existence prior to the
5 effective date of this amendatory Act of 1977, in
6 accordance with Section 3-3-2.1 of this Code;

7 (6) hear by at least one member and through a panel of
8 at least 3 members decide, all requests for pardon,
9 reprieve or commutation, and make confidential
10 recommendations to the Governor;

11 (7) comply with the requirements of the Open Parole
12 Hearings Act;

13 (8) hear by at least one member and, through a panel of
14 at least 3 members, decide cases brought by the Department
15 of Corrections against a prisoner in the custody of the
16 Department for court dismissal of a frivolous lawsuit
17 pursuant to Section 3-6-3(d) of this Code in which the
18 Department seeks to revoke up to 180 days of sentence
19 credit, and if the prisoner has not accumulated 180 days of
20 sentence credit at the time of the dismissal, then all
21 sentence credit accumulated by the prisoner shall be
22 revoked;

23 (9) hear by at least 3 members, and, through a panel of
24 at least 3 members, decide whether to grant certificates of
25 relief from disabilities or certificates of good conduct as
26 provided in Article 5.5 of Chapter V; and

1 (10) upon a petition by a person who has been convicted
2 of a Class 3 or Class 4 felony and who meets the
3 requirements of this paragraph, hear by at least 3 members
4 and, with the unanimous vote of a panel of 3 members, issue
5 a certificate of eligibility for sealing recommending that
6 the court order the sealing of all official records of the
7 arresting authority, the circuit court clerk, and the
8 Department of State Police concerning the arrest and
9 conviction for the Class 3 or 4 felony. A person may not
10 apply to the Board for a certificate of eligibility for
11 sealing:

12 (A) until 5 years have elapsed since the expiration
13 of his or her sentence;

14 (B) until 5 years have elapsed since any arrests or
15 detentions by a law enforcement officer for an alleged
16 violation of law, other than a petty offense, traffic
17 offense, conservation offense, or local ordinance
18 offense;

19 (C) if convicted of a violation of the Cannabis
20 Control Act, Illinois Controlled Substances Act, the
21 Methamphetamine Control and Community Protection Act,
22 the Methamphetamine Precursor Control Act, or the
23 Methamphetamine Precursor Tracking Act unless the
24 petitioner has completed a drug abuse program for the
25 offense on which sealing is sought and provides proof
26 that he or she has completed the program successfully;

- 1 (D) if convicted of:
- 2 (i) a sex offense described in Article 11 or
- 3 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of
- 4 the Criminal Code of 1961 or the Criminal Code of
- 5 2012;
- 6 (ii) aggravated assault;
- 7 (iii) aggravated battery;
- 8 (iv) domestic battery;
- 9 (v) aggravated domestic battery;
- 10 (vi) violation of an order of protection;
- 11 (vii) an offense under the Criminal Code of
- 12 1961 or the Criminal Code of 2012 involving a
- 13 firearm;
- 14 (viii) driving while under the influence of
- 15 alcohol, other drug or drugs, intoxicating
- 16 compound or compounds or any combination thereof;
- 17 (ix) aggravated driving while under the
- 18 influence of alcohol, other drug or drugs,
- 19 intoxicating compound or compounds or any
- 20 combination thereof; or
- 21 (x) any crime defined as a crime of violence
- 22 under Section 2 of the Crime Victims Compensation
- 23 Act.

24 If a person has applied to the Board for a certificate of

25 eligibility for sealing and the Board denies the certificate,

26 the person must wait at least 4 years before filing again or

1 filing for pardon from the Governor unless the Chairman of the
2 Prisoner Review Board grants a waiver.

3 The decision to issue or refrain from issuing a certificate
4 of eligibility for sealing shall be at the Board's sole
5 discretion, and shall not give rise to any cause of action
6 against either the Board or its members.

7 The Board may only authorize the sealing of Class 3 and 4
8 felony convictions of the petitioner from one information or
9 indictment under this paragraph (10). A petitioner may only
10 receive one certificate of eligibility for sealing under this
11 provision for life.

12 (a-5) The Prisoner Review Board, with the cooperation of
13 and in coordination with the Department of Corrections and the
14 Department of Central Management Services, shall implement a
15 pilot project in 3 correctional institutions providing for the
16 conduct of hearings under paragraphs (1) and (4) of subsection
17 (a) of this Section through interactive video conferences. The
18 project shall be implemented within 6 months after the
19 effective date of this amendatory Act of 1996. Within 6 months
20 after the implementation of the pilot project, the Prisoner
21 Review Board, with the cooperation of and in coordination with
22 the Department of Corrections and the Department of Central
23 Management Services, shall report to the Governor and the
24 General Assembly regarding the use, costs, effectiveness, and
25 future viability of interactive video conferences for Prisoner
26 Review Board hearings.

1 (b) Upon recommendation of the Department the Board may
2 restore sentence credit previously revoked.

3 (c) The Board shall cooperate with the Department in
4 promoting an effective system of parole and mandatory
5 supervised release.

6 (d) The Board shall promulgate rules for the conduct of its
7 work, and the Chairman shall file a copy of such rules and any
8 amendments thereto with the Director and with the Secretary of
9 State.

10 (e) The Board shall keep records of all of its official
11 actions and shall make them accessible in accordance with law
12 and the rules of the Board.

13 (f) The Board or one who has allegedly violated the
14 conditions of his parole or mandatory supervised release may
15 require by subpoena the attendance and testimony of witnesses
16 and the production of documentary evidence relating to any
17 matter under investigation or hearing. The Chairman of the
18 Board may sign subpoenas which shall be served by any agent or
19 public official authorized by the Chairman of the Board, or by
20 any person lawfully authorized to serve a subpoena under the
21 laws of the State of Illinois. The attendance of witnesses, and
22 the production of documentary evidence, may be required from
23 any place in the State to a hearing location in the State
24 before the Chairman of the Board or his designated agent or
25 agents or any duly constituted Committee or Subcommittee of the
26 Board. Witnesses so summoned shall be paid the same fees and

1 mileage that are paid witnesses in the circuit courts of the
2 State, and witnesses whose depositions are taken and the
3 persons taking those depositions are each entitled to the same
4 fees as are paid for like services in actions in the circuit
5 courts of the State. Fees and mileage shall be vouchered for
6 payment when the witness is discharged from further attendance.

7 In case of disobedience to a subpoena, the Board may
8 petition any circuit court of the State for an order requiring
9 the attendance and testimony of witnesses or the production of
10 documentary evidence or both. A copy of such petition shall be
11 served by personal service or by registered or certified mail
12 upon the person who has failed to obey the subpoena, and such
13 person shall be advised in writing that a hearing upon the
14 petition will be requested in a court room to be designated in
15 such notice before the judge hearing motions or extraordinary
16 remedies at a specified time, on a specified date, not less
17 than 10 nor more than 15 days after the deposit of the copy of
18 the written notice and petition in the U.S. mails addressed to
19 the person at his last known address or after the personal
20 service of the copy of the notice and petition upon such
21 person. The court upon the filing of such a petition, may order
22 the person refusing to obey the subpoena to appear at an
23 investigation or hearing, or to there produce documentary
24 evidence, if so ordered, or to give evidence relative to the
25 subject matter of that investigation or hearing. Any failure to
26 obey such order of the circuit court may be punished by that

1 court as a contempt of court.

2 Each member of the Board and any hearing officer designated
3 by the Board shall have the power to administer oaths and to
4 take the testimony of persons under oath.

5 (g) Except under subsection (a) of this Section, a majority
6 of the members then appointed to the Prisoner Review Board
7 shall constitute a quorum for the transaction of all business
8 of the Board.

9 (h) The Prisoner Review Board shall annually transmit to
10 the Director a detailed report of its work for the preceding
11 calendar year. The annual report shall also be transmitted to
12 the Governor for submission to the Legislature.

13 (Source: P.A. 96-875, eff. 1-22-10; 97-697, eff. 6-22-12;
14 97-1120, eff. 1-1-13; revised 9-20-12.)

15 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

16 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
17 Release.

18 (a) The conditions of parole or mandatory supervised
19 release shall be such as the Prisoner Review Board deems
20 necessary to assist the subject in leading a law-abiding life.
21 The conditions of every parole and mandatory supervised release
22 are that the subject:

23 (1) not violate any criminal statute of any
24 jurisdiction during the parole or release term;

25 (2) refrain from possessing a firearm or other

1 dangerous weapon;

2 (3) report to an agent of the Department of
3 Corrections;

4 (4) permit the agent to visit him or her at his or her
5 home, employment, or elsewhere to the extent necessary for
6 the agent to discharge his or her duties;

7 (5) attend or reside in a facility established for the
8 instruction or residence of persons on parole or mandatory
9 supervised release;

10 (6) secure permission before visiting or writing a
11 committed person in an Illinois Department of Corrections
12 facility;

13 (7) report all arrests to an agent of the Department of
14 Corrections as soon as permitted by the arresting authority
15 but in no event later than 24 hours after release from
16 custody and immediately report service or notification of
17 an order of protection, a civil no contact order, or a
18 stalking no contact order to an agent of the Department of
19 Corrections;

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 January 1, 2007 (the effective
17 date of Public Act 94-988), wear an approved electronic
18 monitoring device as defined in Section 5-8A-2 for the
19 duration of the person's parole, mandatory supervised
20 release term, or extended mandatory supervised release
21 term and if convicted for an offense of criminal sexual
22 assault, aggravated criminal sexual assault, predatory
23 criminal sexual assault of a child, criminal sexual abuse,
24 aggravated criminal sexual abuse, or ritualized abuse of a
25 child committed on or after August 11, 2009 (the effective
26 date of Public Act 96-236) when the victim was under 18

1 years of age at the time of the commission of the offense
2 and the defendant used force or the threat of force in the
3 commission of the offense wear an approved electronic
4 monitoring device as defined in Section 5-8A-2 that has
5 Global Positioning System (GPS) capability for the
6 duration of the person's parole, mandatory supervised
7 release term, or extended mandatory supervised release
8 term;

9 (7.8) if convicted for an offense committed on or after
10 June 1, 2008 (the effective date of Public Act 95-464) that
11 would qualify the accused as a child sex offender as
12 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
13 1961 or the Criminal Code of 2012, refrain from
14 communicating with or contacting, by means of the Internet,
15 a person who is not related to the accused and whom the
16 accused reasonably believes to be under 18 years of age;
17 for purposes of this paragraph (7.8), "Internet" has the
18 meaning ascribed to it in Section 16-0.1 of the Criminal
19 Code of 2012 ~~1961~~; and a person is not related to the
20 accused if the person is not: (i) the spouse, brother, or
21 sister of the accused; (ii) a descendant of the accused;
22 (iii) a first or second cousin of the accused; or (iv) a
23 step-child or adopted child of the accused;

24 (7.9) if convicted under Section 11-6, 11-20.1,
25 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or
26 the Criminal Code of 2012, consent to search of computers,

1 PDAs, cellular phones, and other devices under his or her
2 control that are capable of accessing the Internet or
3 storing electronic files, in order to confirm Internet
4 protocol addresses reported in accordance with the Sex
5 Offender Registration Act and compliance with conditions
6 in this Act;

7 (7.10) if convicted for an offense that would qualify
8 the accused as a sex offender or sexual predator under the
9 Sex Offender Registration Act on or after June 1, 2008 (the
10 effective date of Public Act 95-640), not possess
11 prescription drugs for erectile dysfunction;

12 (7.11) if convicted for an offense under Section 11-6,
13 11-9.1, 11-14.4 that involves soliciting for a juvenile
14 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
15 of the Criminal Code of 1961 or the Criminal Code of 2012,
16 or any attempt to commit any of these offenses, committed
17 on or after June 1, 2009 (the effective date of Public Act
18 95-983):

19 (i) not access or use a computer or any other
20 device with Internet capability without the prior
21 written approval of the Department;

22 (ii) submit to periodic unannounced examinations
23 of the offender's computer or any other device with
24 Internet capability by the offender's supervising
25 agent, a law enforcement officer, or assigned computer
26 or information technology specialist, including the

1 retrieval and copying of all data from the computer or
2 device and any internal or external peripherals and
3 removal of such information, equipment, or device to
4 conduct a more thorough inspection;

5 (iii) submit to the installation on the offender's
6 computer or device with Internet capability, at the
7 offender's expense, of one or more hardware or software
8 systems to monitor the Internet use; and

9 (iv) submit to any other appropriate restrictions
10 concerning the offender's use of or access to a
11 computer or any other device with Internet capability
12 imposed by the Board, the Department or the offender's
13 supervising agent;

14 (7.12) if convicted of a sex offense as defined in the
15 Sex Offender Registration Act committed on or after January
16 1, 2010 (the effective date of Public Act 96-262), refrain
17 from accessing or using a social networking website as
18 defined in Section 17-0.5 of the Criminal Code of 2012
19 ~~1961~~;

20 (7.13) if convicted of a sex offense as defined in
21 Section 2 of the Sex Offender Registration Act committed on
22 or after January 1, 2010 (the effective date of Public Act
23 96-362) that requires the person to register as a sex
24 offender under that Act, may not knowingly use any computer
25 scrub software on any computer that the sex offender uses;

26 (8) obtain permission of an agent of the Department of

1 Corrections before leaving the State of Illinois;

2 (9) obtain permission of an agent of the Department of
3 Corrections before changing his or her residence or
4 employment;

5 (10) consent to a search of his or her person,
6 property, or residence under his or her control;

7 (11) refrain from the use or possession of narcotics or
8 other controlled substances in any form, or both, or any
9 paraphernalia related to those substances and submit to a
10 urinalysis test as instructed by a parole agent of the
11 Department of Corrections;

12 (12) not frequent places where controlled substances
13 are illegally sold, used, distributed, or administered;

14 (13) not knowingly associate with other persons on
15 parole or mandatory supervised release without prior
16 written permission of his or her parole agent and not
17 associate with persons who are members of an organized gang
18 as that term is defined in the Illinois Streetgang
19 Terrorism Omnibus Prevention Act;

20 (14) provide true and accurate information, as it
21 relates to his or her adjustment in the community while on
22 parole or mandatory supervised release or to his or her
23 conduct while incarcerated, in response to inquiries by his
24 or her parole agent or of the Department of Corrections;

25 (15) follow any specific instructions provided by the
26 parole agent that are consistent with furthering

1 conditions set and approved by the Prisoner Review Board or
2 by law, exclusive of placement on electronic detention, to
3 achieve the goals and objectives of his or her parole or
4 mandatory supervised release or to protect the public.
5 These instructions by the parole agent may be modified at
6 any time, as the agent deems appropriate;

7 (16) if convicted of a sex offense as defined in
8 subsection (a-5) of Section 3-1-2 of this Code, unless the
9 offender is a parent or guardian of the person under 18
10 years of age present in the home and no non-familial minors
11 are present, not participate in a holiday event involving
12 children under 18 years of age, such as distributing candy
13 or other items to children on Halloween, wearing a Santa
14 Claus costume on or preceding Christmas, being employed as
15 a department store Santa Claus, or wearing an Easter Bunny
16 costume on or preceding Easter;

17 (17) if convicted of a violation of an order of
18 protection under Section 12-3.4 or Section 12-30 of the
19 Criminal Code of 1961 or the Criminal Code of 2012, be
20 placed under electronic surveillance as provided in
21 Section 5-8A-7 of this Code;

22 (18) comply with the terms and conditions of an order
23 of protection issued pursuant to the Illinois Domestic
24 Violence Act of 1986; an order of protection issued by the
25 court of another state, tribe, or United States territory;
26 a no contact order issued pursuant to the Civil No Contact

1 Order Act; or a no contact order issued pursuant to the
2 Stalking No Contact Order Act; and

3 (19) if convicted of a violation of the Methamphetamine
4 Control and Community Protection Act, the Methamphetamine
5 Precursor Control Act, or a methamphetamine related
6 offense, be:

7 (A) prohibited from purchasing, possessing, or
8 having under his or her control any product containing
9 pseudoephedrine unless prescribed by a physician; and

10 (B) prohibited from purchasing, possessing, or
11 having under his or her control any product containing
12 ammonium nitrate.

13 (b) The Board may in addition to other conditions require
14 that the subject:

15 (1) work or pursue a course of study or vocational
16 training;

17 (2) undergo medical or psychiatric treatment, or
18 treatment for drug addiction or alcoholism;

19 (3) attend or reside in a facility established for the
20 instruction or residence of persons on probation or parole;

21 (4) support his dependents;

22 (5) (blank);

23 (6) (blank);

24 (7) (blank);

25 (7.5) if convicted for an offense committed on or after
26 the effective date of this amendatory Act of the 95th

1 General Assembly that would qualify the accused as a child
2 sex offender as defined in Section 11-9.3 or 11-9.4 of the
3 Criminal Code of 1961 or the Criminal Code of 2012, refrain
4 from communicating with or contacting, by means of the
5 Internet, a person who is related to the accused and whom
6 the accused reasonably believes to be under 18 years of
7 age; for purposes of this paragraph (7.5), "Internet" has
8 the meaning ascribed to it in Section 16-0.1 of the
9 Criminal Code of 2012 ~~1961~~; and a person is related to the
10 accused if the person is: (i) the spouse, brother, or
11 sister of the accused; (ii) a descendant of the accused;
12 (iii) a first or second cousin of the accused; or (iv) a
13 step-child or adopted child of the accused;

14 (7.6) if convicted for an offense committed on or after
15 June 1, 2009 (the effective date of Public Act 95-983) that
16 would qualify as a sex offense as defined in the Sex
17 Offender Registration Act:

18 (i) not access or use a computer or any other
19 device with Internet capability without the prior
20 written approval of the Department;

21 (ii) submit to periodic unannounced examinations
22 of the offender's computer or any other device with
23 Internet capability by the offender's supervising
24 agent, a law enforcement officer, or assigned computer
25 or information technology specialist, including the
26 retrieval and copying of all data from the computer or

1 device and any internal or external peripherals and
2 removal of such information, equipment, or device to
3 conduct a more thorough inspection;

4 (iii) submit to the installation on the offender's
5 computer or device with Internet capability, at the
6 offender's expense, of one or more hardware or software
7 systems to monitor the Internet use; and

8 (iv) submit to any other appropriate restrictions
9 concerning the offender's use of or access to a
10 computer or any other device with Internet capability
11 imposed by the Board, the Department or the offender's
12 supervising agent; and

13 (8) in addition, if a minor:

14 (i) reside with his parents or in a foster home;

15 (ii) attend school;

16 (iii) attend a non-residential program for youth;

17 or

18 (iv) contribute to his own support at home or in a
19 foster home.

20 (b-1) In addition to the conditions set forth in
21 subsections (a) and (b), persons required to register as sex
22 offenders pursuant to the Sex Offender Registration Act, upon
23 release from the custody of the Illinois Department of
24 Corrections, may be required by the Board to comply with the
25 following specific conditions of release:

26 (1) reside only at a Department approved location;

1 (2) comply with all requirements of the Sex Offender
2 Registration Act;

3 (3) notify third parties of the risks that may be
4 occasioned by his or her criminal record;

5 (4) obtain the approval of an agent of the Department
6 of Corrections prior to accepting employment or pursuing a
7 course of study or vocational training and notify the
8 Department prior to any change in employment, study, or
9 training;

10 (5) not be employed or participate in any volunteer
11 activity that involves contact with children, except under
12 circumstances approved in advance and in writing by an
13 agent of the Department of Corrections;

14 (6) be electronically monitored for a minimum of 12
15 months from the date of release as determined by the Board;

16 (7) refrain from entering into a designated geographic
17 area except upon terms approved in advance by an agent of
18 the Department of Corrections. The terms may include
19 consideration of the purpose of the entry, the time of day,
20 and others accompanying the person;

21 (8) refrain from having any contact, including written
22 or oral communications, directly or indirectly, personally
23 or by telephone, letter, or through a third party with
24 certain specified persons including, but not limited to,
25 the victim or the victim's family without the prior written
26 approval of an agent of the Department of Corrections;

1 (9) refrain from all contact, directly or indirectly,
2 personally, by telephone, letter, or through a third party,
3 with minor children without prior identification and
4 approval of an agent of the Department of Corrections;

5 (10) neither possess or have under his or her control
6 any material that is sexually oriented, sexually
7 stimulating, or that shows male or female sex organs or any
8 pictures depicting children under 18 years of age nude or
9 any written or audio material describing sexual
10 intercourse or that depicts or alludes to sexual activity,
11 including but not limited to visual, auditory, telephonic,
12 or electronic media, or any matter obtained through access
13 to any computer or material linked to computer access use;

14 (11) not patronize any business providing sexually
15 stimulating or sexually oriented entertainment nor utilize
16 "900" or adult telephone numbers;

17 (12) not reside near, visit, or be in or about parks,
18 schools, day care centers, swimming pools, beaches,
19 theaters, or any other places where minor children
20 congregate without advance approval of an agent of the
21 Department of Corrections and immediately report any
22 incidental contact with minor children to the Department;

23 (13) not possess or have under his or her control
24 certain specified items of contraband related to the
25 incidence of sexually offending as determined by an agent
26 of the Department of Corrections;

1 (14) may be required to provide a written daily log of
2 activities if directed by an agent of the Department of
3 Corrections;

4 (15) comply with all other special conditions that the
5 Department may impose that restrict the person from
6 high-risk situations and limit access to potential
7 victims;

8 (16) take an annual polygraph exam;

9 (17) maintain a log of his or her travel; or

10 (18) obtain prior approval of his or her parole officer
11 before driving alone in a motor vehicle.

12 (c) The conditions under which the parole or mandatory
13 supervised release is to be served shall be communicated to the
14 person in writing prior to his release, and he shall sign the
15 same before release. A signed copy of these conditions,
16 including a copy of an order of protection where one had been
17 issued by the criminal court, shall be retained by the person
18 and another copy forwarded to the officer in charge of his
19 supervision.

20 (d) After a hearing under Section 3-3-9, the Prisoner
21 Review Board may modify or enlarge the conditions of parole or
22 mandatory supervised release.

23 (e) The Department shall inform all offenders committed to
24 the Department of the optional services available to them upon
25 release and shall assist inmates in availing themselves of such
26 optional services upon their release on a voluntary basis.

1 (f) (Blank).

2 (Source: P.A. 96-236, eff. 8-11-09; 96-262, eff. 1-1-10;
3 96-328, eff. 8-11-09; 96-362, eff. 1-1-10; 96-1000, eff.
4 7-2-10; 96-1539, eff. 3-4-11; 96-1551, Article 2, Section 1065,
5 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;
6 97-50, eff. 6-28-11; 97-531, eff. 1-1-12; 97-560, eff. 1-1-12;
7 97-597, eff. 1-1-12; 97-1109, eff. 1-1-13.)

8 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

9 Sec. 3-6-3. Rules and Regulations for Sentence Credit.

10 (a) (1) The Department of Corrections shall prescribe
11 rules and regulations for awarding and revoking sentence
12 credit for persons committed to the Department which shall
13 be subject to review by the Prisoner Review Board.

14 (1.5) As otherwise provided by law, sentence credit may
15 be awarded for the following:

16 (A) successful completion of programming while in
17 custody of the Department or while in custody prior to
18 sentencing;

19 (B) compliance with the rules and regulations of
20 the Department; or

21 (C) service to the institution, service to a
22 community, or service to the State.

23 (2) The rules and regulations on sentence credit shall
24 provide, with respect to offenses listed in clause (i),
25 (ii), or (iii) of this paragraph (2) committed on or after

1 June 19, 1998 or with respect to the offense listed in
2 clause (iv) of this paragraph (2) committed on or after
3 June 23, 2005 (the effective date of Public Act 94-71) or
4 with respect to offense listed in clause (vi) committed on
5 or after June 1, 2008 (the effective date of Public Act
6 95-625) or with respect to the offense of being an armed
7 habitual criminal committed on or after August 2, 2005 (the
8 effective date of Public Act 94-398) or with respect to the
9 offenses listed in clause (v) of this paragraph (2)
10 committed on or after August 13, 2007 (the effective date
11 of Public Act 95-134) or with respect to the offense of
12 aggravated domestic battery committed on or after July 23,
13 2010 (the effective date of Public Act 96-1224) or with
14 respect to the offense of attempt to commit terrorism
15 committed on or after January 1, 2013 (the effective date
16 of Public Act 97-990) ~~this amendatory Act of the 97th~~
17 ~~General Assembly~~, the following:

18 (i) that a prisoner who is serving a term of
19 imprisonment for first degree murder or for the offense
20 of terrorism shall receive no sentence credit and shall
21 serve the entire sentence imposed by the court;

22 (ii) that a prisoner serving a sentence for attempt
23 to commit terrorism, attempt to commit first degree
24 murder, solicitation of murder, solicitation of murder
25 for hire, intentional homicide of an unborn child,
26 predatory criminal sexual assault of a child,

1 aggravated criminal sexual assault, criminal sexual
2 assault, aggravated kidnapping, aggravated battery
3 with a firearm as described in Section 12-4.2 or
4 subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of
5 Section 12-3.05, heinous battery as described in
6 Section 12-4.1 or subdivision (a)(2) of Section
7 12-3.05, being an armed habitual criminal, aggravated
8 battery of a senior citizen as described in Section
9 12-4.6 or subdivision (a)(4) of Section 12-3.05, or
10 aggravated battery of a child as described in Section
11 12-4.3 or subdivision (b)(1) of Section 12-3.05 shall
12 receive no more than 4.5 days of sentence credit for
13 each month of his or her sentence of imprisonment;

14 (iii) that a prisoner serving a sentence for home
15 invasion, armed robbery, aggravated vehicular
16 hijacking, aggravated discharge of a firearm, or armed
17 violence with a category I weapon or category II
18 weapon, when the court has made and entered a finding,
19 pursuant to subsection (c-1) of Section 5-4-1 of this
20 Code, that the conduct leading to conviction for the
21 enumerated offense resulted in great bodily harm to a
22 victim, shall receive no more than 4.5 days of sentence
23 credit for each month of his or her sentence of
24 imprisonment;

25 (iv) that a prisoner serving a sentence for
26 aggravated discharge of a firearm, whether or not the

1 conduct leading to conviction for the offense resulted
2 in great bodily harm to the victim, shall receive no
3 more than 4.5 days of sentence credit for each month of
4 his or her sentence of imprisonment;

5 (v) that a person serving a sentence for
6 gunrunning, narcotics racketeering, controlled
7 substance trafficking, methamphetamine trafficking,
8 drug-induced homicide, aggravated
9 methamphetamine-related child endangerment, money
10 laundering pursuant to clause (c) (4) or (5) of Section
11 29B-1 of the Criminal Code of 1961 or the Criminal Code
12 of 2012, or a Class X felony conviction for delivery of
13 a controlled substance, possession of a controlled
14 substance with intent to manufacture or deliver,
15 calculated criminal drug conspiracy, criminal drug
16 conspiracy, street gang criminal drug conspiracy,
17 participation in methamphetamine manufacturing,
18 aggravated participation in methamphetamine
19 manufacturing, delivery of methamphetamine, possession
20 with intent to deliver methamphetamine, aggravated
21 delivery of methamphetamine, aggravated possession
22 with intent to deliver methamphetamine,
23 methamphetamine conspiracy when the substance
24 containing the controlled substance or methamphetamine
25 is 100 grams or more shall receive no more than 7.5
26 days sentence credit for each month of his or her

1 sentence of imprisonment;

2 (vi) that a prisoner serving a sentence for a
3 second or subsequent offense of luring a minor shall
4 receive no more than 4.5 days of sentence credit for
5 each month of his or her sentence of imprisonment; and

6 (vii) that a prisoner serving a sentence for
7 aggravated domestic battery shall receive no more than
8 4.5 days of sentence credit for each month of his or
9 her sentence of imprisonment.

10 (2.1) For all offenses, other than those enumerated in
11 subdivision (a)(2)(i), (ii), or (iii) committed on or after
12 June 19, 1998 or subdivision (a)(2)(iv) committed on or
13 after June 23, 2005 (the effective date of Public Act
14 94-71) or subdivision (a)(2)(v) committed on or after
15 August 13, 2007 (the effective date of Public Act 95-134)
16 or subdivision (a)(2)(vi) committed on or after June 1,
17 2008 (the effective date of Public Act 95-625) or
18 subdivision (a)(2)(vii) committed on or after July 23, 2010
19 (the effective date of Public Act 96-1224), and other than
20 the offense of aggravated driving under the influence of
21 alcohol, other drug or drugs, or intoxicating compound or
22 compounds, or any combination thereof as defined in
23 subparagraph (F) of paragraph (1) of subsection (d) of
24 Section 11-501 of the Illinois Vehicle Code, and other than
25 the offense of aggravated driving under the influence of
26 alcohol, other drug or drugs, or intoxicating compound or

1 compounds, or any combination thereof as defined in
2 subparagraph (C) of paragraph (1) of subsection (d) of
3 Section 11-501 of the Illinois Vehicle Code committed on or
4 after January 1, 2011 (the effective date of Public Act
5 96-1230), the rules and regulations shall provide that a
6 prisoner who is serving a term of imprisonment shall
7 receive one day of sentence credit for each day of his or
8 her sentence of imprisonment or recommitment under Section
9 3-3-9. Each day of sentence credit shall reduce by one day
10 the prisoner's period of imprisonment or recommitment
11 under Section 3-3-9.

12 (2.2) A prisoner serving a term of natural life
13 imprisonment or a prisoner who has been sentenced to death
14 shall receive no sentence credit.

15 (2.3) The rules and regulations on sentence credit
16 shall provide that a prisoner who is serving a sentence for
17 aggravated driving under the influence of alcohol, other
18 drug or drugs, or intoxicating compound or compounds, or
19 any combination thereof as defined in subparagraph (F) of
20 paragraph (1) of subsection (d) of Section 11-501 of the
21 Illinois Vehicle Code, shall receive no more than 4.5 days
22 of sentence credit for each month of his or her sentence of
23 imprisonment.

24 (2.4) The rules and regulations on sentence credit
25 shall provide with respect to the offenses of aggravated
26 battery with a machine gun or a firearm equipped with any

1 device or attachment designed or used for silencing the
2 report of a firearm or aggravated discharge of a machine
3 gun or a firearm equipped with any device or attachment
4 designed or used for silencing the report of a firearm,
5 committed on or after July 15, 1999 (the effective date of
6 Public Act 91-121), that a prisoner serving a sentence for
7 any of these offenses shall receive no more than 4.5 days
8 of sentence credit for each month of his or her sentence of
9 imprisonment.

10 (2.5) The rules and regulations on sentence credit
11 shall provide that a prisoner who is serving a sentence for
12 aggravated arson committed on or after July 27, 2001 (the
13 effective date of Public Act 92-176) shall receive no more
14 than 4.5 days of sentence credit for each month of his or
15 her sentence of imprisonment.

16 (2.6) The rules and regulations on sentence credit
17 shall provide that a prisoner who is serving a sentence for
18 aggravated driving under the influence of alcohol, other
19 drug or drugs, or intoxicating compound or compounds or any
20 combination thereof as defined in subparagraph (C) of
21 paragraph (1) of subsection (d) of Section 11-501 of the
22 Illinois Vehicle Code committed on or after January 1, 2011
23 (the effective date of Public Act 96-1230) shall receive no
24 more than 4.5 days of sentence credit for each month of his
25 or her sentence of imprisonment.

26 (3) The rules and regulations shall also provide that

1 the Director may award up to 180 days additional sentence
2 credit for good conduct in specific instances as the
3 Director deems proper. The good conduct may include, but is
4 not limited to, compliance with the rules and regulations
5 of the Department, service to the Department, service to a
6 community, or service to the State. However, the Director
7 shall not award more than 90 days of sentence credit for
8 good conduct to any prisoner who is serving a sentence for
9 conviction of first degree murder, reckless homicide while
10 under the influence of alcohol or any other drug, or
11 aggravated driving under the influence of alcohol, other
12 drug or drugs, or intoxicating compound or compounds, or
13 any combination thereof as defined in subparagraph (F) of
14 paragraph (1) of subsection (d) of Section 11-501 of the
15 Illinois Vehicle Code, aggravated kidnapping, kidnapping,
16 predatory criminal sexual assault of a child, aggravated
17 criminal sexual assault, criminal sexual assault, deviate
18 sexual assault, aggravated criminal sexual abuse,
19 aggravated indecent liberties with a child, indecent
20 liberties with a child, child pornography, heinous battery
21 as described in Section 12-4.1 or subdivision (a)(2) of
22 Section 12-3.05, aggravated battery of a spouse,
23 aggravated battery of a spouse with a firearm, stalking,
24 aggravated stalking, aggravated battery of a child as
25 described in Section 12-4.3 or subdivision (b)(1) of
26 Section 12-3.05, endangering the life or health of a child,

1 or cruelty to a child. Notwithstanding the foregoing,
2 sentence credit for good conduct shall not be awarded on a
3 sentence of imprisonment imposed for conviction of: (i) one
4 of the offenses enumerated in subdivision (a)(2)(i), (ii),
5 or (iii) when the offense is committed on or after June 19,
6 1998 or subdivision (a)(2)(iv) when the offense is
7 committed on or after June 23, 2005 (the effective date of
8 Public Act 94-71) or subdivision (a)(2)(v) when the offense
9 is committed on or after August 13, 2007 (the effective
10 date of Public Act 95-134) or subdivision (a)(2)(vi) when
11 the offense is committed on or after June 1, 2008 (the
12 effective date of Public Act 95-625) or subdivision
13 (a)(2)(vii) when the offense is committed on or after July
14 23, 2010 (the effective date of Public Act 96-1224), (ii)
15 aggravated driving under the influence of alcohol, other
16 drug or drugs, or intoxicating compound or compounds, or
17 any combination thereof as defined in subparagraph (F) of
18 paragraph (1) of subsection (d) of Section 11-501 of the
19 Illinois Vehicle Code, (iii) one of the offenses enumerated
20 in subdivision (a)(2.4) when the offense is committed on or
21 after July 15, 1999 (the effective date of Public Act
22 91-121), (iv) aggravated arson when the offense is
23 committed on or after July 27, 2001 (the effective date of
24 Public Act 92-176), (v) offenses that may subject the
25 offender to commitment under the Sexually Violent Persons
26 Commitment Act, or (vi) aggravated driving under the

1 influence of alcohol, other drug or drugs, or intoxicating
2 compound or compounds or any combination thereof as defined
3 in subparagraph (C) of paragraph (1) of subsection (d) of
4 Section 11-501 of the Illinois Vehicle Code committed on or
5 after January 1, 2011 (the effective date of Public Act
6 96-1230).

7 Eligible inmates for an award of sentence credit under this
8 paragraph (3) may be selected to receive the credit at the
9 Director's or his or her designee's sole discretion.
10 Consideration may be based on, but not limited to, any
11 available risk assessment analysis on the inmate, any history
12 of conviction for violent crimes as defined by the Rights of
13 Crime Victims and Witnesses Act, facts and circumstances of the
14 inmate's holding offense or offenses, and the potential for
15 rehabilitation.

16 The Director shall not award sentence credit under this
17 paragraph (3) to an inmate unless the inmate has served a
18 minimum of 60 days of the sentence; except nothing in this
19 paragraph shall be construed to permit the Director to extend
20 an inmate's sentence beyond that which was imposed by the
21 court. Prior to awarding credit under this paragraph (3), the
22 Director shall make a written determination that the inmate:

23 (A) is eligible for the sentence credit;

24 (B) has served a minimum of 60 days, or as close to
25 60 days as the sentence will allow; and

26 (C) has met the eligibility criteria established

1 by rule.

2 The Director shall determine the form and content of
3 the written determination required in this subsection.

4 (3.5) The Department shall provide annual written
5 reports to the Governor and the General Assembly on the
6 award of sentence credit for good conduct, with the first
7 report due January 1, 2014. The Department must publish
8 both reports on its website within 48 hours of transmitting
9 the reports to the Governor and the General Assembly. The
10 reports must include:

11 (A) the number of inmates awarded sentence credit
12 for good conduct;

13 (B) the average amount of sentence credit for good
14 conduct awarded;

15 (C) the holding offenses of inmates awarded
16 sentence credit for good conduct; and

17 (D) the number of sentence credit for good conduct
18 revocations.

19 (4) The rules and regulations shall also provide that
20 the sentence credit accumulated and retained under
21 paragraph (2.1) of subsection (a) of this Section by any
22 inmate during specific periods of time in which such inmate
23 is engaged full-time in substance abuse programs,
24 correctional industry assignments, educational programs,
25 behavior modification programs, life skills courses, or
26 re-entry planning provided by the Department under this

1 paragraph (4) and satisfactorily completes the assigned
2 program as determined by the standards of the Department,
3 shall be multiplied by a factor of 1.25 for program
4 participation before August 11, 1993 and 1.50 for program
5 participation on or after that date. The rules and
6 regulations shall also provide that sentence credit,
7 subject to the same offense limits and multiplier provided
8 in this paragraph, may be provided to an inmate who was
9 held in pre-trial detention prior to his or her current
10 commitment to the Department of Corrections and
11 successfully completed a full-time, 60-day or longer
12 substance abuse program, educational program, behavior
13 modification program, life skills course, or re-entry
14 planning provided by the county department of corrections
15 or county jail. Calculation of this county program credit
16 shall be done at sentencing as provided in Section
17 5-4.5-100 of this Code and shall be included in the
18 sentencing order. However, no inmate shall be eligible for
19 the additional sentence credit under this paragraph (4) or
20 (4.1) of this subsection (a) while assigned to a boot camp
21 or electronic detention, or if convicted of an offense
22 enumerated in subdivision (a)(2)(i), (ii), or (iii) of this
23 Section that is committed on or after June 19, 1998 or
24 subdivision (a)(2)(iv) of this Section that is committed on
25 or after June 23, 2005 (the effective date of Public Act
26 94-71) or subdivision (a)(2)(v) of this Section that is

1 committed on or after August 13, 2007 (the effective date
2 of Public Act 95-134) or subdivision (a)(2)(vi) when the
3 offense is committed on or after June 1, 2008 (the
4 effective date of Public Act 95-625) or subdivision
5 (a)(2)(vii) when the offense is committed on or after July
6 23, 2010 (the effective date of Public Act 96-1224), or if
7 convicted of aggravated driving under the influence of
8 alcohol, other drug or drugs, or intoxicating compound or
9 compounds or any combination thereof as defined in
10 subparagraph (F) of paragraph (1) of subsection (d) of
11 Section 11-501 of the Illinois Vehicle Code, or if
12 convicted of aggravated driving under the influence of
13 alcohol, other drug or drugs, or intoxicating compound or
14 compounds or any combination thereof as defined in
15 subparagraph (C) of paragraph (1) of subsection (d) of
16 Section 11-501 of the Illinois Vehicle Code committed on or
17 after January 1, 2011 (the effective date of Public Act
18 96-1230), or if convicted of an offense enumerated in
19 paragraph (a)(2.4) of this Section that is committed on or
20 after July 15, 1999 (the effective date of Public Act
21 91-121), or first degree murder, a Class X felony, criminal
22 sexual assault, felony criminal sexual abuse, aggravated
23 criminal sexual abuse, aggravated battery with a firearm as
24 described in Section 12-4.2 or subdivision (e)(1), (e)(2),
25 (e)(3), or (e)(4) of Section 12-3.05, or any predecessor or
26 successor offenses with the same or substantially the same

1 elements, or any inchoate offenses relating to the
2 foregoing offenses. No inmate shall be eligible for the
3 additional good conduct credit under this paragraph (4) who
4 (i) has previously received increased good conduct credit
5 under this paragraph (4) and has subsequently been
6 convicted of a felony, or (ii) has previously served more
7 than one prior sentence of imprisonment for a felony in an
8 adult correctional facility.

9 Educational, vocational, substance abuse, behavior
10 modification programs, life skills courses, re-entry
11 planning, and correctional industry programs under which
12 sentence credit may be increased under this paragraph (4)
13 and paragraph (4.1) of this subsection (a) shall be
14 evaluated by the Department on the basis of documented
15 standards. The Department shall report the results of these
16 evaluations to the Governor and the General Assembly by
17 September 30th of each year. The reports shall include data
18 relating to the recidivism rate among program
19 participants.

20 Availability of these programs shall be subject to the
21 limits of fiscal resources appropriated by the General
22 Assembly for these purposes. Eligible inmates who are
23 denied immediate admission shall be placed on a waiting
24 list under criteria established by the Department. The
25 inability of any inmate to become engaged in any such
26 programs by reason of insufficient program resources or for

1 any other reason established under the rules and
2 regulations of the Department shall not be deemed a cause
3 of action under which the Department or any employee or
4 agent of the Department shall be liable for damages to the
5 inmate.

6 (4.1) The rules and regulations shall also provide that
7 an additional 60 days of sentence credit shall be awarded
8 to any prisoner who passes the high school level Test of
9 General Educational Development (GED) while the prisoner
10 is committed to the Department of Corrections. The sentence
11 credit awarded under this paragraph (4.1) shall be in
12 addition to, and shall not affect, the award of sentence
13 credit under any other paragraph of this Section, but shall
14 also be pursuant to the guidelines and restrictions set
15 forth in paragraph (4) of subsection (a) of this Section.
16 The sentence credit provided for in this paragraph shall be
17 available only to those prisoners who have not previously
18 earned a high school diploma or a GED. If, after an award
19 of the GED sentence credit has been made and the Department
20 determines that the prisoner was not eligible, then the
21 award shall be revoked. The Department may also award 60
22 days of sentence credit to any committed person who passed
23 the high school level Test of General Educational
24 Development (GED) while he or she was held in pre-trial
25 detention prior to the current commitment to the Department
26 of Corrections.

1 (4.5) The rules and regulations on sentence credit
2 shall also provide that when the court's sentencing order
3 recommends a prisoner for substance abuse treatment and the
4 crime was committed on or after September 1, 2003 (the
5 effective date of Public Act 93-354), the prisoner shall
6 receive no sentence credit awarded under clause (3) of this
7 subsection (a) unless he or she participates in and
8 completes a substance abuse treatment program. The
9 Director may waive the requirement to participate in or
10 complete a substance abuse treatment program and award the
11 sentence credit in specific instances if the prisoner is
12 not a good candidate for a substance abuse treatment
13 program for medical, programming, or operational reasons.
14 Availability of substance abuse treatment shall be subject
15 to the limits of fiscal resources appropriated by the
16 General Assembly for these purposes. If treatment is not
17 available and the requirement to participate and complete
18 the treatment has not been waived by the Director, the
19 prisoner shall be placed on a waiting list under criteria
20 established by the Department. The Director may allow a
21 prisoner placed on a waiting list to participate in and
22 complete a substance abuse education class or attend
23 substance abuse self-help meetings in lieu of a substance
24 abuse treatment program. A prisoner on a waiting list who
25 is not placed in a substance abuse program prior to release
26 may be eligible for a waiver and receive sentence credit

1 under clause (3) of this subsection (a) at the discretion
2 of the Director.

3 (4.6) The rules and regulations on sentence credit
4 shall also provide that a prisoner who has been convicted
5 of a sex offense as defined in Section 2 of the Sex
6 Offender Registration Act shall receive no sentence credit
7 unless he or she either has successfully completed or is
8 participating in sex offender treatment as defined by the
9 Sex Offender Management Board. However, prisoners who are
10 waiting to receive treatment, but who are unable to do so
11 due solely to the lack of resources on the part of the
12 Department, may, at the Director's sole discretion, be
13 awarded sentence credit at a rate as the Director shall
14 determine.

15 (5) Whenever the Department is to release any inmate
16 earlier than it otherwise would because of a grant of
17 sentence credit for good conduct under paragraph (3) of
18 subsection (a) of this Section given at any time during the
19 term, the Department shall give reasonable notice of the
20 impending release not less than 14 days prior to the date
21 of the release to the State's Attorney of the county where
22 the prosecution of the inmate took place, and if
23 applicable, the State's Attorney of the county into which
24 the inmate will be released. The Department must also make
25 identification information and a recent photo of the inmate
26 being released accessible on the Internet by means of a

1 hyperlink labeled "Community Notification of Inmate Early
2 Release" on the Department's World Wide Web homepage. The
3 identification information shall include the inmate's:
4 name, any known alias, date of birth, physical
5 characteristics, residence address, commitment offense and
6 county where conviction was imposed. The identification
7 information shall be placed on the website within 3 days of
8 the inmate's release and the information may not be removed
9 until either: completion of the first year of mandatory
10 supervised release or return of the inmate to custody of
11 the Department.

12 (b) Whenever a person is or has been committed under
13 several convictions, with separate sentences, the sentences
14 shall be construed under Section 5-8-4 in granting and
15 forfeiting of sentence credit.

16 (c) The Department shall prescribe rules and regulations
17 for revoking sentence credit, including revoking sentence
18 credit awarded for good conduct under paragraph (3) of
19 subsection (a) of this Section. The Department shall prescribe
20 rules and regulations for suspending or reducing the rate of
21 accumulation of sentence credit for specific rule violations,
22 during imprisonment. These rules and regulations shall provide
23 that no inmate may be penalized more than one year of sentence
24 credit for any one infraction.

25 When the Department seeks to revoke, suspend or reduce the
26 rate of accumulation of any sentence credits for an alleged

1 infraction of its rules, it shall bring charges therefor
2 against the prisoner sought to be so deprived of sentence
3 credits before the Prisoner Review Board as provided in
4 subparagraph (a)(4) of Section 3-3-2 of this Code, if the
5 amount of credit at issue exceeds 30 days or when during any 12
6 month period, the cumulative amount of credit revoked exceeds
7 30 days except where the infraction is committed or discovered
8 within 60 days of scheduled release. In those cases, the
9 Department of Corrections may revoke up to 30 days of sentence
10 credit. The Board may subsequently approve the revocation of
11 additional sentence credit, if the Department seeks to revoke
12 sentence credit in excess of 30 days. However, the Board shall
13 not be empowered to review the Department's decision with
14 respect to the loss of 30 days of sentence credit within any
15 calendar year for any prisoner or to increase any penalty
16 beyond the length requested by the Department.

17 The Director of the Department of Corrections, in
18 appropriate cases, may restore up to 30 days of sentence
19 credits which have been revoked, suspended or reduced. Any
20 restoration of sentence credits in excess of 30 days shall be
21 subject to review by the Prisoner Review Board. However, the
22 Board may not restore sentence credit in excess of the amount
23 requested by the Director.

24 Nothing contained in this Section shall prohibit the
25 Prisoner Review Board from ordering, pursuant to Section
26 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the

1 sentence imposed by the court that was not served due to the
2 accumulation of sentence credit.

3 (d) If a lawsuit is filed by a prisoner in an Illinois or
4 federal court against the State, the Department of Corrections,
5 or the Prisoner Review Board, or against any of their officers
6 or employees, and the court makes a specific finding that a
7 pleading, motion, or other paper filed by the prisoner is
8 frivolous, the Department of Corrections shall conduct a
9 hearing to revoke up to 180 days of sentence credit by bringing
10 charges against the prisoner sought to be deprived of the
11 sentence credits before the Prisoner Review Board as provided
12 in subparagraph (a)(8) of Section 3-3-2 of this Code. If the
13 prisoner has not accumulated 180 days of sentence credit at the
14 time of the finding, then the Prisoner Review Board may revoke
15 all sentence credit accumulated by the prisoner.

16 For purposes of this subsection (d):

17 (1) "Frivolous" means that a pleading, motion, or other
18 filing which purports to be a legal document filed by a
19 prisoner in his or her lawsuit meets any or all of the
20 following criteria:

21 (A) it lacks an arguable basis either in law or in
22 fact;

23 (B) it is being presented for any improper purpose,
24 such as to harass or to cause unnecessary delay or
25 needless increase in the cost of litigation;

26 (C) the claims, defenses, and other legal

1 contentions therein are not warranted by existing law
2 or by a nonfrivolous argument for the extension,
3 modification, or reversal of existing law or the
4 establishment of new law;

5 (D) the allegations and other factual contentions
6 do not have evidentiary support or, if specifically so
7 identified, are not likely to have evidentiary support
8 after a reasonable opportunity for further
9 investigation or discovery; or

10 (E) the denials of factual contentions are not
11 warranted on the evidence, or if specifically so
12 identified, are not reasonably based on a lack of
13 information or belief.

14 (2) "Lawsuit" means a motion pursuant to Section 116-3
15 of the Code of Criminal Procedure of 1963, a habeas corpus
16 action under Article X of the Code of Civil Procedure or
17 under federal law (28 U.S.C. 2254), a petition for claim
18 under the Court of Claims Act, an action under the federal
19 Civil Rights Act (42 U.S.C. 1983), or a second or
20 subsequent petition for post-conviction relief under
21 Article 122 of the Code of Criminal Procedure of 1963
22 whether filed with or without leave of court or a second or
23 subsequent petition for relief from judgment under Section
24 2-1401 of the Code of Civil Procedure.

25 (e) Nothing in Public Act 90-592 or 90-593 affects the
26 validity of Public Act 89-404.

1 (f) Whenever the Department is to release any inmate who
2 has been convicted of a violation of an order of protection
3 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or
4 the Criminal Code of 2012, earlier than it otherwise would
5 because of a grant of sentence credit, the Department, as a
6 condition of release, shall require that the person, upon
7 release, be placed under electronic surveillance as provided in
8 Section 5-8A-7 of this Code.

9 (Source: P.A. 96-860, eff. 1-15-10; 96-1110, eff. 7-19-10;
10 96-1128, eff. 1-1-11; 96-1200, eff. 7-22-10; 96-1224, eff.
11 7-23-10; 96-1230, eff. 1-1-11; 96-1551, eff. 7-1-11; 97-333,
12 eff. 8-12-11; 97-697, eff. 6-22-12; 97-990, eff. 1-1-13;
13 revised 8-23-12.)

14 (730 ILCS 5/3-6-4) (from Ch. 38, par. 1003-6-4)

15 Sec. 3-6-4. Enforcement of Discipline - Escape.

16 (a) A committed person who escapes or attempts to escape
17 from an institution or facility of the Department of
18 Corrections, or escapes or attempts to escape while in the
19 custody of an employee of the Department of Corrections, or
20 holds or participates in the holding of any person as a hostage
21 by force, threat or violence, or while participating in any
22 disturbance, demonstration or riot, causes, directs or
23 participates in the destruction of any property is guilty of a
24 Class 2 felony. A committed person who fails to return from
25 furlough or from work and day release is guilty of a Class 3

1 felony.

2 (b) If one or more committed persons injures or attempts to
3 injure in a violent manner any employee, officer, guard, other
4 peace officer or any other committed person or damages or
5 attempts to damage any building or workshop, or any
6 appurtenances thereof, or attempts to escape, or disobeys or
7 resists any lawful command, the employees, officers, guards and
8 other peace officers shall use all suitable means to defend
9 themselves, to enforce the observance of discipline, to secure
10 the persons of the offenders, and prevent such attempted
11 violence or escape; and said employees, officers, guards, or
12 other peace officers, or any of them, shall, in the attempt to
13 prevent the escape of any such person, or in attempting to
14 retake any such person who has escaped, or in attempting to
15 prevent or suppress violence by a committed person against
16 another person, a riot, revolt, mutiny or insurrection, be
17 justified in the use of force, including force likely to cause
18 death or great bodily harm under Section 7-8 of the Criminal
19 Code of 2012 ~~1961~~ which he reasonably believed necessary.

20 As used in this Section, "committed person" includes a
21 person held in detention in a secure facility or committed as a
22 sexually violent person and held in a secure facility under the
23 Sexually Violent Persons Commitment Act; and "peace officer"
24 means any officer or member of any duly organized State, county
25 or municipal police unit or police force.

26 (c) The Department shall establish procedures to provide

1 immediate notification of the escape of any person, as defined
2 in subsection (a) of this Section, to the persons specified in
3 subsection (c) of Section 3-14-1 of this Code.

4 (Source: P.A. 97-1083, eff. 8-24-12.)

5 (730 ILCS 5/3-10-7) (from Ch. 38, par. 1003-10-7)

6 Sec. 3-10-7. Interdivisional Transfers.

7 (a) In any case where a minor was originally prosecuted
8 under the provisions of the Criminal Code of 1961 or the
9 Criminal Code of 2012, ~~as amended~~, and sentenced under the
10 provisions of this Act pursuant to Section 2-7 of the Juvenile
11 Court Act or Section 5-805 of the Juvenile Court Act of 1987
12 and committed to the Department of Juvenile Justice under
13 Section 5-8-6, the Department of Juvenile Justice shall, within
14 30 days of the date that the minor reaches the age of 17, send
15 formal notification to the sentencing court and the State's
16 Attorney of the county from which the minor was sentenced
17 indicating the day upon which the minor offender will achieve
18 the age of 17. Within 90 days of receipt of that notice, the
19 sentencing court shall conduct a hearing, pursuant to the
20 provisions of subsection (c) of this Section to determine
21 whether or not the minor shall continue to remain under the
22 auspices of the Department of Juvenile Justice or be
23 transferred to the Department of Corrections.

24 The minor shall be served with notice of the date of the
25 hearing, shall be present at the hearing, and has the right to

1 counsel at the hearing. The minor, with the consent of his or
2 her counsel or guardian may waive his presence at hearing.

3 (b) Unless sooner paroled under Section 3-3-3, the
4 confinement of a minor person committed for an indeterminate
5 sentence in a criminal proceeding shall terminate at the
6 expiration of the maximum term of imprisonment, and he shall
7 thereupon be released to serve a period of parole under Section
8 5-8-1, but if the maximum term of imprisonment does not expire
9 until after his 21st birthday, he shall continue to be subject
10 to the control and custody of the Department of Juvenile
11 Justice, and on his 21st birthday, he shall be transferred to
12 the Department of Corrections. If such person is on parole on
13 his 21st birthday, his parole supervision may be transferred to
14 the Department of Corrections.

15 (c) Any interdivisional transfer hearing conducted
16 pursuant to subsection (a) of this Section shall consider all
17 available information which may bear upon the issue of
18 transfer. All evidence helpful to the court in determining the
19 question of transfer, including oral and written reports
20 containing hearsay, may be relied upon to the extent of its
21 probative value, even though not competent for the purposes of
22 an adjudicatory hearing. The court shall consider, along with
23 any other relevant matter, the following:

- 24 1. The nature of the offense for which the minor was
25 found guilty and the length of the sentence the minor has
26 to serve and the record and previous history of the minor.

1 2. The record of the minor's adjustment within the
2 Department of Juvenile Justice, including, but not limited
3 to, reports from the minor's counselor, any escapes,
4 attempted escapes or violent or disruptive conduct on the
5 part of the minor, any tickets received by the minor,
6 summaries of classes attended by the minor, and any record
7 of work performed by the minor while in the institution.

8 3. The relative maturity of the minor based upon the
9 physical, psychological and emotional development of the
10 minor.

11 4. The record of the rehabilitative progress of the
12 minor and an assessment of the vocational potential of the
13 minor.

14 5. An assessment of the necessity for transfer of the
15 minor, including, but not limited to, the availability of
16 space within the Department of Corrections, the
17 disciplinary and security problem which the minor has
18 presented to the Department of Juvenile Justice and the
19 practicability of maintaining the minor in a juvenile
20 facility, whether resources have been exhausted within the
21 Department of Juvenile Justice, the availability of
22 rehabilitative and vocational programs within the
23 Department of Corrections, and the anticipated ability of
24 the minor to adjust to confinement within an adult
25 institution based upon the minor's physical size and
26 maturity.

1 All relevant factors considered under this subsection need
2 not be resolved against the juvenile in order to justify such
3 transfer. Access to social records, probation reports or any
4 other reports which are considered by the court for the purpose
5 of transfer shall be made available to counsel for the juvenile
6 at least 30 days prior to the date of the transfer hearing. The
7 Sentencing Court, upon granting a transfer order, shall
8 accompany such order with a statement of reasons.

9 (d) Whenever the Director of Juvenile Justice or his
10 designee determines that the interests of safety, security and
11 discipline require the transfer to the Department of
12 Corrections of a person 17 years or older who was prosecuted
13 under the provisions of the Criminal Code of 1961 or the
14 Criminal Code of 2012, as amended, and sentenced under the
15 provisions of this Act pursuant to Section 2-7 of the Juvenile
16 Court Act or Section 5-805 of the Juvenile Court Act of 1987
17 and committed to the Department of Juvenile Justice under
18 Section 5-8-6, the Director or his designee may authorize the
19 emergency transfer of such person, unless the transfer of the
20 person is governed by subsection (e) of this Section. The
21 sentencing court shall be provided notice of any emergency
22 transfer no later than 3 days after the emergency transfer.
23 Upon motion brought within 60 days of the emergency transfer by
24 the sentencing court or any party, the sentencing court may
25 conduct a hearing pursuant to the provisions of subsection (c)
26 of this Section in order to determine whether the person shall

1 remain confined in the Department of Corrections.

2 (e) The Director of Juvenile Justice or his designee may
3 authorize the permanent transfer to the Department of
4 Corrections of any person 18 years or older who was prosecuted
5 under the provisions of the Criminal Code of 1961 or the
6 Criminal Code of 2012, ~~as amended,~~ and sentenced under the
7 provisions of this Act pursuant to Section 2-7 of the Juvenile
8 Court Act or Section 5-805 of the Juvenile Court Act of 1987
9 and committed to the Department of Juvenile Justice under
10 Section 5-8-6 of this Act. The Director of Juvenile Justice or
11 his designee shall be governed by the following factors in
12 determining whether to authorize the permanent transfer of the
13 person to the Department of Corrections:

14 1. The nature of the offense for which the person was
15 found guilty and the length of the sentence the person has
16 to serve and the record and previous history of the person.

17 2. The record of the person's adjustment within the
18 Department of Juvenile Justice, including, but not limited
19 to, reports from the person's counselor, any escapes,
20 attempted escapes or violent or disruptive conduct on the
21 part of the person, any tickets received by the person,
22 summaries of classes attended by the person, and any record
23 of work performed by the person while in the institution.

24 3. The relative maturity of the person based upon the
25 physical, psychological and emotional development of the
26 person.

1 4. The record of the rehabilitative progress of the
2 person and an assessment of the vocational potential of the
3 person.

4 5. An assessment of the necessity for transfer of the
5 person, including, but not limited to, the availability of
6 space within the Department of Corrections, the
7 disciplinary and security problem which the person has
8 presented to the Department of Juvenile Justice and the
9 practicability of maintaining the person in a juvenile
10 facility, whether resources have been exhausted within the
11 Department of Juvenile Justice, the availability of
12 rehabilitative and vocational programs within the
13 Department of Corrections, and the anticipated ability of
14 the person to adjust to confinement within an adult
15 institution based upon the person's physical size and
16 maturity.

17 (Source: P.A. 97-1083, eff. 8-24-12.)

18 (730 ILCS 5/3-14-1.5)

19 Sec. 3-14-1.5. Parole agents and parole supervisors;
20 off-duty firearms. Subsections 24-1(a)(4) and 24-1(a)(10) and
21 Section 24-1.6 of the Criminal Code of 2012 ~~1961~~ do not apply
22 to parole agents and parole supervisors who meet the following
23 conditions:

24 (1) The parole agent or parole supervisor must receive
25 training in the use of firearms while off-duty conducted by the

1 Illinois Law Enforcement Training Standards Board and be
2 certified as having successfully completing such training by
3 the Board. The Board shall determine the amount of such
4 training and the course content for such training. The parole
5 agent or parole supervisor shall requalify for the firearms
6 training annually at a State range certified by the Illinois
7 Law Enforcement Training Standards Board. The expenses of such
8 retraining shall be paid by the parole agent or parole
9 supervisor and moneys for such requalification shall be
10 expended at the request of the Illinois Law Enforcement
11 Training Standards Board.

12 (2) The parole agent or parole supervisor shall purchase
13 such firearm at his or her own expense and shall register the
14 firearm with the Illinois Department of State Police and with
15 any other local law enforcement agencies that require such
16 registration.

17 (3) The parole agent or parole supervisor may not carry any
18 Illinois Department of Corrections State issued firearm while
19 off-duty. A person who violates this paragraph (3) is subject
20 to disciplinary action by the Illinois Department of
21 Corrections.

22 (4) Parole agents and supervisors who are discharged from
23 employment of the Illinois Department of Corrections shall no
24 longer be considered law enforcement officials and all their
25 rights as law enforcement officials shall be revoked
26 permanently.

1 (Source: P.A. 96-230, eff. 1-1-10; 97-333, eff. 8-12-11.)

2 (730 ILCS 5/3-14-2) (from Ch. 38, par. 1003-14-2)

3 Sec. 3-14-2. Supervision on Parole, Mandatory Supervised
4 Release and Release by Statute.

5 (a) The Department shall retain custody of all persons
6 placed on parole or mandatory supervised release or released
7 pursuant to Section 3-3-10 of this Code and shall supervise
8 such persons during their parole or release period in accord
9 with the conditions set by the Prisoner Review Board. Such
10 conditions shall include referral to an alcohol or drug abuse
11 treatment program, as appropriate, if such person has
12 previously been identified as having an alcohol or drug abuse
13 problem. Such conditions may include that the person use an
14 approved electronic monitoring device subject to Article 8A of
15 Chapter V.

16 (b) The Department shall assign personnel to assist persons
17 eligible for parole in preparing a parole plan. Such Department
18 personnel shall make a report of their efforts and findings to
19 the Prisoner Review Board prior to its consideration of the
20 case of such eligible person.

21 (c) A copy of the conditions of his parole or release shall
22 be signed by the parolee or releasee and given to him and to
23 his supervising officer who shall report on his progress under
24 the rules and regulations of the Prisoner Review Board. The
25 supervising officer shall report violations to the Prisoner

1 Review Board and shall have the full power of peace officers in
2 the arrest and retaking of any parolees or releasees or the
3 officer may request the Department to issue a warrant for the
4 arrest of any parolee or releasee who has allegedly violated
5 his parole or release conditions.

6 (c-1) The supervising officer shall request the Department
7 to issue a parole violation warrant, and the Department shall
8 issue a parole violation warrant, under the following
9 circumstances:

10 (1) if the parolee or releasee commits an act that
11 constitutes a felony using a firearm or knife,

12 (2) if applicable, fails to comply with the
13 requirements of the Sex Offender Registration Act,

14 (3) if the parolee or releasee is charged with:

15 (A) a felony offense of domestic battery under
16 Section 12-3.2 of the Criminal Code of 1961 or the
17 Criminal Code of 2012,

18 (B) aggravated domestic battery under Section
19 12-3.3 of the Criminal Code of 1961 or the Criminal
20 Code of 2012,

21 (C) stalking under Section 12-7.3 of the Criminal
22 Code of 1961 or the Criminal Code of 2012,

23 (D) aggravated stalking under Section 12-7.4 of
24 the Criminal Code of 1961 or the Criminal Code of 2012,

25 (E) violation of an order of protection under
26 Section 12-3.4 or 12-30 of the Criminal Code of 1961 or

1 the Criminal Code of 2012, or

2 (F) any offense that would require registration as
3 a sex offender under the Sex Offender Registration Act,
4 or

5 (4) if the parolee or releasee is on parole or
6 mandatory supervised release for a murder, a Class X felony
7 or a Class 1 felony violation of the Criminal Code of 1961
8 or the Criminal Code of 2012, or any felony that requires
9 registration as a sex offender under the Sex Offender
10 Registration Act and commits an act that constitutes first
11 degree murder, a Class X felony, a Class 1 felony, a Class
12 2 felony, or a Class 3 felony.

13 A sheriff or other peace officer may detain an alleged
14 parole or release violator until a warrant for his return to
15 the Department can be issued. The parolee or releasee may be
16 delivered to any secure place until he can be transported to
17 the Department. The officer or the Department shall file a
18 violation report with notice of charges with the Prisoner
19 Review Board.

20 (d) The supervising officer shall regularly advise and
21 consult with the parolee or releasee, assist him in adjusting
22 to community life, inform him of the restoration of his rights
23 on successful completion of sentence under Section 5-5-5. If
24 the parolee or releasee has been convicted of a sex offense as
25 defined in the Sex Offender Management Board Act, the
26 supervising officer shall periodically, but not less than once

1 a month, verify that the parolee or releasee is in compliance
2 with paragraph (7.6) of subsection (a) of Section 3-3-7.

3 (e) Supervising officers shall receive specialized
4 training in the special needs of female releasees or parolees
5 including the family reunification process.

6 (f) The supervising officer shall keep such records as the
7 Prisoner Review Board or Department may require. All records
8 shall be entered in the master file of the individual.

9 (Source: P.A. 96-282, eff. 1-1-10; 96-1447, eff. 8-20-10;
10 97-389, eff. 8-15-11.)

11 (730 ILCS 5/5-3-2) (from Ch. 38, par. 1005-3-2)

12 Sec. 5-3-2. Presentence Report.

13 (a) In felony cases, the presentence report shall set
14 forth:

15 (1) the defendant's history of delinquency or
16 criminality, physical and mental history and condition,
17 family situation and background, economic status,
18 education, occupation and personal habits;

19 (2) information about special resources within the
20 community which might be available to assist the
21 defendant's rehabilitation, including treatment centers,
22 residential facilities, vocational training services,
23 correctional manpower programs, employment opportunities,
24 special educational programs, alcohol and drug abuse
25 programming, psychiatric and marriage counseling, and

1 other programs and facilities which could aid the
2 defendant's successful reintegration into society;

3 (3) the effect the offense committed has had upon the
4 victim or victims thereof, and any compensatory benefit
5 that various sentencing alternatives would confer on such
6 victim or victims;

7 (4) information concerning the defendant's status
8 since arrest, including his record if released on his own
9 recognizance, or the defendant's achievement record if
10 released on a conditional pre-trial supervision program;

11 (5) when appropriate, a plan, based upon the personal,
12 economic and social adjustment needs of the defendant,
13 utilizing public and private community resources as an
14 alternative to institutional sentencing;

15 (6) any other matters that the investigatory officer
16 deems relevant or the court directs to be included; and

17 (7) information concerning defendant's eligibility for
18 a sentence to a county impact incarceration program under
19 Section 5-8-1.2 of this Code.

20 (b) The investigation shall include a physical and mental
21 examination of the defendant when so ordered by the court. If
22 the court determines that such an examination should be made,
23 it shall issue an order that the defendant submit to
24 examination at such time and place as designated by the court
25 and that such examination be conducted by a physician,
26 psychologist or psychiatrist designated by the court. Such an

1 examination may be conducted in a court clinic if so ordered by
2 the court. The cost of such examination shall be paid by the
3 county in which the trial is held.

4 (b-5) In cases involving felony sex offenses in which the
5 offender is being considered for probation only or any felony
6 offense that is sexually motivated as defined in the Sex
7 Offender Management Board Act in which the offender is being
8 considered for probation only, the investigation shall include
9 a sex offender evaluation by an evaluator approved by the Board
10 and conducted in conformance with the standards developed under
11 the Sex Offender Management Board Act. In cases in which the
12 offender is being considered for any mandatory prison sentence,
13 the investigation shall not include a sex offender evaluation.

14 (c) In misdemeanor, business offense or petty offense
15 cases, except as specified in subsection (d) of this Section,
16 when a presentence report has been ordered by the court, such
17 presentence report shall contain information on the
18 defendant's history of delinquency or criminality and shall
19 further contain only those matters listed in any of paragraphs
20 (1) through (6) of subsection (a) or in subsection (b) of this
21 Section as are specified by the court in its order for the
22 report.

23 (d) In cases under Sections 11-1.50, 12-15, and 12-3.4 or
24 12-30 of the Criminal Code of 1961 or the Criminal Code of
25 2012, as amended, the presentence report shall set forth
26 information about alcohol, drug abuse, psychiatric, and

1 marriage counseling or other treatment programs and
2 facilities, information on the defendant's history of
3 delinquency or criminality, and shall contain those additional
4 matters listed in any of paragraphs (1) through (6) of
5 subsection (a) or in subsection (b) of this Section as are
6 specified by the court.

7 (e) Nothing in this Section shall cause the defendant to be
8 held without bail or to have his bail revoked for the purpose
9 of preparing the presentence report or making an examination.

10 (Source: P.A. 96-322, eff. 1-1-10; 96-1551, Article 1, Section
11 970, eff. 7-1-11; 96-1551, Article 2, Section 1065, eff.
12 7-1-11; 97-1109, eff. 1-1-13.)

13 (730 ILCS 5/5-3-4) (from Ch. 38, par. 1005-3-4)

14 Sec. 5-3-4. Disclosure of Reports.

15 (a) Any report made pursuant to this Article or Section
16 5-705 of the Juvenile Court Act of 1987 shall be filed of
17 record with the court in a sealed envelope.

18 (b) Presentence reports shall be open for inspection only
19 as follows:

20 (1) to the sentencing court;

21 (2) to the state's attorney and the defendant's
22 attorney at least 3 days prior to the imposition of
23 sentence, unless such 3 day requirement is waived;

24 (3) to an appellate court in which the conviction or
25 sentence is subject to review;

1 (4) to any department, agency or institution to which
2 the defendant is committed;

3 (5) to any probation department of whom courtesy
4 probation is requested;

5 (6) to any probation department assigned by a court of
6 lawful jurisdiction to conduct a presentence report;

7 (7) to any other person only as ordered by the court;
8 and

9 (8) to any mental health professional on behalf of the
10 Illinois Department of Corrections or the Department of
11 Human Services or to a prosecutor who is evaluating or
12 investigating a potential or actual petition brought under
13 the Sexually Violent Persons Commitment Act relating to a
14 person who is the subject of a presentence report or the
15 respondent to a petition brought under the Sexually Violent
16 Persons Commitment Act who is the subject of the
17 presentence report sought. Any records and any information
18 obtained from those records under this paragraph (8) may be
19 used only in sexually violent persons commitment
20 proceedings.

21 (c) Presentence reports shall be filed of record with the
22 court within 60 days of a verdict or finding of guilty for any
23 offense involving an illegal sexual act perpetrated upon a
24 victim, including but not limited to offenses for violations of
25 Article 12 of the Criminal Code of 1961 or the Criminal Code of
26 2012, or any offense determined by the court or the probation

1 department to be sexually motivated, as defined in the Sex
2 Offender Management Board Act.

3 (d) A complaint, information or indictment shall not be
4 quashed or dismissed nor shall any person in custody for an
5 offense be discharged from custody because of noncompliance
6 with subsection (c) of this Section.

7 (Source: P.A. 92-415, eff. 8-17-01; 93-970, eff. 8-20-04.)

8 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

9 Sec. 5-4-1. Sentencing Hearing.

10 (a) Except when the death penalty is sought under hearing
11 procedures otherwise specified, after a determination of
12 guilt, a hearing shall be held to impose the sentence. However,
13 prior to the imposition of sentence on an individual being
14 sentenced for an offense based upon a charge for a violation of
15 Section 11-501 of the Illinois Vehicle Code or a similar
16 provision of a local ordinance, the individual must undergo a
17 professional evaluation to determine if an alcohol or other
18 drug abuse problem exists and the extent of such a problem.
19 Programs conducting these evaluations shall be licensed by the
20 Department of Human Services. However, if the individual is not
21 a resident of Illinois, the court may, in its discretion,
22 accept an evaluation from a program in the state of such
23 individual's residence. The court may in its sentencing order
24 approve an eligible defendant for placement in a Department of
25 Corrections impact incarceration program as provided in

1 Section 5-8-1.1 or 5-8-1.3. The court may in its sentencing
2 order recommend a defendant for placement in a Department of
3 Corrections substance abuse treatment program as provided in
4 paragraph (a) of subsection (1) of Section 3-2-2 conditioned
5 upon the defendant being accepted in a program by the
6 Department of Corrections. At the hearing the court shall:

7 (1) consider the evidence, if any, received upon the
8 trial;

9 (2) consider any presentence reports;

10 (3) consider the financial impact of incarceration
11 based on the financial impact statement filed with the
12 clerk of the court by the Department of Corrections;

13 (4) consider evidence and information offered by the
14 parties in aggravation and mitigation;

15 (4.5) consider substance abuse treatment, eligibility
16 screening, and an assessment, if any, of the defendant by
17 an agent designated by the State of Illinois to provide
18 assessment services for the Illinois courts;

19 (5) hear arguments as to sentencing alternatives;

20 (6) afford the defendant the opportunity to make a
21 statement in his own behalf;

22 (7) afford the victim of a violent crime or a violation
23 of Section 11-501 of the Illinois Vehicle Code, or a
24 similar provision of a local ordinance, or a qualified
25 individual affected by: (i) a violation of Section 405,
26 405.1, 405.2, or 407 of the Illinois Controlled Substances

1 Act or a violation of Section 55 or Section 65 of the
2 Methamphetamine Control and Community Protection Act, or
3 (ii) a Class 4 felony violation of Section 11-14, 11-14.3
4 except as described in subdivisions (a)(2)(A) and
5 (a)(2)(B), 11-15, 11-17, 11-18, 11-18.1, or 11-19 of the
6 Criminal Code of 1961 or the Criminal Code of 2012,
7 committed by the defendant the opportunity to make a
8 statement concerning the impact on the victim and to offer
9 evidence in aggravation or mitigation; provided that the
10 statement and evidence offered in aggravation or
11 mitigation must first be prepared in writing in conjunction
12 with the State's Attorney before it may be presented orally
13 at the hearing. Any sworn testimony offered by the victim
14 is subject to the defendant's right to cross-examine. All
15 statements and evidence offered under this paragraph (7)
16 shall become part of the record of the court. For the
17 purpose of this paragraph (7), "qualified individual"
18 means any person who (i) lived or worked within the
19 territorial jurisdiction where the offense took place when
20 the offense took place; and (ii) is familiar with various
21 public places within the territorial jurisdiction where
22 the offense took place when the offense took place. For the
23 purposes of this paragraph (7), "qualified individual"
24 includes any peace officer, or any member of any duly
25 organized State, county, or municipal peace unit assigned
26 to the territorial jurisdiction where the offense took

1 place when the offense took place;

2 (8) in cases of reckless homicide afford the victim's
3 spouse, guardians, parents or other immediate family
4 members an opportunity to make oral statements;

5 (9) in cases involving a felony sex offense as defined
6 under the Sex Offender Management Board Act, consider the
7 results of the sex offender evaluation conducted pursuant
8 to Section 5-3-2 of this Act; and

9 (10) make a finding of whether a motor vehicle was used
10 in the commission of the offense for which the defendant is
11 being sentenced.

12 (b) All sentences shall be imposed by the judge based upon
13 his independent assessment of the elements specified above and
14 any agreement as to sentence reached by the parties. The judge
15 who presided at the trial or the judge who accepted the plea of
16 guilty shall impose the sentence unless he is no longer sitting
17 as a judge in that court. Where the judge does not impose
18 sentence at the same time on all defendants who are convicted
19 as a result of being involved in the same offense, the
20 defendant or the State's Attorney may advise the sentencing
21 court of the disposition of any other defendants who have been
22 sentenced.

23 (c) In imposing a sentence for a violent crime or for an
24 offense of operating or being in physical control of a vehicle
25 while under the influence of alcohol, any other drug or any
26 combination thereof, or a similar provision of a local

1 ordinance, when such offense resulted in the personal injury to
2 someone other than the defendant, the trial judge shall specify
3 on the record the particular evidence, information, factors in
4 mitigation and aggravation or other reasons that led to his
5 sentencing determination. The full verbatim record of the
6 sentencing hearing shall be filed with the clerk of the court
7 and shall be a public record.

8 (c-1) In imposing a sentence for the offense of aggravated
9 kidnapping for ransom, home invasion, armed robbery,
10 aggravated vehicular hijacking, aggravated discharge of a
11 firearm, or armed violence with a category I weapon or category
12 II weapon, the trial judge shall make a finding as to whether
13 the conduct leading to conviction for the offense resulted in
14 great bodily harm to a victim, and shall enter that finding and
15 the basis for that finding in the record.

16 (c-2) If the defendant is sentenced to prison, other than
17 when a sentence of natural life imprisonment or a sentence of
18 death is imposed, at the time the sentence is imposed the judge
19 shall state on the record in open court the approximate period
20 of time the defendant will serve in custody according to the
21 then current statutory rules and regulations for sentence
22 credit found in Section 3-6-3 and other related provisions of
23 this Code. This statement is intended solely to inform the
24 public, has no legal effect on the defendant's actual release,
25 and may not be relied on by the defendant on appeal.

26 The judge's statement, to be given after pronouncing the

1 sentence, other than when the sentence is imposed for one of
2 the offenses enumerated in paragraph (a)(3) of Section 3-6-3,
3 shall include the following:

4 "The purpose of this statement is to inform the public of
5 the actual period of time this defendant is likely to spend in
6 prison as a result of this sentence. The actual period of
7 prison time served is determined by the statutes of Illinois as
8 applied to this sentence by the Illinois Department of
9 Corrections and the Illinois Prisoner Review Board. In this
10 case, assuming the defendant receives all of his or her
11 sentence credit, the period of estimated actual custody is ...
12 years and ... months, less up to 180 days additional sentence
13 credit for good conduct. If the defendant, because of his or
14 her own misconduct or failure to comply with the institutional
15 regulations, does not receive those credits, the actual time
16 served in prison will be longer. The defendant may also receive
17 an additional one-half day sentence credit for each day of
18 participation in vocational, industry, substance abuse, and
19 educational programs as provided for by Illinois statute."

20 When the sentence is imposed for one of the offenses
21 enumerated in paragraph (a)(3) of Section 3-6-3, other than
22 when the sentence is imposed for one of the offenses enumerated
23 in paragraph (a)(2) of Section 3-6-3 committed on or after June
24 19, 1998, and other than when the sentence is imposed for
25 reckless homicide as defined in subsection (e) of Section 9-3
26 of the Criminal Code of 1961 or the Criminal Code of 2012 if

1 the offense was committed on or after January 1, 1999, and
2 other than when the sentence is imposed for aggravated arson if
3 the offense was committed on or after July 27, 2001 (the
4 effective date of Public Act 92-176), and other than when the
5 sentence is imposed for aggravated driving under the influence
6 of alcohol, other drug or drugs, or intoxicating compound or
7 compounds, or any combination thereof as defined in
8 subparagraph (C) of paragraph (1) of subsection (d) of Section
9 11-501 of the Illinois Vehicle Code committed on or after
10 January 1, 2011 (the effective date of Public Act 96-1230), the
11 judge's statement, to be given after pronouncing the sentence,
12 shall include the following:

13 "The purpose of this statement is to inform the public of
14 the actual period of time this defendant is likely to spend in
15 prison as a result of this sentence. The actual period of
16 prison time served is determined by the statutes of Illinois as
17 applied to this sentence by the Illinois Department of
18 Corrections and the Illinois Prisoner Review Board. In this
19 case, assuming the defendant receives all of his or her
20 sentence credit, the period of estimated actual custody is ...
21 years and ... months, less up to 90 days additional sentence
22 credit for good conduct. If the defendant, because of his or
23 her own misconduct or failure to comply with the institutional
24 regulations, does not receive those credits, the actual time
25 served in prison will be longer. The defendant may also receive
26 an additional one-half day sentence credit for each day of

1 participation in vocational, industry, substance abuse, and
2 educational programs as provided for by Illinois statute."

3 When the sentence is imposed for one of the offenses
4 enumerated in paragraph (a)(2) of Section 3-6-3, other than
5 first degree murder, and the offense was committed on or after
6 June 19, 1998, and when the sentence is imposed for reckless
7 homicide as defined in subsection (e) of Section 9-3 of the
8 Criminal Code of 1961 or the Criminal Code of 2012 if the
9 offense was committed on or after January 1, 1999, and when the
10 sentence is imposed for aggravated driving under the influence
11 of alcohol, other drug or drugs, or intoxicating compound or
12 compounds, or any combination thereof as defined in
13 subparagraph (F) of paragraph (1) of subsection (d) of Section
14 11-501 of the Illinois Vehicle Code, and when the sentence is
15 imposed for aggravated arson if the offense was committed on or
16 after July 27, 2001 (the effective date of Public Act 92-176),
17 and when the sentence is imposed for aggravated driving under
18 the influence of alcohol, other drug or drugs, or intoxicating
19 compound or compounds, or any combination thereof as defined in
20 subparagraph (C) of paragraph (1) of subsection (d) of Section
21 11-501 of the Illinois Vehicle Code committed on or after
22 January 1, 2011 (the effective date of Public Act 96-1230), the
23 judge's statement, to be given after pronouncing the sentence,
24 shall include the following:

25 "The purpose of this statement is to inform the public of
26 the actual period of time this defendant is likely to spend in

1 prison as a result of this sentence. The actual period of
2 prison time served is determined by the statutes of Illinois as
3 applied to this sentence by the Illinois Department of
4 Corrections and the Illinois Prisoner Review Board. In this
5 case, the defendant is entitled to no more than 4 1/2 days of
6 sentence credit for each month of his or her sentence of
7 imprisonment. Therefore, this defendant will serve at least 85%
8 of his or her sentence. Assuming the defendant receives 4 1/2
9 days credit for each month of his or her sentence, the period
10 of estimated actual custody is ... years and ... months. If the
11 defendant, because of his or her own misconduct or failure to
12 comply with the institutional regulations receives lesser
13 credit, the actual time served in prison will be longer."

14 When a sentence of imprisonment is imposed for first degree
15 murder and the offense was committed on or after June 19, 1998,
16 the judge's statement, to be given after pronouncing the
17 sentence, shall include the following:

18 "The purpose of this statement is to inform the public of
19 the actual period of time this defendant is likely to spend in
20 prison as a result of this sentence. The actual period of
21 prison time served is determined by the statutes of Illinois as
22 applied to this sentence by the Illinois Department of
23 Corrections and the Illinois Prisoner Review Board. In this
24 case, the defendant is not entitled to sentence credit.
25 Therefore, this defendant will serve 100% of his or her
26 sentence."

1 When the sentencing order recommends placement in a
2 substance abuse program for any offense that results in
3 incarceration in a Department of Corrections facility and the
4 crime was committed on or after September 1, 2003 (the
5 effective date of Public Act 93-354), the judge's statement, in
6 addition to any other judge's statement required under this
7 Section, to be given after pronouncing the sentence, shall
8 include the following:

9 "The purpose of this statement is to inform the public of
10 the actual period of time this defendant is likely to spend in
11 prison as a result of this sentence. The actual period of
12 prison time served is determined by the statutes of Illinois as
13 applied to this sentence by the Illinois Department of
14 Corrections and the Illinois Prisoner Review Board. In this
15 case, the defendant shall receive no sentence credit for good
16 conduct under clause (3) of subsection (a) of Section 3-6-3
17 until he or she participates in and completes a substance abuse
18 treatment program or receives a waiver from the Director of
19 Corrections pursuant to clause (4.5) of subsection (a) of
20 Section 3-6-3."

21 (c-4) Before the sentencing hearing and as part of the
22 presentence investigation under Section 5-3-1, the court shall
23 inquire of the defendant whether the defendant is currently
24 serving in or is a veteran of the Armed Forces of the United
25 States. If the defendant is currently serving in the Armed
26 Forces of the United States or is a veteran of the Armed Forces

1 of the United States and has been diagnosed as having a mental
2 illness by a qualified psychiatrist or clinical psychologist or
3 physician, the court may:

4 (1) order that the officer preparing the presentence
5 report consult with the United States Department of
6 Veterans Affairs, Illinois Department of Veterans'
7 Affairs, or another agency or person with suitable
8 knowledge or experience for the purpose of providing the
9 court with information regarding treatment options
10 available to the defendant, including federal, State, and
11 local programming; and

12 (2) consider the treatment recommendations of any
13 diagnosing or treating mental health professionals
14 together with the treatment options available to the
15 defendant in imposing sentence.

16 For the purposes of this subsection (c-4), "qualified
17 psychiatrist" means a reputable physician licensed in Illinois
18 to practice medicine in all its branches, who has specialized
19 in the diagnosis and treatment of mental and nervous disorders
20 for a period of not less than 5 years.

21 (c-6) In imposing a sentence, the trial judge shall
22 specify, on the record, the particular evidence and other
23 reasons which led to his or her determination that a motor
24 vehicle was used in the commission of the offense.

25 (d) When the defendant is committed to the Department of
26 Corrections, the State's Attorney shall and counsel for the

1 defendant may file a statement with the clerk of the court to
2 be transmitted to the department, agency or institution to
3 which the defendant is committed to furnish such department,
4 agency or institution with the facts and circumstances of the
5 offense for which the person was committed together with all
6 other factual information accessible to them in regard to the
7 person prior to his commitment relative to his habits,
8 associates, disposition and reputation and any other facts and
9 circumstances which may aid such department, agency or
10 institution during its custody of such person. The clerk shall
11 within 10 days after receiving any such statements transmit a
12 copy to such department, agency or institution and a copy to
13 the other party, provided, however, that this shall not be
14 cause for delay in conveying the person to the department,
15 agency or institution to which he has been committed.

16 (e) The clerk of the court shall transmit to the
17 department, agency or institution, if any, to which the
18 defendant is committed, the following:

19 (1) the sentence imposed;

20 (2) any statement by the court of the basis for
21 imposing the sentence;

22 (3) any presentence reports;

23 (3.5) any sex offender evaluations;

24 (3.6) any substance abuse treatment eligibility
25 screening and assessment of the defendant by an agent
26 designated by the State of Illinois to provide assessment

1 services for the Illinois courts;

2 (4) the number of days, if any, which the defendant has
3 been in custody and for which he is entitled to credit
4 against the sentence, which information shall be provided
5 to the clerk by the sheriff;

6 (4.1) any finding of great bodily harm made by the
7 court with respect to an offense enumerated in subsection
8 (c-1);

9 (5) all statements filed under subsection (d) of this
10 Section;

11 (6) any medical or mental health records or summaries
12 of the defendant;

13 (7) the municipality where the arrest of the offender
14 or the commission of the offense has occurred, where such
15 municipality has a population of more than 25,000 persons;

16 (8) all statements made and evidence offered under
17 paragraph (7) of subsection (a) of this Section; and

18 (9) all additional matters which the court directs the
19 clerk to transmit.

20 (f) In cases in which the court finds that a motor vehicle
21 was used in the commission of the offense for which the
22 defendant is being sentenced, the clerk of the court shall,
23 within 5 days thereafter, forward a report of such conviction
24 to the Secretary of State.

25 (Source: P.A. 96-86, eff. 1-1-10; 96-1180, eff. 1-1-11;
26 96-1230, eff. 1-1-11; 96-1551, eff. 7-1-11; 97-333, eff.

1 8-12-11; 97-697, eff. 6-22-12.)

2 (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

3 Sec. 5-4-3. Specimens; genetic marker groups.

4 (a) Any person convicted of, found guilty under the
5 Juvenile Court Act of 1987 for, or who received a disposition
6 of court supervision for, a qualifying offense or attempt of a
7 qualifying offense, convicted or found guilty of any offense
8 classified as a felony under Illinois law, convicted or found
9 guilty of any offense requiring registration under the Sex
10 Offender Registration Act, found guilty or given supervision
11 for any offense classified as a felony under the Juvenile Court
12 Act of 1987, convicted or found guilty of, under the Juvenile
13 Court Act of 1987, any offense requiring registration under the
14 Sex Offender Registration Act, or institutionalized as a
15 sexually dangerous person under the Sexually Dangerous Persons
16 Act, or committed as a sexually violent person under the
17 Sexually Violent Persons Commitment Act shall, regardless of
18 the sentence or disposition imposed, be required to submit
19 specimens of blood, saliva, or tissue to the Illinois
20 Department of State Police in accordance with the provisions of
21 this Section, provided such person is:

22 (1) convicted of a qualifying offense or attempt of a
23 qualifying offense on or after July 1, 1990 and sentenced
24 to a term of imprisonment, periodic imprisonment, fine,
25 probation, conditional discharge or any other form of

1 sentence, or given a disposition of court supervision for
2 the offense;

3 (1.5) found guilty or given supervision under the
4 Juvenile Court Act of 1987 for a qualifying offense or
5 attempt of a qualifying offense on or after January 1,
6 1997;

7 (2) ordered institutionalized as a sexually dangerous
8 person on or after July 1, 1990;

9 (3) convicted of a qualifying offense or attempt of a
10 qualifying offense before July 1, 1990 and is presently
11 confined as a result of such conviction in any State
12 correctional facility or county jail or is presently
13 serving a sentence of probation, conditional discharge or
14 periodic imprisonment as a result of such conviction;

15 (3.5) convicted or found guilty of any offense
16 classified as a felony under Illinois law or found guilty
17 or given supervision for such an offense under the Juvenile
18 Court Act of 1987 on or after August 22, 2002;

19 (4) presently institutionalized as a sexually
20 dangerous person or presently institutionalized as a
21 person found guilty but mentally ill of a sexual offense or
22 attempt to commit a sexual offense; or

23 (4.5) ordered committed as a sexually violent person on
24 or after the effective date of the Sexually Violent Persons
25 Commitment Act.

26 (a-1) Any person incarcerated in a facility of the Illinois

1 Department of Corrections or the Illinois Department of
2 Juvenile Justice on or after August 22, 2002, whether for a
3 term of years, natural life, or a sentence of death, who has
4 not yet submitted a specimen of blood, saliva, or tissue shall
5 be required to submit a specimen of blood, saliva, or tissue
6 prior to his or her final discharge, or release on parole or
7 mandatory supervised release, as a condition of his or her
8 parole or mandatory supervised release, or within 6 months from
9 August 13, 2009 (the effective date of Public Act 96-426),
10 whichever is sooner. A person incarcerated on or after August
11 13, 2009 (the effective date of Public Act 96-426) shall be
12 required to submit a specimen within 45 days of incarceration,
13 or prior to his or her final discharge, or release on parole or
14 mandatory supervised release, as a condition of his or her
15 parole or mandatory supervised release, whichever is sooner.
16 These specimens shall be placed into the State or national DNA
17 database, to be used in accordance with other provisions of
18 this Section, by the Illinois State Police.

19 (a-2) Any person sentenced to life imprisonment in a
20 facility of the Illinois Department of Corrections after the
21 effective date of this amendatory Act of the 94th General
22 Assembly or sentenced to death after the effective date of this
23 amendatory Act of the 94th General Assembly shall be required
24 to provide a specimen of blood, saliva, or tissue within 45
25 days after sentencing or disposition at a collection site
26 designated by the Illinois Department of State Police. Any

1 person serving a sentence of life imprisonment in a facility of
2 the Illinois Department of Corrections on the effective date of
3 this amendatory Act of the 94th General Assembly or any person
4 who is under a sentence of death on the effective date of this
5 amendatory Act of the 94th General Assembly shall be required
6 to provide a specimen of blood, saliva, or tissue upon request
7 at a collection site designated by the Illinois Department of
8 State Police.

9 (a-3) Any person seeking transfer to or residency in
10 Illinois under Sections 3-3-11.05 through 3-3-11.5 of this
11 Code, the Interstate Compact for Adult Offender Supervision, or
12 the Interstate Agreements on Sexually Dangerous Persons Act
13 shall be required to provide a specimen of blood, saliva, or
14 tissue within 45 days after transfer to or residency in
15 Illinois at a collection site designated by the Illinois
16 Department of State Police.

17 (a-3.1) Any person required by an order of the court to
18 submit a DNA specimen shall be required to provide a specimen
19 of blood, saliva, or tissue within 45 days after the court
20 order at a collection site designated by the Illinois
21 Department of State Police.

22 (a-3.2) On or after January 1, 2012 (the effective date of
23 Public Act 97-383), any person arrested for any of the
24 following offenses, after an indictment has been returned by a
25 grand jury, or following a hearing pursuant to Section 109-3 of
26 the Code of Criminal Procedure of 1963 and a judge finds there

1 is probable cause to believe the arrestee has committed one of
2 the designated offenses, or an arrestee has waived a
3 preliminary hearing shall be required to provide a specimen of
4 blood, saliva, or tissue within 14 days after such indictment
5 or hearing at a collection site designated by the Illinois
6 Department of State Police:

7 (A) first degree murder;

8 (B) home invasion;

9 (C) predatory criminal sexual assault of a child;

10 (D) aggravated criminal sexual assault; or

11 (E) criminal sexual assault.

12 (a-3.3) Any person required to register as a sex offender
13 under the Sex Offender Registration Act, regardless of the date
14 of conviction as set forth in subsection (c-5.2) shall be
15 required to provide a specimen of blood, saliva, or tissue
16 within the time period prescribed in subsection (c-5.2) at a
17 collection site designated by the Illinois Department of State
18 Police.

19 (a-5) Any person who was otherwise convicted of or received
20 a disposition of court supervision for any other offense under
21 the Criminal Code of 1961 or the Criminal Code of 2012 or who
22 was found guilty or given supervision for such a violation
23 under the Juvenile Court Act of 1987, may, regardless of the
24 sentence imposed, be required by an order of the court to
25 submit specimens of blood, saliva, or tissue to the Illinois
26 Department of State Police in accordance with the provisions of

1 this Section.

2 (b) Any person required by paragraphs (a)(1), (a)(1.5),
3 (a)(2), (a)(3.5), and (a-5) to provide specimens of blood,
4 saliva, or tissue shall provide specimens of blood, saliva, or
5 tissue within 45 days after sentencing or disposition at a
6 collection site designated by the Illinois Department of State
7 Police.

8 (c) Any person required by paragraphs (a)(3), (a)(4), and
9 (a)(4.5) to provide specimens of blood, saliva, or tissue shall
10 be required to provide such specimens prior to final discharge
11 or within 6 months from August 13, 2009 (the effective date of
12 Public Act 96-426), whichever is sooner. These specimens shall
13 be placed into the State or national DNA database, to be used
14 in accordance with other provisions of this Act, by the
15 Illinois State Police.

16 (c-5) Any person required by paragraph (a-3) to provide
17 specimens of blood, saliva, or tissue shall, where feasible, be
18 required to provide the specimens before being accepted for
19 conditioned residency in Illinois under the interstate compact
20 or agreement, but no later than 45 days after arrival in this
21 State.

22 (c-5.2) Unless it is determined that a registered sex
23 offender has previously submitted a specimen of blood, saliva,
24 or tissue that has been placed into the State DNA database, a
25 person registering as a sex offender shall be required to
26 submit a specimen at the time of his or her initial

1 registration pursuant to the Sex Offender Registration Act or,
2 for a person registered as a sex offender on or prior to
3 January 1, 2012 (the effective date of Public Act 97-383),
4 within one year of January 1, 2012 (the effective date of
5 Public Act 97-383) or at the time of his or her next required
6 registration.

7 (c-6) The Illinois Department of State Police may determine
8 which type of specimen or specimens, blood, saliva, or tissue,
9 is acceptable for submission to the Division of Forensic
10 Services for analysis. The Illinois Department of State Police
11 may require the submission of fingerprints from anyone required
12 to give a specimen under this Act.

13 (d) The Illinois Department of State Police shall provide
14 all equipment and instructions necessary for the collection of
15 blood specimens. The collection of specimens shall be performed
16 in a medically approved manner. Only a physician authorized to
17 practice medicine, a registered nurse or other qualified person
18 trained in venipuncture may withdraw blood for the purposes of
19 this Act. The specimens shall thereafter be forwarded to the
20 Illinois Department of State Police, Division of Forensic
21 Services, for analysis and categorizing into genetic marker
22 groupings.

23 (d-1) The Illinois Department of State Police shall provide
24 all equipment and instructions necessary for the collection of
25 saliva specimens. The collection of saliva specimens shall be
26 performed in a medically approved manner. Only a person trained

1 in the instructions promulgated by the Illinois State Police on
2 collecting saliva may collect saliva for the purposes of this
3 Section. The specimens shall thereafter be forwarded to the
4 Illinois Department of State Police, Division of Forensic
5 Services, for analysis and categorizing into genetic marker
6 groupings.

7 (d-2) The Illinois Department of State Police shall provide
8 all equipment and instructions necessary for the collection of
9 tissue specimens. The collection of tissue specimens shall be
10 performed in a medically approved manner. Only a person trained
11 in the instructions promulgated by the Illinois State Police on
12 collecting tissue may collect tissue for the purposes of this
13 Section. The specimens shall thereafter be forwarded to the
14 Illinois Department of State Police, Division of Forensic
15 Services, for analysis and categorizing into genetic marker
16 groupings.

17 (d-5) To the extent that funds are available, the Illinois
18 Department of State Police shall contract with qualified
19 personnel and certified laboratories for the collection,
20 analysis, and categorization of known specimens, except as
21 provided in subsection (n) of this Section.

22 (d-6) Agencies designated by the Illinois Department of
23 State Police and the Illinois Department of State Police may
24 contract with third parties to provide for the collection or
25 analysis of DNA, or both, of an offender's blood, saliva, and
26 tissue specimens, except as provided in subsection (n) of this

1 Section.

2 (e) The genetic marker groupings shall be maintained by the
3 Illinois Department of State Police, Division of Forensic
4 Services.

5 (f) The genetic marker grouping analysis information
6 obtained pursuant to this Act shall be confidential and shall
7 be released only to peace officers of the United States, of
8 other states or territories, of the insular possessions of the
9 United States, of foreign countries duly authorized to receive
10 the same, to all peace officers of the State of Illinois and to
11 all prosecutorial agencies, and to defense counsel as provided
12 by Section 116-5 of the Code of Criminal Procedure of 1963. The
13 genetic marker grouping analysis information obtained pursuant
14 to this Act shall be used only for (i) valid law enforcement
15 identification purposes and as required by the Federal Bureau
16 of Investigation for participation in the National DNA
17 database, (ii) technology validation purposes, (iii) a
18 population statistics database, (iv) quality assurance
19 purposes if personally identifying information is removed, (v)
20 assisting in the defense of the criminally accused pursuant to
21 Section 116-5 of the Code of Criminal Procedure of 1963, or
22 (vi) identifying and assisting in the prosecution of a person
23 who is suspected of committing a sexual assault as defined in
24 Section 1a of the Sexual Assault Survivors Emergency Treatment
25 Act. Notwithstanding any other statutory provision to the
26 contrary, all information obtained under this Section shall be

1 maintained in a single State data base, which may be uploaded
2 into a national database, and which information may be subject
3 to expungement only as set forth in subsection (f-1).

4 (f-1) Upon receipt of notification of a reversal of a
5 conviction based on actual innocence, or of the granting of a
6 pardon pursuant to Section 12 of Article V of the Illinois
7 Constitution, if that pardon document specifically states that
8 the reason for the pardon is the actual innocence of an
9 individual whose DNA record has been stored in the State or
10 national DNA identification index in accordance with this
11 Section by the Illinois Department of State Police, the DNA
12 record shall be expunged from the DNA identification index, and
13 the Department shall by rule prescribe procedures to ensure
14 that the record and any specimens, analyses, or other documents
15 relating to such record, whether in the possession of the
16 Department or any law enforcement or police agency, or any
17 forensic DNA laboratory, including any duplicates or copies
18 thereof, are destroyed and a letter is sent to the court
19 verifying the expungement is completed. For specimens required
20 to be collected prior to conviction, unless the individual has
21 other charges or convictions that require submission of a
22 specimen, the DNA record for an individual shall be expunged
23 from the DNA identification databases and the specimen
24 destroyed upon receipt of a certified copy of a final court
25 order for each charge against an individual in which the charge
26 has been dismissed, resulted in acquittal, or that the charge

1 was not filed within the applicable time period. The Department
2 shall by rule prescribe procedures to ensure that the record
3 and any specimens in the possession or control of the
4 Department are destroyed and a letter is sent to the court
5 verifying the expungement is completed.

6 (f-5) Any person who intentionally uses genetic marker
7 grouping analysis information, or any other information
8 derived from a DNA specimen, beyond the authorized uses as
9 provided under this Section, or any other Illinois law, is
10 guilty of a Class 4 felony, and shall be subject to a fine of
11 not less than \$5,000.

12 (f-6) The Illinois Department of State Police may contract
13 with third parties for the purposes of implementing this
14 amendatory Act of the 93rd General Assembly, except as provided
15 in subsection (n) of this Section. Any other party contracting
16 to carry out the functions of this Section shall be subject to
17 the same restrictions and requirements of this Section insofar
18 as applicable, as the Illinois Department of State Police, and
19 to any additional restrictions imposed by the Illinois
20 Department of State Police.

21 (g) For the purposes of this Section, "qualifying offense"
22 means any of the following:

- 23 (1) any violation or inchoate violation of Section
24 11-1.50, 11-1.60, 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or
25 12-16 of the Criminal Code of 1961 or the Criminal Code of
26 2012;

1 (1.1) any violation or inchoate violation of Section
2 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3,
3 18-4, 18-6, 19-1, ~~or 19-2~~, or 19-6 of the Criminal Code of
4 1961 or the Criminal Code of 2012 for which persons are
5 convicted on or after July 1, 2001;

6 (2) any former statute of this State which defined a
7 felony sexual offense;

8 (3) (blank);

9 (4) any inchoate violation of Section 9-3.1, 9-3.4,
10 11-9.3, 12-7.3, or 12-7.4 of the Criminal Code of 1961 or
11 the Criminal Code of 2012; or

12 (5) any violation or inchoate violation of Article 29D
13 of the Criminal Code of 1961 or the Criminal Code of 2012.

14 (g-5) (Blank).

15 (h) The Illinois Department of State Police shall be the
16 State central repository for all genetic marker grouping
17 analysis information obtained pursuant to this Act. The
18 Illinois Department of State Police may promulgate rules for
19 the form and manner of the collection of blood, saliva, or
20 tissue specimens and other procedures for the operation of this
21 Act. The provisions of the Administrative Review Law shall
22 apply to all actions taken under the rules so promulgated.

23 (i) (1) A person required to provide a blood, saliva, or
24 tissue specimen shall cooperate with the collection of the
25 specimen and any deliberate act by that person intended to
26 impede, delay or stop the collection of the blood, saliva,

1 or tissue specimen is a Class 4 felony.

2 (2) In the event that a person's DNA specimen is not
3 adequate for any reason, the person shall provide another
4 DNA specimen for analysis. Duly authorized law enforcement
5 and corrections personnel may employ reasonable force in
6 cases in which an individual refuses to provide a DNA
7 specimen required under this Act.

8 (j) Any person required by subsection (a), or any person
9 who was previously required by subsection (a-3.2), to submit
10 specimens of blood, saliva, or tissue to the Illinois
11 Department of State Police for analysis and categorization into
12 genetic marker grouping, in addition to any other disposition,
13 penalty, or fine imposed, shall pay an analysis fee of \$250. If
14 the analysis fee is not paid at the time of sentencing, the
15 court shall establish a fee schedule by which the entire amount
16 of the analysis fee shall be paid in full, such schedule not to
17 exceed 24 months from the time of conviction. The inability to
18 pay this analysis fee shall not be the sole ground to
19 incarcerate the person.

20 (k) All analysis and categorization fees provided for by
21 subsection (j) shall be regulated as follows:

22 (1) The State Offender DNA Identification System Fund
23 is hereby created as a special fund in the State Treasury.

24 (2) All fees shall be collected by the clerk of the
25 court and forwarded to the State Offender DNA
26 Identification System Fund for deposit. The clerk of the

1 circuit court may retain the amount of \$10 from each
2 collected analysis fee to offset administrative costs
3 incurred in carrying out the clerk's responsibilities
4 under this Section.

5 (3) Fees deposited into the State Offender DNA
6 Identification System Fund shall be used by Illinois State
7 Police crime laboratories as designated by the Director of
8 State Police. These funds shall be in addition to any
9 allocations made pursuant to existing laws and shall be
10 designated for the exclusive use of State crime
11 laboratories. These uses may include, but are not limited
12 to, the following:

13 (A) Costs incurred in providing analysis and
14 genetic marker categorization as required by
15 subsection (d).

16 (B) Costs incurred in maintaining genetic marker
17 groupings as required by subsection (e).

18 (C) Costs incurred in the purchase and maintenance
19 of equipment for use in performing analyses.

20 (D) Costs incurred in continuing research and
21 development of new techniques for analysis and genetic
22 marker categorization.

23 (E) Costs incurred in continuing education,
24 training, and professional development of forensic
25 scientists regularly employed by these laboratories.

26 (1) The failure of a person to provide a specimen, or of

1 any person or agency to collect a specimen, shall in no way
2 alter the obligation of the person to submit such specimen, or
3 the authority of the Illinois Department of State Police or
4 persons designated by the Department to collect the specimen,
5 or the authority of the Illinois Department of State Police to
6 accept, analyze and maintain the specimen or to maintain or
7 upload results of genetic marker grouping analysis information
8 into a State or national database.

9 (m) If any provision of this amendatory Act of the 93rd
10 General Assembly is held unconstitutional or otherwise
11 invalid, the remainder of this amendatory Act of the 93rd
12 General Assembly is not affected.

13 (n) Neither the Department of State Police, the Division of
14 Forensic Services, nor any laboratory of the Division of
15 Forensic Services may contract out forensic testing for the
16 purpose of an active investigation or a matter pending before a
17 court of competent jurisdiction without the written consent of
18 the prosecuting agency. For the purposes of this subsection
19 (n), "forensic testing" includes the analysis of physical
20 evidence in an investigation or other proceeding for the
21 prosecution of a violation of the Criminal Code of 1961 or the
22 Criminal Code of 2012 or for matters adjudicated under the
23 Juvenile Court Act of 1987, and includes the use of forensic
24 databases and databanks, including DNA, firearm, and
25 fingerprint databases, and expert testimony.

26 (o) Mistake does not invalidate a database match. The

1 detention, arrest, or conviction of a person based upon a
2 database match or database information is not invalidated if it
3 is determined that the specimen was obtained or placed in the
4 database by mistake.

5 (p) This Section may be referred to as the Illinois DNA
6 Database Law of 2011.

7 (Source: P.A. 96-426, eff. 8-13-09; 96-642, eff. 8-24-09;
8 96-1000, eff. 7-2-10; 96-1551, eff. 7-1-11; 97-383, eff.
9 1-1-12; 97-1109, eff. 1-1-13.)

10 (730 ILCS 5/5-4-3.1) (from Ch. 38, par. 1005-4-3.1)

11 Sec. 5-4-3.1. Sentencing Hearing for Sex Offenses.

12 (a) Except for good cause shown by written motion, any
13 person adjudged guilty of any offense involving an illegal
14 sexual act perpetrated upon a victim, including but not limited
15 to offenses for violations of Article 12 of the Criminal Code
16 of 1961 or the Criminal Code of 2012, or any offense determined
17 by the court or the probation department to be sexually
18 motivated, as defined in the Sex Offender Management Board Act,
19 shall be sentenced within 65 days of a verdict or finding of
20 guilt for the offense.

21 (b) The court shall set the sentencing date at the time the
22 verdict or finding of guilt is entered by the court.

23 (c) Any motion for continuance shall be in writing and
24 supported by affidavit and in compliance with Section 114-4 of
25 the Code of Criminal Procedure of 1963, and the victim shall be

1 notified of the date and time of hearing and shall be provided
2 an opportunity to address the court on the impact the
3 continuance may have on the victim's well-being.

4 (d) A complaint, information or indictment shall not be
5 quashed or dismissed, nor shall any person in custody for an
6 offense be discharged from custody because of non-compliance
7 with this Section.

8 (Source: P.A. 93-970, eff. 8-20-04.)

9 (730 ILCS 5/5-4-3.2)

10 Sec. 5-4-3.2. Collection and storage of Internet protocol
11 addresses.

12 (a) Cyber-crimes Location Database. The Attorney General
13 is hereby authorized to establish and maintain the "Illinois
14 Cyber-crimes Location Database" (ICLD) to collect, store, and
15 use Internet protocol (IP) addresses for purposes of
16 investigating and prosecuting child exploitation crimes on the
17 Internet.

18 (b) "Internet protocol address" means the string of numbers
19 by which a location on the Internet is identified by routers or
20 other computers connected to the Internet.

21 (c) Collection of Internet Protocol addresses.

22 (1) Collection upon commitment under the Sexually
23 Dangerous Persons Act. Upon motion for a defendant's
24 confinement under the Sexually Dangerous Persons Act for
25 criminal charges under Section 11-6, 11-20.1, 11-20.1B,

1 11-20.3, or 11-21 of the Criminal Code of 1961 or the
2 Criminal Code of 2012, the State's Attorney or Attorney
3 General shall record all Internet protocol (IP) addresses
4 which the defendant may access from his or her residence or
5 place of employment, registered in his or her name, or
6 otherwise has under his or her control or custody.

7 (2) Collection upon conviction. Upon conviction for
8 crimes under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or
9 11-21 of the Criminal Code of 1961 or the Criminal Code of
10 2012, a State's Attorney shall record from defendants all
11 Internet protocol (IP) addresses which the defendant may
12 access from his or her residence or place of employment,
13 registered in his or her name, or otherwise has under his
14 or her control or custody, regardless of the sentence or
15 disposition imposed.

16 (d) Storage and use of the Database. Internet protocol (IP)
17 addresses recorded pursuant to this Section shall be submitted
18 to the Attorney General for storage and use in the Illinois
19 Cyber-crimes Location Database. The Attorney General and its
20 designated agents may access the database for the purpose of
21 investigation and prosecution of crimes listed in this Section.
22 In addition, the Attorney General is authorized to share
23 information stored in the database with the National Center for
24 Missing and Exploited Children (NCMEC) and any federal, state,
25 or local law enforcement agencies for the investigation or
26 prosecution of child exploitation crimes.

1 (Source: P.A. 95-579, eff. 8-31-07; 96-1551, eff. 7-1-11.)

2 (730 ILCS 5/5-4.5-20)

3 Sec. 5-4.5-20. FIRST DEGREE MURDER; SENTENCE. For first
4 degree murder:

5 (a) TERM. The defendant shall be sentenced to imprisonment
6 or, if appropriate, death under Section 9-1 of the Criminal
7 Code of 1961 or the Criminal Code of 2012 (720 ILCS 5/9-1).

8 Imprisonment shall be for a determinate term of (1) not less
9 than 20 years and not more than 60 years; (2) not less than 60
10 years and not more than 100 years when an extended term is
11 imposed under Section 5-8-2 (730 ILCS 5/5-8-2); or (3) natural
12 life as provided in Section 5-8-1 (730 ILCS 5/5-8-1).

13 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
14 shall not be imposed.

15 (c) IMPACT INCARCERATION. The impact incarceration program
16 or the county impact incarceration program is not an authorized
17 disposition.

18 (d) PROBATION; CONDITIONAL DISCHARGE. A period of
19 probation or conditional discharge shall not be imposed.

20 (e) FINE. Fines may be imposed as provided in Section
21 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

22 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
23 concerning restitution.

24 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
25 be concurrent or consecutive as provided in Section 5-8-4 (730

1 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

2 (h) DRUG COURT. Drug court is not an authorized
3 disposition.

4 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
5 ILCS 5/5-4.5-100) concerning no credit for time spent in home
6 detention prior to judgment.

7 (j) SENTENCE CREDIT. See Section 3-6-3 (730 ILCS 5/3-6-3)
8 for rules and regulations for sentence credit.

9 (k) ELECTRONIC HOME DETENTION. Electronic home detention
10 is not an authorized disposition, except in limited
11 circumstances as provided in Section 5-8A-3 (730 ILCS
12 5/5-8A-3).

13 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
14 provided in Section 3-3-8 (730 ILCS 5/3-3-8), the parole or
15 mandatory supervised release term shall be 3 years upon release
16 from imprisonment.

17 (Source: P.A. 97-697, eff. 6-22-12.)

18 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

19 Sec. 5-5-3. Disposition.

20 (a) (Blank).

21 (b) (Blank).

22 (c) (1) (Blank).

23 (2) A period of probation, a term of periodic
24 imprisonment or conditional discharge shall not be imposed
25 for the following offenses. The court shall sentence the

1 offender to not less than the minimum term of imprisonment
2 set forth in this Code for the following offenses, and may
3 order a fine or restitution or both in conjunction with
4 such term of imprisonment:

5 (A) First degree murder where the death penalty is
6 not imposed.

7 (B) Attempted first degree murder.

8 (C) A Class X felony.

9 (D) A violation of Section 401.1 or 407 of the
10 Illinois Controlled Substances Act, or a violation of
11 subdivision (c) (1.5) or (c) (2) of Section 401 of that
12 Act which relates to more than 5 grams of a substance
13 containing cocaine, fentanyl, or an analog thereof.

14 (D-5) A violation of subdivision (c) (1) of Section
15 401 of the Illinois Controlled Substances Act which
16 relates to 3 or more grams of a substance containing
17 heroin or an analog thereof.

18 (E) A violation of Section 5.1 or 9 of the Cannabis
19 Control Act.

20 (F) A Class 2 or greater felony if the offender had
21 been convicted of a Class 2 or greater felony,
22 including any state or federal conviction for an
23 offense that contained, at the time it was committed,
24 the same elements as an offense now (the date of the
25 offense committed after the prior Class 2 or greater
26 felony) classified as a Class 2 or greater felony,

1 within 10 years of the date on which the offender
2 committed the offense for which he or she is being
3 sentenced, except as otherwise provided in Section
4 40-10 of the Alcoholism and Other Drug Abuse and
5 Dependency Act.

6 (F-5) A violation of Section 24-1, 24-1.1, or
7 24-1.6 of the Criminal Code of 1961 or the Criminal
8 Code of 2012 for which imprisonment is prescribed in
9 those Sections.

10 (G) Residential burglary, except as otherwise
11 provided in Section 40-10 of the Alcoholism and Other
12 Drug Abuse and Dependency Act.

13 (H) Criminal sexual assault.

14 (I) Aggravated battery of a senior citizen as
15 described in Section 12-4.6 or subdivision (a)(4) of
16 Section 12-3.05 of the Criminal Code of 1961 or the
17 Criminal Code of 2012.

18 (J) A forcible felony if the offense was related to
19 the activities of an organized gang.

20 Before July 1, 1994, for the purposes of this
21 paragraph, "organized gang" means an association of 5
22 or more persons, with an established hierarchy, that
23 encourages members of the association to perpetrate
24 crimes or provides support to the members of the
25 association who do commit crimes.

26 Beginning July 1, 1994, for the purposes of this

1 paragraph, "organized gang" has the meaning ascribed
2 to it in Section 10 of the Illinois Streetgang
3 Terrorism Omnibus Prevention Act.

4 (K) Vehicular hijacking.

5 (L) A second or subsequent conviction for the
6 offense of hate crime when the underlying offense upon
7 which the hate crime is based is felony aggravated
8 assault or felony mob action.

9 (M) A second or subsequent conviction for the
10 offense of institutional vandalism if the damage to the
11 property exceeds \$300.

12 (N) A Class 3 felony violation of paragraph (1) of
13 subsection (a) of Section 2 of the Firearm Owners
14 Identification Card Act.

15 (O) A violation of Section 12-6.1 or 12-6.5 of the
16 Criminal Code of 1961 or the Criminal Code of 2012.

17 (P) A violation of paragraph (1), (2), (3), (4),
18 (5), or (7) of subsection (a) of Section 11-20.1 of the
19 Criminal Code of 1961 or the Criminal Code of 2012.

20 (Q) A violation of subsection (b) or (b-5) of
21 Section 20-1, Section 20-1.2, or Section 20-1.3 of the
22 Criminal Code of 1961 or the Criminal Code of 2012.

23 (R) A violation of Section 24-3A of the Criminal
24 Code of 1961 or the Criminal Code of 2012.

25 (S) (Blank).

26 (T) A second or subsequent violation of the

1 Methamphetamine Control and Community Protection Act.

2 (U) A second or subsequent violation of Section
3 6-303 of the Illinois Vehicle Code committed while his
4 or her driver's license, permit, or privilege was
5 revoked because of a violation of Section 9-3 of the
6 Criminal Code of 1961 or the Criminal Code of 2012,
7 relating to the offense of reckless homicide, or a
8 similar provision of a law of another state.

9 (V) A violation of paragraph (4) of subsection (c)
10 of Section 11-20.1B or paragraph (4) of subsection (c)
11 of Section 11-20.3 of the Criminal Code of 1961, or
12 paragraph (6) of subsection (a) of Section 11-20.1 of
13 the Criminal Code of 2012 when the victim is under 13
14 years of age and the defendant has previously been
15 convicted under the laws of this State or any other
16 state of the offense of child pornography, aggravated
17 child pornography, aggravated criminal sexual abuse,
18 aggravated criminal sexual assault, predatory criminal
19 sexual assault of a child, or any of the offenses
20 formerly known as rape, deviate sexual assault,
21 indecent liberties with a child, or aggravated
22 indecent liberties with a child where the victim was
23 under the age of 18 years or an offense that is
24 substantially equivalent to those offenses.

25 (W) A violation of Section 24-3.5 of the Criminal
26 Code of 1961 or the Criminal Code of 2012.

1 (X) A violation of subsection (a) of Section 31-1a
2 of the Criminal Code of 1961 or the Criminal Code of
3 2012.

4 (Y) A conviction for unlawful possession of a
5 firearm by a street gang member when the firearm was
6 loaded or contained firearm ammunition.

7 (Z) A Class 1 felony committed while he or she was
8 serving a term of probation or conditional discharge
9 for a felony.

10 (AA) Theft of property exceeding \$500,000 and not
11 exceeding \$1,000,000 in value.

12 (BB) Laundering of criminally derived property of
13 a value exceeding \$500,000.

14 (CC) Knowingly selling, offering for sale, holding
15 for sale, or using 2,000 or more counterfeit items or
16 counterfeit items having a retail value in the
17 aggregate of \$500,000 or more.

18 (DD) A conviction for aggravated assault under
19 paragraph (6) of subsection (c) of Section 12-2 of the
20 Criminal Code of 1961 or the Criminal Code of 2012 if
21 the firearm is aimed toward the person against whom the
22 firearm is being used.

23 (3) (Blank).

24 (4) A minimum term of imprisonment of not less than 10
25 consecutive days or 30 days of community service shall be
26 imposed for a violation of paragraph (c) of Section 6-303

1 of the Illinois Vehicle Code.

2 (4.1) (Blank).

3 (4.2) Except as provided in paragraphs (4.3) and (4.8)
4 of this subsection (c), a minimum of 100 hours of community
5 service shall be imposed for a second violation of Section
6 6-303 of the Illinois Vehicle Code.

7 (4.3) A minimum term of imprisonment of 30 days or 300
8 hours of community service, as determined by the court,
9 shall be imposed for a second violation of subsection (c)
10 of Section 6-303 of the Illinois Vehicle Code.

11 (4.4) Except as provided in paragraphs (4.5), (4.6),
12 and (4.9) of this subsection (c), a minimum term of
13 imprisonment of 30 days or 300 hours of community service,
14 as determined by the court, shall be imposed for a third or
15 subsequent violation of Section 6-303 of the Illinois
16 Vehicle Code.

17 (4.5) A minimum term of imprisonment of 30 days shall
18 be imposed for a third violation of subsection (c) of
19 Section 6-303 of the Illinois Vehicle Code.

20 (4.6) Except as provided in paragraph (4.10) of this
21 subsection (c), a minimum term of imprisonment of 180 days
22 shall be imposed for a fourth or subsequent violation of
23 subsection (c) of Section 6-303 of the Illinois Vehicle
24 Code.

25 (4.7) A minimum term of imprisonment of not less than
26 30 consecutive days, or 300 hours of community service,

1 shall be imposed for a violation of subsection (a-5) of
2 Section 6-303 of the Illinois Vehicle Code, as provided in
3 subsection (b-5) of that Section.

4 (4.8) A mandatory prison sentence shall be imposed for
5 a second violation of subsection (a-5) of Section 6-303 of
6 the Illinois Vehicle Code, as provided in subsection (c-5)
7 of that Section. The person's driving privileges shall be
8 revoked for a period of not less than 5 years from the date
9 of his or her release from prison.

10 (4.9) A mandatory prison sentence of not less than 4
11 and not more than 15 years shall be imposed for a third
12 violation of subsection (a-5) of Section 6-303 of the
13 Illinois Vehicle Code, as provided in subsection (d-2.5) of
14 that Section. The person's driving privileges shall be
15 revoked for the remainder of his or her life.

16 (4.10) A mandatory prison sentence for a Class 1 felony
17 shall be imposed, and the person shall be eligible for an
18 extended term sentence, for a fourth or subsequent
19 violation of subsection (a-5) of Section 6-303 of the
20 Illinois Vehicle Code, as provided in subsection (d-3.5) of
21 that Section. The person's driving privileges shall be
22 revoked for the remainder of his or her life.

23 (5) The court may sentence a corporation or
24 unincorporated association convicted of any offense to:

25 (A) a period of conditional discharge;

26 (B) a fine;

1 (C) make restitution to the victim under Section
2 5-5-6 of this Code.

3 (5.1) In addition to any other penalties imposed, and
4 except as provided in paragraph (5.2) or (5.3), a person
5 convicted of violating subsection (c) of Section 11-907 of
6 the Illinois Vehicle Code shall have his or her driver's
7 license, permit, or privileges suspended for at least 90
8 days but not more than one year, if the violation resulted
9 in damage to the property of another person.

10 (5.2) In addition to any other penalties imposed, and
11 except as provided in paragraph (5.3), a person convicted
12 of violating subsection (c) of Section 11-907 of the
13 Illinois Vehicle Code shall have his or her driver's
14 license, permit, or privileges suspended for at least 180
15 days but not more than 2 years, if the violation resulted
16 in injury to another person.

17 (5.3) In addition to any other penalties imposed, a
18 person convicted of violating subsection (c) of Section
19 11-907 of the Illinois Vehicle Code shall have his or her
20 driver's license, permit, or privileges suspended for 2
21 years, if the violation resulted in the death of another
22 person.

23 (5.4) In addition to any other penalties imposed, a
24 person convicted of violating Section 3-707 of the Illinois
25 Vehicle Code shall have his or her driver's license,
26 permit, or privileges suspended for 3 months and until he

1 or she has paid a reinstatement fee of \$100.

2 (5.5) In addition to any other penalties imposed, a
3 person convicted of violating Section 3-707 of the Illinois
4 Vehicle Code during a period in which his or her driver's
5 license, permit, or privileges were suspended for a
6 previous violation of that Section shall have his or her
7 driver's license, permit, or privileges suspended for an
8 additional 6 months after the expiration of the original
9 3-month suspension and until he or she has paid a
10 reinstatement fee of \$100.

11 (6) (Blank).

12 (7) (Blank).

13 (8) (Blank).

14 (9) A defendant convicted of a second or subsequent
15 offense of ritualized abuse of a child may be sentenced to
16 a term of natural life imprisonment.

17 (10) (Blank).

18 (11) The court shall impose a minimum fine of \$1,000
19 for a first offense and \$2,000 for a second or subsequent
20 offense upon a person convicted of or placed on supervision
21 for battery when the individual harmed was a sports
22 official or coach at any level of competition and the act
23 causing harm to the sports official or coach occurred
24 within an athletic facility or within the immediate
25 vicinity of the athletic facility at which the sports
26 official or coach was an active participant of the athletic

1 contest held at the athletic facility. For the purposes of
2 this paragraph (11), "sports official" means a person at an
3 athletic contest who enforces the rules of the contest,
4 such as an umpire or referee; "athletic facility" means an
5 indoor or outdoor playing field or recreational area where
6 sports activities are conducted; and "coach" means a person
7 recognized as a coach by the sanctioning authority that
8 conducted the sporting event.

9 (12) A person may not receive a disposition of court
10 supervision for a violation of Section 5-16 of the Boat
11 Registration and Safety Act if that person has previously
12 received a disposition of court supervision for a violation
13 of that Section.

14 (13) A person convicted of or placed on court
15 supervision for an assault or aggravated assault when the
16 victim and the offender are family or household members as
17 defined in Section 103 of the Illinois Domestic Violence
18 Act of 1986 or convicted of domestic battery or aggravated
19 domestic battery may be required to attend a Partner Abuse
20 Intervention Program under protocols set forth by the
21 Illinois Department of Human Services under such terms and
22 conditions imposed by the court. The costs of such classes
23 shall be paid by the offender.

24 (d) In any case in which a sentence originally imposed is
25 vacated, the case shall be remanded to the trial court. The
26 trial court shall hold a hearing under Section 5-4-1 of the

1 Unified Code of Corrections which may include evidence of the
2 defendant's life, moral character and occupation during the
3 time since the original sentence was passed. The trial court
4 shall then impose sentence upon the defendant. The trial court
5 may impose any sentence which could have been imposed at the
6 original trial subject to Section 5-5-4 of the Unified Code of
7 Corrections. If a sentence is vacated on appeal or on
8 collateral attack due to the failure of the trier of fact at
9 trial to determine beyond a reasonable doubt the existence of a
10 fact (other than a prior conviction) necessary to increase the
11 punishment for the offense beyond the statutory maximum
12 otherwise applicable, either the defendant may be re-sentenced
13 to a term within the range otherwise provided or, if the State
14 files notice of its intention to again seek the extended
15 sentence, the defendant shall be afforded a new trial.

16 (e) In cases where prosecution for aggravated criminal
17 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
18 Code of 1961 or the Criminal Code of 2012 results in conviction
19 of a defendant who was a family member of the victim at the
20 time of the commission of the offense, the court shall consider
21 the safety and welfare of the victim and may impose a sentence
22 of probation only where:

23 (1) the court finds (A) or (B) or both are appropriate:

24 (A) the defendant is willing to undergo a court
25 approved counseling program for a minimum duration of 2
26 years; or

1 (B) the defendant is willing to participate in a
2 court approved plan including but not limited to the
3 defendant's:

4 (i) removal from the household;

5 (ii) restricted contact with the victim;

6 (iii) continued financial support of the
7 family;

8 (iv) restitution for harm done to the victim;

9 and

10 (v) compliance with any other measures that
11 the court may deem appropriate; and

12 (2) the court orders the defendant to pay for the
13 victim's counseling services, to the extent that the court
14 finds, after considering the defendant's income and
15 assets, that the defendant is financially capable of paying
16 for such services, if the victim was under 18 years of age
17 at the time the offense was committed and requires
18 counseling as a result of the offense.

19 Probation may be revoked or modified pursuant to Section
20 5-6-4; except where the court determines at the hearing that
21 the defendant violated a condition of his or her probation
22 restricting contact with the victim or other family members or
23 commits another offense with the victim or other family
24 members, the court shall revoke the defendant's probation and
25 impose a term of imprisonment.

26 For the purposes of this Section, "family member" and

1 "victim" shall have the meanings ascribed to them in Section
2 11-0.1 of the Criminal Code of 2012 ~~1961~~.

3 (f) (Blank).

4 (g) Whenever a defendant is convicted of an offense under
5 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
6 11-14.3, 11-14.4 except for an offense that involves keeping a
7 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
8 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
9 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
10 Criminal Code of 2012, the defendant shall undergo medical
11 testing to determine whether the defendant has any sexually
12 transmissible disease, including a test for infection with
13 human immunodeficiency virus (HIV) or any other identified
14 causative agent of acquired immunodeficiency syndrome (AIDS).
15 Any such medical test shall be performed only by appropriately
16 licensed medical practitioners and may include an analysis of
17 any bodily fluids as well as an examination of the defendant's
18 person. Except as otherwise provided by law, the results of
19 such test shall be kept strictly confidential by all medical
20 personnel involved in the testing and must be personally
21 delivered in a sealed envelope to the judge of the court in
22 which the conviction was entered for the judge's inspection in
23 camera. Acting in accordance with the best interests of the
24 victim and the public, the judge shall have the discretion to
25 determine to whom, if anyone, the results of the testing may be
26 revealed. The court shall notify the defendant of the test

1 results. The court shall also notify the victim if requested by
2 the victim, and if the victim is under the age of 15 and if
3 requested by the victim's parents or legal guardian, the court
4 shall notify the victim's parents or legal guardian of the test
5 results. The court shall provide information on the
6 availability of HIV testing and counseling at Department of
7 Public Health facilities to all parties to whom the results of
8 the testing are revealed and shall direct the State's Attorney
9 to provide the information to the victim when possible. A
10 State's Attorney may petition the court to obtain the results
11 of any HIV test administered under this Section, and the court
12 shall grant the disclosure if the State's Attorney shows it is
13 relevant in order to prosecute a charge of criminal
14 transmission of HIV under Section 12-5.01 or 12-16.2 of the
15 Criminal Code of 1961 or the Criminal Code of 2012 against the
16 defendant. The court shall order that the cost of any such test
17 shall be paid by the county and may be taxed as costs against
18 the convicted defendant.

19 (g-5) When an inmate is tested for an airborne communicable
20 disease, as determined by the Illinois Department of Public
21 Health including but not limited to tuberculosis, the results
22 of the test shall be personally delivered by the warden or his
23 or her designee in a sealed envelope to the judge of the court
24 in which the inmate must appear for the judge's inspection in
25 camera if requested by the judge. Acting in accordance with the
26 best interests of those in the courtroom, the judge shall have

1 the discretion to determine what if any precautions need to be
2 taken to prevent transmission of the disease in the courtroom.

3 (h) Whenever a defendant is convicted of an offense under
4 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
5 defendant shall undergo medical testing to determine whether
6 the defendant has been exposed to human immunodeficiency virus
7 (HIV) or any other identified causative agent of acquired
8 immunodeficiency syndrome (AIDS). Except as otherwise provided
9 by law, the results of such test shall be kept strictly
10 confidential by all medical personnel involved in the testing
11 and must be personally delivered in a sealed envelope to the
12 judge of the court in which the conviction was entered for the
13 judge's inspection in camera. Acting in accordance with the
14 best interests of the public, the judge shall have the
15 discretion to determine to whom, if anyone, the results of the
16 testing may be revealed. The court shall notify the defendant
17 of a positive test showing an infection with the human
18 immunodeficiency virus (HIV). The court shall provide
19 information on the availability of HIV testing and counseling
20 at Department of Public Health facilities to all parties to
21 whom the results of the testing are revealed and shall direct
22 the State's Attorney to provide the information to the victim
23 when possible. A State's Attorney may petition the court to
24 obtain the results of any HIV test administered under this
25 Section, and the court shall grant the disclosure if the
26 State's Attorney shows it is relevant in order to prosecute a

1 charge of criminal transmission of HIV under Section 12-5.01 or
2 12-16.2 of the Criminal Code of 1961 or the Criminal Code of
3 2012 against the defendant. The court shall order that the cost
4 of any such test shall be paid by the county and may be taxed as
5 costs against the convicted defendant.

6 (i) All fines and penalties imposed under this Section for
7 any violation of Chapters 3, 4, 6, and 11 of the Illinois
8 Vehicle Code, or a similar provision of a local ordinance, and
9 any violation of the Child Passenger Protection Act, or a
10 similar 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 (j) In cases when prosecution for any violation of Section
14 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
15 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
16 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
17 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
18 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
19 Code of 2012, any violation of the Illinois Controlled
20 Substances Act, any violation of the Cannabis Control Act, or
21 any violation of the Methamphetamine Control and Community
22 Protection Act results in conviction, a disposition of court
23 supervision, or an order of probation granted under Section 10
24 of the Cannabis Control Act, Section 410 of the Illinois
25 Controlled Substance Act, or Section 70 of the Methamphetamine
26 Control and Community Protection Act of a defendant, the court

1 shall determine whether the defendant is employed by a facility
2 or center as defined under the Child Care Act of 1969, a public
3 or private elementary or secondary school, or otherwise works
4 with children under 18 years of age on a daily basis. When a
5 defendant is so employed, the court shall order the Clerk of
6 the Court to send a copy of the judgment of conviction or order
7 of supervision or probation to the defendant's employer by
8 certified mail. If the employer of the defendant is a school,
9 the Clerk of the Court shall direct the mailing of a copy of
10 the judgment of conviction or order of supervision or probation
11 to the appropriate regional superintendent of schools. The
12 regional superintendent of schools shall notify the State Board
13 of Education of any notification under this subsection.

14 (j-5) A defendant at least 17 years of age who is convicted
15 of a felony and who has not been previously convicted of a
16 misdemeanor or felony and who is sentenced to a term of
17 imprisonment in the Illinois Department of Corrections shall as
18 a condition of his or her sentence be required by the court to
19 attend educational courses designed to prepare the defendant
20 for a high school diploma and to work toward a high school
21 diploma or to work toward passing the high school level Test of
22 General Educational Development (GED) or to work toward
23 completing a vocational training program offered by the
24 Department of Corrections. If a defendant fails to complete the
25 educational training required by his or her sentence during the
26 term of incarceration, the Prisoner Review Board shall, as a

1 condition of mandatory supervised release, require the
2 defendant, at his or her own expense, to pursue a course of
3 study toward a high school diploma or passage of the GED test.
4 The Prisoner Review Board shall revoke the mandatory supervised
5 release of a defendant who wilfully fails to comply with this
6 subsection (j-5) upon his or her release from confinement in a
7 penal institution while serving a mandatory supervised release
8 term; however, the inability of the defendant after making a
9 good faith effort to obtain financial aid or pay for the
10 educational training shall not be deemed a wilful failure to
11 comply. The Prisoner Review Board shall recommit the defendant
12 whose mandatory supervised release term has been revoked under
13 this subsection (j-5) as provided in Section 3-3-9. This
14 subsection (j-5) does not apply to a defendant who has a high
15 school diploma or has successfully passed the GED test. This
16 subsection (j-5) does not apply to a defendant who is
17 determined by the court to be developmentally disabled or
18 otherwise mentally incapable of completing the educational or
19 vocational program.

20 (k) (Blank).

21 (l) (A) Except as provided in paragraph (C) of subsection
22 (l), whenever a defendant, who is an alien as defined by
23 the Immigration and Nationality Act, is convicted of any
24 felony or misdemeanor offense, the court after sentencing
25 the defendant may, upon motion of the State's Attorney,
26 hold sentence in abeyance and remand the defendant to the

1 custody of the Attorney General of the United States or his
2 or her designated agent to be deported when:

3 (1) a final order of deportation has been issued
4 against the defendant pursuant to proceedings under
5 the Immigration and Nationality Act, and

6 (2) the deportation of the defendant would not
7 deprecate the seriousness of the defendant's conduct
8 and would not be inconsistent with the ends of justice.

9 Otherwise, the defendant shall be sentenced as
10 provided in this Chapter V.

11 (B) If the defendant has already been sentenced for a
12 felony or misdemeanor offense, or has been placed on
13 probation under Section 10 of the Cannabis Control Act,
14 Section 410 of the Illinois Controlled Substances Act, or
15 Section 70 of the Methamphetamine Control and Community
16 Protection Act, the court may, upon motion of the State's
17 Attorney to suspend the sentence imposed, commit the
18 defendant to the custody of the Attorney General of the
19 United States or his or her designated agent when:

20 (1) a final order of deportation has been issued
21 against the defendant pursuant to proceedings under
22 the Immigration and Nationality Act, and

23 (2) the deportation of the defendant would not
24 deprecate the seriousness of the defendant's conduct
25 and would not be inconsistent with the ends of justice.

26 (C) This subsection (1) does not apply to offenders who

1 are subject to the provisions of paragraph (2) of
2 subsection (a) of Section 3-6-3.

3 (D) Upon motion of the State's Attorney, if a defendant
4 sentenced under this Section returns to the jurisdiction of
5 the United States, the defendant shall be recommitted to
6 the custody of the county from which he or she was
7 sentenced. Thereafter, the defendant shall be brought
8 before the sentencing court, which may impose any sentence
9 that was available under Section 5-5-3 at the time of
10 initial sentencing. In addition, the defendant shall not be
11 eligible for additional sentence credit for good conduct as
12 provided under Section 3-6-3.

13 (m) A person convicted of criminal defacement of property
14 under Section 21-1.3 of the Criminal Code of 1961 or the
15 Criminal Code of 2012, in which the property damage exceeds
16 \$300 and the property damaged is a school building, shall be
17 ordered to perform community service that may include cleanup,
18 removal, or painting over the defacement.

19 (n) The court may sentence a person convicted of a
20 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
21 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
22 of 1961 or the Criminal Code of 2012 (i) to an impact
23 incarceration program if the person is otherwise eligible for
24 that program under Section 5-8-1.1, (ii) to community service,
25 or (iii) if the person is an addict or alcoholic, as defined in
26 the Alcoholism and Other Drug Abuse and Dependency Act, to a

1 substance or alcohol abuse program licensed under that Act.

2 (o) Whenever a person is convicted of a sex offense as
3 defined in Section 2 of the Sex Offender Registration Act, the
4 defendant's driver's license or permit shall be subject to
5 renewal on an annual basis in accordance with the provisions of
6 license renewal established by the Secretary of State.

7 (Source: P.A. 96-348, eff. 8-12-09; 96-400, eff. 8-13-09;
8 96-829, eff. 12-3-09; 96-1200, eff. 7-22-10; 96-1551, Article
9 1, Section 970, eff. 7-1-11; 96-1551, Article 2, Section 1065,
10 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;
11 97-159, eff. 7-21-11; 97-697, eff. 6-22-12; 97-917, eff.
12 8-9-12; 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; revised
13 9-20-12.)

14 (730 ILCS 5/5-5-3.2)

15 Sec. 5-5-3.2. Factors in Aggravation and Extended-Term
16 Sentencing.

17 (a) The following factors shall be accorded weight in favor
18 of imposing a term of imprisonment or may be considered by the
19 court as reasons to impose a more severe sentence under Section
20 5-8-1 or Article 4.5 of Chapter V:

21 (1) the defendant's conduct caused or threatened
22 serious harm;

23 (2) the defendant received compensation for committing
24 the offense;

25 (3) the defendant has a history of prior delinquency or

1 criminal activity;

2 (4) the defendant, by the duties of his office or by
3 his position, was obliged to prevent the particular offense
4 committed or to bring the offenders committing it to
5 justice;

6 (5) the defendant held public office at the time of the
7 offense, and the offense related to the conduct of that
8 office;

9 (6) the defendant utilized his professional reputation
10 or position in the community to commit the offense, or to
11 afford him an easier means of committing it;

12 (7) the sentence is necessary to deter others from
13 committing the same crime;

14 (8) the defendant committed the offense against a
15 person 60 years of age or older or such person's property;

16 (9) the defendant committed the offense against a
17 person who is physically handicapped or such person's
18 property;

19 (10) by reason of another individual's actual or
20 perceived race, color, creed, religion, ancestry, gender,
21 sexual orientation, physical or mental disability, or
22 national origin, the defendant committed the offense
23 against (i) the person or property of that individual; (ii)
24 the person or property of a person who has an association
25 with, is married to, or has a friendship with the other
26 individual; or (iii) the person or property of a relative

1 (by blood or marriage) of a person described in clause (i)
2 or (ii). For the purposes of this Section, "sexual
3 orientation" means heterosexuality, homosexuality, or
4 bisexuality;

5 (11) the offense took place in a place of worship or on
6 the grounds of a place of worship, immediately prior to,
7 during or immediately following worship services. For
8 purposes of this subparagraph, "place of worship" shall
9 mean any church, synagogue or other building, structure or
10 place used primarily for religious worship;

11 (12) the defendant was convicted of a felony committed
12 while he was released on bail or his own recognizance
13 pending trial for a prior felony and was convicted of such
14 prior felony, or the defendant was convicted of a felony
15 committed while he was serving a period of probation,
16 conditional discharge, or mandatory supervised release
17 under subsection (d) of Section 5-8-1 for a prior felony;

18 (13) the defendant committed or attempted to commit a
19 felony while he was wearing a bulletproof vest. For the
20 purposes of this paragraph (13), a bulletproof vest is any
21 device which is designed for the purpose of protecting the
22 wearer from bullets, shot or other lethal projectiles;

23 (14) the defendant held a position of trust or
24 supervision such as, but not limited to, family member as
25 defined in Section 11-0.1 of the Criminal Code of 2012
26 ~~1961~~, teacher, scout leader, baby sitter, or day care

1 worker, in relation to a victim under 18 years of age, and
2 the defendant committed an offense in violation of Section
3 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
4 11-14.4 except for an offense that involves keeping a place
5 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
6 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
7 or 12-16 of the Criminal Code of 1961 or the Criminal Code
8 of 2012 against that victim;

9 (15) the defendant committed an offense related to the
10 activities of an organized gang. For the purposes of this
11 factor, "organized gang" has the meaning ascribed to it in
12 Section 10 of the Streetgang Terrorism Omnibus Prevention
13 Act;

14 (16) the defendant committed an offense in violation of
15 one of the following Sections while in a school, regardless
16 of the time of day or time of year; on any conveyance
17 owned, leased, or contracted by a school to transport
18 students to or from school or a school related activity; on
19 the real property of a school; or on a public way within
20 1,000 feet of the real property comprising any school:
21 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
22 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
23 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
24 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
25 18-2, or 33A-2, or Section 12-3.05 except for subdivision
26 (a) (4) or (g) (1), of the Criminal Code of 1961 or the

1 Criminal Code of 2012;

2 (16.5) the defendant committed an offense in violation
3 of one of the following Sections while in a day care
4 center, regardless of the time of day or time of year; on
5 the real property of a day care center, regardless of the
6 time of day or time of year; or on a public way within
7 1,000 feet of the real property comprising any day care
8 center, regardless of the time of day or time of year:
9 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
10 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
11 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
12 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
13 18-2, or 33A-2, or Section 12-3.05 except for subdivision
14 (a) (4) or (g) (1), of the Criminal Code of 1961 or the
15 Criminal Code of 2012;

16 (17) the defendant committed the offense by reason of
17 any person's activity as a community policing volunteer or
18 to prevent any person from engaging in activity as a
19 community policing volunteer. For the purpose of this
20 Section, "community policing volunteer" has the meaning
21 ascribed to it in Section 2-3.5 of the Criminal Code of
22 2012 ~~1961~~;

23 (18) the defendant committed the offense in a nursing
24 home or on the real property comprising a nursing home. For
25 the purposes of this paragraph (18), "nursing home" means a
26 skilled nursing or intermediate long term care facility

1 that is subject to license by the Illinois Department of
2 Public Health under the Nursing Home Care Act, the
3 Specialized Mental Health Rehabilitation Act, or the ID/DD
4 Community Care Act;

5 (19) the defendant was a federally licensed firearm
6 dealer and was previously convicted of a violation of
7 subsection (a) of Section 3 of the Firearm Owners
8 Identification Card Act and has now committed either a
9 felony violation of the Firearm Owners Identification Card
10 Act or an act of armed violence while armed with a firearm;

11 (20) the defendant (i) committed the offense of
12 reckless homicide under Section 9-3 of the Criminal Code of
13 1961 or the Criminal Code of 2012 or the offense of driving
14 under the influence of alcohol, other drug or drugs,
15 intoxicating compound or compounds or any combination
16 thereof under Section 11-501 of the Illinois Vehicle Code
17 or a similar provision of a local ordinance and (ii) was
18 operating a motor vehicle in excess of 20 miles per hour
19 over the posted speed limit as provided in Article VI of
20 Chapter 11 of the Illinois Vehicle Code;

21 (21) the defendant (i) committed the offense of
22 reckless driving or aggravated reckless driving under
23 Section 11-503 of the Illinois Vehicle Code and (ii) was
24 operating a motor vehicle in excess of 20 miles per hour
25 over the posted speed limit as provided in Article VI of
26 Chapter 11 of the Illinois Vehicle Code;

1 (22) the defendant committed the offense against a
2 person that the defendant knew, or reasonably should have
3 known, was a member of the Armed Forces of the United
4 States serving on active duty. For purposes of this clause
5 (22), the term "Armed Forces" means any of the Armed Forces
6 of the United States, including a member of any reserve
7 component thereof or National Guard unit called to active
8 duty;

9 (23) the defendant committed the offense against a
10 person who was elderly, disabled, or infirm by taking
11 advantage of a family or fiduciary relationship with the
12 elderly, disabled, or infirm person;

13 (24) the defendant committed any offense under Section
14 11-20.1 of the Criminal Code of 1961 or the Criminal Code
15 of 2012 and possessed 100 or more images;

16 (25) the defendant committed the offense while the
17 defendant or the victim was in a train, bus, or other
18 vehicle used for public transportation;

19 (26) the defendant committed the offense of child
20 pornography or aggravated child pornography, specifically
21 including paragraph (1), (2), (3), (4), (5), or (7) of
22 subsection (a) of Section 11-20.1 of the Criminal Code of
23 1961 or the Criminal Code of 2012 where a child engaged in,
24 solicited for, depicted in, or posed in any act of sexual
25 penetration or bound, fettered, or subject to sadistic,
26 masochistic, or sadomasochistic abuse in a sexual context

1 and specifically including paragraph (1), (2), (3), (4),
2 (5), or (7) of subsection (a) of Section 11-20.1B or
3 Section 11-20.3 of the Criminal Code of 1961 where a child
4 engaged in, solicited for, depicted in, or posed in any act
5 of sexual penetration or bound, fettered, or subject to
6 sadistic, masochistic, or sadomasochistic abuse in a
7 sexual context;

8 (27) the defendant committed the offense of first
9 degree murder, assault, aggravated assault, battery,
10 aggravated battery, robbery, armed robbery, or aggravated
11 robbery against a person who was a veteran and the
12 defendant knew, or reasonably should have known, that the
13 person was a veteran performing duties as a representative
14 of a veterans' organization. For the purposes of this
15 paragraph (27), "veteran" means an Illinois resident who
16 has served as a member of the United States Armed Forces, a
17 member of the Illinois National Guard, or a member of the
18 United States Reserve Forces; and "veterans' organization"
19 means an organization comprised of members of which
20 substantially all are individuals who are veterans or
21 spouses, widows, or widowers of veterans, the primary
22 purpose of which is to promote the welfare of its members
23 and to provide assistance to the general public in such a
24 way as to confer a public benefit; or

25 (28) the defendant committed the offense of assault,
26 aggravated assault, battery, aggravated battery, robbery,

1 armed robbery, or aggravated robbery against a person that
2 the defendant knew or reasonably should have known was a
3 letter carrier or postal worker while that person was
4 performing his or her duties delivering mail for the United
5 States Postal Service.

6 For the purposes of this Section:

7 "School" is defined as a public or private elementary or
8 secondary school, community college, college, or university.

9 "Day care center" means a public or private State certified
10 and licensed day care center as defined in Section 2.09 of the
11 Child Care Act of 1969 that displays a sign in plain view
12 stating that the property is a day care center.

13 "Public transportation" means the transportation or
14 conveyance of persons by means available to the general public,
15 and includes paratransit services.

16 (b) The following factors, related to all felonies, may be
17 considered by the court as reasons to impose an extended term
18 sentence under Section 5-8-2 upon any offender:

19 (1) When a defendant is convicted of any felony, after
20 having been previously convicted in Illinois or any other
21 jurisdiction of the same or similar class felony or greater
22 class felony, when such conviction has occurred within 10
23 years after the previous conviction, excluding time spent
24 in custody, and such charges are separately brought and
25 tried and arise out of different series of acts; or

26 (2) When a defendant is convicted of any felony and the

1 court finds that the offense was accompanied by
2 exceptionally brutal or heinous behavior indicative of
3 wanton cruelty; or

4 (3) When a defendant is convicted of any felony
5 committed against:

6 (i) a person under 12 years of age at the time of
7 the offense or such person's property;

8 (ii) a person 60 years of age or older at the time
9 of the offense or such person's property; or

10 (iii) a person physically handicapped at the time
11 of the offense or such person's property; or

12 (4) When a defendant is convicted of any felony and the
13 offense involved any of the following types of specific
14 misconduct committed as part of a ceremony, rite,
15 initiation, observance, performance, practice or activity
16 of any actual or ostensible religious, fraternal, or social
17 group:

18 (i) the brutalizing or torturing of humans or
19 animals;

20 (ii) the theft of human corpses;

21 (iii) the kidnapping of humans;

22 (iv) the desecration of any cemetery, religious,
23 fraternal, business, governmental, educational, or
24 other building or property; or

25 (v) ritualized abuse of a child; or

26 (5) When a defendant is convicted of a felony other

1 than conspiracy and the court finds that the felony was
2 committed under an agreement with 2 or more other persons
3 to commit that offense and the defendant, with respect to
4 the other individuals, occupied a position of organizer,
5 supervisor, financier, or any other position of management
6 or leadership, and the court further finds that the felony
7 committed was related to or in furtherance of the criminal
8 activities of an organized gang or was motivated by the
9 defendant's leadership in an organized gang; or

10 (6) When a defendant is convicted of an offense
11 committed while using a firearm with a laser sight attached
12 to it. For purposes of this paragraph, "laser sight" has
13 the meaning ascribed to it in Section 26-7 of the Criminal
14 Code of 2012 ~~1961~~; or

15 (7) When a defendant who was at least 17 years of age
16 at the time of the commission of the offense is convicted
17 of a felony and has been previously adjudicated a
18 delinquent minor under the Juvenile Court Act of 1987 for
19 an act that if committed by an adult would be a Class X or
20 Class 1 felony when the conviction has occurred within 10
21 years after the previous adjudication, excluding time
22 spent in custody; or

23 (8) When a defendant commits any felony and the
24 defendant used, possessed, exercised control over, or
25 otherwise directed an animal to assault a law enforcement
26 officer engaged in the execution of his or her official

1 duties or in furtherance of the criminal activities of an
2 organized gang in which the defendant is engaged.

3 (c) The following factors may be considered by the court as
4 reasons to impose an extended term sentence under Section 5-8-2
5 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

6 (1) When a defendant is convicted of first degree
7 murder, after having been previously convicted in Illinois
8 of any offense listed under paragraph (c)(2) of Section
9 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred
10 within 10 years after the previous conviction, excluding
11 time spent in custody, and the charges are separately
12 brought and tried and arise out of different series of
13 acts.

14 (1.5) When a defendant is convicted of first degree
15 murder, after having been previously convicted of domestic
16 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
17 (720 ILCS 5/12-3.3) committed on the same victim or after
18 having been previously convicted of violation of an order
19 of protection (720 ILCS 5/12-30) in which the same victim
20 was the protected person.

21 (2) When a defendant is convicted of voluntary
22 manslaughter, second degree murder, involuntary
23 manslaughter, or reckless homicide in which the defendant
24 has been convicted of causing the death of more than one
25 individual.

26 (3) When a defendant is convicted of aggravated

1 criminal sexual assault or criminal sexual assault, when
2 there is a finding that aggravated criminal sexual assault
3 or criminal sexual assault was also committed on the same
4 victim by one or more other individuals, and the defendant
5 voluntarily participated in the crime with the knowledge of
6 the participation of the others in the crime, and the
7 commission of the crime was part of a single course of
8 conduct during which there was no substantial change in the
9 nature of the criminal objective.

10 (4) If the victim was under 18 years of age at the time
11 of the commission of the offense, when a defendant is
12 convicted of aggravated criminal sexual assault or
13 predatory criminal sexual assault of a child under
14 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
15 of Section 12-14.1 of the Criminal Code of 1961 or the
16 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

17 (5) When a defendant is convicted of a felony violation
18 of Section 24-1 of the Criminal Code of 1961 or the
19 Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
20 finding that the defendant is a member of an organized
21 gang.

22 (6) When a defendant was convicted of unlawful use of
23 weapons under Section 24-1 of the Criminal Code of 1961 or
24 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
25 a weapon that is not readily distinguishable as one of the
26 weapons enumerated in Section 24-1 of the Criminal Code of

1 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

2 (7) When a defendant is convicted of an offense
3 involving the illegal manufacture of a controlled
4 substance under Section 401 of the Illinois Controlled
5 Substances Act (720 ILCS 570/401), the illegal manufacture
6 of methamphetamine under Section 25 of the Methamphetamine
7 Control and Community Protection Act (720 ILCS 646/25), or
8 the illegal possession of explosives and an emergency
9 response officer in the performance of his or her duties is
10 killed or injured at the scene of the offense while
11 responding to the emergency caused by the commission of the
12 offense. In this paragraph, "emergency" means a situation
13 in which a person's life, health, or safety is in jeopardy;
14 and "emergency response officer" means a peace officer,
15 community policing volunteer, fireman, emergency medical
16 technician-ambulance, emergency medical
17 technician-intermediate, emergency medical
18 technician-paramedic, ambulance driver, other medical
19 assistance or first aid personnel, or hospital emergency
20 room personnel.

21 (d) For the purposes of this Section, "organized gang" has
22 the meaning ascribed to it in Section 10 of the Illinois
23 Streetgang Terrorism Omnibus Prevention Act.

24 (e) The court may impose an extended term sentence under
25 Article 4.5 of Chapter V upon an offender who has been
26 convicted of a felony violation of Section 11-1.20, 11-1.30,

1 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
2 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
3 when the victim of the offense is under 18 years of age at the
4 time of the commission of the offense and, during the
5 commission of the offense, the victim was under the influence
6 of alcohol, regardless of whether or not the alcohol was
7 supplied by the offender; and the offender, at the time of the
8 commission of the offense, knew or should have known that the
9 victim had consumed alcohol.

10 (Source: P.A. 96-41, eff. 1-1-10; 96-292, eff. 1-1-10; 96-328,
11 eff. 8-11-09; 96-339, eff. 7-1-10; 96-1000, eff. 7-2-10;
12 96-1200, eff. 7-22-10; 96-1228, eff. 1-1-11; 96-1390, eff.
13 1-1-11; 96-1551, Article 1, Section 970, eff. 7-1-11; 96-1551,
14 Article 2, Section 1065, eff. 7-1-11; 97-38, eff. 6-28-11,
15 97-227, eff. 1-1-12; 97-333, eff. 8-12-11; 97-693, eff. 1-1-13;
16 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; revised 9-20-12.)

17 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

18 Sec. 5-5-5. Loss and Restoration of Rights.

19 (a) Conviction and disposition shall not entail the loss by
20 the defendant of any civil rights, except under this Section
21 and Sections 29-6 and 29-10 of The Election Code, as now or
22 hereafter amended.

23 (b) A person convicted of a felony shall be ineligible to
24 hold an office created by the Constitution of this State until
25 the completion of his sentence.

1 (c) A person sentenced to imprisonment shall lose his right
2 to vote until released from imprisonment.

3 (d) On completion of sentence of imprisonment or upon
4 discharge from probation, conditional discharge or periodic
5 imprisonment, or at any time thereafter, all license rights and
6 privileges granted under the authority of this State which have
7 been revoked or suspended because of conviction of an offense
8 shall be restored unless the authority having jurisdiction of
9 such license rights finds after investigation and hearing that
10 restoration is not in the public interest. This paragraph (d)
11 shall not apply to the suspension or revocation of a license to
12 operate a motor vehicle under the Illinois Vehicle Code.

13 (e) Upon a person's discharge from incarceration or parole,
14 or upon a person's discharge from probation or at any time
15 thereafter, the committing court may enter an order certifying
16 that the sentence has been satisfactorily completed when the
17 court believes it would assist in the rehabilitation of the
18 person and be consistent with the public welfare. Such order
19 may be entered upon the motion of the defendant or the State or
20 upon the court's own motion.

21 (f) Upon entry of the order, the court shall issue to the
22 person in whose favor the order has been entered a certificate
23 stating that his behavior after conviction has warranted the
24 issuance of the order.

25 (g) This Section shall not affect the right of a defendant
26 to collaterally attack his conviction or to rely on it in bar

1 of subsequent proceedings for the same offense.

2 (h) No application for any license specified in subsection
3 (i) of this Section granted under the authority of this State
4 shall be denied by reason of an eligible offender who has
5 obtained a certificate of relief from disabilities, as defined
6 in Article 5.5 of this Chapter, having been previously
7 convicted of one or more criminal offenses, or by reason of a
8 finding of lack of "good moral character" when the finding is
9 based upon the fact that the applicant has previously been
10 convicted of one or more criminal offenses, unless:

11 (1) there is a direct relationship between one or more
12 of the previous criminal offenses and the specific license
13 sought; or

14 (2) the issuance of the license would involve an
15 unreasonable risk to property or to the safety or welfare
16 of specific individuals or the general public.

17 In making such a determination, the licensing agency shall
18 consider the following factors:

19 (1) the public policy of this State, as expressed in
20 Article 5.5 of this Chapter, to encourage the licensure and
21 employment of persons previously convicted of one or more
22 criminal offenses;

23 (2) the specific duties and responsibilities
24 necessarily related to the license being sought;

25 (3) the bearing, if any, the criminal offenses or
26 offenses for which the person was previously convicted will

1 have on his or her fitness or ability to perform one or
2 more such duties and responsibilities;

3 (4) the time which has elapsed since the occurrence of
4 the criminal offense or offenses;

5 (5) the age of the person at the time of occurrence of
6 the criminal offense or offenses;

7 (6) the seriousness of the offense or offenses;

8 (7) any information produced by the person or produced
9 on his or her behalf in regard to his or her rehabilitation
10 and good conduct, including a certificate of relief from
11 disabilities issued to the applicant, which certificate
12 shall create a presumption of rehabilitation in regard to
13 the offense or offenses specified in the certificate; and

14 (8) the legitimate interest of the licensing agency in
15 protecting property, and the safety and welfare of specific
16 individuals or the general public.

17 (i) A certificate of relief from disabilities shall be
18 issued only for a license or certification issued under the
19 following Acts:

20 (1) the Animal Welfare Act; except that a certificate
21 of relief from disabilities may not be granted to provide
22 for the issuance or restoration of a license under the
23 Animal Welfare Act for any person convicted of violating
24 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane
25 Care for Animals Act or Section 26-5 or 48-1 of the
26 Criminal Code of 1961 or the Criminal Code of 2012;

- 1 (2) the Illinois Athletic Trainers Practice Act;
- 2 (3) the Barber, Cosmetology, Esthetics, Hair Braiding,
3 and Nail Technology Act of 1985;
- 4 (4) the Boiler and Pressure Vessel Repairer Regulation
5 Act;
- 6 (5) the Boxing and Full-contact Martial Arts Act;
- 7 (6) the Illinois Certified Shorthand Reporters Act of
8 1984;
- 9 (7) the Illinois Farm Labor Contractor Certification
10 Act;
- 11 (8) the Interior Design Title Act;
- 12 (9) the Illinois Professional Land Surveyor Act of
13 1989;
- 14 (10) the Illinois Landscape Architecture Act of 1989;
- 15 (11) the Marriage and Family Therapy Licensing Act;
- 16 (12) the Private Employment Agency Act;
- 17 (13) the Professional Counselor and Clinical
18 Professional Counselor Licensing and Practice Act;
- 19 (14) the Real Estate License Act of 2000;
- 20 (15) the Illinois Roofing Industry Licensing Act;
- 21 (16) the Professional Engineering Practice Act of
22 1989;
- 23 (17) the Water Well and Pump Installation Contractor's
24 License Act;
- 25 (18) the Electrologist Licensing Act;
- 26 (19) the Auction License Act;

- 1 (20) the Illinois Architecture Practice Act of 1989;
2 (21) the Dietetic and Nutrition Services Practice Act;
3 (22) the Environmental Health Practitioner Licensing
4 Act;
5 (23) the Funeral Directors and Embalmers Licensing
6 Code;
7 (24) the Land Sales Registration Act of 1999;
8 (25) the Professional Geologist Licensing Act;
9 (26) the Illinois Public Accounting Act; and
10 (27) the Structural Engineering Practice Act of 1989.

11 (Source: P.A. 96-1246, eff. 1-1-11; 97-119, eff. 7-14-11;
12 97-706, eff. 6-25-12; 97-1108, eff. 1-1-13; revised 9-20-12.)

13 (730 ILCS 5/5-5-6) (from Ch. 38, par. 1005-5-6)

14 Sec. 5-5-6. In all convictions for offenses in violation of
15 the Criminal Code of 1961 or the Criminal Code of 2012 or of
16 Section 11-501 of the Illinois Vehicle Code in which the person
17 received any injury to his or her person or damage to his or
18 her real or personal property as a result of the criminal act
19 of the defendant, the court shall order restitution as provided
20 in this Section. In all other cases, except cases in which
21 restitution is required under this Section, the court must at
22 the sentence hearing determine whether restitution is an
23 appropriate sentence to be imposed on each defendant convicted
24 of an offense. If the court determines that an order directing
25 the offender to make restitution is appropriate, the offender

1 may be sentenced to make restitution. The court may consider
2 restitution an appropriate sentence to be imposed on each
3 defendant convicted of an offense in addition to a sentence of
4 imprisonment. The sentence of the defendant to a term of
5 imprisonment is not a mitigating factor that prevents the court
6 from ordering the defendant to pay restitution. If the offender
7 is sentenced to make restitution the Court shall determine the
8 restitution as hereinafter set forth:

9 (a) At the sentence hearing, the court shall determine
10 whether the property may be restored in kind to the
11 possession of the owner or the person entitled to
12 possession thereof; or whether the defendant is possessed
13 of sufficient skill to repair and restore property damaged;
14 or whether the defendant should be required to make
15 restitution in cash, for out-of-pocket expenses, damages,
16 losses, or injuries found to have been proximately caused
17 by the conduct of the defendant or another for whom the
18 defendant is legally accountable under the provisions of
19 Article 5 ~~▼~~ of the Criminal Code of 1961 or the Criminal
20 Code of 2012.

21 (b) In fixing the amount of restitution to be paid in
22 cash, the court shall allow credit for property returned in
23 kind, for property damages ordered to be repaired by the
24 defendant, and for property ordered to be restored by the
25 defendant; and after granting the credit, the court shall
26 assess the actual out-of-pocket expenses, losses, damages,

1 and injuries suffered by the victim named in the charge and
2 any other victims who may also have suffered out-of-pocket
3 expenses, losses, damages, and injuries proximately caused
4 by the same criminal conduct of the defendant, and
5 insurance carriers who have indemnified the named victim or
6 other victims for the out-of-pocket expenses, losses,
7 damages, or injuries, provided that in no event shall
8 restitution be ordered to be paid on account of pain and
9 suffering. When a victim's out-of-pocket expenses have
10 been paid pursuant to the Crime Victims Compensation Act,
11 the court shall order restitution be paid to the
12 compensation program. If a defendant is placed on
13 supervision for, or convicted of, domestic battery, the
14 defendant shall be required to pay restitution to any
15 domestic violence shelter in which the victim and any other
16 family or household members lived because of the domestic
17 battery. The amount of the restitution shall equal the
18 actual expenses of the domestic violence shelter in
19 providing housing and any other services for the victim and
20 any other family or household members living at the
21 shelter. If a defendant fails to pay restitution in the
22 manner or within the time period specified by the court,
23 the court may enter an order directing the sheriff to seize
24 any real or personal property of a defendant to the extent
25 necessary to satisfy the order of restitution and dispose
26 of the property by public sale. All proceeds from such sale

1 in excess of the amount of restitution plus court costs and
2 the costs of the sheriff in conducting the sale shall be
3 paid to the defendant. The defendant convicted of domestic
4 battery, if a person under 18 years of age was present and
5 witnessed the domestic battery of the victim, is liable to
6 pay restitution for the cost of any counseling required for
7 the child at the discretion of the court.

8 (c) In cases where more than one defendant is
9 accountable for the same criminal conduct that results in
10 out-of-pocket expenses, losses, damages, or injuries, each
11 defendant shall be ordered to pay restitution in the amount
12 of the total actual out-of-pocket expenses, losses,
13 damages, or injuries to the victim proximately caused by
14 the conduct of all of the defendants who are legally
15 accountable for the offense.

16 (1) In no event shall the victim be entitled to
17 recover restitution in excess of the actual
18 out-of-pocket expenses, losses, damages, or injuries,
19 proximately caused by the conduct of all of the
20 defendants.

21 (2) As between the defendants, the court may
22 apportion the restitution that is payable in
23 proportion to each co-defendant's culpability in the
24 commission of the offense.

25 (3) In the absence of a specific order apportioning
26 the restitution, each defendant shall bear his pro rata

1 share of the restitution.

2 (4) As between the defendants, each defendant
3 shall be entitled to a pro rata reduction in the total
4 restitution required to be paid to the victim for
5 amounts of restitution actually paid by co-defendants,
6 and defendants who shall have paid more than their pro
7 rata share shall be entitled to refunds to be computed
8 by the court as additional amounts are paid by
9 co-defendants.

10 (d) In instances where a defendant has more than one
11 criminal charge pending against him in a single case, or
12 more than one case, and the defendant stands convicted of
13 one or more charges, a plea agreement negotiated by the
14 State's Attorney and the defendants may require the
15 defendant to make restitution to victims of charges that
16 have been dismissed or which it is contemplated will be
17 dismissed under the terms of the plea agreement, and under
18 the agreement, the court may impose a sentence of
19 restitution on the charge or charges of which the defendant
20 has been convicted that would require the defendant to make
21 restitution to victims of other offenses as provided in the
22 plea agreement.

23 (e) The court may require the defendant to apply the
24 balance of the cash bond, after payment of court costs, and
25 any fine that may be imposed to the payment of restitution.

26 (f) Taking into consideration the ability of the

1 defendant to pay, including any real or personal property
2 or any other assets of the defendant, the court shall
3 determine whether restitution shall be paid in a single
4 payment or in installments, and shall fix a period of time
5 not in excess of 5 years, except for violations of Sections
6 16-1.3 and 17-56 of the Criminal Code of 1961 or the
7 Criminal Code of 2012, or the period of time specified in
8 subsection (f-1), not including periods of incarceration,
9 within which payment of restitution is to be paid in full.
10 Complete restitution shall be paid in as short a time
11 period as possible. However, if the court deems it
12 necessary and in the best interest of the victim, the court
13 may extend beyond 5 years the period of time within which
14 the payment of restitution is to be paid. If the defendant
15 is ordered to pay restitution and the court orders that
16 restitution is to be paid over a period greater than 6
17 months, the court shall order that the defendant make
18 monthly payments; the court may waive this requirement of
19 monthly payments only if there is a specific finding of
20 good cause for waiver.

21 (f-1) (1) In addition to any other penalty prescribed by
22 law and any restitution ordered under this Section that did
23 not include long-term physical health care costs, the court
24 may, upon conviction of any misdemeanor or felony, order a
25 defendant to pay restitution to a victim in accordance with
26 the provisions of this subsection (f-1) if the victim has

1 suffered physical injury as a result of the offense that is
2 reasonably probable to require or has required long-term
3 physical health care for more than 3 months. As used in
4 this subsection (f-1) "long-term physical health care"
5 includes mental health care.

6 (2) The victim's estimate of long-term physical health
7 care costs may be made as part of a victim impact statement
8 under Section 6 of the Rights of Crime Victims and
9 Witnesses Act or made separately. The court shall enter the
10 long-term physical health care restitution order at the
11 time of sentencing. An order of restitution made under this
12 subsection (f-1) shall fix a monthly amount to be paid by
13 the defendant for as long as long-term physical health care
14 of the victim is required as a result of the offense. The
15 order may exceed the length of any sentence imposed upon
16 the defendant for the criminal activity. The court shall
17 include as a special finding in the judgment of conviction
18 its determination of the monthly cost of long-term physical
19 health care.

20 (3) After a sentencing order has been entered, the
21 court may from time to time, on the petition of either the
22 defendant or the victim, or upon its own motion, enter an
23 order for restitution for long-term physical care or modify
24 the existing order for restitution for long-term physical
25 care as to the amount of monthly payments. Any modification
26 of the order shall be based only upon a substantial change

1 of circumstances relating to the cost of long-term physical
2 health care or the financial condition of either the
3 defendant or the victim. The petition shall be filed as
4 part of the original criminal docket.

5 (g) In addition to the sentences provided for in
6 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
7 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14,
8 12-14.1, 12-15, and 12-16, and subdivision (a)(4) of
9 Section 11-14.4, of the Criminal Code of 1961 or the
10 Criminal Code of 2012, the court may order any person who
11 is convicted of violating any of those Sections or who was
12 charged with any of those offenses and which charge was
13 reduced to another charge as a result of a plea agreement
14 under subsection (d) of this Section to meet all or any
15 portion of the financial obligations of treatment,
16 including but not limited to medical, psychiatric, or
17 rehabilitative treatment or psychological counseling,
18 prescribed for the victim or victims of the offense.

19 The payments shall be made by the defendant to the
20 clerk of the circuit court and transmitted by the clerk to
21 the appropriate person or agency as directed by the court.
22 Except as otherwise provided in subsection (f-1), the order
23 may require such payments to be made for a period not to
24 exceed 5 years after sentencing, not including periods of
25 incarceration.

26 (h) The judge may enter an order of withholding to

1 collect the amount of restitution owed in accordance with
2 Part 8 of Article XII of the Code of Civil Procedure.

3 (i) A sentence of restitution may be modified or
4 revoked by the court if the offender commits another
5 offense, or the offender fails to make restitution as
6 ordered by the court, but no sentence to make restitution
7 shall be revoked unless the court shall find that the
8 offender has had the financial ability to make restitution,
9 and he has wilfully refused to do so. When the offender's
10 ability to pay restitution was established at the time an
11 order of restitution was entered or modified, or when the
12 offender's ability to pay was based on the offender's
13 willingness to make restitution as part of a plea agreement
14 made at the time the order of restitution was entered or
15 modified, there is a rebuttable presumption that the facts
16 and circumstances considered by the court at the hearing at
17 which the order of restitution was entered or modified
18 regarding the offender's ability or willingness to pay
19 restitution have not materially changed. If the court shall
20 find that the defendant has failed to make restitution and
21 that the failure is not wilful, the court may impose an
22 additional period of time within which to make restitution.
23 The length of the additional period shall not be more than
24 2 years. The court shall retain all of the incidents of the
25 original sentence, including the authority to modify or
26 enlarge the conditions, and to revoke or further modify the

1 sentence if the conditions of payment are violated during
2 the additional period.

3 (j) The procedure upon the filing of a Petition to
4 Revoke a sentence to make restitution shall be the same as
5 the procedures set forth in Section 5-6-4 of this Code
6 governing violation, modification, or revocation of
7 Probation, of Conditional Discharge, or of Supervision.

8 (k) Nothing contained in this Section shall preclude
9 the right of any party to proceed in a civil action to
10 recover for any damages incurred due to the criminal
11 misconduct of the defendant.

12 (l) Restitution ordered under this Section shall not be
13 subject to disbursement by the circuit clerk under Section
14 27.5 of the Clerks of Courts Act.

15 (m) A restitution order under this Section is a
16 judgment lien in favor of the victim that:

17 (1) Attaches to the property of the person subject
18 to the order;

19 (2) May be perfected in the same manner as provided
20 in Part 3 of Article 9 of the Uniform Commercial Code;

21 (3) May be enforced to satisfy any payment that is
22 delinquent under the restitution order by the person in
23 whose favor the order is issued or the person's
24 assignee; and

25 (4) Expires in the same manner as a judgment lien
26 created in a civil proceeding.

1 When a restitution order is issued under this Section,
2 the issuing court shall send a certified copy of the order
3 to the clerk of the circuit court in the county where the
4 charge was filed. Upon receiving the order, the clerk shall
5 enter and index the order in the circuit court judgment
6 docket.

7 (n) An order of restitution under this Section does not
8 bar a civil action for:

9 (1) Damages that the court did not require the
10 person to pay to the victim under the restitution order
11 but arise from an injury or property damages that is
12 the basis of restitution ordered by the court; and

13 (2) Other damages suffered by the victim.

14 The restitution order is not discharged by the completion
15 of the sentence imposed for the offense.

16 A restitution order under this Section is not discharged by
17 the liquidation of a person's estate by a receiver. A
18 restitution order under this Section may be enforced in the
19 same manner as judgment liens are enforced under Article XII of
20 the Code of Civil Procedure.

21 The provisions of Section 2-1303 of the Code of Civil
22 Procedure, providing for interest on judgments, apply to
23 judgments for restitution entered under this Section.

24 (Source: P.A. 96-290, eff. 8-11-09; 96-1551, eff. 7-1-11;
25 97-482, eff. 1-1-12; 97-817, eff. 1-1-13.)

1 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

2 (Text of Section before amendment by P.A. 97-831)

3 Sec. 5-6-1. Sentences of Probation and of Conditional
4 Discharge and Disposition of Supervision. The General Assembly
5 finds that in order to protect the public, the criminal justice
6 system must compel compliance with the conditions of probation
7 by responding to violations with swift, certain and fair
8 punishments and intermediate sanctions. The Chief Judge of each
9 circuit shall adopt a system of structured, intermediate
10 sanctions for violations of the terms and conditions of a
11 sentence of probation, conditional discharge or disposition of
12 supervision.

13 (a) Except where specifically prohibited by other
14 provisions of this Code, the court shall impose a sentence of
15 probation or conditional discharge upon an offender unless,
16 having regard to the nature and circumstance of the offense,
17 and to the history, character and condition of the offender,
18 the court is of the opinion that:

19 (1) his imprisonment or periodic imprisonment is
20 necessary for the protection of the public; or

21 (2) probation or conditional discharge would deprecate
22 the seriousness of the offender's conduct and would be
23 inconsistent with the ends of justice; or

24 (3) a combination of imprisonment with concurrent or
25 consecutive probation when an offender has been admitted
26 into a drug court program under Section 20 of the Drug

1 Court Treatment Act is necessary for the protection of the
2 public and for the rehabilitation of the offender.

3 The court shall impose as a condition of a sentence of
4 probation, conditional discharge, or supervision, that the
5 probation agency may invoke any sanction from the list of
6 intermediate sanctions adopted by the chief judge of the
7 circuit court for violations of the terms and conditions of the
8 sentence of probation, conditional discharge, or supervision,
9 subject to the provisions of Section 5-6-4 of this Act.

10 (b) The court may impose a sentence of conditional
11 discharge for an offense if the court is of the opinion that
12 neither a sentence of imprisonment nor of periodic imprisonment
13 nor of probation supervision is appropriate.

14 (b-1) Subsections (a) and (b) of this Section do not apply
15 to a defendant charged with a misdemeanor or felony under the
16 Illinois Vehicle Code or reckless homicide under Section 9-3 of
17 the Criminal Code of 1961 or the Criminal Code of 2012 if the
18 defendant within the past 12 months has been convicted of or
19 pleaded guilty to a misdemeanor or felony under the Illinois
20 Vehicle Code or reckless homicide under Section 9-3 of the
21 Criminal Code of 1961 or the Criminal Code of 2012.

22 (c) The court may, upon a plea of guilty or a stipulation
23 by the defendant of the facts supporting the charge or a
24 finding of guilt, defer further proceedings and the imposition
25 of a sentence, and enter an order for supervision of the
26 defendant, if the defendant is not charged with: (i) a Class A

1 misdemeanor, as defined by the following provisions of the
2 Criminal Code of 1961 or the Criminal Code of 2012: Sections
3 11-9.1; 12-3.2; 11-1.50 or 12-15; 26-5 or 48-1; 31-1; 31-6;
4 31-7; paragraphs (2) and (3) of subsection (a) of Section 21-1;
5 paragraph (1) through (5), (8), (10), and (11) of subsection
6 (a) of Section 24-1; (ii) a Class A misdemeanor violation of
7 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals
8 Act; or (iii) a felony. If the defendant is not barred from
9 receiving an order for supervision as provided in this
10 subsection, the court may enter an order for supervision after
11 considering the circumstances of the offense, and the history,
12 character and condition of the offender, if the court is of the
13 opinion that:

14 (1) the offender is not likely to commit further
15 crimes;

16 (2) the defendant and the public would be best served
17 if the defendant were not to receive a criminal record; and

18 (3) in the best interests of justice an order of
19 supervision is more appropriate than a sentence otherwise
20 permitted under this Code.

21 (c-5) Subsections (a), (b), and (c) of this Section do not
22 apply to a defendant charged with a second or subsequent
23 violation of Section 6-303 of the Illinois Vehicle Code
24 committed while his or her driver's license, permit or
25 privileges were revoked because of a violation of Section 9-3
26 of the Criminal Code of 1961 or the Criminal Code of 2012,

1 relating to the offense of reckless homicide, or a similar
2 provision of a law of another state.

3 (d) The provisions of paragraph (c) shall not apply to a
4 defendant charged with violating Section 11-501 of the Illinois
5 Vehicle Code or a similar provision of a local ordinance when
6 the defendant has previously been:

7 (1) convicted for a violation of Section 11-501 of the
8 Illinois Vehicle Code or a similar provision of a local
9 ordinance or any similar law or ordinance of another state;
10 or

11 (2) assigned supervision for a violation of Section
12 11-501 of the Illinois Vehicle Code or a similar provision
13 of a local ordinance or any similar law or ordinance of
14 another state; or

15 (3) pleaded guilty to or stipulated to the facts
16 supporting a charge or a finding of guilty to a violation
17 of Section 11-503 of the Illinois Vehicle Code or a similar
18 provision of a local ordinance or any similar law or
19 ordinance of another state, and the plea or stipulation was
20 the result of a plea agreement.

21 The court shall consider the statement of the prosecuting
22 authority with regard to the standards set forth in this
23 Section.

24 (e) The provisions of paragraph (c) shall not apply to a
25 defendant charged with violating Section 16-25 or 16A-3 of the
26 Criminal Code of 1961 or the Criminal Code of 2012 if said

1 defendant has within the last 5 years been:

2 (1) convicted for a violation of Section 16-25 or 16A-3
3 of the Criminal Code of 1961 or the Criminal Code of 2012;
4 or

5 (2) assigned supervision for a violation of Section
6 16-25 or 16A-3 of the Criminal Code of 1961 or the Criminal
7 Code of 2012.

8 The court shall consider the statement of the prosecuting
9 authority with regard to the standards set forth in this
10 Section.

11 (f) The provisions of paragraph (c) shall not apply to a
12 defendant charged with violating Sections 15-111, 15-112,
13 15-301, paragraph (b) of Section 6-104, Section 11-605, Section
14 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a
15 similar provision of a local ordinance.

16 (g) Except as otherwise provided in paragraph (i) of this
17 Section, the provisions of paragraph (c) shall not apply to a
18 defendant charged with violating Section 3-707, 3-708, 3-710,
19 or 5-401.3 of the Illinois Vehicle Code or a similar provision
20 of a local ordinance if the defendant has within the last 5
21 years been:

22 (1) convicted for a violation of Section 3-707, 3-708,
23 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar
24 provision of a local ordinance; or

25 (2) assigned supervision for a violation of Section
26 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle

1 Code or a similar provision of a local ordinance.

2 The court shall consider the statement of the prosecuting
3 authority with regard to the standards set forth in this
4 Section.

5 (h) The provisions of paragraph (c) shall not apply to a
6 defendant under the age of 21 years charged with violating a
7 serious traffic offense as defined in Section 1-187.001 of the
8 Illinois Vehicle Code:

9 (1) unless the defendant, upon payment of the fines,
10 penalties, and costs provided by law, agrees to attend and
11 successfully complete a traffic safety program approved by
12 the court under standards set by the Conference of Chief
13 Circuit Judges. The accused shall be responsible for
14 payment of any traffic safety program fees. If the accused
15 fails to file a certificate of successful completion on or
16 before the termination date of the supervision order, the
17 supervision shall be summarily revoked and conviction
18 entered. The provisions of Supreme Court Rule 402 relating
19 to pleas of guilty do not apply in cases when a defendant
20 enters a guilty plea under this provision; or

21 (2) if the defendant has previously been sentenced
22 under the provisions of paragraph (c) on or after January
23 1, 1998 for any serious traffic offense as defined in
24 Section 1-187.001 of the Illinois Vehicle Code.

25 (h-1) The provisions of paragraph (c) shall not apply to a
26 defendant under the age of 21 years charged with an offense

1 against traffic regulations governing the movement of vehicles
2 or any violation of Section 6-107 or Section 12-603.1 of the
3 Illinois Vehicle Code, unless the defendant, upon payment of
4 the fines, penalties, and costs provided by law, agrees to
5 attend and successfully complete a traffic safety program
6 approved by the court under standards set by the Conference of
7 Chief Circuit Judges. The accused shall be responsible for
8 payment of any traffic safety program fees. If the accused
9 fails to file a certificate of successful completion on or
10 before the termination date of the supervision order, the
11 supervision shall be summarily revoked and conviction entered.
12 The provisions of Supreme Court Rule 402 relating to pleas of
13 guilty do not apply in cases when a defendant enters a guilty
14 plea under this provision.

15 (i) The provisions of paragraph (c) shall not apply to a
16 defendant charged with violating Section 3-707 of the Illinois
17 Vehicle Code or a similar provision of a local ordinance if the
18 defendant has been assigned supervision for a violation of
19 Section 3-707 of the Illinois Vehicle Code or a similar
20 provision of a local ordinance.

21 (j) The provisions of paragraph (c) shall not apply to a
22 defendant charged with violating Section 6-303 of the Illinois
23 Vehicle Code or a similar provision of a local ordinance when
24 the revocation or suspension was for a violation of Section
25 11-501 or a similar provision of a local ordinance or a
26 violation of Section 11-501.1 or paragraph (b) of Section

1 11-401 of the Illinois Vehicle Code if the defendant has within
2 the last 10 years been:

3 (1) convicted for a violation of Section 6-303 of the
4 Illinois Vehicle Code or a similar provision of a local
5 ordinance; or

6 (2) assigned supervision for a violation of Section
7 6-303 of the Illinois Vehicle Code or a similar provision
8 of a local ordinance.

9 (k) The provisions of paragraph (c) shall not apply to a
10 defendant charged with violating any provision of the Illinois
11 Vehicle Code or a similar provision of a local ordinance that
12 governs the movement of vehicles if, within the 12 months
13 preceding the date of the defendant's arrest, the defendant has
14 been assigned court supervision on 2 occasions for a violation
15 that governs the movement of vehicles under the Illinois
16 Vehicle Code or a similar provision of a local ordinance. The
17 provisions of this paragraph (k) do not apply to a defendant
18 charged with violating Section 11-501 of the Illinois Vehicle
19 Code or a similar provision of a local ordinance.

20 (l) A defendant charged with violating any provision of the
21 Illinois Vehicle Code or a similar provision of a local
22 ordinance who receives a disposition of supervision under
23 subsection (c) shall pay an additional fee of \$29, to be
24 collected as provided in Sections 27.5 and 27.6 of the Clerks
25 of Courts Act. In addition to the \$29 fee, the person shall
26 also pay a fee of \$6, which, if not waived by the court, shall

1 be collected as provided in Sections 27.5 and 27.6 of the
2 Clerks of Courts Act. The \$29 fee shall be disbursed as
3 provided in Section 16-104c of the Illinois Vehicle Code. If
4 the \$6 fee is collected, \$5.50 of the fee shall be deposited
5 into the Circuit Court Clerk Operation and Administrative Fund
6 created by the Clerk of the Circuit Court and 50 cents of the
7 fee shall be deposited into the Prisoner Review Board Vehicle
8 and Equipment Fund in the State treasury.

9 (m) Any person convicted of, pleading guilty to, or placed
10 on supervision for a serious traffic violation, as defined in
11 Section 1-187.001 of the Illinois Vehicle Code, a violation of
12 Section 11-501 of the Illinois Vehicle Code, or a violation of
13 a similar provision of a local ordinance shall pay an
14 additional fee of \$35, to be disbursed as provided in Section
15 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 (p) The provisions of paragraph (c) shall not apply to a
19 defendant charged with violating subsection (b) of Section
20 11-601.5 of the Illinois Vehicle Code or a similar provision of
21 a local ordinance.

22 (Source: P.A. 96-253, eff. 8-11-09; 96-286, eff. 8-11-09;
23 96-328, eff. 8-11-09; 96-625, eff. 1-1-10; 96-1000, eff.
24 7-2-10; 96-1002, eff. 1-1-11; 96-1175, eff. 9-20-10; 96-1551,
25 eff. 7-1-11; 97-333, eff. 8-12-11; 97-597, eff. 1-1-12;
26 97-1108, eff. 1-1-13.)

1 (Text of Section after amendment by P.A. 97-831)

2 Sec. 5-6-1. Sentences of Probation and of Conditional
3 Discharge and Disposition of Supervision. The General Assembly
4 finds that in order to protect the public, the criminal justice
5 system must compel compliance with the conditions of probation
6 by responding to violations with swift, certain and fair
7 punishments and intermediate sanctions. The Chief Judge of each
8 circuit shall adopt a system of structured, intermediate
9 sanctions for violations of the terms and conditions of a
10 sentence of probation, conditional discharge or disposition of
11 supervision.

12 (a) Except where specifically prohibited by other
13 provisions of this Code, the court shall impose a sentence of
14 probation or conditional discharge upon an offender unless,
15 having regard to the nature and circumstance of the offense,
16 and to the history, character and condition of the offender,
17 the court is of the opinion that:

18 (1) his imprisonment or periodic imprisonment is
19 necessary for the protection of the public; or

20 (2) probation or conditional discharge would deprecate
21 the seriousness of the offender's conduct and would be
22 inconsistent with the ends of justice; or

23 (3) a combination of imprisonment with concurrent or
24 consecutive probation when an offender has been admitted
25 into a drug court program under Section 20 of the Drug

1 Court Treatment Act is necessary for the protection of the
2 public and for the rehabilitation of the offender.

3 The court shall impose as a condition of a sentence of
4 probation, conditional discharge, or supervision, that the
5 probation agency may invoke any sanction from the list of
6 intermediate sanctions adopted by the chief judge of the
7 circuit court for violations of the terms and conditions of the
8 sentence of probation, conditional discharge, or supervision,
9 subject to the provisions of Section 5-6-4 of this Act.

10 (b) The court may impose a sentence of conditional
11 discharge for an offense if the court is of the opinion that
12 neither a sentence of imprisonment nor of periodic imprisonment
13 nor of probation supervision is appropriate.

14 (b-1) Subsections (a) and (b) of this Section do not apply
15 to a defendant charged with a misdemeanor or felony under the
16 Illinois Vehicle Code or reckless homicide under Section 9-3 of
17 the Criminal Code of 1961 or the Criminal Code of 2012 if the
18 defendant within the past 12 months has been convicted of or
19 pleaded guilty to a misdemeanor or felony under the Illinois
20 Vehicle Code or reckless homicide under Section 9-3 of the
21 Criminal Code of 1961 or the Criminal Code of 2012.

22 (c) The court may, upon a plea of guilty or a stipulation
23 by the defendant of the facts supporting the charge or a
24 finding of guilt, defer further proceedings and the imposition
25 of a sentence, and enter an order for supervision of the
26 defendant, if the defendant is not charged with: (i) a Class A

1 misdemeanor, as defined by the following provisions of the
2 Criminal Code of 1961 or the Criminal Code of 2012: Sections
3 11-9.1; 12-3.2; 11-1.50 or 12-15; 26-5 or 48-1; 31-1; 31-6;
4 31-7; paragraphs (2) and (3) of subsection (a) of Section 21-1;
5 paragraph (1) through (5), (8), (10), and (11) of subsection
6 (a) of Section 24-1; (ii) a Class A misdemeanor violation of
7 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals
8 Act; or (iii) a felony. If the defendant is not barred from
9 receiving an order for supervision as provided in this
10 subsection, the court may enter an order for supervision after
11 considering the circumstances of the offense, and the history,
12 character and condition of the offender, if the court is of the
13 opinion that:

14 (1) the offender is not likely to commit further
15 crimes;

16 (2) the defendant and the public would be best served
17 if the defendant were not to receive a criminal record; and

18 (3) in the best interests of justice an order of
19 supervision is more appropriate than a sentence otherwise
20 permitted under this Code.

21 (c-5) Subsections (a), (b), and (c) of this Section do not
22 apply to a defendant charged with a second or subsequent
23 violation of Section 6-303 of the Illinois Vehicle Code
24 committed while his or her driver's license, permit or
25 privileges were revoked because of a violation of Section 9-3
26 of the Criminal Code of 1961 or the Criminal Code of 2012,

1 relating to the offense of reckless homicide, or a similar
2 provision of a law of another state.

3 (d) The provisions of paragraph (c) shall not apply to a
4 defendant charged with violating Section 11-501 of the Illinois
5 Vehicle Code or a similar provision of a local ordinance when
6 the defendant has previously been:

7 (1) convicted for a violation of Section 11-501 of the
8 Illinois Vehicle Code or a similar provision of a local
9 ordinance or any similar law or ordinance of another state;
10 or

11 (2) assigned supervision for a violation of Section
12 11-501 of the Illinois Vehicle Code or a similar provision
13 of a local ordinance or any similar law or ordinance of
14 another state; or

15 (3) pleaded guilty to or stipulated to the facts
16 supporting a charge or a finding of guilty to a violation
17 of Section 11-503 of the Illinois Vehicle Code or a similar
18 provision of a local ordinance or any similar law or
19 ordinance of another state, and the plea or stipulation was
20 the result of a plea agreement.

21 The court shall consider the statement of the prosecuting
22 authority with regard to the standards set forth in this
23 Section.

24 (e) The provisions of paragraph (c) shall not apply to a
25 defendant charged with violating Section 16-25 or 16A-3 of the
26 Criminal Code of 1961 or the Criminal Code of 2012 if said

1 defendant has within the last 5 years been:

2 (1) convicted for a violation of Section 16-25 or 16A-3
3 of the Criminal Code of 1961 or the Criminal Code of 2012;
4 or

5 (2) assigned supervision for a violation of Section
6 16-25 or 16A-3 of the Criminal Code of 1961 or the Criminal
7 Code of 2012.

8 The court shall consider the statement of the prosecuting
9 authority with regard to the standards set forth in this
10 Section.

11 (f) The provisions of paragraph (c) shall not apply to a
12 defendant charged with violating Sections 15-111, 15-112,
13 15-301, paragraph (b) of Section 6-104, Section 11-605, Section
14 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a
15 similar provision of a local ordinance.

16 (g) Except as otherwise provided in paragraph (i) of this
17 Section, the provisions of paragraph (c) shall not apply to a
18 defendant charged with violating Section 3-707, 3-708, 3-710,
19 or 5-401.3 of the Illinois Vehicle Code or a similar provision
20 of a local ordinance if the defendant has within the last 5
21 years been:

22 (1) convicted for a violation of Section 3-707, 3-708,
23 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar
24 provision of a local ordinance; or

25 (2) assigned supervision for a violation of Section
26 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle

1 Code or a similar provision of a local ordinance.

2 The court shall consider the statement of the prosecuting
3 authority with regard to the standards set forth in this
4 Section.

5 (h) The provisions of paragraph (c) shall not apply to a
6 defendant under the age of 21 years charged with violating a
7 serious traffic offense as defined in Section 1-187.001 of the
8 Illinois Vehicle Code:

9 (1) unless the defendant, upon payment of the fines,
10 penalties, and costs provided by law, agrees to attend and
11 successfully complete a traffic safety program approved by
12 the court under standards set by the Conference of Chief
13 Circuit Judges. The accused shall be responsible for
14 payment of any traffic safety program fees. If the accused
15 fails to file a certificate of successful completion on or
16 before the termination date of the supervision order, the
17 supervision shall be summarily revoked and conviction
18 entered. The provisions of Supreme Court Rule 402 relating
19 to pleas of guilty do not apply in cases when a defendant
20 enters a guilty plea under this provision; or

21 (2) if the defendant has previously been sentenced
22 under the provisions of paragraph (c) on or after January
23 1, 1998 for any serious traffic offense as defined in
24 Section 1-187.001 of the Illinois Vehicle Code.

25 (h-1) The provisions of paragraph (c) shall not apply to a
26 defendant under the age of 21 years charged with an offense

1 against traffic regulations governing the movement of vehicles
2 or any violation of Section 6-107 or Section 12-603.1 of the
3 Illinois Vehicle Code, unless the defendant, upon payment of
4 the fines, penalties, and costs provided by law, agrees to
5 attend and successfully complete a traffic safety program
6 approved by the court under standards set by the Conference of
7 Chief Circuit Judges. The accused shall be responsible for
8 payment of any traffic safety program fees. If the accused
9 fails to file a certificate of successful completion on or
10 before the termination date of the supervision order, the
11 supervision shall be summarily revoked and conviction entered.
12 The provisions of Supreme Court Rule 402 relating to pleas of
13 guilty do not apply in cases when a defendant enters a guilty
14 plea under this provision.

15 (i) The provisions of paragraph (c) shall not apply to a
16 defendant charged with violating Section 3-707 of the Illinois
17 Vehicle Code or a similar provision of a local ordinance if the
18 defendant has been assigned supervision for a violation of
19 Section 3-707 of the Illinois Vehicle Code or a similar
20 provision of a local ordinance.

21 (j) The provisions of paragraph (c) shall not apply to a
22 defendant charged with violating Section 6-303 of the Illinois
23 Vehicle Code or a similar provision of a local ordinance when
24 the revocation or suspension was for a violation of Section
25 11-501 or a similar provision of a local ordinance or a
26 violation of Section 11-501.1 or paragraph (b) of Section

1 11-401 of the Illinois Vehicle Code if the defendant has within
2 the last 10 years been:

3 (1) convicted for a violation of Section 6-303 of the
4 Illinois Vehicle Code or a similar provision of a local
5 ordinance; or

6 (2) assigned supervision for a violation of Section
7 6-303 of the Illinois Vehicle Code or a similar provision
8 of a local ordinance.

9 (k) The provisions of paragraph (c) shall not apply to a
10 defendant charged with violating any provision of the Illinois
11 Vehicle Code or a similar provision of a local ordinance that
12 governs the movement of vehicles if, within the 12 months
13 preceding the date of the defendant's arrest, the defendant has
14 been assigned court supervision on 2 occasions for a violation
15 that governs the movement of vehicles under the Illinois
16 Vehicle Code or a similar provision of a local ordinance. The
17 provisions of this paragraph (k) do not apply to a defendant
18 charged with violating Section 11-501 of the Illinois Vehicle
19 Code or a similar provision of a local ordinance.

20 (l) A defendant charged with violating any provision of the
21 Illinois Vehicle Code or a similar provision of a local
22 ordinance who receives a disposition of supervision under
23 subsection (c) shall pay an additional fee of \$29, to be
24 collected as provided in Sections 27.5 and 27.6 of the Clerks
25 of Courts Act. In addition to the \$29 fee, the person shall
26 also pay a fee of \$6, which, if not waived by the court, shall

1 be collected as provided in Sections 27.5 and 27.6 of the
2 Clerks of Courts Act. The \$29 fee shall be disbursed as
3 provided in Section 16-104c of the Illinois Vehicle Code. If
4 the \$6 fee is collected, \$5.50 of the fee shall be deposited
5 into the Circuit Court Clerk Operation and Administrative Fund
6 created by the Clerk of the Circuit Court and 50 cents of the
7 fee shall be deposited into the Prisoner Review Board Vehicle
8 and Equipment Fund in the State treasury.

9 (m) Any person convicted of, pleading guilty to, or placed
10 on supervision for a serious traffic violation, as defined in
11 Section 1-187.001 of the Illinois Vehicle Code, a violation of
12 Section 11-501 of the Illinois Vehicle Code, or a violation of
13 a similar provision of a local ordinance shall pay an
14 additional fee of \$35, to be disbursed as provided in Section
15 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 (p) The provisions of paragraph (c) shall not apply to a
19 defendant charged with violating Section 11-601.5 of the
20 Illinois Vehicle Code or a similar provision of a local
21 ordinance.

22 (q) The provisions of paragraph (c) shall not apply to a
23 defendant charged with violating subsection (b) of Section
24 11-601 of the Illinois Vehicle Code when the defendant was
25 operating a vehicle, in an urban district, at a speed in excess
26 of 25 miles per hour over the posted speed limit.

1 (Source: P.A. 96-253, eff. 8-11-09; 96-286, eff. 8-11-09;
2 96-328, eff. 8-11-09; 96-625, eff. 1-1-10; 96-1000, eff.
3 7-2-10; 96-1002, eff. 1-1-11; 96-1175, eff. 9-20-10; 96-1551,
4 eff. 7-1-11; 97-333, eff. 8-12-11; 97-597, eff. 1-1-12; 97-831,
5 eff. 7-1-13; 97-1108, eff. 1-1-13; revised 9-20-12.)

6 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

7 Sec. 5-6-3. Conditions of Probation and of Conditional
8 Discharge.

9 (a) The conditions of probation and of conditional
10 discharge shall be that the person:

11 (1) not violate any criminal statute of any
12 jurisdiction;

13 (2) report to or appear in person before such person or
14 agency as directed by the court;

15 (3) refrain from possessing a firearm or other
16 dangerous weapon where the offense is a felony or, if a
17 misdemeanor, the offense involved the intentional or
18 knowing infliction of bodily harm or threat of bodily harm;

19 (4) not leave the State without the consent of the
20 court or, in circumstances in which the reason for the
21 absence is of such an emergency nature that prior consent
22 by the court is not possible, without the prior
23 notification and approval of the person's probation
24 officer. Transfer of a person's probation or conditional
25 discharge supervision to another state is subject to

1 acceptance by the other state pursuant to the Interstate
2 Compact for Adult Offender Supervision;

3 (5) permit the probation officer to visit him at his
4 home or elsewhere to the extent necessary to discharge his
5 duties;

6 (6) perform no less than 30 hours of community service
7 and not more than 120 hours of community service, if
8 community service is available in the jurisdiction and is
9 funded and approved by the county board where the offense
10 was committed, where the offense was related to or in
11 furtherance of the criminal activities of an organized gang
12 and was motivated by the offender's membership in or
13 allegiance to an organized gang. The community service
14 shall include, but not be limited to, the cleanup and
15 repair of any damage caused by a violation of Section
16 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
17 2012 and similar damage to property located within the
18 municipality or county in which the violation occurred.
19 When possible and reasonable, the community service should
20 be performed in the offender's neighborhood. For purposes
21 of this Section, "organized gang" has the meaning ascribed
22 to it in Section 10 of the Illinois Streetgang Terrorism
23 Omnibus Prevention Act;

24 (7) if he or she is at least 17 years of age and has
25 been sentenced to probation or conditional discharge for a
26 misdemeanor or felony in a county of 3,000,000 or more

1 inhabitants and has not been previously convicted of a
2 misdemeanor or felony, may be required by the sentencing
3 court to attend educational courses designed to prepare the
4 defendant for a high school diploma and to work toward a
5 high school diploma or to work toward passing the high
6 school level Test of General Educational Development (GED)
7 or to work toward completing a vocational training program
8 approved by the court. The person on probation or
9 conditional discharge must attend a public institution of
10 education to obtain the educational or vocational training
11 required by this clause (7). The court shall revoke the
12 probation or conditional discharge of a person who wilfully
13 fails to comply with this clause (7). The person on
14 probation or conditional discharge shall be required to pay
15 for the cost of the educational courses or GED test, if a
16 fee is charged for those courses or test. The court shall
17 resentence the offender whose probation or conditional
18 discharge has been revoked as provided in Section 5-6-4.
19 This clause (7) does not apply to a person who has a high
20 school diploma or has successfully passed the GED test.
21 This clause (7) does not apply to a person who is
22 determined by the court to be developmentally disabled or
23 otherwise mentally incapable of completing the educational
24 or vocational program;

25 (8) if convicted of possession of a substance
26 prohibited by the Cannabis Control Act, the Illinois

1 Controlled Substances Act, or the Methamphetamine Control
2 and Community Protection Act after a previous conviction or
3 disposition of supervision for possession of a substance
4 prohibited by the Cannabis Control Act or Illinois
5 Controlled Substances Act or after a sentence of probation
6 under Section 10 of the Cannabis Control Act, Section 410
7 of the Illinois Controlled Substances Act, or Section 70 of
8 the Methamphetamine Control and Community Protection Act
9 and upon a finding by the court that the person is
10 addicted, undergo treatment at a substance abuse program
11 approved by the court;

12 (8.5) if convicted of a felony sex offense as defined
13 in the Sex Offender Management Board Act, the person shall
14 undergo and successfully complete sex offender treatment
15 by a treatment provider approved by the Board and conducted
16 in conformance with the standards developed under the Sex
17 Offender Management Board Act;

18 (8.6) if convicted of a sex offense as defined in the
19 Sex Offender Management Board Act, refrain from residing at
20 the same address or in the same condominium unit or
21 apartment unit or in the same condominium complex or
22 apartment complex with another person he or she knows or
23 reasonably should know is a convicted sex offender or has
24 been placed on supervision for a sex offense; the
25 provisions of this paragraph do not apply to a person
26 convicted of a sex offense who is placed in a Department of

1 Corrections licensed transitional housing facility for sex
2 offenders;

3 (8.7) if convicted for an offense committed on or after
4 June 1, 2008 (the effective date of Public Act 95-464) that
5 would qualify the accused as a child sex offender as
6 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
7 1961 or the Criminal Code of 2012, refrain from
8 communicating with or contacting, by means of the Internet,
9 a person who is not related to the accused and whom the
10 accused reasonably believes to be under 18 years of age;
11 for purposes of this paragraph (8.7), "Internet" has the
12 meaning ascribed to it in Section 16-0.1 of the Criminal
13 Code of 2012 ~~1961~~; and a person is not related to the
14 accused if the person is not: (i) the spouse, brother, or
15 sister of the accused; (ii) a descendant of the accused;
16 (iii) a first or second cousin of the accused; or (iv) a
17 step-child or adopted child of the accused;

18 (8.8) if convicted for an offense under Section 11-6,
19 11-9.1, 11-14.4 that involves soliciting for a juvenile
20 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
21 of the Criminal Code of 1961 or the Criminal Code of 2012,
22 or any attempt to commit any of these offenses, committed
23 on or after June 1, 2009 (the effective date of Public Act
24 95-983):

25 (i) not access or use a computer or any other
26 device with Internet capability without the prior

1 written approval of the offender's probation officer,
2 except in connection with the offender's employment or
3 search for employment with the prior approval of the
4 offender's probation officer;

5 (ii) submit to periodic unannounced examinations
6 of the offender's computer or any other device with
7 Internet capability by the offender's probation
8 officer, a law enforcement officer, or assigned
9 computer or information technology specialist,
10 including the retrieval and copying of all data from
11 the computer or device and any internal or external
12 peripherals and removal of such information,
13 equipment, or device to conduct a more thorough
14 inspection;

15 (iii) submit to the installation on the offender's
16 computer or device with Internet capability, at the
17 offender's expense, of one or more hardware or software
18 systems to monitor the Internet use; and

19 (iv) submit to any other appropriate restrictions
20 concerning the offender's use of or access to a
21 computer or any other device with Internet capability
22 imposed by the offender's probation officer;

23 (8.9) if convicted of a sex offense as defined in the
24 Sex Offender Registration Act committed on or after January
25 1, 2010 (the effective date of Public Act 96-262), refrain
26 from accessing or using a social networking website as

1 defined in Section 17-0.5 of the Criminal Code of 2012
2 ~~1961~~;

3 (9) if convicted of a felony or of any misdemeanor
4 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
5 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
6 2012 that was determined, pursuant to Section 112A-11.1 of
7 the Code of Criminal Procedure of 1963, to trigger the
8 prohibitions of 18 U.S.C. 922(g)(9), physically surrender
9 at a time and place designated by the court, his or her
10 Firearm Owner's Identification Card and any and all
11 firearms in his or her possession. The Court shall return
12 to the Department of State Police Firearm Owner's
13 Identification Card Office the person's Firearm Owner's
14 Identification Card;

15 (10) if convicted of a sex offense as defined in
16 subsection (a-5) of Section 3-1-2 of this Code, unless the
17 offender is a parent or guardian of the person under 18
18 years of age present in the home and no non-familial minors
19 are present, not participate in a holiday event involving
20 children under 18 years of age, such as distributing candy
21 or other items to children on Halloween, wearing a Santa
22 Claus costume on or preceding Christmas, being employed as
23 a department store Santa Claus, or wearing an Easter Bunny
24 costume on or preceding Easter;

25 (11) if convicted of a sex offense as defined in
26 Section 2 of the Sex Offender Registration Act committed on

1 or after January 1, 2010 (the effective date of Public Act
2 96-362) that requires the person to register as a sex
3 offender under that Act, may not knowingly use any computer
4 scrub software on any computer that the sex offender uses;
5 and

6 (12) if convicted of a violation of the Methamphetamine
7 Control and Community Protection Act, the Methamphetamine
8 Precursor Control Act, or a methamphetamine related
9 offense:

10 (A) prohibited from purchasing, possessing, or
11 having under his or her control any product containing
12 pseudoephedrine unless prescribed by a physician; and

13 (B) prohibited from purchasing, possessing, or
14 having under his or her control any product containing
15 ammonium nitrate.

16 (b) The Court may in addition to other reasonable
17 conditions relating to the nature of the offense or the
18 rehabilitation of the defendant as determined for each
19 defendant in the proper discretion of the Court require that
20 the person:

21 (1) serve a term of periodic imprisonment under Article
22 7 for a period not to exceed that specified in paragraph
23 (d) of Section 5-7-1;

24 (2) pay a fine and costs;

25 (3) work or pursue a course of study or vocational
26 training;

1 (4) undergo medical, psychological or psychiatric
2 treatment; or treatment for drug addiction or alcoholism;

3 (5) attend or reside in a facility established for the
4 instruction or residence of defendants on probation;

5 (6) support his dependents;

6 (7) and 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 (iv) contribute to his own support at home or in a
11 foster home;

12 (v) with the consent of the superintendent of the
13 facility, attend an educational program at a facility
14 other than the school in which the offense was
15 committed if he or she is convicted of a crime of
16 violence as defined in Section 2 of the Crime Victims
17 Compensation Act committed in a school, on the real
18 property comprising a school, or within 1,000 feet of
19 the real property comprising a school;

20 (8) make restitution as provided in Section 5-5-6 of
21 this Code;

22 (9) perform some reasonable public or community
23 service;

24 (10) serve a term of home confinement. In addition to
25 any other applicable condition of probation or conditional
26 discharge, the conditions of home confinement shall be that

1 the offender:

2 (i) remain within the interior premises of the
3 place designated for his confinement during the hours
4 designated by the court;

5 (ii) admit any person or agent designated by the
6 court into the offender's place of confinement at any
7 time for purposes of verifying the offender's
8 compliance with the conditions of his confinement; and

9 (iii) if further deemed necessary by the court or
10 the Probation or Court Services Department, be placed
11 on an approved electronic monitoring device, subject
12 to Article 8A of Chapter V;

13 (iv) for persons convicted of any alcohol,
14 cannabis or controlled substance violation who are
15 placed on an approved monitoring device as a condition
16 of probation or conditional discharge, the court shall
17 impose a reasonable fee for each day of the use of the
18 device, as established by the county board in
19 subsection (g) of this Section, unless after
20 determining the inability of the offender to pay the
21 fee, the court assesses a lesser fee or no fee as the
22 case may be. This fee shall be imposed in addition to
23 the fees imposed under subsections (g) and (i) of this
24 Section. The fee shall be collected by the clerk of the
25 circuit court. The clerk of the circuit court shall pay
26 all monies collected from this fee to the county

1 treasurer for deposit in the substance abuse services
2 fund under Section 5-1086.1 of the Counties Code; and

3 (v) for persons convicted of offenses other than
4 those referenced in clause (iv) above and who are
5 placed on an approved monitoring device as a condition
6 of probation or conditional discharge, the court shall
7 impose a reasonable fee for each day of the use of the
8 device, as established by the county board in
9 subsection (g) of this Section, unless after
10 determining the inability of the defendant to pay the
11 fee, the court assesses a lesser fee or no fee as the
12 case may be. This fee shall be imposed in addition to
13 the fees imposed under subsections (g) and (i) of this
14 Section. The fee shall be collected by the clerk of the
15 circuit court. The clerk of the circuit court shall pay
16 all monies collected from this fee to the county
17 treasurer who shall use the monies collected to defray
18 the costs of corrections. The county treasurer shall
19 deposit the fee collected in the probation and court
20 services fund.

21 (11) comply with the terms and conditions of an order
22 of protection issued by the court pursuant to the Illinois
23 Domestic Violence Act of 1986, as now or hereafter amended,
24 or an order of protection issued by the court of another
25 state, tribe, or United States territory. A copy of the
26 order of protection shall be transmitted to the probation

1 officer or agency having responsibility for the case;

2 (12) reimburse any "local anti-crime program" as
3 defined in Section 7 of the Anti-Crime Advisory Council Act
4 for any reasonable expenses incurred by the program on the
5 offender's case, not to exceed the maximum amount of the
6 fine authorized for the offense for which the defendant was
7 sentenced;

8 (13) contribute a reasonable sum of money, not to
9 exceed the maximum amount of the fine authorized for the
10 offense for which the defendant was sentenced, (i) to a
11 "local anti-crime program", as defined in Section 7 of the
12 Anti-Crime Advisory Council Act, or (ii) for offenses under
13 the jurisdiction of the Department of Natural Resources, to
14 the fund established by the Department of Natural Resources
15 for the purchase of evidence for investigation purposes and
16 to conduct investigations as outlined in Section 805-105 of
17 the Department of Natural Resources (Conservation) Law;

18 (14) refrain from entering into a designated
19 geographic area except upon such terms as the court finds
20 appropriate. Such terms may include consideration of the
21 purpose of the entry, the time of day, other persons
22 accompanying the defendant, and advance approval by a
23 probation officer, if the defendant has been placed on
24 probation or advance approval by the court, if the
25 defendant was placed on conditional discharge;

26 (15) refrain from having any contact, directly or

1 indirectly, with certain specified persons or particular
2 types of persons, including but not limited to members of
3 street gangs and drug users or dealers;

4 (16) refrain from having in his or her body the
5 presence of any illicit drug prohibited by the Cannabis
6 Control Act, the Illinois Controlled Substances Act, or the
7 Methamphetamine Control and Community Protection Act,
8 unless prescribed by a physician, and submit samples of his
9 or her blood or urine or both for tests to determine the
10 presence of any illicit drug;

11 (17) if convicted for an offense committed on or after
12 June 1, 2008 (the effective date of Public Act 95-464) that
13 would qualify the accused as a child sex offender as
14 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
15 1961 or the Criminal Code of 2012, refrain from
16 communicating with or contacting, by means of the Internet,
17 a person who is related to the accused and whom the accused
18 reasonably believes to be under 18 years of age; for
19 purposes of this paragraph (17), "Internet" has the meaning
20 ascribed to it in Section 16-0.1 of the Criminal Code of
21 2012 ~~1961~~; and a person is related to the accused if the
22 person is: (i) the spouse, brother, or sister of the
23 accused; (ii) a descendant of the accused; (iii) a first or
24 second cousin of the accused; or (iv) a step-child or
25 adopted child of the accused;

26 (18) if convicted for an offense committed on or after

1 June 1, 2009 (the effective date of Public Act 95-983) that
2 would qualify as a sex offense as defined in the Sex
3 Offender Registration Act:

4 (i) not access or use a computer or any other
5 device with Internet capability without the prior
6 written approval of the offender's probation officer,
7 except in connection with the offender's employment or
8 search for employment with the prior approval of the
9 offender's probation officer;

10 (ii) submit to periodic unannounced examinations
11 of the offender's computer or any other device with
12 Internet capability by the offender's probation
13 officer, a law enforcement officer, or assigned
14 computer or information technology specialist,
15 including the retrieval and copying of all data from
16 the computer or device and any internal or external
17 peripherals and removal of such information,
18 equipment, or device to conduct a more thorough
19 inspection;

20 (iii) submit to the installation on the offender's
21 computer or device with Internet capability, at the
22 subject's expense, of one or more hardware or software
23 systems to monitor the Internet use; and

24 (iv) submit to any other appropriate restrictions
25 concerning the offender's use of or access to a
26 computer or any other device with Internet capability

1 imposed by the offender's probation officer; and
2 (19) refrain from possessing a firearm or other
3 dangerous weapon where the offense is a misdemeanor that
4 did not involve the intentional or knowing infliction of
5 bodily harm or threat of bodily harm.

6 (c) The court may as a condition of probation or of
7 conditional discharge require that a person under 18 years of
8 age found guilty of any alcohol, cannabis or controlled
9 substance violation, refrain from acquiring a driver's license
10 during the period of probation or conditional discharge. If
11 such person is in possession of a permit or license, the court
12 may require that the minor refrain from driving or operating
13 any motor vehicle during the period of probation or conditional
14 discharge, except as may be necessary in the course of the
15 minor's lawful employment.

16 (d) An offender sentenced to probation or to conditional
17 discharge shall be given a certificate setting forth the
18 conditions thereof.

19 (e) Except where the offender has committed a fourth or
20 subsequent violation of subsection (c) of Section 6-303 of the
21 Illinois Vehicle Code, the court shall not require as a
22 condition of the sentence of probation or conditional discharge
23 that the offender be committed to a period of imprisonment in
24 excess of 6 months. This 6 month limit shall not include
25 periods of confinement given pursuant to a sentence of county
26 impact incarceration under Section 5-8-1.2.

1 Persons committed to imprisonment as a condition of
2 probation or conditional discharge shall not be committed to
3 the Department of Corrections.

4 (f) The court may combine a sentence of periodic
5 imprisonment under Article 7 or a sentence to a county impact
6 incarceration program under Article 8 with a sentence of
7 probation or conditional discharge.

8 (g) An offender sentenced to probation or to conditional
9 discharge and who during the term of either undergoes mandatory
10 drug or alcohol testing, or both, or is assigned to be placed
11 on an approved electronic monitoring device, shall be ordered
12 to pay all costs incidental to such mandatory drug or alcohol
13 testing, or both, and all costs incidental to such approved
14 electronic monitoring in accordance with the defendant's
15 ability to pay those costs. The county board with the
16 concurrence of the Chief Judge of the judicial circuit in which
17 the county is located shall establish reasonable fees for the
18 cost of maintenance, testing, and incidental expenses related
19 to the mandatory drug or alcohol testing, or both, and all
20 costs incidental to approved electronic monitoring, involved
21 in a successful probation program for the county. The
22 concurrence of the Chief Judge shall be in the form of an
23 administrative order. The fees shall be collected by the clerk
24 of the circuit court. The clerk of the circuit court shall pay
25 all moneys collected from these fees to the county treasurer
26 who shall use the moneys collected to defray the costs of drug

1 testing, alcohol testing, and electronic monitoring. The
2 county treasurer shall deposit the fees collected in the county
3 working cash fund under Section 6-27001 or Section 6-29002 of
4 the Counties Code, as the case may be.

5 (h) Jurisdiction over an offender may be transferred from
6 the sentencing court to the court of another circuit with the
7 concurrence of both courts. Further transfers or retransfers of
8 jurisdiction are also authorized in the same manner. The court
9 to which jurisdiction has been transferred shall have the same
10 powers as the sentencing court. The probation department within
11 the circuit to which jurisdiction has been transferred may
12 impose probation fees upon receiving the transferred offender,
13 as provided in subsection (i). The probation department from
14 the original sentencing court shall retain all probation fees
15 collected prior to the transfer.

16 (i) The court shall impose upon an offender sentenced to
17 probation after January 1, 1989 or to conditional discharge
18 after January 1, 1992 or to community service under the
19 supervision of a probation or court services department after
20 January 1, 2004, as a condition of such probation or
21 conditional discharge or supervised community service, a fee of
22 \$50 for each month of probation or conditional discharge
23 supervision or supervised community service ordered by the
24 court, unless after determining the inability of the person
25 sentenced to probation or conditional discharge or supervised
26 community service to pay the fee, the court assesses a lesser

1 fee. The court may not impose the fee on a minor who is made a
2 ward of the State under the Juvenile Court Act of 1987 while
3 the minor is in placement. The fee shall be imposed only upon
4 an offender who is actively supervised by the probation and
5 court services department. The fee shall be collected by the
6 clerk of the circuit court. The clerk of the circuit court
7 shall pay all monies collected from this fee to the county
8 treasurer for deposit in the probation and court services fund
9 under Section 15.1 of the Probation and Probation Officers Act.

10 A circuit court may not impose a probation fee under this
11 subsection (i) in excess of \$25 per month unless the circuit
12 court has adopted, by administrative order issued by the chief
13 judge, a standard probation fee guide determining an offender's
14 ability to pay. Of the amount collected as a probation fee, up
15 to \$5 of that fee collected per month may be used to provide
16 services to crime victims and their families.

17 The Court may only waive probation fees based on an
18 offender's ability to pay. The probation department may
19 re-evaluate an offender's ability to pay every 6 months, and,
20 with the approval of the Director of Court Services or the
21 Chief Probation Officer, adjust the monthly fee amount. An
22 offender may elect to pay probation fees due in a lump sum. Any
23 offender that has been assigned to the supervision of a
24 probation department, or has been transferred either under
25 subsection (h) of this Section or under any interstate compact,
26 shall be required to pay probation fees to the department

1 supervising the offender, based on the offender's ability to
2 pay.

3 This amendatory Act of the 93rd General Assembly deletes
4 the \$10 increase in the fee under this subsection that was
5 imposed by Public Act 93-616. This deletion is intended to
6 control over any other Act of the 93rd General Assembly that
7 retains or incorporates that fee increase.

8 (i-5) In addition to the fees imposed under subsection (i)
9 of this Section, in the case of an offender convicted of a
10 felony sex offense (as defined in the Sex Offender Management
11 Board Act) or an offense that the court or probation department
12 has determined to be sexually motivated (as defined in the Sex
13 Offender Management Board Act), the court or the probation
14 department shall assess additional fees to pay for all costs of
15 treatment, assessment, evaluation for risk and treatment, and
16 monitoring the offender, based on that offender's ability to
17 pay those costs either as they occur or under a payment plan.

18 (j) All fines and costs imposed under this Section for any
19 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
20 Code, or a similar provision of a local ordinance, and any
21 violation of the Child Passenger Protection Act, or a similar
22 provision of a local ordinance, shall be collected and
23 disbursed by the circuit clerk as provided under Section 27.5
24 of the Clerks of Courts Act.

25 (k) Any offender who is sentenced to probation or
26 conditional discharge for a felony sex offense as defined in

1 the Sex Offender Management Board Act or any offense that the
2 court or probation department has determined to be sexually
3 motivated as defined in the Sex Offender Management Board Act
4 shall be required to refrain from any contact, directly or
5 indirectly, with any persons specified by the court and shall
6 be available for all evaluations and treatment programs
7 required by the court or the probation department.

8 (1) The court may order an offender who is sentenced to
9 probation or conditional discharge for a violation of an order
10 of protection be placed under electronic surveillance as
11 provided in Section 5-8A-7 of this Code.

12 (Source: P.A. 96-262, eff. 1-1-10; 96-328, eff. 8-11-09;
13 96-362, eff. 1-1-10; 96-695, eff. 8-25-09; 96-1000, eff.
14 7-2-10; 96-1414, eff. 1-1-11; 96-1551, Article 2, Section 1065,
15 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;
16 97-454, eff. 1-1-12; 97-560, eff. 1-1-12; 97-597, eff. 1-1-12;
17 97-1109, eff. 1-1-13; 97-1131, eff. 1-1-13.)

18 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

19 Sec. 5-6-3.1. Incidents and Conditions of Supervision.

20 (a) When a defendant is placed on supervision, the court
21 shall enter an order for supervision specifying the period of
22 such supervision, and shall defer further proceedings in the
23 case until the conclusion of the period.

24 (b) The period of supervision shall be reasonable under all
25 of the circumstances of the case, but may not be longer than 2

1 years, unless the defendant has failed to pay the assessment
2 required by Section 10.3 of the Cannabis Control Act, Section
3 411.2 of the Illinois Controlled Substances Act, or Section 80
4 of the Methamphetamine Control and Community Protection Act, in
5 which case the court may extend supervision beyond 2 years.
6 Additionally, the court shall order the defendant to perform no
7 less than 30 hours of community service and not more than 120
8 hours of community service, if community service is available
9 in the jurisdiction and is funded and approved by the county
10 board where the offense was committed, when the offense (1) was
11 related to or in furtherance of the criminal activities of an
12 organized gang or was motivated by the defendant's membership
13 in or allegiance to an organized gang; or (2) is a violation of
14 any Section of Article 24 of the Criminal Code of 1961 or the
15 Criminal Code of 2012 where a disposition of supervision is not
16 prohibited by Section 5-6-1 of this Code. The community service
17 shall include, but not be limited to, the cleanup and repair of
18 any damage caused by violation of Section 21-1.3 of the
19 Criminal Code of 1961 or the Criminal Code of 2012 and similar
20 damages to property located within the municipality or county
21 in which the violation occurred. Where possible and reasonable,
22 the community service should be performed in the offender's
23 neighborhood.

24 For the purposes of this Section, "organized gang" has the
25 meaning ascribed to it in Section 10 of the Illinois Streetgang
26 Terrorism Omnibus Prevention Act.

1 (c) The court may in addition to other reasonable
2 conditions relating to the nature of the offense or the
3 rehabilitation of the defendant as determined for each
4 defendant in the proper discretion of the court require that
5 the person:

6 (1) make a report to and appear in person before or
7 participate with the court or such courts, person, or
8 social service agency as directed by the court in the order
9 of supervision;

10 (2) pay a fine and costs;

11 (3) work or pursue a course of study or vocational
12 training;

13 (4) undergo medical, psychological or psychiatric
14 treatment; or treatment for drug addiction or alcoholism;

15 (5) attend or reside in a facility established for the
16 instruction or residence of defendants on probation;

17 (6) support his dependents;

18 (7) refrain from possessing a firearm or other
19 dangerous weapon;

20 (8) and in addition, if a minor:

21 (i) reside with his parents or in a foster home;

22 (ii) attend school;

23 (iii) attend a non-residential program for youth;

24 (iv) contribute to his own support at home or in a
25 foster home; or

26 (v) with the consent of the superintendent of the

1 facility, attend an educational program at a facility
2 other than the school in which the offense was
3 committed if he or she is placed on supervision for a
4 crime of violence as defined in Section 2 of the Crime
5 Victims Compensation Act committed in a school, on the
6 real property comprising a school, or within 1,000 feet
7 of the real property comprising a school;

8 (9) make restitution or reparation in an amount not to
9 exceed actual loss or damage to property and pecuniary loss
10 or make restitution under Section 5-5-6 to a domestic
11 violence shelter. The court shall determine the amount and
12 conditions of payment;

13 (10) perform some reasonable public or community
14 service;

15 (11) comply with the terms and conditions of an order
16 of protection issued by the court pursuant to the Illinois
17 Domestic Violence Act of 1986 or an order of protection
18 issued by the court of another state, tribe, or United
19 States territory. If the court has ordered the defendant to
20 make a report and appear in person under paragraph (1) of
21 this subsection, a copy of the order of protection shall be
22 transmitted to the person or agency so designated by the
23 court;

24 (12) reimburse any "local anti-crime program" as
25 defined in Section 7 of the Anti-Crime Advisory Council Act
26 for any reasonable expenses incurred by the program on the

1 offender's case, not to exceed the maximum amount of the
2 fine authorized for the offense for which the defendant was
3 sentenced;

4 (13) contribute a reasonable sum of money, not to
5 exceed the maximum amount of the fine authorized for the
6 offense for which the defendant was sentenced, (i) to a
7 "local anti-crime program", as defined in Section 7 of the
8 Anti-Crime Advisory Council Act, or (ii) for offenses under
9 the jurisdiction of the Department of Natural Resources, to
10 the fund established by the Department of Natural Resources
11 for the purchase of evidence for investigation purposes and
12 to conduct investigations as outlined in Section 805-105 of
13 the Department of Natural Resources (Conservation) Law;

14 (14) refrain from entering into a designated
15 geographic area except upon such terms as the court finds
16 appropriate. Such terms may include consideration of the
17 purpose of the entry, the time of day, other persons
18 accompanying the defendant, and advance approval by a
19 probation officer;

20 (15) refrain from having any contact, directly or
21 indirectly, with certain specified persons or particular
22 types of person, including but not limited to members of
23 street gangs and drug users or dealers;

24 (16) refrain from having in his or her body the
25 presence of any illicit drug prohibited by the Cannabis
26 Control Act, the Illinois Controlled Substances Act, or the

1 Methamphetamine Control and Community Protection Act,
2 unless prescribed by a physician, and submit samples of his
3 or her blood or urine or both for tests to determine the
4 presence of any illicit drug;

5 (17) refrain from operating any motor vehicle not
6 equipped with an ignition interlock device as defined in
7 Section 1-129.1 of the Illinois Vehicle Code; under this
8 condition the court may allow a defendant who is not
9 self-employed to operate a vehicle owned by the defendant's
10 employer that is not equipped with an ignition interlock
11 device in the course and scope of the defendant's
12 employment; and

13 (18) if placed on supervision for a sex offense as
14 defined in subsection (a-5) of Section 3-1-2 of this Code,
15 unless the offender is a parent or guardian of the person
16 under 18 years of age present in the home and no
17 non-familial minors are present, not participate in a
18 holiday event involving children under 18 years of age,
19 such as distributing candy or other items to children on
20 Halloween, wearing a Santa Claus costume on or preceding
21 Christmas, being employed as a department store Santa
22 Claus, or wearing an Easter Bunny costume on or preceding
23 Easter.

24 (d) The court shall defer entering any judgment on the
25 charges until the conclusion of the supervision.

26 (e) At the conclusion of the period of supervision, if the

1 court determines that the defendant has successfully complied
2 with all of the conditions of supervision, the court shall
3 discharge the defendant and enter a judgment dismissing the
4 charges.

5 (f) Discharge and dismissal upon a successful conclusion of
6 a disposition of supervision shall be deemed without
7 adjudication of guilt and shall not be termed a conviction for
8 purposes of disqualification or disabilities imposed by law
9 upon conviction of a crime. Two years after the discharge and
10 dismissal under this Section, unless the disposition of
11 supervision was for a violation of Sections 3-707, 3-708,
12 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a
13 similar provision of a local ordinance, or for a violation of
14 Sections 12-3.2, 16-25, or 16A-3 of the Criminal Code of 1961
15 or the Criminal Code of 2012, in which case it shall be 5 years
16 after discharge and dismissal, a person may have his record of
17 arrest sealed or expunged as may be provided by law. However,
18 any defendant placed on supervision before January 1, 1980, may
19 move for sealing or expungement of his arrest record, as
20 provided by law, at any time after discharge and dismissal
21 under this Section. A person placed on supervision for a sexual
22 offense committed against a minor as defined in clause
23 (a) (1) (L) of Section 5.2 of the Criminal Identification Act or
24 for a violation of Section 11-501 of the Illinois Vehicle Code
25 or a similar provision of a local ordinance shall not have his
26 or her record of arrest sealed or expunged.

1 (g) A defendant placed on supervision and who during the
2 period of supervision undergoes mandatory drug or alcohol
3 testing, or both, or is assigned to be placed on an approved
4 electronic monitoring device, shall be ordered to pay the costs
5 incidental to such mandatory drug or alcohol testing, or both,
6 and costs incidental to such approved electronic monitoring in
7 accordance with the defendant's ability to pay those costs. The
8 county board with the concurrence of the Chief Judge of the
9 judicial circuit in which the county is located shall establish
10 reasonable fees for the cost of maintenance, testing, and
11 incidental expenses related to the mandatory drug or alcohol
12 testing, or both, and all costs incidental to approved
13 electronic monitoring, of all defendants placed on
14 supervision. The concurrence of the Chief Judge shall be in the
15 form of an administrative order. The fees shall be collected by
16 the clerk of the circuit court. The clerk of the circuit court
17 shall pay all moneys collected from these fees to the county
18 treasurer who shall use the moneys collected to defray the
19 costs of drug testing, alcohol testing, and electronic
20 monitoring. The county treasurer shall deposit the fees
21 collected in the county working cash fund under Section 6-27001
22 or Section 6-29002 of the Counties Code, as the case may be.

23 (h) A disposition of supervision is a final order for the
24 purposes of appeal.

25 (i) The court shall impose upon a defendant placed on
26 supervision after January 1, 1992 or to community service under

1 the supervision of a probation or court services department
2 after January 1, 2004, as a condition of supervision or
3 supervised community service, a fee of \$50 for each month of
4 supervision or supervised community service ordered by the
5 court, unless after determining the inability of the person
6 placed on supervision or supervised community service to pay
7 the fee, the court assesses a lesser fee. The court may not
8 impose the fee on a minor who is made a ward of the State under
9 the Juvenile Court Act of 1987 while the minor is in placement.
10 The fee shall be imposed only upon a defendant who is actively
11 supervised by the probation and court services department. The
12 fee shall be collected by the clerk of the circuit court. The
13 clerk of the circuit court shall pay all monies collected from
14 this fee to the county treasurer for deposit in the probation
15 and court services fund pursuant to Section 15.1 of the
16 Probation and Probation Officers Act.

17 A circuit court may not impose a probation fee in excess of
18 \$25 per month unless the circuit court has adopted, by
19 administrative order issued by the chief judge, a standard
20 probation fee guide determining an offender's ability to pay.
21 Of the amount collected as a probation fee, not to exceed \$5 of
22 that fee collected per month may be used to provide services to
23 crime victims and their families.

24 The Court may only waive probation fees based on an
25 offender's ability to pay. The probation department may
26 re-evaluate an offender's ability to pay every 6 months, and,

1 with the approval of the Director of Court Services or the
2 Chief Probation Officer, adjust the monthly fee amount. An
3 offender may elect to pay probation fees due in a lump sum. Any
4 offender that has been assigned to the supervision of a
5 probation department, or has been transferred either under
6 subsection (h) of this Section or under any interstate compact,
7 shall be required to pay probation fees to the department
8 supervising the offender, based on the offender's ability to
9 pay.

10 (j) All fines and costs imposed under this Section for any
11 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
12 Code, or a similar provision of a local ordinance, and any
13 violation of the Child Passenger Protection Act, or a similar
14 provision of a local ordinance, shall be collected and
15 disbursed by the circuit clerk as provided under Section 27.5
16 of the Clerks of Courts Act.

17 (k) A defendant at least 17 years of age who is placed on
18 supervision for a misdemeanor in a county of 3,000,000 or more
19 inhabitants and who has not been previously convicted of a
20 misdemeanor or felony may as a condition of his or her
21 supervision be required by the court to attend educational
22 courses designed to prepare the defendant for a high school
23 diploma and to work toward a high school diploma or to work
24 toward passing the high school level Test of General
25 Educational Development (GED) or to work toward completing a
26 vocational training program approved by the court. The

1 defendant placed on supervision must attend a public
2 institution of education to obtain the educational or
3 vocational training required by this subsection (k). The
4 defendant placed on supervision shall be required to pay for
5 the cost of the educational courses or GED test, if a fee is
6 charged for those courses or test. The court shall revoke the
7 supervision of a person who wilfully fails to comply with this
8 subsection (k). The court shall resentence the defendant upon
9 revocation of supervision as provided in Section 5-6-4. This
10 subsection (k) does not apply to a defendant who has a high
11 school diploma or has successfully passed the GED test. This
12 subsection (k) does not apply to a defendant who is determined
13 by the court to be developmentally disabled or otherwise
14 mentally incapable of completing the educational or vocational
15 program.

16 (1) The court shall require a defendant placed on
17 supervision for possession of a substance prohibited by the
18 Cannabis Control Act, the Illinois Controlled Substances Act,
19 or the Methamphetamine Control and Community Protection Act
20 after a previous conviction or disposition of supervision for
21 possession of a substance prohibited by the Cannabis Control
22 Act, the Illinois Controlled Substances Act, or the
23 Methamphetamine Control and Community Protection Act or a
24 sentence of probation under Section 10 of the Cannabis Control
25 Act or Section 410 of the Illinois Controlled Substances Act
26 and after a finding by the court that the person is addicted,

1 to undergo treatment at a substance abuse program approved by
2 the court.

3 (m) The Secretary of State shall require anyone placed on
4 court supervision for a violation of Section 3-707 of the
5 Illinois Vehicle Code or a similar provision of a local
6 ordinance to give proof of his or her financial responsibility
7 as defined in Section 7-315 of the Illinois Vehicle Code. The
8 proof shall be maintained by the individual in a manner
9 satisfactory to the Secretary of State for a minimum period of
10 3 years after the date the proof is first filed. The proof
11 shall be limited to a single action per arrest and may not be
12 affected by any post-sentence disposition. The Secretary of
13 State shall suspend the driver's license of any person
14 determined by the Secretary to be in violation of this
15 subsection.

16 (n) Any offender placed on supervision for any offense that
17 the court or probation department has determined to be sexually
18 motivated as defined in the Sex Offender Management Board Act
19 shall be required to refrain from any contact, directly or
20 indirectly, with any persons specified by the court and shall
21 be available for all evaluations and treatment programs
22 required by the court or the probation department.

23 (o) An offender placed on supervision for a sex offense as
24 defined in the Sex Offender Management Board Act shall refrain
25 from residing at the same address or in the same condominium
26 unit or apartment unit or in the same condominium complex or

1 apartment complex with another person he or she knows or
2 reasonably should know is a convicted sex offender or has been
3 placed on supervision for a sex offense. The provisions of this
4 subsection (o) do not apply to a person convicted of a sex
5 offense who is placed in a Department of Corrections licensed
6 transitional housing facility for sex offenders.

7 (p) An offender placed on supervision for an offense
8 committed on or after June 1, 2008 (the effective date of
9 Public Act 95-464) that would qualify the accused as a child
10 sex offender as defined in Section 11-9.3 or 11-9.4 of the
11 Criminal Code of 1961 or the Criminal Code of 2012 shall
12 refrain from communicating with or contacting, by means of the
13 Internet, a person who is not related to the accused and whom
14 the accused reasonably believes to be under 18 years of age.
15 For purposes of this subsection (p), "Internet" has the meaning
16 ascribed to it in Section 16-0.1 of the Criminal Code of 2012
17 ~~1961~~; and a person is not related to the accused if the person
18 is not: (i) the spouse, brother, or sister of the accused; (ii)
19 a descendant of the accused; (iii) a first or second cousin of
20 the accused; or (iv) a step-child or adopted child of the
21 accused.

22 (q) An offender placed on supervision for an offense
23 committed on or after June 1, 2008 (the effective date of
24 Public Act 95-464) 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 or the Criminal Code of 2012 shall, if so

1 ordered by the court, refrain from communicating with or
2 contacting, by means of the Internet, a person who is related
3 to the accused and whom the accused reasonably believes to be
4 under 18 years of age. For purposes of this subsection (q),
5 "Internet" has the meaning ascribed to it in Section 16-0.1 of
6 the Criminal Code of 2012 ~~1961~~; and a person is related to the
7 accused if the person is: (i) the spouse, brother, or sister of
8 the accused; (ii) a descendant of the accused; (iii) a first or
9 second cousin of the accused; or (iv) a step-child or adopted
10 child of the accused.

11 (r) An offender placed on supervision for an offense under
12 Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a
13 juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or
14 11-21 of the Criminal Code of 1961 or the Criminal Code of
15 2012, or any attempt to commit any of these offenses, committed
16 on or after the effective date of this amendatory Act of the
17 95th General Assembly shall:

18 (i) not access or use a computer or any other device
19 with Internet capability without the prior written
20 approval of the court, except in connection with the
21 offender's employment or search for employment with the
22 prior approval of the court;

23 (ii) submit to periodic unannounced examinations of
24 the offender's computer or any other device with Internet
25 capability by the offender's probation officer, a law
26 enforcement officer, or assigned computer or information

1 technology specialist, including the retrieval and copying
2 of all data from the computer or device and any internal or
3 external peripherals and removal of such information,
4 equipment, or device to conduct a more thorough inspection;

5 (iii) submit to the installation on the offender's
6 computer or device with Internet capability, at the
7 offender's expense, of one or more hardware or software
8 systems to monitor the Internet use; and

9 (iv) submit to any other appropriate restrictions
10 concerning the offender's use of or access to a computer or
11 any other device with Internet capability imposed by the
12 court.

13 (s) An offender placed on supervision for an offense that
14 is a sex offense as defined in Section 2 of the Sex Offender
15 Registration Act that is committed on or after January 1, 2010
16 (the effective date of Public Act 96-362) that requires the
17 person to register as a sex offender under that Act, may not
18 knowingly use any computer scrub software on any computer that
19 the sex offender uses.

20 (t) An offender placed on supervision for a sex offense as
21 defined in the Sex Offender Registration Act committed on or
22 after January 1, 2010 (the effective date of Public Act 96-262)
23 shall refrain from accessing or using a social networking
24 website as defined in Section 17-0.5 of the Criminal Code of
25 2012 ~~1961~~.

26 (u) Jurisdiction over an offender may be transferred from

1 the sentencing court to the court of another circuit with the
2 concurrence of both courts. Further transfers or retransfers of
3 jurisdiction are also authorized in the same manner. The court
4 to which jurisdiction has been transferred shall have the same
5 powers as the sentencing court. The probation department within
6 the circuit to which jurisdiction has been transferred may
7 impose probation fees upon receiving the transferred offender,
8 as provided in subsection (i). The probation department from
9 the original sentencing court shall retain all probation fees
10 collected prior to the transfer.

11 (Source: P.A. 96-262, eff. 1-1-10; 96-362, eff. 1-1-10; 96-409,
12 eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1414, eff. 1-1-11;
13 96-1551, Article 2, Section 1065, eff. 7-1-11; 96-1551, Article
14 10, Section 10-150, eff. 7-1-11; 97-454, eff. 1-1-12; 97-597,
15 eff. 1-1-12; 97-1109, eff. 1-1-13.)

16 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

17 Sec. 5-8-1. Natural life imprisonment; enhancements for
18 use of a firearm; mandatory supervised release terms.

19 (a) Except as otherwise provided in the statute defining
20 the offense or in Article 4.5 of Chapter V, a sentence of
21 imprisonment for a felony shall be a determinate sentence set
22 by the court under this Section, according to the following
23 limitations:

24 (1) for first degree murder,

25 (a) (blank),

1 (b) if a trier of fact finds beyond a reasonable
2 doubt that the murder was accompanied by exceptionally
3 brutal or heinous behavior indicative of wanton
4 cruelty or, except as set forth in subsection (a) (1) (c)
5 of this Section, that any of the aggravating factors
6 listed in subsection (b) or (b-5) of Section 9-1 of the
7 Criminal Code of 1961 or the Criminal Code of 2012 are
8 present, the court may sentence the defendant to a term
9 of natural life imprisonment, or

10 (c) the court shall sentence the defendant to a
11 term of natural life imprisonment when the death
12 penalty is not imposed if the defendant,

13 (i) has previously been convicted of first
14 degree murder under any state or federal law, or

15 (ii) is a person who, at the time of the
16 commission of the murder, had attained the age of
17 17 or more and is found guilty of murdering an
18 individual under 12 years of age; or, irrespective
19 of the defendant's age at the time of the
20 commission of the offense, is found guilty of
21 murdering more than one victim, or

22 (iii) is found guilty of murdering a peace
23 officer, fireman, or emergency management worker
24 when the peace officer, fireman, or emergency
25 management worker was killed in the course of
26 performing his official duties, or to prevent the

1 peace officer or fireman from performing his
2 official duties, or in retaliation for the peace
3 officer, fireman, or emergency management worker
4 from performing his official duties, and the
5 defendant knew or should have known that the
6 murdered individual was a peace officer, fireman,
7 or emergency management worker, or

8 (iv) is found guilty of murdering an employee
9 of an institution or facility of the Department of
10 Corrections, or any similar local correctional
11 agency, when the employee was killed in the course
12 of performing his official duties, or to prevent
13 the employee from performing his official duties,
14 or in retaliation for the employee performing his
15 official duties, or

16 (v) is found guilty of murdering an emergency
17 medical technician - ambulance, emergency medical
18 technician - intermediate, emergency medical
19 technician - paramedic, ambulance driver or other
20 medical assistance or first aid person while
21 employed by a municipality or other governmental
22 unit when the person was killed in the course of
23 performing official duties or to prevent the
24 person from performing official duties or in
25 retaliation for performing official duties and the
26 defendant knew or should have known that the

1 murdered individual was an emergency medical
2 technician - ambulance, emergency medical
3 technician - intermediate, emergency medical
4 technician - paramedic, ambulance driver, or other
5 medical assistant or first aid personnel, or

6 (vi) is a person who, at the time of the
7 commission of the murder, had not attained the age
8 of 17, and is found guilty of murdering a person
9 under 12 years of age and the murder is committed
10 during the course of aggravated criminal sexual
11 assault, criminal sexual assault, or aggravated
12 kidnaping, or

13 (vii) is found guilty of first degree murder
14 and the murder was committed by reason of any
15 person's activity as a community policing
16 volunteer or to prevent any person from engaging in
17 activity as a community policing volunteer. For
18 the purpose of this Section, "community policing
19 volunteer" has the meaning ascribed to it in
20 Section 2-3.5 of the Criminal Code of 2012 ~~1961~~.

21 For purposes of clause (v), "emergency medical
22 technician - ambulance", "emergency medical technician
23 - intermediate", "emergency medical technician -
24 paramedic", have the meanings ascribed to them in the
25 Emergency Medical Services (EMS) Systems Act.

26 (d) (i) if the person committed the offense while

1 armed with a firearm, 15 years shall be added to
2 the term of imprisonment imposed by the court;

3 (ii) if, during the commission of the offense,
4 the person personally discharged a firearm, 20
5 years shall be added to the term of imprisonment
6 imposed by the court;

7 (iii) if, during the commission of the
8 offense, the person personally discharged a
9 firearm that proximately caused great bodily harm,
10 permanent disability, permanent disfigurement, or
11 death to another person, 25 years or up to a term
12 of natural life shall be added to the term of
13 imprisonment imposed by the court.

14 (2) (blank);

15 (2.5) for a person convicted under the circumstances
16 described in subdivision (b)(1)(B) of Section 11-1.20 or
17 paragraph (3) of subsection (b) of Section 12-13,
18 subdivision (d)(2) of Section 11-1.30 or paragraph (2) of
19 subsection (d) of Section 12-14, subdivision (b)(1.2) of
20 Section 11-1.40 or paragraph (1.2) of subsection (b) of
21 Section 12-14.1, subdivision (b)(2) of Section 11-1.40 or
22 paragraph (2) of subsection (b) of Section 12-14.1 of the
23 Criminal Code of 1961 or the Criminal Code of 2012, the
24 sentence shall be a term of natural life imprisonment.

25 (b) (Blank).

26 (c) (Blank).

1 (d) Subject to earlier termination under Section 3-3-8, the
2 parole or mandatory supervised release term shall be written as
3 part of the sentencing order and shall be as follows:

4 (1) for first degree murder or a Class X felony except
5 for the offenses of predatory criminal sexual assault of a
6 child, aggravated criminal sexual assault, and criminal
7 sexual assault if committed on or after the effective date
8 of this amendatory Act of the 94th General Assembly and
9 except for the offense of aggravated child pornography
10 under Section 11-20.1B, ~~or~~ 11-20.3, or 11-20.1 with
11 sentencing under subsection (c-5) of Section 11-20.1 of the
12 Criminal Code of 1961 or the Criminal Code of 2012, if
13 committed on or after January 1, 2009, 3 years;

14 (2) for a Class 1 felony or a Class 2 felony except for
15 the offense of criminal sexual assault if committed on or
16 after the effective date of this amendatory Act of the 94th
17 General Assembly and except for the offenses of manufacture
18 and dissemination of child pornography under clauses
19 (a)(1) and (a)(2) of Section 11-20.1 of the Criminal Code
20 of 1961 or the Criminal Code of 2012, if committed on or
21 after January 1, 2009, 2 years;

22 (3) for a Class 3 felony or a Class 4 felony, 1 year;

23 (4) for defendants who commit the offense of predatory
24 criminal sexual assault of a child, aggravated criminal
25 sexual assault, or criminal sexual assault, on or after the
26 effective date of this amendatory Act of the 94th General

1 Assembly, or who commit the offense of aggravated child
2 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
3 with sentencing under subsection (c-5) of Section 11-20.1
4 of the Criminal Code of 1961 or the Criminal Code of 2012,
5 manufacture of child pornography, or dissemination of
6 child pornography after January 1, 2009, the term of
7 mandatory supervised release shall range from a minimum of
8 3 years to a maximum of the natural life of the defendant;

9 (5) if the victim is under 18 years of age, for a
10 second or subsequent offense of aggravated criminal sexual
11 abuse or felony criminal sexual abuse, 4 years, at least
12 the first 2 years of which the defendant shall serve in an
13 electronic home detention program under Article 8A of
14 Chapter V of this Code;

15 (6) for a felony domestic battery, aggravated domestic
16 battery, stalking, aggravated stalking, and a felony
17 violation of an order of protection, 4 years.

18 (e) (Blank).

19 (f) (Blank).

20 (Source: P.A. 96-282, eff. 1-1-10; 96-1000, eff. 7-2-10;
21 96-1200, eff. 7-22-10; 96-1475, eff. 1-1-11; 96-1551, eff.
22 7-1-11; 97-333, eff. 8-12-11; 97-531, eff. 1-1-12; 97-1109,
23 eff. 1-1-13.)

24 (730 ILCS 5/5-8-1.2)

25 Sec. 5-8-1.2. County impact incarceration.

1 (a) Legislative intent. It is the finding of the General
2 Assembly that certain non-violent offenders eligible for
3 sentences of incarceration may benefit from the rehabilitative
4 aspects of a county impact incarceration program. It is the
5 intent of the General Assembly that such programs be
6 implemented as provided by this Section. This Section shall not
7 be construed to allow violent offenders to participate in a
8 county impact incarceration program.

9 (b) Under the direction of the Sheriff and with the
10 approval of the County Board of Commissioners, the Sheriff, in
11 any county with more than 3,000,000 inhabitants, may establish
12 and operate a county impact incarceration program for eligible
13 offenders. If the court finds under Section 5-4-1 that an
14 offender convicted of a felony meets the eligibility
15 requirements of the Sheriff's county impact incarceration
16 program, the court may sentence the offender to the county
17 impact incarceration program. The Sheriff shall be responsible
18 for monitoring all offenders who are sentenced to the county
19 impact incarceration program, including the mandatory period
20 of monitored release following the 120 to 180 days of impact
21 incarceration. Offenders assigned to the county impact
22 incarceration program under an intergovernmental agreement
23 between the county and the Illinois Department of Corrections
24 are exempt from the provisions of this mandatory period of
25 monitored release. In the event the offender is not accepted
26 for placement in the county impact incarceration program, the

1 court shall proceed to sentence the offender to any other
2 disposition authorized by this Code. If the offender does not
3 successfully complete the program, the offender's failure to do
4 so shall constitute a violation of the sentence to the county
5 impact incarceration program.

6 (c) In order to be eligible to be sentenced to a county
7 impact incarceration program by the court, the person shall
8 meet all of the following requirements:

9 (1) the person must be not less than 17 years of age
10 nor more than 35 years of age;

11 (2) The person has not previously participated in the
12 impact incarceration program and has not previously served
13 more than one prior sentence of imprisonment for a felony
14 in an adult correctional facility;

15 (3) The person has not been convicted of a Class X
16 felony, first or second degree murder, armed violence,
17 aggravated kidnapping, criminal sexual assault, aggravated
18 criminal sexual abuse or a subsequent conviction for
19 criminal sexual abuse, forcible detention, or arson and has
20 not been convicted previously of any of those offenses.

21 (4) The person has been found in violation of probation
22 for an offense that is a Class 2, 3, or 4 felony that is not
23 a forcible felony as defined in Section 2-8 of the Criminal
24 Code of 2012 ~~1961~~ or a violent crime as defined in
25 subsection (c) of Section 3 of the Rights of Crime Victims
26 and Witnesses Act who otherwise could be sentenced to a

1 term of incarceration; or the person is convicted of an
2 offense that is a Class 2, 3, or 4 felony that is not a
3 forcible felony as defined in Section 2-8 of the Criminal
4 Code of 2012 ~~1961~~ or a violent crime as defined in
5 subsection (c) of Section 3 of the Rights of Crime Victims
6 and Witnesses Act who has previously served a sentence of
7 probation for any felony offense and who otherwise could be
8 sentenced to a term of incarceration.

9 (5) The person must be physically able to participate
10 in strenuous physical activities or labor.

11 (6) The person must not have any mental disorder or
12 disability that would prevent participation in a county
13 impact incarceration program.

14 (7) The person was recommended and approved for
15 placement in the county impact incarceration program by the
16 Sheriff and consented in writing to participation in the
17 county impact incarceration program and to the terms and
18 conditions of the program. The Sheriff may consider, among
19 other matters, whether the person has any outstanding
20 detainers or warrants, whether the person has a history of
21 escaping or absconding, whether participation in the
22 county impact incarceration program may pose a risk to the
23 safety or security of any person and whether space is
24 available.

25 (c) The county impact incarceration program shall include,
26 among other matters, mandatory physical training and labor,

1 military formation and drills, regimented activities,
2 uniformity of dress and appearance, education and counseling,
3 including drug counseling where appropriate.

4 (d) Privileges including visitation, commissary, receipt
5 and retention of property and publications and access to
6 television, radio, and a library may be suspended or
7 restricted, notwithstanding provisions to the contrary in this
8 Code.

9 (e) The Sheriff shall issue written rules and requirements
10 for the program. Persons shall be informed of rules of behavior
11 and conduct. Persons participating in the county impact
12 incarceration program shall adhere to all rules and all
13 requirements of the program.

14 (f) Participation in the county impact incarceration
15 program shall be for a period of 120 to 180 days followed by a
16 mandatory term of monitored release for at least 8 months and
17 no more than 12 months supervised by the Sheriff. The period of
18 time a person shall serve in the impact incarceration program
19 shall not be reduced by the accumulation of good time. The
20 court may also sentence the person to a period of probation to
21 commence at the successful completion of the county impact
22 incarceration program.

23 (g) If the person successfully completes the county impact
24 incarceration program, the Sheriff shall certify the person's
25 successful completion of the program to the court and to the
26 county's State's Attorney. Upon successful completion of the

1 county impact incarceration program and mandatory term of
2 monitored release and if there is an additional period of
3 probation given, the person shall at that time begin his or her
4 probationary sentence under the supervision of the Adult
5 Probation Department.

6 (h) A person may be removed from the county impact
7 incarceration program for a violation of the terms or
8 conditions of the program or in the event he or she is for any
9 reason unable to participate. The failure to complete the
10 program for any reason, including the 8 to 12 month monitored
11 release period, shall be deemed a violation of the county
12 impact incarceration sentence. The Sheriff shall give notice to
13 the State's Attorney of the person's failure to complete the
14 program. The Sheriff shall file a petition for violation of the
15 county impact incarceration sentence with the court and the
16 State's Attorney may proceed on the petition under Section
17 5-6-4 of this Code. The Sheriff shall promulgate rules and
18 regulations governing conduct which could result in removal
19 from the program or in a determination that the person has not
20 successfully completed the program.

21 The mandatory conditions of every county impact
22 incarceration sentence shall include that the person either
23 while in the program or during the period of monitored release:

24 (1) not violate any criminal statute of any
25 jurisdiction;

26 (2) report or appear in person before any such person

1 or agency as directed by the court or the Sheriff;

2 (3) refrain from possessing a firearm or other
3 dangerous weapon;

4 (4) not leave the State without the consent of the
5 court or, in circumstances in which the reason for the
6 absence is of such an emergency nature that prior consent
7 by the court is not possible, without the prior
8 notification and approval of the Sheriff; and

9 (5) permit representatives of the Sheriff to visit at
10 the person's home or elsewhere to the extent necessary for
11 the Sheriff to monitor compliance with the program. Persons
12 shall have access to such rules, which shall provide that a
13 person shall receive notice of any such violation.

14 (i) The Sheriff may terminate the county impact
15 incarceration program at any time.

16 (j) The Sheriff shall report to the county board on or
17 before September 30th of each year on the county impact
18 incarceration program, including the composition of the
19 program by the offenders, by county of commitment, sentence,
20 age, offense, and race.

21 (Source: P.A. 89-587, eff. 7-31-96.)

22 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

23 Sec. 5-8-4. Concurrent and consecutive terms of
24 imprisonment.

25 (a) Concurrent terms; multiple or additional sentences.

1 When an Illinois court (i) imposes multiple sentences of
2 imprisonment on a defendant at the same time or (ii) imposes a
3 sentence of imprisonment on a defendant who is already subject
4 to a sentence of imprisonment imposed by an Illinois court, a
5 court of another state, or a federal court, then the sentences
6 shall run concurrently unless otherwise determined by the
7 Illinois court under this Section.

8 (b) Concurrent terms; misdemeanor and felony. A defendant
9 serving a sentence for a misdemeanor who is convicted of a
10 felony and sentenced to imprisonment shall be transferred to
11 the Department of Corrections, and the misdemeanor sentence
12 shall be merged in and run concurrently with the felony
13 sentence.

14 (c) Consecutive terms; permissive. The court may impose
15 consecutive sentences in any of the following circumstances:

16 (1) If, having regard to the nature and circumstances
17 of the offense and the history and character of the
18 defendant, it is the opinion of the court that consecutive
19 sentences are required to protect the public from further
20 criminal conduct by the defendant, the basis for which the
21 court shall set forth in the record.

22 (2) If one of the offenses for which a defendant was
23 convicted was a violation of Section 32-5.2 (aggravated
24 false personation of a peace officer) of the Criminal Code
25 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision
26 (b) (5) or (b) (6) of Section 17-2 of the Criminal Code of

1 1961 or the Criminal Code of 2012 ~~that Code~~ (720 ILCS
2 5/17-2) and the offense was committed in attempting or
3 committing a forcible felony.

4 (d) Consecutive terms; mandatory. The court shall impose
5 consecutive sentences in each of the following circumstances:

6 (1) One of the offenses for which the defendant was
7 convicted was first degree murder or a Class X or Class 1
8 felony and the defendant inflicted severe bodily injury.

9 (2) The defendant was convicted of a violation of
10 Section 11-20.1 (child pornography), 11-20.1B or 11-20.3
11 (aggravated child pornography), 11-1.20 or 12-13 (criminal
12 sexual assault), 11-1.30 or 12-14 (aggravated criminal
13 sexual assault), or 11-1.40 or 12-14.1 (predatory criminal
14 sexual assault of a child) of the Criminal Code of 1961 or
15 the Criminal Code of 2012 (720 ILCS 5/11-20.1, 5/11-20.1B,
16 5/11-20.3, 5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14,
17 5/11-1.40, or 5/12-14.1).

18 (3) The defendant was convicted of armed violence based
19 upon the predicate offense of any of the following:
20 solicitation of murder, solicitation of murder for hire,
21 heinous battery as described in Section 12-4.1 or
22 subdivision (a)(2) of Section 12-3.05, aggravated battery
23 of a senior citizen as described in Section 12-4.6 or
24 subdivision (a)(4) of Section 12-3.05, criminal sexual
25 assault, a violation of subsection (g) of Section 5 of the
26 Cannabis Control Act (720 ILCS 550/5), cannabis

1 trafficking, a violation of subsection (a) of Section 401
2 of the Illinois Controlled Substances Act (720 ILCS
3 570/401), controlled substance trafficking involving a
4 Class X felony amount of controlled substance under Section
5 401 of the Illinois Controlled Substances Act (720 ILCS
6 570/401), a violation of the Methamphetamine Control and
7 Community Protection Act (720 ILCS 646/), calculated
8 criminal drug conspiracy, or streetgang criminal drug
9 conspiracy.

10 (4) The defendant was convicted of the offense of
11 leaving the scene of a motor vehicle accident involving
12 death or personal injuries under Section 11-401 of the
13 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)
14 aggravated driving under the influence of alcohol, other
15 drug or drugs, or intoxicating compound or compounds, or
16 any combination thereof under Section 11-501 of the
17 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless
18 homicide under Section 9-3 of the Criminal Code of 1961 or
19 the Criminal Code of 2012 (720 ILCS 5/9-3), or (C) both an
20 offense described in item (A) and an offense described in
21 item (B).

22 (5) The defendant was convicted of a violation of
23 Section 9-3.1 or Section 9-3.4 (concealment of homicidal
24 death) or Section 12-20.5 (dismembering a human body) of
25 the Criminal Code of 1961 or the Criminal Code of 2012 (720
26 ILCS 5/9-3.1 or 5/12-20.5).

1 (5.5) The defendant was convicted of a violation of
2 Section 24-3.7 (use of a stolen firearm in the commission
3 of an offense) of the Criminal Code of 1961 or the Criminal
4 Code of 2012.

5 (6) If the defendant was in the custody of the
6 Department of Corrections at the time of the commission of
7 the offense, the sentence shall be served consecutive to
8 the sentence under which the defendant is held by the
9 Department of Corrections. If, however, the defendant is
10 sentenced to punishment by death, the sentence shall be
11 executed at such time as the court may fix without regard
12 to the sentence under which the defendant may be held by
13 the Department.

14 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)
15 for escape or attempted escape shall be served consecutive
16 to the terms under which the offender is held by the
17 Department of Corrections.

18 (8) If a person charged with a felony commits a
19 separate felony while on pretrial release or in pretrial
20 detention in a county jail facility or county detention
21 facility, then the sentences imposed upon conviction of
22 these felonies shall be served consecutively regardless of
23 the order in which the judgments of conviction are entered.

24 (8.5) If a person commits a battery against a county
25 correctional officer or sheriff's employee while serving a
26 sentence or in pretrial detention in a county jail

1 facility, then the sentence imposed upon conviction of the
2 battery shall be served consecutively with the sentence
3 imposed upon conviction of the earlier misdemeanor or
4 felony, regardless of the order in which the judgments of
5 conviction are entered.

6 (9) If a person admitted to bail following conviction
7 of a felony commits a separate felony while free on bond or
8 if a person detained in a county jail facility or county
9 detention facility following conviction of a felony
10 commits a separate felony while in detention, then any
11 sentence following conviction of the separate felony shall
12 be consecutive to that of the original sentence for which
13 the defendant was on bond or detained.

14 (10) If a person is found to be in possession of an
15 item of contraband, as defined in Section 31A-0.1 of the
16 Criminal Code of 2012 ~~1961~~, while serving a sentence in a
17 county jail or while in pre-trial detention in a county
18 jail, the sentence imposed upon conviction for the offense
19 of possessing contraband in a penal institution shall be
20 served consecutively to the sentence imposed for the
21 offense in which the person is serving sentence in the
22 county jail or serving pretrial detention, regardless of
23 the order in which the judgments of conviction are entered.

24 (11) If a person is sentenced for a violation of bail
25 bond under Section 32-10 of the Criminal Code of 1961 or
26 the Criminal Code of 2012, any sentence imposed for that

1 violation shall be served consecutive to the sentence
2 imposed for the charge for which bail had been granted and
3 with respect to which the defendant has been convicted.

4 (e) Consecutive terms; subsequent non-Illinois term. If an
5 Illinois court has imposed a sentence of imprisonment on a
6 defendant and the defendant is subsequently sentenced to a term
7 of imprisonment by a court of another state or a federal court,
8 then the Illinois sentence shall run consecutively to the
9 sentence imposed by the court of the other state or the federal
10 court. That same Illinois court, however, may order that the
11 Illinois sentence run concurrently with the sentence imposed by
12 the court of the other state or the federal court, but only if
13 the defendant applies to that same Illinois court within 30
14 days after the sentence imposed by the court of the other state
15 or the federal court is finalized.

16 (f) Consecutive terms; aggregate maximums and minimums.
17 The aggregate maximum and aggregate minimum of consecutive
18 sentences shall be determined as follows:

19 (1) For sentences imposed under law in effect prior to
20 February 1, 1978, the aggregate maximum of consecutive
21 sentences shall not exceed the maximum term authorized
22 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of
23 Chapter V for the 2 most serious felonies involved. The
24 aggregate minimum period of consecutive sentences shall
25 not exceed the highest minimum term authorized under
26 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter

1 V for the 2 most serious felonies involved. When sentenced
2 only for misdemeanors, a defendant shall not be
3 consecutively sentenced to more than the maximum for one
4 Class A misdemeanor.

5 (2) For sentences imposed under the law in effect on or
6 after February 1, 1978, the aggregate of consecutive
7 sentences for offenses that were committed as part of a
8 single course of conduct during which there was no
9 substantial change in the nature of the criminal objective
10 shall not exceed the sum of the maximum terms authorized
11 under Article 4.5 of Chapter V for the 2 most serious
12 felonies involved, but no such limitation shall apply for
13 offenses that were not committed as part of a single course
14 of conduct during which there was no substantial change in
15 the nature of the criminal objective. When sentenced only
16 for misdemeanors, a defendant shall not be consecutively
17 sentenced to more than the maximum for one Class A
18 misdemeanor.

19 (g) Consecutive terms; manner served. In determining the
20 manner in which consecutive sentences of imprisonment, one or
21 more of which is for a felony, will be served, the Department
22 of Corrections shall treat the defendant as though he or she
23 had been committed for a single term subject to each of the
24 following:

25 (1) The maximum period of a term of imprisonment shall
26 consist of the aggregate of the maximums of the imposed

1 indeterminate terms, if any, plus the aggregate of the
2 imposed determinate sentences for felonies, plus the
3 aggregate of the imposed determinate sentences for
4 misdemeanors, subject to subsection (f) of this Section.

5 (2) The parole or mandatory supervised release term
6 shall be as provided in paragraph (e) of Section 5-4.5-50
7 (730 ILCS 5/5-4.5-50) for the most serious of the offenses
8 involved.

9 (3) The minimum period of imprisonment shall be the
10 aggregate of the minimum and determinate periods of
11 imprisonment imposed by the court, subject to subsection
12 (f) of this Section.

13 (4) The defendant shall be awarded credit against the
14 aggregate maximum term and the aggregate minimum term of
15 imprisonment for all time served in an institution since
16 the commission of the offense or offenses and as a
17 consequence thereof at the rate specified in Section 3-6-3
18 (730 ILCS 5/3-6-3).

19 (Source: P.A. 96-190, eff. 1-1-10; 96-1000, eff. 7-2-10;
20 96-1200, eff. 7-22-10; 96-1551, Article 1, Section 970, eff.
21 7-1-11; 96-1551, Article 2, Section 1065, eff. 7-1-11; 96-1551,
22 Article 10, Section 10-150, eff. 7-1-11; 97-475, eff. 8-22-11;
23 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13.)

24 (730 ILCS 5/5-8A-6)

25 Sec. 5-8A-6. Electronic monitoring of certain sex

1 offenders. For a sexual predator subject to electronic home
2 monitoring under paragraph (7.7) of subsection (a) of Section
3 3-3-7, the Department of Corrections must use a system that
4 actively monitors and identifies the offender's current
5 location and timely reports or records the offender's presence
6 and that alerts the Department of the offender's presence
7 within a prohibited area described in Section Sections 11-9.3
8 ~~and 11-9.4~~ of the Criminal Code of 2012 ~~1961~~, in a court order,
9 or as a condition of the offender's parole, mandatory
10 supervised release, or extended mandatory supervised release
11 and the offender's departure from specified geographic
12 limitations. To the extent that he or she is able to do so,
13 which the Department of Corrections by rule shall determine,
14 the offender must pay for the cost of the electronic home
15 monitoring.

16 (Source: P.A. 94-988, eff. 1-1-07; 95-640, eff. 6-1-08.)

17 (730 ILCS 5/5-9-1.3) (from Ch. 38, par. 1005-9-1.3)

18 Sec. 5-9-1.3. Fines for offenses involving theft,
19 deceptive practices, and offenses against units of local
20 government or school districts.

21 (a) When a person has been adjudged guilty of a felony
22 under Section 16-1, 16D-3, 16D-4, 16D-5, 16D-5.5, ~~or~~ 17-1,
23 17-50, 17-51, 17-52, 17-52.5, or subsection (a) of Section
24 17-32 of the Criminal Code of 1961 or the Criminal Code of
25 2012, a fine may be levied by the court in an amount which is

1 the greater of \$25,000 or twice the value of the property which
2 is the subject of the offense.

3 (b) When a person has been convicted of a felony under
4 Section 16-1 of the Criminal Code of 1961 or the Criminal Code
5 of 2012 and the theft was committed upon any unit of local
6 government or school district, or the person has been convicted
7 of any violation of Sections 33C-1 through 33C-4 or Sections
8 33E-3 through 33E-18, or subsection (a), (b), (c), or (d) of
9 Section 17-10.3, of the Criminal Code of 1961 or the Criminal
10 Code of 2012, a fine may be levied by the court in an amount
11 that is the greater of \$25,000 or treble the value of the
12 property which is the subject of the offense or loss to the
13 unit of local government or school district.

14 (c) All fines imposed under subsection (b) of this Section
15 shall be distributed as follows:

16 (1) An amount equal to 30% shall be distributed to the
17 unit of local government or school district that was the
18 victim of the offense;

19 (2) An amount equal to 30% shall be distributed to the
20 unit of local government whose officers or employees
21 conducted the investigation into the crimes against the
22 unit of local government or school district. Amounts
23 distributed to units of local government shall be used
24 solely for the enforcement of criminal laws protecting
25 units of local government or school districts;

26 (3) An amount equal to 30% shall be distributed to the

1 State's Attorney of the county in which the prosecution
2 resulting in the conviction was instituted. The funds shall
3 be used solely for the enforcement of criminal laws
4 protecting units of local government or school districts;
5 and

6 (4) An amount equal to 10% shall be distributed to the
7 circuit court clerk of the county where the prosecution
8 resulting in the conviction was instituted.

9 (d) A fine order under subsection (b) of this Section is a
10 judgment lien in favor of the victim unit of local government
11 or school district, the State's Attorney of the county where
12 the violation occurred, the law enforcement agency that
13 investigated the violation, and the circuit court clerk.

14 (Source: P.A. 96-1200, eff. 7-22-10; 96-1551, eff. 7-1-11.)

15 (730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)

16 Sec. 5-9-1.7. Sexual assault fines.

17 (a) Definitions. The terms used in this Section shall have
18 the following meanings ascribed to them:

19 (1) "Sexual assault" means the commission or attempted
20 commission of the following: sexual exploitation of a
21 child, criminal sexual assault, predatory criminal sexual
22 assault of a child, aggravated criminal sexual assault,
23 criminal sexual abuse, aggravated criminal sexual abuse,
24 indecent solicitation of a child, public indecency, sexual
25 relations within families, promoting juvenile

1 prostitution, soliciting for a juvenile prostitute,
2 keeping a place of juvenile prostitution, patronizing a
3 juvenile prostitute, juvenile pimping, exploitation of a
4 child, obscenity, child pornography, aggravated child
5 pornography, harmful material, or ritualized abuse of a
6 child, as those offenses are defined in the Criminal Code
7 of 1961 or the Criminal Code of 2012.

8 (2) "Family member" shall have the meaning ascribed to
9 it in Section 11-0.1 of the Criminal Code of 2012 ~~1961~~.

10 (3) "Sexual assault organization" means any
11 not-for-profit organization providing comprehensive,
12 community-based services to victims of sexual assault.
13 "Community-based services" include, but are not limited
14 to, direct crisis intervention through a 24-hour response,
15 medical and legal advocacy, counseling, information and
16 referral services, training, and community education.

17 (b) Sexual assault fine; collection by clerk.

18 (1) In addition to any other penalty imposed, a fine of
19 \$200 shall be imposed upon any person who pleads guilty or
20 who is convicted of, or who receives a disposition of court
21 supervision for, a sexual assault or attempt of a sexual
22 assault. Upon request of the victim or the victim's
23 representative, the court shall determine whether the fine
24 will impose an undue burden on the victim of the offense.
25 For purposes of this paragraph, the defendant may not be
26 considered the victim's representative. If the court finds

1 that the fine would impose an undue burden on the victim,
2 the court may reduce or waive the fine. The court shall
3 order that the defendant may not use funds belonging solely
4 to the victim of the offense for payment of the fine.

5 (2) Sexual assault fines shall be assessed by the court
6 imposing the sentence and shall be collected by the circuit
7 clerk. The circuit clerk shall retain 10% of the penalty to
8 cover the costs involved in administering and enforcing
9 this Section. The circuit clerk shall remit the remainder
10 of each fine within one month of its receipt to the State
11 Treasurer for deposit as follows:

12 (i) for family member offenders, one-half to the
13 Sexual Assault Services Fund, and one-half to the
14 Domestic Violence Shelter and Service Fund; and

15 (ii) for other than family member offenders, the
16 full amount to the Sexual Assault Services Fund.

17 (c) Sexual Assault Services Fund; administration. There is
18 created a Sexual Assault Services Fund. Moneys deposited into
19 the Fund under this Section shall be appropriated to the
20 Department of Public Health. Upon appropriation of moneys from
21 the Sexual Assault Services Fund, the Department of Public
22 Health shall make grants of these moneys from the Fund to
23 sexual assault organizations with whom the Department has
24 contracts for the purpose of providing community-based
25 services to victims of sexual assault. Grants made under this
26 Section are in addition to, and are not substitutes for, other

1 grants authorized and made by the Department.

2 (Source: P.A. 96-1551, eff. 7-1-11; 97-1109, eff. 1-1-13.)

3 (730 ILCS 5/5-9-1.8)

4 Sec. 5-9-1.8. Child pornography fines. Beginning July 1,
5 2006, 100% of the fines in excess of \$10,000 collected for
6 violations of Section 11-20.1 of the Criminal Code of 1961 or
7 the Criminal Code of 2012 shall be deposited into the Child
8 Abuse Prevention Fund that is created in the State Treasury.
9 Moneys in the Fund resulting from the fines shall be for the
10 use of the Department of Children and Family Services for
11 grants to private entities giving treatment and counseling to
12 victims of child sexual abuse.

13 Notwithstanding any other provision of law, in addition to
14 any other transfers that may be provided by law, on July 1,
15 2006, or as soon thereafter as practical, the State Comptroller
16 shall direct and the State Treasurer shall transfer the
17 remaining balance from the Child Sexual Abuse Fund into the
18 Child Abuse Prevention Fund. Upon completion of the transfer,
19 the Child Sexual Abuse Fund is dissolved, and any future
20 deposits due to that Fund and any outstanding obligations or
21 liabilities of the Fund pass to the Child Abuse Prevention
22 Fund.

23 (Source: P.A. 94-839, eff. 6-6-06.)

24 (730 ILCS 5/5-9-1.10)

1 Sec. 5-9-1.10. Additional fines. There shall be added to
2 every penalty imposed in sentencing for a violation of Sections
3 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or the
4 Criminal Code of 2012 an additional fine of \$100 payable to the
5 clerk, which shall be imposed upon the entry of a judgment of
6 conviction. This additional fee, less 2 1/2% that shall be used
7 to defray administrative costs incurred by the clerk, shall be
8 remitted by the clerk to the Treasurer within 60 days after
9 receipt for deposit into the Trauma Center Fund. This
10 additional fee of \$100 shall not be considered a part of the
11 fine for purposes of any reduction in the fine for time served
12 either before or after sentencing. Not later than March 1 of
13 each year the circuit clerk shall submit a report of the amount
14 of funds remitted to the State Treasurer under this Section
15 during the preceding calendar year. All moneys collected by the
16 circuit clerk and remitted to the State Treasurer under Section
17 27.6 of the Clerks of Courts Act shall be deposited into the
18 Trauma Center Fund for distribution as provided under Section
19 3.225 of the Emergency Medical Services (EMS) Systems Act.

20 (Source: P.A. 89-516, eff. 7-18-96; 90-655, eff. 7-30-98.)

21 (730 ILCS 5/5-9-1.14)

22 Sec. 5-9-1.14. Additional child pornography fines. In
23 addition to any other penalty imposed, a fine of \$500 shall be
24 imposed upon a person convicted of child pornography under
25 Section 11-20.1 of the Criminal Code of 1961 or the Criminal

1 Code of 2012. Such additional fine shall be assessed by the
2 court imposing sentence and shall be collected by the circuit
3 clerk. Of this fee, \$5 shall be deposited into the Circuit
4 Court Clerk Operation and Administrative Fund created by the
5 Clerk of the Circuit Court to be used to offset the costs
6 incurred by the Circuit Court Clerk in performing the
7 additional duties required to collect and disburse funds to
8 entities of State and local government as provided by law. Each
9 such additional fine shall be remitted by the Circuit Court
10 Clerk within one month after receipt to the unit of local
11 government whose law enforcement officers investigated the
12 case that gave rise to the conviction of the defendant for
13 child pornography.

14 (Source: P.A. 95-191, eff. 1-1-08; 95-876, eff. 8-21-08.)

15 (730 ILCS 5/5-9-1.16)

16 Sec. 5-9-1.16. Protective order violation fees.

17 (a) There shall be added to every penalty imposed in
18 sentencing for a violation of an order of protection under
19 Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the
20 Criminal Code of 2012 an additional fee to be set in an amount
21 not less than \$200 to be imposed upon a plea of guilty or
22 finding of guilty resulting in a judgment of conviction.

23 (b) Such additional amount shall be assessed by the court
24 imposing sentence and shall be collected by the Circuit Clerk
25 in addition to the fine, if any, and costs in the case to be

1 used by the supervising authority in implementing the domestic
2 violence surveillance program. The clerk of the circuit court
3 shall pay all monies collected from this fee to the county
4 treasurer for deposit in the probation and court services fund
5 under Section 15.1 of the Probation and Probations Officers
6 Act.

7 (c) The supervising authority of a domestic violence
8 surveillance program under Section 5-8A-7 of this Act shall
9 assess a person either convicted of, or charged with, the
10 violation of an order of protection an additional fee to cover
11 the costs of providing the equipment used and the additional
12 supervision needed for such domestic violence surveillance
13 program. If the court finds that the fee would impose an undue
14 burden on the victim, the court may reduce or waive the fee.
15 The court shall order that the defendant may not use funds
16 belonging solely to the victim of the offense for payment of
17 the fee.

18 When the supervising authority is the court or the
19 probation and court services department, the fee shall be
20 collected by the circuit court clerk. The clerk of the circuit
21 court shall pay all monies collected from this fee and all
22 other required probation fees that are assessed to the county
23 treasurer for deposit in the probation and court services fund
24 under Section 15.1 of the Probation and Probations Officers
25 Act. In counties with a population of 2 million or more, when
26 the supervising authority is the court or the probation and

1 court services department, the fee shall be collected by the
2 supervising authority. In these counties, the supervising
3 authority shall pay all monies collected from this fee and all
4 other required probation fees that are assessed, to the county
5 treasurer for deposit in the probation and court services fund
6 under Section 15.1 of the Probation and Probation Officers Act.

7 When the supervising authority is the Department of
8 Corrections, the Department shall collect the fee for deposit
9 into the Illinois Department of Corrections "fund". The Circuit
10 Clerk shall retain 10% of such penalty and deposit that
11 percentage into the Circuit Court Clerk Operation and
12 Administrative Fund to cover the costs incurred in
13 administering and enforcing this Section.

14 (d) (Blank).

15 (e) (Blank).

16 (Source: P.A. 95-773, eff. 1-1-09; 96-688, eff. 8-25-09;
17 96-1551, eff. 7-1-11.)

18 (730 ILCS 5/5-9-1.19)

19 Sec. 5-9-1.19. Additional streetgang fine. In addition to
20 any other penalty imposed, a fine of \$100 shall be imposed upon
21 a person convicted of any violation of the Criminal Code of
22 1961 or the Criminal Code of 2012 who was, at the time of the
23 commission of the violation a streetgang member, as defined in
24 Section 10 of the Illinois Streetgang Terrorism Omnibus
25 Prevention Act. Such additional fine shall be assessed by the

1 court imposing sentence and shall be collected by the circuit
2 clerk. Of this fee, \$5 shall be deposited into the Circuit
3 Court Clerk Operation and Administrative Fund created by the
4 Clerk of the Circuit Court to be used to offset the costs
5 incurred by the Circuit Court Clerk in performing the
6 additional duties required to collect and disburse funds as
7 provided by law. Each such additional fine shall be remitted by
8 the Circuit Court Clerk within one month after receipt to the
9 State Police Streetgang-Related Crime Fund in the State
10 treasury.

11 (Source: P.A. 96-1029, eff. 7-13-10.)

12 (730 ILCS 5/5-9-1.20)

13 Sec. 5-9-1.20. Additional violation of parole fines. In
14 addition to any other penalty imposed, a fine of \$25 shall be
15 imposed upon a person convicted of any violation of the
16 Criminal Code of 1961 or the Criminal Code of 2012 who was, at
17 the time of the commission of the offense on parole or
18 mandatory supervised release. Such additional fine shall be
19 assessed by the court imposing sentence and shall be collected
20 by the circuit clerk. Of this fine, \$5 shall be deposited into
21 the Circuit Court Clerk Operation and Administrative Fund
22 created by the Clerk of the Circuit Court to be used to offset
23 the costs incurred by the Circuit Court Clerk in performing the
24 additional duties required to collect and disburse funds as
25 provided by law. The remainder of each such additional fine

1 shall be remitted by the Circuit Court Clerk within one month
2 after receipt to the State Treasurer for deposit into the
3 Illinois Department of Corrections Parole Division Offender
4 Supervision Fund in the State treasury.

5 (Source: P.A. 97-262, eff. 8-5-11.)

6 Section 675. The Probation and Probation Officers Act is
7 amended by changing Section 16.1 as follows:

8 (730 ILCS 110/16.1)

9 Sec. 16.1. Redeploy Illinois Program.

10 (a) The purpose of this Section is to encourage the
11 deinstitutionalization of juvenile offenders by establishing
12 projects in counties or groups of counties that reallocate
13 State funds from juvenile correctional confinement to local
14 jurisdictions, which will establish a continuum of local,
15 community-based sanctions and treatment alternatives for
16 juvenile offenders who would be incarcerated if those local
17 services and sanctions did not exist. It is also intended to
18 offer alternatives, when appropriate, to avoid commitment to
19 the Department of Juvenile Justice, to direct child welfare
20 services for minors charged with a criminal offense or
21 adjudicated delinquent under Section 5 of the Children and
22 Family Services Act. The allotment of funds will be based on a
23 formula that rewards local jurisdictions for the establishment
24 or expansion of local alternatives to incarceration, and

1 requires them to pay for utilization of incarceration as a
2 sanction. In addition, there shall be an allocation of
3 resources (amount to be determined annually by the Redeploy
4 Illinois Oversight Board) set aside at the beginning of each
5 fiscal year to be made available for any county or groups of
6 counties which need resources only occasionally for services to
7 avoid commitment to the Department of Juvenile Justice for a
8 limited number of youth. This redeployment of funds shall be
9 made in a manner consistent with the Juvenile Court Act of 1987
10 and the following purposes and policies:

11 (1) The juvenile justice system should protect the
12 community, impose accountability to victims and
13 communities for violations of law, and equip juvenile
14 offenders with competencies to live responsibly and
15 productively.

16 (2) Juveniles should be treated in the least
17 restrictive manner possible while maintaining the safety
18 of the community.

19 (3) A continuum of services and sanctions from least
20 restrictive to most restrictive should be available in
21 every community.

22 (4) There should be local responsibility and authority
23 for planning, organizing, and coordinating service
24 resources in the community. People in the community can
25 best choose a range of services which reflect community
26 values and meet the needs of their own youth.

1 (5) Juveniles who pose a threat to the community or
2 themselves need special care, including secure settings.
3 Such services as detention, long-term incarceration, or
4 residential treatment are too costly to provide in each
5 community and should be coordinated and provided on a
6 regional or Statewide basis.

7 (6) The roles of State and local government in creating
8 and maintaining services to youth in the juvenile justice
9 system should be clearly defined. The role of the State is
10 to fund services, set standards of care, train service
11 providers, and monitor the integration and coordination of
12 services. The role of local government should be to oversee
13 the provision of services.

14 (b) Each county or circuit participating in the Redeploy
15 Illinois program must create a local plan demonstrating how it
16 will reduce the county or circuit's utilization of secure
17 confinement of juvenile offenders in the Illinois Department of
18 Juvenile Justice or county detention centers by the creation or
19 expansion of individualized services or programs that may
20 include but are not limited to the following:

21 (1) Assessment and evaluation services to provide the
22 juvenile justice system with accurate individualized case
23 information on each juvenile offender including mental
24 health, substance abuse, educational, and family
25 information;

26 (2) Direct services to individual juvenile offenders

1 including educational, vocational, mental health,
2 substance abuse, supervision, and service coordination;
3 and

4 (3) Programs that seek to restore the offender to the
5 community, such as victim offender panels, teen courts,
6 competency building, enhanced accountability measures,
7 restitution, and community service. The local plan must be
8 directed in such a manner as to emphasize an individualized
9 approach to providing services to juvenile offenders in an
10 integrated community based system including probation as
11 the broker of services. The plan must also detail the
12 reduction in utilization of secure confinement. The local
13 plan shall be limited to services and shall not include
14 costs for:

15 (i) capital expenditures;

16 (ii) renovations or remodeling;

17 (iii) personnel costs for probation.

18 The local plan shall be submitted to the Department of
19 Human Services.

20 (c) A county or group of counties may develop an agreement
21 with the Department of Human Services to reduce their number of
22 commitments of juvenile offenders, excluding minors sentenced
23 based upon a finding of guilt of first degree murder or an
24 offense which is a Class X forcible felony as defined in the
25 Criminal Code of 2012 ~~1961~~, to the Department of Juvenile
26 Justice, and then use the savings to develop local programming

1 for youth who would otherwise have been committed to the
2 Department of Juvenile Justice. A county or group of counties
3 shall agree to limit their commitments to 75% of the level of
4 commitments from the average number of juvenile commitments for
5 the past 3 years, and will receive the savings to redeploy for
6 local programming for juveniles who would otherwise be held in
7 confinement. For any county or group of counties with a
8 decrease of juvenile commitments of at least 25%, based on the
9 average reductions of the prior 3 years, which are chosen to
10 participate or continue as sites, the Redeploy Illinois
11 Oversight Board has the authority to reduce the required
12 percentage of future commitments to achieve the purpose of this
13 Section. The agreement shall set forth the following:

14 (1) a Statement of the number and type of juvenile
15 offenders from the county who were held in secure
16 confinement by the Illinois Department of Juvenile Justice
17 or in county detention the previous year, and an
18 explanation of which, and how many, of these offenders
19 might be served through the proposed Redeploy Illinois
20 Program for which the funds shall be used;

21 (2) a Statement of the service needs of currently
22 confined juveniles;

23 (3) a Statement of the type of services and programs to
24 provide for the individual needs of the juvenile offenders,
25 and the research or evidence base that qualifies those
26 services and programs as proven or promising practices;

1 (4) a budget indicating the costs of each service or
2 program to be funded under the plan;

3 (5) a summary of contracts and service agreements
4 indicating the treatment goals and number of juvenile
5 offenders to be served by each service provider; and

6 (6) a Statement indicating that the Redeploy Illinois
7 Program will not duplicate existing services and programs.
8 Funds for this plan shall not supplant existing county
9 funded programs.

10 (d) (Blank).

11 (d-5) A county or group of counties that does not have an
12 approved Redeploy Illinois program, as described in subsection
13 (b), and that has committed fewer than 10 Redeploy eligible
14 youth to the Department of Juvenile Justice on average over the
15 previous 3 years, may develop an individualized agreement with
16 the Department of Human Services through the Redeploy Illinois
17 program to provide services to youth to avoid commitment to the
18 Department of Juvenile Justice. The agreement shall set forth
19 the following:

20 (1) a statement of the number and type of juvenile
21 offenders from the county who were at risk under any of the
22 categories listed above during the 3 previous years, and an
23 explanation of which of these offenders would be served
24 through the proposed Redeploy Illinois program for which
25 the funds shall be used, or through individualized
26 contracts with existing Redeploy programs in neighboring

1 counties;

2 (2) a statement of the service needs;

3 (3) a statement of the type of services and programs to
4 provide for the individual needs of the juvenile offenders,
5 and the research or evidence that qualifies those services
6 and programs as proven or promising practices;

7 (4) a budget indicating the costs of each service or
8 program to be funded under the plan;

9 (5) a summary of contracts and service agreements
10 indicating the treatment goals and number of juvenile
11 offenders to be served by each service provider; and

12 (6) a statement indicating that the Redeploy Illinois
13 program will not duplicate existing services and programs.
14 Funds for this plan shall not supplant existing county
15 funded programs.

16 (e) The Department of Human Services shall be responsible
17 for the following:

18 (1) Reviewing each Redeploy Illinois Program plan for
19 compliance with standards established for such plans. A
20 plan may be approved as submitted, approved with
21 modifications, or rejected. No plan shall be considered for
22 approval if the circuit or county is not in full compliance
23 with all regulations, standards and guidelines pertaining
24 to the delivery of basic probation services as established
25 by the Supreme Court.

26 (2) Monitoring on a continual basis and evaluating

1 annually both the program and its fiscal activities in all
2 counties receiving an allocation under the Redeploy
3 Illinois Program. Any program or service that has not met
4 the goals and objectives of its contract or service
5 agreement shall be subject to denial for funding in
6 subsequent years. The Department of Human Services shall
7 evaluate the effectiveness of the Redeploy Illinois
8 Program in each circuit or county. In determining the
9 future funding for the Redeploy Illinois Program under this
10 Act, the evaluation shall include, as a primary indicator
11 of success, a decreased number of confinement days for the
12 county's juvenile offenders.

13 (f) Any Redeploy Illinois Program allocations not applied
14 for and approved by the Department of Human Services shall be
15 available for redistribution to approved plans for the
16 remainder of that fiscal year. Any county that invests local
17 moneys in the Redeploy Illinois Program shall be given first
18 consideration for any redistribution of allocations.
19 Jurisdictions participating in Redeploy Illinois that exceed
20 their agreed upon level of commitments to the Department of
21 Juvenile Justice shall reimburse the Department of Corrections
22 for each commitment above the agreed upon level.

23 (g) Implementation of Redeploy Illinois.

24 (1) Oversight of Redeploy Illinois.

25 (i) Redeploy Illinois Oversight Board. The
26 Department of Human Services shall convene an

1 oversight board to oversee the Redeploy Illinois
2 Program. The Board shall include, but not be limited
3 to, designees from the Department of Juvenile Justice,
4 the Administrative Office of Illinois Courts, the
5 Illinois Juvenile Justice Commission, the Illinois
6 Criminal Justice Information Authority, the Department
7 of Children and Family Services, the State Board of
8 Education, the Cook County State's Attorney, and a
9 State's Attorney selected by the President of the
10 Illinois State's Attorney's Association, the Cook
11 County Public Defender, a representative of the
12 defense bar appointed by the Chief Justice of the
13 Illinois Supreme Court, a representative of probation
14 appointed by the Chief Justice of the Illinois Supreme
15 Court, and judicial representation appointed by the
16 Chief Justice of the Illinois Supreme Court. Up to an
17 additional 9 members may be appointed by the Secretary
18 of Human Services from recommendations by the
19 Oversight Board; these appointees shall possess a
20 knowledge of juvenile justice issues and reflect the
21 collaborative public/private relationship of Redeploy
22 programs.

23 (ii) Responsibilities of the Redeploy Illinois
24 Oversight Board. The Oversight Board shall:

25 (A) Identify jurisdictions to be included in
26 the program of Redeploy Illinois.

1 (B) Develop a formula for reimbursement of
2 local jurisdictions for local and community-based
3 services utilized in lieu of commitment to the
4 Department of Juvenile Justice, as well as for any
5 charges for local jurisdictions for commitments
6 above the agreed upon limit in the approved plan.

7 (C) Identify resources sufficient to support
8 the administration and evaluation of Redeploy
9 Illinois.

10 (D) Develop a process and identify resources
11 to support on-going monitoring and evaluation of
12 Redeploy Illinois.

13 (E) Develop a process and identify resources
14 to support training on Redeploy Illinois.

15 (E-5) Review proposed individualized
16 agreements and approve where appropriate the
17 distribution of resources.

18 (F) Report to the Governor and the General
19 Assembly on an annual basis on the progress of
20 Redeploy Illinois.

21 (iii) Length of Planning Phase. The planning phase
22 may last up to, but may in no event last longer than,
23 July 1, 2004.

24 (2) (Blank).

25 (3) There shall be created the Redeploy County Review
26 Committee composed of the designees of the Secretary of

1 Human Services and the Directors of Juvenile Justice, of
2 Children and Family Services, and of the Governor's Office
3 of Management and Budget who shall constitute a
4 subcommittee of the Redeploy Illinois Oversight Board.

5 (h) Responsibilities of the County Review Committee. The
6 County Review Committee shall:

7 (1) Review individualized agreements from counties
8 requesting resources on an occasional basis for services
9 for youth described in subsection (d-5).

10 (2) Report its decisions to the Redeploy Illinois
11 Oversight Board at regularly scheduled meetings.

12 (3) Monitor the effectiveness of the resources in
13 meeting the mandates of the Redeploy Illinois program set
14 forth in this Section so these results might be included in
15 the Report described in clause (g) (1) (ii) (F).

16 (4) During the third quarter, assess the amount of
17 remaining funds available and necessary to complete the
18 fiscal year so that any unused funds may be distributed as
19 defined in subsection (f).

20 (5) Ensure that the number of youth from any applicant
21 county receiving individualized resources will not exceed
22 the previous three-year average of Redeploy eligible
23 recipients and that counties are in conformity with all
24 other elements of this law.

25 (i) Implementation of this Section is subject to
26 appropriation.

1 (j) Rulemaking authority to implement this amendatory Act
2 of the 95th General Assembly, if any, is conditioned on the
3 rules being adopted in accordance with all provisions of and
4 procedures and rules implementing the Illinois Administrative
5 Procedure Act; any purported rule not so adopted, for whatever
6 reason, is unauthorized.

7 (Source: P.A. 94-696, eff. 6-1-06; 94-1032, eff. 1-1-07;
8 95-1050, eff. 1-1-10.)

9 Section 680. The County Jail Good Behavior Allowance Act is
10 amended by changing Sections 3 and 3.1 as follows:

11 (730 ILCS 130/3) (from Ch. 75, par. 32)

12 Sec. 3. The good behavior of any person who commences a
13 sentence of confinement in a county jail for a fixed term of
14 imprisonment after January 1, 1987 shall entitle such person to
15 a good behavior allowance, except that: (1) a person who
16 inflicted physical harm upon another person in committing the
17 offense for which he is confined shall receive no good behavior
18 allowance; and (2) a person sentenced for an offense for which
19 the law provides a mandatory minimum sentence shall not receive
20 any portion of a good behavior allowance that would reduce the
21 sentence below the mandatory minimum; and (3) a person
22 sentenced to a county impact incarceration program; and (4) a
23 person who is convicted of criminal sexual assault under
24 subdivision (a) (3) of Section 11-1.20 or paragraph (a) (3) of

1 Section 12-13 of the Criminal Code of 1961 or the Criminal Code
2 of 2012, criminal sexual abuse, or aggravated criminal sexual
3 abuse shall receive no good behavior allowance. The good
4 behavior allowance provided for in this Section shall not apply
5 to individuals sentenced for a felony to probation or
6 conditional discharge where a condition of such probation or
7 conditional discharge is that the individual serve a sentence
8 of periodic imprisonment or to individuals sentenced under an
9 order of court for civil contempt.

10 Such good behavior allowance shall be cumulative and
11 awarded as provided in this Section.

12 The good behavior allowance rate shall be cumulative and
13 awarded on the following basis:

14 The prisoner shall receive one day of good behavior
15 allowance for each day of service of sentence in the county
16 jail, and one day of good behavior allowance for each day of
17 incarceration in the county jail before sentencing for the
18 offense that he or she is currently serving sentence but was
19 unable to post bail before sentencing, except that a prisoner
20 serving a sentence of periodic imprisonment under Section 5-7-1
21 of the Unified Code of Corrections shall only be eligible to
22 receive good behavior allowance if authorized by the sentencing
23 judge. Each day of good behavior allowance shall reduce by one
24 day the prisoner's period of incarceration set by the court.
25 For the purpose of calculating a prisoner's good behavior
26 allowance, a fractional part of a day shall not be calculated

1 as a day of service of sentence in the county jail unless the
2 fractional part of the day is over 12 hours in which case a
3 whole day shall be credited on the good behavior allowance.

4 If consecutive sentences are served and the time served
5 amounts to a total of one year or more, the good behavior
6 allowance shall be calculated on a continuous basis throughout
7 the entire time served beginning on the first date of sentence
8 or incarceration, as the case may be.

9 (Source: P.A. 96-1551, eff. 7-1-11.)

10 (730 ILCS 130/3.1) (from Ch. 75, par. 32.1)

11 Sec. 3.1. (a) Within 3 months after the effective date of
12 this amendatory Act of 1986, the wardens who supervise
13 institutions under this Act shall meet and agree upon uniform
14 rules and regulations for behavior and conduct, penalties, and
15 the awarding, denying and revocation of good behavior
16 allowance, in such institutions; and such rules and regulations
17 shall be immediately promulgated and consistent with the
18 provisions of this Act. Interim rules shall be provided by each
19 warden consistent with the provision of this Act and shall be
20 effective until the promulgation of uniform rules. All
21 disciplinary action shall be consistent with the provisions of
22 this Act. Committed persons shall be informed of rules of
23 behavior and conduct, the penalties for violation thereof, and
24 the disciplinary procedure by which such penalties may be
25 imposed. Any rules, penalties and procedures shall be posted

1 and made available to the committed persons.

2 (b) Whenever a person is alleged to have violated a rule of
3 behavior, a written report of the infraction shall be filed
4 with the warden within 72 hours of the occurrence of the
5 infraction or the discovery of it, and such report shall be
6 placed in the file of the institution or facility. No
7 disciplinary proceeding shall be commenced more than 8 days
8 after the infraction or the discovery of it, unless the
9 committed person is unable or unavailable for any reason to
10 participate in the disciplinary proceeding.

11 (c) All or any of the good behavior allowance earned may be
12 revoked by the warden, unless he initiates the charge, and in
13 that case by the disciplinary board, for violations of rules of
14 behavior at any time prior to discharge from the institution,
15 consistent with the provisions of this Act.

16 (d) In disciplinary cases that may involve the loss of good
17 behavior allowance or eligibility to earn good behavior
18 allowance, the warden shall establish disciplinary procedures
19 consistent with the following principles:

20 (1) The warden may establish one or more disciplinary
21 boards, made up of one or more persons, to hear and
22 determine charges. Any person who initiates a disciplinary
23 charge against a committed person shall not serve on the
24 disciplinary board that will determine the disposition of
25 the charge. In those cases in which the charge was
26 initiated by the warden, he shall establish a disciplinary

1 board which will have the authority to impose any
2 appropriate discipline.

3 (2) Any committed person charged with a violation of
4 rules of behavior shall be given notice of the charge,
5 including a statement of the misconduct alleged and of the
6 rules this conduct is alleged to violate, no less than 24
7 hours before the disciplinary hearing.

8 (3) Any committed person charged with a violation of
9 rules is entitled to a hearing on that charge, at which
10 time he shall have an opportunity to appear before and
11 address the warden or disciplinary board deciding the
12 charge.

13 (4) The person or persons determining the disposition
14 of the charge may also summon to testify any witnesses or
15 other persons with relevant knowledge of the incident. The
16 person charged may be permitted to question any person so
17 summoned.

18 (5) If the charge is sustained, the person charged is
19 entitled to a written statement, within 14 days after the
20 hearing, of the decision by the warden or the disciplinary
21 board which determined the disposition of the charge, and
22 the statement shall include the basis for the decision and
23 the disciplinary action, if any, to be imposed.

24 (6) The warden may impose the discipline recommended by
25 the disciplinary board, or may reduce the discipline
26 recommended; however, no committed person may be penalized

1 more than 30 days of good behavior allowance for any one
2 infraction.

3 (7) The warden, in appropriate cases, may restore good
4 behavior allowance that has been revoked, suspended or
5 reduced.

6 (e) The warden, or his or her designee, may revoke the good
7 behavior allowance specified in Section 3 of this Act of an
8 inmate who is sentenced to the Illinois Department of
9 Corrections for misconduct committed by the inmate while in
10 custody of the warden. If an inmate while in custody of the
11 warden is convicted of assault or battery on a peace officer,
12 correctional employee, or another inmate, or for criminal
13 damage to property or for bringing into or possessing
14 contraband in the penal institution in violation of Section
15 31A-1.1 of the Criminal Code of 1961 or the Criminal Code of
16 2012, his or her day for day good behavior allowance shall be
17 revoked for each day such allowance was earned while the inmate
18 was in custody of the warden.

19 (Source: P.A. 96-495, eff. 1-1-10.)

20 Section 685. The Arsonist Registration Act is amended by
21 changing Section 5 as follows:

22 (730 ILCS 148/5)

23 Sec. 5. Definitions. In this Act:

24 (a) "Arsonist" means any person who is:

1 (1) charged under Illinois law, or any substantially
2 similar federal, Uniform Code of Military Justice, sister
3 state, or foreign country law, with an arson offense, set
4 forth in subsection (b) of this Section or the attempt to
5 commit an included arson offense, and:

6 (i) is convicted of such offense or an attempt to
7 commit such offense; or

8 (ii) is found not guilty by reason of insanity of
9 such offense or an attempt to commit such offense; or

10 (iii) is found not guilty by reason of insanity
11 under subsection (c) of Section 104-25 of the Code of
12 Criminal Procedure of 1963 of such offense or an
13 attempt to commit such offense; or

14 (iv) is the subject of a finding not resulting in
15 an acquittal at a hearing conducted under subsection
16 (a) of Section 104-25 of the Code of Criminal Procedure
17 of 1963 for the alleged commission or attempted
18 commission of such offense; or

19 (v) is found not guilty by reason of insanity
20 following a hearing conducted under a federal, Uniform
21 Code of Military Justice, sister state, or foreign
22 country law substantially similar to subsection (c) of
23 Section 104-25 of the Code of Criminal Procedure of
24 1963 of such offense or of the attempted commission of
25 such offense; or

26 (vi) is the subject of a finding not resulting in

1 an acquittal at a hearing conducted under a federal,
2 Uniform Code of Military Justice, sister state, or
3 foreign country law substantially similar to
4 subsection (a) of Section 104-25 of the Code of
5 Criminal Procedure of 1963 for the alleged violation or
6 attempted commission of such offense;

7 (2) is a minor who has been tried and convicted in an
8 adult criminal prosecution as the result of committing or
9 attempting to commit an offense specified in subsection (b)
10 of this Section or a violation of any substantially similar
11 federal, Uniform Code of Military Justice, sister state, or
12 foreign country law. Convictions that result from or are
13 connected with the same act, or result from offenses
14 committed at the same time, shall be counted for the
15 purpose of this Act as one conviction. Any conviction set
16 aside under law is not a conviction for purposes of this
17 Act.

18 (b) "Arson offense" means:

19 (1) A violation of any of the following Sections of the
20 Criminal Code of 1961 or the Criminal Code of 2012:

21 (i) 20-1 (arson; residential arson; place of
22 worship arson),

23 (ii) 20-1.1 (aggravated arson),

24 (iii) 20-1(b) or 20-1.2 (residential arson),

25 (iv) 20-1(b-5) or 20-1.3 (place of worship arson),

26 (v) 20-2 (possession of explosives or explosive or

1 incendiary devices), or

2 (vi) An attempt to commit any of the offenses
3 listed in clauses (i) through (v).

4 (2) A violation of any former law of this State
5 substantially equivalent to any offense listed in
6 subsection (b) of this Section.

7 (c) A conviction for an offense of federal law, Uniform
8 Code of Military Justice, or the law of another state or a
9 foreign country that is substantially equivalent to any offense
10 listed in subsection (b) of this Section shall constitute a
11 conviction for the purpose of this Act.

12 (d) "Law enforcement agency having jurisdiction" means the
13 Chief of Police in each of the municipalities in which the
14 arsonist expects to reside, work, or attend school (1) upon his
15 or her discharge, parole or release or (2) during the service
16 of his or her sentence of probation or conditional discharge,
17 or the Sheriff of the county, in the event no Police Chief
18 exists or if the offender intends to reside, work, or attend
19 school in an unincorporated area. "Law enforcement agency
20 having jurisdiction" includes the location where out-of-state
21 students attend school and where out-of-state employees are
22 employed or are otherwise required to register.

23 (e) "Out-of-state student" means any arsonist, as defined
24 in this Section, who is enrolled in Illinois, on a full-time or
25 part-time basis, in any public or private educational
26 institution, including, but not limited to, any secondary

1 school, trade or professional institution, or institution of
2 higher learning.

3 (f) "Out-of-state employee" means any arsonist, as defined
4 in this Section, who works in Illinois, regardless of whether
5 the individual receives payment for services performed, for a
6 period of time of 10 or more days or for an aggregate period of
7 time of 30 or more days during any calendar year. Persons who
8 operate motor vehicles in the State accrue one day of
9 employment time for any portion of a day spent in Illinois.

10 (g) "I-CLEAR" means the Illinois Citizens and Law
11 Enforcement Analysis and Reporting System.

12 (Source: P.A. 97-1108, eff. 1-1-13.)

13 Section 690. The Sex Offender Registration Act is amended
14 by changing Sections 2, 3, 6, and 8 as follows:

15 (730 ILCS 150/2) (from Ch. 38, par. 222)

16 Sec. 2. Definitions.

17 (A) As used in this Article, "sex offender" means any
18 person who is:

19 (1) charged pursuant to Illinois law, or any
20 substantially similar federal, Uniform Code of Military
21 Justice, sister state, or foreign country law, with a sex
22 offense set forth in subsection (B) of this Section or the
23 attempt to commit an included sex offense, and:

24 (a) is convicted of such offense or an attempt to

1 commit such offense; or

2 (b) is found not guilty by reason of insanity of
3 such offense or an attempt to commit such offense; or

4 (c) is found not guilty by reason of insanity
5 pursuant to Section 104-25(c) of the Code of Criminal
6 Procedure of 1963 of such offense or an attempt to
7 commit such offense; or

8 (d) is the subject of a finding not resulting in an
9 acquittal at a hearing conducted pursuant to Section
10 104-25(a) of the Code of Criminal Procedure of 1963 for
11 the alleged commission or attempted commission of such
12 offense; or

13 (e) is found not guilty by reason of insanity
14 following a hearing conducted pursuant to a federal,
15 Uniform Code of Military Justice, sister state, or
16 foreign country law substantially similar to Section
17 104-25(c) of the Code of Criminal Procedure of 1963 of
18 such offense or of the attempted commission of such
19 offense; or

20 (f) is the subject of a finding not resulting in an
21 acquittal at a hearing conducted pursuant to a federal,
22 Uniform Code of Military Justice, sister state, or
23 foreign country law substantially similar to Section
24 104-25(a) of the Code of Criminal Procedure of 1963 for
25 the alleged violation or attempted commission of such
26 offense; or

1 (2) declared as a sexually dangerous person pursuant to
2 the Illinois Sexually Dangerous Persons Act, or any
3 substantially similar federal, Uniform Code of Military
4 Justice, sister state, or foreign country law; or

5 (3) subject to the provisions of Section 2 of the
6 Interstate Agreements on Sexually Dangerous Persons Act;
7 or

8 (4) found to be a sexually violent person pursuant to
9 the Sexually Violent Persons Commitment Act or any
10 substantially similar federal, Uniform Code of Military
11 Justice, sister state, or foreign country law; or

12 (5) adjudicated a juvenile delinquent as the result of
13 committing or attempting to commit an act which, if
14 committed by an adult, would constitute any of the offenses
15 specified in item (B), (C), or (C-5) of this Section or a
16 violation of any substantially similar federal, Uniform
17 Code of Military Justice, sister state, or foreign country
18 law, or found guilty under Article V of the Juvenile Court
19 Act of 1987 of committing or attempting to commit an act
20 which, if committed by an adult, would constitute any of
21 the offenses specified in item (B), (C), or (C-5) of this
22 Section or a violation of any substantially similar
23 federal, Uniform Code of Military Justice, sister state, or
24 foreign country law.

25 Convictions that result from or are connected with the same
26 act, or result from offenses committed at the same time, shall

1 be counted for the purpose of this Article as one conviction.
2 Any conviction set aside pursuant to law is not a conviction
3 for purposes of this Article.

4 For purposes of this Section, "convicted" shall have the
5 same meaning as "adjudicated".

6 (B) As used in this Article, "sex offense" means:

7 (1) A violation of any of the following Sections of the
8 Criminal Code of 1961 or the Criminal Code of 2012:

9 11-20.1 (child pornography),

10 11-20.1B or 11-20.3 (aggravated child
11 pornography),

12 11-6 (indecent solicitation of a child),

13 11-9.1 (sexual exploitation of a child),

14 11-9.2 (custodial sexual misconduct),

15 11-9.5 (sexual misconduct with a person with a
16 disability),

17 11-14.4 (promoting juvenile prostitution),

18 11-15.1 (soliciting for a juvenile prostitute),

19 11-18.1 (patronizing a juvenile prostitute),

20 11-17.1 (keeping a place of juvenile
21 prostitution),

22 11-19.1 (juvenile pimping),

23 11-19.2 (exploitation of a child),

24 11-25 (grooming),

25 11-26 (traveling to meet a minor),

26 11-1.20 or 12-13 (criminal sexual assault),

1 11-1.30 or 12-14 (aggravated criminal sexual
2 assault),

3 11-1.40 or 12-14.1 (predatory criminal sexual
4 assault of a child),

5 11-1.50 or 12-15 (criminal sexual abuse),

6 11-1.60 or 12-16 (aggravated criminal sexual
7 abuse),

8 12-33 (ritualized abuse of a child).

9 An attempt to commit any of these offenses.

10 (1.5) A violation of any of the following Sections of
11 the Criminal Code of 1961 or the Criminal Code of 2012,
12 when the victim is a person under 18 years of age, the
13 defendant is not a parent of the victim, the offense was
14 sexually motivated as defined in Section 10 of the Sex
15 Offender Evaluation and Treatment Act, and the offense was
16 committed on or after January 1, 1996:

17 10-1 (kidnapping),

18 10-2 (aggravated kidnapping),

19 10-3 (unlawful restraint),

20 10-3.1 (aggravated unlawful restraint).

21 If the offense was committed before January 1, 1996, it
22 is a sex offense requiring registration only when the
23 person is convicted of any felony after July 1, 2011, and
24 paragraph (2.1) of subsection (c) of Section 3 of this Act
25 applies.

26 (1.6) First degree murder under Section 9-1 of the

1 Criminal Code of 1961 or the Criminal Code of 2012,
2 provided the offense was sexually motivated as defined in
3 Section 10 of the Sex Offender Management Board Act.

4 (1.7) (Blank).

5 (1.8) A violation or attempted violation of Section
6 11-11 (sexual relations within families) of the Criminal
7 Code of 1961 or the Criminal Code of 2012, and the offense
8 was committed on or after June 1, 1997. If the offense was
9 committed before June 1, 1997, it is a sex offense
10 requiring registration only when the person is convicted of
11 any felony after July 1, 2011, and paragraph (2.1) of
12 subsection (c) of Section 3 of this Act applies.

13 (1.9) Child abduction under paragraph (10) of
14 subsection (b) of Section 10-5 of the Criminal Code of 1961
15 or the Criminal Code of 2012 committed by luring or
16 attempting to lure a child under the age of 16 into a motor
17 vehicle, building, house trailer, or dwelling place
18 without the consent of the parent or lawful custodian of
19 the child for other than a lawful purpose and the offense
20 was committed on or after January 1, 1998, provided the
21 offense was sexually motivated as defined in Section 10 of
22 the Sex Offender Management Board Act. If the offense was
23 committed before January 1, 1998, it is a sex offense
24 requiring registration only when the person is convicted of
25 any felony after July 1, 2011, and paragraph (2.1) of
26 subsection (c) of Section 3 of this Act applies.

1 (1.10) A violation or attempted violation of any of the
2 following Sections of the Criminal Code of 1961 or the
3 Criminal Code of 2012 when the offense was committed on or
4 after July 1, 1999:

5 10-4 (forcible detention, if the victim is under 18
6 years of age), provided the offense was sexually
7 motivated as defined in Section 10 of the Sex Offender
8 Management Board Act,

9 11-6.5 (indecent solicitation of an adult),

10 11-14.3 that involves soliciting for a prostitute,
11 or 11-15 (soliciting for a prostitute, if the victim is
12 under 18 years of age),

13 subdivision (a) (2) (A) or (a) (2) (B) of Section
14 11-14.3, or Section 11-16 (pandering, if the victim is
15 under 18 years of age),

16 11-18 (patronizing a prostitute, if the victim is
17 under 18 years of age),

18 subdivision (a) (2) (C) of Section 11-14.3, or
19 Section 11-19 (pimping, if the victim is under 18 years
20 of age).

21 If the offense was committed before July 1, 1999, it is
22 a sex offense requiring registration only when the person
23 is convicted of any felony after July 1, 2011, and
24 paragraph (2.1) of subsection (c) of Section 3 of this Act
25 applies.

26 (1.11) A violation or attempted violation of any of the

1 following Sections of the Criminal Code of 1961 or the
2 Criminal Code of 2012 when the offense was committed on or
3 after August 22, 2002:

4 11-9 or 11-30 (public indecency for a third or
5 subsequent conviction).

6 If the third or subsequent conviction was imposed
7 before August 22, 2002, it is a sex offense requiring
8 registration only when the person is convicted of any
9 felony after July 1, 2011, and paragraph (2.1) of
10 subsection (c) of Section 3 of this Act applies.

11 (1.12) A violation or attempted violation of Section
12 5.1 of the Wrongs to Children Act or Section 11-9.1A of the
13 Criminal Code of 1961 or the Criminal Code of 2012
14 (permitting sexual abuse) when the offense was committed on
15 or after August 22, 2002. If the offense was committed
16 before August 22, 2002, it is a sex offense requiring
17 registration only when the person is convicted of any
18 felony after July 1, 2011, and paragraph (2.1) of
19 subsection (c) of Section 3 of this Act applies.

20 (2) A violation of any former law of this State
21 substantially equivalent to any offense listed in
22 subsection (B) of this Section.

23 (C) A conviction for an offense of federal law, Uniform
24 Code of Military Justice, or the law of another state or a
25 foreign country that is substantially equivalent to any offense
26 listed in subsections (B), (C), (E), and (E-5) of this Section

1 shall constitute a conviction for the purpose of this Article.
2 A finding or adjudication as a sexually dangerous person or a
3 sexually violent person under any federal law, Uniform Code of
4 Military Justice, or the law of another state or foreign
5 country that is substantially equivalent to the Sexually
6 Dangerous Persons Act or the Sexually Violent Persons
7 Commitment Act shall constitute an adjudication for the
8 purposes of this Article.

9 (C-5) A person at least 17 years of age at the time of the
10 commission of the offense who is convicted of first degree
11 murder under Section 9-1 of the Criminal Code of 1961 or the
12 Criminal Code of 2012, against a person under 18 years of age,
13 shall be required to register for natural life. A conviction
14 for an offense of federal, Uniform Code of Military Justice,
15 sister state, or foreign country law that is substantially
16 equivalent to any offense listed in subsection (C-5) of this
17 Section shall constitute a conviction for the purpose of this
18 Article. This subsection (C-5) applies to a person who
19 committed the offense before June 1, 1996 if: (i) the person is
20 incarcerated in an Illinois Department of Corrections facility
21 on August 20, 2004 (the effective date of Public Act 93-977),
22 or (ii) subparagraph (i) does not apply and the person is
23 convicted of any felony after July 1, 2011, and paragraph (2.1)
24 of subsection (c) of Section 3 of this Act applies.

25 (C-6) A person who is convicted or adjudicated delinquent
26 of first degree murder as defined in Section 9-1 of the

1 Criminal Code of 1961 or the Criminal Code of 2012, against a
2 person 18 years of age or over, shall be required to register
3 for his or her natural life. A conviction for an offense of
4 federal, Uniform Code of Military Justice, sister state, or
5 foreign country law that is substantially equivalent to any
6 offense listed in subsection (C-6) of this Section shall
7 constitute a conviction for the purpose of this Article. This
8 subsection (C-6) does not apply to those individuals released
9 from incarceration more than 10 years prior to January 1, 2012
10 (the effective date of Public Act 97-154).

11 (D) As used in this Article, "law enforcement agency having
12 jurisdiction" means the Chief of Police in each of the
13 municipalities in which the sex offender expects to reside,
14 work, or attend school (1) upon his or her discharge, parole or
15 release or (2) during the service of his or her sentence of
16 probation or conditional discharge, or the Sheriff of the
17 county, in the event no Police Chief exists or if the offender
18 intends to reside, work, or attend school in an unincorporated
19 area. "Law enforcement agency having jurisdiction" includes
20 the location where out-of-state students attend school and
21 where out-of-state employees are employed or are otherwise
22 required to register.

23 (D-1) As used in this Article, "supervising officer" means
24 the assigned Illinois Department of Corrections parole agent or
25 county probation officer.

26 (E) As used in this Article, "sexual predator" means any

1 person who, after July 1, 1999, is:

2 (1) Convicted for an offense of federal, Uniform Code
3 of Military Justice, sister state, or foreign country law
4 that is substantially equivalent to any offense listed in
5 subsection (E) or (E-5) of this Section shall constitute a
6 conviction for the purpose of this Article. Convicted of a
7 violation or attempted violation of any of the following
8 Sections of the Criminal Code of 1961 or the Criminal Code
9 of 2012:

10 10-5.1 (luring of a minor),

11 11-14.4 that involves keeping a place of juvenile
12 prostitution, or 11-17.1 (keeping a place of juvenile
13 prostitution),

14 subdivision (a) (2) or (a) (3) of Section 11-14.4,
15 or Section 11-19.1 (juvenile pimping),

16 subdivision (a) (4) of Section 11-14.4, or Section
17 11-19.2 (exploitation of a child),

18 11-20.1 (child pornography),

19 11-20.1B or 11-20.3 (aggravated child
20 pornography),

21 11-1.20 or 12-13 (criminal sexual assault),

22 11-1.30 or 12-14 (aggravated criminal sexual
23 assault),

24 11-1.40 or 12-14.1 (predatory criminal sexual
25 assault of a child),

26 11-1.60 or 12-16 (aggravated criminal sexual

1 abuse),

2 12-33 (ritualized abuse of a child);

3 (2) (blank);

4 (3) declared as a sexually dangerous person pursuant to
5 the Sexually Dangerous Persons Act or any substantially
6 similar federal, Uniform Code of Military Justice, sister
7 state, or foreign country law;

8 (4) found to be a sexually violent person pursuant to
9 the Sexually Violent Persons Commitment Act or any
10 substantially similar federal, Uniform Code of Military
11 Justice, sister state, or foreign country law;

12 (5) convicted of a second or subsequent offense which
13 requires registration pursuant to this Act. For purposes of
14 this paragraph (5), "convicted" shall include a conviction
15 under any substantially similar Illinois, federal, Uniform
16 Code of Military Justice, sister state, or foreign country
17 law;

18 (6) (blank); or

19 (7) if the person was convicted of an offense set forth
20 in this subsection (E) on or before July 1, 1999, the
21 person is a sexual predator for whom registration is
22 required only when the person is convicted of a felony
23 offense after July 1, 2011, and paragraph (2.1) of
24 subsection (c) of Section 3 of this Act applies.

25 (E-5) As used in this Article, "sexual predator" also means
26 a person convicted of a violation or attempted violation of any

1 of the following Sections of the Criminal Code of 1961 or the
2 Criminal Code of 2012:

3 (1) Section 9-1 (first degree murder, when the victim
4 was a person under 18 years of age and the defendant was at
5 least 17 years of age at the time of the commission of the
6 offense, provided the offense was sexually motivated as
7 defined in Section 10 of the Sex Offender Management Board
8 Act);

9 (2) Section 11-9.5 (sexual misconduct with a person
10 with a disability);

11 (3) when the victim is a person under 18 years of age,
12 the defendant is not a parent of the victim, the offense
13 was sexually motivated as defined in Section 10 of the Sex
14 Offender Management Board Act, and the offense was
15 committed on or after January 1, 1996: (A) Section 10-1
16 (kidnapping), (B) Section 10-2 (aggravated kidnapping),
17 (C) Section 10-3 (unlawful restraint), and (D) Section
18 10-3.1 (aggravated unlawful restraint); and

19 (4) Section 10-5(b)(10) (child abduction committed by
20 luring or attempting to lure a child under the age of 16
21 into a motor vehicle, building, house trailer, or dwelling
22 place without the consent of the parent or lawful custodian
23 of the child for other than a lawful purpose and the
24 offense was committed on or after January 1, 1998, provided
25 the offense was sexually motivated as defined in Section 10
26 of the Sex Offender Management Board Act).

1 (E-10) As used in this Article, "sexual predator" also
2 means a person required to register in another State due to a
3 conviction, adjudication or other action of any court
4 triggering an obligation to register as a sex offender, sexual
5 predator, or substantially similar status under the laws of
6 that State.

7 (F) As used in this Article, "out-of-state student" means
8 any sex offender, as defined in this Section, or sexual
9 predator who is enrolled in Illinois, on a full-time or
10 part-time basis, in any public or private educational
11 institution, including, but not limited to, any secondary
12 school, trade or professional institution, or institution of
13 higher learning.

14 (G) As used in this Article, "out-of-state employee" means
15 any sex offender, as defined in this Section, or sexual
16 predator who works in Illinois, regardless of whether the
17 individual receives payment for services performed, for a
18 period of time of 10 or more days or for an aggregate period of
19 time of 30 or more days during any calendar year. Persons who
20 operate motor vehicles in the State accrue one day of
21 employment time for any portion of a day spent in Illinois.

22 (H) As used in this Article, "school" means any public or
23 private educational institution, including, but not limited
24 to, any elementary or secondary school, trade or professional
25 institution, or institution of higher education.

26 (I) As used in this Article, "fixed residence" means any

1 and all places that a sex offender resides for an aggregate
2 period of time of 5 or more days in a calendar year.

3 (J) As used in this Article, "Internet protocol address"
4 means the string of numbers by which a location on the Internet
5 is identified by routers or other computers connected to the
6 Internet.

7 (Source: P.A. 96-301, eff. 8-11-09; 96-1089, eff. 1-1-11;
8 96-1551, eff. 7-1-11; 97-154, eff. 1-1-12; 97-578, eff. 1-1-12;
9 97-1073, eff. 1-1-13; 97-1098, eff. 1-1-13; 97-1109, eff.
10 1-1-13; revised 9-20-12.)

11 (730 ILCS 150/3)

12 Sec. 3. Duty to register.

13 (a) A sex offender, as defined in Section 2 of this Act, or
14 sexual predator shall, within the time period prescribed in
15 subsections (b) and (c), register in person and provide
16 accurate information as required by the Department of State
17 Police. Such information shall include a current photograph,
18 current address, current place of employment, the sex
19 offender's or sexual predator's telephone number, including
20 cellular telephone number, the employer's telephone number,
21 school attended, all e-mail addresses, instant messaging
22 identities, chat room identities, and other Internet
23 communications identities that the sex offender uses or plans
24 to use, all Uniform Resource Locators (URLs) registered or used
25 by the sex offender, all blogs and other Internet sites

1 maintained by the sex offender or to which the sex offender has
2 uploaded any content or posted any messages or information,
3 extensions of the time period for registering as provided in
4 this Article and, if an extension was granted, the reason why
5 the extension was granted and the date the sex offender was
6 notified of the extension. The information shall also include a
7 copy of the terms and conditions of parole or release signed by
8 the sex offender and given to the sex offender by his or her
9 supervising officer, the county of conviction, license plate
10 numbers for every vehicle registered in the name of the sex
11 offender, the age of the sex offender at the time of the
12 commission of the offense, the age of the victim at the time of
13 the commission of the offense, and any distinguishing marks
14 located on the body of the sex offender. A sex offender
15 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or
16 11-21 of the Criminal Code of 1961 or the Criminal Code of 2012
17 shall provide all Internet protocol (IP) addresses in his or
18 her residence, registered in his or her name, accessible at his
19 or her place of employment, or otherwise under his or her
20 control or custody. If the sex offender is a child sex offender
21 as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
22 1961 or the Criminal Code of 2012, the sex offender shall
23 report to the registering agency whether he or she is living in
24 a household with a child under 18 years of age who is not his or
25 her own child, provided that his or her own child is not the
26 victim of the sex offense. The sex offender or sexual predator

1 shall register:

2 (1) with the chief of police in the municipality in
3 which he or she resides or is temporarily domiciled for a
4 period of time of 3 or more days, unless the municipality
5 is the City of Chicago, in which case he or she shall
6 register at the Chicago Police Department Headquarters; or

7 (2) with the sheriff in the county in which he or she
8 resides or is temporarily domiciled for a period of time of
9 3 or more days in an unincorporated area or, if
10 incorporated, no police chief exists.

11 If the sex offender or sexual predator is employed at or
12 attends an institution of higher education, he or she shall
13 also register:

14 (i) with:

15 (A) the chief of police in the municipality in
16 which he or she is employed at or attends an
17 institution of higher education, unless the
18 municipality is the City of Chicago, in which case he
19 or she shall register at the Chicago Police Department
20 Headquarters; or

21 (B) the sheriff in the county in which he or she is
22 employed or attends an institution of higher education
23 located in an unincorporated area, or if incorporated,
24 no police chief exists; and

25 (ii) with the public safety or security director of the
26 institution of higher education which he or she is employed

1 at or attends.

2 The registration fees shall only apply to the municipality
3 or county of primary registration, and not to campus
4 registration.

5 For purposes of this Article, the place of residence or
6 temporary domicile is defined as any and all places where the
7 sex offender resides for an aggregate period of time of 3 or
8 more days during any calendar year. Any person required to
9 register under this Article who lacks a fixed address or
10 temporary domicile must notify, in person, the agency of
11 jurisdiction of his or her last known address within 3 days
12 after ceasing to have a fixed residence.

13 A sex offender or sexual predator who is temporarily absent
14 from his or her current address of registration for 3 or more
15 days shall notify the law enforcement agency having
16 jurisdiction of his or her current registration, including the
17 itinerary for travel, in the manner provided in Section 6 of
18 this Act for notification to the law enforcement agency having
19 jurisdiction of change of address.

20 Any person who lacks a fixed residence must report weekly,
21 in person, with the sheriff's office of the county in which he
22 or she is located in an unincorporated area, or with the chief
23 of police in the municipality in which he or she is located.
24 The agency of jurisdiction will document each weekly
25 registration to include all the locations where the person has
26 stayed during the past 7 days.

1 The sex offender or sexual predator shall provide accurate
2 information as required by the Department of State Police. That
3 information shall include the sex offender's or sexual
4 predator's current place of employment.

5 (a-5) An out-of-state student or out-of-state employee
6 shall, within 3 days after beginning school or employment in
7 this State, register in person and provide accurate information
8 as required by the Department of State Police. Such information
9 will include current place of employment, school attended, and
10 address in state of residence. A sex offender convicted under
11 Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the
12 Criminal Code of 1961 or the Criminal Code of 2012 shall
13 provide all Internet protocol (IP) addresses in his or her
14 residence, registered in his or her name, accessible at his or
15 her place of employment, or otherwise under his or her control
16 or custody. The out-of-state student or out-of-state employee
17 shall register:

18 (1) with:

19 (A) the chief of police in the municipality in
20 which he or she attends school or is employed for a
21 period of time of 5 or more days or for an aggregate
22 period of time of more than 30 days during any calendar
23 year, unless the municipality is the City of Chicago,
24 in which case he or she shall register at the Chicago
25 Police Department Headquarters; or

26 (B) the sheriff in the county in which he or she

1 attends school or is employed for a period of time of 5
2 or more days or for an aggregate period of time of more
3 than 30 days during any calendar year in an
4 unincorporated area or, if incorporated, no police
5 chief exists; and

6 (2) with the public safety or security director of the
7 institution of higher education he or she is employed at or
8 attends for a period of time of 5 or more days or for an
9 aggregate period of time of more than 30 days during a
10 calendar year.

11 The registration fees shall only apply to the municipality
12 or county of primary registration, and not to campus
13 registration.

14 The out-of-state student or out-of-state employee shall
15 provide accurate information as required by the Department of
16 State Police. That information shall include the out-of-state
17 student's current place of school attendance or the
18 out-of-state employee's current place of employment.

19 (a-10) Any law enforcement agency registering sex
20 offenders or sexual predators in accordance with subsections
21 (a) or (a-5) of this Section shall forward to the Attorney
22 General a copy of sex offender registration forms from persons
23 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or
24 11-21 of the Criminal Code of 1961 or the Criminal Code of
25 2012, including periodic and annual registrations under
26 Section 6 of this Act.

1 (b) Any sex offender, as defined in Section 2 of this Act,
2 or sexual predator, regardless of any initial, prior, or other
3 registration, shall, within 3 days of beginning school, or
4 establishing a residence, place of employment, or temporary
5 domicile in any county, register in person as set forth in
6 subsection (a) or (a-5).

7 (c) The registration for any person required to register
8 under this Article shall be as follows:

9 (1) Any person registered under the Habitual Child Sex
10 Offender Registration Act or the Child Sex Offender
11 Registration Act prior to January 1, 1996, shall be deemed
12 initially registered as of January 1, 1996; however, this
13 shall not be construed to extend the duration of
14 registration set forth in Section 7.

15 (2) Except as provided in subsection (c)(2.1) or
16 (c)(4), any person convicted or adjudicated prior to
17 January 1, 1996, whose liability for registration under
18 Section 7 has not expired, shall register in person prior
19 to January 31, 1996.

20 (2.1) A sex offender or sexual predator, who has never
21 previously been required to register under this Act, has a
22 duty to register if the person has been convicted of any
23 felony offense after July 1, 2011. A person who previously
24 was required to register under this Act for a period of 10
25 years and successfully completed that registration period
26 has a duty to register if: (i) the person has been

1 convicted of any felony offense after July 1, 2011, and
2 (ii) the offense for which the 10 year registration was
3 served currently requires a registration period of more
4 than 10 years. Notification of an offender's duty to
5 register under this subsection shall be pursuant to Section
6 5-7 of this Act.

7 (2.5) Except as provided in subsection (c)(4), any
8 person who has not been notified of his or her
9 responsibility to register shall be notified by a criminal
10 justice entity of his or her responsibility to register.
11 Upon notification the person must then register within 3
12 days of notification of his or her requirement to register.
13 Except as provided in subsection (c)(2.1), if notification
14 is not made within the offender's 10 year registration
15 requirement, and the Department of State Police determines
16 no evidence exists or indicates the offender attempted to
17 avoid registration, the offender will no longer be required
18 to register under this Act.

19 (3) Except as provided in subsection (c)(4), any person
20 convicted on or after January 1, 1996, shall register in
21 person within 3 days after the entry of the sentencing
22 order based upon his or her conviction.

23 (4) Any person unable to comply with the registration
24 requirements of this Article because he or she is confined,
25 institutionalized, or imprisoned in Illinois on or after
26 January 1, 1996, shall register in person within 3 days of

1 discharge, parole or release.

2 (5) The person shall provide positive identification
3 and documentation that substantiates proof of residence at
4 the registering address.

5 (6) The person shall pay a \$100 initial registration
6 fee and a \$100 annual renewal fee. The fees shall be used
7 by the registering agency for official purposes. The agency
8 shall establish procedures to document receipt and use of
9 the funds. The law enforcement agency having jurisdiction
10 may waive the registration fee if it determines that the
11 person is indigent and unable to pay the registration fee.
12 Thirty-five dollars for the initial registration fee and
13 \$35 of the annual renewal fee shall be used by the
14 registering agency for official purposes. Five dollars of
15 the initial registration fee and \$5 of the annual fee shall
16 be deposited into the Sex Offender Management Board Fund
17 under Section 19 of the Sex Offender Management Board Act.
18 Money deposited into the Sex Offender Management Board Fund
19 shall be administered by the Sex Offender Management Board
20 and shall be used by the Board to comply with the
21 provisions of the Sex Offender Management Board Act. Thirty
22 dollars of the initial registration fee and \$30 of the
23 annual renewal fee shall be deposited into the Sex Offender
24 Registration Fund and shall be used by the Department of
25 State Police to maintain and update the Illinois State
26 Police Sex Offender Registry. Thirty dollars of the initial

1 registration fee and \$30 of the annual renewal fee shall be
2 deposited into the Attorney General Sex Offender
3 Awareness, Training, and Education Fund. Moneys deposited
4 into the Fund shall be used by the Attorney General to
5 administer the I-SORT program and to alert and educate the
6 public, victims, and witnesses of their rights under
7 various victim notification laws and for training law
8 enforcement agencies, State's Attorneys, and medical
9 providers of their legal duties concerning the prosecution
10 and investigation of sex offenses.

11 (d) Within 3 days after obtaining or changing employment
12 and, if employed on January 1, 2000, within 5 days after that
13 date, a person required to register under this Section must
14 report, in person to the law enforcement agency having
15 jurisdiction, the business name and address where he or she is
16 employed. If the person has multiple businesses or work
17 locations, every business and work location must be reported to
18 the law enforcement agency having jurisdiction.

19 (Source: P.A. 96-1094, eff. 1-1-11; 96-1096, eff. 1-1-11;
20 96-1097, eff. 1-1-11; 96-1102, eff. 1-1-11; 96-1104, eff.
21 1-1-11; 96-1551, eff. 7-1-11; 97-155, eff. 1-1-12; 97-333, eff.
22 8-12-11; 97-578, eff. 1-1-12; 97-1098, eff. 1-1-13; 97-1109,
23 eff. 1-1-13.)

24 (730 ILCS 150/6)

25 Sec. 6. Duty to report; change of address, school, or

1 employment; duty to inform. A person who has been adjudicated
2 to be sexually dangerous or is a sexually violent person and is
3 later released, or found to be no longer sexually dangerous or
4 no longer a sexually violent person and discharged, or
5 convicted of a violation of this Act after July 1, 2005, shall
6 report in person to the law enforcement agency with whom he or
7 she last registered no later than 90 days after the date of his
8 or her last registration and every 90 days thereafter and at
9 such other times at the request of the law enforcement agency
10 not to exceed 4 times a year. Such sexually dangerous or
11 sexually violent person must report all new or changed e-mail
12 addresses, all new or changed instant messaging identities, all
13 new or changed chat room identities, and all other new or
14 changed Internet communications identities that the sexually
15 dangerous or sexually violent person uses or plans to use, all
16 new or changed Uniform Resource Locators (URLs) registered or
17 used by the sexually dangerous or sexually violent person, and
18 all new or changed blogs and other Internet sites maintained by
19 the sexually dangerous or sexually violent person or to which
20 the sexually dangerous or sexually violent person has uploaded
21 any content or posted any messages or information. Any person
22 who lacks a fixed residence must report weekly, in person, to
23 the appropriate law enforcement agency where the sex offender
24 is located. Any other person who is required to register under
25 this Article shall report in person to the appropriate law
26 enforcement agency with whom he or she last registered within

1 one year from the date of last registration and every year
2 thereafter and at such other times at the request of the law
3 enforcement agency not to exceed 4 times a year. If any person
4 required to register under this Article lacks a fixed residence
5 or temporary domicile, he or she must notify, in person, the
6 agency of jurisdiction of his or her last known address within
7 3 days after ceasing to have a fixed residence and if the
8 offender leaves the last jurisdiction of residence, he or she,
9 must within 3 days after leaving register in person with the
10 new agency of jurisdiction. If any other person required to
11 register under this Article changes his or her residence
12 address, place of employment, telephone number, cellular
13 telephone number, or school, he or she shall report in person,
14 to the law enforcement agency with whom he or she last
15 registered, his or her new address, change in employment,
16 telephone number, cellular telephone number, or school, all new
17 or changed e-mail addresses, all new or changed instant
18 messaging identities, all new or changed chat room identities,
19 and all other new or changed Internet communications identities
20 that the sex offender uses or plans to use, all new or changed
21 Uniform Resource Locators (URLs) registered or used by the sex
22 offender, and all new or changed blogs and other Internet sites
23 maintained by the sex offender or to which the sex offender has
24 uploaded any content or posted any messages or information, and
25 register, in person, with the appropriate law enforcement
26 agency within the time period specified in Section 3. If the

1 sex offender is a child sex offender as defined in Section
2 11-9.3 or 11-9.4 of the Criminal Code of 1961 or the Criminal
3 Code of 2012, the sex offender shall within 3 days after
4 beginning to reside in a household with a child under 18 years
5 of age who is not his or her own child, provided that his or her
6 own child is not the victim of the sex offense, report that
7 information to the registering law enforcement agency. The law
8 enforcement agency shall, within 3 days of the reporting in
9 person by the person required to register under this Article,
10 notify the Department of State Police of the new place of
11 residence, change in employment, telephone number, cellular
12 telephone number, or school.

13 If any person required to register under this Article
14 intends to establish a residence or employment outside of the
15 State of Illinois, at least 10 days before establishing that
16 residence or employment, he or she shall report in person to
17 the law enforcement agency with which he or she last registered
18 of his or her out-of-state intended residence or employment.
19 The law enforcement agency with which such person last
20 registered shall, within 3 days after the reporting in person
21 of the person required to register under this Article of an
22 address or employment change, notify the Department of State
23 Police. The Department of State Police shall forward such
24 information to the out-of-state law enforcement agency having
25 jurisdiction in the form and manner prescribed by the
26 Department of State Police.

1 (Source: P.A. 96-1094, eff. 1-1-11; 96-1104, eff. 1-1-11;
2 97-333, eff. 8-12-11.)

3 (730 ILCS 150/8) (from Ch. 38, par. 228)

4 Sec. 8. Registration and DNA submission requirements.

5 (a) Registration. Registration as required by this Article
6 shall consist of a statement in writing signed by the person
7 giving the information that is required by the Department of
8 State Police, which may include the fingerprints and must
9 include a current photograph of the person, to be updated
10 annually. If the sex offender is a child sex offender as
11 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
12 1961 or the Criminal Code of 2012, he or she shall sign a
13 statement that he or she understands that according to Illinois
14 law as a child sex offender he or she may not reside within 500
15 feet of a school, park, or playground. The offender may also
16 not reside within 500 feet of a facility providing services
17 directed exclusively toward persons under 18 years of age
18 unless the sex offender meets specified exemptions. The
19 registration information must include whether the person is a
20 sex offender as defined in the Sex Offender Community
21 Notification Law. Within 3 days, the registering law
22 enforcement agency shall forward any required information to
23 the Department of State Police. The registering law enforcement
24 agency shall enter the information into the Law Enforcement
25 Agencies Data System (LEADS) as provided in Sections 6 and 7 of

1 the Intergovernmental Missing Child Recovery Act of 1984.

2 (b) DNA submission. Every person registering as a sex
3 offender pursuant to this Act, regardless of the date of
4 conviction or the date of initial registration who is required
5 to submit specimens of blood, saliva, or tissue for DNA
6 analysis as required by subsection (a) of Section 5-4-3 of the
7 Unified Code of Corrections shall submit the specimens as
8 required by that Section. Registered sex offenders who have
9 previously submitted a DNA specimen which has been uploaded to
10 the Illinois DNA database shall not be required to submit an
11 additional specimen pursuant to this Section.

12 (Source: P.A. 97-383, eff. 1-1-12.)

13 Section 695. The Murderer and Violent Offender Against
14 Youth Registration Act is amended by changing Section 5 as
15 follows:

16 (730 ILCS 154/5)

17 Sec. 5. Definitions.

18 (a) As used in this Act, "violent offender against youth"
19 means any person who is:

20 (1) charged pursuant to Illinois law, or any
21 substantially similar federal, Uniform Code of Military
22 Justice, sister state, or foreign country law, with a
23 violent offense against youth set forth in subsection (b)
24 of this Section or the attempt to commit an included

1 violent offense against youth, and:

2 (A) is convicted of such offense or an attempt to
3 commit such offense; or

4 (B) is found not guilty by reason of insanity of
5 such offense or an attempt to commit such offense; or

6 (C) is found not guilty by reason of insanity
7 pursuant to subsection (c) of Section 104-25 of the
8 Code of Criminal Procedure of 1963 of such offense or
9 an attempt to commit such offense; or

10 (D) is the subject of a finding not resulting in an
11 acquittal at a hearing conducted pursuant to
12 subsection (a) of Section 104-25 of the Code of
13 Criminal Procedure of 1963 for the alleged commission
14 or attempted commission of such offense; or

15 (E) is found not guilty by reason of insanity
16 following a hearing conducted pursuant to a federal,
17 Uniform Code of Military Justice, sister state, or
18 foreign country law substantially similar to
19 subsection (c) of Section 104-25 of the Code of
20 Criminal Procedure of 1963 of such offense or of the
21 attempted commission of such offense; or

22 (F) is the subject of a finding not resulting in an
23 acquittal at a hearing conducted pursuant to a federal,
24 Uniform Code of Military Justice, sister state, or
25 foreign country law substantially similar to
26 subsection (c) of Section 104-25 of the Code of

1 Criminal Procedure of 1963 for the alleged violation or
2 attempted commission of such offense; or

3 (2) adjudicated a juvenile delinquent as the result of
4 committing or attempting to commit an act which, if
5 committed by an adult, would constitute any of the offenses
6 specified in subsection (b) or (c-5) of this Section or a
7 violation of any substantially similar federal, Uniform
8 Code of Military Justice, sister state, or foreign country
9 law, or found guilty under Article V of the Juvenile Court
10 Act of 1987 of committing or attempting to commit an act
11 which, if committed by an adult, would constitute any of
12 the offenses specified in subsection (b) or (c-5) of this
13 Section or a violation of any substantially similar
14 federal, Uniform Code of Military Justice, sister state, or
15 foreign country law.

16 Convictions that result from or are connected with the same
17 act, or result from offenses committed at the same time, shall
18 be counted for the purpose of this Act as one conviction. Any
19 conviction set aside pursuant to law is not a conviction for
20 purposes of this Act.

21 For purposes of this Section, "convicted" shall have the
22 same meaning as "adjudicated". For the purposes of this Act, a
23 person who is defined as a violent offender against youth as a
24 result of being adjudicated a juvenile delinquent under
25 paragraph (2) of this subsection (a) upon attaining 17 years of
26 age shall be considered as having committed the violent offense

1 against youth on or after the 17th birthday of the violent
2 offender against youth. Registration of juveniles upon
3 attaining 17 years of age shall not extend the original
4 registration of 10 years from the date of conviction.

5 (b) As used in this Act, "violent offense against youth"
6 means:

7 (1) A violation of any of the following Sections of the
8 Criminal Code of 1961 or the Criminal Code of 2012, when
9 the victim is a person under 18 years of age and the
10 offense was committed on or after January 1, 1996:

11 10-1 (kidnapping),

12 10-2 (aggravated kidnapping),

13 10-3 (unlawful restraint),

14 10-3.1 (aggravated unlawful restraint).

15 An attempt to commit any of these offenses.

16 (2) First degree murder under Section 9-1 of the
17 Criminal Code of 1961 or the Criminal Code of 2012, when
18 the victim was a person under 18 years of age and the
19 defendant was at least 17 years of age at the time of the
20 commission of the offense.

21 (3) Child abduction under paragraph (10) of subsection
22 (b) of Section 10-5 of the Criminal Code of 1961 or the
23 Criminal Code of 2012 committed by luring or attempting to
24 lure a child under the age of 16 into a motor vehicle,
25 building, house trailer, or dwelling place without the
26 consent of the parent or lawful custodian of the child for

1 other than a lawful purpose and the offense was committed
2 on or after January 1, 1998.

3 (4) A violation or attempted violation of the following
4 Section of the Criminal Code of 1961 or the Criminal Code
5 of 2012 when the offense was committed on or after July 1,
6 1999:

7 10-4 (forcible detention, if the victim is under 18
8 years of age).

9 (4.1) Involuntary manslaughter under Section 9-3 of
10 the Criminal Code of 1961 or the Criminal Code of 2012
11 where baby shaking was the proximate cause of death of the
12 victim of the offense.

13 (4.2) Endangering the life or health of a child under
14 Section 12-21.6 or 12C-5 of the Criminal Code of 1961 or
15 the Criminal Code of 2012 that results in the death of the
16 child where baby shaking was the proximate cause of the
17 death of the child.

18 (4.3) Domestic battery resulting in bodily harm under
19 Section 12-3.2 of the Criminal Code of 1961 or the Criminal
20 Code of 2012 when the defendant was 18 years or older and
21 the victim was under 18 years of age and the offense was
22 committed on or after July 26, 2010.

23 (4.4) A violation or attempted violation of any of the
24 following Sections or clauses of the Criminal Code of 1961
25 or the Criminal Code of 2012 when the victim was under 18
26 years of age and the offense was committed on or after (1)

1 July 26, 2000 if the defendant was 18 years of age or older
2 or (2) July 26, 2010 and the defendant was under the age of
3 18:

4 12-3.3 (aggravated domestic battery),
5 12-3.05(a) (1), 12-3.05(d) (2), 12-3.05(f) (1),
6 12-4(a), 12-4(b) (1), 12-4(b) (14) (aggravated
7 battery),

8 12-3.05(a) (2) or 12-4.1 (heinous battery),
9 12-3.05(b) or 12-4.3 (aggravated battery of a
10 child),

11 12-3.1(a-5) or 12-4.4 (aggravated battery of an
12 unborn child),

13 12-33 (ritualized abuse of a child).

14 (4.5) A violation or attempted violation of any of the
15 following Sections of the Criminal Code of 1961 or the
16 Criminal Code of 2012 when the victim was under 18 years of
17 age and the offense was committed on or after (1) August 1,
18 2001 if the defendant was 18 years of age or older or (2)
19 August 1, 2011 and the defendant was under the age of 18:

20 12-3.05(e) (1), (2), (3), or (4) or 12-4.2
21 (aggravated battery with a firearm),

22 12-3.05(e) (5), (6), (7), or (8) or 12-4.2-5
23 (aggravated battery with a machine gun),

24 12-11 or 19-6 (home invasion).

25 (5) A violation of any former law of this State
26 substantially equivalent to any offense listed in this

1 subsection (b).

2 (b-5) For the purposes of this Section, "first degree
3 murder of an adult" means first degree murder under Section 9-1
4 of the Criminal Code of 1961 or the Criminal Code of 2012 when
5 the victim was a person 18 years of age or older at the time of
6 the commission of the offense.

7 (c) A conviction for an offense of federal law, Uniform
8 Code of Military Justice, or the law of another state or a
9 foreign country that is substantially equivalent to any offense
10 listed in subsections (b) and (c-5) of this Section shall
11 constitute a conviction for the purpose of this Act.

12 (c-5) A person at least 17 years of age at the time of the
13 commission of the offense who is convicted of first degree
14 murder under Section 9-1 of the Criminal Code of 1961 or the
15 Criminal Code of 2012, against a person under 18 years of age,
16 shall be required to register for natural life. A conviction
17 for an offense of federal, Uniform Code of Military Justice,
18 sister state, or foreign country law that is substantially
19 equivalent to any offense listed in this subsection (c-5) shall
20 constitute a conviction for the purpose of this Act. This
21 subsection (c-5) applies to a person who committed the offense
22 before June 1, 1996 only if the person is incarcerated in an
23 Illinois Department of Corrections facility on August 20, 2004.

24 (c-6) A person who is convicted or adjudicated delinquent
25 of first degree murder of an adult shall be required to
26 register for a period of 10 years after conviction or

1 adjudication if not confined to a penal institution, hospital,
2 or any other institution or facility, and if confined, for a
3 period of 10 years after parole, discharge, or release from any
4 such facility. A conviction for an offense of federal, Uniform
5 Code of Military Justice, sister state, or foreign country law
6 that is substantially equivalent to any offense listed in
7 subsection (c-6) of this Section shall constitute a conviction
8 for the purpose of this Act. This subsection (c-6) does not
9 apply to those individuals released from incarceration more
10 than 10 years prior to January 1, 2012 (the effective date of
11 Public Act 97-154).

12 (d) As used in this Act, "law enforcement agency having
13 jurisdiction" means the Chief of Police in each of the
14 municipalities in which the violent offender against youth
15 expects to reside, work, or attend school (1) upon his or her
16 discharge, parole or release or (2) during the service of his
17 or her sentence of probation or conditional discharge, or the
18 Sheriff of the county, in the event no Police Chief exists or
19 if the offender intends to reside, work, or attend school in an
20 unincorporated area. "Law enforcement agency having
21 jurisdiction" includes the location where out-of-state
22 students attend school and where out-of-state employees are
23 employed or are otherwise required to register.

24 (e) As used in this Act, "supervising officer" means the
25 assigned Illinois Department of Corrections parole agent or
26 county probation officer.

1 (f) As used in this Act, "out-of-state student" means any
2 violent offender against youth who is enrolled in Illinois, on
3 a full-time or part-time basis, in any public or private
4 educational institution, including, but not limited to, any
5 secondary school, trade or professional institution, or
6 institution of higher learning.

7 (g) As used in this Act, "out-of-state employee" means any
8 violent offender against youth who works in Illinois,
9 regardless of whether the individual receives payment for
10 services performed, for a period of time of 10 or more days or
11 for an aggregate period of time of 30 or more days during any
12 calendar year. Persons who operate motor vehicles in the State
13 accrue one day of employment time for any portion of a day
14 spent in Illinois.

15 (h) As used in this Act, "school" means any public or
16 private educational institution, including, but not limited
17 to, any elementary or secondary school, trade or professional
18 institution, or institution of higher education.

19 (i) As used in this Act, "fixed residence" means any and
20 all places that a violent offender against youth resides for an
21 aggregate period of time of 5 or more days in a calendar year.

22 (j) As used in this Act, "baby shaking" means the vigorous
23 shaking of an infant or a young child that may result in
24 bleeding inside the head and cause one or more of the following
25 conditions: irreversible brain damage; blindness, retinal
26 hemorrhage, or eye damage; cerebral palsy; hearing loss; spinal

1 cord injury, including paralysis; seizures; learning
2 disability; central nervous system injury; closed head injury;
3 rib fracture; subdural hematoma; or death.

4 (Source: P.A. 96-1115, eff. 1-1-11; 96-1294, eff. 7-26-10;
5 97-154, eff. 1-1-12; 97-333, eff. 8-12-11; 97-432, eff.
6 8-16-11; 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; revised
7 9-20-12.)

8 Section 700. The Secure Residential Youth Care Facility
9 Licensing Act is amended by changing Section 45-30 as follows:

10 (730 ILCS 175/45-30)

11 Sec. 45-30. License or employment eligibility.

12 (a) No applicant may receive a license from the Department
13 and no person may be employed by a licensed facility who
14 refuses to authorize an investigation as required by Section
15 45-25.

16 (b) No applicant may receive a license from the Department
17 and no person may be employed by a secure residential youth
18 care facility licensed by the Department who has been declared
19 a sexually dangerous person under the Sexually Dangerous
20 Persons Act or convicted of committing or attempting to commit
21 any of the following offenses under the Criminal Code of 1961
22 or the Criminal Code of 2012:

23 (1) First degree murder.

24 (2) A sex offense under Article 11, except offenses

1 described in Sections 11-7, 11-8, 11-12, 11-13, 11-18,
2 11-35, 11-40, and 11-45.

3 (3) Kidnapping.

4 (4) Aggravated kidnapping.

5 (5) Child abduction.

6 (6) Aggravated battery of a child as described in
7 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05.

8 (7) Criminal sexual assault.

9 (8) Aggravated criminal sexual assault.

10 (8.1) Predatory criminal sexual assault of a child.

11 (9) Criminal sexual abuse.

12 (10) Aggravated criminal sexual abuse.

13 (11) A federal offense or an offense in any other state
14 the elements of which are similar to any of the foregoing
15 offenses.

16 (Source: P.A. 96-1551, Article 1, Section 975, eff. 7-1-11;
17 96-1551, Article 2, Section 1080, eff. 7-1-11; 97-1109, eff.
18 1-1-13.)

19 Section 705. The Code of Civil Procedure is amended by
20 changing Sections 8-802, 8-802.1, 8-2001.5, 9-106.2, 13-202.1,
21 13-202.2, and 13-202.3 as follows:

22 (735 ILCS 5/8-802) (from Ch. 110, par. 8-802)

23 Sec. 8-802. Physician and patient. No physician or surgeon
24 shall be permitted to disclose any information he or she may

1 have acquired in attending any patient in a professional
2 character, necessary to enable him or her professionally to
3 serve the patient, except only (1) in trials for homicide when
4 the disclosure relates directly to the fact or immediate
5 circumstances of the homicide, (2) in actions, civil or
6 criminal, against the physician for malpractice, (3) with the
7 expressed consent of the patient, or in case of his or her
8 death or disability, of his or her personal representative or
9 other person authorized to sue for personal injury or of the
10 beneficiary of an insurance policy on his or her life, health,
11 or physical condition, or as authorized by Section 8-2001.5,
12 (4) in all actions brought by or against the patient, his or
13 her personal representative, a beneficiary under a policy of
14 insurance, or the executor or administrator of his or her
15 estate wherein the patient's physical or mental condition is an
16 issue, (5) upon an issue as to the validity of a document as a
17 will of the patient, (6) in any criminal action where the
18 charge is either first degree murder by abortion, attempted
19 abortion or abortion, (7) in actions, civil or criminal,
20 arising from the filing of a report in compliance with the
21 Abused and Neglected Child Reporting Act, (8) to any
22 department, agency, institution or facility which has custody
23 of the patient pursuant to State statute or any court order of
24 commitment, (9) in prosecutions where written results of blood
25 alcohol tests are admissible pursuant to Section 11-501.4 of
26 the Illinois Vehicle Code, (10) in prosecutions where written

1 results of blood alcohol tests are admissible under Section
2 5-11a of the Boat Registration and Safety Act, (11) in criminal
3 actions arising from the filing of a report of suspected
4 terrorist offense in compliance with Section 29D-10(p)(7) of
5 the Criminal Code of 2012 ~~1961~~, or (12) upon the issuance of a
6 subpoena pursuant to Section 38 of the Medical Practice Act of
7 1987; the issuance of a subpoena pursuant to Section 25.1 of
8 the Illinois Dental Practice Act; the issuance of a subpoena
9 pursuant to Section 22 of the Nursing Home Administrators
10 Licensing and Disciplinary Act; or the issuance of a subpoena
11 pursuant to Section 25.5 of the Workers' Compensation Act.

12 In the event of a conflict between the application of this
13 Section and the Mental Health and Developmental Disabilities
14 Confidentiality Act to a specific situation, the provisions of
15 the Mental Health and Developmental Disabilities
16 Confidentiality Act shall control.

17 (Source: P.A. 97-18, eff. 6-28-11; 97-623, eff. 11-23-11;
18 97-813, eff. 7-13-12.)

19 (735 ILCS 5/8-802.1) (from Ch. 110, par. 8-802.1)

20 Sec. 8-802.1. Confidentiality of Statements Made to Rape
21 Crisis Personnel.

22 (a) Purpose. This Section is intended to protect victims of
23 rape from public disclosure of statements they make in
24 confidence to counselors of organizations established to help
25 them. On or after July 1, 1984, "rape" means an act of forced

1 sexual penetration or sexual conduct, as defined in Section
2 11-0.1 of the Criminal Code of 2012 ~~1961, as amended~~, including
3 acts prohibited under Sections 11-1.20 through 11-1.60 or 12-13
4 through 12-16 of the Criminal Code of 1961 or the Criminal Code
5 of 2012, as amended. Because of the fear and stigma that often
6 results from those crimes, many victims hesitate to seek help
7 even where it is available at no cost to them. As a result they
8 not only fail to receive needed medical care and emergency
9 counseling, but may lack the psychological support necessary to
10 report the crime and aid police in preventing future crimes.

11 (b) Definitions. As used in this Act:

12 (1) "Rape crisis organization" means any organization
13 or association the major purpose of which is providing
14 information, counseling, and psychological support to
15 victims of any or all of the crimes of aggravated criminal
16 sexual assault, predatory criminal sexual assault of a
17 child, criminal sexual assault, sexual relations between
18 siblings, criminal sexual abuse and aggravated criminal
19 sexual abuse.

20 (2) "Rape crisis counselor" means a person who is a
21 psychologist, social worker, employee, or volunteer in any
22 organization or association defined as a rape crisis
23 organization under this Section, who has undergone 40 hours
24 of training and is under the control of a direct services
25 supervisor of a rape crisis organization.

26 (3) "Victim" means a person who is the subject of, or

1 who seeks information, counseling, or advocacy services as
2 a result of an aggravated criminal sexual assault,
3 predatory criminal sexual assault of a child, criminal
4 sexual assault, sexual relations within families, criminal
5 sexual abuse, aggravated criminal sexual abuse, sexual
6 exploitation of a child, indecent solicitation of a child,
7 public indecency, exploitation of a child, promoting
8 juvenile prostitution as described in subdivision (a)(4)
9 of Section 11-14.4, or an attempt to commit any of these
10 offenses.

11 (4) "Confidential communication" means any
12 communication between a victim and a rape crisis counselor
13 in the course of providing information, counseling, and
14 advocacy. The term includes all records kept by the
15 counselor or by the organization in the course of providing
16 services to an alleged victim concerning the alleged victim
17 and the services provided.

18 (c) Waiver of privilege.

19 (1) The confidential nature of the communication is not
20 waived by: the presence of a third person who further
21 expresses the interests of the victim at the time of the
22 communication; group counseling; or disclosure to a third
23 person with the consent of the victim when reasonably
24 necessary to accomplish the purpose for which the counselor
25 is consulted.

26 (2) The confidential nature of counseling records is

1 not waived when: the victim inspects the records; or in the
2 case of a minor child less than 12 years of age, a parent
3 or guardian whose interests are not adverse to the minor
4 inspects the records; or in the case of a minor victim 12
5 years or older, a parent or guardian whose interests are
6 not adverse to the minor inspects the records with the
7 victim's consent, or in the case of an adult who has a
8 guardian of his or her person, the guardian inspects the
9 records with the victim's consent.

10 (3) When a victim is deceased, the executor or
11 administrator of the victim's estate may waive the
12 privilege established by this Section, unless the executor
13 or administrator has an interest adverse to the victim.

14 (4) A minor victim 12 years of age or older may
15 knowingly waive the privilege established in this Section.
16 When a minor is, in the opinion of the Court, incapable of
17 knowingly waiving the privilege, the parent or guardian of
18 the minor may waive the privilege on behalf of the minor,
19 unless the parent or guardian has been charged with a
20 violent crime against the victim or otherwise has any
21 interest adverse to that of the minor with respect to the
22 waiver of the privilege.

23 (5) An adult victim who has a guardian of his or her
24 person may knowingly waive the privilege established in
25 this Section. When the victim is, in the opinion of the
26 court, incapable of knowingly waiving the privilege, the

1 guardian of the adult victim may waive the privilege on
2 behalf of the victim, unless the guardian has been charged
3 with a violent crime against the victim or otherwise has
4 any interest adverse to the victim with respect to the
5 privilege.

6 (d) Confidentiality. Except as provided in this Act, no
7 rape crisis counselor shall disclose any confidential
8 communication or be examined as a witness in any civil or
9 criminal proceeding as to any confidential communication
10 without the written consent of the victim or a representative
11 of the victim as provided in subparagraph (c).

12 (e) A rape crisis counselor may disclose a confidential
13 communication without the consent of the victim if failure to
14 disclose is likely to result in a clear, imminent risk of
15 serious physical injury or death of the victim or another
16 person. Any rape crisis counselor or rape crisis organization
17 participating in good faith in the disclosing of records and
18 communications under this Act shall have immunity from any
19 liability, civil, criminal, or otherwise that might result from
20 the action. In any proceeding, civil or criminal, arising out
21 of a disclosure under this Section, the good faith of any rape
22 crisis counselor or rape crisis organization who disclosed the
23 confidential communication shall be presumed.

24 (f) Any rape crisis counselor who knowingly discloses any
25 confidential communication in violation of this Act commits a
26 Class C misdemeanor.

1 (Source: P.A. 96-1010, eff. 1-1-11; 96-1551, eff. 7-1-11.)

2 (735 ILCS 5/8-2001.5)

3 Sec. 8-2001.5. Authorization for release of a deceased
4 patient's records.

5 (a) In addition to disclosure allowed under Section 8-802,
6 a deceased person's health care records must be released upon
7 written request of the executor or administrator of the
8 deceased person's estate or to an agent appointed by the
9 deceased under a power of attorney for health care. When no
10 executor, administrator, or agent exists, and the person did
11 not specifically object to disclosure of his or her records in
12 writing, then a deceased person's health care records must be
13 released upon the written request of a person, who is
14 considered to be a personal representative of the patient for
15 the purpose of the release of a deceased patient's health care
16 records, in one of these categories:

17 (1) the deceased person's surviving spouse; or

18 (2) if there is no surviving spouse, any one or more of
19 the following: (i) an adult son or daughter of the
20 deceased, (ii) a parent of the deceased, or (iii) an adult
21 brother or sister of the deceased.

22 (b) Health care facilities and practitioners are
23 authorized to provide a copy of a deceased patient's records
24 based upon a person's payment of the statutory fee and signed
25 "Authorized Relative Certification", attesting to the fact

1 that the person is authorized to receive such records under
2 this Section.

3 (c) Any person who, in good faith, relies on a copy of an
4 Authorized Relative Certification shall have the same
5 immunities from criminal and civil liability as those who rely
6 on a power of attorney for health care as provided by Illinois
7 law.

8 (d) Upon request for records of a deceased patient, the
9 named authorized relative shall provide the facility or
10 practitioner with a certified copy of the death certificate and
11 a certification in substantially the following form:

12 AUTHORIZED RELATIVE CERTIFICATION

13 I, (insert name of authorized relative), certify that I am
14 an authorized relative of the deceased (insert name of
15 deceased). (A certified copy of the death certificate must be
16 attached.)

17 I certify that to the best of my knowledge and belief that
18 no executor or administrator has been appointed for the
19 deceased's estate, that no agent was authorized to act for the
20 deceased under a power of attorney for health care, and the
21 deceased has not specifically objected to disclosure in
22 writing.

1 I certify that I am the surviving spouse of the deceased;
2 or

3 I certify that there is no surviving spouse and my
4 relationship to the deceased is (circle one):

5 (1) An adult son or daughter of the deceased.

6 (2) Either parent of the deceased.

7 (3) An adult brother or sister of the deceased.

8 I certify that I am seeking the records as a personal
9 representative who is acting in a representative capacity and
10 who is authorized to seek these records under Section 8-2001.5
11 of the Code of Civil Procedure.

12 This certification is made under penalty of perjury.*

13 Dated: (insert date)

14

15 (Print Authorized Relative's Name)

16

17 (Authorized Relative's Signature)

18

19 (Authorized Relative's Address)

20 * (Note: Perjury is defined in Section 32-2 of the Criminal Code

1 of 2012 1961, and is a Class 3 felony.)

2 (Source: P.A. 97-623, eff. 11-23-11; 97-867, eff. 7-30-12.)

3 (735 ILCS 5/9-106.2)

4 Sec. 9-106.2. Affirmative defense for violence; barring
5 persons from property.

6 (a) It shall be an affirmative defense to an action
7 maintained under this Article IX if the court makes one of the
8 following findings that the demand for possession is:

9 (1) based solely on the tenant's, lessee's, or
10 household member's status as a victim of domestic violence
11 or sexual violence as those terms are defined in Section 10
12 of the Safe Homes Act, stalking as that term is defined in
13 the Criminal Code of 2012 1961, or dating violence;

14 (2) based solely upon an incident of actual or
15 threatened domestic violence, dating violence, stalking,
16 or sexual violence against a tenant, lessee, or household
17 member;

18 (3) based solely upon criminal activity directly
19 relating to domestic violence, dating violence, stalking,
20 or sexual violence engaged in by a member of a tenant's or
21 lessee's household or any guest or other person under the
22 tenant's, lessee's, or household member's control, and
23 against the tenant, lessee, or household member; or

24 (4) based upon a demand for possession pursuant to
25 subsection (f) where the tenant, lessee, or household

1 member who was the victim of domestic violence, sexual
2 violence, stalking, or dating violence did not knowingly
3 consent to the barred person entering the premises or a
4 valid court order permitted the barred person's entry onto
5 the premises.

6 (b) When asserting the affirmative defense, at least one
7 form of the following types of evidence shall be provided to
8 support the affirmative defense: medical, court, or police
9 records documenting the violence or a statement from an
10 employee of a victim service organization or from a medical
11 professional from whom the tenant, lessee, or household member
12 has sought services.

13 (c) Nothing in subsection (a) shall prevent the landlord
14 from seeking possession solely against a tenant, household
15 member, or lessee of the premises who perpetrated the violence
16 referred to in subsection (a).

17 (d) Nothing in subsection (a) shall prevent the landlord
18 from seeking possession against the entire household,
19 including the tenant, lessee, or household member who is a
20 victim of domestic violence, dating violence, stalking, or
21 sexual violence if the tenant, lessee, or household member's
22 continued tenancy would pose an actual and imminent threat to
23 other tenants, lessees, household members, the landlord or
24 their agents at the property.

25 (e) Nothing in subsection (a) shall prevent the landlord
26 from seeking possession against the tenant, lessee, or

1 household member who is a victim of domestic violence, dating
2 violence, stalking, or sexual violence if that tenant, lessee,
3 or household member has committed the criminal activity on
4 which the demand for possession is based.

5 (f) A landlord shall have the power to bar the presence of
6 a person from the premises owned by the landlord who is not a
7 tenant or lessee or who is not a member of the tenant's or
8 lessee's household. A landlord bars a person from the premises
9 by providing written notice to the tenant or lessee that the
10 person is no longer allowed on the premises. That notice shall
11 state that if the tenant invites the barred person onto any
12 portion of the premises, then the landlord may treat this as a
13 breach of the lease, whether or not this provision is contained
14 in the lease. Subject to paragraph (4) of subsection (a), the
15 landlord may evict the tenant.

16 (g) Further, a landlord may give notice to a person that
17 the person is barred from the premises owned by the landlord. A
18 person has received notice from the landlord within the meaning
19 of this subsection if he has been notified personally, either
20 orally or in writing including a valid court order as defined
21 by subsection (7) of Section 112A-3 of the Code of Criminal
22 Procedure of 1963 granting remedy (2) of subsection (b) of
23 Section 112A-14 of that Code, or if a printed or written notice
24 forbidding such entry has been conspicuously posted or
25 exhibited at the main entrance to such land or the forbidden
26 part thereof. Any person entering the landlord's premises after

1 such notice has been given shall be guilty of criminal trespass
2 to real property as set forth in Section 21-3 of the Criminal
3 Code of 2012 ~~1961~~. After notice has been given, an invitation
4 to the person to enter the premises shall be void if made by a
5 tenant, lessee, or member of the tenant's or lessee's household
6 and shall not constitute a valid invitation to come upon the
7 premises or a defense to a criminal trespass to real property.

8 (Source: P.A. 96-1188, eff. 7-22-10.)

9 (735 ILCS 5/13-202.1) (from Ch. 110, par. 13-202.1)

10 Sec. 13-202.1. No limitations on certain actions - Duties
11 of Department of Corrections and State's Attorneys.

12 (a) Notwithstanding any other provision of law, any action
13 for damages against a person, however the action may be
14 designated, may be brought at any time if --

15 (1) the action is based upon conduct of a person which
16 constituted the commission of first degree murder, a Class
17 X felony, or a Class 1 felony as these terms are utilized
18 at the time of filing of the action; and

19 (2) the person was convicted of the first degree
20 murder, Class X felony, or Class 1 felony.

21 (b) The provisions of this Section are fully applicable to
22 convictions based upon defendant's accountability under
23 Section 5-2 of the Criminal Code of 1961 or the Criminal Code
24 of 2012, approved July 28, 1961, as amended.

25 (c) Paragraphs (a) and (b) above shall apply to any cause

1 of action regardless of the date on which the defendant's
2 conduct is alleged to have occurred or of the date of any
3 conviction resulting therefrom. In addition, this Section
4 shall be applied retroactively and shall revive causes of
5 actions which otherwise may have been barred under limitations
6 provisions in effect prior to the enactment and/or effect of
7 P.A. 84-1450.

8 (d) Whenever there is any settlement, verdict or judgment
9 in excess of \$500 in any court against the Department of
10 Corrections or any past or present employee or official in
11 favor of any person for damages incurred while the person was
12 committed to the Department of Corrections, the Department
13 within 14 days of the settlement, verdict or judgment shall
14 notify the State's Attorney of the county from which the person
15 was committed to the Department. The State's Attorney shall in
16 turn within 14 days after receipt of the notice send the same
17 notice to the person or persons who were the victim or victims
18 of the crime for which the offender was committed, at their
19 last known address, along with the information that the victim
20 or victims should contact a private attorney to advise them of
21 their rights under the law.

22 (e) Whenever there is any settlement, verdict or judgment
23 in excess of \$500 in any court against any county or county
24 sheriff or any past or present employee or official in favor of
25 any person for damages incurred while the person was
26 incarcerated in any county jail, the county or county sheriff,

1 within 14 days of the settlement, verdict or judgment shall
2 notify the State's Attorney of the county from which the person
3 was incarcerated in the county jail. The State's Attorney shall
4 within 14 days of receipt of the notice send the same notice to
5 the person or persons who were the victim or victims of the
6 crime for which the offender was committed, at their last known
7 address, along with the information that the victim or victims
8 should contact a private attorney to advise them of their
9 rights under the law.

10 (f) No civil action may be brought by anyone against the
11 Department of Corrections, a State's Attorney, a County, a
12 county sheriff, or any past or present employee or agent
13 thereof for any alleged violation by any such entity or person
14 of the notification requirements imposed by paragraph (d) or
15 (e).

16 (Source: P.A. 95-975, eff. 1-1-09.)

17 (735 ILCS 5/13-202.2) (from Ch. 110, par. 13-202.2)

18 Sec. 13-202.2. Childhood sexual abuse.

19 (a) In this Section:

20 "Childhood sexual abuse" means an act of sexual abuse that
21 occurs when the person abused is under 18 years of age.

22 "Sexual abuse" includes but is not limited to sexual
23 conduct and sexual penetration as defined in Section 11-0.1 of
24 the Criminal Code of 2012 ~~1961~~.

25 (b) Notwithstanding any other provision of law, an action

1 for damages for personal injury based on childhood sexual abuse
2 must be commenced within 20 years of the date the limitation
3 period begins to run under subsection (d) or within 20 years of
4 the date the person abused discovers or through the use of
5 reasonable diligence should discover both (i) that the act of
6 childhood sexual abuse occurred and (ii) that the injury was
7 caused by the childhood sexual abuse. The fact that the person
8 abused discovers or through the use of reasonable diligence
9 should discover that the act of childhood sexual abuse occurred
10 is not, by itself, sufficient to start the discovery period
11 under this subsection (b). Knowledge of the abuse does not
12 constitute discovery of the injury or the causal relationship
13 between any later-discovered injury and the abuse.

14 (c) If the injury is caused by 2 or more acts of childhood
15 sexual abuse that are part of a continuing series of acts of
16 childhood sexual abuse by the same abuser, then the discovery
17 period under subsection (b) shall be computed from the date the
18 person abused discovers or through the use of reasonable
19 diligence should discover both (i) that the last act of
20 childhood sexual abuse in the continuing series occurred and
21 (ii) that the injury was caused by any act of childhood sexual
22 abuse in the continuing series. The fact that the person abused
23 discovers or through the use of reasonable diligence should
24 discover that the last act of childhood sexual abuse in the
25 continuing series occurred is not, by itself, sufficient to
26 start the discovery period under subsection (b). Knowledge of

1 the abuse does not constitute discovery of the injury or the
2 causal relationship between any later-discovered injury and
3 the abuse.

4 (d) The limitation periods under subsection (b) do not
5 begin to run before the person abused attains the age of 18
6 years; and, if at the time the person abused attains the age of
7 18 years he or she is under other legal disability, the
8 limitation periods under subsection (b) do not begin to run
9 until the removal of the disability.

10 (d-1) The limitation periods in subsection (b) do not run
11 during a time period when the person abused is subject to
12 threats, intimidation, manipulation, or fraud perpetrated by
13 the abuser or by any person acting in the interest of the
14 abuser.

15 (e) This Section applies to actions pending on the
16 effective date of this amendatory Act of 1990 as well as to
17 actions commenced on or after that date. The changes made by
18 this amendatory Act of 1993 shall apply only to actions
19 commenced on or after the effective date of this amendatory Act
20 of 1993. The changes made by this amendatory Act of the 93rd
21 General Assembly apply to actions pending on the effective date
22 of this amendatory Act of the 93rd General Assembly as well as
23 actions commenced on or after that date. The changes made by
24 this amendatory Act of the 96th General Assembly apply to
25 actions commenced on or after the effective date of this
26 amendatory Act of the 96th General Assembly if the action would

1 not have been time barred under any statute of limitations or
2 statute of repose prior to the effective date of this
3 amendatory Act of the 96th General Assembly.

4 (Source: P.A. 96-1093, eff. 1-1-11; 96-1551, eff. 7-1-11.)

5 (735 ILCS 5/13-202.3)

6 Sec. 13-202.3. For an action arising out of an injury
7 caused by "sexual conduct" or "sexual penetration" as defined
8 in Section 11-0.1 of the Criminal Code of 2012 ~~1961~~, the
9 limitation period in Section 13-202 does not run during a time
10 period when the person injured is subject to threats,
11 intimidation, manipulation, or fraud perpetrated by the
12 perpetrator or by a person the perpetrator knew or should have
13 known was acting in the interest of the perpetrator. This
14 Section applies to causes of action arising on or after the
15 effective date of this amendatory Act of the 95th General
16 Assembly or to causes of action for which the limitation period
17 has not yet expired.

18 (Source: P.A. 95-589, eff. 1-1-08; 96-1551, eff. 7-1-11.)

19 Section 710. The Stalking No Contact Order Act is amended
20 by changing Section 90 as follows:

21 (740 ILCS 21/90)

22 Sec. 90. Accountability for actions of others. For the
23 purposes of issuing a stalking no contact order, deciding what

1 remedies should be included and enforcing the order, Article 5
2 of the Criminal Code of 2012 ~~1961~~ shall govern whether
3 respondent is legally accountable for the conduct of another
4 person.

5 (Source: P.A. 96-246, eff. 1-1-10.)

6 Section 715. The Civil No Contact Order Act is amended by
7 changing Sections 213 and 213.5 as follows:

8 (740 ILCS 22/213)

9 Sec. 213. Civil no contact order; remedies.

10 (a) If the court finds that the petitioner has been a
11 victim of non-consensual sexual conduct or non-consensual
12 sexual penetration, a civil no contact order shall issue;
13 provided that the petitioner must also satisfy the requirements
14 of Section 214 on emergency orders or Section 215 on plenary
15 orders. The petitioner shall not be denied a civil no contact
16 order because the petitioner or the respondent is a minor. The
17 court, when determining whether or not to issue a civil no
18 contact order, may not require physical injury on the person of
19 the victim. Modification and extension of prior civil no
20 contact orders shall be in accordance with this Act.

21 (b) (Blank).

22 (b-5) The court may provide relief as follows:

23 (1) prohibit the respondent from knowingly coming
24 within, or knowingly remaining within, a specified

1 distance from the petitioner;

2 (2) restrain the respondent from having any contact,
3 including nonphysical contact, with the petitioner
4 directly, indirectly, or through third parties, regardless
5 of whether those third parties know of the order;

6 (3) prohibit the respondent from knowingly coming
7 within, or knowingly remaining within, a specified
8 distance from the petitioner's residence, school, day care
9 or other specified location;

10 (4) order the respondent to stay away from any property
11 or animal owned, possessed, leased, kept, or held by the
12 petitioner and forbid the respondent from taking,
13 transferring, encumbering, concealing, harming, or
14 otherwise disposing of the property or animal; and

15 (5) order any other injunctive relief as necessary or
16 appropriate for the protection of the petitioner.

17 (b-6) When the petitioner and the respondent attend the
18 same public or private elementary, middle, or high school, the
19 court when issuing a civil no contact order and providing
20 relief shall consider the severity of the act, any continuing
21 physical danger or emotional distress to the petitioner, the
22 educational rights guaranteed to the petitioner and respondent
23 under federal and State law, the availability of a transfer of
24 the respondent to another school, a change of placement or a
25 change of program of the respondent, the expense, difficulty,
26 and educational disruption that would be caused by a transfer

1 of the respondent to another school, and any other relevant
2 facts of the case. The court may order that the respondent not
3 attend the public, private, or non-public elementary, middle,
4 or high school attended by the petitioner, order that the
5 respondent accept a change of placement or program, as
6 determined by the school district or private or non-public
7 school, or place restrictions on the respondent's movements
8 within the school attended by the petitioner. The respondent
9 bears the burden of proving by a preponderance of the evidence
10 that a transfer, change of placement, or change of program of
11 the respondent is not available. The respondent also bears the
12 burden of production with respect to the expense, difficulty,
13 and educational disruption that would be caused by a transfer
14 of the respondent to another school. A transfer, change of
15 placement, or change of program is not unavailable to the
16 respondent solely on the ground that the respondent does not
17 agree with the school district's or private or non-public
18 school's transfer, change of placement, or change of program or
19 solely on the ground that the respondent fails or refuses to
20 consent to or otherwise does not take an action required to
21 effectuate a transfer, change of placement, or change of
22 program. When a court orders a respondent to stay away from the
23 public, private, or non-public school attended by the
24 petitioner and the respondent requests a transfer to another
25 attendance center within the respondent's school district or
26 private or non-public school, the school district or private or

1 non-public school shall have sole discretion to determine the
2 attendance center to which the respondent is transferred. In
3 the event the court order results in a transfer of the minor
4 respondent to another attendance center, a change in the
5 respondent's placement, or a change of the respondent's
6 program, the parents, guardian, or legal custodian of the
7 respondent is responsible for transportation and other costs
8 associated with the transfer or change.

9 (b-7) The court may order the parents, guardian, or legal
10 custodian of a minor respondent to take certain actions or to
11 refrain from taking certain actions to ensure that the
12 respondent complies with the order. In the event the court
13 orders a transfer of the respondent to another school, the
14 parents or legal guardians of the respondent are responsible
15 for transportation and other costs associated with the change
16 of school by the respondent.

17 (c) Denial of a remedy may not be based, in whole or in
18 part, on evidence that:

19 (1) the respondent has cause for any use of force,
20 unless that cause satisfies the standards for justifiable
21 use of force provided by Article 7 VII of the Criminal Code
22 of 2012 1961;

23 (2) the respondent was voluntarily intoxicated;

24 (3) the petitioner acted in self-defense or defense of
25 another, provided that, if the petitioner utilized force,
26 such force was justifiable under Article 7 VII of the

1 Criminal Code of 2012 ~~1961~~;

2 (4) the petitioner did not act in self-defense or
3 defense of another;

4 (5) the petitioner left the residence or household to
5 avoid further non-consensual sexual conduct or
6 non-consensual sexual penetration by the respondent; or

7 (6) the petitioner did not leave the residence or
8 household to avoid further non-consensual sexual conduct
9 or non-consensual sexual penetration by the respondent.

10 (d) Monetary damages are not recoverable as a remedy.

11 (Source: P.A. 96-311, eff. 1-1-10; 97-294, eff. 1-1-12.)

12 (740 ILCS 22/213.5)

13 Sec. 213.5. Accountability for actions of others. For the
14 purposes of issuing a civil no contact order, deciding what
15 remedies should be included and enforcing the order, Article 5
16 of the Criminal Code of 2012 ~~1961~~ shall govern whether
17 respondent is legally accountable for the conduct of another
18 person.

19 (Source: P.A. 93-236, eff. 1-1-04.)

20 Section 720. The Crime Victims Compensation Act is amended
21 by changing Sections 2, 6.1, and 14.1 as follows:

22 (740 ILCS 45/2) (from Ch. 70, par. 72)

23 Sec. 2. Definitions. As used in this Act, unless the

1 context otherwise requires:

2 (a) "Applicant" means any person who applies for
3 compensation under this Act or any person the Court of Claims
4 finds is entitled to compensation, including the guardian of a
5 minor or of a person under legal disability. It includes any
6 person who was a dependent of a deceased victim of a crime of
7 violence for his or her support at the time of the death of
8 that victim.

9 (b) "Court of Claims" means the Court of Claims created by
10 the Court of Claims Act.

11 (c) "Crime of violence" means and includes any offense
12 defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1,
13 10-2, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-11,
14 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-1, 12-2, 12-3, 12-3.1,
15 12-3.2, 12-3.3, 12-3.4, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-5,
16 12-7.1, 12-7.3, 12-7.4, 12-13, 12-14, 12-14.1, 12-15, 12-16,
17 12-20.5, 12-30, 20-1 or 20-1.1, or Section 12-3.05 except for
18 subdivision (a)(4) or (g)(1), or subdivision (a)(4) of Section
19 11-14.4, of the Criminal Code of 1961 or the Criminal Code of
20 2012, Sections 1(a) and 1(a-5) of the Cemetery Protection Act,
21 Section 125 of the Stalking No Contact Order Act, Section 219
22 of the Civil No Contact Order Act, driving under the influence
23 as defined in Section 11-501 of the Illinois Vehicle Code, a
24 violation of Section 11-401 of the Illinois Vehicle Code,
25 provided the victim was a pedestrian or was operating a vehicle
26 moved solely by human power or a mobility device at the time of

1 contact, and a violation of Section 11-204.1 of the Illinois
2 Vehicle Code; so long as the offense did not occur during a
3 civil riot, insurrection or rebellion. "Crime of violence" does
4 not include any other offense or accident involving a motor
5 vehicle except those vehicle offenses specifically provided
6 for in this paragraph. "Crime of violence" does include all of
7 the offenses specifically provided for in this paragraph that
8 occur within this State but are subject to federal jurisdiction
9 and crimes involving terrorism as defined in 18 U.S.C. 2331.

10 (d) "Victim" means (1) a person killed or injured in this
11 State as a result of a crime of violence perpetrated or
12 attempted against him or her, (2) the spouse or parent of a
13 person killed or injured in this State as a result of a crime
14 of violence perpetrated or attempted against the person, (3) a
15 person killed or injured in this State while attempting to
16 assist a person against whom a crime of violence is being
17 perpetrated or attempted, if that attempt of assistance would
18 be expected of a reasonable person under the circumstances, (4)
19 a person killed or injured in this State while assisting a law
20 enforcement official apprehend a person who has perpetrated a
21 crime of violence or prevent the perpetration of any such crime
22 if that assistance was in response to the express request of
23 the law enforcement official, (5) a person who personally
24 witnessed a violent crime, (5.1) solely for the purpose of
25 compensating for pecuniary loss incurred for psychological
26 treatment of a mental or emotional condition caused or

1 aggravated by the crime, any other person under the age of 18
2 who is the brother, sister, half brother, half sister, child,
3 or stepchild of a person killed or injured in this State as a
4 result of a crime of violence, (6) an Illinois resident who is
5 a victim of a "crime of violence" as defined in this Act
6 except, if the crime occurred outside this State, the resident
7 has the same rights under this Act as if the crime had occurred
8 in this State upon a showing that the state, territory,
9 country, or political subdivision of a country in which the
10 crime occurred does not have a compensation of victims of
11 crimes law for which that Illinois resident is eligible, (7) a
12 deceased person whose body is dismembered or whose remains are
13 desecrated as the result of a crime of violence, or (8) solely
14 for the purpose of compensating for pecuniary loss incurred for
15 psychological treatment of a mental or emotional condition
16 caused or aggravated by the crime, any parent, spouse, or child
17 under the age of 18 of a deceased person whose body is
18 dismembered or whose remains are desecrated as the result of a
19 crime of violence.

20 (e) "Dependent" means a relative of a deceased victim who
21 was wholly or partially dependent upon the victim's income at
22 the time of his or her death and shall include the child of a
23 victim born after his or her death.

24 (f) "Relative" means a spouse, parent, grandparent,
25 stepfather, stepmother, child, grandchild, brother,
26 brother-in-law, sister, sister-in-law, half brother, half

1 sister, spouse's parent, nephew, niece, uncle or aunt.

2 (g) "Child" means an unmarried son or daughter who is under
3 18 years of age and includes a stepchild, an adopted child or a
4 child born out of wedlock.

5 (h) "Pecuniary loss" means, in the case of injury,
6 appropriate medical expenses and hospital expenses including
7 expenses of medical examinations, rehabilitation, medically
8 required nursing care expenses, appropriate psychiatric care
9 or psychiatric counseling expenses, expenses for care or
10 counseling by a licensed clinical psychologist, licensed
11 clinical social worker, licensed professional counselor, or
12 licensed clinical professional counselor and expenses for
13 treatment by Christian Science practitioners and nursing care
14 appropriate thereto; transportation expenses to and from
15 medical and counseling treatment facilities; prosthetic
16 appliances, eyeglasses, and hearing aids necessary or damaged
17 as a result of the crime; replacement costs for clothing and
18 bedding used as evidence; costs associated with temporary
19 lodging or relocation necessary as a result of the crime,
20 including, but not limited to, the first month's rent and
21 security deposit of the dwelling that the claimant relocated to
22 and other reasonable relocation expenses incurred as a result
23 of the violent crime; locks or windows necessary or damaged as
24 a result of the crime; the purchase, lease, or rental of
25 equipment necessary to create usability of and accessibility to
26 the victim's real and personal property, or the real and

1 personal property which is used by the victim, necessary as a
2 result of the crime; the costs of appropriate crime scene
3 clean-up; replacement services loss, to a maximum of \$1,250 per
4 month; dependents replacement services loss, to a maximum of
5 \$1,250 per month; loss of tuition paid to attend grammar school
6 or high school when the victim had been enrolled as a student
7 prior to the injury, or college or graduate school when the
8 victim had been enrolled as a day or night student prior to the
9 injury when the victim becomes unable to continue attendance at
10 school as a result of the crime of violence perpetrated against
11 him or her; loss of earnings, loss of future earnings because
12 of disability resulting from the injury, and, in addition, in
13 the case of death, expenses for funeral, burial, and travel and
14 transport for survivors of homicide victims to secure bodies of
15 deceased victims and to transport bodies for burial all of
16 which may not exceed a maximum of \$7,500 and loss of support of
17 the dependents of the victim; in the case of dismemberment or
18 desecration of a body, expenses for funeral and burial, all of
19 which may not exceed a maximum of \$7,500. Loss of future
20 earnings shall be reduced by any income from substitute work
21 actually performed by the victim or by income he or she would
22 have earned in available appropriate substitute work he or she
23 was capable of performing but unreasonably failed to undertake.
24 Loss of earnings, loss of future earnings and loss of support
25 shall be determined on the basis of the victim's average net
26 monthly earnings for the 6 months immediately preceding the

1 date of the injury or on \$1,250 per month, whichever is less
2 or, in cases where the absences commenced more than 3 years
3 from the date of the crime, on the basis of the net monthly
4 earnings for the 6 months immediately preceding the date of the
5 first absence, not to exceed \$1,250 per month. If a divorced or
6 legally separated applicant is claiming loss of support for a
7 minor child of the deceased, the amount of support for each
8 child shall be based either on the amount of support pursuant
9 to the judgment prior to the date of the deceased victim's
10 injury or death, or, if the subject of pending litigation filed
11 by or on behalf of the divorced or legally separated applicant
12 prior to the injury or death, on the result of that litigation.
13 Real and personal property includes, but is not limited to,
14 vehicles, houses, apartments, town houses, or condominiums.
15 Pecuniary loss does not include pain and suffering or property
16 loss or damage.

17 (i) "Replacement services loss" means expenses reasonably
18 incurred in obtaining ordinary and necessary services in lieu
19 of those the injured person would have performed, not for
20 income, but for the benefit of himself or herself or his or her
21 family, if he or she had not been injured.

22 (j) "Dependents replacement services loss" means loss
23 reasonably incurred by dependents or private legal guardians of
24 minor dependents after a victim's death in obtaining ordinary
25 and necessary services in lieu of those the victim would have
26 performed, not for income, but for their benefit, if he or she

1 had not been fatally injured.

2 (k) "Survivor" means immediate family including a parent,
3 step-father, step-mother, child, brother, sister, or spouse.

4 (l) "Parent" means a natural parent, adopted parent,
5 step-parent, or permanent legal guardian of another person.

6 (Source: P.A. 96-267, eff. 8-11-09; 96-863, eff. 3-1-10;
7 96-1551, Article 1, Section 980, eff. 7-1-11; 96-1551, Article
8 2, Section 1090, eff. 7-1-11; 97-817, eff. 1-1-13; 97-1109,
9 eff. 1-1-13.)

10 (740 ILCS 45/6.1) (from Ch. 70, par. 76.1)

11 Sec. 6.1. Right to compensation. A person is entitled to
12 compensation under this Act if:

13 (a) Within 2 years of the occurrence of the crime, or
14 within one year after a criminal charge of a person for an
15 offense, upon which the claim is based, he files an
16 application, under oath, with the Court of Claims and on a
17 form prescribed in accordance with Section 7.1 furnished by
18 the Attorney General. If the person entitled to
19 compensation is under 18 years of age or under other legal
20 disability at the time of the occurrence or becomes legally
21 disabled as a result of the occurrence, he may file the
22 application required by this subsection within 2 years
23 after he attains the age of 18 years or the disability is
24 removed, as the case may be. Legal disability includes a
25 diagnosis of posttraumatic stress disorder.

1 (b) For all crimes of violence, except those listed in
2 subsection (b-1) of this Section, the appropriate law
3 enforcement officials were notified within 72 hours of the
4 perpetration of the crime allegedly causing the death or
5 injury to the victim or, in the event such notification was
6 made more than 72 hours after the perpetration of the
7 crime, the applicant establishes that such notice was
8 timely under the circumstances.

9 (b-1) For victims of offenses defined in Sections
10 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
11 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 or
12 the Criminal Code of 2012, the appropriate law enforcement
13 officials were notified within 7 days of the perpetration
14 of the crime allegedly causing death or injury to the
15 victim or, in the event that the notification was made more
16 than 7 days after the perpetration of the crime, the
17 applicant establishes that the notice was timely under the
18 circumstances. If the applicant or victim has obtained an
19 order of protection, a civil no contact order, or a
20 stalking no contact order, or has presented himself or
21 herself to a hospital for sexual assault evidence
22 collection and medical care, such action shall constitute
23 appropriate notification under this subsection (b-1) or
24 subsection (b) of this Section.

25 (c) The applicant has cooperated with law enforcement
26 officials in the apprehension and prosecution of the

1 assailant. If the applicant or victim has obtained an order
2 of protection, a civil no contact order, or a stalking no
3 contact order or has presented himself or herself to a
4 hospital for sexual assault evidence collection and
5 medical care, such action shall constitute cooperation
6 under this subsection (c).

7 (d) The applicant is not the offender or an accomplice
8 of the offender and the award would not unjustly benefit
9 the offender or his accomplice.

10 (e) The injury to or death of the victim was not
11 substantially attributable to his own wrongful act and was
12 not substantially provoked by the victim.

13 (Source: P.A. 96-1551, eff. 7-1-11; 97-817, eff. 1-1-13.)

14 (740 ILCS 45/14.1) (from Ch. 70, par. 84.1)

15 Sec. 14.1. (a) Hearings shall be open to the public unless
16 the Court of Claims determines that a closed hearing should be
17 held because:

18 (1) the alleged assailant has not been brought to trial
19 and a public hearing would adversely affect either his
20 apprehension or his trial;

21 (2) the offense allegedly perpetrated against the
22 victim is one defined in Section 11-1.20, 11-1.30, 11-1.40,
23 12-13, 12-14, or 12-14.1 of the Criminal Code of 1961 or
24 the Criminal Code of 2012 and the interests of the victim
25 or of persons dependent on his support require that the

1 public be excluded from the hearing;

2 (3) the victim or the alleged assailant is a minor; or

3 (4) the interests of justice would be frustrated,
4 rather than furthered, if the hearing were open to the
5 public.

6 (b) A transcript shall be kept of the hearings held before
7 the Court of Claims. No part of the transcript of any hearing
8 before the Court of Claims may be used for any purpose in a
9 criminal proceeding except in the prosecution of a person
10 alleged to have perjured himself in his testimony before the
11 Court of Claims. A copy of the transcript may be furnished to
12 the applicant upon his written request to the court reporter,
13 accompanied by payment of a charge established by the Court of
14 Claims in accordance with the prevailing commercial charge for
15 a duplicate transcript. Where the interests of justice require,
16 the Court of Claims may refuse to disclose the names of victims
17 or other material in the transcript by which the identity of
18 the victim could be discovered.

19 (Source: P.A. 96-1551, eff. 7-1-11.)

20 Section 725. The Insurance Claims Fraud Prevention Act is
21 amended by changing Sections 5 and 45 as follows:

22 (740 ILCS 92/5)

23 Sec. 5. Patient and client procurement.

24 (a) Except as otherwise permitted or authorized by law, it

1 is unlawful to knowingly offer or pay any remuneration directly
2 or indirectly, in cash or in kind, to induce any person to
3 procure clients or patients to obtain services or benefits
4 under a contract of insurance or that will be the basis for a
5 claim against an insured person or the person's insurer.
6 Nothing in this Act shall be construed to affect any contracts
7 or arrangements between or among insuring entities including
8 health maintenance organizations, health care professionals,
9 or health care facilities which are hereby excluded.

10 (b) A person who violates any provision of this Act,
11 Section 17-8.5 or Section 17-10.5 of the Criminal Code of 1961
12 or the Criminal Code of 2012, or Article 46 of the Criminal
13 Code of 1961 shall be subject, in addition to any other
14 penalties that may be prescribed by law, to a civil penalty of
15 not less than \$5,000 nor more than \$10,000, plus an assessment
16 of not more than 3 times the amount of each claim for
17 compensation under a contract of insurance. The court shall
18 have the power to grant other equitable relief, including
19 temporary injunctive relief, as is necessary to prevent the
20 transfer, concealment, or dissipation of illegal proceeds, or
21 to protect the public. The penalty prescribed in this
22 subsection shall be assessed for each fraudulent claim upon a
23 person in which the defendant participated.

24 (c) The penalties set forth in subsection (b) are intended
25 to be remedial rather than punitive, and shall not preclude,
26 nor be precluded by, a criminal prosecution for the same

1 conduct. If the court finds, after considering the goals of
2 disgorging unlawful profit, restitution, compensating the
3 State for the costs of investigation and prosecution, and
4 alleviating the social costs of increased insurance rates due
5 to fraud, that such a penalty would be punitive and would
6 preclude, or be precluded by, a criminal prosecution, the court
7 shall reduce that penalty appropriately.

8 (Source: P.A. 92-233, eff. 1-1-02.)

9 (740 ILCS 92/45)

10 Sec. 45. Time limitations.

11 (a) Except as provided in subsection (b), an action
12 pursuant to this Act may not be filed more than 3 years after
13 the discovery of the facts constituting the grounds for
14 commencing the action.

15 (b) Notwithstanding subsection (a), an action may be filed
16 pursuant to this Act within not more than 8 years after the
17 commission of an act constituting a violation of this Act,
18 Section 17-8.5 or Section 17-10.5 of the Criminal Code of 1961
19 or the Criminal Code of 2012, or a violation of Article 46 of
20 the Criminal Code of 1961.

21 (Source: P.A. 92-233, eff. 1-1-02.)

22 Section 730. The Interference With Utility Services Act is
23 amended by changing Section 4 as follows:

1 (740 ILCS 95/4) (from Ch. 111 2/3, par. 1504)

2 Sec. 4. The rebuttable presumption provided in subsection
3 (c) of Section 16-14 of the Criminal Code of 1961 prior to its
4 repeal by Public Act 97-597 (effective January 1, 2012) ~~as~~
5 ~~now or hereafter amended~~, shall be fully applicable to all
6 causes of actions brought pursuant to this Act. The presumption
7 provided shall only shift the burden of going forward with
8 evidence, and shall in no event shift the burden of proof to
9 the defendant. Any evidence of a judgment entered based on a
10 finding of guilt, plea of guilty or stipulation of guilt in a
11 criminal cause of action brought pursuant to Section 16-14 of
12 the Criminal Code of 2012 ~~1961, as now or hereafter amended,~~
13 shall be admissible in any civil action brought pursuant to
14 this Act to prove any fact essential to sustaining a judgment.
15 The pendency of an appeal may be shown but does not affect the
16 admissibility of evidence under this Section.

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

18 Section 735. The Mental Health and Developmental
19 Disabilities Confidentiality Act is amended by changing
20 Section 12 as follows:

21 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

22 Sec. 12. (a) If the United States Secret Service or the
23 Department of State Police requests information from a mental
24 health or developmental disability facility, as defined in

1 Section 1-107 and 1-114 of the Mental Health and Developmental
2 Disabilities Code, relating to a specific recipient and the
3 facility director determines that disclosure of such
4 information may be necessary to protect the life of, or to
5 prevent the infliction of great bodily harm to, a public
6 official, or a person under the protection of the United States
7 Secret Service, only the following information may be
8 disclosed: the recipient's name, address, and age and the date
9 of any admission to or discharge from a facility; and any
10 information which would indicate whether or not the recipient
11 has a history of violence or presents a danger of violence to
12 the person under protection. Any information so disclosed shall
13 be used for investigative purposes only and shall not be
14 publicly disseminated. Any person participating in good faith
15 in the disclosure of such information in accordance with this
16 provision shall have immunity from any liability, civil,
17 criminal or otherwise, if such information is disclosed relying
18 upon the representation of an officer of the United States
19 Secret Service or the Department of State Police that a person
20 is under the protection of the United States Secret Service or
21 is a public official.

22 For the purpose of this subsection (a), the term "public
23 official" means the Governor, Lieutenant Governor, Attorney
24 General, Secretary of State, State Comptroller, State
25 Treasurer, member of the General Assembly, member of the United
26 States Congress, Judge of the United States as defined in 28

1 U.S.C. 451, Justice of the United States as defined in 28
2 U.S.C. 451, United States Magistrate Judge as defined in 28
3 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or
4 Supreme, Appellate, Circuit, or Associate Judge of the State of
5 Illinois. The term shall also include the spouse, child or
6 children of a public official.

7 (b) The Department of Human Services (acting as successor
8 to the Department of Mental Health and Developmental
9 Disabilities) and all public or private hospitals and mental
10 health facilities are required, as hereafter described in this
11 subsection, to furnish the Department of State Police only such
12 information as may be required for the sole purpose of
13 determining whether an individual who may be or may have been a
14 patient is disqualified because of that status from receiving
15 or retaining a Firearm Owner's Identification Card under
16 subsection (e) or (f) of Section 8 of the Firearm Owners
17 Identification Card Act or 18 U.S.C. 922(g) and (n). All public
18 or private hospitals and mental health facilities shall, in the
19 form and manner required by the Department, provide such
20 information as shall be necessary for the Department to comply
21 with the reporting requirements to the Department of State
22 Police. Such information shall be furnished within 7 days after
23 admission to a public or private hospital or mental health
24 facility or the provision of services to a patient described in
25 clause (2) of this subsection (b). Any such information
26 disclosed under this subsection shall remain privileged and

1 confidential, and shall not be redisclosed, except as required
2 by clause (e)(2) of Section 3.1 of the Firearm Owners
3 Identification Card Act, nor utilized for any other purpose.
4 The method of requiring the providing of such information shall
5 guarantee that no information is released beyond what is
6 necessary for this purpose. In addition, the information
7 disclosed shall be provided by the Department within the time
8 period established by Section 24-3 of the Criminal Code of 2012
9 ~~1961~~ regarding the delivery of firearms. The method used shall
10 be sufficient to provide the necessary information within the
11 prescribed time period, which may include periodically
12 providing lists to the Department of Human Services or any
13 public or private hospital or mental health facility of Firearm
14 Owner's Identification Card applicants on which the Department
15 or hospital shall indicate the identities of those individuals
16 who are to its knowledge disqualified from having a Firearm
17 Owner's Identification Card for reasons described herein. The
18 Department may provide for a centralized source of information
19 for the State on this subject under its jurisdiction.

20 Any person, institution, or agency, under this Act,
21 participating in good faith in the reporting or disclosure of
22 records and communications otherwise in accordance with this
23 provision or with rules, regulations or guidelines issued by
24 the Department shall have immunity from any liability, civil,
25 criminal or otherwise, that might result by reason of the
26 action. For the purpose of any proceeding, civil or criminal,

1 arising out of a report or disclosure in accordance with this
2 provision, the good faith of any person, institution, or agency
3 so reporting or disclosing shall be presumed. The full extent
4 of the immunity provided in this subsection (b) shall apply to
5 any person, institution or agency that fails to make a report
6 or disclosure in the good faith belief that the report or
7 disclosure would violate federal regulations governing the
8 confidentiality of alcohol and drug abuse patient records
9 implementing 42 U.S.C. 290dd-3 and 290ee-3.

10 For purposes of this subsection (b) only, the following
11 terms shall have the meaning prescribed:

12 (1) "Hospital" means only that type of institution
13 which is providing full-time residential facilities and
14 treatment.

15 (2) "Patient" shall include only: (i) a person who is
16 an in-patient or resident of any public or private hospital
17 or mental health facility or (ii) a person who is an
18 out-patient or provided services by a public or private
19 hospital or mental health facility whose mental condition
20 is of such a nature that it is manifested by violent,
21 suicidal, threatening, or assaultive behavior or reported
22 behavior, for which there is a reasonable belief by a
23 physician, clinical psychologist, or qualified examiner
24 that the condition poses a clear and present or imminent
25 danger to the patient, any other person or the community
26 meaning the patient's condition poses a clear and present

1 danger in accordance with subsection (f) of Section 8 of
2 the Firearm Owners Identification Card Act. The terms
3 physician, clinical psychologist, and qualified examiner
4 are defined in Sections 1-120, 1-103, and 1-122 of the
5 Mental Health and Developmental Disabilities Code.

6 (3) "Mental health facility" is defined by Section
7 1-114 of the Mental Health and Developmental Disabilities
8 Code.

9 (c) Upon the request of a peace officer who takes a person
10 into custody and transports such person to a mental health or
11 developmental disability facility pursuant to Section 3-606 or
12 4-404 of the Mental Health and Developmental Disabilities Code
13 or who transports a person from such facility, a facility
14 director shall furnish said peace officer the name, address,
15 age and name of the nearest relative of the person transported
16 to or from the mental health or developmental disability
17 facility. In no case shall the facility director disclose to
18 the peace officer any information relating to the diagnosis,
19 treatment or evaluation of the person's mental or physical
20 health.

21 For the purposes of this subsection (c), the terms "mental
22 health or developmental disability facility", "peace officer"
23 and "facility director" shall have the meanings ascribed to
24 them in the Mental Health and Developmental Disabilities Code.

25 (d) Upon the request of a peace officer or prosecuting
26 authority who is conducting a bona fide investigation of a

1 criminal offense, or attempting to apprehend a fugitive from
2 justice, a facility director may disclose whether a person is
3 present at the facility. Upon request of a peace officer or
4 prosecuting authority who has a valid forcible felony warrant
5 issued, a facility director shall disclose: (1) whether the
6 person who is the subject of the warrant is present at the
7 facility and (2) the date of that person's discharge or future
8 discharge from the facility. The requesting peace officer or
9 prosecuting authority must furnish a case number and the
10 purpose of the investigation or an outstanding arrest warrant
11 at the time of the request. Any person, institution, or agency
12 participating in good faith in disclosing such information in
13 accordance with this subsection (d) is immune from any
14 liability, civil, criminal or otherwise, that might result by
15 reason of the action.

16 (Source: P.A. 95-564, eff. 6-1-08; 96-193, eff. 8-10-09.)

17 Section 740. The Parental Responsibility Law is amended by
18 changing Section 3 as follows:

19 (740 ILCS 115/3) (from Ch. 70, par. 53)

20 Sec. 3. Liability. The parent or legal guardian of an
21 unemancipated minor who resides with such parent or legal
22 guardian is liable for actual damages for the wilful or
23 malicious acts of such minor which cause injury to a person or
24 property, including damages caused by a minor who has been

1 adjudicated a delinquent for violating Section 21-1.3 of the
2 Criminal Code of 1961 or the Criminal Code of 2012. Reasonable
3 attorney's fees may be awarded to any plaintiff in any action
4 under this Act. If the plaintiff is a governmental unit,
5 reasonable attorney's fees may be awarded up to \$15,000.

6 The changes to this Section made by this amendatory Act of
7 the 95th General Assembly apply to causes of action accruing on
8 or after its effective date.

9 (Source: P.A. 95-914, eff. 1-1-09.)

10 Section 745. The Police Search Cost Recovery Act is amended
11 by changing Section 1 as follows:

12 (740 ILCS 125/1) (from Ch. 70, par. 851)

13 Sec. 1. (a) When any governmental unit in this State has
14 expended resources in a search for any person over the age of
15 18 who has been reported as missing, a cause of action exists
16 against the person reported missing in favor of the
17 governmental unit or units conducting a police search to
18 recover amounts reasonably expended by the governmental unit or
19 units where:

20 (1) Such person knew or should have known that a police
21 search for him was in progress;

22 (2) Such person was not prevented by any other person
23 from informing the police agency searching for him of his
24 whereabouts and that he was not in danger, or from

1 informing another person who could so inform the police
2 agency; and

3 (3) Such person failed, without good cause, to inform
4 such police agency or another person who could inform such
5 police agency that a search was not necessary.

6 (b) When any governmental unit in this State has expended
7 resources in a search for a noncustodial parent who conceals,
8 detains or removes a child under the age of 18 from
9 jurisdiction of the court in violation of a court order or
10 without the consent of the lawful custodian of the child and in
11 search of that child, who has been reported as missing, a cause
12 of action exists against the noncustodial parent in favor of
13 the governmental unit or units conducting a police search to
14 recover amounts reasonably expended by the governmental unit or
15 units. For purposes of subsection (b), "detains" and "lawful
16 custodian" have the meanings ascribed to them in Section 10-5
17 of the Criminal Code of 2012 ~~1961~~.

18 (c) The causes of action under subsections (a) and (b)
19 shall lie for all amounts reasonably expended in the search and
20 any amounts expended in the enforcement of the actions,
21 including reasonable attorney's fees, litigation expenses, and
22 court costs. Punitive damages shall not be awarded.

23 (Source: P.A. 86-423; 87-1027.)

24 Section 750. The Predator Accountability Act is amended by
25 changing Sections 10, 15, and 30 as follows:

1 (740 ILCS 128/10)

2 Sec. 10. Definitions. As used in this Act:

3 "Sex trade" means any act, which if proven beyond a
4 reasonable doubt could support a conviction for a violation or
5 attempted violation of any of the following Sections of the
6 Criminal Code of 1961 or the Criminal Code of 2012: 11-14.3
7 (promoting prostitution); 11-14.4 (promoting juvenile
8 prostitution); 11-15 (soliciting for a prostitute); 11-15.1
9 (soliciting for a juvenile prostitute); 11-16 (pandering);
10 11-17 (keeping a place of prostitution); 11-17.1 (keeping a
11 place of juvenile prostitution); 11-19 (pimping); 11-19.1
12 (juvenile pimping and aggravated juvenile pimping); 11-19.2
13 (exploitation of a child); 11-20 (obscenity); 11-20.1 (child
14 pornography); or 11-20.1B or 11-20.3 (aggravated child
15 pornography); or Section 10-9 ~~of the Criminal Code of 1961~~
16 (trafficking in persons and involuntary servitude).

17 "Sex trade" activity may involve adults and youth of all
18 genders and sexual orientations.

19 "Victim of the sex trade" means, for the following sex
20 trade acts, the person or persons indicated:

21 (1) soliciting for a prostitute: the prostitute who is
22 the object of the solicitation;

23 (2) soliciting for a juvenile prostitute: the juvenile
24 prostitute, or severely or profoundly intellectually
25 disabled person, who is the object of the solicitation;

1 (3) promoting prostitution as described in subdivision
2 (a) (2) (A) or (a) (2) (B) of Section 11-14.3 of the Criminal
3 Code of 1961 or the Criminal Code of 2012, or pandering:
4 the person intended or compelled to act as a prostitute;

5 (4) keeping a place of prostitution: any person
6 intended or compelled to act as a prostitute, while present
7 at the place, during the time period in question;

8 (5) keeping a place of juvenile prostitution: any
9 juvenile intended or compelled to act as a prostitute,
10 while present at the place, during the time period in
11 question;

12 (6) promoting prostitution as described in subdivision
13 (a) (2) (C) of Section 11-14.3 of the Criminal Code of 1961
14 or the Criminal Code of 2012, or pimping: the prostitute
15 from whom anything of value is received;

16 (7) promoting juvenile prostitution as described in
17 subdivision (a) (2) or (a) (3) of Section 11-14.4 of the
18 Criminal Code of 1961 or the Criminal Code of 2012, or
19 juvenile pimping and aggravated juvenile pimping: the
20 juvenile, or severely or profoundly intellectually
21 disabled person, from whom anything of value is received
22 for that person's act of prostitution;

23 (8) promoting juvenile prostitution as described in
24 subdivision (a) (4) of Section 11-14.4 of the Criminal Code
25 of 1961 or the Criminal Code of 2012, or exploitation of a
26 child: the juvenile, or severely or profoundly

1 intellectually disabled person, intended or compelled to
2 act as a prostitute or from whom anything of value is
3 received for that person's act of prostitution;

4 (9) obscenity: any person who appears in or is
5 described or depicted in the offending conduct or material;

6 (10) child pornography or aggravated child
7 pornography: any child, or severely or profoundly
8 intellectually disabled person, who appears in or is
9 described or depicted in the offending conduct or material;

10 or

11 (11) trafficking of persons or involuntary servitude:
12 a "trafficking victim" as defined in Section 10-9 of the
13 Criminal Code of 1961 or the Criminal Code of 2012.

14 (Source: P.A. 96-710, eff. 1-1-10; 96-1551, eff. 7-1-11;
15 97-227, eff. 1-1-12; 97-897, eff. 1-1-13; 97-1109, eff.
16 1-1-13.)

17 (740 ILCS 128/15)

18 Sec. 15. Cause of action.

19 (a) Violations of this Act are actionable in civil court.

20 (b) A victim of the sex trade has a cause of action against
21 a person or entity who:

22 (1) recruits, profits from, or maintains the victim in
23 any sex trade act;

24 (2) intentionally abuses, as defined in Section 103 of
25 the Illinois Domestic Violence Act of 1986, or causes

1 bodily harm, as defined in Section 11-0.1 of the Criminal
2 Code of 2012 ~~1961~~, to the victim in any sex trade act; or

3 (3) knowingly advertises or publishes advertisements
4 for purposes of recruitment into sex trade activity.

5 (c) This Section shall not be construed to create liability
6 to any person or entity who provides goods or services to the
7 general public, who also provides those goods or services to
8 persons who would be liable under subsection (b) of this
9 Section, absent a showing that the person or entity either:

10 (1) knowingly markets or provides its goods or services
11 primarily to persons or entities liable under subsection
12 (b) of this Section;

13 (2) knowingly receives a higher level of compensation
14 from persons or entities liable under subsection (b) of
15 this Section than it generally receives from customers; or

16 (3) supervises or exercises control over persons or
17 entities liable under subsection (b) of this Section.

18 (Source: P.A. 96-1551, eff. 7-1-11.)

19 (740 ILCS 128/30)

20 Sec. 30. Evidence. Related to a cause of action under this
21 Act, the fact that a plaintiff or other witness has testified
22 under oath or given evidence relating to an act that may be a
23 violation of any provision of the Criminal Code of 2012 ~~1961~~
24 shall not be construed to require the State's Attorney to
25 criminally charge any person for such violation.

1 (Source: P.A. 94-998, eff. 7-3-06.)

2 Section 755. The Illinois Streetgang Terrorism Omnibus
3 Prevention Act is amended by changing Sections 10, 40, and 45
4 as follows:

5 (740 ILCS 147/10)

6 Sec. 10. Definitions.

7 "Course or pattern of criminal activity" means 2 or more
8 gang-related criminal offenses committed in whole or in part
9 within this State when:

10 (1) at least one such offense was committed after the
11 effective date of this Act;

12 (2) both offenses were committed within 5 years of each
13 other; and

14 (3) at least one offense involved the solicitation to
15 commit, conspiracy to commit, attempt to commit, or
16 commission of any offense defined as a felony or forcible
17 felony under the Criminal Code of 1961 or the Criminal Code
18 of 2012.

19 "Course or pattern of criminal activity" also means one or
20 more acts of criminal defacement of property under Section
21 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
22 2012, if the defacement includes a sign or other symbol
23 intended to identify the streetgang.

24 "Designee of State's Attorney" or "designee" means any

1 attorney for a public authority who has received written
2 permission from the State's Attorney to file or join in a civil
3 action authorized by this Act.

4 "Public authority" means any unit of local government or
5 school district created or established under the Constitution
6 or laws of this State.

7 "State's Attorney" means the State's Attorney of any county
8 where an offense constituting a part of a course or pattern of
9 gang-related criminal activity has occurred or has been
10 committed.

11 "Streetgang" or "gang" or "organized gang" or "criminal
12 street gang" means any combination, confederation, alliance,
13 network, conspiracy, understanding, or other similar
14 conjoining, in law or in fact, of 3 or more persons with an
15 established hierarchy that, through its membership or through
16 the agency of any member engages in a course or pattern of
17 criminal activity.

18 For purposes of this Act, it shall not be necessary to show
19 that a particular conspiracy, combination, or conjoining of
20 persons possesses, acknowledges, or is known by any common
21 name, insignia, flag, means of recognition, secret signal or
22 code, creed, belief, structure, leadership or command
23 structure, method of operation or criminal enterprise,
24 concentration or specialty, membership, age, or other
25 qualifications, initiation rites, geographical or territorial
26 situs or boundary or location, or other unifying mark, manner,

1 protocol or method of expressing or indicating membership when
2 the conspiracy's existence, in law or in fact, can be
3 demonstrated by a preponderance of other competent evidence.
4 However, any evidence reasonably tending to show or
5 demonstrate, in law or in fact, the existence of or membership
6 in any conspiracy, confederation, or other association
7 described herein, or probative of the existence of or
8 membership in any such association, shall be admissible in any
9 action or proceeding brought under this Act.

10 "Streetgang member" or "gang member" means any person who
11 actually and in fact belongs to a gang, and any person who
12 knowingly acts in the capacity of an agent for or accessory to,
13 or is legally accountable for, or voluntarily associates
14 himself with a course or pattern of gang-related criminal
15 activity, whether in a preparatory, executory, or cover-up
16 phase of any activity, or who knowingly performs, aids, or
17 abets any such activity.

18 "Streetgang related" or "gang-related" means any criminal
19 activity, enterprise, pursuit, or undertaking directed by,
20 ordered by, authorized by, consented to, agreed to, requested
21 by, acquiesced in, or ratified by any gang leader, officer, or
22 governing or policy-making person or authority, or by any
23 agent, representative, or deputy of any such officer, person,
24 or authority:

25 (1) with the intent to increase the gang's size,
26 membership, prestige, dominance, or control in any

1 geographical area; or

2 (2) with the intent to provide the gang with any
3 advantage in, or any control or dominance over any criminal
4 market sector, including but not limited to, the
5 manufacture, delivery, or sale of controlled substances or
6 cannabis; arson or arson-for-hire; traffic in stolen
7 property or stolen credit cards; traffic in prostitution,
8 obscenity, or pornography; or that involves robbery,
9 burglary, or theft; or

10 (3) with the intent to exact revenge or retribution for
11 the gang or any member of the gang; or

12 (4) with the intent to obstruct justice, or intimidate
13 or eliminate any witness against the gang or any member of
14 the gang; or

15 (5) with the intent to otherwise directly or indirectly
16 cause any benefit, aggrandizement, gain, profit or other
17 advantage whatsoever to or for the gang, its reputation,
18 influence, or membership.

19 (Source: P.A. 93-337, eff. 1-1-04.)

20 (740 ILCS 147/40)

21 Sec. 40. Contraband.

22 (a) The following are declared to be contraband and no
23 person shall have a property interest in them:

24 (1) any property that is directly or indirectly used or
25 intended for use in any manner to facilitate streetgang

1 related activity; and

2 (2) any property constituting or derived from gross
3 profits or other proceeds obtained from streetgang related
4 activity.

5 (b) Within 60 days of the date of the seizure of contraband
6 under this Section, the State's Attorney shall initiate
7 forfeiture proceedings as provided in Article 36 of the
8 Criminal Code of 2012 ~~1961~~. An owner or person who has a lien
9 on the property may establish as a defense to the forfeiture of
10 property that is subject to forfeiture under this Section that
11 the owner or lienholder had no knowledge that the property was
12 acquired through a pattern of streetgang related activity.
13 Property that is forfeited under this Section shall be disposed
14 of as provided in Article 36 of the Criminal Code of 2012 ~~1961~~
15 for the forfeiture of vehicles, vessels, and aircraft. The
16 proceeds of the disposition shall be paid to the Gang Violence
17 Victims and Witnesses Fund to be used to assist in the
18 prosecution of gang crimes.

19 (Source: P.A. 91-876, eff. 1-1-01.)

20 (740 ILCS 147/45)

21 Sec. 45. Abatement as public nuisance.

22 (a) Any real property that is erected, established,
23 maintained, owned, leased, or used by any streetgang for the
24 purpose of conducting streetgang related activity constitutes
25 a public nuisance and may be abated as provided in Article 37

1 of the Criminal Code of 2012 ~~1961~~ relating to public nuisances.

2 (b) An action to abate a nuisance under this Section may be
3 brought by the State's Attorney of the county where the seizure
4 occurred.

5 (c) Any person who is injured by reason of streetgang
6 related activity shall have a cause of action for 3 times the
7 actual damages sustained and, if appropriate, punitive
8 damages; however, no cause of action shall arise under this
9 subsection (c) as a result of an otherwise legitimate
10 commercial transaction between parties to a contract or
11 agreement for the sale of lawful goods or property or the sale
12 of securities regulated by the Illinois Securities Law of 1953
13 or by the federal Securities and Exchange Commission. The
14 person shall also recover reasonable attorney's fees, costs,
15 and expenses.

16 (Source: P.A. 91-876, eff. 1-1-01.)

17 Section 757. The Federal Law Enforcement Officer Immunity
18 Act is amended by changing Section 10 as follows:

19 (745 ILCS 22/10)

20 Sec. 10. Immunity. A federal law enforcement officer while
21 acting as a peace officer under Section 2-13 of the Criminal
22 Code of 2012 ~~1961~~ is not liable for his or her act or omission
23 in the execution or enforcement of any law unless the act or
24 omission constitutes wilful and wanton conduct.

1 (Source: P.A. 88-677, eff. 12-15-94.)

2 Section 760. The Illinois Marriage and Dissolution of
3 Marriage Act is amended by changing Sections 503, 601, 607, and
4 607.1 as follows:

5 (750 ILCS 5/503) (from Ch. 40, par. 503)

6 Sec. 503. Disposition of property.

7 (a) For purposes of this Act, "marital property" means all
8 property acquired by either spouse subsequent to the marriage,
9 except the following, which is known as "non-marital property":

10 (1) property acquired by gift, legacy or descent;

11 (2) property acquired in exchange for property
12 acquired before the marriage or in exchange for property
13 acquired by gift, legacy or descent;

14 (3) property acquired by a spouse after a judgment of
15 legal separation;

16 (4) property excluded by valid agreement of the
17 parties;

18 (5) any judgment or property obtained by judgment
19 awarded to a spouse from the other spouse;

20 (6) property acquired before the marriage;

21 (7) the increase in value of property acquired by a
22 method listed in paragraphs (1) through (6) of this
23 subsection, irrespective of whether the increase results
24 from a contribution of marital property, non-marital

1 property, the personal effort of a spouse, or otherwise,
2 subject to the right of reimbursement provided in
3 subsection (c) of this Section; and

4 (8) income from property acquired by a method listed in
5 paragraphs (1) through (7) of this subsection if the income
6 is not attributable to the personal effort of a spouse.

7 (b) (1) For purposes of distribution of property pursuant to
8 this Section, all property acquired by either spouse after the
9 marriage and before a judgment of dissolution of marriage or
10 declaration of invalidity of marriage, including non-marital
11 property transferred into some form of co-ownership between the
12 spouses, is presumed to be marital property, regardless of
13 whether title is held individually or by the spouses in some
14 form of co-ownership such as joint tenancy, tenancy in common,
15 tenancy by the entirety, or community property. The presumption
16 of marital property is overcome by a showing that the property
17 was acquired by a method listed in subsection (a) of this
18 Section.

19 (2) For purposes of distribution of property pursuant to
20 this Section, all pension benefits (including pension benefits
21 under the Illinois Pension Code) acquired by either spouse
22 after the marriage and before a judgment of dissolution of
23 marriage or declaration of invalidity of the marriage are
24 presumed to be marital property, regardless of which spouse
25 participates in the pension plan. The presumption that these
26 pension benefits are marital property is overcome by a showing

1 that the pension benefits were acquired by a method listed in
2 subsection (a) of this Section. The right to a division of
3 pension benefits in just proportions under this Section is
4 enforceable under Section 1-119 of the Illinois Pension Code.

5 The value of pension benefits in a retirement system
6 subject to the Illinois Pension Code shall be determined in
7 accordance with the valuation procedures established by the
8 retirement system.

9 The recognition of pension benefits as marital property and
10 the division of those benefits pursuant to a Qualified Illinois
11 Domestic Relations Order shall not be deemed to be a
12 diminishment, alienation, or impairment of those benefits. The
13 division of pension benefits is an allocation of property in
14 which each spouse has a species of common ownership.

15 (3) For purposes of distribution of property under this
16 Section, all stock options granted to either spouse after the
17 marriage and before a judgment of dissolution of marriage or
18 declaration of invalidity of marriage, whether vested or
19 non-vested or whether their value is ascertainable, are
20 presumed to be marital property. This presumption of marital
21 property is overcome by a showing that the stock options were
22 acquired by a method listed in subsection (a) of this Section.
23 The court shall allocate stock options between the parties at
24 the time of the judgment of dissolution of marriage or
25 declaration of invalidity of marriage recognizing that the
26 value of the stock options may not be then determinable and

1 that the actual division of the options may not occur until a
2 future date. In making the allocation between the parties, the
3 court shall consider, in addition to the factors set forth in
4 subsection (d) of this Section, the following:

5 (i) All circumstances underlying the grant of the stock
6 option including but not limited to whether the grant was
7 for past, present, or future efforts, or any combination
8 thereof.

9 (ii) The length of time from the grant of the option to
10 the time the option is exercisable.

11 (b-5) As to any policy of life insurance insuring the life
12 of either spouse, or any interest in such policy, that
13 constitutes marital property, whether whole life, term life,
14 group term life, universal life, or other form of life
15 insurance policy, and whether or not the value is
16 ascertainable, the court shall allocate ownership, death
17 benefits or the right to assign death benefits, and the
18 obligation for premium payments, if any, equitably between the
19 parties at the time of the judgment for dissolution or
20 declaration of invalidity of marriage.

21 (c) Commingled marital and non-marital property shall be
22 treated in the following manner, unless otherwise agreed by the
23 spouses:

24 (1) When marital and non-marital property are
25 commingled by contributing one estate of property into
26 another resulting in a loss of identity of the contributed

1 property, the classification of the contributed property
2 is transmuted to the estate receiving the contribution,
3 subject to the provisions of paragraph (2) of this
4 subsection; provided that if marital and non-marital
5 property are commingled into newly acquired property
6 resulting in a loss of identity of the contributing
7 estates, the commingled property shall be deemed
8 transmuted to marital property, subject to the provisions
9 of paragraph (2) of this subsection.

10 (2) When one estate of property makes a contribution to
11 another estate of property, or when a spouse contributes
12 personal effort to non-marital property, the contributing
13 estate shall be reimbursed from the estate receiving the
14 contribution notwithstanding any transmutation; provided,
15 that no such reimbursement shall be made with respect to a
16 contribution which is not retraceable by clear and
17 convincing evidence, or was a gift, or, in the case of a
18 contribution of personal effort of a spouse to non-marital
19 property, unless the effort is significant and results in
20 substantial appreciation of the non-marital property.
21 Personal effort of a spouse shall be deemed a contribution
22 by the marital estate. The court may provide for
23 reimbursement out of the marital property to be divided or
24 by imposing a lien against the non-marital property which
25 received the contribution.

26 (d) In a proceeding for dissolution of marriage or

1 declaration of invalidity of marriage, or in a proceeding for
2 disposition of property following dissolution of marriage by a
3 court which lacked personal jurisdiction over the absent spouse
4 or lacked jurisdiction to dispose of the property, the court
5 shall assign each spouse's non-marital property to that spouse.
6 It also shall divide the marital property without regard to
7 marital misconduct in just proportions considering all
8 relevant factors, including:

9 (1) the contribution of each party to the acquisition,
10 preservation, or increase or decrease in value of the
11 marital or non-marital property, including (i) any such
12 decrease attributable to a payment deemed to have been an
13 advance from the parties' marital estate under subsection
14 (c-1)(2) of Section 501 and (ii) the contribution of a
15 spouse as a homemaker or to the family unit;

16 (2) the dissipation by each party of the marital or
17 non-marital property, provided that a party's claim of
18 dissipation is subject to the following conditions:

19 (i) a notice of intent to claim dissipation shall
20 be given no later than 60 days before trial or 30 days
21 after discovery closes, whichever is later;

22 (ii) the notice of intent to claim dissipation
23 shall contain, at a minimum, a date or period of time
24 during which the marriage began undergoing an
25 irretrievable breakdown, an identification of the
26 property dissipated, and a date or period of time

1 during which the dissipation occurred;

2 (iii) the notice of intent to claim dissipation
3 shall be filed with the clerk of the court and be
4 served pursuant to applicable rules;

5 (iv) no dissipation shall be deemed to have
6 occurred prior to 5 years before the filing of the
7 petition for dissolution of marriage, or 3 years after
8 the party claiming dissipation knew or should have
9 known of the dissipation;

10 (3) the value of the property assigned to each spouse;

11 (4) the duration of the marriage;

12 (5) the relevant economic circumstances of each spouse
13 when the division of property is to become effective,
14 including the desirability of awarding the family home, or
15 the right to live therein for reasonable periods, to the
16 spouse having custody of the children;

17 (6) any obligations and rights arising from a prior
18 marriage of either party;

19 (7) any antenuptial agreement of the parties;

20 (8) the age, health, station, occupation, amount and
21 sources of income, vocational skills, employability,
22 estate, liabilities, and needs of each of the parties;

23 (9) the custodial provisions for any children;

24 (10) whether the apportionment is in lieu of or in
25 addition to maintenance;

26 (11) the reasonable opportunity of each spouse for

1 future acquisition of capital assets and income; and

2 (12) the tax consequences of the property division upon
3 the respective economic circumstances of the parties.

4 (e) Each spouse has a species of common ownership in the
5 marital property which vests at the time dissolution
6 proceedings are commenced and continues only during the
7 pendency of the action. Any such interest in marital property
8 shall not encumber that property so as to restrict its
9 transfer, assignment or conveyance by the title holder unless
10 such title holder is specifically enjoined from making such
11 transfer, assignment or conveyance.

12 (f) In a proceeding for dissolution of marriage or
13 declaration of invalidity of marriage or in a proceeding for
14 disposition of property following dissolution of marriage by a
15 court that lacked personal jurisdiction over the absent spouse
16 or lacked jurisdiction to dispose of the property, the court,
17 in determining the value of the marital and non-marital
18 property for purposes of dividing the property, shall value the
19 property as of the date of trial or some other date as close to
20 the date of trial as is practicable.

21 (g) The court if necessary to protect and promote the best
22 interests of the children may set aside a portion of the
23 jointly or separately held estates of the parties in a separate
24 fund or trust for the support, maintenance, education, physical
25 and mental health, and general welfare of any minor, dependent,
26 or incompetent child of the parties. In making a determination

1 under this subsection, the court may consider, among other
2 things, the conviction of a party of any of the offenses set
3 forth in Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
4 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-13, 12-14, 12-14.1,
5 12-15, or 12-16, or Section 12-3.05 except for subdivision
6 (a) (4) or (g) (1), of the Criminal Code of 1961 or the Criminal
7 Code of 2012 if the victim is a child of one or both of the
8 parties, and there is a need for, and cost of, care, healing
9 and counseling for the child who is the victim of the crime.

10 (h) Unless specifically directed by a reviewing court, or
11 upon good cause shown, the court shall not on remand consider
12 any increase or decrease in the value of any "marital" or
13 "non-marital" property occurring since the assessment of such
14 property at the original trial or hearing, but shall use only
15 that assessment made at the original trial or hearing.

16 (i) The court may make such judgments affecting the marital
17 property as may be just and may enforce such judgments by
18 ordering a sale of marital property, with proceeds therefrom to
19 be applied as determined by the court.

20 (j) After proofs have closed in the final hearing on all
21 other issues between the parties (or in conjunction with the
22 final hearing, if all parties so stipulate) and before judgment
23 is entered, a party's petition for contribution to fees and
24 costs incurred in the proceeding shall be heard and decided, in
25 accordance with the following provisions:

26 (1) A petition for contribution, if not filed before

1 the final hearing on other issues between the parties,
2 shall be filed no later than 30 days after the closing of
3 proofs in the final hearing or within such other period as
4 the court orders.

5 (2) Any award of contribution to one party from the
6 other party shall be based on the criteria for division of
7 marital property under this Section 503 and, if maintenance
8 has been awarded, on the criteria for an award of
9 maintenance under Section 504.

10 (3) The filing of a petition for contribution shall not
11 be deemed to constitute a waiver of the attorney-client
12 privilege between the petitioning party and current or
13 former counsel; and such a waiver shall not constitute a
14 prerequisite to a hearing for contribution. If either
15 party's presentation on contribution, however, includes
16 evidence within the scope of the attorney-client
17 privilege, the disclosure or disclosures shall be narrowly
18 construed and shall not be deemed by the court to
19 constitute a general waiver of the privilege as to matters
20 beyond the scope of the presentation.

21 (4) No finding on which a contribution award is based
22 or denied shall be asserted against counsel or former
23 counsel for purposes of any hearing under subsection (c) or
24 (e) of Section 508.

25 (5) A contribution award (payable to either the
26 petitioning party or the party's counsel, or jointly, as

1 the court determines) may be in the form of either a set
2 dollar amount or a percentage of fees and costs (or a
3 portion of fees and costs) to be subsequently agreed upon
4 by the petitioning party and counsel or, alternatively,
5 thereafter determined in a hearing pursuant to subsection
6 (c) of Section 508 or previously or thereafter determined
7 in an independent proceeding under subsection (e) of
8 Section 508.

9 (6) The changes to this Section 503 made by this
10 amendatory Act of 1996 apply to cases pending on or after
11 June 1, 1997, except as otherwise provided in Section 508.

12 The changes made to this Section by this amendatory Act of
13 the 97th General Assembly apply only to petitions for
14 dissolution of marriage filed on or after the effective date of
15 this amendatory Act of the 97th General Assembly.

16 (Source: P.A. 96-583, eff. 1-1-10; 96-1551, Article 1, Section
17 985, eff. 7-1-11; 96-1551, Article 2, Section 1100, eff.
18 7-1-11; 97-608, eff. 1-1-12; 97-941, eff. 1-1-13; 97-1109, eff.
19 1-1-13.)

20 (750 ILCS 5/601) (from Ch. 40, par. 601)

21 Sec. 601. Jurisdiction; Commencement of Proceeding.

22 (a) A court of this State competent to decide child custody
23 matters has jurisdiction to make a child custody determination
24 in original or modification proceedings as provided in Section
25 201 of the Uniform Child-Custody Jurisdiction and Enforcement

1 Act as adopted by this State.

2 (b) A child custody proceeding is commenced in the court:

3 (1) by a parent, by filing a petition:

4 (i) for dissolution of marriage or legal
5 separation or declaration of invalidity of marriage;

6 or

7 (ii) for custody of the child, in the county in
8 which he is permanently resident or found;

9 (2) by a person other than a parent, by filing a
10 petition for custody of the child in the county in which he
11 is permanently resident or found, but only if he is not in
12 the physical custody of one of his parents; or

13 (3) by a stepparent, by filing a petition, if all of
14 the following circumstances are met:

15 (A) the child is at least 12 years old;

16 (B) the custodial parent and stepparent were
17 married for at least 5 years during which the child
18 resided with the parent and stepparent;

19 (C) the custodial parent is deceased or is disabled
20 and cannot perform the duties of a parent to the child;

21 (D) the stepparent provided for the care, control,
22 and welfare to the child prior to the initiation of
23 custody proceedings;

24 (E) the child wishes to live with the stepparent;
25 and

26 (F) it is alleged to be in the best interests and

1 welfare of the child to live with the stepparent as
2 provided in Section 602 of this Act.

3 (4) When one of the parents is deceased, by a
4 grandparent who is a parent or stepparent of a deceased
5 parent, by filing a petition, if one or more of the
6 following existed at the time of the parent's death:

7 (A) the surviving parent had been absent from the
8 marital abode for more than one month without the
9 deceased spouse knowing his or her whereabouts;

10 (B) the surviving parent was in State or federal
11 custody; or

12 (C) the surviving parent had: (i) received
13 supervision for or been convicted of any violation of
14 Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
15 11-1.70, 12C-5, 12C-10, 12C-35, 12C-40, 12C-45, 18-6,
16 19-6, or Article 12 of the Criminal Code of 1961 or the
17 Criminal Code of 2012 directed towards the deceased
18 parent or the child; or (ii) received supervision or
19 been convicted of violating an order of protection
20 entered under Section 217, 218, or 219 of the Illinois
21 Domestic Violence Act of 1986 for the protection of the
22 deceased parent or the child.

23 (c) Notice of a child custody proceeding, including an
24 action for modification of a previous custody order, shall be
25 given to the child's parents, guardian and custodian, who may
26 appear, be heard, and file a responsive pleading. The court,

1 upon showing of good cause, may permit intervention of other
2 interested parties.

3 (d) Proceedings for modification of a previous custody
4 order commenced more than 30 days following the entry of a
5 previous custody order must be initiated by serving a written
6 notice and a copy of the petition for modification upon the
7 child's parent, guardian and custodian at least 30 days prior
8 to hearing on the petition. Nothing in this Section shall
9 preclude a party in custody modification proceedings from
10 moving for a temporary order under Section 603 of this Act.

11 (e) (Blank).

12 (f) The court shall, at the court's discretion or upon the
13 request of any party entitled to petition for custody of the
14 child, appoint a guardian ad litem to represent the best
15 interest of the child for the duration of the custody
16 proceeding or for any modifications of any custody orders
17 entered. Nothing in this Section shall be construed to prevent
18 the court from appointing the same guardian ad litem for 2 or
19 more children that are siblings or half-siblings.

20 (Source: P.A. 93-108, eff. 1-1-04; 93-1026, eff. 1-1-05.)

21 (750 ILCS 5/607) (from Ch. 40, par. 607)

22 Sec. 607. Visitation.

23 (a) A parent not granted custody of the child is entitled
24 to reasonable visitation rights unless the court finds, after a
25 hearing, that visitation would endanger seriously the child's

1 physical, mental, moral or emotional health. If the custodian's
2 street address is not identified, pursuant to Section 708, the
3 court shall require the parties to identify reasonable
4 alternative arrangements for visitation by a non-custodial
5 parent, including but not limited to visitation of the minor
6 child at the residence of another person or at a local public
7 or private facility.

8 (1) "Visitation" means in-person time spent between a
9 child and the child's parent. In appropriate
10 circumstances, it may include electronic communication
11 under conditions and at times determined by the court.

12 (2) "Electronic communication" means time that a
13 parent spends with his or her child during which the child
14 is not in the parent's actual physical custody, but which
15 is facilitated by the use of communication tools such as
16 the telephone, electronic mail, instant messaging, video
17 conferencing or other wired or wireless technologies via
18 the Internet, or another medium of communication.

19 (a-3) Grandparents, great-grandparents, and siblings of a
20 minor child, who is one year old or older, have standing to
21 bring an action in circuit court by petition, requesting
22 visitation in accordance with this Section. The term "sibling"
23 in this Section means a brother, sister, stepbrother, or
24 stepsister of the minor child. Grandparents,
25 great-grandparents, and siblings also have standing to file a
26 petition for visitation and any electronic communication

1 rights in a pending dissolution proceeding or any other
2 proceeding that involves custody or visitation issues,
3 requesting visitation in accordance with this Section. A
4 petition for visitation with a child by a person other than a
5 parent must be filed in the county in which the child resides.
6 Nothing in this subsection (a-3) and subsection (a-5) of this
7 Section shall apply to a child in whose interests a petition is
8 pending under Section 2-13 of the Juvenile Court Act of 1987 or
9 a petition to adopt an unrelated child is pending under the
10 Adoption Act.

11 (a-5) (1) Except as otherwise provided in this subsection
12 (a-5), any grandparent, great-grandparent, or sibling may file
13 a petition for visitation rights to a minor child if there is
14 an unreasonable denial of visitation by a parent and at least
15 one of the following conditions exists:

16 (A) (Blank);

17 (A-5) the child's other parent is deceased or has been
18 missing for at least 3 months. For the purposes of this
19 Section a parent is considered to be missing if the
20 parent's location has not been determined and the parent
21 has been reported as missing to a law enforcement agency;

22 (A-10) a parent of the child is incompetent as a matter
23 of law;

24 (A-15) a parent has been incarcerated in jail or prison
25 during the 3 month period preceding the filing of the
26 petition;

1 (B) the child's mother and father are divorced or have
2 been legally separated from each other or there is pending
3 a dissolution proceeding involving a parent of the child or
4 another court proceeding involving custody or visitation
5 of the child (other than any adoption proceeding of an
6 unrelated child) and at least one parent does not object to
7 the grandparent, great-grandparent, or sibling having
8 visitation with the child. The visitation of the
9 grandparent, great-grandparent, or sibling must not
10 diminish the visitation of the parent who is not related to
11 the grandparent, great-grandparent, or sibling seeking
12 visitation;

13 (C) (Blank);

14 (D) the child is born out of wedlock, the parents are
15 not living together, and the petitioner is a maternal
16 grandparent, great-grandparent, or sibling of the child
17 born out of wedlock; or

18 (E) the child is born out of wedlock, the parents are
19 not living together, the petitioner is a paternal
20 grandparent, great-grandparent, or sibling, and the
21 paternity has been established by a court of competent
22 jurisdiction.

23 (2) Any visitation rights granted pursuant to this Section
24 before the filing of a petition for adoption of a child shall
25 automatically terminate by operation of law upon the entry of
26 an order terminating parental rights or granting the adoption

1 of the child, whichever is earlier. If the person or persons
2 who adopted the child are related to the child, as defined by
3 Section 1 of the Adoption Act, any person who was related to
4 the child as grandparent, great-grandparent, or sibling prior
5 to the adoption shall have standing to bring an action pursuant
6 to this Section requesting visitation with the child.

7 (3) In making a determination under this subsection (a-5),
8 there is a rebuttable presumption that a fit parent's actions
9 and decisions regarding grandparent, great-grandparent, or
10 sibling visitation are not harmful to the child's mental,
11 physical, or emotional health. The burden is on the party
12 filing a petition under this Section to prove that the parent's
13 actions and decisions regarding visitation times are harmful to
14 the child's mental, physical, or emotional health.

15 (4) In determining whether to grant visitation, the court
16 shall consider the following:

17 (A) the preference of the child if the child is
18 determined to be of sufficient maturity to express a
19 preference;

20 (B) the mental and physical health of the child;

21 (C) the mental and physical health of the grandparent,
22 great-grandparent, or sibling;

23 (D) the length and quality of the prior relationship
24 between the child and the grandparent, great-grandparent,
25 or sibling;

26 (E) the good faith of the party in filing the petition;

1 (F) the good faith of the person denying visitation;

2 (G) the quantity of the visitation time requested and
3 the potential adverse impact that visitation would have on
4 the child's customary activities;

5 (H) whether the child resided with the petitioner for
6 at least 6 consecutive months with or without the current
7 custodian present;

8 (I) whether the petitioner had frequent or regular
9 contact or visitation with the child for at least 12
10 consecutive months;

11 (J) any other fact that establishes that the loss of
12 the relationship between the petitioner and the child is
13 likely to harm the child's mental, physical, or emotional
14 health; and

15 (K) whether the grandparent, great-grandparent, or
16 sibling was a primary caretaker of the child for a period
17 of not less than 6 consecutive months.

18 (5) The court may order visitation rights for the
19 grandparent, great-grandparent, or sibling that include
20 reasonable access without requiring overnight or possessory
21 visitation.

22 (a-7) (1) Unless by stipulation of the parties, no motion to
23 modify a grandparent, great-grandparent, or sibling visitation
24 order may be made earlier than 2 years after the date the order
25 was filed, unless the court permits it to be made on the basis
26 of affidavits that there is reason to believe the child's

1 present environment may endanger seriously the child's mental,
2 physical, or emotional health.

3 (2) The court shall not modify an order that grants
4 visitation to a grandparent, great-grandparent, or sibling
5 unless it finds by clear and convincing evidence, upon the
6 basis of facts that have arisen since the prior visitation
7 order or that were unknown to the court at the time of entry of
8 the prior visitation, that a change has occurred in the
9 circumstances of the child or his or her custodian, and that
10 the modification is necessary to protect the mental, physical,
11 or emotional health of the child. The court shall state in its
12 decision specific findings of fact in support of its
13 modification or termination of the grandparent,
14 great-grandparent, or sibling visitation. A child's parent may
15 always petition to modify visitation upon changed
16 circumstances when necessary to promote the child's best
17 interest.

18 (3) Attorney fees and costs shall be assessed against a
19 party seeking modification of the visitation order if the court
20 finds that the modification action is vexatious and constitutes
21 harassment.

22 (4) Notice under this subsection (a-7) shall be given as
23 provided in subsections (c) and (d) of Section 601.

24 (b) (1) (Blank.)

25 (1.5) The Court may grant reasonable visitation privileges
26 to a stepparent upon petition to the court by the stepparent,

1 with notice to the parties required to be notified under
2 Section 601 of this Act, if the court determines that it is in
3 the best interests and welfare of the child, and may issue any
4 necessary orders to enforce those visitation privileges. A
5 petition for visitation privileges may be filed under this
6 paragraph (1.5) whether or not a petition pursuant to this Act
7 has been previously filed or is currently pending if the
8 following circumstances are met:

9 (A) the child is at least 12 years old;

10 (B) the child resided continuously with the parent and
11 stepparent for at least 5 years;

12 (C) the parent is deceased or is disabled and is unable
13 to care for the child;

14 (D) the child wishes to have reasonable visitation with
15 the stepparent; and

16 (E) the stepparent was providing for the care, control,
17 and welfare to the child prior to the initiation of the
18 petition for visitation.

19 (2) (A) A petition for visitation privileges shall not be
20 filed pursuant to this subsection (b) by the parents or
21 grandparents of a putative father if the paternity of the
22 putative father has not been legally established.

23 (B) A petition for visitation privileges may not be filed
24 under this subsection (b) if the child who is the subject of
25 the grandparents' or great-grandparents' petition has been
26 voluntarily surrendered by the parent or parents, except for a

1 surrender to the Illinois Department of Children and Family
2 Services or a foster care facility, or has been previously
3 adopted by an individual or individuals who are not related to
4 the biological parents of the child or is the subject of a
5 pending adoption petition by an individual or individuals who
6 are not related to the biological parents of the child.

7 (3) (Blank).

8 (c) The court may modify an order granting or denying
9 visitation rights of a parent whenever modification would serve
10 the best interest of the child; but the court shall not
11 restrict a parent's visitation rights unless it finds that the
12 visitation would endanger seriously the child's physical,
13 mental, moral or emotional health.

14 (d) If any court has entered an order prohibiting a
15 non-custodial parent of a child from any contact with a child
16 or restricting the non-custodial parent's contact with the
17 child, the following provisions shall apply:

18 (1) If an order has been entered granting visitation
19 privileges with the child to a grandparent or
20 great-grandparent who is related to the child through the
21 non-custodial parent, the visitation privileges of the
22 grandparent or great-grandparent may be revoked if:

23 (i) a court has entered an order prohibiting the
24 non-custodial parent from any contact with the child,
25 and the grandparent or great-grandparent is found to
26 have used his or her visitation privileges to

1 facilitate contact between the child and the
2 non-custodial parent; or

3 (ii) a court has entered an order restricting the
4 non-custodial parent's contact with the child, and the
5 grandparent or great-grandparent is found to have used
6 his or her visitation privileges to facilitate contact
7 between the child and the non-custodial parent in a
8 manner that violates the terms of the order restricting
9 the non-custodial parent's contact with the child.

10 Nothing in this subdivision (1) limits the authority of
11 the court to enforce its orders in any manner permitted by
12 law.

13 (2) Any order granting visitation privileges with the
14 child to a grandparent or great-grandparent who is related
15 to the child through the non-custodial parent shall contain
16 the following provision:

17 "If the (grandparent or great-grandparent, whichever
18 is applicable) who has been granted visitation privileges
19 under this order uses the visitation privileges to
20 facilitate contact between the child and the child's
21 non-custodial parent, the visitation privileges granted
22 under this order shall be permanently revoked."

23 (e) No parent, not granted custody of the child, or
24 grandparent, or great-grandparent, or stepparent, or sibling
25 of any minor child, convicted of any offense involving an
26 illegal sex act perpetrated upon a victim less than 18 years of

1 age including but not limited to offenses for violations of
2 Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-1.70,
3 or Article 12 of the Criminal Code of 1961 or the Criminal Code
4 of 2012, is entitled to visitation rights while incarcerated or
5 while on parole, probation, conditional discharge, periodic
6 imprisonment, or mandatory supervised release for that
7 offense, and upon discharge from incarceration for a
8 misdemeanor offense or upon discharge from parole, probation,
9 conditional discharge, periodic imprisonment, or mandatory
10 supervised release for a felony offense, visitation shall be
11 denied until the person successfully completes a treatment
12 program approved by the court.

13 (f) Unless the court determines, after considering all
14 relevant factors, including but not limited to those set forth
15 in Section 602(a), that it would be in the best interests of
16 the child to allow visitation, the court shall not enter an
17 order providing visitation rights and pursuant to a motion to
18 modify visitation shall revoke visitation rights previously
19 granted to any person who would otherwise be entitled to
20 petition for visitation rights under this Section who has been
21 convicted of first degree murder of the parent, grandparent,
22 great-grandparent, or sibling of the child who is the subject
23 of the order. Until an order is entered pursuant to this
24 subsection, no person shall visit, with the child present, a
25 person who has been convicted of first degree murder of the
26 parent, grandparent, great-grandparent, or sibling of the

1 child without the consent of the child's parent, other than a
2 parent convicted of first degree murder as set forth herein, or
3 legal guardian.

4 (g) (Blank).

5 (h) Upon motion, the court may allow a parent who is
6 deployed or who has orders to be deployed as a member of the
7 United States Armed Forces to designate a person known to the
8 child to exercise reasonable substitute visitation on behalf of
9 the deployed parent, if the court determines that substitute
10 visitation is in the best interest of the child. In determining
11 whether substitute visitation is in the best interest of the
12 child, the court shall consider all of the relevant factors
13 listed in subsection (a) of Section 602 and apply those factors
14 to the person designated as a substitute for the deployed
15 parent for visitation purposes.

16 (Source: P.A. 96-331, eff. 1-1-10; 97-659, eff. 6-1-12.)

17 (750 ILCS 5/607.1) (from Ch. 40, par. 607.1)

18 Sec. 607.1. Enforcement of visitation orders; visitation
19 abuse.

20 (a) The circuit court shall provide an expedited procedure
21 for enforcement of court ordered visitation in cases of
22 visitation abuse. Visitation abuse occurs when a party has
23 willfully and without justification: (1) denied another party
24 visitation as set forth by the court; or (2) exercised his or
25 her visitation rights in a manner that is harmful to the child

1 or child's custodian.

2 (b) An Action may be commenced by filing a petition setting
3 forth: (i) the petitioner's name, residence address or mailing
4 address, and telephone number; (ii) respondent's name and place
5 of residence, place of employment, or mailing address; (iii)
6 the nature of the visitation abuse, giving dates and other
7 relevant information; (iv) that a reasonable attempt was made
8 to resolve the dispute; and (v) the relief sought.

9 Notice of the filing of the petitions shall be given as
10 provided in Section 511.

11 (c) After hearing all of the evidence, the court may order
12 one or more of the following:

13 (1) Modification of the visitation order to
14 specifically outline periods of visitation or restrict
15 visitation as provided by law.

16 (2) Supervised visitation with a third party or public
17 agency.

18 (3) Make up visitation of the same time period, such as
19 weekend for weekend, holiday for holiday.

20 (4) Counseling or mediation, except in cases where
21 there is evidence of domestic violence, as defined in
22 Section 1 of the Domestic Violence Shelters Act, occurring
23 between the parties.

24 (5) Other appropriate relief deemed equitable.

25 (c-1) When the court issues an order holding a party in
26 contempt for violation of a visitation order and finds that the

1 party engaged in visitation abuse, the court may order one or
2 more of the following:

3 (1) Suspension of a party's Illinois driving
4 privileges pursuant to Section 7-703 of the Illinois
5 Vehicle Code until the court determines that the party is
6 in compliance with the visitation order. The court may also
7 order that a party be issued a family financial
8 responsibility driving permit that would allow limited
9 driving privileges for employment, for medical purposes,
10 and to transport a child to or from scheduled visitation in
11 order to comply with a visitation order in accordance with
12 subsection (a-1) of Section 7-702.1 of the Illinois Vehicle
13 Code.

14 (2) Placement of a party on probation with such
15 conditions of probation as the court deems advisable.

16 (3) Sentencing of a party to periodic imprisonment for
17 a period not to exceed 6 months; provided, that the court
18 may permit the party to be released for periods of time
19 during the day or night to:

20 (A) work; or

21 (B) conduct a business or other self-employed
22 occupation.

23 (4) Find that a party in engaging in visitation abuse
24 is guilty of a petty offense and should be fined an amount
25 of no more than \$500 for each finding of visitation abuse.

26 (d) Nothing contained in this Section shall be construed to

1 limit the court's contempt power, except as provided in
2 subsection (g) of this Section.

3 (e) When the court issues an order holding a party in
4 contempt of court for violation of a visitation order, the
5 clerk shall transmit a copy of the contempt order to the
6 sheriff of the county. The sheriff shall furnish a copy of each
7 contempt order to the Department of State Police on a daily
8 basis in the form and manner required by the Department. The
9 Department shall maintain a complete record and index of the
10 contempt orders and make this data available to all local law
11 enforcement agencies.

12 (f) Attorney fees and costs shall be assessed against a
13 party if the court finds that the enforcement action is
14 vexatious and constitutes harassment.

15 (g) A person convicted of unlawful visitation or parenting
16 time interference under Section 10-5.5 of the Criminal Code of
17 1961 or the Criminal Code of 2012 shall not be subject to the
18 provisions of this Section and the court may not enter a
19 contempt order for visitation abuse against any person for the
20 same conduct for which the person was convicted of unlawful
21 visitation interference or subject that person to the sanctions
22 provided for in this Section.

23 (Source: P.A. 96-333, eff. 8-11-09; 96-675, eff. 8-25-09;
24 97-1047, eff. 8-21-12.)

25 Section 765. The Illinois Parentage Act of 1984 is amended

1 by changing Section 6.5 as follows:

2 (750 ILCS 45/6.5)

3 Sec. 6.5. Custody or visitation by sex offender prohibited.

4 (a) This Section applies to a person who has been found to
5 be the father of a child under this Act and who has been
6 convicted of or who has pled guilty or nolo contendere to a
7 violation of Section 11-1.20 (criminal sexual assault),
8 Section 11-1.30 (aggravated criminal sexual assault), Section
9 11-1.40 (predatory criminal sexual assault of a child), Section
10 11-1.50 (criminal sexual abuse), Section 11-1.60 (aggravated
11 criminal sexual abuse), Section 11-11 (sexual relations within
12 families), Section 12-13 (criminal sexual assault), Section
13 12-14 (aggravated criminal sexual assault), Section 12-14.1
14 (predatory criminal sexual assault of a child), Section 12-15
15 (criminal sexual abuse), or Section 12-16 (aggravated criminal
16 sexual abuse) of the Criminal Code of 1961 or the Criminal Code
17 of 2012, or a similar statute in another jurisdiction, for his
18 conduct in fathering that child.

19 (b) A person described in subsection (a) shall not be
20 entitled to custody of or visitation with that child without
21 the consent of the child's mother or guardian. If the person
22 described in subsection (a) is also the guardian of the child,
23 he does not have the authority to consent to visitation or
24 custody under this Section. If the mother of the child is a
25 minor, and the person described in subsection (a) is also the

1 father or guardian of the mother, then he does not have the
2 authority to consent to custody or visits.

3 (c) Notwithstanding any other provision of this Act,
4 nothing in this Section shall be construed to relieve the
5 father described in subsection (a) of any support and
6 maintenance obligations to the child under this Act.

7 (Source: P.A. 96-1551, eff. 7-1-11; 97-568, eff. 8-25-11.)

8 Section 770. The Adoption Act is amended by changing
9 Sections 1, 8, 12.1, and 14 as follows:

10 (750 ILCS 50/1) (from Ch. 40, par. 1501)

11 Sec. 1. Definitions. When used in this Act, unless the
12 context otherwise requires:

13 A. "Child" means a person under legal age subject to
14 adoption under this Act.

15 B. "Related child" means a child subject to adoption where
16 either or both of the adopting parents stands in any of the
17 following relationships to the child by blood or marriage:
18 parent, grand-parent, brother, sister, step-parent,
19 step-grandparent, step-brother, step-sister, uncle, aunt,
20 great-uncle, great-aunt, or cousin of first degree. A child
21 whose parent has executed a final irrevocable consent to
22 adoption or a final irrevocable surrender for purposes of
23 adoption, or whose parent has had his or her parental rights
24 terminated, is not a related child to that person, unless the

1 consent is determined to be void or is void pursuant to
2 subsection 0 of Section 10.

3 C. "Agency" for the purpose of this Act means a public
4 child welfare agency or a licensed child welfare agency.

5 D. "Unfit person" means any person whom the court shall
6 find to be unfit to have a child, without regard to the
7 likelihood that the child will be placed for adoption. The
8 grounds of unfitness are any one or more of the following,
9 except that a person shall not be considered an unfit person
10 for the sole reason that the person has relinquished a child in
11 accordance with the Abandoned Newborn Infant Protection Act:

12 (a) Abandonment of the child.

13 (a-1) Abandonment of a newborn infant in a hospital.

14 (a-2) Abandonment of a newborn infant in any setting
15 where the evidence suggests that the parent intended to
16 relinquish his or her parental rights.

17 (b) Failure to maintain a reasonable degree of
18 interest, concern or responsibility as to the child's
19 welfare.

20 (c) Desertion of the child for more than 3 months next
21 preceding the commencement of the Adoption proceeding.

22 (d) Substantial neglect of the child if continuous or
23 repeated.

24 (d-1) Substantial neglect, if continuous or repeated,
25 of any child residing in the household which resulted in
26 the death of that child.

1 (e) Extreme or repeated cruelty to the child.

2 (f) There is a rebuttable presumption, which can be
3 overcome only by clear and convincing evidence, that a
4 parent is unfit if:

5 (1) Two or more findings of physical abuse have
6 been entered regarding any children under Section 2-21
7 of the Juvenile Court Act of 1987, the most recent of
8 which was determined by the juvenile court hearing the
9 matter to be supported by clear and convincing
10 evidence; or

11 (2) The parent has been convicted or found not
12 guilty by reason of insanity and the conviction or
13 finding resulted from the death of any child by
14 physical abuse; or

15 (3) There is a finding of physical child abuse
16 resulting from the death of any child under Section
17 2-21 of the Juvenile Court Act of 1987.

18 No conviction or finding of delinquency pursuant
19 to Article 5 of the Juvenile Court Act of 1987 shall be
20 considered a criminal conviction for the purpose of
21 applying any presumption under this item (f).

22 (g) Failure to protect the child from conditions within
23 his environment injurious to the child's welfare.

24 (h) Other neglect of, or misconduct toward the child;
25 provided that in making a finding of unfitness the court
26 hearing the adoption proceeding shall not be bound by any

1 previous finding, order or judgment affecting or
2 determining the rights of the parents toward the child
3 sought to be adopted in any other proceeding except such
4 proceedings terminating parental rights as shall be had
5 under either this Act, the Juvenile Court Act or the
6 Juvenile Court Act of 1987.

7 (i) Depravity. Conviction of any one of the following
8 crimes shall create a presumption that a parent is deprived
9 which can be overcome only by clear and convincing
10 evidence: (1) first degree murder in violation of paragraph
11 1 or 2 of subsection (a) of Section 9-1 of the Criminal
12 Code of 1961 or the Criminal Code of 2012 or conviction of
13 second degree murder in violation of subsection (a) of
14 Section 9-2 of the Criminal Code of 1961 or the Criminal
15 Code of 2012 of a parent of the child to be adopted; (2)
16 first degree murder or second degree murder of any child in
17 violation of the Criminal Code of 1961 or the Criminal Code
18 of 2012; (3) attempt or conspiracy to commit first degree
19 murder or second degree murder of any child in violation of
20 the Criminal Code of 1961 or the Criminal Code of 2012; (4)
21 solicitation to commit murder of any child, solicitation to
22 commit murder of any child for hire, or solicitation to
23 commit second degree murder of any child in violation of
24 the Criminal Code of 1961 or the Criminal Code of 2012; (5)
25 predatory criminal sexual assault of a child in violation
26 of Section 11-1.40 or 12-14.1 of the Criminal Code of 1961

1 or the Criminal Code of 2012; (6) heinous battery of any
2 child in violation of the Criminal Code of 1961; or (7)
3 aggravated battery of any child in violation of the
4 Criminal Code of 1961 or the Criminal Code of 2012.

5 There is a rebuttable presumption that a parent is
6 deprived if the parent has been criminally convicted of at
7 least 3 felonies under the laws of this State or any other
8 state, or under federal law, or the criminal laws of any
9 United States territory; and at least one of these
10 convictions took place within 5 years of the filing of the
11 petition or motion seeking termination of parental rights.

12 There is a rebuttable presumption that a parent is
13 deprived if that parent has been criminally convicted of
14 either first or second degree murder of any person as
15 defined in the Criminal Code of 1961 or the Criminal Code
16 of 2012 within 10 years of the filing date of the petition
17 or motion to terminate parental rights.

18 No conviction or finding of delinquency pursuant to
19 Article 5 of the Juvenile Court Act of 1987 shall be
20 considered a criminal conviction for the purpose of
21 applying any presumption under this item (i).

22 (j) Open and notorious adultery or fornication.

23 (j-1) (Blank).

24 (k) Habitual drunkenness or addiction to drugs, other
25 than those prescribed by a physician, for at least one year
26 immediately prior to the commencement of the unfitness

1 proceeding.

2 There is a rebuttable presumption that a parent is
3 unfit under this subsection with respect to any child to
4 which that parent gives birth where there is a confirmed
5 test result that at birth the child's blood, urine, or
6 meconium contained any amount of a controlled substance as
7 defined in subsection (f) of Section 102 of the Illinois
8 Controlled Substances Act or metabolites of such
9 substances, the presence of which in the newborn infant was
10 not the result of medical treatment administered to the
11 mother or the newborn infant; and the biological mother of
12 this child is the biological mother of at least one other
13 child who was adjudicated a neglected minor under
14 subsection (c) of Section 2-3 of the Juvenile Court Act of
15 1987.

16 (l) Failure to demonstrate a reasonable degree of
17 interest, concern or responsibility as to the welfare of a
18 new born child during the first 30 days after its birth.

19 (m) Failure by a parent (i) to make reasonable efforts
20 to correct the conditions that were the basis for the
21 removal of the child from the parent, or (ii) to make
22 reasonable progress toward the return of the child to the
23 parent within 9 months after an adjudication of neglected
24 or abused minor under Section 2-3 of the Juvenile Court Act
25 of 1987 or dependent minor under Section 2-4 of that Act,
26 or (iii) to make reasonable progress toward the return of

1 the child to the parent during any 9-month period after the
2 end of the initial 9-month period following the
3 adjudication of neglected or abused minor under Section 2-3
4 of the Juvenile Court Act of 1987 or dependent minor under
5 Section 2-4 of that Act. If a service plan has been
6 established as required under Section 8.2 of the Abused and
7 Neglected Child Reporting Act to correct the conditions
8 that were the basis for the removal of the child from the
9 parent and if those services were available, then, for
10 purposes of this Act, "failure to make reasonable progress
11 toward the return of the child to the parent" includes (I)
12 the parent's failure to substantially fulfill his or her
13 obligations under the service plan and correct the
14 conditions that brought the child into care within 9 months
15 after the adjudication under Section 2-3 or 2-4 of the
16 Juvenile Court Act of 1987 and (II) the parent's failure to
17 substantially fulfill his or her obligations under the
18 service plan and correct the conditions that brought the
19 child into care during any 9-month period after the end of
20 the initial 9-month period following the adjudication
21 under Section 2-3 or 2-4 of the Juvenile Court Act of 1987.
22 Notwithstanding any other provision, when a petition or
23 motion seeks to terminate parental rights on the basis of
24 item (iii) of this subsection (m), the petitioner shall
25 file with the court and serve on the parties a pleading
26 that specifies the 9-month period or periods relied on. The

1 pleading shall be filed and served on the parties no later
2 than 3 weeks before the date set by the court for closure
3 of discovery, and the allegations in the pleading shall be
4 treated as incorporated into the petition or motion.
5 Failure of a respondent to file a written denial of the
6 allegations in the pleading shall not be treated as an
7 admission that the allegations are true.

8 (m-1) Pursuant to the Juvenile Court Act of 1987, a
9 child has been in foster care for 15 months out of any 22
10 month period which begins on or after the effective date of
11 this amendatory Act of 1998 unless the child's parent can
12 prove by a preponderance of the evidence that it is more
13 likely than not that it will be in the best interests of
14 the child to be returned to the parent within 6 months of
15 the date on which a petition for termination of parental
16 rights is filed under the Juvenile Court Act of 1987. The
17 15 month time limit is tolled during any period for which
18 there is a court finding that the appointed custodian or
19 guardian failed to make reasonable efforts to reunify the
20 child with his or her family, provided that (i) the finding
21 of no reasonable efforts is made within 60 days of the
22 period when reasonable efforts were not made or (ii) the
23 parent filed a motion requesting a finding of no reasonable
24 efforts within 60 days of the period when reasonable
25 efforts were not made. For purposes of this subdivision
26 (m-1), the date of entering foster care is the earlier of:

1 (i) the date of a judicial finding at an adjudicatory
2 hearing that the child is an abused, neglected, or
3 dependent minor; or (ii) 60 days after the date on which
4 the child is removed from his or her parent, guardian, or
5 legal custodian.

6 (n) Evidence of intent to forgo his or her parental
7 rights, whether or not the child is a ward of the court,
8 (1) as manifested by his or her failure for a period of 12
9 months: (i) to visit the child, (ii) to communicate with
10 the child or agency, although able to do so and not
11 prevented from doing so by an agency or by court order, or
12 (iii) to maintain contact with or plan for the future of
13 the child, although physically able to do so, or (2) as
14 manifested by the father's failure, where he and the mother
15 of the child were unmarried to each other at the time of
16 the child's birth, (i) to commence legal proceedings to
17 establish his paternity under the Illinois Parentage Act of
18 1984 or the law of the jurisdiction of the child's birth
19 within 30 days of being informed, pursuant to Section 12a
20 of this Act, that he is the father or the likely father of
21 the child or, after being so informed where the child is
22 not yet born, within 30 days of the child's birth, or (ii)
23 to make a good faith effort to pay a reasonable amount of
24 the expenses related to the birth of the child and to
25 provide a reasonable amount for the financial support of
26 the child, the court to consider in its determination all

1 relevant circumstances, including the financial condition
2 of both parents; provided that the ground for termination
3 provided in this subparagraph (n)(2)(ii) shall only be
4 available where the petition is brought by the mother or
5 the husband of the mother.

6 Contact or communication by a parent with his or her
7 child that does not demonstrate affection and concern does
8 not constitute reasonable contact and planning under
9 subdivision (n). In the absence of evidence to the
10 contrary, the ability to visit, communicate, maintain
11 contact, pay expenses and plan for the future shall be
12 presumed. The subjective intent of the parent, whether
13 expressed or otherwise, unsupported by evidence of the
14 foregoing parental acts manifesting that intent, shall not
15 preclude a determination that the parent has intended to
16 forgo his or her parental rights. In making this
17 determination, the court may consider but shall not require
18 a showing of diligent efforts by an authorized agency to
19 encourage the parent to perform the acts specified in
20 subdivision (n).

21 It shall be an affirmative defense to any allegation
22 under paragraph (2) of this subsection that the father's
23 failure was due to circumstances beyond his control or to
24 impediments created by the mother or any other person
25 having legal custody. Proof of that fact need only be by a
26 preponderance of the evidence.

1 (o) Repeated or continuous failure by the parents,
2 although physically and financially able, to provide the
3 child with adequate food, clothing, or shelter.

4 (p) Inability to discharge parental responsibilities
5 supported by competent evidence from a psychiatrist,
6 licensed clinical social worker, or clinical psychologist
7 of mental impairment, mental illness or an intellectual
8 disability as defined in Section 1-116 of the Mental Health
9 and Developmental Disabilities Code, or developmental
10 disability as defined in Section 1-106 of that Code, and
11 there is sufficient justification to believe that the
12 inability to discharge parental responsibilities shall
13 extend beyond a reasonable time period. However, this
14 subdivision (p) shall not be construed so as to permit a
15 licensed clinical social worker to conduct any medical
16 diagnosis to determine mental illness or mental
17 impairment.

18 (q) (Blank).

19 (r) The child is in the temporary custody or
20 guardianship of the Department of Children and Family
21 Services, the parent is incarcerated as a result of
22 criminal conviction at the time the petition or motion for
23 termination of parental rights is filed, prior to
24 incarceration the parent had little or no contact with the
25 child or provided little or no support for the child, and
26 the parent's incarceration will prevent the parent from

1 discharging his or her parental responsibilities for the
2 child for a period in excess of 2 years after the filing of
3 the petition or motion for termination of parental rights.

4 (s) The child is in the temporary custody or
5 guardianship of the Department of Children and Family
6 Services, the parent is incarcerated at the time the
7 petition or motion for termination of parental rights is
8 filed, the parent has been repeatedly incarcerated as a
9 result of criminal convictions, and the parent's repeated
10 incarceration has prevented the parent from discharging
11 his or her parental responsibilities for the child.

12 (t) A finding that at birth the child's blood, urine,
13 or meconium contained any amount of a controlled substance
14 as defined in subsection (f) of Section 102 of the Illinois
15 Controlled Substances Act, or a metabolite of a controlled
16 substance, with the exception of controlled substances or
17 metabolites of such substances, the presence of which in
18 the newborn infant was the result of medical treatment
19 administered to the mother or the newborn infant, and that
20 the biological mother of this child is the biological
21 mother of at least one other child who was adjudicated a
22 neglected minor under subsection (c) of Section 2-3 of the
23 Juvenile Court Act of 1987, after which the biological
24 mother had the opportunity to enroll in and participate in
25 a clinically appropriate substance abuse counseling,
26 treatment, and rehabilitation program.

1 E. "Parent" means the father or mother of a lawful child of
2 the parties or child born out of wedlock. For the purpose of
3 this Act, a person who has executed a final and irrevocable
4 consent to adoption or a final and irrevocable surrender for
5 purposes of adoption, or whose parental rights have been
6 terminated by a court, is not a parent of the child who was the
7 subject of the consent or surrender, unless the consent is void
8 pursuant to subsection O of Section 10.

9 F. A person is available for adoption when the person is:

10 (a) a child who has been surrendered for adoption to an
11 agency and to whose adoption the agency has thereafter
12 consented;

13 (b) a child to whose adoption a person authorized by
14 law, other than his parents, has consented, or to whose
15 adoption no consent is required pursuant to Section 8 of
16 this Act;

17 (c) a child who is in the custody of persons who intend
18 to adopt him through placement made by his parents;

19 (c-1) a child for whom a parent has signed a specific
20 consent pursuant to subsection O of Section 10;

21 (d) an adult who meets the conditions set forth in
22 Section 3 of this Act; or

23 (e) a child who has been relinquished as defined in
24 Section 10 of the Abandoned Newborn Infant Protection Act.

25 A person who would otherwise be available for adoption
26 shall not be deemed unavailable for adoption solely by reason

1 of his or her death.

2 G. The singular includes the plural and the plural includes
3 the singular and the "male" includes the "female", as the
4 context of this Act may require.

5 H. "Adoption disruption" occurs when an adoptive placement
6 does not prove successful and it becomes necessary for the
7 child to be removed from placement before the adoption is
8 finalized.

9 I. "Foreign placing agency" is an agency or individual
10 operating in a country or territory outside the United States
11 that is authorized by its country to place children for
12 adoption either directly with families in the United States or
13 through United States based international agencies.

14 J. "Immediate relatives" means the biological parents, the
15 parents of the biological parents and siblings of the
16 biological parents.

17 K. "Intercountry adoption" is a process by which a child
18 from a country other than the United States is adopted.

19 L. "Intercountry Adoption Coordinator" is a staff person of
20 the Department of Children and Family Services appointed by the
21 Director to coordinate the provision of services by the public
22 and private sector to prospective parents of foreign-born
23 children.

24 M. "Interstate Compact on the Placement of Children" is a
25 law enacted by most states for the purpose of establishing
26 uniform procedures for handling the interstate placement of

1 children in foster homes, adoptive homes, or other child care
2 facilities.

3 N. "Non-Compact state" means a state that has not enacted
4 the Interstate Compact on the Placement of Children.

5 O. "Preadoption requirements" are any conditions
6 established by the laws or regulations of the Federal
7 Government or of each state that must be met prior to the
8 placement of a child in an adoptive home.

9 P. "Abused child" means a child whose parent or immediate
10 family member, or any person responsible for the child's
11 welfare, or any individual residing in the same home as the
12 child, or a paramour of the child's parent:

13 (a) inflicts, causes to be inflicted, or allows to be
14 inflicted upon the child physical injury, by other than
15 accidental means, that causes death, disfigurement,
16 impairment of physical or emotional health, or loss or
17 impairment of any bodily function;

18 (b) creates a substantial risk of physical injury to
19 the child by other than accidental means which would be
20 likely to cause death, disfigurement, impairment of
21 physical or emotional health, or loss or impairment of any
22 bodily function;

23 (c) commits or allows to be committed any sex offense
24 against the child, as sex offenses are defined in the
25 Criminal Code of 2012 ~~1961~~ and extending those definitions
26 of sex offenses to include children under 18 years of age;

1 (d) commits or allows to be committed an act or acts of
2 torture upon the child; or

3 (e) inflicts excessive corporal punishment.

4 Q. "Neglected child" means any child whose parent or other
5 person responsible for the child's welfare withholds or denies
6 nourishment or medically indicated treatment including food or
7 care denied solely on the basis of the present or anticipated
8 mental or physical impairment as determined by a physician
9 acting alone or in consultation with other physicians or
10 otherwise does not provide the proper or necessary support,
11 education as required by law, or medical or other remedial care
12 recognized under State law as necessary for a child's
13 well-being, or other care necessary for his or her well-being,
14 including adequate food, clothing and shelter; or who is
15 abandoned by his or her parents or other person responsible for
16 the child's welfare.

17 A child shall not be considered neglected or abused for the
18 sole reason that the child's parent or other person responsible
19 for his or her welfare depends upon spiritual means through
20 prayer alone for the treatment or cure of disease or remedial
21 care as provided under Section 4 of the Abused and Neglected
22 Child Reporting Act. A child shall not be considered neglected
23 or abused for the sole reason that the child's parent or other
24 person responsible for the child's welfare failed to vaccinate,
25 delayed vaccination, or refused vaccination for the child due
26 to a waiver on religious or medical grounds as permitted by

1 law.

2 R. "Putative father" means a man who may be a child's
3 father, but who (1) is not married to the child's mother on or
4 before the date that the child was or is to be born and (2) has
5 not established paternity of the child in a court proceeding
6 before the filing of a petition for the adoption of the child.
7 The term includes a male who is less than 18 years of age.
8 "Putative father" does not mean a man who is the child's father
9 as a result of criminal sexual abuse or assault as defined
10 under Article 11 ~~12~~ of the Criminal Code of 2012 ~~1961~~.

11 S. "Standby adoption" means an adoption in which a parent
12 consents to custody and termination of parental rights to
13 become effective upon the occurrence of a future event, which
14 is either the death of the parent or the request of the parent
15 for the entry of a final judgment of adoption.

16 T. (Blank).

17 (Source: P.A. 96-1551, eff. 7-1-11; 97-227, eff. 1-1-12;
18 97-1109, eff. 1-1-13.)

19 (750 ILCS 50/8) (from Ch. 40, par. 1510)

20 Sec. 8. Consents to adoption and surrenders for purposes of
21 adoption.

22 (a) Except as hereinafter provided in this Section consents
23 or surrenders shall be required in all cases, unless the person
24 whose consent or surrender would otherwise be required shall be
25 found by the court:

1 (1) to be an unfit person as defined in Section 1 of
2 this Act, by clear and convincing evidence; or

3 (2) not to be the biological or adoptive father of the
4 child; or

5 (3) to have waived his parental rights to the child
6 under Section 12a or 12.1 or subsection S of Section 10 of
7 this Act; or

8 (4) to be the parent of an adult sought to be adopted;
9 or

10 (5) to be the father of the child as a result of
11 criminal sexual abuse or assault as defined under Article
12 11 ~~12~~ of the Criminal Code of 2012 ~~1961~~; or

13 (6) to be the father of a child who:

14 (i) is a family member of the mother of the child,
15 and the mother is under the age of 18 at the time of
16 the child's conception; for purposes of this
17 subsection, a "family member" is a parent,
18 step-parent, grandparent, step-grandparent, sibling,
19 or cousin of the first degree, whether by whole blood,
20 half-blood, or adoption, as well as a person age 18 or
21 over at the time of the child's conception who has
22 resided in the household with the mother continuously
23 for at least one year; or

24 (ii) is at least 5 years older than the child's
25 mother, and the mother was under the age of 17 at the
26 time of the child's conception, unless the mother and

1 father voluntarily acknowledge the father's paternity
2 of the child by marrying or by establishing the
3 father's paternity by consent of the parties pursuant
4 to the Illinois Parentage Act of 1984 or pursuant to a
5 substantially similar statute in another state.

6 A criminal conviction of any offense pursuant to
7 Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
8 11-1.70, 12C-5, 12C-10, 12C-35, 12C-40, 12C-45, 18-6,
9 19-6, or Article 12 of the Criminal Code of 1961 or the
10 Criminal Code of 2012 is not required.

11 (b) Where consents are required in the case of an adoption
12 of a minor child, the consents of the following persons shall
13 be sufficient:

- 14 (1) (A) The mother of the minor child; and
15 (B) The father of the minor child, if the father:
16 (i) was married to the mother on the date of
17 birth of the child or within 300 days before the
18 birth of the child, except for a husband or former
19 husband who has been found by a court of competent
20 jurisdiction not to be the biological father of the
21 child; or
22 (ii) is the father of the child under a
23 judgment for adoption, an order of parentage, or an
24 acknowledgment of parentage or paternity pursuant
25 to subsection (a) of Section 5 of the Illinois
26 Parentage Act of 1984; or

1 (iii) in the case of a child placed with the
2 adopting parents less than 6 months after birth,
3 openly lived with the child, the child's
4 biological mother, or both, and held himself out to
5 be the child's biological father during the first
6 30 days following the birth of the child; or

7 (iv) in the case of a child placed with the
8 adopting parents less than 6 months after birth,
9 made a good faith effort to pay a reasonable amount
10 of the expenses related to the birth of the child
11 and to provide a reasonable amount for the
12 financial support of the child before the
13 expiration of 30 days following the birth of the
14 child, provided that the court may consider in its
15 determination all relevant circumstances,
16 including the financial condition of both
17 biological parents; or

18 (v) in the case of a child placed with the
19 adopting parents more than 6 months after birth,
20 has maintained substantial and continuous or
21 repeated contact with the child as manifested by:
22 (I) the payment by the father toward the support of
23 the child of a fair and reasonable sum, according
24 to the father's means, and either (II) the father's
25 visiting the child at least monthly when
26 physically and financially able to do so and not

1 prevented from doing so by the person or authorized
2 agency having lawful custody of the child, or (III)
3 the father's regular communication with the child
4 or with the person or agency having the care or
5 custody of the child, when physically and
6 financially unable to visit the child or prevented
7 from doing so by the person or authorized agency
8 having lawful custody of the child. The subjective
9 intent of the father, whether expressed or
10 otherwise unsupported by evidence of acts
11 specified in this sub-paragraph as manifesting
12 such intent, shall not preclude a determination
13 that the father failed to maintain substantial and
14 continuous or repeated contact with the child; or

15 (vi) in the case of a child placed with the
16 adopting parents more than six months after birth,
17 openly lived with the child for a period of six
18 months within the one year period immediately
19 preceding the placement of the child for adoption
20 and openly held himself out to be the father of the
21 child; or

22 (vii) has timely registered with Putative
23 Father Registry, as provided in Section 12.1 of
24 this Act, and prior to the expiration of 30 days
25 from the date of such registration, commenced
26 legal proceedings to establish paternity under the

1 Illinois Parentage Act of 1984 or under the law of
2 the jurisdiction of the child's birth; or

3 (2) The legal guardian of the person of the child, if
4 there is no surviving parent; or

5 (3) An agency, if the child has been surrendered for
6 adoption to such agency; or

7 (4) Any person or agency having legal custody of a
8 child by court order if the parental rights of the parents
9 have been judicially terminated, and the court having
10 jurisdiction of the guardianship of the child has
11 authorized the consent to the adoption; or

12 (5) The execution and verification of the petition by
13 any petitioner who is also a parent of the child sought to
14 be adopted shall be sufficient evidence of such parent's
15 consent to the adoption.

16 (c) Where surrenders to an agency are required in the case
17 of a placement for adoption of a minor child by an agency, the
18 surrenders of the following persons shall be sufficient:

19 (1) (A) The mother of the minor child; and

20 (B) The father of the minor child, if the father:

21 (i) was married to the mother on the date of
22 birth of the child or within 300 days before the
23 birth of the child, except for a husband or former
24 husband who has been found by a court of competent
25 jurisdiction not to be the biological father of the
26 child; or

1 (ii) is the father of the child under a
2 judgment for adoption, an order of parentage, or an
3 acknowledgment of parentage or paternity pursuant
4 to subsection (a) of Section 5 of the Illinois
5 Parentage Act of 1984; or

6 (iii) in the case of a child placed with the
7 adopting parents less than 6 months after birth,
8 openly lived with the child, the child's
9 biological mother, or both, and held himself out to
10 be the child's biological father during the first
11 30 days following the birth of a child; or

12 (iv) in the case of a child placed with the
13 adopting parents less than 6 months after birth,
14 made a good faith effort to pay a reasonable amount
15 of the expenses related to the birth of the child
16 and to provide a reasonable amount for the
17 financial support of the child before the
18 expiration of 30 days following the birth of the
19 child, provided that the court may consider in its
20 determination all relevant circumstances,
21 including the financial condition of both
22 biological parents; or

23 (v) in the case of a child placed with the
24 adopting parents more than six months after birth,
25 has maintained substantial and continuous or
26 repeated contact with the child as manifested by:

1 (I) the payment by the father toward the support of
2 the child of a fair and reasonable sum, according
3 to the father's means, and either (II) the father's
4 visiting the child at least monthly when
5 physically and financially able to do so and not
6 prevented from doing so by the person or authorized
7 agency having lawful custody of the child or (III)
8 the father's regular communication with the child
9 or with the person or agency having the care or
10 custody of the child, when physically and
11 financially unable to visit the child or prevented
12 from doing so by the person or authorized agency
13 having lawful custody of the child. The subjective
14 intent of the father, whether expressed or
15 otherwise, unsupported by evidence of acts
16 specified in this sub-paragraph as manifesting
17 such intent, shall not preclude a determination
18 that the father failed to maintain substantial and
19 continuous or repeated contact with the child; or

20 (vi) in the case of a child placed with the
21 adopting parents more than six months after birth,
22 openly lived with the child for a period of six
23 months within the one year period immediately
24 preceding the placement of the child for adoption
25 and openly held himself out to be the father of the
26 child; or

1 (vii) has timely registered with the Putative
2 Father Registry, as provided in Section 12.1 of
3 this Act, and prior to the expiration of 30 days
4 from the date of such registration, commenced
5 legal proceedings to establish paternity under the
6 Illinois Parentage Act of 1984, or under the law of
7 the jurisdiction of the child's birth.

8 (d) In making a determination under subparagraphs (b) (1)
9 and (c) (1), no showing shall be required of diligent efforts by
10 a person or agency to encourage the father to perform the acts
11 specified therein.

12 (e) In the case of the adoption of an adult, only the
13 consent of such adult shall be required.

14 (Source: P.A. 97-493, eff. 8-22-11.)

15 (750 ILCS 50/12.1)

16 Sec. 12.1. Putative Father Registry. The Department of
17 Children and Family Services shall establish a Putative Father
18 Registry for the purpose of determining the identity and
19 location of a putative father of a minor child who is, or is
20 expected to be, the subject of an adoption proceeding, in order
21 to provide notice of such proceeding to the putative father.
22 The Department of Children and Family Services shall establish
23 rules and informational material necessary to implement the
24 provisions of this Section. The Department shall have the
25 authority to set reasonable fees for the use of the Registry.

1 All such fees for the use of the Registry that are received by
2 the Department or its agent shall be deposited into the fund
3 authorized under subsection (b) of Section 25 of the Children
4 and Family Services Act. The Department shall use the moneys in
5 that fund for the purpose of maintaining the Registry.

6 (a) The Department shall maintain the following
7 information in the Registry:

8 (1) With respect to the putative father:

9 (i) Name, including any other names by which the
10 putative father may be known and that he may provide to
11 the Registry;

12 (ii) Address at which he may be served with notice
13 of a petition under this Act, including any change of
14 address;

15 (iii) Social Security Number;

16 (iv) Date of birth; and

17 (v) If applicable, a certified copy of an order by
18 a court of this State or of another state or territory
19 of the United States adjudicating the putative father
20 to be the father of the child.

21 (2) With respect to the mother of the child:

22 (i) Name, including all other names known to the
23 putative father by which the mother may be known;

24 (ii) If known to the putative father, her last
25 address;

26 (iii) Social Security Number; and

1 (iv) Date of birth.

2 (3) If known to the putative father, the name, gender,
3 place of birth, and date of birth or anticipated date of
4 birth of the child.

5 (4) The date that the Department received the putative
6 father's registration.

7 (5) Other information as the Department may by rule
8 determine necessary for the orderly administration of the
9 Registry.

10 (b) A putative father may register with the Department
11 before the birth of the child but shall register no later than
12 30 days after the birth of the child. All registrations shall
13 be in writing and signed by the putative father. No fee shall
14 be charged for the initial registration. The Department shall
15 have no independent obligation to gather the information to be
16 maintained.

17 (c) An interested party, including persons intending to
18 adopt a child, a child welfare agency with whom the mother has
19 placed or has given written notice of her intention to place a
20 child for adoption, the mother of the child, or an attorney
21 representing an interested party may request that the
22 Department search the Registry to determine whether a putative
23 father is registered in relation to a child who is or may be
24 the subject to an adoption petition.

25 (d) A search of the Registry may be proven by the
26 production of a certified copy of the registration form, or by

1 the certified statement of the administrator of the Registry
2 that after a search, no registration of a putative father in
3 relation to a child who is or may be the subject of an adoption
4 petition could be located.

5 (e) Except as otherwise provided, information contained
6 within the Registry is confidential and shall not be published
7 or open to public inspection.

8 (f) A person who knowingly or intentionally registers false
9 information under this Section commits a Class B misdemeanor. A
10 person who knowingly or intentionally releases confidential
11 information in violation of this Section commits a Class B
12 misdemeanor.

13 (g) Except as provided in subsections (b) or (c) of Section
14 8 of this Act, a putative father who fails to register with the
15 Putative Father Registry as provided in this Section is barred
16 from thereafter bringing or maintaining any action to assert
17 any interest in the child, unless he proves by clear and
18 convincing evidence that:

19 (1) it was not possible for him to register within the
20 period of time specified in subsection (b) of this Section;
21 and

22 (2) his failure to register was through no fault of his
23 own; and

24 (3) he registered within 10 days after it became
25 possible for him to file.

26 A lack of knowledge of the pregnancy or birth is not an

1 acceptable reason for failure to register.

2 (h) Except as provided in subsection (b) or (c) of Section
3 8 of this Act, failure to timely register with the Putative
4 Father Registry (i) shall be deemed to be a waiver and
5 surrender of any right to notice of any hearing in any judicial
6 proceeding for the adoption of the child, and the consent or
7 surrender of that person to the adoption of the child is not
8 required, and (ii) shall constitute an abandonment of the child
9 and shall be prima facie evidence of sufficient grounds to
10 support termination of such father's parental rights under this
11 Act.

12 (i) In any adoption proceeding pertaining to a child born
13 out of wedlock, if there is no showing that a putative father
14 has executed a consent or surrender or waived his rights
15 regarding the proposed adoption, certification as specified in
16 subsection (d) shall be filed with the court prior to entry of
17 a final judgment order of adoption.

18 (j) The Registry shall not be used to notify a putative
19 father who is the father of a child as a result of criminal
20 sexual abuse or assault as defined under Article 11 ~~12~~ of the
21 Criminal Code of 2012 ~~1961~~.

22 (Source: P.A. 94-1010, eff. 10-1-06.)

23 (750 ILCS 50/14) (from Ch. 40, par. 1517)

24 Sec. 14. Judgment.

25 (a) Prior to the entry of the judgment for order of

1 adoption in any case other than an adoption of a related child
2 or of an adult, each petitioner and each person, agency,
3 association, corporation, institution, society or organization
4 involved in the adoption of the child, except a child welfare
5 agency, shall execute an affidavit setting forth the hospital
6 and medical costs, legal fees, counseling fees, and any other
7 fees or expenditures paid in accordance with the Adoption
8 Compensation Prohibition Act or Section 12C-70 of the Criminal
9 Code of 2012 ~~1961~~.

10 (b) Before the entry of the judgment for adoption, each
11 child welfare agency involved in the adoption of the child
12 shall file an affidavit concerning the costs, expenses,
13 contributions, fees, compensation, or other things of value
14 which have been given, promised, or received including but not
15 limited to hospital and medical costs, legal fees, social
16 services, living expenses, or any other expenses related to the
17 adoption paid in accordance with the Adoption Compensation
18 Prohibition Act or Section 12C-70 of the Criminal Code of 2012
19 ~~1961~~.

20 If the total amount paid by the child welfare agency is
21 \$4,500 or more, the affidavit shall contain an itemization of
22 expenditures.

23 If the total amount paid by the child welfare agency is
24 less than \$4,500, the agency may file an unitemized affidavit
25 stating that the total amount paid is less than \$4,500 unless
26 the court, in its discretion, requires that agency to file an

1 itemized affidavit.

2 (c) No affidavit need be filed in the case of an adoption
3 of a related child or an adult, nor shall an affidavit be
4 required to be filed by a non-consenting parent, or by any
5 judge, or clerk, involved in an official capacity in the
6 adoption proceedings.

7 (d) All affidavits filed in accordance with this Section
8 shall be under penalty of perjury and shall include, but are
9 not limited to, hospital and medical costs, legal fees, social
10 services, living expenses or any other expenses related to the
11 adoption or to the placement of the child, whether or not the
12 payments are permitted by applicable laws.

13 (e) Upon the expiration of 6 months after the date of any
14 interim order vesting temporary care, custody and control of a
15 child, other than a related child, in the petitioners, entered
16 pursuant to this Act, the petitioners may apply to the court
17 for a judgment of adoption. Notice of such application shall be
18 served by the petitioners upon the investigating agency or the
19 person making such investigation, and the guardian ad litem.
20 After the hearing on such application, at which the petitioners
21 and the child shall appear in person, unless their presence is
22 waived by the court for good cause shown, the court may enter a
23 judgment for adoption, provided the court is satisfied from the
24 report of the investigating agency or the person making the
25 investigation, and from the evidence, if any, introduced, that
26 the adoption is for the welfare of the child and that there is

1 a valid consent, or that no consent is required as provided in
2 Section 8 of this Act.

3 (f) A judgment for adoption of a related child, an adult,
4 or a child as to whose adoption an agency or person authorized
5 by law has the right of authority to consent may be entered at
6 any time after service of process and after the return day
7 designated therein.

8 (f-5) A standby adoption judgment may be entered upon
9 notice of the death of the consenting parent or upon the
10 consenting parent's request that a final judgment for adoption
11 be entered. The notice must be provided to the court within 60
12 days after the standby adoptive parent's receipt of knowledge
13 of death of the consenting parent or the consenting parent's
14 request that a final judgment for adoption be entered. If the
15 court finds that adoption is for the welfare of the child and
16 that there is a valid consent, including consent for standby
17 adoption, which is still in effect, or that no consent is
18 required under Section 8 of the Act, a judgment for adoption
19 shall be entered unless the court finds by clear and convincing
20 evidence that it is no longer in the best interest of the child
21 for the adoption to be finalized.

22 (g) No special findings of fact or certificate of evidence
23 shall be necessary in any case to support the judgment.

24 (h) Only the circuit court that entered the judgment of the
25 adoption may order the issuance of any contents of the court
26 file or that the original birth record of the adoptee be

1 provided to any persons.

2 (Source: P.A. 97-1109, eff. 1-1-13.)

3 Section 775. The Illinois Domestic Violence Act of 1986 is
4 amended by changing Sections 103, 214, 216, 223, 301, and 304
5 as follows:

6 (750 ILCS 60/103) (from Ch. 40, par. 2311-3)

7 Sec. 103. Definitions. For the purposes of this Act, the
8 following terms shall have the following meanings:

9 (1) "Abuse" means physical abuse, harassment, intimidation
10 of a dependent, interference with personal liberty or willful
11 deprivation but does not include reasonable direction of a
12 minor child by a parent or person in loco parentis.

13 (2) "Adult with disabilities" means an elder adult with
14 disabilities or a high-risk adult with disabilities. A person
15 may be an adult with disabilities for purposes of this Act even
16 though he or she has never been adjudicated an incompetent
17 adult. However, no court proceeding may be initiated or
18 continued on behalf of an adult with disabilities over that
19 adult's objection, unless such proceeding is approved by his or
20 her legal guardian, if any.

21 (3) "Domestic violence" means abuse as defined in paragraph
22 (1).

23 (4) "Elder adult with disabilities" means an adult
24 prevented by advanced age from taking appropriate action to

1 protect himself or herself from abuse by a family or household
2 member.

3 (5) "Exploitation" means the illegal, including tortious,
4 use of a high-risk adult with disabilities or of the assets or
5 resources of a high-risk adult with disabilities. Exploitation
6 includes, but is not limited to, the misappropriation of assets
7 or resources of a high-risk adult with disabilities by undue
8 influence, by breach of a fiduciary relationship, by fraud,
9 deception, or extortion, or the use of such assets or resources
10 in a manner contrary to law.

11 (6) "Family or household members" include spouses, former
12 spouses, parents, children, stepchildren and other persons
13 related by blood or by present or prior marriage, persons who
14 share or formerly shared a common dwelling, persons who have or
15 allegedly have a child in common, persons who share or
16 allegedly share a blood relationship through a child, persons
17 who have or have had a dating or engagement relationship,
18 persons with disabilities and their personal assistants, and
19 caregivers as defined in Section 12-4.4a ~~or paragraph (3) of~~
20 ~~subsection (b) of Section 12-21~~ of the Criminal Code of 2012
21 ~~1961~~. For purposes of this paragraph, neither a casual
22 acquaintanceship nor ordinary fraternization between 2
23 individuals in business or social contexts shall be deemed to
24 constitute a dating relationship. In the case of a high-risk
25 adult with disabilities, "family or household members"
26 includes any person who has the responsibility for a high-risk

1 adult as a result of a family relationship or who has assumed
2 responsibility for all or a portion of the care of a high-risk
3 adult with disabilities voluntarily, or by express or implied
4 contract, or by court order.

5 (7) "Harassment" means knowing conduct which is not
6 necessary to accomplish a purpose that is reasonable under the
7 circumstances; would cause a reasonable person emotional
8 distress; and does cause emotional distress to the petitioner.
9 Unless the presumption is rebutted by a preponderance of the
10 evidence, the following types of conduct shall be presumed to
11 cause emotional distress:

12 (i) creating a disturbance at petitioner's place of
13 employment or school;

14 (ii) repeatedly telephoning petitioner's place of
15 employment, home or residence;

16 (iii) repeatedly following petitioner about in a
17 public place or places;

18 (iv) repeatedly keeping petitioner under surveillance
19 by remaining present outside his or her home, school, place
20 of employment, vehicle or other place occupied by
21 petitioner or by peering in petitioner's windows;

22 (v) improperly concealing a minor child from
23 petitioner, repeatedly threatening to improperly remove a
24 minor child of petitioner's from the jurisdiction or from
25 the physical care of petitioner, repeatedly threatening to
26 conceal a minor child from petitioner, or making a single

1 such threat following an actual or attempted improper
2 removal or concealment, unless respondent was fleeing an
3 incident or pattern of domestic violence; or

4 (vi) threatening physical force, confinement or
5 restraint on one or more occasions.

6 (8) "High-risk adult with disabilities" means a person aged
7 18 or over whose physical or mental disability impairs his or
8 her ability to seek or obtain protection from abuse, neglect,
9 or exploitation.

10 (9) "Interference with personal liberty" means committing
11 or threatening physical abuse, harassment, intimidation or
12 willful deprivation so as to compel another to engage in
13 conduct from which she or he has a right to abstain or to
14 refrain from conduct in which she or he has a right to engage.

15 (10) "Intimidation of a dependent" means subjecting a
16 person who is dependent because of age, health or disability to
17 participation in or the witnessing of: physical force against
18 another or physical confinement or restraint of another which
19 constitutes physical abuse as defined in this Act, regardless
20 of whether the abused person is a family or household member.

21 (11) (A) "Neglect" means the failure to exercise that
22 degree of care toward a high-risk adult with disabilities which
23 a reasonable person would exercise under the circumstances and
24 includes but is not limited to:

25 (i) the failure to take reasonable steps to protect a
26 high-risk adult with disabilities from acts of abuse;

1 (ii) the repeated, careless imposition of unreasonable
2 confinement;

3 (iii) the failure to provide food, shelter, clothing,
4 and personal hygiene to a high-risk adult with disabilities
5 who requires such assistance;

6 (iv) the failure to provide medical and rehabilitative
7 care for the physical and mental health needs of a
8 high-risk adult with disabilities; or

9 (v) the failure to protect a high-risk adult with
10 disabilities from health and safety hazards.

11 (B) Nothing in this subsection (10) shall be construed to
12 impose a requirement that assistance be provided to a high-risk
13 adult with disabilities over his or her objection in the
14 absence of a court order, nor to create any new affirmative
15 duty to provide support to a high-risk adult with disabilities.

16 (12) "Order of protection" means an emergency order,
17 interim order or plenary order, granted pursuant to this Act,
18 which includes any or all of the remedies authorized by Section
19 214 of this Act.

20 (13) "Petitioner" may mean not only any named petitioner
21 for the order of protection and any named victim of abuse on
22 whose behalf the petition is brought, but also any other person
23 protected by this Act.

24 (14) "Physical abuse" includes sexual abuse and means any
25 of the following:

26 (i) knowing or reckless use of physical force,

1 confinement or restraint;

2 (ii) knowing, repeated and unnecessary sleep
3 deprivation; or

4 (iii) knowing or reckless conduct which creates an
5 immediate risk of physical harm.

6 (14.5) "Stay away" means for the respondent to refrain from
7 both physical presence and nonphysical contact with the
8 petitioner whether direct, indirect (including, but not
9 limited to, telephone calls, mail, email, faxes, and written
10 notes), or through third parties who may or may not know about
11 the order of protection.

12 (15) "Willful deprivation" means wilfully denying a person
13 who because of age, health or disability requires medication,
14 medical care, shelter, accessible shelter or services, food,
15 therapeutic device, or other physical assistance, and thereby
16 exposing that person to the risk of physical, mental or
17 emotional harm, except with regard to medical care or treatment
18 when the dependent person has expressed an intent to forgo such
19 medical care or treatment. This paragraph does not create any
20 new affirmative duty to provide support to dependent persons.

21 (Source: P.A. 96-1551, eff. 7-1-11.)

22 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

23 Sec. 214. Order of protection; remedies.

24 (a) Issuance of order. If the court finds that petitioner
25 has been abused by a family or household member or that

1 petitioner is a high-risk adult who has been abused, neglected,
2 or exploited, as defined in this Act, an order of protection
3 prohibiting the abuse, neglect, or exploitation shall issue;
4 provided that petitioner must also satisfy the requirements of
5 one of the following Sections, as appropriate: Section 217 on
6 emergency orders, Section 218 on interim orders, or Section 219
7 on plenary orders. Petitioner shall not be denied an order of
8 protection because petitioner or respondent is a minor. The
9 court, when determining whether or not to issue an order of
10 protection, shall not require physical manifestations of abuse
11 on the person of the victim. Modification and extension of
12 prior orders of protection shall be in accordance with this
13 Act.

14 (b) Remedies and standards. The remedies to be included in
15 an order of protection shall be determined in accordance with
16 this Section and one of the following Sections, as appropriate:
17 Section 217 on emergency orders, Section 218 on interim orders,
18 and Section 219 on plenary orders. The remedies listed in this
19 subsection shall be in addition to other civil or criminal
20 remedies available to petitioner.

21 (1) Prohibition of abuse, neglect, or exploitation.
22 Prohibit respondent's harassment, interference with
23 personal liberty, intimidation of a dependent, physical
24 abuse, or willful deprivation, neglect or exploitation, as
25 defined in this Act, or stalking of the petitioner, as
26 defined in Section 12-7.3 of the Criminal Code of 2012

1 ~~1961~~, if such abuse, neglect, exploitation, or stalking has
2 occurred or otherwise appears likely to occur if not
3 prohibited.

4 (2) Grant of exclusive possession of residence.
5 Prohibit respondent from entering or remaining in any
6 residence, household, or premises of the petitioner,
7 including one owned or leased by respondent, if petitioner
8 has a right to occupancy thereof. The grant of exclusive
9 possession of the residence, household, or premises shall
10 not affect title to real property, nor shall the court be
11 limited by the standard set forth in Section 701 of the
12 Illinois Marriage and Dissolution of Marriage Act.

13 (A) Right to occupancy. A party has a right to
14 occupancy of a residence or household if it is solely
15 or jointly owned or leased by that party, that party's
16 spouse, a person with a legal duty to support that
17 party or a minor child in that party's care, or by any
18 person or entity other than the opposing party that
19 authorizes that party's occupancy (e.g., a domestic
20 violence shelter). Standards set forth in subparagraph
21 (B) shall not preclude equitable relief.

22 (B) Presumption of hardships. If petitioner and
23 respondent each has the right to occupancy of a
24 residence or household, the court shall balance (i) the
25 hardships to respondent and any minor child or
26 dependent adult in respondent's care resulting from

1 entry of this remedy with (ii) the hardships to
2 petitioner and any minor child or dependent adult in
3 petitioner's care resulting from continued exposure to
4 the risk of abuse (should petitioner remain at the
5 residence or household) or from loss of possession of
6 the residence or household (should petitioner leave to
7 avoid the risk of abuse). When determining the balance
8 of hardships, the court shall also take into account
9 the accessibility of the residence or household.
10 Hardships need not be balanced if respondent does not
11 have a right to occupancy.

12 The balance of hardships is presumed to favor
13 possession by petitioner unless the presumption is
14 rebutted by a preponderance of the evidence, showing
15 that the hardships to respondent substantially
16 outweigh the hardships to petitioner and any minor
17 child or dependent adult in petitioner's care. The
18 court, on the request of petitioner or on its own
19 motion, may order respondent to provide suitable,
20 accessible, alternate housing for petitioner instead
21 of excluding respondent from a mutual residence or
22 household.

23 (3) Stay away order and additional prohibitions. Order
24 respondent to stay away from petitioner or any other person
25 protected by the order of protection, or prohibit
26 respondent from entering or remaining present at

1 petitioner's school, place of employment, or other
2 specified places at times when petitioner is present, or
3 both, if reasonable, given the balance of hardships.
4 Hardships need not be balanced for the court to enter a
5 stay away order or prohibit entry if respondent has no
6 right to enter the premises.

7 (A) If an order of protection grants petitioner
8 exclusive possession of the residence, or prohibits
9 respondent from entering the residence, or orders
10 respondent to stay away from petitioner or other
11 protected persons, then the court may allow respondent
12 access to the residence to remove items of clothing and
13 personal adornment used exclusively by respondent,
14 medications, and other items as the court directs. The
15 right to access shall be exercised on only one occasion
16 as the court directs and in the presence of an
17 agreed-upon adult third party or law enforcement
18 officer.

19 (B) When the petitioner and the respondent attend
20 the same public, private, or non-public elementary,
21 middle, or high school, the court when issuing an order
22 of protection and providing relief shall consider the
23 severity of the act, any continuing physical danger or
24 emotional distress to the petitioner, the educational
25 rights guaranteed to the petitioner and respondent
26 under federal and State law, the availability of a

1 transfer of the respondent to another school, a change
2 of placement or a change of program of the respondent,
3 the expense, difficulty, and educational disruption
4 that would be caused by a transfer of the respondent to
5 another school, and any other relevant facts of the
6 case. The court may order that the respondent not
7 attend the public, private, or non-public elementary,
8 middle, or high school attended by the petitioner,
9 order that the respondent accept a change of placement
10 or change of program, as determined by the school
11 district or private or non-public school, or place
12 restrictions on the respondent's movements within the
13 school attended by the petitioner. The respondent
14 bears the burden of proving by a preponderance of the
15 evidence that a transfer, change of placement, or
16 change of program of the respondent is not available.
17 The respondent also bears the burden of production with
18 respect to the expense, difficulty, and educational
19 disruption that would be caused by a transfer of the
20 respondent to another school. A transfer, change of
21 placement, or change of program is not unavailable to
22 the respondent solely on the ground that the respondent
23 does not agree with the school district's or private or
24 non-public school's transfer, change of placement, or
25 change of program or solely on the ground that the
26 respondent fails or refuses to consent or otherwise

1 does not take an action required to effectuate a
2 transfer, change of placement, or change of program.
3 When a court orders a respondent to stay away from the
4 public, private, or non-public school attended by the
5 petitioner and the respondent requests a transfer to
6 another attendance center within the respondent's
7 school district or private or non-public school, the
8 school district or private or non-public school shall
9 have sole discretion to determine the attendance
10 center to which the respondent is transferred. In the
11 event the court order results in a transfer of the
12 minor respondent to another attendance center, a
13 change in the respondent's placement, or a change of
14 the respondent's program, the parents, guardian, or
15 legal custodian of the respondent is responsible for
16 transportation and other costs associated with the
17 transfer or change.

18 (C) The court may order the parents, guardian, or
19 legal custodian of a minor respondent to take certain
20 actions or to refrain from taking certain actions to
21 ensure that the respondent complies with the order. In
22 the event the court orders a transfer of the respondent
23 to another school, the parents, guardian, or legal
24 custodian of the respondent is responsible for
25 transportation and other costs associated with the
26 change of school by the respondent.

1 (4) Counseling. Require or recommend the respondent to
2 undergo counseling for a specified duration with a social
3 worker, psychologist, clinical psychologist, psychiatrist,
4 family service agency, alcohol or substance abuse program,
5 mental health center guidance counselor, agency providing
6 services to elders, program designed for domestic violence
7 abusers or any other guidance service the court deems
8 appropriate. The Court may order the respondent in any
9 intimate partner relationship to report to an Illinois
10 Department of Human Services protocol approved partner
11 abuse intervention program for an assessment and to follow
12 all recommended treatment.

13 (5) Physical care and possession of the minor child. In
14 order to protect the minor child from abuse, neglect, or
15 unwarranted separation from the person who has been the
16 minor child's primary caretaker, or to otherwise protect
17 the well-being of the minor child, the court may do either
18 or both of the following: (i) grant petitioner physical
19 care or possession of the minor child, or both, or (ii)
20 order respondent to return a minor child to, or not remove
21 a minor child from, the physical care of a parent or person
22 in loco parentis.

23 If a court finds, after a hearing, that respondent has
24 committed abuse (as defined in Section 103) of a minor
25 child, there shall be a rebuttable presumption that
26 awarding physical care to respondent would not be in the

1 minor child's best interest.

2 (6) Temporary legal custody. Award temporary legal
3 custody to petitioner in accordance with this Section, the
4 Illinois Marriage and Dissolution of Marriage Act, the
5 Illinois Parentage Act of 1984, and this State's Uniform
6 Child-Custody Jurisdiction and Enforcement Act.

7 If a court finds, after a hearing, that respondent has
8 committed abuse (as defined in Section 103) of a minor
9 child, there shall be a rebuttable presumption that
10 awarding temporary legal custody to respondent would not be
11 in the child's best interest.

12 (7) Visitation. Determine the visitation rights, if
13 any, of respondent in any case in which the court awards
14 physical care or temporary legal custody of a minor child
15 to petitioner. The court shall restrict or deny
16 respondent's visitation with a minor child if the court
17 finds that respondent has done or is likely to do any of
18 the following: (i) abuse or endanger the minor child during
19 visitation; (ii) use the visitation as an opportunity to
20 abuse or harass petitioner or petitioner's family or
21 household members; (iii) improperly conceal or detain the
22 minor child; or (iv) otherwise act in a manner that is not
23 in the best interests of the minor child. The court shall
24 not be limited by the standards set forth in Section 607.1
25 of the Illinois Marriage and Dissolution of Marriage Act.
26 If the court grants visitation, the order shall specify

1 dates and times for the visitation to take place or other
2 specific parameters or conditions that are appropriate. No
3 order for visitation shall refer merely to the term
4 "reasonable visitation".

5 Petitioner may deny respondent access to the minor
6 child if, when respondent arrives for visitation,
7 respondent is under the influence of drugs or alcohol and
8 constitutes a threat to the safety and well-being of
9 petitioner or petitioner's minor children or is behaving in
10 a violent or abusive manner.

11 If necessary to protect any member of petitioner's
12 family or household from future abuse, respondent shall be
13 prohibited from coming to petitioner's residence to meet
14 the minor child for visitation, and the parties shall
15 submit to the court their recommendations for reasonable
16 alternative arrangements for visitation. A person may be
17 approved to supervise visitation only after filing an
18 affidavit accepting that responsibility and acknowledging
19 accountability to the court.

20 (8) Removal or concealment of minor child. Prohibit
21 respondent from removing a minor child from the State or
22 concealing the child within the State.

23 (9) Order to appear. Order the respondent to appear in
24 court, alone or with a minor child, to prevent abuse,
25 neglect, removal or concealment of the child, to return the
26 child to the custody or care of the petitioner or to permit

1 any court-ordered interview or examination of the child or
2 the respondent.

3 (10) Possession of personal property. Grant petitioner
4 exclusive possession of personal property and, if
5 respondent has possession or control, direct respondent to
6 promptly make it available to petitioner, if:

7 (i) petitioner, but not respondent, owns the
8 property; or

9 (ii) the parties own the property jointly; sharing
10 it would risk abuse of petitioner by respondent or is
11 impracticable; and the balance of hardships favors
12 temporary possession by petitioner.

13 If petitioner's sole claim to ownership of the property
14 is that it is marital property, the court may award
15 petitioner temporary possession thereof under the
16 standards of subparagraph (ii) of this paragraph only if a
17 proper proceeding has been filed under the Illinois
18 Marriage and Dissolution of Marriage Act, as now or
19 hereafter amended.

20 No order under this provision shall affect title to
21 property.

22 (11) Protection of property. Forbid the respondent
23 from taking, transferring, encumbering, concealing,
24 damaging or otherwise disposing of any real or personal
25 property, except as explicitly authorized by the court, if:

26 (i) petitioner, but not respondent, owns the

1 property; or

2 (ii) the parties own the property jointly, and the
3 balance of hardships favors granting this remedy.

4 If petitioner's sole claim to ownership of the property
5 is that it is marital property, the court may grant
6 petitioner relief under subparagraph (ii) of this
7 paragraph only if a proper proceeding has been filed under
8 the Illinois Marriage and Dissolution of Marriage Act, as
9 now or hereafter amended.

10 The court may further prohibit respondent from
11 improperly using the financial or other resources of an
12 aged member of the family or household for the profit or
13 advantage of respondent or of any other person.

14 (11.5) Protection of animals. Grant the petitioner the
15 exclusive care, custody, or control of any animal owned,
16 possessed, leased, kept, or held by either the petitioner
17 or the respondent or a minor child residing in the
18 residence or household of either the petitioner or the
19 respondent and order the respondent to stay away from the
20 animal and forbid the respondent from taking,
21 transferring, encumbering, concealing, harming, or
22 otherwise disposing of the animal.

23 (12) Order for payment of support. Order respondent to
24 pay temporary support for the petitioner or any child in
25 the petitioner's care or custody, when the respondent has a
26 legal obligation to support that person, in accordance with

1 the Illinois Marriage and Dissolution of Marriage Act,
2 which shall govern, among other matters, the amount of
3 support, payment through the clerk and withholding of
4 income to secure payment. An order for child support may be
5 granted to a petitioner with lawful physical care or
6 custody of a child, or an order or agreement for physical
7 care or custody, prior to entry of an order for legal
8 custody. Such a support order shall expire upon entry of a
9 valid order granting legal custody to another, unless
10 otherwise provided in the custody order.

11 (13) Order for payment of losses. Order respondent to
12 pay petitioner for losses suffered as a direct result of
13 the abuse, neglect, or exploitation. Such losses shall
14 include, but not be limited to, medical expenses, lost
15 earnings or other support, repair or replacement of
16 property damaged or taken, reasonable attorney's fees,
17 court costs and moving or other travel expenses, including
18 additional reasonable expenses for temporary shelter and
19 restaurant meals.

20 (i) Losses affecting family needs. If a party is
21 entitled to seek maintenance, child support or
22 property distribution from the other party under the
23 Illinois Marriage and Dissolution of Marriage Act, as
24 now or hereafter amended, the court may order
25 respondent to reimburse petitioner's actual losses, to
26 the extent that such reimbursement would be

1 "appropriate temporary relief", as authorized by
2 subsection (a) (3) of Section 501 of that Act.

3 (ii) Recovery of expenses. In the case of an
4 improper concealment or removal of a minor child, the
5 court may order respondent to pay the reasonable
6 expenses incurred or to be incurred in the search for
7 and recovery of the minor child, including but not
8 limited to legal fees, court costs, private
9 investigator fees, and travel costs.

10 (14) Prohibition of entry. Prohibit the respondent
11 from entering or remaining in the residence or household
12 while the respondent is under the influence of alcohol or
13 drugs and constitutes a threat to the safety and well-being
14 of the petitioner or the petitioner's children.

15 (14.5) Prohibition of firearm possession.

16 (a) Prohibit a respondent against whom an order of
17 protection was issued from possessing any firearms
18 during the duration of the order if the order:

19 (1) was issued after a hearing of which such
20 person received actual notice, and at which such
21 person had an opportunity to participate;

22 (2) restrains such person from harassing,
23 stalking, or threatening an intimate partner of
24 such person or child of such intimate partner or
25 person, or engaging in other conduct that would
26 place an intimate partner in reasonable fear of

1 bodily injury to the partner or child; and

2 (3)(i) includes a finding that such person
3 represents a credible threat to the physical
4 safety of such intimate partner or child; or (ii)
5 by its terms explicitly prohibits the use,
6 attempted use, or threatened use of physical force
7 against such intimate partner or child that would
8 reasonably be expected to cause bodily injury.

9 Any Firearm Owner's Identification Card in the
10 possession of the respondent, except as provided in
11 subsection (b), shall be ordered by the court to be
12 turned over to the local law enforcement agency. The
13 local law enforcement agency shall immediately mail
14 the card to the Department of State Police Firearm
15 Owner's Identification Card Office for safekeeping.
16 The court shall issue a warrant for seizure of any
17 firearm in the possession of the respondent, to be kept
18 by the local law enforcement agency for safekeeping,
19 except as provided in subsection (b). The period of
20 safekeeping shall be for the duration of the order of
21 protection. The firearm or firearms and Firearm
22 Owner's Identification Card, if unexpired, shall at
23 the respondent's request, be returned to the
24 respondent at the end of the order of protection. It is
25 the respondent's responsibility to notify the
26 Department of State Police Firearm Owner's

1 Identification Card Office.

2 (b) If the respondent is a peace officer as defined
3 in Section 2-13 of the Criminal Code of 2012 ~~1961~~, the
4 court shall order that any firearms used by the
5 respondent in the performance of his or her duties as a
6 peace officer be surrendered to the chief law
7 enforcement executive of the agency in which the
8 respondent is employed, who shall retain the firearms
9 for safekeeping for the duration of the order of
10 protection.

11 (c) Upon expiration of the period of safekeeping,
12 if the firearms or Firearm Owner's Identification Card
13 cannot be returned to respondent because respondent
14 cannot be located, fails to respond to requests to
15 retrieve the firearms, or is not lawfully eligible to
16 possess a firearm, upon petition from the local law
17 enforcement agency, the court may order the local law
18 enforcement agency to destroy the firearms, use the
19 firearms for training purposes, or for any other
20 application as deemed appropriate by the local law
21 enforcement agency; or that the firearms be turned over
22 to a third party who is lawfully eligible to possess
23 firearms, and who does not reside with respondent.

24 (15) Prohibition of access to records. If an order of
25 protection prohibits respondent from having contact with
26 the minor child, or if petitioner's address is omitted

1 under subsection (b) of Section 203, or if necessary to
2 prevent abuse or wrongful removal or concealment of a minor
3 child, the order shall deny respondent access to, and
4 prohibit respondent from inspecting, obtaining, or
5 attempting to inspect or obtain, school or any other
6 records of the minor child who is in the care of
7 petitioner.

8 (16) Order for payment of shelter services. Order
9 respondent to reimburse a shelter providing temporary
10 housing and counseling services to the petitioner for the
11 cost of the services, as certified by the shelter and
12 deemed reasonable by the court.

13 (17) Order for injunctive relief. Enter injunctive
14 relief necessary or appropriate to prevent further abuse of
15 a family or household member or further abuse, neglect, or
16 exploitation of a high-risk adult with disabilities or to
17 effectuate one of the granted remedies, if supported by the
18 balance of hardships. If the harm to be prevented by the
19 injunction is abuse or any other harm that one of the
20 remedies listed in paragraphs (1) through (16) of this
21 subsection is designed to prevent, no further evidence is
22 necessary that the harm is an irreparable injury.

23 (c) Relevant factors; findings.

24 (1) In determining whether to grant a specific remedy,
25 other than payment of support, the court shall consider
26 relevant factors, including but not limited to the

1 following:

2 (i) the nature, frequency, severity, pattern and
3 consequences of the respondent's past abuse, neglect
4 or exploitation of the petitioner or any family or
5 household member, including the concealment of his or
6 her location in order to evade service of process or
7 notice, and the likelihood of danger of future abuse,
8 neglect, or exploitation to petitioner or any member of
9 petitioner's or respondent's family or household; and

10 (ii) the danger that any minor child will be abused
11 or neglected or improperly removed from the
12 jurisdiction, improperly concealed within the State or
13 improperly separated from the child's primary
14 caretaker.

15 (2) In comparing relative hardships resulting to the
16 parties from loss of possession of the family home, the
17 court shall consider relevant factors, including but not
18 limited to the following:

19 (i) availability, accessibility, cost, safety,
20 adequacy, location and other characteristics of
21 alternate housing for each party and any minor child or
22 dependent adult in the party's care;

23 (ii) the effect on the party's employment; and

24 (iii) the effect on the relationship of the party,
25 and any minor child or dependent adult in the party's
26 care, to family, school, church and community.

1 (3) Subject to the exceptions set forth in paragraph
2 (4) of this subsection, the court shall make its findings
3 in an official record or in writing, and shall at a minimum
4 set forth the following:

5 (i) That the court has considered the applicable
6 relevant factors described in paragraphs (1) and (2) of
7 this subsection.

8 (ii) Whether the conduct or actions of respondent,
9 unless prohibited, will likely cause irreparable harm
10 or continued abuse.

11 (iii) Whether it is necessary to grant the
12 requested relief in order to protect petitioner or
13 other alleged abused persons.

14 (4) For purposes of issuing an ex parte emergency order
15 of protection, the court, as an alternative to or as a
16 supplement to making the findings described in paragraphs
17 (c) (3) (i) through (c) (3) (iii) of this subsection, may use
18 the following procedure:

19 When a verified petition for an emergency order of
20 protection in accordance with the requirements of Sections
21 203 and 217 is presented to the court, the court shall
22 examine petitioner on oath or affirmation. An emergency
23 order of protection shall be issued by the court if it
24 appears from the contents of the petition and the
25 examination of petitioner that the averments are
26 sufficient to indicate abuse by respondent and to support

1 the granting of relief under the issuance of the emergency
2 order of protection.

3 (5) Never married parties. No rights or
4 responsibilities for a minor child born outside of marriage
5 attach to a putative father until a father and child
6 relationship has been established under the Illinois
7 Parentage Act of 1984, the Illinois Public Aid Code,
8 Section 12 of the Vital Records Act, the Juvenile Court Act
9 of 1987, the Probate Act of 1985, the Revised Uniform
10 Reciprocal Enforcement of Support Act, the Uniform
11 Interstate Family Support Act, the Expedited Child Support
12 Act of 1990, any judicial, administrative, or other act of
13 another state or territory, any other Illinois statute, or
14 by any foreign nation establishing the father and child
15 relationship, any other proceeding substantially in
16 conformity with the Personal Responsibility and Work
17 Opportunity Reconciliation Act of 1996 (Pub. L. 104-193),
18 or where both parties appeared in open court or at an
19 administrative hearing acknowledging under oath or
20 admitting by affirmation the existence of a father and
21 child relationship. Absent such an adjudication, finding,
22 or acknowledgement, no putative father shall be granted
23 temporary custody of the minor child, visitation with the
24 minor child, or physical care and possession of the minor
25 child, nor shall an order of payment for support of the
26 minor child be entered.

1 (d) Balance of hardships; findings. If the court finds that
2 the balance of hardships does not support the granting of a
3 remedy governed by paragraph (2), (3), (10), (11), or (16) of
4 subsection (b) of this Section, which may require such
5 balancing, the court's findings shall so indicate and shall
6 include a finding as to whether granting the remedy will result
7 in hardship to respondent that would substantially outweigh the
8 hardship to petitioner from denial of the remedy. The findings
9 shall be an official record or in writing.

10 (e) Denial of remedies. Denial of any remedy shall not be
11 based, in whole or in part, on evidence that:

12 (1) Respondent has cause for any use of force, unless
13 that cause satisfies the standards for justifiable use of
14 force provided by Article 7 ~~VII~~ of the Criminal Code of
15 2012 ~~1961~~;

16 (2) Respondent was voluntarily intoxicated;

17 (3) Petitioner acted in self-defense or defense of
18 another, provided that, if petitioner utilized force, such
19 force was justifiable under Article 7 ~~VII~~ of the Criminal
20 Code of 2012 ~~1961~~;

21 (4) Petitioner did not act in self-defense or defense
22 of another;

23 (5) Petitioner left the residence or household to avoid
24 further abuse, neglect, or exploitation by respondent;

25 (6) Petitioner did not leave the residence or household
26 to avoid further abuse, neglect, or exploitation by

1 respondent;

2 (7) Conduct by any family or household member excused
3 the abuse, neglect, or exploitation by respondent, unless
4 that same conduct would have excused such abuse, neglect,
5 or exploitation if the parties had not been family or
6 household members.

7 (Source: P.A. 96-701, eff. 1-1-10; 96-1239, eff. 1-1-11;
8 97-158, eff. 1-1-12; 97-294, eff. 1-1-12; 97-813, eff. 7-13-12;
9 97-1131, eff. 1-1-13.)

10 (750 ILCS 60/216) (from Ch. 40, par. 2312-16)

11 Sec. 216. Accountability for Actions of Others. For the
12 purposes of issuing an order of protection, deciding what
13 remedies should be included and enforcing the order, Article 5
14 of the Criminal Code of 2012 ~~1961~~ shall govern whether
15 respondent is legally accountable for the conduct of another
16 person.

17 (Source: P.A. 84-1305.)

18 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

19 Sec. 223. Enforcement of orders of protection.

20 (a) When violation is crime. A violation of any order of
21 protection, whether issued in a civil or criminal proceeding,
22 shall be enforced by a criminal court when:

23 (1) The respondent commits the crime of violation of an
24 order of protection pursuant to Section 12-3.4 or 12-30 of

1 the Criminal Code of 1961 or the Criminal Code of 2012, by
2 having knowingly violated:

3 (i) remedies described in paragraphs (1), (2),
4 (3), (14), or (14.5) of subsection (b) of Section 214
5 of this Act; or

6 (ii) a remedy, which is substantially similar to
7 the remedies authorized under paragraphs (1), (2),
8 (3), (14), and (14.5) of subsection (b) of Section 214
9 of this Act, in a valid order of protection which is
10 authorized under the laws of another state, tribe, or
11 United States territory; or

12 (iii) any other remedy when the act constitutes a
13 crime against the protected parties as defined by the
14 Criminal Code of 1961 or the Criminal Code of 2012.

15 Prosecution for a violation of an order of protection
16 shall not bar concurrent prosecution for any other crime,
17 including any crime that may have been committed at the
18 time of the violation of the order of protection; or

19 (2) The respondent commits the crime of child abduction
20 pursuant to Section 10-5 of the Criminal Code of 1961 or
21 the Criminal Code of 2012, by having knowingly violated:

22 (i) remedies described in paragraphs (5), (6) or
23 (8) of subsection (b) of Section 214 of this Act; or

24 (ii) a remedy, which is substantially similar to
25 the remedies authorized under paragraphs (5), (6), or
26 (8) of subsection (b) of Section 214 of this Act, in a

1 valid order of protection which is authorized under the
2 laws of another state, tribe, or United States
3 territory.

4 (b) When violation is contempt of court. A violation of any
5 valid Illinois order of protection, whether issued in a civil
6 or criminal proceeding, may be enforced through civil or
7 criminal contempt procedures, as appropriate, by any court with
8 jurisdiction, regardless where the act or acts which violated
9 the order of protection were committed, to the extent
10 consistent with the venue provisions of this Act. Nothing in
11 this Act shall preclude any Illinois court from enforcing any
12 valid order of protection issued in another state. Illinois
13 courts may enforce orders of protection through both criminal
14 prosecution and contempt proceedings, unless the action which
15 is second in time is barred by collateral estoppel or the
16 constitutional prohibition against double jeopardy.

17 (1) In a contempt proceeding where the petition for a
18 rule to show cause sets forth facts evidencing an immediate
19 danger that the respondent will flee the jurisdiction,
20 conceal a child, or inflict physical abuse on the
21 petitioner or minor children or on dependent adults in
22 petitioner's care, the court may order the attachment of
23 the respondent without prior service of the rule to show
24 cause or the petition for a rule to show cause. Bond shall
25 be set unless specifically denied in writing.

26 (2) A petition for a rule to show cause for violation

1 of an order of protection shall be treated as an expedited
2 proceeding.

3 (b-1) The court shall not hold a school district or private
4 or non-public school or any of its employees in civil or
5 criminal contempt unless the school district or private or
6 non-public school has been allowed to intervene.

7 (b-2) The court may hold the parents, guardian, or legal
8 custodian of a minor respondent in civil or criminal contempt
9 for a violation of any provision of any order entered under
10 this Act for conduct of the minor respondent in violation of
11 this Act if the parents, guardian, or legal custodian directed,
12 encouraged, or assisted the respondent minor in such conduct.

13 (c) Violation of custody or support orders. A violation of
14 remedies described in paragraphs (5), (6), (8), or (9) of
15 subsection (b) of Section 214 of this Act may be enforced by
16 any remedy provided by Section 611 of the Illinois Marriage and
17 Dissolution of Marriage Act. The court may enforce any order
18 for support issued under paragraph (12) of subsection (b) of
19 Section 214 in the manner provided for under Parts V and VII of
20 the Illinois Marriage and Dissolution of Marriage Act.

21 (d) Actual knowledge. An order of protection may be
22 enforced pursuant to this Section if the respondent violates
23 the order after the respondent has actual knowledge of its
24 contents as shown through one of the following means:

25 (1) By service, delivery, or notice under Section 210.

26 (2) By notice under Section 210.1 or 211.

1 (3) By service of an order of protection under Section
2 222.

3 (4) By other means demonstrating actual knowledge of
4 the contents of the order.

5 (e) The enforcement of an order of protection in civil or
6 criminal court shall not be affected by either of the
7 following:

8 (1) The existence of a separate, correlative order,
9 entered under Section 215.

10 (2) Any finding or order entered in a conjoined
11 criminal proceeding.

12 (f) Circumstances. The court, when determining whether or
13 not a violation of an order of protection has occurred, shall
14 not require physical manifestations of abuse on the person of
15 the victim.

16 (g) Penalties.

17 (1) Except as provided in paragraph (3) of this
18 subsection, where the court finds the commission of a crime
19 or contempt of court under subsections (a) or (b) of this
20 Section, the penalty shall be the penalty that generally
21 applies in such criminal or contempt proceedings, and may
22 include one or more of the following: incarceration,
23 payment of restitution, a fine, payment of attorneys' fees
24 and costs, or community service.

25 (2) The court shall hear and take into account evidence
26 of any factors in aggravation or mitigation before deciding

1 an appropriate penalty under paragraph (1) of this
2 subsection.

3 (3) To the extent permitted by law, the court is
4 encouraged to:

5 (i) increase the penalty for the knowing violation
6 of any order of protection over any penalty previously
7 imposed by any court for respondent's violation of any
8 order of protection or penal statute involving
9 petitioner as victim and respondent as defendant;

10 (ii) impose a minimum penalty of 24 hours
11 imprisonment for respondent's first violation of any
12 order of protection; and

13 (iii) impose a minimum penalty of 48 hours
14 imprisonment for respondent's second or subsequent
15 violation of an order of protection

16 unless the court explicitly finds that an increased penalty
17 or that period of imprisonment would be manifestly unjust.

18 (4) In addition to any other penalties imposed for a
19 violation of an order of protection, a criminal court may
20 consider evidence of any violations of an order of
21 protection:

22 (i) to increase, revoke or modify the bail bond on
23 an underlying criminal charge pursuant to Section
24 110-6 of the Code of Criminal Procedure of 1963;

25 (ii) to revoke or modify an order of probation,
26 conditional discharge or supervision, pursuant to

1 Section 5-6-4 of the Unified Code of Corrections;

2 (iii) to revoke or modify a sentence of periodic
3 imprisonment, pursuant to Section 5-7-2 of the Unified
4 Code of Corrections.

5 (5) In addition to any other penalties, the court shall
6 impose an additional fine of \$20 as authorized by Section
7 5-9-1.11 of the Unified Code of Corrections upon any person
8 convicted of or placed on supervision for a violation of an
9 order of protection. The additional fine shall be imposed
10 for each violation of this Section.

11 (Source: P.A. 96-1551, eff. 7-1-11; 97-294, eff. 1-1-12.)

12 (750 ILCS 60/301) (from Ch. 40, par. 2313-1)

13 Sec. 301. Arrest without warrant.

14 (a) Any law enforcement officer may make an arrest without
15 warrant if the officer has probable cause to believe that the
16 person has committed or is committing any crime, including but
17 not limited to violation of an order of protection, under
18 Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the
19 Criminal Code of 2012, even if the crime was not committed in
20 the presence of the officer.

21 (b) The law enforcement officer may verify the existence of
22 an order of protection by telephone or radio communication with
23 his or her law enforcement agency or by referring to the copy
24 of the order provided by the petitioner or respondent.

25 (c) Any law enforcement officer may make an arrest without

1 warrant if the officer has reasonable grounds to believe a
2 defendant at liberty under the provisions of subdivision (d) (1)
3 or (d) (2) of Section 110-10 of the Code of Criminal Procedure
4 of 1963 has violated a condition of his or her bail bond or
5 recognizance.

6 (Source: P.A. 96-1551, eff. 7-1-11.)

7 (750 ILCS 60/304) (from Ch. 40, par. 2313-4)

8 Sec. 304. Assistance by law enforcement officers.

9 (a) Whenever a law enforcement officer has reason to
10 believe that a person has been abused, neglected, or exploited
11 by a family or household member, the officer shall immediately
12 use all reasonable means to prevent further abuse, neglect, or
13 exploitation, including:

14 (1) Arresting the abusing, neglecting and exploiting
15 party, where appropriate;

16 (2) If there is probable cause to believe that
17 particular weapons were used to commit the incident of
18 abuse, subject to constitutional limitations, seizing and
19 taking inventory of the weapons;

20 (3) Accompanying the victim of abuse, neglect, or
21 exploitation to his or her place of residence for a
22 reasonable period of time to remove necessary personal
23 belongings and possessions;

24 (4) Offering the victim of abuse, neglect, or
25 exploitation immediate and adequate information (written

1 in a language appropriate for the victim or in Braille or
2 communicated in appropriate sign language), which shall
3 include a summary of the procedures and relief available to
4 victims of abuse under subsection (c) of Section 217 and
5 the officer's name and badge number;

6 (5) Providing the victim with one referral to an
7 accessible service agency;

8 (6) Advising the victim of abuse about seeking medical
9 attention and preserving evidence (specifically including
10 photographs of injury or damage and damaged clothing or
11 other property); and

12 (7) Providing or arranging accessible transportation
13 for the victim of abuse (and, at the victim's request, any
14 minors or dependents in the victim's care) to a medical
15 facility for treatment of injuries or to a nearby place of
16 shelter or safety; or, after the close of court business
17 hours, providing or arranging for transportation for the
18 victim (and, at the victim's request, any minors or
19 dependents in the victim's care) to the nearest available
20 circuit judge or associate judge so the victim may file a
21 petition for an emergency order of protection under
22 subsection (c) of Section 217. When a victim of abuse
23 chooses to leave the scene of the offense, it shall be
24 presumed that it is in the best interests of any minors or
25 dependents in the victim's care to remain with the victim
26 or a person designated by the victim, rather than to remain

1 with the abusing party.

2 (b) Whenever a law enforcement officer does not exercise
3 arrest powers or otherwise initiate criminal proceedings, the
4 officer shall:

5 (1) Make a police report of the investigation of any
6 bona fide allegation of an incident of abuse, neglect, or
7 exploitation and the disposition of the investigation, in
8 accordance with subsection (a) of Section 303;

9 (2) Inform the victim of abuse neglect, or exploitation
10 of the victim's right to request that a criminal proceeding
11 be initiated where appropriate, including specific times
12 and places for meeting with the State's Attorney's office,
13 a warrant officer, or other official in accordance with
14 local procedure; and

15 (3) Advise the victim of the importance of seeking
16 medical attention and preserving evidence (specifically
17 including photographs of injury or damage and damaged
18 clothing or other property).

19 (c) Except as provided by Section 24-6 of the Criminal Code
20 of 2012 ~~1961~~ or under a court order, any weapon seized under
21 subsection (a)(2) shall be returned forthwith to the person
22 from whom it was seized when it is no longer needed for
23 evidentiary purposes.

24 (Source: P.A. 87-1186; 88-498.)

25 Section 780. The Parental Notice of Abortion Act of 1995 is

1 amended by changing Section 10 as follows:

2 (750 ILCS 70/10)

3 Sec. 10. Definitions. As used in this Act:

4 "Abortion" means the use of any instrument, medicine, drug,
5 or any other substance or device to terminate the pregnancy of
6 a woman known to be pregnant with an intention other than to
7 increase the probability of a live birth, to preserve the life
8 or health of a child after live birth, or to remove a dead
9 fetus.

10 "Actual notice" means the giving of notice directly, in
11 person, or by telephone.

12 "Adult family member" means a person over 21 years of age
13 who is the parent, grandparent, step-parent living in the
14 household, or legal guardian.

15 "Constructive notice" means notice by certified mail to the
16 last known address of the person entitled to notice with
17 delivery deemed to have occurred 48 hours after the certified
18 notice is mailed.

19 "Incompetent" means any person who has been adjudged as
20 mentally ill or developmentally disabled and who, because of
21 her mental illness or developmental disability, is not fully
22 able to manage her person and for whom a guardian of the person
23 has been appointed under Section 11a-3(a) (1) of the Probate Act
24 of 1975.

25 "Medical emergency" means a condition that, on the basis of

1 the physician's good faith clinical judgment, so complicates
2 the medical condition of a pregnant woman as to necessitate the
3 immediate abortion of her pregnancy to avert her death or for
4 which a delay will create serious risk of substantial and
5 irreversible impairment of major bodily function.

6 "Minor" means any person under 18 years of age who is not
7 or has not been married or who has not been emancipated under
8 the Emancipation of Minors Act.

9 "Neglect" means the failure of an adult family member to
10 supply a child with necessary food, clothing, shelter, or
11 medical care when reasonably able to do so or the failure to
12 protect a child from conditions or actions that imminently and
13 seriously endanger the child's physical or mental health when
14 reasonably able to do so.

15 "Physical abuse" means any physical injury intentionally
16 inflicted by an adult family member on a child.

17 "Physician" means any person licensed to practice medicine
18 in all its branches under the Illinois Medical Practice Act of
19 1987.

20 "Sexual abuse" means any sexual conduct or sexual
21 penetration as defined in Section 11-0.1 of the Criminal Code
22 of 2012 ~~1961~~ that is prohibited by the criminal laws of the
23 State of Illinois and committed against a minor by an adult
24 family member as defined in this Act.

25 (Source: P.A. 95-331, eff. 8-21-07; 96-1551, eff. 7-1-11.)

1 Section 785. The Probate Act of 1975 is amended by changing
2 Sections 1-5, 2-6.2, 2-6.6, and 25-1 as follows:

3 (755 ILCS 5/1-5) (from Ch. 110 1/2, par. 1-5)

4 Sec. 1-5. Petition under oath.) Every petition under this
5 Act, except a petition under Section 8-1 or Section 8-2, shall
6 be under oath or affirmation. If a statement is known to
7 petitioner only upon information and belief, or is unknown to
8 him, the petition shall so state. Whenever any instrument is
9 required to be verified or under oath, a statement that is made
10 under the penalties of perjury has the same effect as if the
11 instrument were verified or made under oath. A fraudulent
12 statement so made is perjury, as defined in Section 32-2 of the
13 Criminal Code of 2012 ~~1961~~.

14 (Source: P.A. 85-692.)

15 (755 ILCS 5/2-6.2)

16 Sec. 2-6.2. Financial exploitation, abuse, or neglect of an
17 elderly person or a person with a disability.

18 (a) In this Section:

19 "Abuse" means any offense described in Section 12-21 or
20 subsection (b) of Section 12-4.4a of the Criminal Code of 1961
21 or the Criminal Code of 2012.

22 "Financial exploitation" means any offense described in
23 Section 16-1.3 or 17-56 of the Criminal Code of 1961 or the
24 Criminal Code of 2012.

1 "Neglect" means any offense described in Section 12-19 or
2 subsection (a) of Section 12-4.4a of the Criminal Code of 1961
3 or the Criminal Code of 2012.

4 (b) Persons convicted of financial exploitation, abuse, or
5 neglect of an elderly person or a person with a disability
6 shall not receive any property, benefit, or other interest by
7 reason of the death of that elderly person or person with a
8 disability, whether as heir, legatee, beneficiary, survivor,
9 appointee, claimant under Section 18-1.1, or in any other
10 capacity and whether the property, benefit, or other interest
11 passes pursuant to any form of title registration, testamentary
12 or nontestamentary instrument, intestacy, renunciation, or any
13 other circumstance. The property, benefit, or other interest
14 shall pass as if the person convicted of the financial
15 exploitation, abuse, or neglect died before the decedent,
16 provided that with respect to joint tenancy property the
17 interest possessed prior to the death by the person convicted
18 of the financial exploitation, abuse, or neglect shall not be
19 diminished by the application of this Section. Notwithstanding
20 the foregoing, a person convicted of financial exploitation,
21 abuse, or neglect of an elderly person or a person with a
22 disability shall be entitled to receive property, a benefit, or
23 an interest in any capacity and under any circumstances
24 described in this subsection (b) if it is demonstrated by clear
25 and convincing evidence that the victim of that offense knew of
26 the conviction and subsequent to the conviction expressed or

1 ratified his or her intent to transfer the property, benefit,
2 or interest to the person convicted of financial exploitation,
3 abuse, or neglect of an elderly person or a person with a
4 disability in any manner contemplated by this subsection (b).

5 (c) (1) The holder of any property subject to the provisions
6 of this Section shall not be liable for distributing or
7 releasing the property to the person convicted of financial
8 exploitation, abuse, or neglect of an elderly person or a
9 person with a disability if the distribution or release occurs
10 prior to the conviction.

11 (2) If the holder is a financial institution, trust
12 company, trustee, or similar entity or person, the holder shall
13 not be liable for any distribution or release of the property,
14 benefit, or other interest to the person convicted of a
15 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
16 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
17 of 1961 or the Criminal Code of 2012 unless the holder
18 knowingly distributes or releases the property, benefit, or
19 other interest to the person so convicted after first having
20 received actual written notice of the conviction in sufficient
21 time to act upon the notice.

22 (d) If the holder of any property subject to the provisions
23 of this Section knows that a potential beneficiary has been
24 convicted of financial exploitation, abuse, or neglect of an
25 elderly person or a person with a disability within the scope
26 of this Section, the holder shall fully cooperate with law

1 enforcement authorities and judicial officers in connection
2 with any investigation of the financial exploitation, abuse, or
3 neglect. If the holder is a person or entity that is subject to
4 regulation by a regulatory agency pursuant to the laws of this
5 or any other state or pursuant to the laws of the United
6 States, including but not limited to the business of a
7 financial institution, corporate fiduciary, or insurance
8 company, then such person or entity shall not be deemed to be
9 in violation of this Section to the extent that privacy laws
10 and regulations applicable to such person or entity prevent it
11 from voluntarily providing law enforcement authorities or
12 judicial officers with information.

13 (Source: P.A. 96-1551, Article 1, Section 995, eff. 7-1-11;
14 96-1551, Article 10, Section 10-155, eff. 7-1-11; 97-1109, eff.
15 1-1-13.)

16 (755 ILCS 5/2-6.6)

17 Sec. 2-6.6. Person convicted of certain offenses against
18 the elderly or disabled. A person who is convicted of a
19 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
20 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
21 of 1961 or the Criminal Code of 2012 may not receive any
22 property, benefit, or other interest by reason of the death of
23 the victim of that offense, whether as heir, legatee,
24 beneficiary, joint tenant, tenant by the entirety, survivor,
25 appointee, or in any other capacity and whether the property,

1 benefit, or other interest passes pursuant to any form of title
2 registration, testamentary or nontestamentary instrument,
3 intestacy, renunciation, or any other circumstance. The
4 property, benefit, or other interest shall pass as if the
5 person convicted of a violation of Section 12-19, 12-21,
6 16-1.3, or 17-56, or subsection (a) or (b) of Section 12-4.4a,
7 of the Criminal Code of 1961 or the Criminal Code of 2012 died
8 before the decedent; provided that with respect to joint
9 tenancy property or property held in tenancy by the entirety,
10 the interest possessed prior to the death by the person
11 convicted may not be diminished by the application of this
12 Section. Notwithstanding the foregoing, a person convicted of a
13 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
14 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
15 of 1961 or the Criminal Code of 2012 shall be entitled to
16 receive property, a benefit, or an interest in any capacity and
17 under any circumstances described in this Section if it is
18 demonstrated by clear and convincing evidence that the victim
19 of that offense knew of the conviction and subsequent to the
20 conviction expressed or ratified his or her intent to transfer
21 the property, benefit, or interest to the person convicted of a
22 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
23 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
24 of 1961 or the Criminal Code of 2012 in any manner contemplated
25 by this Section.

26 The holder of any property subject to the provisions of

1 this Section is not liable for distributing or releasing the
2 property to the person convicted of violating Section 12-19,
3 12-21, 16-1.3, or 17-56, or subsection (a) or (b) of Section
4 12-4.4a, of the Criminal Code of 1961 or the Criminal Code of
5 2012.

6 If the holder is a financial institution, trust company,
7 trustee, or similar entity or person, the holder shall not be
8 liable for any distribution or release of the property,
9 benefit, or other interest to the person convicted of a
10 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
11 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
12 of 1961 or the Criminal Code of 2012 unless the holder
13 knowingly distributes or releases the property, benefit, or
14 other interest to the person so convicted after first having
15 received actual written notice of the conviction in sufficient
16 time to act upon the notice.

17 The Department of State Police shall have access to State
18 of Illinois databases containing information that may help in
19 the identification or location of persons convicted of the
20 offenses enumerated in this Section. Interagency agreements
21 shall be implemented, consistent with security and procedures
22 established by the State agency and consistent with the laws
23 governing the confidentiality of the information in the
24 databases. Information shall be used only for administration of
25 this Section.

26 (Source: P.A. 96-1551, Article 1, Section 955, eff. 7-1-11;

1 96-1551, Article 10, Section 10-155, eff. 7-1-11; 97-1109, eff.
2 1-1-13.)

3 (755 ILCS 5/25-1) (from Ch. 110 1/2, par. 25-1)

4 Sec. 25-1. Payment or delivery of small estate of decedent
5 upon affidavit.

6 (a) When any person or corporation (1) indebted to or
7 holding personal estate of a decedent, (2) controlling the
8 right of access to decedent's safe deposit box or (3) acting as
9 registrar or transfer agent of any evidence of interest,
10 indebtedness, property or right is furnished with a small
11 estate affidavit in substantially the form hereinafter set
12 forth, that person or corporation shall pay the indebtedness,
13 grant access to the safe deposit box, deliver the personal
14 estate or transfer or issue the evidence of interest,
15 indebtedness, property or right to persons and in the manner
16 specified in paragraph 11 of the affidavit or to an agent
17 appointed as hereinafter set forth.

18 (b) Small Estate Affidavit

19 I, (name of affiant) , on oath state:

20 1. (a) My post office address is: ;

21 (b) My residence address is: ; and

22 (c) I understand that, if I am an out-of-state
23 resident, I submit myself to the jurisdiction of Illinois
24 courts for all matters related to the preparation and use of
25 this affidavit. My agent for service of process in Illinois is:

1 NAME.....
 2 ADDRESS.....
 3 CITY.....
 4 TELEPHONE (IF ANY).....

5 I understand that if no person is named above as my agent for
 6 service or, if for any reason, service on the named person
 7 cannot be effectuated, the clerk of the circuit court of
 8(County) (Judicial Circuit) Illinois is recognized by
 9 Illinois law as my agent for service of process.

10 2. The decedent's name is ;

11 3. The date of the decedent's death was , and I
 12 have attached a copy of the death certificate hereto.

13 4. The decedent's place of residence immediately before his
 14 death was ;

15 5. No letters of office are now outstanding on the
 16 decedent's estate and no petition for letters is contemplated
 17 or pending in Illinois or in any other jurisdiction, to my
 18 knowledge;

19 6. The gross value of the decedent's entire personal
 20 estate, including the value of all property passing to any
 21 party either by intestacy or under a will, does not exceed
 22 \$100,000. (Here, list each asset, e.g., cash, stock, and its
 23 fair market value.);

1 (c) If there is no surviving spouse, the award allowable to
 2 the minor children and adult dependent children of a decedent
 3 who was an Illinois resident is \$..... (\$20,000, plus
 4 \$10,000 multiplied by the number of minor children and adult
 5 dependent children), to be divided among them in equal shares.

6 10. (a) The decedent left no will. The names, places of
 7 residence and relationships of the decedent's heirs, and the
 8 portion of the estate to which each heir is entitled under the
 9 law where decedent died intestate are as follows:

| | | |
|---------------------------|--------|------------|
| 10 Name, relationship | Age of | Portion of |
| 11 and place of residence | minor | Estate |
| 12 | OR | |
| 13 | | |

14 (b) The decedent left a will, which has been filed with the
 15 clerk of an appropriate court. A certified copy of the will on
 16 file is attached. To the best of my knowledge and belief the
 17 will on file is the decedent's last will and was signed by the
 18 decedent and the attesting witnesses as required by law and
 19 would be admissible to probate. The names and places of
 20 residence of the legatees and the portion of the estate, if
 21 any, to which each legatee is entitled are as follows:

| | | |
|---------------------------|--------|------------|
| 22 Name, relationship | Age of | Portion of |
| 23 and place of residence | minor | Estate |
| 24 | | |

25 (Strike either 10(a) or 10(b)).

1 (c) Affiant is unaware of any dispute or potential conflict
2 as to the heirship or will of the decedent.

3 11. The property described in paragraph 6 of this affidavit
4 should be distributed as follows:

| | |
|--------|--|
| 5 Name | Specific sum or property to be distributed |
|--------|--|

6 The foregoing statement is made under the penalties of
7 perjury*.

8

9 Signature of Affiant

10 *(Note: A fraudulent statement made under the penalties of
11 perjury is perjury, as defined in Section 32-2 of the Criminal
12 Code of 2012 ~~1961~~.)

13 (c) Appointment of Agent. If safe deposit access is
14 involved or if sale of any personal property is desirable to
15 facilitate distribution pursuant to the small estate
16 affidavit, all persons named in paragraph 11 of the small
17 estate affidavit (excluding minors and unascertained or
18 disabled persons) may in writing appoint one or more persons as
19 their agent for that purpose. The agent shall have power,
20 without court approval, to gain access to, sell, and distribute
21 the property for the benefit of all persons named in paragraph
22 11 of the affidavit; and the payment, delivery, transfer,
23 access or issuance shall be made or granted to or on the order
24 of the agent.

1 (d) Release. Upon payment, delivery, transfer, access or
2 issuance pursuant to a properly executed affidavit, the person
3 or corporation is released to the same extent as if the
4 payment, delivery, transfer, access or issuance had been made
5 or granted to the representative of the estate. Such person or
6 corporation is not required to see to the application or
7 disposition of the property; but each person to whom a payment,
8 delivery, transfer, access or issuance is made or given is
9 answerable therefor to any person having a prior right and is
10 accountable to any representative of the estate.

11 (e) The affiant signing the small estate affidavit prepared
12 pursuant to subsection (b) of this Section shall indemnify and
13 hold harmless all creditors and heirs of the decedent and other
14 persons relying upon the affidavit who incur loss because of
15 such reliance. That indemnification shall only be up to the
16 amount lost because of the act or omission of the affiant. Any
17 person recovering under this subsection (e) shall be entitled
18 to reasonable attorney's fees and the expenses of recovery.

19 (f) The affiant of a small estate affidavit who is a
20 non-resident of Illinois submits himself or herself to the
21 jurisdiction of Illinois courts for all matters related to the
22 preparation or use of the affidavit. The affidavit shall
23 provide the name, address, and phone number of a person whom
24 the affiant names as his agent for service of process. If no
25 such person is named or if, for any reason, service on the
26 named person cannot be effectuated, the clerk of the circuit

1 court of the county or judicial circuit of which the decedent
2 was a resident at the time of his death shall be the agent for
3 service of process.

4 (g) Any action properly taken under this Section, as
5 amended by Public Act 93-877, on or after August 6, 2004 (the
6 effective date of Public Act 93-877) is valid regardless of the
7 date of death of the decedent.

8 (h) The changes made by this amendatory Act of the 96th
9 General Assembly apply to a decedent whose date of death is on
10 or after the effective date of this amendatory Act of the 96th
11 General Assembly.

12 (Source: P.A. 96-968, eff. 7-2-10.)

13 Section 790. The Illinois Power of Attorney Act is amended
14 by changing Sections 2-8, 2-10.3, and 2-10.5 as follows:

15 (755 ILCS 45/2-8) (from Ch. 110 1/2, par. 802-8)

16 Sec. 2-8. Reliance on document purporting to establish an
17 agency.

18 (a) Any person who acts in good faith reliance on a copy of
19 a document purporting to establish an agency will be fully
20 protected and released to the same extent as though the reliant
21 had dealt directly with the named principal as a
22 fully-competent person. The named agent shall furnish an
23 affidavit or Agent's Certification and Acceptance of Authority
24 to the reliant on demand stating that the instrument relied on

1 is a true copy of the agency and that, to the best of the named
 2 agent's knowledge, the named principal is alive and the
 3 relevant powers of the named agent have not been altered or
 4 terminated; but good faith reliance on a document purporting to
 5 establish an agency will protect the reliant without the
 6 affidavit or Agent's Certification and Acceptance of
 7 Authority.

8 (b) Upon request, the named agent in a power of attorney
 9 shall furnish an Agent's Certification and Acceptance of
 10 Authority to the reliant in substantially the following form:

11 AGENT'S CERTIFICATION AND ACCEPTANCE OF AUTHORITY

12 I, (insert name of agent), certify that the
 13 attached is a true copy of a power of attorney naming the
 14 undersigned as agent or successor agent for
 15 (insert name of principal).

16 I certify that to the best of my knowledge the principal
 17 had the capacity to execute the power of attorney, is alive,
 18 and has not revoked the power of attorney; that my powers as
 19 agent have not been altered or terminated; and that the power
 20 of attorney remains in full force and effect.

21 I accept appointment as agent under this power of attorney.

22 This certification and acceptance is made under penalty of
 23 perjury.*

24 Dated:

1
.....

2 (Agent's Signature)

3
.....

4 (Print Agent's Name)

5
.....

6 (Agent's Address)

7 * (NOTE: Perjury is defined in Section 32-2 of the Criminal
8 Code of 2012 ~~1961~~, and is a Class 3 felony.)

9 (c) Any person dealing with an agent named in a copy of a
10 document purporting to establish an agency may presume, in the
11 absence of actual knowledge to the contrary, that the document
12 purporting to establish the agency was validly executed, that
13 the agency was validly established, that the named principal
14 was competent at the time of execution, and that, at the time
15 of reliance, the named principal is alive, the agency was
16 validly established and has not terminated or been amended, the
17 relevant powers of the named agent were properly and validly
18 granted and have not terminated or been amended, and the acts
19 of the named agent conform to the standards of this Act. No
20 person relying on a copy of a document purporting to establish
21 an agency shall be required to see to the application of any
22 property delivered to or controlled by the named agent or to
23 question the authority of the named agent.

24 (d) Each person to whom a direction by the named agent in
25 accordance with the terms of the copy of the document

1 purporting to establish an agency is communicated shall comply
2 with that direction, and any person who fails to comply
3 arbitrarily or without reasonable cause shall be subject to
4 civil liability for any damages resulting from noncompliance. A
5 health care provider who complies with Section 4-7 shall not be
6 deemed to have acted arbitrarily or without reasonable cause.

7 (Source: P.A. 96-1195, eff. 7-1-11.)

8 (755 ILCS 45/2-10.3)

9 Sec. 2-10.3. Successor agents.

10 (a) A principal may designate one or more successor agents
11 to act if an initial or predecessor agent resigns, dies,
12 becomes incapacitated, is not qualified to serve, or declines
13 to serve. A principal may grant authority to another person,
14 designated by name, by office, or by function, including an
15 initial or successor agent, to designate one or more successor
16 agents. Unless a power of attorney otherwise provides, a
17 successor agent has the same authority as that granted to an
18 initial agent.

19 (b) An agent is not liable for the actions of another
20 agent, including a predecessor agent, unless the agent
21 participates in or conceals a breach of fiduciary duty
22 committed by the other agent. An agent who has knowledge of a
23 breach or imminent breach of fiduciary duty by another agent
24 must notify the principal and, if the principal is
25 incapacitated, take whatever actions may be reasonably

1 appropriate in the circumstances to safeguard the principal's
2 best interest.

3 (c) Any person who acts in good faith reliance on the
4 representation of a successor agent regarding the
5 unavailability of a predecessor agent will be fully protected
6 and released to the same extent as though the reliant had dealt
7 directly with the predecessor agent. Upon request, the
8 successor agent shall furnish an affidavit or Successor Agent's
9 Certification and Acceptance of Authority to the reliant, but
10 good faith reliance on a document purporting to establish an
11 agency will protect the reliant without the affidavit or
12 Successor Agent's Certification and Acceptance of Authority. A
13 Successor Agent's Certification and Acceptance of Authority
14 shall be in substantially the following form:

15 SUCCESSOR AGENT'S

16 CERTIFICATION AND ACCEPTANCE OF AUTHORITY

17 I certify that the attached is a true copy of a power of
18 attorney naming the undersigned as agent or successor agent for
19 (insert name of principal).

20 I certify that to the best of my knowledge the principal
21 had the capacity to execute the power of attorney, is alive,
22 and has not revoked the power of attorney; that my powers as
23 agent have not been altered or terminated; and that the power
24 of attorney remains in full force and effect.

1 I certify that to the best of my knowledge

2 (insert name of unavailable agent) is unavailable due to

3 (specify death, resignation, absence,

4 illness, or other temporary incapacity).

5 I accept appointment as agent under this power of attorney.

6 This certification and acceptance is made under penalty of

7 perjury.*

8 Dated:

9

10 (Agent's Signature)

11

12 (Print Agent's Name)

13

14 (Agent's Address)

15 * (NOTE: Perjury is defined in Section 32-2 of the Criminal

16 Code of 2012 1961, and is a Class 3 felony.)

17 (Source: P.A. 96-1195, eff. 7-1-11.)

18 (755 ILCS 45/2-10.5)

19 Sec. 2-10.5. Co-agents.

20 (a) Co-agents may not be named by a principal in a

21 statutory short form power of attorney for property under

22 Article III or a statutory short form power of attorney for

23 health care under Article IV. In the event that co-agents are

24 named in any other form of power of attorney, then the

25 provisions of this Section shall govern the use and acceptance

1 of co-agency designations.

2 (b) Unless the power of attorney or this Section otherwise
3 provides, authority granted to 2 or more co-agents is
4 exercisable only by their majority consent. However, if prompt
5 action is required to accomplish the purposes of the power of
6 attorney or to avoid irreparable injury to the principal's
7 interests and an agent is unavailable because of absence,
8 illness, or other temporary incapacity, the other agent or
9 agents may act for the principal. If a vacancy occurs in one or
10 more of the designations of agent under a power of attorney,
11 the remaining agent or agents may act for the principal.

12 (c) An agent is not liable for the actions of another
13 agent, including a co-agent or predecessor agent, unless the
14 agent participates in or conceals a breach of fiduciary duty
15 committed by the other agent. An agent who has knowledge of a
16 breach or imminent breach of fiduciary duty by another agent
17 must notify the principal and, if the principal is
18 incapacitated, take whatever actions may be reasonably
19 appropriate in the circumstances to safeguard the principal's
20 best interest.

21 (d) Any person who acts in good faith reliance on the
22 representation of a co-agent regarding the unavailability of a
23 predecessor agent or one or more co-agents, or the need for
24 prompt action to accomplish the purposes of the power of
25 attorney or to avoid irreparable injury to the principal's
26 interests, will be fully protected and released to the same

1 extent as though the reliant had dealt directly with all named
 2 agents. Upon request, the co-agent shall furnish an affidavit
 3 or Co-Agent's Certification and Acceptance of Authority to the
 4 reliant, but good faith reliance on a document purporting to
 5 establish an agency will protect the reliant without the
 6 affidavit or Co-Agent's Certification and Acceptance of
 7 Authority. A Co-Agent's Certification and Acceptance of
 8 Authority shall be in substantially the following form:

9 CO-AGENT'S

10 CERTIFICATION AND ACCEPTANCE OF AUTHORITY

11 I certify that the attached is a true copy of a power of
 12 attorney naming the undersigned as agent or co-agent for
 13 (insert name of principal).

14 I certify that to the best of my knowledge the principal
 15 had the capacity to execute the power of attorney, is alive,
 16 and has not revoked the power of attorney; that my powers as
 17 agent have not been altered or terminated; and that the power
 18 of attorney remains in full force and effect.

19 I certify that to the best of my knowledge
 20 (insert name of unavailable agent) is unavailable due to
 21 (specify death, resignation, absence,
 22 illness, or other temporary incapacity).

23 I certify that prompt action is required to accomplish the
 24 purposes of the power of attorney or to avoid irreparable

1 injury to the principal's interests.

2 I accept appointment as agent under this power of attorney.

3 This certification and acceptance is made under penalty of
4 perjury.*

5 Dated:

6

7 (Agent's Signature)

8

9 (Print Agent's Name)

10

11 (Agent's Address)

12 * (NOTE: Perjury is defined in Section 32-2 of the Criminal
13 Code of 2012 ~~1961~~, and is a Class 3 felony.)

14 (Source: P.A. 96-1195, eff. 7-1-11.)

15 Section 795. The Charitable Trust Act is amended by
16 changing Section 16.5 as follows:

17 (760 ILCS 55/16.5)

18 Sec. 16.5. Terrorist acts.

19 (a) Any person or organization subject to registration
20 under this Act, who knowingly acts to further, directly or
21 indirectly, or knowingly uses charitable assets to conduct or
22 further, directly or indirectly, an act or actions as set forth
23 in Article 29D of the Criminal Code of 2012 ~~1961~~, is thereby
24 engaged in an act or actions contrary to public policy and

1 antithetical to charity, and all of the funds, assets, and
2 records of the person or organization shall be subject to
3 temporary and permanent injunction from use or expenditure and
4 the appointment of a temporary and permanent receiver to take
5 possession of all of the assets and related records.

6 (b) An ex parte action may be commenced by the Attorney
7 General, and, upon a showing of probable cause of a violation
8 of this Section or Article 29D of the Criminal Code of 2012
9 ~~1961~~, an immediate seizure of books and records by the Attorney
10 General by and through his or her assistants or investigators
11 or the Department of State Police and freezing of all assets
12 shall be made by order of a court to protect the public,
13 protect the assets, and allow a full review of the records.

14 (c) Upon a finding by a court after a hearing that a person
15 or organization has acted or is in violation of this Section,
16 the person or organization shall be permanently enjoined from
17 soliciting funds from the public, holding charitable funds, or
18 acting as a trustee or fiduciary within Illinois. Upon a
19 finding of violation all assets and funds held by the person or
20 organization shall be forfeited to the People of the State of
21 Illinois or otherwise ordered by the court to be accounted for
22 and marshaled and then delivered to charitable causes and uses
23 within the State of Illinois by court order.

24 (d) A determination under this Section may be made by any
25 court separate and apart from any criminal proceedings and the
26 standard of proof shall be that for civil proceedings.

1 (e) Any knowing use of charitable assets to conduct or
2 further, directly or indirectly, an act or actions set forth in
3 Article 29D of the Criminal Code of 2012 ~~1961~~ shall be a misuse
4 of charitable assets and breach of fiduciary duty relative to
5 all other Sections of this Act.

6 (Source: P.A. 92-854, eff. 12-5-02.)

7 Section 800. The Land Trust Beneficial Interest Disclosure
8 Act is amended by changing Section 3 as follows:

9 (765 ILCS 405/3) (from Ch. 148, par. 73)

10 Sec. 3. False verification - Perjury. Whoever, in swearing
11 to, or affirming, an application or statement as required under
12 this Act, makes a false statement as to the identification of
13 beneficiaries of a land trust, or which is material to an issue
14 or point in question in such application or statement, or who,
15 having taken a lawful oath or made affirmation, shall testify
16 willfully and falsely as to any of such matters for the purpose
17 of inducing the approval of any such benefit, authorization,
18 license or permit, or who shall suborn any other person to so
19 swear, affirm or testify, is guilty of perjury or subornation
20 of perjury, as the case may be, and upon conviction thereof,
21 shall be sentenced as provided in Sections 32-2 or 32-3,
22 respectively, of the Criminal Code of 2012 ~~1961, as amended,~~
23 ~~for such offenses.~~

24 (Source: P.A. 85-747.)

1 Section 805. The Landlord and Tenant Act is amended by
2 changing Section 10 as follows:

3 (765 ILCS 705/10)

4 Sec. 10. Failure to inform lessor who is a child sex
5 offender and who resides in the same building in which the
6 lessee resides or intends to reside that the lessee is a parent
7 or guardian of a child under 18 years of age. If a lessor of
8 residential real estate resides at such real estate and is a
9 child sex offender as defined in Section 11-9.3 or 11-9.4 of
10 the Criminal Code of 1961 or the Criminal Code of 2012 and
11 rents such real estate to a person who does not inform the
12 lessor that the person is a parent or guardian of a child or
13 children under 18 years of age and subsequent to such lease,
14 the lessee discovers that the landlord is a child sex offender,
15 then the lessee may not terminate the lease based upon such
16 discovery that the lessor is a child sex offender and such
17 lease shall be in full force and effect. This subsection shall
18 apply only to leases or other rental arrangements entered into
19 after the effective date of this amendatory Act of the 95th
20 General Assembly.

21 (Source: P.A. 95-820, eff. 1-1-09; 96-1551, eff. 7-1-11.)

22 Section 810. The Safe Homes Act is amended by changing
23 Section 10 as follows:

1 (765 ILCS 750/10)

2 Sec. 10. Definitions. For purposes of this Act:

3 "Domestic violence" means "abuse" as defined in Section 103
4 of the Illinois Domestic Violence Act of 1986 by a "family or
5 household member" as defined in Section 103 of the Illinois
6 Domestic Violence Act of 1986.

7 "Landlord" means the owner of a building or the owner's
8 agent with regard to matters concerning landlord's leasing of a
9 dwelling.

10 "Sexual violence" means any act of sexual assault, sexual
11 abuse, or stalking of an adult or minor child, including but
12 not limited to non-consensual sexual conduct or non-consensual
13 sexual penetration as defined in the Civil No Contact Order Act
14 and the offenses of stalking, aggravated stalking, criminal
15 sexual assault, aggravated criminal sexual assault, predatory
16 criminal sexual assault of a child, criminal sexual abuse, and
17 aggravated criminal sexual abuse as those offenses are
18 described in the Criminal Code of 2012 ~~1961~~.

19 "Tenant" means a person who has entered into an oral or
20 written lease with a landlord whereby the person is the lessee
21 under the lease.

22 (Source: P.A. 94-1038, eff. 1-1-07.)

23 Section 815. The Cemetery Protection Act is amended by
24 changing Section 16 as follows:

1 (765 ILCS 835/16)

2 Sec. 16. When a multiple interment right owner becomes
3 deceased, the ownership of any unused rights of interment shall
4 pass in accordance with the specific bequest in the decedent's
5 will. If there is no will or specific bequest then the
6 ownership and use of the unused rights of interment shall be
7 determined by a cemetery authority in accordance with the
8 information set out on a standard affidavit for cemetery
9 interment rights use form if such a form has been prepared. The
10 unused right of interment shall be used for the interment of
11 the first deceased heir listed on the standard affidavit and
12 continue in sequence until all listed heirs are deceased. In
13 the event that an interment right is not used, the interment
14 right shall pass to the heirs of the heirs of the deceased
15 interment right owner in perpetuity. Except as otherwise
16 provided in this Section, this shall not preclude the ability
17 of the heirs to sell said interment rights, in the event that
18 all listed living heirs are in agreement, and it shall not
19 preclude the ability of a 2/3 majority of the living heirs to
20 sell a specific interment right to the spouse of a living or
21 deceased heir. If the standard affidavit for cemetery interment
22 rights use, showing heirship of decedent interment right
23 owner's living heirs is provided to and followed by a cemetery
24 authority, the cemetery authority shall be released of any
25 liability in relying on that affidavit.

1 The following is the form of the standard affidavit:

2 STATE OF ILLINOIS)
3) SS
4 COUNTY OF)

5 AFFIDAVIT FOR CEMETERY INTERMENT RIGHTS USE

6 I,, being first duly sworn on oath depose and
7 say that:

8 1. A. My place of residence is

9 B. My post office address is

10 C. I understand that I am providing the information
11 contained in this affidavit to the
12 ("Cemetery") and the Cemetery shall, in the absence of
13 directions to the contrary in my will, rely on this
14 information to allow the listed individuals to be interred
15 in any unused interment rights in the order of their death.

16 D. I understand that, if I am an out-of-state resident,
17 I submit myself to the jurisdiction of Illinois courts for
18 all matters related to the preparation and use of this
19 affidavit. My agent for service of process in Illinois is:

20 Name Address

21 City Telephone

22 Items 2 through 6 must be completed by the executor of the
23 decedent's estate, a personal representative, owner's

1 surviving spouse, or surviving heir.

2 2. The decedent's name is

3 3. The date of decedent's death was

4 4. The decedent's place of residence immediately before his
5 or her death was

6 5. My relationship to the decedent is
7 and I am authorized to sign and file this affidavit.

8 6. At the time of death, the decedent (had no) (had a)
9 surviving spouse. The name of the surviving spouse, if any, is
10, and he or she (has) (has not) remarried.

11 7. The following is a list of the cemetery interment rights
12 that may be used by the heirs if the owner is deceased:

13
14

15 8. The following persons have an ownership interest in and
16 the right to use the cemetery interment rights in the order of
17 their death:

18 Address
19 Address
20 Address
21 Address
22 Address
23 Address
24 Address

25 9. This affidavit is made for the purpose of obtaining the
26 consent of the undersigned to transfer the right of interment

1 at the above mentioned cemetery property to the listed heirs.
 2 Affiants agree that they will save, hold harmless, and
 3 indemnify Cemetery, its heirs, successors, employees, and
 4 assigns, from all claims, loss, or damage whatsoever that may
 5 result from relying on this affidavit to record said transfer
 6 in its records and allow interments on the basis of the
 7 information contained in this affidavit.

8 WHEREFORE affiant requests Cemetery to recognize the above
 9 named heirs-at-law as those rightfully entitled to the
 10 ownership of and use of said interment (spaces) (space).

11 THE FOREGOING STATEMENT IS MADE UNDER THE PENALTIES OF PERJURY.
 12 (A FRAUDULENT STATEMENT MADE UNDER THE PENALTIES OF PERJURY IS
 13 PERJURY AS DEFINED IN THE CRIMINAL CODE OF 2012 ~~1961~~.)

14 Dated this day of,

15 (Seal) (To be signed by the owner or
 16 the individual who completes items 2 through 6 above.)

17 Subscribed and sworn to before me, a Notary Public in and for
 18 the County and State of aforesaid this
 19 day of,

20 Notary Public.

21 (Source: P.A. 93-772, eff. 1-1-05; 94-520, eff. 8-10-05.)

1 Section 820. The Counterfeit Trademark Act is amended by
2 changing Section 9 as follows:

3 (765 ILCS 1040/9)

4 Sec. 9. Seizure and disposition.

5 (a) A peace officer shall, upon probable cause, seize any
6 counterfeit items, counterfeit marks, or any component of that
7 merchandise knowingly possessed in violation of this Act.

8 (b) A peace officer shall seize any vehicle, aircraft,
9 vessel, machinery or other instrumentality which the officer
10 reasonably believed was knowingly used to commit or facilitate
11 a violation of this Act.

12 (c) A peace officer shall, upon probable cause, seize any
13 proceeds resulting from a violation of this Act.

14 (d) Seized counterfeit goods shall be destroyed upon the
15 written consent of the defendant or by judicial determination
16 that the seized goods are counterfeit items or otherwise bear
17 the trademark, trade name or service mark without the
18 authorization of the owner, unless another disposition of the
19 goods is consented to by the owner of the trademark, trade name
20 or service mark.

21 The seizure and forfeiture of vehicles, aircraft, vessels,
22 machinery, or other instrumentalities provided for by this
23 Section shall be carried out in the same manner and pursuant to
24 the same procedures as provided in Article 36 of the Criminal
25 Code of 2012 ~~1961~~ with respect to vessels, vehicles, and

1 aircraft.

2 (Source: P.A. 96-631, eff. 1-1-10.)

3 Section 825. The Illinois Human Rights Act is amended by
4 changing Section 4-101 as follows:

5 (775 ILCS 5/4-101) (from Ch. 68, par. 4-101)

6 Sec. 4-101. Definitions. The following definitions are
7 applicable strictly in the context of this Article:

8 (A) Credit Card. "Credit card" has the meaning set forth in
9 Section 17-0.5 of the Criminal Code of 2012 ~~1961~~.

10 (B) Financial Institution. "Financial institution" means
11 any bank, credit union, insurance company, mortgage banking
12 company or savings and loan association which operates or has a
13 place of business in this State.

14 (C) Loan. "Loan" includes, but is not limited to, the
15 providing of funds, for consideration, which are sought for:
16 (1) the purpose of purchasing, constructing, improving,
17 repairing, or maintaining a housing accommodation as that term
18 is defined in paragraph (C) of Section 3-101; or (2) any
19 commercial or industrial purposes.

20 (D) Varying Terms. "Varying the terms of a loan" includes,
21 but is not limited to, the following practices:

22 (1) Requiring a greater down payment than is usual for
23 the particular type of a loan involved.

24 (2) Requiring a shorter period of amortization than is

1 usual for the particular type of loan involved.

2 (3) Charging a higher interest rate than is usual for
3 the particular type of loan involved.

4 (4) An under appraisal of real estate or other item of
5 property offered as security.

6 (Source: P.A. 95-331, eff. 8-21-07; 96-1551, eff. 7-1-11.)

7 Section 830. The Business Corporation Act of 1983 is
8 amended by changing Section 8.70 as follows:

9 (805 ILCS 5/8.70) (from Ch. 32, par. 8.70)

10 Sec. 8.70. Kickbacks, bribes, etc. -Liability of officers
11 or directors. Any Corporate director or officer who commits
12 commercial bribery or commercial bribe receiving as defined in
13 Article 29A ~~29~~ of the "Criminal Code of 2012 ~~1961~~", shall be
14 liable to the corporation which he or she serves as officer or
15 director for treble damages, based on the aggregate amount
16 given or received plus attorneys' fees. A conviction in a
17 criminal proceeding for a commercial bribery or commercial
18 bribe receiving shall be deemed prima facie evidence of the
19 convicted director's or officer's liability under this
20 Section.

21 (Source: P.A. 83-1025.)

22 Section 835. The Assumed Business Name Act is amended by
23 changing Section 4 as follows:

1 (805 ILCS 405/4) (from Ch. 96, par. 7)

2 Sec. 4. This Act shall in no way affect or apply to any
3 corporation, limited liability company, limited partnership,
4 or limited liability partnership duly organized under the laws
5 of this State, or any corporation, limited liability company,
6 limited partnership, or limited liability partnership
7 organized under the laws of any other State and lawfully doing
8 business in this State, nor shall this Act be deemed or
9 construed to prevent the lawful use of a partnership name or
10 designation, provided that such partnership shall include the
11 true, real name of such person or persons transacting said
12 business or partnership nor shall it be construed as in any way
13 affecting subdivision (a)(8) or subsection (c) of Section 17-2
14 of the Criminal Code of 2012 ~~1961~~. This Act shall in no way
15 affect or apply to testamentary or other express trusts where
16 the business is carried on in the name of the trust and such
17 trust is created by will or other instrument in writing under
18 which title to the trust property is vested in a designated
19 trustee or trustees for the use and benefit of the cestuis que
20 trustent.

21 (Source: P.A. 96-328, eff. 8-11-09; 96-1551, eff. 7-1-11.)

22 Section 840. The Uniform Commercial Code is amended by
23 changing Section 3-505A as follows:

1 (810 ILCS 5/3-505A) (from Ch. 26, par. 3-505A)

2 Sec. 3-505A. Provision of credit card number as a condition
3 of check cashing or acceptance prohibited.

4 (1) No person may record the number of a credit card given
5 as identification or given as proof of creditworthiness when
6 payment for goods or services is made by check or draft other
7 than a transaction in which the check or draft is issued in
8 payment of the credit card designated by the credit card
9 number.

10 (2) This Section shall not prohibit a person from
11 requesting a purchaser to display a credit card as indication
12 of creditworthiness and financial responsibility or as
13 additional identification, but the only information concerning
14 a credit card which may be recorded is the type of credit card
15 so displayed and the issuer of the credit card. This Section
16 shall not require acceptance of a check or draft whether or not
17 a credit card is presented.

18 (3) This Section shall not prohibit a person from
19 requesting or receiving a credit card number or expiration date
20 and recording the number or date, or both, in lieu of a deposit
21 to secure payment in the event of default, loss, damage, or
22 other occurrence.

23 (4) This Section shall not prohibit a person from recording
24 a credit card number and expiration date as a condition for
25 cashing or accepting a check or draft if that person, firm,
26 partnership or association has agreed with the card issuer to

1 cash or accept checks and share drafts from the issuer's
2 cardholders and the issuer guarantees cardholder checks and
3 drafts cashed or accepted by that person.

4 (5) Recording a credit card number in connection with a
5 sale of goods or services in which the purchaser pays by check
6 or draft, or in connection with the acceptance of a check or
7 draft, is a business offense with a fine not to exceed \$500.

8 As used in this Section, credit card has the meaning as
9 defined in Section 17-0.5 of the Criminal Code of 2012 ~~1961~~.

10 (Source: P.A. 96-1551, eff. 7-1-11.)

11 Section 845. The Illinois Securities Law of 1953 is amended
12 by changing Section 7a as follows:

13 (815 ILCS 5/7a) (from Ch. 121 1/2, par. 137.7a)

14 Sec. 7a. (a) Except as provided in subsection (b) of this
15 Section, no securities, issued by an issuer engaged in or
16 deriving revenues from the conduct of any business or
17 profession, the conduct of which would violate Section 11-14,
18 11-14.3, 11-14.4 as described in subdivision (a) (1), (a) (2), or
19 (a) (3) or that involves soliciting for a juvenile prostitute,
20 11-15, 11-15.1, 11-16, 11-17, 11-19 or 11-19.1 of the Criminal
21 Code of 1961 or the Criminal Code of 2012, ~~as now or hereafter~~
22 ~~amended~~, if conducted in this State, shall be sold or
23 registered pursuant to Section 5, 6 or 7 of this Act nor sold
24 pursuant to the provisions of Section 3 or 4 of this Act.

1 (b) Notwithstanding the provisions of subsection (a)
2 hereof, such securities issued prior to the effective date of
3 this amendatory Act of 1989 may be sold by a resident of this
4 State in transactions which qualify for an exemption from the
5 registration requirements of this Act pursuant to subsection A
6 of Section 4 of this Act.

7 (Source: P.A. 96-1551, eff. 7-1-11.)

8 Section 850. The Credit Card Issuance Act is amended by
9 changing Section 1 as follows:

10 (815 ILCS 140/1) (from Ch. 17, par. 6001)

11 Sec. 1. As used in this Act:

12 (a) "Credit card" has the meaning set forth in Section
13 17-0.5 of the Criminal Code of 2012 ~~1961~~, but does not include
14 "debit card" as defined in that Section, which can also be used
15 to obtain money, goods, services and anything else of value on
16 credit, nor shall it include any negotiable instrument as
17 defined in the Uniform Commercial Code, as now or hereafter
18 amended;

19 (b) "Merchant credit card agreement" means a written
20 agreement between a seller of goods, services or both, and the
21 issuer of a credit card to any other party, pursuant to which
22 the seller is obligated to accept credit cards; and

23 (c) "Credit card transaction" means a purchase and sale of
24 goods, services or both, in which a seller, pursuant to a

1 merchant credit card agreement, is obligated to accept a credit
2 card and does accept the credit card in connection with such
3 purchase and sale.

4 (Source: P.A. 96-1551, eff. 7-1-11.)

5 Section 855. The Credit Card Liability Act is amended by
6 changing Section 1 as follows:

7 (815 ILCS 145/1) (from Ch. 17, par. 6101)

8 Sec. 1. (a) No person in whose name a credit card is issued
9 without his having requested or applied for the card or for the
10 extension of the credit or establishment of a charge account
11 which that card evidences is liable to the issuer of the card
12 for any purchases made or other amounts owing by a use of that
13 card from which he or a member of his family or household
14 derive no benefit unless he has indicated his acceptance of the
15 card by signing or using the card or by permitting or
16 authorizing use of the card by another. A mere failure to
17 destroy or return an unsolicited card is not such an
18 indication. As used in this Act, "credit card" has the meaning
19 ascribed to it in Section 17-0.5 of the Criminal Code of 2012
20 ~~1961~~, except that it does not include a card issued by any
21 telephone company that is subject to supervision or regulation
22 by the Illinois Commerce Commission or other public authority.

23 (b) When an action is brought by an issuer against the
24 person named on the card, the burden of proving the request,

1 application, authorization, permission, use or benefit as set
2 forth in Section 1 hereof shall be upon plaintiff if put in
3 issue by defendant. In the event of judgment for defendant, the
4 court shall allow defendant a reasonable attorney's fee, to be
5 taxed as costs.

6 (Source: P.A. 95-331, eff. 8-21-07; 96-1551, eff. 7-1-11.)

7 Section 860. The Interest Act is amended by changing
8 Section 4.1 as follows:

9 (815 ILCS 205/4.1) (from Ch. 17, par. 6405)

10 Sec. 4.1. The term "revolving credit" means an arrangement,
11 including by means of a credit card as defined in Section
12 17-0.5 of the Criminal Code of 2012 ~~1961~~ between a lender and
13 debtor pursuant to which it is contemplated or provided that
14 the lender may from time to time make loans or advances to or
15 for the account of the debtor through the means of drafts,
16 items, orders for the payment of money, evidences of debt or
17 similar written instruments, whether or not negotiable, signed
18 by the debtor or by any person authorized or permitted so to do
19 on behalf of the debtor, which loans or advances are charged to
20 an account in respect of which account the lender is to render
21 bills or statements to the debtor at regular intervals
22 (hereinafter sometimes referred to as the "billing cycle") the
23 amount of which bills or statements is payable by and due from
24 the debtor on a specified date stated in such bill or statement

1 or at the debtor's option, may be payable by the debtor in
2 installments. A revolving credit arrangement which grants the
3 debtor a line of credit in excess of \$5,000 may include
4 provisions granting the lender a security interest in real
5 property or in a beneficial interest in a land trust to secure
6 amounts of credit extended by the lender. Credit extended or
7 available under a revolving credit plan operated in accordance
8 with the Illinois Financial Services Development Act shall be
9 deemed to be "revolving credit" as defined in this Section 4.1
10 but shall not be subject to Sections 4.1a, 4.2 or 4.3 hereof.

11 Whenever a lender is granted a security interest in real
12 property or in a beneficial interest in a land trust, the
13 lender shall disclose the existence of such interest to the
14 borrower in compliance with the Federal Truth in Lending Act,
15 amendments thereto, and any regulations issued or which may be
16 issued thereunder, and shall agree to pay all expenses,
17 including recording fees and otherwise, to release any such
18 security interest of record whenever it no longer secures any
19 credit under a revolving credit arrangement. A lender shall not
20 be granted a security interest in any real property or in any
21 beneficial interest in a land trust under a revolving credit
22 arrangement, or if any such security interest exists, such
23 interest shall be released, if a borrower renders payment of
24 the total outstanding balance due under the revolving credit
25 arrangement and requests in writing to reduce the line of
26 credit below that amount for which a security interest in real

1 property or in a beneficial interest in a land trust may be
2 required by a lender. Any request by a borrower to release a
3 security interest under a revolving credit arrangement shall be
4 granted by the lender provided the borrower renders payment of
5 the total outstanding balance as required by this Section
6 before the security interest of record may be released.

7 (Source: P.A. 95-331, eff. 8-21-07; 96-1551, eff. 7-1-11.)

8 Section 870. The Consumer Fraud and Deceptive Business
9 Practices Act is amended by changing Sections 2MM, 2NN, and 2VV
10 as follows:

11 (815 ILCS 505/2MM)

12 Sec. 2MM. Verification of accuracy of consumer reporting
13 information used to extend consumers credit and security freeze
14 on credit reports.

15 (a) A credit card issuer who mails an offer or solicitation
16 to apply for a credit card and who receives a completed
17 application in response to the offer or solicitation which
18 lists an address that is not substantially the same as the
19 address on the offer or solicitation may not issue a credit
20 card based on that application until reasonable steps have been
21 taken to verify the applicant's change of address.

22 (b) Any person who uses a consumer credit report in
23 connection with the approval of credit based on the application
24 for an extension of credit, and who has received notification

1 of a police report filed with a consumer reporting agency that
2 the applicant has been a victim of financial identity theft, as
3 defined in Section 16-30 or 16G-15 of the Criminal Code of 1961
4 or the Criminal Code of 2012, may not lend money or extend
5 credit without taking reasonable steps to verify the consumer's
6 identity and confirm that the application for an extension of
7 credit is not the result of financial identity theft.

8 (c) A consumer may request that a security freeze be placed
9 on his or her credit report by sending a request in writing by
10 certified mail to a consumer reporting agency at an address
11 designated by the consumer reporting agency to receive such
12 requests. This subsection (c) does not prevent a consumer
13 reporting agency from advising a third party that a security
14 freeze is in effect with respect to the consumer's credit
15 report.

16 (d) A consumer reporting agency shall place a security
17 freeze on a consumer's credit report no later than 5 business
18 days after receiving a written request from the consumer:

- 19 (1) a written request described in subsection (c);
- 20 (2) proper identification; and
- 21 (3) payment of a fee, if applicable.

22 (e) Upon placing the security freeze on the consumer's
23 credit report, the consumer reporting agency shall send to the
24 consumer within 10 business days a written confirmation of the
25 placement of the security freeze and a unique personal
26 identification number or password or similar device, other than

1 the consumer's Social Security number, to be used by the
2 consumer when providing authorization for the release of his or
3 her credit report for a specific party or period of time.

4 (f) If the consumer wishes to allow his or her credit
5 report to be accessed for a specific party or period of time
6 while a freeze is in place, he or she shall contact the
7 consumer reporting agency using a point of contact designated
8 by the consumer reporting agency, request that the freeze be
9 temporarily lifted, and provide the following:

10 (1) Proper identification;

11 (2) The unique personal identification number or
12 password or similar device provided by the consumer
13 reporting agency;

14 (3) The proper information regarding the third party or
15 time period for which the report shall be available to
16 users of the credit report; and

17 (4) A fee, if applicable.

18 (g) A consumer reporting agency shall develop a contact
19 method to receive and process a request from a consumer to
20 temporarily lift a freeze on a credit report pursuant to
21 subsection (f) in an expedited manner.

22 A contact method under this subsection shall include: (i) a
23 postal address; and (ii) an electronic contact method chosen by
24 the consumer reporting agency, which may include the use of
25 telephone, fax, Internet, or other electronic means.

26 (h) A consumer reporting agency that receives a request

1 from a consumer to temporarily lift a freeze on a credit report
2 pursuant to subsection (f), shall comply with the request no
3 later than 3 business days after receiving the request.

4 (i) A consumer reporting agency shall remove or temporarily
5 lift a freeze placed on a consumer's credit report only in the
6 following cases:

7 (1) upon consumer request, pursuant to subsection (f)
8 or subsection (1) of this Section; or

9 (2) if the consumer's credit report was frozen due to a
10 material misrepresentation of fact by the consumer.

11 If a consumer reporting agency intends to remove a freeze
12 upon a consumer's credit report pursuant to this subsection,
13 the consumer reporting agency shall notify the consumer in
14 writing prior to removing the freeze on the consumer's credit
15 report.

16 (j) If a third party requests access to a credit report on
17 which a security freeze is in effect, and this request is in
18 connection with an application for credit or any other use, and
19 the consumer does not allow his or her credit report to be
20 accessed for that specific party or period of time, the third
21 party may treat the application as incomplete.

22 (k) If a consumer requests a security freeze, the credit
23 reporting agency shall disclose to the consumer the process of
24 placing and temporarily lifting a security freeze, and the
25 process for allowing access to information from the consumer's
26 credit report for a specific party or period of time while the

1 freeze is in place.

2 (1) A security freeze shall remain in place until the
3 consumer requests, using a point of contact designated by the
4 consumer reporting agency, that the security freeze be removed.
5 A credit reporting agency shall remove a security freeze within
6 3 business days of receiving a request for removal from the
7 consumer, who provides:

8 (1) Proper identification;

9 (2) The unique personal identification number or
10 password or similar device provided by the consumer
11 reporting agency; and

12 (3) A fee, if applicable.

13 (m) A consumer reporting agency shall require proper
14 identification of the person making a request to place or
15 remove a security freeze.

16 (n) The provisions of subsections (c) through (m) of this
17 Section do not apply to the use of a consumer credit report by
18 any of the following:

19 (1) A person or entity, or a subsidiary, affiliate, or
20 agent of that person or entity, or an assignee of a
21 financial obligation owing by the consumer to that person
22 or entity, or a prospective assignee of a financial
23 obligation owing by the consumer to that person or entity
24 in conjunction with the proposed purchase of the financial
25 obligation, with which the consumer has or had prior to
26 assignment an account or contract, including a demand

1 deposit account, or to whom the consumer issued a
2 negotiable instrument, for the purposes of reviewing the
3 account or collecting the financial obligation owing for
4 the account, contract, or negotiable instrument. For
5 purposes of this subsection, "reviewing the account"
6 includes activities related to account maintenance,
7 monitoring, credit line increases, and account upgrades
8 and enhancements.

9 (2) A subsidiary, affiliate, agent, assignee, or
10 prospective assignee of a person to whom access has been
11 granted under subsection (f) of this Section for purposes
12 of facilitating the extension of credit or other
13 permissible use.

14 (3) Any state or local agency, law enforcement agency,
15 trial court, or private collection agency acting pursuant
16 to a court order, warrant, or subpoena.

17 (4) A child support agency acting pursuant to Title
18 IV-D of the Social Security Act.

19 (5) The State or its agents or assigns acting to
20 investigate fraud.

21 (6) The Department of Revenue or its agents or assigns
22 acting to investigate or collect delinquent taxes or unpaid
23 court orders or to fulfill any of its other statutory
24 responsibilities.

25 (7) The use of credit information for the purposes of
26 prescreening as provided for by the federal Fair Credit

1 Reporting Act.

2 (8) Any person or entity administering a credit file
3 monitoring subscription or similar service to which the
4 consumer has subscribed.

5 (9) Any person or entity for the purpose of providing a
6 consumer with a copy of his or her credit report or score
7 upon the consumer's request.

8 (10) Any person using the information in connection
9 with the underwriting of insurance.

10 (n-5) This Section does not prevent a consumer reporting
11 agency from charging a fee of no more than \$10 to a consumer
12 for each freeze, removal, or temporary lift of the freeze,
13 regarding access to a consumer credit report, except that a
14 consumer reporting agency may not charge a fee to (i) a
15 consumer 65 years of age or over for placement and removal of a
16 freeze, or (ii) a victim of identity theft who has submitted to
17 the consumer reporting agency a valid copy of a police report,
18 investigative report, or complaint that the consumer has filed
19 with a law enforcement agency about unlawful use of his or her
20 personal information by another person.

21 (o) If a security freeze is in place, a consumer reporting
22 agency shall not change any of the following official
23 information in a credit report without sending a written
24 confirmation of the change to the consumer within 30 days of
25 the change being posted to the consumer's file: (i) name, (ii)
26 date of birth, (iii) Social Security number, and (iv) address.

1 Written confirmation is not required for technical
2 modifications of a consumer's official information, including
3 name and street abbreviations, complete spellings, or
4 transposition of numbers or letters. In the case of an address
5 change, the written confirmation shall be sent to both the new
6 address and to the former address.

7 (p) The following entities are not required to place a
8 security freeze in a consumer report, however, pursuant to
9 paragraph (3) of this subsection, a consumer reporting agency
10 acting as a reseller shall honor any security freeze placed on
11 a consumer credit report by another consumer reporting agency:

12 (1) A check services or fraud prevention services
13 company, which issues reports on incidents of fraud or
14 authorizations for the purpose of approving or processing
15 negotiable instruments, electronic funds transfers, or
16 similar methods of payment.

17 (2) A deposit account information service company,
18 which issues reports regarding account closures due to
19 fraud, substantial overdrafts, ATM abuse, or similar
20 negative information regarding a consumer to inquiring
21 banks or other financial institutions for use only in
22 reviewing a consumer request for a deposit account at the
23 inquiring bank or financial institution.

24 (3) A consumer reporting agency that:

25 (A) acts only to resell credit information by
26 assembling and merging information contained in a

1 database of one or more consumer reporting agencies;
2 and

3 (B) does not maintain a permanent database of
4 credit information from which new credit reports are
5 produced.

6 (q) For purposes of this Section:

7 "Credit report" has the same meaning as "consumer report",
8 as ascribed to it in 15 U.S.C. Sec. 1681a(d).

9 "Consumer reporting agency" has the meaning ascribed to it
10 in 15 U.S.C. Sec. 1681a(f).

11 "Security freeze" means a notice placed in a consumer's
12 credit report, at the request of the consumer and subject to
13 certain exceptions, that prohibits the consumer reporting
14 agency from releasing the consumer's credit report or score
15 relating to an extension of credit, without the express
16 authorization of the consumer.

17 "Extension of credit" does not include an increase in an
18 existing open-end credit plan, as defined in Regulation Z of
19 the Federal Reserve System (12 C.F.R. 226.2), or any change to
20 or review of an existing credit account.

21 "Proper identification" means information generally deemed
22 sufficient to identify a person. Only if the consumer is unable
23 to reasonably identify himself or herself with the information
24 described above, may a consumer reporting agency require
25 additional information concerning the consumer's employment
26 and personal or family history in order to verify his or her

1 identity.

2 (r) Any person who violates this Section commits an
3 unlawful practice within the meaning of this Act.

4 (Source: P.A. 97-597, eff. 1-1-12.)

5 (815 ILCS 505/2NN)

6 Sec. 2NN. Receipts; credit card and debit card account
7 numbers.

8 (a) Definitions. As used in this Section:

9 "Cardholder" has the meaning ascribed to it in Section
10 17-0.5 of the Criminal Code of 2012 ~~1961~~.

11 "Credit card" has the meaning ascribed to it in Section
12 17-0.5 of the Criminal Code of 2012 ~~1961~~.

13 "Debit card" has the meaning ascribed to it in Section
14 17-0.5 of the Criminal Code of 2012 ~~1961~~.

15 "Issuer" has the meaning ascribed to it in Section 17-0.5
16 of the Criminal Code of 2012 ~~1961~~.

17 "Person" has the meaning ascribed to it in Section 17-0.5
18 of the Criminal Code of 2012 ~~1961~~.

19 "Provider" means a person who furnishes money, goods,
20 services, or anything else of value upon presentation, whether
21 physically, in writing, verbally, electronically, or
22 otherwise, of a credit card or debit card by the cardholder, or
23 any agent or employee of that person.

24 (b) Except as otherwise provided in this Section, no
25 provider may print or otherwise produce or reproduce or permit

1 the printing or other production or reproduction of the
2 following: (i) any part of the credit card or debit card
3 account number, other than the last 4 digits or other
4 characters, (ii) the credit card or debit card expiration date
5 on any receipt provided or made available to the cardholder.

6 (c) This Section does not apply to a credit card or debit
7 card transaction in which the sole means available to the
8 provider of recording the credit card or debit card account
9 number is by handwriting or by imprint of the card.

10 (d) This Section does not apply to receipts issued for
11 transactions on the electronic benefits transfer card system in
12 accordance with 7 CFR 274.12(g) (3).

13 (e) A violation of this Section constitutes an unlawful
14 practice within the meaning of this Act.

15 (f) This Section is operative on January 1, 2005.

16 (Source: P.A. 95-331, eff. 8-21-07; 96-1551, eff. 7-1-11.)

17 (815 ILCS 505/2VV)

18 Sec. 2VV. Credit and public utility service; identity
19 theft. It is an unlawful practice for a person to deny credit
20 or public utility service to or reduce the credit limit of a
21 consumer solely because the consumer has been a victim of
22 identity theft as defined in Section 16-30 or 16G-15 of the
23 Criminal Code of 1961 or the Criminal Code of 2012, if the
24 consumer:

25 (1) has provided a copy of an identity theft report as

1 defined under the federal Fair Credit Reporting Act and
2 implementing regulations evidencing the consumer's claim
3 of identity theft;

4 (2) has provided a properly completed copy of a
5 standardized affidavit of identity theft developed and
6 made available by the Federal Trade Commission pursuant to
7 15 U.S.C. 1681g or an affidavit of fact that is acceptable
8 to the person for that purpose;

9 (3) has obtained placement of an extended fraud alert
10 in his or her file maintained by a nationwide consumer
11 reporting agency, in accordance with the requirements of
12 the federal Fair Credit Reporting Act; and

13 (4) is able to establish his or her identity and
14 address to the satisfaction of the person providing credit
15 or utility services.

16 (Source: P.A. 97-597, eff. 1-1-12.)

17 Section 875. The Home Repair Fraud Act is amended by
18 changing Section 5 as follows:

19 (815 ILCS 515/5) (from Ch. 121 1/2, par. 1605)

20 Sec. 5. Aggravated Home Repair Fraud. A person commits the
21 offense of aggravated home repair fraud when he commits home
22 repair fraud:

23 (i) against an elderly person or a person with a
24 disability as defined in Section 17-56 of the Criminal Code

1 of 2012 ~~1961~~; or

2 (ii) in connection with a home repair project intended
3 to assist a disabled person.

4 (a) Aggravated violation of paragraphs (1) or (2) of
5 subsection (a) of Section 3 of this Act shall be a Class 2
6 felony when the amount of the contract or agreement is more
7 than \$500, a Class 3 felony when the amount of the contract or
8 agreement is \$500 or less, and a Class 2 felony for a second or
9 subsequent offense when the amount of the contract or agreement
10 is \$500 or less. If 2 or more contracts or agreements for home
11 repair exceed an aggregate amount of \$500 or more and such
12 contracts or agreements are entered into with the same victim
13 by one or more of the defendants as part of or in furtherance
14 of a common fraudulent scheme, design or intention, the
15 violation shall be a Class 2 felony.

16 (b) Aggravated violation of paragraph (3) of subsection (a)
17 of Section 3 of this Act shall be a Class 2 felony when the
18 amount of the contract or agreement is more than \$5,000 and a
19 Class 3 felony when the amount of the contract or agreement is
20 \$5,000 or less.

21 (c) Aggravated violation of paragraph (4) of subsection (a)
22 of Section 3 of this Act shall be a Class 3 felony when the
23 amount of the contract or agreement is more than \$500, a Class
24 4 felony when the amount of the contract or agreement is \$500
25 or less and a Class 3 felony for a second or subsequent offense
26 when the amount of the contract or agreement is \$500 or less.

1 (d) Aggravated violation of paragraphs (1) or (2) of
2 subsection (b) of Section 3 of this Act shall be a Class 3
3 felony.

4 (e) If a person commits aggravated home repair fraud, then
5 any State or local license or permit held by that person that
6 relates to the business of home repair may be appropriately
7 suspended or revoked by the issuing authority, commensurate
8 with the severity of the offense.

9 (f) A defense to aggravated home repair fraud does not
10 exist merely because the accused reasonably believed the victim
11 to be a person less than 60 years of age.

12 (Source: P.A. 96-1026, eff. 7-12-10; 96-1551, eff. 7-1-11.)

13 Section 880. The Music Licensing Fees Act is amended by
14 changing Section 40 as follows:

15 (815 ILCS 637/40)

16 Sec. 40. Exceptions. This Act shall not apply to contracts
17 between copyright owners or performing rights societies and
18 broadcasters licensed by the Federal Communications
19 Commission, or to contracts with cable operators, programmers,
20 or other transmission services. Nor shall this Act apply to
21 musical works performed in synchronization with an
22 audio/visual film or tape, or to the gathering of information
23 for determination of compliance with or activities related to
24 the enforcement of Sections 16-7 and 16-8 of the Criminal Code

1 of 1961 or the Criminal Code of 2012.

2 (Source: P.A. 89-114, eff. 1-1-96.)

3 Section 885. The Victims' Economic Security and Safety Act
4 is amended by changing Section 10 as follows:

5 (820 ILCS 180/10)

6 Sec. 10. Definitions. In this Act, except as otherwise
7 expressly provided:

8 (1) "Commerce" includes trade, traffic, commerce,
9 transportation, or communication; and "industry or
10 activity affecting commerce" means any activity, business,
11 or industry in commerce or in which a labor dispute would
12 hinder or obstruct commerce or the free flow of commerce,
13 and includes "commerce" and any "industry affecting
14 commerce".

15 (2) "Course of conduct" means a course of repeatedly
16 maintaining a visual or physical proximity to a person or
17 conveying oral or written threats, including threats
18 conveyed through electronic communications, or threats
19 implied by conduct.

20 (3) "Department" means the Department of Labor.

21 (4) "Director" means the Director of Labor.

22 (5) "Domestic or sexual violence" means domestic
23 violence, sexual assault, or stalking.

24 (6) "Domestic violence" means abuse, as defined in

1 Section 103 of the Illinois Domestic Violence Act of 1986,
2 by a family or household member, as defined in Section 103
3 of the Illinois Domestic Violence Act of 1986.

4 (7) "Electronic communications" includes
5 communications via telephone, mobile phone, computer,
6 e-mail, video recorder, fax machine, telex, or pager, or
7 any other electronic communication, as defined in Section
8 12-7.5 of the Criminal Code of 2012 ~~1961~~.

9 (8) "Employ" includes to suffer or permit to work.

10 (9) Employee.

11 (A) In general. "Employee" means any person
12 employed by an employer.

13 (B) Basis. "Employee" includes a person employed
14 as described in subparagraph (A) on a full or part-time
15 basis, or as a participant in a work assignment as a
16 condition of receipt of federal or State income-based
17 public assistance.

18 (10) "Employer" means any of the following: (A) the
19 State or any agency of the State; (B) any unit of local
20 government or school district; or (C) any person that
21 employs at least 15 employees.

22 (11) "Employment benefits" means all benefits provided
23 or made available to employees by an employer, including
24 group life insurance, health insurance, disability
25 insurance, sick leave, annual leave, educational benefits,
26 pensions, and profit-sharing, regardless of whether such

1 benefits are provided by a practice or written policy of an
2 employer or through an "employee benefit plan". "Employee
3 benefit plan" or "plan" means an employee welfare benefit
4 plan or an employee pension benefit plan or a plan which is
5 both an employee welfare benefit plan and an employee
6 pension benefit plan.

7 (12) "Family or household member", for employees with a
8 family or household member who is a victim of domestic or
9 sexual violence, means a spouse, parent, son, daughter,
10 other person related by blood or by present or prior
11 marriage, other person who shares a relationship through a
12 son or daughter, and persons jointly residing in the same
13 household.

14 (13) "Parent" means the biological parent of an
15 employee or an individual who stood in loco parentis to an
16 employee when the employee was a son or daughter. "Son or
17 daughter" means a biological, adopted, or foster child, a
18 stepchild, a legal ward, or a child of a person standing in
19 loco parentis, who is under 18 years of age, or is 18 years
20 of age or older and incapable of self-care because of a
21 mental or physical disability.

22 (14) "Perpetrator" means an individual who commits or
23 is alleged to have committed any act or threat of domestic
24 or sexual violence.

25 (15) "Person" means an individual, partnership,
26 association, corporation, business trust, legal

1 representative, or any organized group of persons.

2 (16) "Public agency" means the Government of the State
3 or political subdivision thereof; any agency of the State,
4 or of a political subdivision of the State; or any
5 governmental agency.

6 (17) "Public assistance" includes cash, food stamps,
7 medical assistance, housing assistance, and other benefits
8 provided on the basis of income by a public agency or
9 public employer.

10 (18) "Reduced work schedule" means a work schedule that
11 reduces the usual number of hours per workweek, or hours
12 per workday, of an employee.

13 (19) "Repeatedly" means on 2 or more occasions.

14 (20) "Sexual assault" means any conduct proscribed by
15 the Criminal Code of 1961 or the Criminal Code of 2012 in
16 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
17 12-13, 12-14, 12-14.1, 12-15, and 12-16.

18 (21) "Stalking" means any conduct proscribed by the
19 Criminal Code of 1961 or the Criminal Code of 2012 in
20 Sections 12-7.3, 12-7.4, and 12-7.5.

21 (22) "Victim" or "survivor" means an individual who has
22 been subjected to domestic or sexual violence.

23 (23) "Victim services organization" means a nonprofit,
24 nongovernmental organization that provides assistance to
25 victims of domestic or sexual violence or to advocates for
26 such victims, including a rape crisis center, an

1 organization carrying out a domestic violence program, an
2 organization operating a shelter or providing counseling
3 services, or a legal services organization or other
4 organization providing assistance through the legal
5 process.

6 (Source: P.A. 96-635, eff. 8-24-09; 96-1551, eff. 7-1-11.)

7 Section 890. The Workers' Compensation Act is amended by
8 changing Section 25.5 as follows:

9 (820 ILCS 305/25.5)

10 Sec. 25.5. Unlawful acts; penalties.

11 (a) It is unlawful for any person, company, corporation,
12 insurance carrier, healthcare provider, or other entity to:

13 (1) Intentionally present or cause to be presented any
14 false or fraudulent claim for the payment of any workers'
15 compensation benefit.

16 (2) Intentionally make or cause to be made any false or
17 fraudulent material statement or material representation
18 for the purpose of obtaining or denying any workers'
19 compensation benefit.

20 (3) Intentionally make or cause to be made any false or
21 fraudulent statements with regard to entitlement to
22 workers' compensation benefits with the intent to prevent
23 an injured worker from making a legitimate claim for any
24 workers' compensation benefits.

1 (4) Intentionally prepare or provide an invalid,
2 false, or counterfeit certificate of insurance as proof of
3 workers' compensation insurance.

4 (5) Intentionally make or cause to be made any false or
5 fraudulent material statement or material representation
6 for the purpose of obtaining workers' compensation
7 insurance at less than the proper rate for that insurance.

8 (6) Intentionally make or cause to be made any false or
9 fraudulent material statement or material representation
10 on an initial or renewal self-insurance application or
11 accompanying financial statement for the purpose of
12 obtaining self-insurance status or reducing the amount of
13 security that may be required to be furnished pursuant to
14 Section 4 of this Act.

15 (7) Intentionally make or cause to be made any false or
16 fraudulent material statement to the Department of
17 Insurance's fraud and insurance non-compliance unit in the
18 course of an investigation of fraud or insurance
19 non-compliance.

20 (8) Intentionally assist, abet, solicit, or conspire
21 with any person, company, or other entity to commit any of
22 the acts in paragraph (1), (2), (3), (4), (5), (6), or (7)
23 of this subsection (a).

24 (9) Intentionally present a bill or statement for the
25 payment for medical services that were not provided.

26 For the purposes of paragraphs (2), (3), (5), (6), (7), and

1 (9), the term "statement" includes any writing, notice, proof
2 of injury, bill for services, hospital or doctor records and
3 reports, or X-ray and test results.

4 (b) Sentences for violations of subsection (a) are as
5 follows:

6 (1) A violation in which the value of the property
7 obtained or attempted to be obtained is \$300 or less is a
8 Class A misdemeanor.

9 (2) A violation in which the value of the property
10 obtained or attempted to be obtained is more than \$300 but
11 not more than \$10,000 is a Class 3 felony.

12 (3) A violation in which the value of the property
13 obtained or attempted to be obtained is more than \$10,000
14 but not more than \$100,000 is a Class 2 felony.

15 (4) A violation in which the value of the property
16 obtained or attempted to be obtained is more than \$100,000
17 is a Class 1 felony.

18 (5) A person convicted under this Section shall be
19 ordered to pay monetary restitution to the insurance
20 company or self-insured entity or any other person for any
21 financial loss sustained as a result of a violation of this
22 Section, including any court costs and attorney fees. An
23 order of restitution also includes expenses incurred and
24 paid by the State of Illinois or an insurance company or
25 self-insured entity in connection with any medical
26 evaluation or treatment services.

1 For the purposes of this Section, where the exact value of
2 property obtained or attempted to be obtained is either not
3 alleged or is not specifically set by the terms of a policy of
4 insurance, the value of the property shall be the fair market
5 replacement value of the property claimed to be lost, the
6 reasonable costs of reimbursing a vendor or other claimant for
7 services to be rendered, or both. Notwithstanding the
8 foregoing, an insurance company, self-insured entity, or any
9 other person suffering financial loss sustained as a result of
10 violation of this Section may seek restitution, including court
11 costs and attorney's fees in a civil action in a court of
12 competent jurisdiction.

13 (c) The Department of Insurance shall establish a fraud and
14 insurance non-compliance unit responsible for investigating
15 incidences of fraud and insurance non-compliance pursuant to
16 this Section. The size of the staff of the unit shall be
17 subject to appropriation by the General Assembly. It shall be
18 the duty of the fraud and insurance non-compliance unit to
19 determine the identity of insurance carriers, employers,
20 employees, or other persons or entities who have violated the
21 fraud and insurance non-compliance provisions of this Section.
22 The fraud and insurance non-compliance unit shall report
23 violations of the fraud and insurance non-compliance
24 provisions of this Section to the Special Prosecutions Bureau
25 of the Criminal Division of the Office of the Attorney General
26 or to the State's Attorney of the county in which the offense

1 allegedly occurred, either of whom has the authority to
2 prosecute violations under this Section.

3 With respect to the subject of any investigation being
4 conducted, the fraud and insurance non-compliance unit shall
5 have the general power of subpoena of the Department of
6 Insurance, including the authority to issue a subpoena to a
7 medical provider, pursuant to Section 8-802 of the Code of
8 Civil Procedure.

9 (d) Any person may report allegations of insurance
10 non-compliance and fraud pursuant to this Section to the
11 Department of Insurance's fraud and insurance non-compliance
12 unit whose duty it shall be to investigate the report. The unit
13 shall notify the Commission of reports of insurance
14 non-compliance. Any person reporting an allegation of
15 insurance non-compliance or fraud against either an employee or
16 employer under this Section must identify himself. Except as
17 provided in this subsection and in subsection (e), all reports
18 shall remain confidential except to refer an investigation to
19 the Attorney General or State's Attorney for prosecution or if
20 the fraud and insurance non-compliance unit's investigation
21 reveals that the conduct reported may be in violation of other
22 laws or regulations of the State of Illinois, the unit may
23 report such conduct to the appropriate governmental agency
24 charged with administering such laws and regulations. Any
25 person who intentionally makes a false report under this
26 Section to the fraud and insurance non-compliance unit is

1 guilty of a Class A misdemeanor.

2 (e) In order for the fraud and insurance non-compliance
3 unit to investigate a report of fraud related to an employee's
4 claim, (i) the employee must have filed with the Commission an
5 Application for Adjustment of Claim and the employee must have
6 either received or attempted to receive benefits under this Act
7 that are related to the reported fraud or (ii) the employee
8 must have made a written demand for the payment of benefits
9 that are related to the reported fraud. There shall be no
10 immunity, under this Act or otherwise, for any person who files
11 a false report or who files a report without good and just
12 cause. Confidentiality of medical information shall be
13 strictly maintained. Investigations that are not referred for
14 prosecution shall be destroyed upon the expiration of the
15 statute of limitations for the acts under investigation and
16 shall not be disclosed except that the person making the report
17 shall be notified that the investigation is being closed. It is
18 unlawful for any employer, insurance carrier, service
19 adjustment company, third party administrator, self-insured,
20 or similar entity to file or threaten to file a report of fraud
21 against an employee because of the exercise by the employee of
22 the rights and remedies granted to the employee by this Act.

23 (e-5) The fraud and insurance non-compliance unit shall
24 procure and implement a system utilizing advanced analytics
25 inclusive of predictive modeling, data mining, social network
26 analysis, and scoring algorithms for the detection and

1 prevention of fraud, waste, and abuse on or before January 1,
2 2012. The fraud and insurance non-compliance unit shall procure
3 this system using a request for proposals process governed by
4 the Illinois Procurement Code and rules adopted under that
5 Code. The fraud and insurance non-compliance unit shall provide
6 a report to the President of the Senate, Speaker of the House
7 of Representatives, Minority Leader of the House of
8 Representatives, Minority Leader of the Senate, Governor,
9 Chairman of the Commission, and Director of Insurance on or
10 before July 1, 2012 and annually thereafter detailing its
11 activities and providing recommendations regarding
12 opportunities for additional fraud waste and abuse detection
13 and prevention.

14 (f) Any person convicted of fraud related to workers'
15 compensation pursuant to this Section shall be subject to the
16 penalties prescribed in the Criminal Code of 2012 ~~1961~~ and
17 shall be ineligible to receive or retain any compensation,
18 disability, or medical benefits as defined in this Act if the
19 compensation, disability, or medical benefits were owed or
20 received as a result of fraud for which the recipient of the
21 compensation, disability, or medical benefit was convicted.
22 This subsection applies to accidental injuries or diseases that
23 occur on or after the effective date of this amendatory Act of
24 the 94th General Assembly.

25 (g) Civil liability. Any person convicted of fraud who
26 knowingly obtains, attempts to obtain, or causes to be obtained

1 any benefits under this Act by the making of a false claim or
2 who knowingly misrepresents any material fact shall be civilly
3 liable to the payor of benefits or the insurer or the payor's
4 or insurer's subrogee or assignee in an amount equal to 3 times
5 the value of the benefits or insurance coverage wrongfully
6 obtained or twice the value of the benefits or insurance
7 coverage attempted to be obtained, plus reasonable attorney's
8 fees and expenses incurred by the payor or the payor's subrogee
9 or assignee who successfully brings a claim under this
10 subsection. This subsection applies to accidental injuries or
11 diseases that occur on or after the effective date of this
12 amendatory Act of the 94th General Assembly.

13 (h) The fraud and insurance non-compliance unit shall
14 submit a written report on an annual basis to the Chairman of
15 the Commission, the Workers' Compensation Advisory Board, the
16 General Assembly, the Governor, and the Attorney General by
17 January 1 and July 1 of each year. This report shall include,
18 at the minimum, the following information:

19 (1) The number of allegations of insurance
20 non-compliance and fraud reported to the fraud and
21 insurance non-compliance unit.

22 (2) The source of the reported allegations
23 (individual, employer, or other).

24 (3) The number of allegations investigated by the fraud
25 and insurance non-compliance unit.

26 (4) The number of criminal referrals made in accordance

1 with this Section and the entity to which the referral was
2 made.

3 (5) All proceedings under this Section.

4 (Source: P.A. 97-18, eff. 6-28-11.)

5 Section 895. The Unemployment Insurance Act is amended by
6 changing Section 1900 as follows:

7 (820 ILCS 405/1900) (from Ch. 48, par. 640)

8 Sec. 1900. Disclosure of information.

9 A. Except as provided in this Section, information obtained
10 from any individual or employing unit during the administration
11 of this Act shall:

12 1. be confidential,

13 2. not be published or open to public inspection,

14 3. not be used in any court in any pending action or
15 proceeding,

16 4. not be admissible in evidence in any action or
17 proceeding other than one arising out of this Act.

18 B. No finding, determination, decision, ruling or order
19 (including any finding of fact, statement or conclusion made
20 therein) issued pursuant to this Act shall be admissible or
21 used in evidence in any action other than one arising out of
22 this Act, nor shall it be binding or conclusive except as
23 provided in this Act, nor shall it constitute res judicata,
24 regardless of whether the actions were between the same or

1 related parties or involved the same facts.

2 C. Any officer or employee of this State, any officer or
3 employee of any entity authorized to obtain information
4 pursuant to this Section, and any agent of this State or of
5 such entity who, except with authority of the Director under
6 this Section, shall disclose information shall be guilty of a
7 Class B misdemeanor and shall be disqualified from holding any
8 appointment or employment by the State.

9 D. An individual or his duly authorized agent may be
10 supplied with information from records only to the extent
11 necessary for the proper presentation of his claim for benefits
12 or with his existing or prospective rights to benefits.
13 Discretion to disclose this information belongs solely to the
14 Director and is not subject to a release or waiver by the
15 individual. Notwithstanding any other provision to the
16 contrary, an individual or his or her duly authorized agent may
17 be supplied with a statement of the amount of benefits paid to
18 the individual during the 18 months preceding the date of his
19 or her request.

20 E. An employing unit may be furnished with information,
21 only if deemed by the Director as necessary to enable it to
22 fully discharge its obligations or safeguard its rights under
23 the Act. Discretion to disclose this information belongs solely
24 to the Director and is not subject to a release or waiver by
25 the employing unit.

26 F. The Director may furnish any information that he may

1 deem proper to any public officer or public agency of this or
2 any other State or of the federal government dealing with:

- 3 1. the administration of relief,
- 4 2. public assistance,
- 5 3. unemployment compensation,
- 6 4. a system of public employment offices,
- 7 5. wages and hours of employment, or
- 8 6. a public works program.

9 The Director may make available to the Illinois Workers'
10 Compensation Commission information regarding employers for
11 the purpose of verifying the insurance coverage required under
12 the Workers' Compensation Act and Workers' Occupational
13 Diseases Act.

14 G. The Director may disclose information submitted by the
15 State or any of its political subdivisions, municipal
16 corporations, instrumentalities, or school or community
17 college districts, except for information which specifically
18 identifies an individual claimant.

19 H. The Director shall disclose only that information
20 required to be disclosed under Section 303 of the Social
21 Security Act, as amended, including:

- 22 1. any information required to be given the United
23 States Department of Labor under Section 303(a)(6); and
- 24 2. the making available upon request to any agency of
25 the United States charged with the administration of public
26 works or assistance through public employment, the name,

1 address, ordinary occupation and employment status of each
2 recipient of unemployment compensation, and a statement of
3 such recipient's right to further compensation under such
4 law as required by Section 303(a) (7); and

5 3. records to make available to the Railroad Retirement
6 Board as required by Section 303(c) (1); and

7 4. information that will assure reasonable cooperation
8 with every agency of the United States charged with the
9 administration of any unemployment compensation law as
10 required by Section 303(c) (2); and

11 5. information upon request and on a reimbursable basis
12 to the United States Department of Agriculture and to any
13 State food stamp agency concerning any information
14 required to be furnished by Section 303(d); and

15 6. any wage information upon request and on a
16 reimbursable basis to any State or local child support
17 enforcement agency required by Section 303(e); and

18 7. any information required under the income
19 eligibility and verification system as required by Section
20 303(f); and

21 8. information that might be useful in locating an
22 absent parent or that parent's employer, establishing
23 paternity or establishing, modifying, or enforcing child
24 support orders for the purpose of a child support
25 enforcement program under Title IV of the Social Security
26 Act upon the request of and on a reimbursable basis to the

1 public agency administering the Federal Parent Locator
2 Service as required by Section 303(h); and

3 9. information, upon request, to representatives of
4 any federal, State or local governmental public housing
5 agency with respect to individuals who have signed the
6 appropriate consent form approved by the Secretary of
7 Housing and Urban Development and who are applying for or
8 participating in any housing assistance program
9 administered by the United States Department of Housing and
10 Urban Development as required by Section 303(i).

11 I. The Director, upon the request of a public agency of
12 Illinois, of the federal government or of any other state
13 charged with the investigation or enforcement of Section 10-5
14 of the Criminal Code of 2012 ~~1961~~ (or a similar federal law or
15 similar law of another State), may furnish the public agency
16 information regarding the individual specified in the request
17 as to:

18 1. the current or most recent home address of the
19 individual, and

20 2. the names and addresses of the individual's
21 employers.

22 J. Nothing in this Section shall be deemed to interfere
23 with the disclosure of certain records as provided for in
24 Section 1706 or with the right to make available to the
25 Internal Revenue Service of the United States Department of the
26 Treasury, or the Department of Revenue of the State of

1 Illinois, information obtained under this Act.

2 K. The Department shall make available to the Illinois
3 Student Assistance Commission, upon request, information in
4 the possession of the Department that may be necessary or
5 useful to the Commission in the collection of defaulted or
6 delinquent student loans which the Commission administers.

7 L. The Department shall make available to the State
8 Employees' Retirement System, the State Universities
9 Retirement System, the Teachers' Retirement System of the State
10 of Illinois, and the Department of Central Management Services,
11 Risk Management Division, upon request, information in the
12 possession of the Department that may be necessary or useful to
13 the System or the Risk Management Division for the purpose of
14 determining whether any recipient of a disability benefit from
15 the System or a workers' compensation benefit from the Risk
16 Management Division is gainfully employed.

17 M. This Section shall be applicable to the information
18 obtained in the administration of the State employment service,
19 except that the Director may publish or release general labor
20 market information and may furnish information that he may deem
21 proper to an individual, public officer or public agency of
22 this or any other State or the federal government (in addition
23 to those public officers or public agencies specified in this
24 Section) as he prescribes by Rule.

25 N. The Director may require such safeguards as he deems
26 proper to insure that information disclosed pursuant to this

1 Section is used only for the purposes set forth in this
2 Section.

3 O. Nothing in this Section prohibits communication with an
4 individual or entity through unencrypted e-mail or other
5 unencrypted electronic means as long as the communication does
6 not contain the individual's or entity's name in combination
7 with any one or more of the individual's or entity's social
8 security number; driver's license or State identification
9 number; account number or credit or debit card number; or any
10 required security code, access code, or password that would
11 permit access to further information pertaining to the
12 individual or entity.

13 P. Within 30 days after the effective date of this
14 amendatory Act of 1993 and annually thereafter, the Department
15 shall provide to the Department of Financial Institutions a
16 list of individuals or entities that, for the most recently
17 completed calendar year, report to the Department as paying
18 wages to workers. The lists shall be deemed confidential and
19 may not be disclosed to any other person.

20 Q. The Director shall make available to an elected federal
21 official the name and address of an individual or entity that
22 is located within the jurisdiction from which the official was
23 elected and that, for the most recently completed calendar
24 year, has reported to the Department as paying wages to
25 workers, where the information will be used in connection with
26 the official duties of the official and the official requests

1 the information in writing, specifying the purposes for which
2 it will be used. For purposes of this subsection, the use of
3 information in connection with the official duties of an
4 official does not include use of the information in connection
5 with the solicitation of contributions or expenditures, in
6 money or in kind, to or on behalf of a candidate for public or
7 political office or a political party or with respect to a
8 public question, as defined in Section 1-3 of the Election
9 Code, or in connection with any commercial solicitation. Any
10 elected federal official who, in submitting a request for
11 information covered by this subsection, knowingly makes a false
12 statement or fails to disclose a material fact, with the intent
13 to obtain the information for a purpose not authorized by this
14 subsection, shall be guilty of a Class B misdemeanor.

15 R. The Director may provide to any State or local child
16 support agency, upon request and on a reimbursable basis,
17 information that might be useful in locating an absent parent
18 or that parent's employer, establishing paternity, or
19 establishing, modifying, or enforcing child support orders.

20 S. The Department shall make available to a State's
21 Attorney of this State or a State's Attorney's investigator,
22 upon request, the current address or, if the current address is
23 unavailable, current employer information, if available, of a
24 victim of a felony or a witness to a felony or a person against
25 whom an arrest warrant is outstanding.

26 T. The Director shall make available to the Department of

1 State Police, a county sheriff's office, or a municipal police
2 department, upon request, any information concerning the
3 current address and place of employment or former places of
4 employment of a person who is required to register as a sex
5 offender under the Sex Offender Registration Act that may be
6 useful in enforcing the registration provisions of that Act.

7 U. The Director shall make information available to the
8 Department of Healthcare and Family Services and the Department
9 of Human Services for the purpose of determining eligibility
10 for public benefit programs authorized under the Illinois
11 Public Aid Code and related statutes administered by those
12 departments, for verifying sources and amounts of income, and
13 for other purposes directly connected with the administration
14 of those programs.

15 (Source: P.A. 96-420, eff. 8-13-09; 97-621, eff. 11-18-11;
16 97-689, eff. 6-14-12.)

17 Section 990. No acceleration or delay. Where this Act makes
18 changes in a statute that is represented in this Act by text
19 that is not yet or no longer in effect (for example, a Section
20 represented by multiple versions), the use of that text does
21 not accelerate or delay the taking effect of (i) the changes
22 made by this Act or (ii) provisions derived from any other
23 Public Act.

24 Section 999. Effective date. This Act takes effect January
25 1, 2013.