



Sen. Kirk W. Dillard

**Filed: 11/27/2012**

09700HB3804sam002

LRB097 12822 MRW 72362 a

1 AMENDMENT TO HOUSE BILL 3804

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3804, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

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

1 Section 5. The Statute on Statutes is amended by changing  
2 Section 1.39 as follows:

3 (5 ILCS 70/1.39)

4 Sec. 1.39. Criminal Code of 2012. Whenever there is a  
5 reference in any Act to the Criminal Code or Criminal Code of  
6 1961, that reference shall be interpreted to mean the Criminal  
7 Code of 2012, unless the context clearly requires otherwise.

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

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

11 (5 ILCS 175/30-5)

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

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

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

1 (5 ILCS 282/15)

2 Sec. 15. Forfeiture action. The Attorney General may file  
3 an action in circuit court on behalf of the people of Illinois  
4 against an elected official who has, by his or her violation of  
5 Article 33 of the Criminal Code of 1961 or the Criminal Code of  
6 2012 or violation of a similar federal offense, injured the  
7 people of Illinois. The purpose of such suit is to recover all  
8 proceeds traceable to the elected official's offense and by so  
9 doing, prevent, restrain or remedy violations of Article 33 of  
10 the Criminal Code of 1961 or the Criminal Code of 2012 or  
11 similar federal offenses.

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

13 (5 ILCS 282/20)

14 Sec. 20. Procedure.

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

1 (b) If the Attorney General prevails in his or her action,  
2 the court shall order the forfeiture of all proceeds traceable  
3 to the elected official's violations of Article 33 of the  
4 Criminal Code of 1961 or the Criminal Code of 2012 or similar  
5 federal offenses. Proceeds seized and forfeited as a result of  
6 the Attorney General's action will be deposited into the  
7 General Revenue Fund or the corporate county fund, as  
8 appropriate.

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

10 (5 ILCS 282/25)

11 Sec. 25. Term of forfeiture. The maximum term of a civil  
12 forfeiture under this Act shall be equal to the term of  
13 imprisonment, probation and mandatory supervised release or  
14 parole received by the elected official as a result of his or  
15 her conviction for violating Article 33 of the Criminal Code of  
16 1961 or the Criminal Code of 2012 or similar federal offenses.

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

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

20 (5 ILCS 283/10)

21 Sec. 10. Penalties.

22 (a) A person who is convicted of a violation of any of the  
23 following Sections, subsections, and clauses of the Criminal

1 Code of 1961 or the Criminal Code of 2012:

2 (1) clause (a) (6) of Section 12-6 (intimidation by a  
3 public official),

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

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

6 (4) Section 33C-4 or subsection (d) of Section 17-10.3  
7 (fraudulently obtaining public moneys reserved for  
8 disadvantaged business enterprises),

9 shall forfeit to the State of Illinois:

10 (A) any profits or proceeds and any property or  
11 property interest he or she has acquired or maintained in  
12 violation of any of the offenses listed in clauses (1)  
13 through (4) of this subsection (a) that the court  
14 determines, after a forfeiture hearing under subsection  
15 (b) of this Section, to have been acquired or maintained as  
16 a result of violating any of the offenses listed in clauses  
17 (1) through (4) of this subsection (a); and

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

1 any of the offenses listed in clauses (1) through (4) of  
2 this subsection (a) or used to facilitate a violation of  
3 one of the offenses listed in clauses (1) through (4) of  
4 this subsection (a).

5 (b) The court shall, upon petition by the Attorney General  
6 or State's Attorney, at any time after the filing of an  
7 information or return of an indictment, conduct a hearing to  
8 determine whether any property or property interest is subject  
9 to forfeiture under this Act. At the forfeiture hearing the  
10 people shall have the burden of establishing, by a  
11 preponderance of the evidence, that property or property  
12 interests are subject to forfeiture under this Act. There is a  
13 rebuttable presumption at such hearing that any property or  
14 property interest of a person charged by information or  
15 indictment with a violation of any of the offenses listed in  
16 clauses (1) through (4) of subsection (a) of this Section or  
17 who is convicted of a violation of any of the offenses listed  
18 in clauses (1) through (4) of subsection (a) of this Section is  
19 subject to forfeiture under this Section if the State  
20 establishes by a preponderance of the evidence that:

21 (1) such property or property interest was acquired by  
22 such person during the period of the violation of any of  
23 the offenses listed in clauses (1) through (4) of  
24 subsection (a) of this Section or within a reasonable time  
25 after such period; and

26 (2) there was no likely source for such property or

1 property interest other than the violation of any of the  
2 offenses listed in clauses (1) through (4) of subsection  
3 (a) of this Section.

4 (c) In an action brought by the People of the State of  
5 Illinois under this Act, wherein any restraining order,  
6 injunction or prohibition or any other action in connection  
7 with any property or property interest subject to forfeiture  
8 under this Act is sought, the circuit court which shall preside  
9 over the trial of the person or persons charged with any of the  
10 offenses listed in clauses (1) through (4) of subsection (a) of  
11 this Section shall first determine whether there is probable  
12 cause to believe that the person or persons so charged have  
13 committed a violation of any of the offenses listed in clauses  
14 (1) through (4) of subsection (a) of this Section and whether  
15 the property or property interest is subject to forfeiture  
16 pursuant to this Act.

17 In order to make such a determination, prior to entering  
18 any such order, the court shall conduct a hearing without a  
19 jury, wherein the People shall establish that there is: (i)  
20 probable cause that the person or persons so charged have  
21 committed one of the offenses listed in clauses (1) through (4)  
22 of subsection (a) of this Section and (ii) probable cause that  
23 any property or property interest may be subject to forfeiture  
24 pursuant to this Act. Such hearing may be conducted  
25 simultaneously with a preliminary hearing, if the prosecution  
26 is commenced by information or complaint, or by motion of the

1 People, at any stage in the proceedings. The court may accept a  
2 finding of probable cause at a preliminary hearing following  
3 the filing of a charge for violating one of the offenses listed  
4 in clauses (1) through (4) of subsection (a) of this Section or  
5 the return of an indictment by a grand jury charging one of the  
6 offenses listed in clauses (1) through (4) of subsection (a) of  
7 this Section as sufficient evidence of probable cause as  
8 provided in item (i) above.

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

25 The court may, at any time, upon verified petition by the  
26 defendant, conduct a hearing to release all or portions of any



1 such property or interest which the court previously determined  
2 to be subject to forfeiture or subject to any restraining  
3 order, injunction, or prohibition or other action. The court  
4 may release such property to the defendant for good cause shown  
5 and within the sound discretion of the court.

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

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

23 (f) The Attorney General or his or her designee is  
24 authorized to sell all property forfeited and seized pursuant  
25 to this Act, unless such property is required by law to be  
26 destroyed or is harmful to the public, and, after the deduction

1 of all requisite expenses of administration and sale, shall  
2 distribute the proceeds of such sale, along with any moneys  
3 forfeited or seized, in accordance with subsection (g).

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

7 (1) An amount equal to 50% shall be distributed to the  
8 unit of local government or other law enforcement agency  
9 whose officers or employees conducted the investigation  
10 into a violation of any of the offenses listed in clauses  
11 (1) through (4) of subsection (a) of this Section and  
12 caused the arrest or arrests and prosecution leading to the  
13 forfeiture. Amounts distributed to units of local  
14 government and law enforcement agencies shall be used for  
15 enforcement of laws governing public corruption, or for  
16 other law enforcement purposes. In the event, however, that  
17 the investigation, arrest or arrests and prosecution  
18 leading to the forfeiture were undertaken solely by a State  
19 agency, the portion provided hereunder shall be paid into  
20 the State Asset Forfeiture Fund in the State treasury to be  
21 used by that State agency in accordance with law. If the  
22 investigation, arrest or arrests and prosecution leading  
23 to the forfeiture were undertaken by the Attorney General,  
24 the portion provided hereunder shall be paid into the  
25 Attorney General's Whistleblower Reward and Protection  
26 Fund in the State treasury to be used by the Attorney

1 General in accordance with law.

2 (2) An amount equal to 12.5% shall be distributed to  
3 the county in which the prosecution resulting in the  
4 forfeiture was instituted, deposited in a special fund in  
5 the county treasury and appropriated to the State's  
6 Attorney for use in accordance with law. If the prosecution  
7 was conducted by the Attorney General, then the amount  
8 provided under this subsection shall be paid into the  
9 Attorney General's Whistleblower Reward and Protection  
10 Fund in the State treasury to be used by the Attorney  
11 General in accordance with law.

12 (3) An amount equal to 12.5% shall be distributed to  
13 the Office of the State's Attorneys Appellate Prosecutor  
14 and deposited in the State's Attorneys Appellate  
15 Prosecutor Anti-Corruption Fund, to be used by the Office  
16 of the State's Attorneys Appellate Prosecutor for  
17 additional expenses incurred in prosecuting appeals  
18 arising under this Act. Any amounts remaining in the Fund  
19 after all additional expenses have been paid shall be used  
20 by the Office to reduce the participating county  
21 contributions to the Office on a prorated basis as  
22 determined by the board of governors of the Office of the  
23 State's Attorneys Appellate Prosecutor based on the  
24 populations of the participating counties. If the appeal is  
25 to be 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 (4) An amount equal to 25% shall be paid into the State  
5 Asset Forfeiture Fund in the State treasury to be used by  
6 the Department of State Police for the funding of the  
7 investigation of public corruption activities. Any amounts  
8 remaining in the Fund after full funding of such  
9 investigations shall be used by the Department in  
10 accordance with law to fund its other enforcement  
11 activities.

12 (h) All moneys deposited pursuant to this Act in the State  
13 Asset Forfeiture Fund shall, subject to appropriation, be used  
14 by the Department of State Police in the manner set forth in  
15 this Section. All moneys deposited pursuant to this Act in the  
16 Attorney General's Whistleblower Reward and Protection Fund  
17 shall, subject to appropriation, be used by the Attorney  
18 General for State law enforcement purposes and for the  
19 performance of the duties of that office. All moneys deposited  
20 pursuant to this Act in the State's Attorneys Appellate  
21 Prosecutor Anti-Corruption Fund shall, subject to  
22 appropriation, be used by the Office of the State's Attorneys  
23 Appellate Prosecutor in the manner set forth in this Section.

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

25 Section 25. The Illinois Notary Public Act is amended by

1 changing Section 7-104 as follows:

2 (5 ILCS 312/7-104) (from Ch. 102, par. 207-104)

3 Sec. 7-104. Official Misconduct Defined. The term  
4 "official misconduct" generally means the wrongful exercise of  
5 a power or the wrongful performance of a duty and is fully  
6 defined in Section 33-3 of the Criminal Code of 2012 ~~1961~~. The  
7 term "wrongful" as used in the definition of official  
8 misconduct means unauthorized, unlawful, abusive, negligent,  
9 reckless, or injurious.

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

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

13 (10 ILCS 5/9-25.2)

14 Sec. 9-25.2. Contributions; candidate or treasurer of  
15 political committee.

16 (a) No candidate may knowingly receive any contribution  
17 solicited or received in violation of Section 33-3.1 or Section  
18 33-3.2 of the Criminal Code of 2012 ~~1961~~.

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

21 The appropriate State's Attorney or the Attorney General  
22 shall bring actions in the name of the people of the State of  
23 Illinois.

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

2 (10 ILCS 5/11-4.1) (from Ch. 46, par. 11-4.1)

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

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

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

23 (d) If a qualified elector's precinct polling place is a  
24 school and the elector will be unable to enter that polling  
25 place without violating Section 11-9.3 of the Criminal Code of

1 2012 ~~1961~~ because the elector is a child sex offender as  
2 defined in Section 11-9.3 of the Criminal Code of 2012 ~~1961~~,  
3 that elector may vote by absentee ballot in accordance with  
4 Article 19 of this Code or may vote early in accordance with  
5 Article 19A of this Code.

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

7 (10 ILCS 5/19A-10.5)

8 Sec. 19A-10.5. Child sex offenders. If an election  
9 authority designates one or more permanent early voting polling  
10 places under this Article, the election authority must  
11 designate at least one permanent early voting polling place  
12 that a qualified elector who is a child sex offender as defined  
13 in Section 11-9.3 ~~or Section 11-9.4~~ of the Criminal Code of  
14 2012 ~~1961~~ may enter without violating Section 11-9.3 ~~or Section~~  
15 ~~11-9.4~~ of that Code, ~~respectively~~.

16 If an election authority designates one or more temporary  
17 early voting polling places under this Article, the election  
18 authority must designate at least one temporary early voting  
19 polling place that a qualified elector who is a child sex  
20 offender as defined in Section 11-9.3 ~~or Section 11-9.4~~ of the  
21 Criminal Code of 2012 ~~1961~~ may enter without violating Section  
22 11-9.3 ~~or Section 11-9.4~~ of that Code, ~~respectively~~.

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

24 (10 ILCS 5/29-13) (from Ch. 46, par. 29-13)

1           Sec. 29-13. Attempt, solicitation and conspiracy. Each  
2 violation of this Code shall be an offense within the meaning  
3 of Section 2-12 of the Illinois Criminal Code of 2012 ~~1961~~, as  
4 ~~amended~~, so that the inchoate offenses of solicitation,  
5 conspiracy and attempt, and the punishment therefor, as  
6 provided in such Criminal Code shall apply to solicitation,  
7 conspiracy and attempt to violate the provisions of this Code.  
8 (Source: P.A. 78-887.)

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

11           (15 ILCS 310/10b.1) (from Ch. 124, par. 110b.1)

12           Sec. 10b.1. Competitive examinations.

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



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

16 The Director may, at his discretion, accept the results of  
17 competitive examinations conducted by any merit system  
18 established by Federal law or by the law of any State, and may  
19 compile eligible lists therefrom or may add the names of  
20 successful candidates in examinations conducted by those merit  
21 systems to existing eligible lists in accordance with their  
22 respective ratings. No person who is a non-resident of the  
23 State of Illinois may be appointed from those eligible lists,  
24 however, unless the requirement that applicants be residents of  
25 the State of Illinois is waived by the Director of Personnel  
26 and unless there are less than 3 Illinois residents available

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

7 (b) The Director of Personnel may require that each person  
8 seeking employment with the Secretary of State, as part of the  
9 application process, authorize an investigation to determine  
10 if the applicant has ever been convicted of a crime and if so,  
11 the disposition of those convictions; this authorization shall  
12 indicate the scope of the inquiry and the agencies which may be  
13 contacted. Upon this authorization, the Director of Personnel  
14 may request and receive information and assistance from any  
15 federal, state or local governmental agency as part of the  
16 authorized investigation. The investigation shall be  
17 undertaken after the fingerprinting of an applicant in the form  
18 and manner prescribed by the Department of State Police. The  
19 investigation shall consist of a criminal history records check  
20 performed by the Department of State Police and the Federal  
21 Bureau of Investigation, or some other entity that has the  
22 ability to check the applicant's fingerprints against the  
23 fingerprint records now and hereafter filed in the Department  
24 of State Police and Federal Bureau of Investigation criminal  
25 history records databases. If the Department of State Police  
26 and the Federal Bureau of Investigation conduct an

1 investigation directly for the Secretary of State's Office,  
2 then the Department of State Police shall charge a fee for  
3 conducting the criminal history records check, which shall be  
4 deposited in the State Police Services Fund and shall not  
5 exceed the actual cost of the records check. The Department of  
6 State Police shall provide information concerning any criminal  
7 convictions, and their disposition, brought against the  
8 applicant or prospective employee of the Secretary of State  
9 upon request of the Department of Personnel when the request is  
10 made in the form and manner required by the Department of State  
11 Police. The information derived from this investigation,  
12 including the source of this information, and any conclusions  
13 or recommendations derived from this information by the  
14 Director of Personnel shall be provided to the applicant or  
15 prospective employee, or his designee, upon request to the  
16 Director of Personnel prior to any final action by the Director  
17 of Personnel on the application. No information obtained from  
18 such investigation may be placed in any automated information  
19 system. Any criminal convictions and their disposition  
20 information obtained by the Director of Personnel shall be  
21 confidential and may not be transmitted outside the Office of  
22 the Secretary of State, except as required herein, and may not  
23 be transmitted to anyone within the Office of the Secretary of  
24 State except as needed for the purpose of evaluating the  
25 application. The only physical identity materials which the  
26 applicant or prospective employee can be required to provide

1 the Director of Personnel are photographs or fingerprints;  
2 these shall be returned to the applicant or prospective  
3 employee upon request to the Director of Personnel, after the  
4 investigation has been completed and no copy of these materials  
5 may be kept by the Director of Personnel or any agency to which  
6 such identity materials were transmitted. Only information and  
7 standards which bear a reasonable and rational relation to the  
8 performance of an employee shall be used by the Director of  
9 Personnel. The Secretary of State shall adopt rules and  
10 regulations for the administration of this Section. Any  
11 employee of the Secretary of State who gives or causes to be  
12 given away any confidential information concerning any  
13 criminal convictions and their disposition of an applicant or  
14 prospective employee shall be guilty of a Class A misdemeanor  
15 unless release of such information is authorized by this  
16 Section.

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

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

20 (15 ILCS 410/10b.1) (from Ch. 15, par. 426)

21 Sec. 10b.1. Competitive examinations. For open competitive  
22 examinations to test the relative fitness of applicants for the  
23 respective positions. Tests shall be designed to eliminate  
24 those who are not qualified for entrance into the Office of the

1 Comptroller and to discover the relative fitness of those who  
2 are qualified. The Director may use any one of or any  
3 combination of the following examination methods which in his  
4 judgment best serves this end: investigation of education and  
5 experience; test of cultural knowledge; test of capacity; test  
6 of knowledge; test of manual skill; test of linguistic ability;  
7 test of character; test of physical skill; test of  
8 psychological fitness. No person with a record of misdemeanor  
9 convictions except those under Sections 11-1.50, 11-6, 11-7,  
10 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2,  
11 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3,  
12 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8,  
13 subdivisions (a)(1) and (a)(2)(C) of Section 11-14.3, and  
14 sub-sections 1, 6 and 8 of Section 24-1 of the Criminal Code of  
15 1961 or the Criminal Code of 2012, or arrested for any cause  
16 but not convicted thereon shall be disqualified from taking  
17 such examinations or subsequent appointment unless the person  
18 is attempting to qualify for a position which entails financial  
19 responsibilities, in which case the person's conviction or  
20 arrest record may be considered as a factor in determining the  
21 person's fitness for the position. All examinations shall be  
22 announced publicly at least 2 weeks in advance of the date of  
23 examinations and may be advertised through the press, radio or  
24 other media.

25 The Director may, at his or her discretion, accept the  
26 results of competitive examinations conducted by any merit

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

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

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

20 (20 ILCS 301/40-5)

21 Sec. 40-5. Election of treatment. An addict or alcoholic  
22 who is charged with or convicted of a crime or any other person  
23 charged with or convicted of a misdemeanor violation of the Use  
24 of Intoxicating Compounds Act and who has not been previously

1 convicted of a violation of that Act may elect treatment under  
2 the supervision of a licensed program designated by the  
3 Department, referred to in this Article as "designated  
4 program", unless:

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

6 (2) the crime is a violation of Section 401(a), 401(b),  
7 401(c) where the person electing treatment has been  
8 previously convicted of a non-probationable felony or the  
9 violation is non-probationable, 401(d) where the violation  
10 is non-probationable, 401.1, 402(a), 405 or 407 of the  
11 Illinois Controlled Substances Act, or Section 4(d), 4(e),  
12 4(f), 4(g), 5(d), 5(e), 5(f), 5(g), 5.1, 7 or 9 of the  
13 Cannabis Control Act or Section 15, 20, 55, 60(b)(3),  
14 60(b)(4), 60(b)(5), 60(b)(6), or 65 of the Methamphetamine  
15 Control and Community Protection Act or is otherwise  
16 ineligible for probation under Section 70 of the  
17 Methamphetamine Control and Community Protection Act;

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

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

22 (5) the person is on probation or parole and the  
23 appropriate parole or probation authority does not consent  
24 to that election;

25 (6) the person elected and was admitted to a designated  
26 program on 2 prior occasions within any consecutive 2-year

1 period;

2 (7) the person has been convicted of residential  
3 burglary and has a record of one or more felony  
4 convictions;

5 (8) the crime is a violation of Section 11-501 of the  
6 Illinois Vehicle Code or a similar provision of a local  
7 ordinance; or

8 (9) the crime is a reckless homicide or a reckless  
9 homicide of an unborn child, as defined in Section 9-3 or  
10 9-3.2 of the Criminal Code of 1961 or the Criminal Code of  
11 2012, in which the cause of death consists of the driving  
12 of a motor vehicle by a person under the influence of  
13 alcohol or any other drug or drugs at the time of the  
14 violation.

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

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

18 (20 ILCS 415/8b.1) (from Ch. 127, par. 63b108b.1)

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

21 Tests shall be designed to eliminate those who are not  
22 qualified for entrance into or promotion within the service,  
23 and to discover the relative fitness of those who are  
24 qualified. The Director may use any one of or any combination



1 of the following examination methods which in his judgment best  
2 serves this end: investigation of education; investigation of  
3 experience; test of cultural knowledge; test of capacity; test  
4 of knowledge; test of manual skill; test of linguistic ability;  
5 test of character; test of physical fitness; test of  
6 psychological fitness. No person with a record of misdemeanor  
7 convictions except those under Sections 11-1.50, 11-6, 11-7,  
8 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2,  
9 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3,  
10 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8,  
11 subdivisions (a)(1) and (a)(2)(C) of Section 11-14.3, and  
12 sub-sections 1, 6 and 8 of Section 24-1 of the Criminal Code of  
13 1961 or the Criminal Code of 2012, or arrested for any cause  
14 but not convicted thereon shall be disqualified from taking  
15 such examinations or subsequent appointment, unless the person  
16 is attempting to qualify for a position which would give him  
17 the powers of a peace officer, in which case the person's  
18 conviction or arrest record may be considered as a factor in  
19 determining the person's fitness for the position. The  
20 eligibility conditions specified for the position of Assistant  
21 Director of Healthcare and Family Services in the Department of  
22 Healthcare and Family Services in Section 5-230 of the  
23 Departments of State Government Law (20 ILCS 5/5-230) shall be  
24 applied to that position in addition to other standards, tests  
25 or criteria established by the Director. All examinations shall  
26 be announced publicly at least 2 weeks in advance of the date

1 of the examinations and may be advertised through the press,  
2 radio and other media. The Director may, however, in his  
3 discretion, continue to receive applications and examine  
4 candidates long enough to assure a sufficient number of  
5 eligibles to meet the needs of the service and may add the  
6 names of successful candidates to existing eligible lists in  
7 accordance with their respective ratings.

8 The Director may, in 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 Central  
18 Management Services and unless there are less than 3 Illinois  
19 residents available for appointment from the appropriate  
20 eligible list. The results of the examinations conducted by  
21 other merit systems may not be used unless they are comparable  
22 in difficulty and comprehensiveness to examinations conducted  
23 by the Department of Central Management Services for similar  
24 positions. Special linguistic options may also be established  
25 where deemed appropriate.

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

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

3           (20 ILCS 505/5) (from Ch. 23, par. 5005)

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

8           (a) For purposes of this Section:

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

12           (A) were committed to the Department pursuant to  
13 the Juvenile Court Act or the Juvenile Court Act of  
14 1987, as amended, prior to the age of 18 and who  
15 continue under the jurisdiction of the court; or

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

24           (2) "Homeless youth" means persons found within the

1 State who are under the age of 19, are not in a safe and  
2 stable living situation and cannot be reunited with their  
3 families.

4 (3) "Child welfare services" means public social  
5 services which are directed toward the accomplishment of  
6 the following purposes:

7 (A) protecting and promoting the health, safety  
8 and welfare of children, including homeless, dependent  
9 or neglected children;

10 (B) remedying, or assisting in the solution of  
11 problems which may result in, the neglect, abuse,  
12 exploitation or delinquency of children;

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

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

25 (E) placing children in suitable adoptive homes,  
26 in cases where restoration to the biological family is

1 not safe, possible or appropriate;

2 (F) assuring safe and adequate care of children  
3 away from their homes, in cases where the child cannot  
4 be returned home or cannot be placed for adoption. At  
5 the time of placement, the Department shall consider  
6 concurrent planning, as described in subsection (1-1)  
7 of this Section so that permanency may occur at the  
8 earliest opportunity. Consideration should be given so  
9 that if reunification fails or is delayed, the  
10 placement made is the best available placement to  
11 provide permanency for the child;

12 (G) (blank);

13 (H) (blank); and

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

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

24 (ii) who are persons with a developmental  
25 disability, as defined in the Mental Health and  
26 Developmental Disabilities Code, or

1                   (iii) who are female children who are  
2                   pregnant, pregnant and parenting or parenting, or

3                   (iv) who are siblings, in facilities that  
4                   provide separate living quarters for children 18  
5                   years of age and older and for children under 18  
6                   years of age.

7           (b) Nothing in this Section shall be construed to authorize  
8           the expenditure of public funds for the purpose of performing  
9           abortions.

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

15          (d) The Director may authorize advance disbursements for  
16          any new program initiative to any agency contracting with the  
17          Department. As a prerequisite for an advance disbursement, the  
18          contractor must post a surety bond in the amount of the advance  
19          disbursement and have a purchase of service contract approved  
20          by the Department. The Department may pay up to 2 months  
21          operational expenses in advance. The amount of the advance  
22          disbursement shall be prorated over the life of the contract or  
23          the remaining months of the fiscal year, whichever is less, and  
24          the installment amount shall then be deducted from future  
25          bills. Advance disbursement authorizations for new initiatives  
26          shall not be made to any agency after that agency has operated

1 during 2 consecutive fiscal years. The requirements of this  
2 Section concerning advance disbursements shall not apply with  
3 respect to the following: payments to local public agencies for  
4 child day care services as authorized by Section 5a of this  
5 Act; and youth service programs receiving grant funds under  
6 Section 17a-4.

7 (e) (Blank).

8 (f) (Blank).

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

13 (1) adoption;

14 (2) foster care;

15 (3) family counseling;

16 (4) protective services;

17 (5) (blank);

18 (6) homemaker service;

19 (7) return of runaway children;

20 (8) (blank);

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

25 (10) interstate services.

26 Rules and regulations established by the Department shall

1 include provisions for training Department staff and the staff  
2 of Department grantees, through contracts with other agencies  
3 or resources, in alcohol and drug abuse screening techniques  
4 approved by the Department of Human Services, as a successor to  
5 the Department of Alcoholism and Substance Abuse, for the  
6 purpose of identifying children and adults who should be  
7 referred to an alcohol and drug abuse treatment program for  
8 professional evaluation.

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

18 (i) Service programs shall be available throughout the  
19 State and shall include but not be limited to the following  
20 services:

- 21 (1) case management;
- 22 (2) homemakers;
- 23 (3) counseling;
- 24 (4) parent education;
- 25 (5) day care; and
- 26 (6) emergency assistance and advocacy.



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

- 3           (1) comprehensive family-based services;  
4           (2) assessments;  
5           (3) respite care; and  
6           (4) in-home health services.

7           The Department shall provide transportation for any of the  
8 services it makes available to children or families or for  
9 which it refers children or families.

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

1 parents. The Department may also provide categories of  
2 financial assistance and education assistance grants, and  
3 shall establish rules and regulations for the assistance and  
4 grants, to persons appointed guardian of the person under  
5 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,  
6 4-25 or 5-740 of the Juvenile Court Act of 1987 for children  
7 who were wards of the Department for 12 months immediately  
8 prior to the appointment of the guardian.

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

16 Any financial assistance provided under this subsection is  
17 inalienable by assignment, sale, execution, attachment,  
18 garnishment, or any other remedy for recovery or collection of  
19 a judgment or debt.

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

24 (k) The Department shall accept for care and training any  
25 child who has been adjudicated neglected or abused, or  
26 dependent committed to it pursuant to the Juvenile Court Act or

1 the Juvenile Court Act of 1987.

2 (1) The Department shall offer family preservation  
3 services, as defined in Section 8.2 of the Abused and Neglected  
4 Child Reporting Act, to help families, including adoptive and  
5 extended families. Family preservation services shall be  
6 offered (i) to prevent the placement of children in substitute  
7 care when the children can be cared for at home or in the  
8 custody of the person responsible for the children's welfare,  
9 (ii) to reunite children with their families, or (iii) to  
10 maintain an adoptive placement. Family preservation services  
11 shall only be offered when doing so will not endanger the  
12 children's health or safety. With respect to children who are  
13 in substitute care pursuant to the Juvenile Court Act of 1987,  
14 family preservation services shall not be offered if a goal  
15 other than those of subdivisions (A), (B), or (B-1) of  
16 subsection (2) of Section 2-28 of that Act has been set.  
17 Nothing in this paragraph shall be construed to create a  
18 private right of action or claim on the part of any individual  
19 or child welfare agency, except that when a child is the  
20 subject of an action under Article II of the Juvenile Court Act  
21 of 1987 and the child's service plan calls for services to  
22 facilitate achievement of the permanency goal, the court  
23 hearing the action under Article II of the Juvenile Court Act  
24 of 1987 may order the Department to provide the services set  
25 out in the plan, if those services are not provided with  
26 reasonable promptness and if those services are available.

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

25           The Department may, at its discretion except for those  
26 children also adjudicated neglected or dependent, accept for

1 care and training any child who has been adjudicated addicted,  
2 as a truant minor in need of supervision or as a minor  
3 requiring authoritative intervention, under the Juvenile Court  
4 Act or the Juvenile Court Act of 1987, but no such child shall  
5 be committed to the Department by any court without the  
6 approval of the Department. A minor charged with a criminal  
7 offense under the Criminal Code of 1961 or the Criminal Code of  
8 2012 or adjudicated delinquent shall not be placed in the  
9 custody of or committed to the Department by any court, except  
10 (i) a minor less than 15 years of age committed to the  
11 Department under Section 5-710 of the Juvenile Court Act of  
12 1987, (ii) a minor for whom an independent basis of abuse,  
13 neglect, or dependency exists, which must be defined by  
14 departmental rule, or (iii) a minor for whom the court has  
15 granted a supplemental petition to reinstate wardship pursuant  
16 to subsection (2) of Section 2-33 of the Juvenile Court Act of  
17 1987. An independent basis exists when the allegations or  
18 adjudication of abuse, neglect, or dependency do not arise from  
19 the same facts, incident, or circumstances which give rise to a  
20 charge or adjudication of delinquency.

21 As soon as is possible after August 7, 2009 (the effective  
22 date of Public Act 96-134), the Department shall develop and  
23 implement a special program of family preservation services to  
24 support intact, foster, and adoptive families who are  
25 experiencing extreme hardships due to the difficulty and stress  
26 of caring for a child who has been diagnosed with a pervasive

1 developmental disorder if the Department determines that those  
2 services are necessary to ensure the health and safety of the  
3 child. The Department may offer services to any family whether  
4 or not a report has been filed under the Abused and Neglected  
5 Child Reporting Act. The Department may refer the child or  
6 family to services available from other agencies in the  
7 community if the conditions in the child's or family's home are  
8 reasonably likely to subject the child or family to future  
9 reports of suspected child abuse or neglect. Acceptance of  
10 these services shall be voluntary. The Department shall develop  
11 and implement a public information campaign to alert health and  
12 social service providers and the general public about these  
13 special family preservation services. The nature and scope of  
14 the services offered and the number of families served under  
15 the special program implemented under this paragraph shall be  
16 determined by the level of funding that the Department annually  
17 allocates for this purpose. The term "pervasive developmental  
18 disorder" under this paragraph means a neurological condition,  
19 including but not limited to, Asperger's Syndrome and autism,  
20 as defined in the most recent edition of the Diagnostic and  
21 Statistical Manual of Mental Disorders of the American  
22 Psychiatric Association.

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

13 (n-1) The Department shall provide or authorize child  
14 welfare services, aimed at assisting minors to achieve  
15 sustainable self-sufficiency as independent adults, for any  
16 minor eligible for the reinstatement of wardship pursuant to  
17 subsection (2) of Section 2-33 of the Juvenile Court Act of  
18 1987, whether or not such reinstatement is sought or allowed,  
19 provided that the minor consents to such services and has not  
20 yet attained the age of 21. The Department shall have  
21 responsibility for the development and delivery of services  
22 under this Section. An eligible youth may access services under  
23 this Section through the Department of Children and Family  
24 Services or by referral from the Department of Human Services.  
25 Youth participating in services under this Section shall  
26 cooperate with the assigned case manager in developing an

1 agreement identifying the services to be provided and how the  
2 youth will increase skills to achieve self-sufficiency. A  
3 homeless shelter is not considered appropriate housing for any  
4 youth receiving child welfare services under this Section. The  
5 Department shall continue child welfare services under this  
6 Section to any eligible minor until the minor becomes 21 years  
7 of age, no longer consents to participate, or achieves  
8 self-sufficiency as identified in the minor's service plan. The  
9 Department of Children and Family Services shall create clear,  
10 readable notice of the rights of former foster youth to child  
11 welfare services under this Section and how such services may  
12 be obtained. The Department of Children and Family Services and  
13 the Department of Human Services shall disseminate this  
14 information statewide. The Department shall adopt regulations  
15 describing services intended to assist minors in achieving  
16 sustainable self-sufficiency as independent adults.

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

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

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

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

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

18           In disbursing funds from children's accounts, the  
19 Department shall:

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

1           purpose.

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

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

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



1 adoption. The Department may delegate to an agent its duty to  
2 maintain and make available such lists. The Department shall  
3 ensure that such agent maintains the confidentiality of the  
4 person seeking to adopt the child and of the child.

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

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

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

23 (2) the court has ordered one or both of the parties to  
24 the proceeding to reimburse the Department for its  
25 reasonable costs for providing such services in accordance  
26 with Department rules, or has determined that neither party

1 is financially able to pay.

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

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

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

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

25 (3) information containing details of the child's  
26 individualized educational plan when the child is

1 receiving special education services.

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

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

1 information provided to the prospective adoptive parent or  
2 parents or other caretaker. The information provided to the  
3 prospective adoptive parent or parents or other caretaker shall  
4 be reviewed and approved regarding accuracy at the supervisory  
5 level.

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

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

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

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

25 (v-2) Prior to final approval for placement of a child, the  
26 Department shall check its child abuse and neglect registry for

1 information concerning prospective foster and adoptive  
2 parents, and any adult living in the home. If any prospective  
3 foster or adoptive parent or other adult living in the home has  
4 resided in another state in the preceding 5 years, the  
5 Department shall request a check of that other state's child  
6 abuse and neglect registry.

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

1 facilities.

2 (x) The Department shall conduct annual credit history  
3 checks to determine the financial history of children placed  
4 under its guardianship pursuant to the Juvenile Court Act of  
5 1987. The Department shall conduct such credit checks starting  
6 when a ward turns 12 years old and each year thereafter for the  
7 duration of the guardianship as terminated pursuant to the  
8 Juvenile Court Act of 1987. The Department shall determine if  
9 financial exploitation of the child's personal information has  
10 occurred. If financial exploitation appears to have taken place  
11 or is presently ongoing, the Department shall notify the proper  
12 law enforcement agency, the proper State's Attorney, or the  
13 Attorney General.

14 (y) Beginning on the effective date of this amendatory Act  
15 of the 96th General Assembly, a child with a disability who  
16 receives residential and educational services from the  
17 Department shall be eligible to receive transition services in  
18 accordance with Article 14 of the School Code from the age of  
19 14.5 through age 21, inclusive, notwithstanding the child's  
20 residential services arrangement. For purposes of this  
21 subsection, "child with a disability" means a child with a  
22 disability as defined by the federal Individuals with  
23 Disabilities Education Improvement Act of 2004.

24 (Source: P.A. 95-10, eff. 6-30-07; 95-601, eff. 9-11-07;  
25 95-642, eff. 6-1-08; 95-876, eff. 8-21-08; 96-134, eff. 8-7-09;  
26 96-581, eff. 1-1-10; 96-600, eff. 8-21-09; 96-619, eff. 1-1-10;

1 96-760, eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1189, eff.  
2 7-22-10.)

3 (20 ILCS 505/7) (from Ch. 23, par. 5007)

4 Sec. 7. Placement of children; considerations.

5 (a) In placing any child under this Act, the Department  
6 shall place the child, as far as possible, in the care and  
7 custody of some individual holding the same religious belief as  
8 the parents of the child, or with some child care facility  
9 which is operated by persons of like religious faith as the  
10 parents of such child.

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

20 (b) In placing a child under this Act, the Department may  
21 place a child with a relative if the Department determines that  
22 the relative will be able to adequately provide for the child's  
23 safety and welfare based on the factors set forth in the  
24 Department's rules governing relative placements, and that the  
25 placement is consistent with the child's best interests, taking



1 into consideration the factors set out in subsection (4.05) of  
2 Section 1-3 of the Juvenile Court Act of 1987.

3 When the Department first assumes custody of a child, in  
4 placing that child under this Act, the Department shall make  
5 reasonable efforts to identify and locate a relative who is  
6 ready, willing, and able to care for the child. At a minimum,  
7 these efforts shall be renewed each time the child requires a  
8 placement change and it is appropriate for the child to be  
9 cared for in a home environment. The Department must document  
10 its efforts to identify and locate such a relative placement  
11 and maintain the documentation in the child's case file.

12 If the Department determines that a placement with any  
13 identified relative is not in the child's best interests or  
14 that the relative does not meet the requirements to be a  
15 relative caregiver, as set forth in Department rules or by  
16 statute, the Department must document the basis for that  
17 decision and maintain the documentation in the child's case  
18 file.

19 If, pursuant to the Department's rules, any person files an  
20 administrative appeal of the Department's decision not to place  
21 a child with a relative, it is the Department's burden to prove  
22 that the decision is consistent with the child's best  
23 interests.

24 When the Department determines that the child requires  
25 placement in an environment, other than a home environment, the  
26 Department shall continue to make reasonable efforts to

1 identify and locate relatives to serve as visitation resources  
2 for the child and potential future placement resources, except  
3 when the Department determines that those efforts would be  
4 futile or inconsistent with the child's best interests.

5 If the Department determines that efforts to identify and  
6 locate relatives would be futile or inconsistent with the  
7 child's best interests, the Department shall document the basis  
8 of its determination and maintain the documentation in the  
9 child's case file.

10 If the Department determines that an individual or a group  
11 of relatives are inappropriate to serve as visitation resources  
12 or possible placement resources, the Department shall document  
13 the basis of its determination and maintain the documentation  
14 in the child's case file.

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

26 The Department may not place a child with a relative, with

1 the exception of certain circumstances which may be waived as  
2 defined by the Department in rules, if the results of a check  
3 of the Law Enforcement Agencies Data System (LEADS) identifies  
4 a prior criminal conviction of the relative or any adult member  
5 of the relative's household for any of the following offenses  
6 under the Criminal Code of 1961 or the Criminal Code of 2012:

7 (1) murder;

8 (1.1) solicitation of murder;

9 (1.2) solicitation of murder for hire;

10 (1.3) intentional homicide of an unborn child;

11 (1.4) voluntary manslaughter of an unborn child;

12 (1.5) involuntary manslaughter;

13 (1.6) reckless homicide;

14 (1.7) concealment of a homicidal death;

15 (1.8) involuntary manslaughter of an unborn child;

16 (1.9) reckless homicide of an unborn child;

17 (1.10) drug-induced homicide;

18 (2) a sex offense under Article 11, except offenses  
19 described in Sections 11-7, 11-8, 11-12, 11-13, 11-35,  
20 11-40, and 11-45;

21 (3) kidnapping;

22 (3.1) aggravated unlawful restraint;

23 (3.2) forcible detention;

24 (3.3) aiding and abetting child abduction;

25 (4) aggravated kidnapping;

26 (5) child abduction;

1           (6) aggravated battery of a child as described in  
2 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;

3           (7) criminal sexual assault;

4           (8) aggravated criminal sexual assault;

5           (8.1) predatory criminal sexual assault of a child;

6           (9) criminal sexual abuse;

7           (10) aggravated sexual abuse;

8           (11) heinous battery as described in Section 12-4.1 or  
9 subdivision (a) (2) of Section 12-3.05;

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

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

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

17           (15) aggravated stalking;

18           (16) home invasion;

19           (17) vehicular invasion;

20           (18) criminal transmission of HIV;

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

24           (20) child abandonment;

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

26           (22) ritual mutilation;

1 (23) ritualized abuse of a child;

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

5 For the purpose of this subsection, "relative" shall include  
6 any person, 21 years of age or over, other than the parent, who  
7 (i) is currently related to the child in any of the following  
8 ways by blood or adoption: grandparent, sibling,  
9 great-grandparent, uncle, aunt, nephew, niece, first cousin,  
10 second cousin, godparent, great-uncle, or great-aunt; or (ii)  
11 is the spouse of such a relative; or (iii) is the child's  
12 step-father, step-mother, or adult step-brother or  
13 step-sister; "relative" also includes a person related in any  
14 of the foregoing ways to a sibling of a child, even though the  
15 person is not related to the child, when the child and its  
16 sibling are placed together with that person. For children who  
17 have been in the guardianship of the Department, have been  
18 adopted, and are subsequently returned to the temporary custody  
19 or guardianship of the Department, a "relative" may also  
20 include any person who would have qualified as a relative under  
21 this paragraph prior to the adoption, but only if the  
22 Department determines, and documents, that it would be in the  
23 child's best interests to consider this person a relative,  
24 based upon the factors for determining best interests set forth  
25 in subsection (4.05) of Section 1-3 of the Juvenile Court Act  
26 of 1987. A relative with whom a child is placed pursuant to

1 this subsection may, but is not required to, apply for  
2 licensure as a foster family home pursuant to the Child Care  
3 Act of 1969; provided, however, that as of July 1, 1995, foster  
4 care payments shall be made only to licensed foster family  
5 homes pursuant to the terms of Section 5 of this Act.

6 (c) In placing a child under this Act, the Department shall  
7 ensure that the child's health, safety, and best interests are  
8 met. In rejecting placement of a child with an identified  
9 relative, the Department shall ensure that the child's health,  
10 safety, and best interests are met. In evaluating the best  
11 interests of the child, the Department shall take into  
12 consideration the factors set forth in subsection (4.05) of  
13 Section 1-3 of the Juvenile Court Act of 1987.

14 The Department shall consider the individual needs of the  
15 child and the capacity of the prospective foster or adoptive  
16 parents to meet the needs of the child. When a child must be  
17 placed outside his or her home and cannot be immediately  
18 returned to his or her parents or guardian, a comprehensive,  
19 individualized assessment shall be performed of that child at  
20 which time the needs of the child shall be determined. Only if  
21 race, color, or national origin is identified as a legitimate  
22 factor in advancing the child's best interests shall it be  
23 considered. Race, color, or national origin shall not be  
24 routinely considered in making a placement decision. The  
25 Department shall make special efforts for the diligent  
26 recruitment of potential foster and adoptive families that

1 reflect the ethnic and racial diversity of the children for  
2 whom foster and adoptive homes are needed. "Special efforts"  
3 shall include contacting and working with community  
4 organizations and religious organizations and may include  
5 contracting with those organizations, utilizing local media  
6 and other local resources, and conducting outreach activities.

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

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

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

21 (Source: P.A. 96-1551, Article 1, Section 900, eff. 7-1-11;  
22 96-1551, Article 2, Section 920, eff. 7-1-11; 97-1076, eff.  
23 8-24-12; 97-1109, eff. 1-1-13.)

24 (20 ILCS 505/9.3) (from Ch. 23, par. 5009.3)

25 Sec. 9.3. Declarations by Parents and Guardians.

1 Information requested of parents and guardians shall be  
2 submitted on forms or questionnaires prescribed by the  
3 Department or units of local government as the case may be and  
4 shall contain a written declaration to be signed by the parent  
5 or guardian in substantially the following form:

6 "I declare under penalties of perjury that I have examined  
7 this form or questionnaire and all accompanying statements or  
8 documents pertaining to my income, or any other matter having  
9 bearing upon my status and ability to provide payment for care  
10 and training of my child, and to the best of my knowledge and  
11 belief the information supplied is true, correct, and  
12 complete".

13 A person who makes and subscribes a form or questionnaire  
14 which contains, as herein above provided, a written declaration  
15 that it is made under the penalties of perjury, knowing it to  
16 be false, incorrect or incomplete, in respect to any material  
17 statement or representative bearing upon his status as a parent  
18 or guardian, or upon his income, resources, or other matter  
19 concerning his ability to provide parental payment, shall be  
20 subject to the penalties for perjury provided for in Section  
21 32-2 of the "Criminal Code of 2012 ~~1961~~", ~~approved July 28,~~  
22 ~~1961, as amended.~~

23 Parents who refuse to provide such information after three  
24 written requests from the Department will be liable for the  
25 full cost of care provided, from the commencement of such care  
26 until the required information is received.



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

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

5 (20 ILCS 805/805-540) (was 20 ILCS 805/63b2.6)

6 Sec. 805-540. Enforcement of adjoining state's laws. The  
7 Director may grant authority to the officers of any adjoining  
8 state who are authorized and directed to enforce the laws of  
9 that state relating to the protection of flora and fauna to  
10 take any of the following actions and have the following powers  
11 within the State of Illinois:

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

16 (2) To dispose of any such flora or fauna or part  
17 thereof under the supervision of an Illinois Conservation  
18 Police Officer.

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

22 (i) The Illinois Endangered Species Protection  
23 Act.

24 (ii) The Fish and Aquatic Life Code.

- 1 (iii) The Wildlife Code.
- 2 (iv) The Wildlife Habitat Management Areas Act.
- 3 (v) Section 48-3 of the Criminal Code of 2012 ~~1961~~
- 4 (hunter or fisherman interference).
- 5 (vi) The Illinois Non-Game Wildlife Protection
- 6 Act.
- 7 (vii) The Ginseng Harvesting Act.
- 8 (viii) The State Forest Act.
- 9 (ix) The Forest Products Transportation Act.
- 10 (x) The Timber Buyers Licensing Act.

11 Any officer of an adjoining state acting under a power or  
12 authority granted by the Director pursuant to this Section  
13 shall act without compensation or other benefits from this  
14 State and without this State having any liability for the acts  
15 or omissions of that officer.

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

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

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

21 Sec. 1905-110. Verified documents; penalty for fraud.  
22 Applications and other documents filed for the purpose of  
23 obtaining permits, certificates, or other licenses under Acts  
24 administered by the Department shall be verified or contain

1 written affirmation that they are signed under the penalties of  
2 perjury. A person who knowingly signs a fraudulent document  
3 commits perjury as defined in Section 32-2 of the Criminal Code  
4 of 2012 ~~1961~~ and for the purpose of this Section shall be  
5 guilty of a Class A misdemeanor.

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

7 Section 70. The Department of Professional Regulation Law  
8 of the Civil Administrative Code of Illinois is amended by  
9 changing Section 2105-25 as follows:

10 (20 ILCS 2105/2105-25) (was 20 ILCS 2105/60.01)

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

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

20 Section 75. The Department of Revenue Law of the Civil  
21 Administrative Code of Illinois is amended by changing Section  
22 2505-400 as follows:

1 (20 ILCS 2505/2505-400) (was 20 ILCS 2505/39b49)

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

3 (a) The Department has the power to contract for collection  
4 assistance on a contingent fee basis, with collection fees to  
5 be retained by the collection agency and the net collections to  
6 be paid to the Department. In the case of any liability  
7 referred to a collection agency on or after July 1, 2003, any  
8 fee charged to the State by the collection agency shall be  
9 considered additional State tax of the taxpayer imposed under  
10 the Act under which the tax being collected was imposed, shall  
11 be deemed assessed at the time payment of the tax is made to  
12 the collection agency, and shall be separately stated in any  
13 statement or notice of the liability issued by the collection  
14 agency to the taxpayer.

15 (b) The Department has the power to enter into written  
16 agreements with State's Attorneys for pursuit of civil  
17 liability under subsection (E) of Section 17-1 of the Criminal  
18 Code of 2012 ~~1961~~ against persons who have issued to the  
19 Department checks or other orders in violation of the  
20 provisions of paragraph (1) of subsection (B) of Section 17-1  
21 of the Criminal Code of 2012 ~~1961~~. Of the amount collected, the  
22 Department shall retain the amount owing upon the dishonored  
23 check or order along with the dishonored check fee imposed  
24 under the Uniform Penalty and Interest Act. The balance of  
25 damages, fees, and costs collected under subsection (E) of  
26 Section 17-1 of the Criminal Code of 2012 ~~1961~~ or under Section

1 17-1a of that Code shall be retained by the State's Attorney.  
2 The agreement shall not affect the allocation of fines and  
3 costs imposed in any criminal prosecution.

4 (c) The Department may issue the Secretary of the Treasury  
5 of the United States (or his or her delegate) notice, as  
6 required by Section 6402(e) of the Internal Revenue Code, of  
7 any past due, legally enforceable State income tax obligation  
8 of a taxpayer. The Department must notify the taxpayer that any  
9 fee charged to the State by the Secretary of the Treasury of  
10 the United States (or his or her delegate) under Internal  
11 Revenue Code Section 6402(e) is considered additional State  
12 income tax of the taxpayer with respect to whom the Department  
13 issued the notice, and is deemed assessed upon issuance by the  
14 Department of notice to the Secretary of the Treasury of the  
15 United States (or his or her delegate) under Section 6402(e) of  
16 the Internal Revenue Code; a notice of additional State income  
17 tax is not considered a notice of deficiency, and the taxpayer  
18 has no right of protest.

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

20 Section 80. The Department of State Police Law of the Civil  
21 Administrative Code of Illinois is amended by changing Sections  
22 2605-390 and 2605-585 as follows:

23 (20 ILCS 2605/2605-390) (was 20 ILCS 2605/55a in part)

24 Sec. 2605-390. Hate crimes.

1 (a) To collect and disseminate information relating to  
2 "hate crimes" as defined under Section 12-7.1 of the Criminal  
3 Code of 2012 ~~1961~~ contingent upon the availability of State or  
4 federal funds to revise and upgrade the Illinois Uniform Crime  
5 Reporting System. All law enforcement agencies shall report  
6 monthly to the Department concerning those offenses in the form  
7 and in the manner prescribed by rules and regulations adopted  
8 by the Department. The information shall be compiled by the  
9 Department and be disseminated upon request to any local law  
10 enforcement agency, unit of local government, or State agency.  
11 Dissemination of the information shall be subject to all  
12 confidentiality requirements otherwise imposed by law.

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

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

21 (20 ILCS 2605/2605-585)

22 Sec. 2605-585. Money Laundering Asset Recovery Fund.  
23 Moneys and the sale proceeds distributed to the Department of  
24 State Police pursuant to clause (h)(6)(C) of Section 29B-1 of  
25 the Criminal Code of 1961 or the Criminal Code of 2012 shall be

1 deposited in a special fund in the State treasury to be known  
2 as the Money Laundering Asset Recovery Fund. The moneys  
3 deposited in the Money Laundering Asset Recovery Fund shall be  
4 appropriated to and administered by the Department of State  
5 Police for State law enforcement purposes.

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

7 Section 85. The Criminal Identification Act is amended by  
8 changing Sections 2.1, 2.2, and 5.2 as follows:

9 (20 ILCS 2630/2.1) (from Ch. 38, par. 206-2.1)

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

24 (a) Arrest Information. All agencies making arrests for

1 offenses which are required by statute to be collected,  
2 maintained or disseminated by the Department of State Police  
3 shall be responsible for furnishing daily to the Department  
4 fingerprints, charges and descriptions of all persons who are  
5 arrested for such offenses. All such agencies shall also notify  
6 the Department of all decisions by the arresting agency not to  
7 refer such arrests for prosecution. With approval of the  
8 Department, an agency making such arrests may enter into  
9 arrangements with other agencies for the purpose of furnishing  
10 daily such fingerprints, charges and descriptions to the  
11 Department upon its behalf.

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

23 (c) Disposition Information. The clerk of the circuit court  
24 of each county shall furnish the Department, in the form and  
25 manner required by the Supreme Court, with all final  
26 dispositions of cases for which the Department has received



1 information required to be reported pursuant to paragraph (a)  
2 or (d) of this Section. Such information shall include, for  
3 each charge, all (1) judgments of not guilty, judgments of  
4 guilty including the sentence pronounced by the court, findings  
5 that a minor is delinquent and any sentence made based on those  
6 findings, discharges and dismissals in the court; (2) reviewing  
7 court orders filed with the clerk of the circuit court which  
8 reverse or remand a reported conviction or findings that a  
9 minor is delinquent or that vacate or modify a sentence or  
10 sentence made following a trial that a minor is delinquent; (3)  
11 continuances to a date certain in furtherance of an order of  
12 supervision granted under Section 5-6-1 of the Unified Code of  
13 Corrections or an order of probation granted under Section 10  
14 of the Cannabis Control Act, Section 410 of the Illinois  
15 Controlled Substances Act, Section 70 of the Methamphetamine  
16 Control and Community Protection Act, Section 12-4.3 or  
17 subdivision (b) (1) of Section 12-3.05 of the Criminal Code of  
18 1961 or the Criminal Code of 2012, Section 10-102 of the  
19 Illinois Alcoholism and Other Drug Dependency Act, Section  
20 40-10 of the Alcoholism and Other Drug Abuse and Dependency  
21 Act, Section 10 of the Steroid Control Act, or Section 5-615 of  
22 the Juvenile Court Act of 1987; and (4) judgments or court  
23 orders terminating or revoking a sentence to or juvenile  
24 disposition of probation, supervision or conditional discharge  
25 and any resentencing or new court orders entered by a juvenile  
26 court relating to the disposition of a minor's case involving

1 delinquency after such revocation.

2 (d) Fingerprints After Sentencing.

3 (1) After the court pronounces sentence, sentences a  
4 minor following a trial in which a minor was found to be  
5 delinquent or issues an order of supervision or an order of  
6 probation granted under Section 10 of the Cannabis Control  
7 Act, Section 410 of the Illinois Controlled Substances Act,  
8 Section 70 of the Methamphetamine Control and Community  
9 Protection Act, Section 12-4.3 or subdivision (b)(1) of  
10 Section 12-3.05 of the Criminal Code of 1961 or the  
11 Criminal Code of 2012, Section 10-102 of the Illinois  
12 Alcoholism and Other Drug Dependency Act, Section 40-10 of  
13 the Alcoholism and Other Drug Abuse and Dependency Act,  
14 Section 10 of the Steroid Control Act, or Section 5-615 of  
15 the Juvenile Court Act of 1987 for any offense which is  
16 required by statute to be collected, maintained, or  
17 disseminated by the Department of State Police, the State's  
18 Attorney of each county shall ask the court to order a law  
19 enforcement agency to fingerprint immediately all persons  
20 appearing before the court who have not previously been  
21 fingerprinted for the same case. The court shall so order  
22 the requested fingerprinting, if it determines that any  
23 such person has not previously been fingerprinted for the  
24 same case. The law enforcement agency shall submit such  
25 fingerprints to the Department daily.

26 (2) After the court pronounces sentence or makes a

1 disposition of a case following a finding of delinquency  
2 for any offense which is not required by statute to be  
3 collected, maintained, or disseminated by the Department  
4 of State Police, the prosecuting attorney may ask the court  
5 to order a law enforcement agency to fingerprint  
6 immediately all persons appearing before the court who have  
7 not previously been fingerprinted for the same case. The  
8 court may so order the requested fingerprinting, if it  
9 determines that any so sentenced person has not previously  
10 been fingerprinted for the same case. The law enforcement  
11 agency may retain such fingerprints in its files.

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

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

1 (20 ILCS 2630/2.2)

2 Sec. 2.2. Notification to the Department. Upon judgment of  
3 conviction of a violation of Section 12-1, 12-2, 12-3, 12-3.2,  
4 12-3.4, or 12-3.5 of the Criminal Code of 1961 or Criminal Code  
5 of 2012 when the defendant has been determined, pursuant to  
6 Section 112A-11.1 of the Code of Criminal Procedure of 1963, to  
7 be subject to the prohibitions of 18 U.S.C. 922(g)(9), the  
8 circuit court clerk shall include notification and a copy of  
9 the written determination in a report of the conviction to the  
10 Department of State Police Firearm Owner's Identification Card  
11 Office to enable the office to perform its duties under  
12 Sections 4 and 8 of the Firearm Owners Identification Card Act  
13 and to report that determination to the Federal Bureau of  
14 Investigation to assist the Bureau in identifying persons  
15 prohibited from purchasing and possessing a firearm pursuant to  
16 the provisions of 18 U.S.C. 922. The written determination  
17 described in this Section shall be included in the defendant's  
18 record of arrest and conviction in the manner and form  
19 prescribed by the Department of State Police.

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

21 (20 ILCS 2630/5.2)

22 Sec. 5.2. Expungement and sealing.

23 (a) General Provisions.

24 (1) Definitions. In this Act, words and phrases have  
25 the meanings set forth in this subsection, except when a

1 particular context clearly requires a different meaning.

2 (A) The following terms shall have the meanings  
3 ascribed to them in the Unified Code of Corrections,  
4 730 ILCS 5/5-1-2 through 5/5-1-22:

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

20 (B) As used in this Section, "charge not initiated  
21 by arrest" means a charge (as defined by 730 ILCS  
22 5/5-1-3) brought against a defendant where the  
23 defendant is not arrested prior to or as a direct  
24 result of the charge.

25 (C) "Conviction" means a judgment of conviction or  
26 sentence entered upon a plea of guilty or upon a

1           verdict or finding of guilty of an offense, rendered by  
2           a legally constituted jury or by a court of competent  
3           jurisdiction authorized to try the case without a jury.  
4           An order of supervision successfully completed by the  
5           petitioner is not a conviction. An order of qualified  
6           probation (as defined in subsection (a)(1)(J))  
7           successfully completed by the petitioner is not a  
8           conviction. An order of supervision or an order of  
9           qualified probation that is terminated  
10          unsatisfactorily is a conviction, unless the  
11          unsatisfactory termination is reversed, vacated, or  
12          modified and the judgment of conviction, if any, is  
13          reversed or vacated.

14           (D) "Criminal offense" means a petty offense,  
15          business offense, misdemeanor, felony, or municipal  
16          ordinance violation (as defined in subsection  
17          (a)(1)(H)). As used in this Section, a minor traffic  
18          offense (as defined in subsection (a)(1)(G)) shall not  
19          be considered a criminal offense.

20           (E) "Expunge" means to physically destroy the  
21          records or return them to the petitioner and to  
22          obliterate the petitioner's name from any official  
23          index or public record, or both. Nothing in this Act  
24          shall require the physical destruction of the circuit  
25          court file, but such records relating to arrests or  
26          charges, or both, ordered expunged shall be impounded

1 as required by subsections (d) (9) (A) (ii) and  
2 (d) (9) (B) (ii).

3 (F) As used in this Section, "last sentence" means  
4 the sentence, order of supervision, or order of  
5 qualified probation (as defined by subsection  
6 (a) (1) (J)), for a criminal offense (as defined by  
7 subsection (a) (1) (D)) that terminates last in time in  
8 any jurisdiction, regardless of whether the petitioner  
9 has included the criminal offense for which the  
10 sentence or order of supervision or qualified  
11 probation was imposed in his or her petition. If  
12 multiple sentences, orders of supervision, or orders  
13 of qualified probation terminate on the same day and  
14 are last in time, they shall be collectively considered  
15 the "last sentence" regardless of whether they were  
16 ordered to run concurrently.

17 (G) "Minor traffic offense" means a petty offense,  
18 business offense, or Class C misdemeanor under the  
19 Illinois Vehicle Code or a similar provision of a  
20 municipal or local ordinance.

21 (H) "Municipal ordinance violation" means an  
22 offense defined by a municipal or local ordinance that  
23 is criminal in nature and with which the petitioner was  
24 charged or for which the petitioner was arrested and  
25 released without charging.

26 (I) "Petitioner" means an adult or a minor

1 prosecuted as an adult who has applied for relief under  
2 this Section.

3 (J) "Qualified probation" means an order of  
4 probation under Section 10 of the Cannabis Control Act,  
5 Section 410 of the Illinois Controlled Substances Act,  
6 Section 70 of the Methamphetamine Control and  
7 Community Protection Act, Section 5-6-3.3 of the  
8 Unified Code of Corrections, Section 12-4.3(b)(1) and  
9 (2) of the Criminal Code of 1961 (as those provisions  
10 existed before their deletion by Public Act 89-313),  
11 Section 10-102 of the Illinois Alcoholism and Other  
12 Drug Dependency Act, Section 40-10 of the Alcoholism  
13 and Other Drug Abuse and Dependency Act, or Section 10  
14 of the Steroid Control Act. For the purpose of this  
15 Section, "successful completion" of an order of  
16 qualified probation under Section 10-102 of the  
17 Illinois Alcoholism and Other Drug Dependency Act and  
18 Section 40-10 of the Alcoholism and Other Drug Abuse  
19 and Dependency Act means that the probation was  
20 terminated satisfactorily and the judgment of  
21 conviction was vacated.

22 (K) "Seal" means to physically and electronically  
23 maintain the records, unless the records would  
24 otherwise be destroyed due to age, but to make the  
25 records unavailable without a court order, subject to  
26 the exceptions in Sections 12 and 13 of this Act. The



1           petitioner's name shall also be obliterated from the  
2           official index required to be kept by the circuit court  
3           clerk under Section 16 of the Clerks of Courts Act, but  
4           any index issued by the circuit court clerk before the  
5           entry of the order to seal shall not be affected.

6           (L) "Sexual offense committed against a minor"  
7           includes but is not limited to the offenses of indecent  
8           solicitation of a child or criminal sexual abuse when  
9           the victim of such offense is under 18 years of age.

10          (M) "Terminate" as it relates to a sentence or  
11          order of supervision or qualified probation includes  
12          either satisfactory or unsatisfactory termination of  
13          the sentence, unless otherwise specified in this  
14          Section.

15          (2) Minor Traffic Offenses. Orders of supervision or  
16          convictions for minor traffic offenses shall not affect a  
17          petitioner's eligibility to expunge or seal records  
18          pursuant to this Section.

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

22                (A) the sealing or expungement of the records of  
23                arrests or charges not initiated by arrest that result  
24                in an order of supervision for or conviction of: (i)  
25                any sexual offense committed against a minor; (ii)  
26                Section 11-501 of the Illinois Vehicle Code or a

1 similar provision of a local ordinance; or (iii)  
2 Section 11-503 of the Illinois Vehicle Code or a  
3 similar provision of a local ordinance, unless the  
4 arrest or charge is for a misdemeanor violation of  
5 subsection (a) of Section 11-503 or a similar provision  
6 of a local ordinance, that occurred prior to the  
7 offender reaching the age of 25 years and the offender  
8 has no other conviction for violating Section 11-501 or  
9 11-503 of the Illinois Vehicle Code or a similar  
10 provision of a local ordinance.

11 (B) the sealing or expungement of records of minor  
12 traffic offenses (as defined in subsection (a)(1)(G)),  
13 unless the petitioner was arrested and released  
14 without charging.

15 (C) the sealing of the records of arrests or  
16 charges not initiated by arrest which result in an  
17 order of supervision, an order of qualified probation  
18 (as defined in subsection (a)(1)(J)), or a conviction  
19 for the following offenses:

20 (i) offenses included in Article 11 of the  
21 Criminal Code of 1961 or the Criminal Code of 2012  
22 or a similar provision of a local ordinance, except  
23 Section 11-14 of the Criminal Code of 1961 or the  
24 Criminal Code of 2012, or a similar provision of a  
25 local ordinance;

26 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,

1           26-5, or 48-1 of the Criminal Code of 1961 or the  
2           Criminal Code of 2012, or a similar provision of a  
3           local ordinance;

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

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

9           (v) any offense or attempted offense that  
10          would subject a person to registration under the  
11          Sex Offender Registration Act.

12          (D) the sealing of the records of an arrest which  
13          results in the petitioner being charged with a felony  
14          offense or records of a charge not initiated by arrest  
15          for a felony offense unless:

16           (i) the charge is amended to a misdemeanor and  
17           is otherwise eligible to be sealed pursuant to  
18           subsection (c);

19           (ii) the charge is brought along with another  
20           charge as a part of one case and the charge results  
21           in acquittal, dismissal, or conviction when the  
22           conviction was reversed or vacated, and another  
23           charge brought in the same case results in a  
24           disposition for a misdemeanor offense that is  
25           eligible to be sealed pursuant to subsection (c) or  
26           a disposition listed in paragraph (i), (iii), or

1 (iv) of this subsection;

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

4 (iv) the charge is for a Class 4 felony offense  
5 listed in subsection (c) (2) (F) or the charge is  
6 amended to a Class 4 felony offense listed in  
7 subsection (c) (2) (F). Records of arrests which  
8 result in the petitioner being charged with a Class  
9 4 felony offense listed in subsection (c) (2) (F),  
10 records of charges not initiated by arrest for  
11 Class 4 felony offenses listed in subsection  
12 (c) (2) (F), and records of charges amended to a  
13 Class 4 felony offense listed in (c) (2) (F) may be  
14 sealed, regardless of the disposition, subject to  
15 any waiting periods set forth in subsection  
16 (c) (3);

17 (v) the charge results in acquittal,  
18 dismissal, or the petitioner's release without  
19 conviction; or

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

22 (b) Expungement.

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

26 (A) He or she has never been convicted of a

1 criminal offense; and

2 (B) Each arrest or charge not initiated by arrest  
3 sought to be expunged resulted in: (i) acquittal,  
4 dismissal, or the petitioner's release without  
5 charging, unless excluded by subsection (a)(3)(B);  
6 (ii) a conviction which was vacated or reversed, unless  
7 excluded by subsection (a)(3)(B); (iii) an order of  
8 supervision and such supervision was successfully  
9 completed by the petitioner, unless excluded by  
10 subsection (a)(3)(A) or (a)(3)(B); or (iv) an order of  
11 qualified probation (as defined in subsection  
12 (a)(1)(J)) and such probation was successfully  
13 completed by the petitioner.

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

15 (A) When the arrest or charge not initiated by  
16 arrest sought to be expunged resulted in an acquittal,  
17 dismissal, the petitioner's release without charging,  
18 or the reversal or vacation of a conviction, there is  
19 no waiting period to petition for the expungement of  
20 such records.

21 (B) When the arrest or charge not initiated by  
22 arrest sought to be expunged resulted in an order of  
23 supervision, successfully completed by the petitioner,  
24 the following time frames will apply:

25 (i) Those arrests or charges that resulted in  
26 orders of supervision under Section 3-707, 3-708,

1           3-710, or 5-401.3 of the Illinois Vehicle Code or a  
2           similar provision of a local ordinance, or under  
3           Section 11-1.50, 12-3.2, or 12-15 of the Criminal  
4           Code of 1961 or the Criminal Code of 2012, or a  
5           similar provision of a local ordinance, shall not  
6           be eligible for expungement until 5 years have  
7           passed following the satisfactory termination of  
8           the supervision.

9           (i-5) Those arrests or charges that resulted  
10          in orders of supervision for a misdemeanor  
11          violation of subsection (a) of Section 11-503 of  
12          the Illinois Vehicle Code or a similar provision of  
13          a local ordinance, that occurred prior to the  
14          offender reaching the age of 25 years and the  
15          offender has no other conviction for violating  
16          Section 11-501 or 11-503 of the Illinois Vehicle  
17          Code or a similar provision of a local ordinance  
18          shall not be eligible for expungement until the  
19          petitioner has reached the age of 25 years.

20          (ii) Those arrests or charges that resulted in  
21          orders of supervision for any other offenses shall  
22          not be eligible for expungement until 2 years have  
23          passed following the satisfactory termination of  
24          the supervision.

25          (C) When the arrest or charge not initiated by  
26          arrest sought to be expunged resulted in an order of

1 qualified probation, successfully completed by the  
2 petitioner, such records shall not be eligible for  
3 expungement until 5 years have passed following the  
4 satisfactory termination of the probation.

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

9 (4) Whenever a person has been arrested for or  
10 convicted of any offense, in the name of a person whose  
11 identity he or she has stolen or otherwise come into  
12 possession of, the aggrieved person from whom the identity  
13 was stolen or otherwise obtained without authorization,  
14 upon learning of the person having been arrested using his  
15 or her identity, may, upon verified petition to the chief  
16 judge of the circuit wherein the arrest was made, have a  
17 court order entered nunc pro tunc by the Chief Judge to  
18 correct the arrest record, conviction record, if any, and  
19 all official records of the arresting authority, the  
20 Department, other criminal justice agencies, the  
21 prosecutor, and the trial court concerning such arrest, if  
22 any, by removing his or her name from all such records in  
23 connection with the arrest and conviction, if any, and by  
24 inserting in the records the name of the offender, if known  
25 or ascertainable, in lieu of the aggrieved's name. The  
26 records of the circuit court clerk shall be sealed until

1 further order of the court upon good cause shown and the  
2 name of the aggrieved person obliterated on the official  
3 index required to be kept by the circuit court clerk under  
4 Section 16 of the Clerks of Courts Act, but the order shall  
5 not affect any index issued by the circuit court clerk  
6 before the entry of the order. Nothing in this Section  
7 shall limit the Department of State Police or other  
8 criminal justice agencies or prosecutors from listing  
9 under an offender's name the false names he or she has  
10 used.

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



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

7           (7) Nothing in this Section shall prevent the  
8 Department of State Police from maintaining all records of  
9 any person who is admitted to probation upon terms and  
10 conditions and who fulfills those terms and conditions  
11 pursuant to Section 10 of the Cannabis Control Act, Section  
12 410 of the Illinois Controlled Substances Act, Section 70  
13 of the Methamphetamine Control and Community Protection  
14 Act, Section 5-6-3.3 of the Unified Code of Corrections,  
15 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 of  
16 the Criminal Code of 1961 or the Criminal Code of 2012,  
17 Section 10-102 of the Illinois Alcoholism and Other Drug  
18 Dependency Act, Section 40-10 of the Alcoholism and Other  
19 Drug Abuse and Dependency Act, or Section 10 of the Steroid  
20 Control Act.

21       (c) Sealing.

22           (1) Applicability. Notwithstanding any other provision  
23 of this Act to the contrary, and cumulative with any rights  
24 to expungement of criminal records, this subsection  
25 authorizes the sealing of criminal records of adults and of  
26 minors prosecuted as adults.

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

3           (A) All arrests resulting in release without  
4 charging;

5           (B) Arrests or charges not initiated by arrest  
6 resulting in acquittal, dismissal, or conviction when  
7 the conviction was reversed or vacated, except as  
8 excluded by subsection (a) (3) (B);

9           (C) Arrests or charges not initiated by arrest  
10 resulting in orders of supervision successfully  
11 completed by the petitioner, unless excluded by  
12 subsection (a) (3);

13           (D) Arrests or charges not initiated by arrest  
14 resulting in convictions unless excluded by subsection  
15 (a) (3);

16           (E) Arrests or charges not initiated by arrest  
17 resulting in orders of first offender probation under  
18 Section 10 of the Cannabis Control Act, Section 410 of  
19 the Illinois Controlled Substances Act, Section 70 of  
20 the Methamphetamine Control and Community Protection  
21 Act, or Section 5-6-3.3 of the Unified Code of  
22 Corrections; and

23           (F) Arrests or charges not initiated by arrest  
24 resulting in Class 4 felony convictions for the  
25 following offenses:

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

1                   or the Criminal Code of 2012;

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

3                   (iii) Section 402 of the Illinois Controlled  
4                   Substances Act;

5                   (iv) the Methamphetamine Precursor Control  
6                   Act; and

7                   (v) the Steroid Control Act.

8                   (3) When Records Are Eligible to Be Sealed. Records  
9                   identified as eligible under subsection (c)(2) may be  
10                  sealed as follows:

11                  (A) Records identified as eligible under  
12                  subsection (c)(2)(A) and (c)(2)(B) may be sealed at any  
13                  time.

14                  (B) Records identified as eligible under  
15                  subsection (c)(2)(C) may be sealed (i) 3 years after  
16                  the termination of petitioner's last sentence (as  
17                  defined in subsection (a)(1)(F)) if the petitioner has  
18                  never been convicted of a criminal offense (as defined  
19                  in subsection (a)(1)(D)); or (ii) 4 years after the  
20                  termination of the petitioner's last sentence (as  
21                  defined in subsection (a)(1)(F)) if the petitioner has  
22                  ever been convicted of a criminal offense (as defined  
23                  in subsection (a)(1)(D)).

24                  (C) Records identified as eligible under  
25                  subsections (c)(2)(D), (c)(2)(E), and (c)(2)(F) may be  
26                  sealed 4 years after the termination of the

1 petitioner's last sentence (as defined in subsection  
2 (a) (1) (F)).

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

6 (4) Subsequent felony convictions. A person may not  
7 have subsequent felony conviction records sealed as  
8 provided in this subsection (c) if he or she is convicted  
9 of any felony offense after the date of the sealing of  
10 prior felony convictions as provided in this subsection  
11 (c). The court may, upon conviction for a subsequent felony  
12 offense, order the unsealing of prior felony conviction  
13 records previously ordered sealed by the court.

14 (5) Notice of eligibility for sealing. Upon entry of a  
15 disposition for an eligible record under this subsection  
16 (c), the petitioner shall be informed by the court of the  
17 right to have the records sealed and the procedures for the  
18 sealing of the records.

19 (d) Procedure. The following procedures apply to  
20 expungement under subsections (b) and (e), and sealing under  
21 subsections (c) and (e-5):

22 (1) Filing the petition. Upon becoming eligible to  
23 petition for the expungement or sealing of records under  
24 this Section, the petitioner shall file a petition  
25 requesting the expungement or sealing of records with the  
26 clerk of the court where the arrests occurred or the

1 charges were brought, or both. If arrests occurred or  
2 charges were brought in multiple jurisdictions, a petition  
3 must be filed in each such jurisdiction. The petitioner  
4 shall pay the applicable fee, if not waived.

5 (2) Contents of petition. The petition shall be  
6 verified and shall contain the petitioner's name, date of  
7 birth, current address and, for each arrest or charge not  
8 initiated by arrest sought to be sealed or expunged, the  
9 case number, the date of arrest (if any), the identity of  
10 the arresting authority, and such other information as the  
11 court may require. During the pendency of the proceeding,  
12 the petitioner shall promptly notify the circuit court  
13 clerk of any change of his or her address. If the  
14 petitioner has received a certificate of eligibility for  
15 sealing from the Prisoner Review Board under paragraph (10)  
16 of subsection (a) of Section 3-3-2 of the Unified Code of  
17 Corrections, the certificate shall be attached to the  
18 petition.

19 (3) Drug test. The petitioner must attach to the  
20 petition proof that the petitioner has passed a test taken  
21 within 30 days before the filing of the petition showing  
22 the absence within his or her body of all illegal  
23 substances as defined by the Illinois Controlled  
24 Substances Act, the Methamphetamine Control and Community  
25 Protection Act, and the Cannabis Control Act if he or she  
26 is petitioning to seal felony records pursuant to clause

1 (c) (2) (E), (c) (2) (F) (ii)-(v), or (e-5) or if he or she is  
2 petitioning to expunge felony records of a qualified  
3 probation pursuant to clause (b) (1) (B) (iv).

4 (4) Service of petition. The circuit court clerk shall  
5 promptly serve a copy of the petition on the State's  
6 Attorney or prosecutor charged with the duty of prosecuting  
7 the offense, the Department of State Police, the arresting  
8 agency and the chief legal officer of the unit of local  
9 government effecting the arrest.

10 (5) Objections.

11 (A) Any party entitled to notice of the petition  
12 may file an objection to the petition. All objections  
13 shall be in writing, shall be filed with the circuit  
14 court clerk, and shall state with specificity the basis  
15 of the objection.

16 (B) Objections to a petition to expunge or seal  
17 must be filed within 60 days of the date of service of  
18 the petition.

19 (6) Entry of order.

20 (A) The Chief Judge of the circuit wherein the  
21 charge was brought, any judge of that circuit  
22 designated by the Chief Judge, or in counties of less  
23 than 3,000,000 inhabitants, the presiding trial judge  
24 at the petitioner's trial, if any, shall rule on the  
25 petition to expunge or seal as set forth in this  
26 subsection (d) (6).

1 (B) Unless the State's Attorney or prosecutor, the  
2 Department of State Police, the arresting agency, or  
3 the chief legal officer files an objection to the  
4 petition to expunge or seal within 60 days from the  
5 date of service of the petition, the court shall enter  
6 an order granting or denying the petition.

7 (7) Hearings. If an objection is filed, the court shall  
8 set a date for a hearing and notify the petitioner and all  
9 parties entitled to notice of the petition of the hearing  
10 date at least 30 days prior to the hearing, and shall hear  
11 evidence on whether the petition should or should not be  
12 granted, and shall grant or deny the petition to expunge or  
13 seal the records based on the evidence presented at the  
14 hearing.

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

24 (9) Effect of order.

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

1           (i) the records shall be expunged (as defined  
2           in subsection (a) (1) (E)) by the arresting agency,  
3           the Department, and any other agency as ordered by  
4           the court, within 60 days of the date of service of  
5           the order, unless a motion to vacate, modify, or  
6           reconsider the order is filed pursuant to  
7           paragraph (12) of subsection (d) of this Section;

8           (ii) the records of the circuit court clerk  
9           shall be impounded until further order of the court  
10          upon good cause shown and the name of the  
11          petitioner obliterated on the official index  
12          required to be kept by the circuit court clerk  
13          under Section 16 of the Clerks of Courts Act, but  
14          the order shall not affect any index issued by the  
15          circuit court clerk before the entry of the order;  
16          and

17          (iii) in response to an inquiry for expunged  
18          records, the court, the Department, or the agency  
19          receiving such inquiry, shall reply as it does in  
20          response to inquiries when no records ever  
21          existed.

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

24               (i) the records shall be expunged (as defined  
25               in subsection (a) (1) (E)) by the arresting agency  
26               and any other agency as ordered by the court,



1           within 60 days of the date of service of the order,  
2           unless a motion to vacate, modify, or reconsider  
3           the order is filed pursuant to paragraph (12) of  
4           subsection (d) of this Section;

5           (ii) the records of the circuit court clerk  
6           shall be impounded until further order of the court  
7           upon good cause shown and the name of the  
8           petitioner obliterated on the official index  
9           required to be kept by the circuit court clerk  
10          under Section 16 of the Clerks of Courts Act, but  
11          the order shall not affect any index issued by the  
12          circuit court clerk before the entry of the order;

13          (iii) the records shall be impounded by the  
14          Department within 60 days of the date of service of  
15          the order as ordered by the court, unless a motion  
16          to vacate, modify, or reconsider the order is filed  
17          pursuant to paragraph (12) of subsection (d) of  
18          this Section;

19          (iv) records impounded by the Department may  
20          be disseminated by the Department only as required  
21          by law or to the arresting authority, the State's  
22          Attorney, and the court upon a later arrest for the  
23          same or a similar offense or for the purpose of  
24          sentencing for any subsequent felony, and to the  
25          Department of Corrections upon conviction for any  
26          offense; and

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

7           (C) Upon entry of an order to seal records under  
8           subsection (c), the arresting agency, any other agency  
9           as ordered by the court, the Department, and the court  
10          shall seal the records (as defined in subsection  
11          (a)(1)(K)). In response to an inquiry for such records  
12          from anyone not authorized by law to access such  
13          records the court, the Department, or the agency  
14          receiving such inquiry shall reply as it does in  
15          response to inquiries when no records ever existed.

16          (10) Fees. The Department may charge the petitioner a  
17          fee equivalent to the cost of processing any order to  
18          expunge or seal records. Notwithstanding any provision of  
19          the Clerks of Courts Act to the contrary, the circuit court  
20          clerk may charge a fee equivalent to the cost associated  
21          with the sealing or expungement of records by the circuit  
22          court clerk. From the total filing fee collected for the  
23          petition to seal or expunge, the circuit court clerk shall  
24          deposit \$10 into the Circuit Court Clerk Operation and  
25          Administrative Fund, to be used to offset the costs  
26          incurred by the circuit court clerk in performing the

1 additional duties required to serve the petition to seal or  
2 expunge on all parties. The circuit court clerk shall  
3 collect and forward the Department of State Police portion  
4 of the fee to the Department and it shall be deposited in  
5 the State Police Services Fund.

6 (11) Final Order. No court order issued under the  
7 expungement or sealing provisions of this Section shall  
8 become final for purposes of appeal until 30 days after  
9 service of the order on the petitioner and all parties  
10 entitled to notice of the petition.

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

16 (e) Whenever a person who has been convicted of an offense  
17 is granted a pardon by the Governor which specifically  
18 authorizes expungement, he or she may, upon verified petition  
19 to the Chief Judge of the circuit where the person had been  
20 convicted, any judge of the circuit designated by the Chief  
21 Judge, or in counties of less than 3,000,000 inhabitants, the  
22 presiding trial judge at the defendant's trial, have a court  
23 order entered expunging the record of arrest from the official  
24 records of the arresting authority and order that the records  
25 of the circuit court clerk and the Department be sealed until  
26 further order of the court upon good cause shown or as

1 otherwise provided herein, and the name of the defendant  
2 obliterated from the official index requested to be kept by the  
3 circuit court clerk under Section 16 of the Clerks of Courts  
4 Act in connection with the arrest and conviction for the  
5 offense for which he or she had been pardoned but the order  
6 shall not affect any index issued by the circuit court clerk  
7 before the entry of the order. All records sealed by the  
8 Department may be disseminated by the Department only to the  
9 arresting authority, the State's Attorney, and the court upon a  
10 later arrest for the same or similar offense or for the purpose  
11 of sentencing for any subsequent felony. Upon conviction for  
12 any subsequent offense, the Department of Corrections shall  
13 have access to all sealed records of the Department pertaining  
14 to that individual. Upon entry of the order of expungement, the  
15 circuit court clerk shall promptly mail a copy of the order to  
16 the person who was pardoned.

17 (e-5) Whenever a person who has been convicted of an  
18 offense is granted a certificate of eligibility for sealing by  
19 the Prisoner Review Board which specifically authorizes  
20 sealing, he or she may, upon verified petition to the Chief  
21 Judge of the circuit where the person had been convicted, any  
22 judge of the circuit designated by the Chief Judge, or in  
23 counties of less than 3,000,000 inhabitants, the presiding  
24 trial judge at the petitioner's trial, have a court order  
25 entered sealing the record of arrest from the official records  
26 of the arresting authority and order that the records of the

1 circuit court clerk and the Department be sealed until further  
2 order of the court upon good cause shown or as otherwise  
3 provided herein, and the name of the petitioner obliterated  
4 from the official index requested to be kept by the circuit  
5 court clerk under Section 16 of the Clerks of Courts Act in  
6 connection with the arrest and conviction for the offense for  
7 which he or she had been granted the certificate but the order  
8 shall not affect any index issued by the circuit court clerk  
9 before the entry of the order. All records sealed by the  
10 Department may be disseminated by the Department only as  
11 required by this Act or to the arresting authority, a law  
12 enforcement agency, the State's Attorney, and the court upon a  
13 later arrest for the same or similar offense or for the purpose  
14 of sentencing for any subsequent felony. Upon conviction for  
15 any subsequent offense, the Department of Corrections shall  
16 have access to all sealed records of the Department pertaining  
17 to that individual. Upon entry of the order of sealing, the  
18 circuit court clerk shall promptly mail a copy of the order to  
19 the person who was granted the certificate of eligibility for  
20 sealing.

21 (f) Subject to available funding, the Illinois Department  
22 of Corrections shall conduct a study of the impact of sealing,  
23 especially on employment and recidivism rates, utilizing a  
24 random sample of those who apply for the sealing of their  
25 criminal records under Public Act 93-211. At the request of the  
26 Illinois Department of Corrections, records of the Illinois

1 Department of Employment Security shall be utilized as  
2 appropriate to assist in the study. The study shall not  
3 disclose any data in a manner that would allow the  
4 identification of any particular individual or employing unit.  
5 The study shall be made available to the General Assembly no  
6 later than September 1, 2010.

7 (Source: P.A. 96-409, eff. 1-1-10; 96-1401, eff. 7-29-10;  
8 96-1532, eff. 1-1-12; 96-1551, Article 1, Section 905, eff.  
9 7-1-11; 96-1551, Article 2, Section 925, eff. 7-1-11; 97-443,  
10 eff. 8-19-11; 97-698, eff, 1-1-13; 97-1026, eff. 1-1-13;  
11 97-1108, eff. 1-1-13; 97-1109, 1-1-13; 97-1118, eff. 1-1-13;  
12 97-1120, eff. 1-1-13; revised 9-20-12.)

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

15 (20 ILCS 2635/3) (from Ch. 38, par. 1603)

16 Sec. 3. Definitions. Whenever used in this Act, and for the  
17 purposes of this Act, unless the context clearly indicates  
18 otherwise:

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

21 (B) The phrase "administer the criminal laws" includes any  
22 of the following activities: intelligence gathering,  
23 surveillance, criminal investigation, crime detection and  
24 prevention (including research), apprehension, detention,

1 pretrial or post-trial release, prosecution, the correctional  
2 supervision or rehabilitation of accused persons or criminal  
3 offenders, criminal identification activities, or the  
4 collection, maintenance or dissemination of criminal history  
5 record information.

6 (C) "The Authority" means the Illinois Criminal Justice  
7 Information Authority.

8 (D) "Automated" means the utilization of computers,  
9 telecommunication lines, or other automatic data processing  
10 equipment for data collection or storage, analysis,  
11 processing, preservation, maintenance, dissemination, or  
12 display and is distinguished from a system in which such  
13 activities are performed manually.

14 (E) "Complete" means accurately reflecting all the  
15 criminal history record information about an individual that is  
16 required to be reported to the Department pursuant to Section  
17 2.1 of the Criminal Identification Act.

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

1           For purposes of this Act, continuances to a date certain in  
2 furtherance of an order of supervision granted under Section  
3 5-6-1 of the Unified Code of Corrections or an order of  
4 probation granted under either Section 10 of the Cannabis  
5 Control Act, Section 410 of the Illinois Controlled Substances  
6 Act, Section 70 of the Methamphetamine Control and Community  
7 Protection Act, Section 12-4.3 or subdivision (b) (1) of Section  
8 12-3.05 of the Criminal Code of 1961 or the Criminal Code of  
9 2012, Section 10-102 of the Illinois Alcoholism and Other Drug  
10 Dependency Act, Section 40-10 of the Alcoholism and Other Drug  
11 Abuse and Dependency Act, or Section 10 of the Steroid Control  
12 Act shall not be deemed "conviction information".

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

26           (H) "Criminal justice agency" means (1) a government agency



1 or any subunit thereof which is authorized to administer the  
2 criminal laws and which allocates a substantial part of its  
3 annual budget for that purpose, or (2) an agency supported by  
4 public funds which is authorized as its principal function to  
5 administer the criminal laws and which is officially designated  
6 by the Department as a criminal justice agency for purposes of  
7 this Act.

8 (I) "The Department" means the Illinois Department of State  
9 Police.

10 (J) "Director" means the Director of the Illinois  
11 Department of State Police.

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

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

16 (M) "Non-criminal justice agency" means a State agency,  
17 Federal agency, or unit of local government that is not a  
18 criminal justice agency. The term does not refer to private  
19 individuals, corporations, or non-governmental agencies or  
20 organizations.

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

25 (N) "Requester" means any private individual, corporation,  
26 organization, employer, employment agency, labor organization,

1 or non-criminal justice agency that has made a request pursuant  
2 to this Act to obtain conviction information maintained in the  
3 files of the Department of State Police regarding a particular  
4 individual.

5 (O) "Statistical information" means data from which the  
6 identity of an individual cannot be ascertained,  
7 reconstructed, or verified and to which the identity of an  
8 individual cannot be linked by the recipient of the  
9 information.

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

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

13 (20 ILCS 4026/10)

14 Sec. 10. Definitions. In this Act, unless the context  
15 otherwise requires:

16 (a) "Board" means the Sex Offender Management Board created  
17 in Section 15.

18 (b) "Sex offender" means any person who is convicted or  
19 found delinquent in the State of Illinois, or under any  
20 substantially similar federal law or law of another state, of  
21 any sex offense or attempt of a sex offense as defined in  
22 subsection (c) of this Section, or any former statute of this  
23 State that defined a felony sex offense, or who has been  
24 declared as a sexually dangerous person under the Sexually

1 Dangerous Persons Act or declared a sexually violent person  
2 under the Sexually Violent Persons Commitment Act, or any  
3 substantially similar federal law or law of another state.

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

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

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

12 (3) Public indecency, in violation of Section 11-9 or  
13 11-30 of the Criminal Code of 1961 or the Criminal Code of  
14 2012;

15 (4) Sexual exploitation of a child, in violation of  
16 Section 11-9.1 of the Criminal Code of 1961 or the Criminal  
17 Code of 2012;

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

21 (6) Promoting juvenile prostitution or soliciting for  
22 a juvenile prostitute, in violation of Section 11-14.4 or  
23 11-15.1 of the Criminal Code of 1961 or the Criminal Code  
24 of 2012;

25 (7) Promoting juvenile prostitution or keeping a place  
26 of juvenile prostitution, in violation of Section 11-14.4

1 or 11-17.1 of the Criminal Code of 1961 or the Criminal  
2 Code of 2012;

3 (8) Patronizing a juvenile prostitute, in violation of  
4 Section 11-18.1 of the Criminal Code of 1961 or the  
5 Criminal Code of 2012;

6 (9) Promoting juvenile prostitution or juvenile  
7 pimping, in violation of Section 11-14.4 or 11-19.1 of the  
8 Criminal Code of 1961 or the Criminal Code of 2012;

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

12 (11) Child pornography, in violation of Section  
13 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
14 of 2012;

15 (11.5) Aggravated child pornography, in violation of  
16 Section 11-20.1B or 11-20.3 of the Criminal Code of 1961;

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

19 (13) Criminal sexual assault, in violation of Section  
20 11-1.20 or 12-13 of the Criminal Code of 1961 or the  
21 Criminal Code of 2012;

22 (13.5) Grooming, in violation of Section 11-25 of the  
23 Criminal Code of 1961 or the Criminal Code of 2012;

24 (14) Aggravated criminal sexual assault, in violation  
25 of Section 11-1.30 or 12-14 of the Criminal Code of 1961 or  
26 the Criminal Code of 2012;

1           (14.5) Traveling to meet a minor, in violation of  
2           Section 11-26 of the Criminal Code of 1961 or the Criminal  
3           Code of 2012;

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

7           (16) Criminal sexual abuse, in violation of Section  
8           11-1.50 or 12-15 of the Criminal Code of 1961 or the  
9           Criminal Code of 2012;

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

13          (18) Ritualized abuse of a child, in violation of  
14          Section 12-33 of the Criminal Code of 1961 or the Criminal  
15          Code of 2012;

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

18          (20) Any felony offense under Illinois law that is  
19          sexually motivated.

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

23          (e) "Sexually motivated" means one or more of the facts of  
24          the underlying offense indicates conduct that is of a sexual  
25          nature or that shows an intent to engage in behavior of a  
26          sexual nature.

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

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

7 (h) "Associate sex offender provider" means a person  
8 licensed under the Sex Offender Evaluation and Treatment  
9 Provider Act to provide sex offender evaluations and to provide  
10 sex offender treatment under the supervision of a licensed sex  
11 offender evaluator or a licensed sex offender treatment  
12 provider.

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

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

16 (30 ILCS 500/45-57)

17 Sec. 45-57. Veterans.

18 (a) Set-aside goal. It is the goal of the State to promote  
19 and encourage the continued economic development of small  
20 businesses owned and controlled by qualified veterans and that  
21 qualified service-disabled veteran-owned small businesses  
22 (referred to as SDVOSB) and veteran-owned small businesses  
23 (referred to as VOSB) participate in the State's procurement  
24 process as both prime contractors and subcontractors. Not less

1 than 3% of the total dollar amount of State contracts, as  
2 defined by the Director of Central Management Services, shall  
3 be established as a goal to be awarded to SDVOSB and VOSB. That  
4 portion of a contract under which the contractor subcontracts  
5 with a SDVOSB or VOSB may be counted toward the goal of this  
6 subsection. The Department of Central Management Services  
7 shall adopt rules to implement compliance with this subsection  
8 by all State agencies.

9 (b) Fiscal year reports. By each September 1, each chief  
10 procurement officer shall report to the Department of Central  
11 Management Services on all of the following for the immediately  
12 preceding fiscal year, and by each March 1 the Department of  
13 Central Management Services shall compile and report that  
14 information to the General Assembly:

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

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

20 (c) Yearly review and recommendations. Each year, each  
21 chief procurement officer shall review the progress of all  
22 State agencies under its jurisdiction in meeting the goal  
23 described in subsection (a), with input from statewide  
24 veterans' service organizations and from the business  
25 community, including businesses owned by qualified veterans,  
26 and shall make recommendations to be included in the Department

1 of Central Management Services' report to the General Assembly  
2 regarding continuation, increases, or decreases of the  
3 percentage goal. The recommendations shall be based upon the  
4 number of businesses that are owned by qualified veterans and  
5 on the continued need to encourage and promote businesses owned  
6 by qualified veterans.

7 (d) Governor's recommendations. To assist the State in  
8 reaching the goal described in subsection (a), the Governor  
9 shall recommend to the General Assembly changes in programs to  
10 assist businesses owned by qualified veterans.

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

12 "Armed forces of the United States" means the United States  
13 Army, Navy, Air Force, Marine Corps, Coast Guard, or service in  
14 active duty as defined under 38 U.S.C. Section 101. Service in  
15 the Merchant Marine that constitutes active duty under Section  
16 401 of federal Public Act 95-202 shall also be considered  
17 service in the armed forces for purposes of this Section.

18 "Certification" means a determination made by the Illinois  
19 Department of Veterans' Affairs and the Department of Central  
20 Management Services that a business entity is a qualified  
21 service-disabled veteran-owned small business or a qualified  
22 veteran-owned small business for whatever purpose. A SDVOSB or  
23 VOSB owned and controlled by females, minorities, or persons  
24 with disabilities, as those terms are defined in Section 2 of  
25 the Business Enterprise for Minorities, Females, and Persons  
26 with Disabilities Act, shall select and designate whether that



1 business is to be certified as a "female-owned business",  
2 "minority-owned business", or "business owned by a person with  
3 a disability", as defined in Section 2 of the Business  
4 Enterprise for Minorities, Females, and Persons with  
5 Disabilities Act, or as a qualified SDVOSB or qualified VOSB  
6 under this Section.

7 "Control" means the exclusive, ultimate, majority, or sole  
8 control of the business, including but not limited to capital  
9 investment and all other financial matters, property,  
10 acquisitions, contract negotiations, legal matters,  
11 officer-director-employee selection and comprehensive hiring,  
12 operation responsibilities, cost-control matters, income and  
13 dividend matters, financial transactions, and rights of other  
14 shareholders or joint partners. Control shall be real,  
15 substantial, and continuing, not pro forma. Control shall  
16 include the power to direct or cause the direction of the  
17 management and policies of the business and to make the  
18 day-to-day as well as major decisions in matters of policy,  
19 management, and operations. Control shall be exemplified by  
20 possessing the requisite knowledge and expertise to run the  
21 particular business, and control shall not include simple  
22 majority or absentee ownership.

23 "Qualified service-disabled veteran" means a veteran who  
24 has been found to have 10% or more service-connected disability  
25 by the United States Department of Veterans Affairs or the  
26 United States Department of Defense.

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

10 "Qualified veteran-owned small business" or "VOSB" means a  
11 small business (i) that is at least 51% owned by one or more  
12 qualified veterans living in Illinois or, in the case of a  
13 corporation, at least 51% of the stock of which is owned by one  
14 or more qualified veterans living in Illinois; (ii) that has  
15 its home office in Illinois; and (iii) for which items (i) and  
16 (ii) are factually verified annually by the Department of  
17 Central Management Services.

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

21 "Small business" means a business that has annual gross  
22 sales of less than \$75,000,000 as evidenced by the federal  
23 income tax return of the business. A firm with gross sales in  
24 excess of this cap may apply to the Department of Central  
25 Management Services for certification for a particular  
26 contract if the firm can demonstrate that the contract would

1 have significant impact on SDVOSB or VOSB as suppliers or  
2 subcontractors or in employment of veterans or  
3 service-disabled veterans.

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

7 "Time of hostilities with a foreign country" means any  
8 period of time in the past, present, or future during which a  
9 declaration of war by the United States Congress has been or is  
10 in effect or during which an emergency condition has been or is  
11 in effect that is recognized by the issuance of a Presidential  
12 proclamation or a Presidential executive order and in which the  
13 armed forces expeditionary medal or other campaign service  
14 medals are awarded according to Presidential executive order.

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

26 (f) Certification program. The Illinois Department of

1 Veterans' Affairs and the Department of Central Management  
2 Services shall work together to devise a certification  
3 procedure to assure that businesses taking advantage of this  
4 Section are legitimately classified as qualified  
5 service-disabled veteran-owned small businesses or qualified  
6 veteran-owned small businesses.

7 (g) Penalties.

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

25 (2) Reports of violations. Each State agency shall  
26 report any alleged violation of Section 17-10.3 or

1 subsection (d) of Section 33E-6 of the Criminal Code of  
2 1961 or the Criminal Code of 2012 relating to this Section  
3 to the Department of Central Management Services. The  
4 Department of Central Management Services shall  
5 subsequently report all such alleged violations to the  
6 Attorney General, who shall determine whether to bring a  
7 civil action against any person for the violation.

8 (3) List of suspended persons. The Department of  
9 Central Management Services shall monitor the status of all  
10 reported violations of Section 17-10.3 or subsection (d) of  
11 Section 33E-6 of the Criminal Code of 1961 or the Criminal  
12 Code of 2012 relating to this Section and shall maintain  
13 and make available to all State agencies a central listing  
14 of all persons that committed violations resulting in  
15 suspension.

16 (4) Use of suspended persons. During the period of a  
17 person's suspension under paragraph (1) of this  
18 subsection, a State agency shall not enter into any  
19 contract with that person or with any contractor using the  
20 services of that person as a subcontractor.

21 (5) Duty to check list. Each State agency shall check  
22 the central listing provided by the Department of Central  
23 Management Services under paragraph (3) of this subsection  
24 to verify that a person being awarded a contract by that  
25 State agency, or to be used as a subcontractor or supplier  
26 on a contract being awarded by that State agency, is not

1 under suspension pursuant to paragraph (1) of this  
2 subsection.

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

4 (30 ILCS 500/50-5)

5 Sec. 50-5. Bribery.

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

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

12 (2) has made an admission of guilt of that conduct that  
13 is a matter of record but has not been prosecuted for that  
14 conduct.

15 (b) Businesses. No business shall be barred from  
16 contracting with any unit of State or local government, or  
17 subcontracting under such a contract, as a result of a  
18 conviction under this Section of any employee or agent of the  
19 business if the employee or agent is no longer employed by the  
20 business and:

21 (1) the business has been finally adjudicated not  
22 guilty; or

23 (2) the business demonstrates to the governmental  
24 entity with which it seeks to contract or which is a  
25 signatory to the contract to which the subcontract relates,

1 and that entity finds that the commission of the offense  
2 was not authorized, requested, commanded, or performed by a  
3 director, officer, or high managerial agent on behalf of  
4 the business as provided in paragraph (2) of subsection (a)  
5 of Section 5-4 of the Criminal Code of 2012 ~~1961~~.

6 (c) Conduct on behalf of business. For purposes of this  
7 Section, when an official, agent, or employee of a business  
8 committed the bribery or attempted bribery on behalf of the  
9 business and in accordance with the direction or authorization  
10 of a responsible official of the business, the business shall  
11 be chargeable with the conduct.

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

1 a Class 3 felony.

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

5 (30 ILCS 500/50-70)

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

8 (1) Article 33E of the Criminal Code of 2012 ~~1961~~;

9 (2) the Illinois Human Rights Act;

10 (3) the Discriminatory Club Act;

11 (4) the Illinois Governmental Ethics Act;

12 (5) the State Prompt Payment Act;

13 (6) the Public Officer Prohibited Activities Act;

14 (7) the Drug Free Workplace Act;

15 (8) the Illinois Power Agency Act;

16 (9) the Employee Classification Act; and

17 (10) the State Officials and Employees Ethics Act.

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

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

23 (30 ILCS 715/3) (from Ch. 56 1/2, par. 1703)



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

5           (1) Be established and operating pursuant to  
6 intergovernmental contracts written and executed in conformity  
7 with the Intergovernmental Cooperation Act, and involve 2 or  
8 more units of local government.

9           (2) Establish a MEG Policy Board composed of an elected  
10 official, or his designee, and the chief law enforcement  
11 officer, or his designee, from each participating unit of local  
12 government to oversee the operations of the MEG and make such  
13 reports to the Department of State Police as the Department may  
14 require.

15           (3) Designate a single appropriate elected official of a  
16 participating unit of local government to act as the financial  
17 officer of the MEG for all participating units of local  
18 government and to receive funds for the operation of the MEG.

19           (4) Limit its operations to enforcement of drug laws;  
20 enforcement of Sections 24-2.1, 24-2.2, 24-3, 24-3.1, 24-3.3,  
21 24-3.4, 24-4, and 24-5 and subsections 24-1(a)(4), 24-1(a)(6),  
22 24-1(a)(7), 24-1(a)(9), 24-1(a)(10), and 24-1(c) of the  
23 Criminal Code of 2012 ~~1961~~; and the investigation of streetgang  
24 related offenses.

25           (5) Cooperate with the Department of State Police in order  
26 to assure compliance with this Act and to enable the Department

1 to fulfill its duties under this Act, and supply the Department  
2 with all information the Department deems necessary therefor.

3 (6) Receive funding of at least 50% of the total operating  
4 budget of the MEG from the participating units of local  
5 government.

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

7 Section 120. The Illinois Income Tax Act is amended by  
8 changing Sections 504 and 1302 as follows:

9 (35 ILCS 5/504) (from Ch. 120, par. 5-504)

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

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

17 (35 ILCS 5/1302) (from Ch. 120, par. 13-1302)

18 Sec. 1302. Willful Failure to Pay Over. Any person who  
19 accepts money that is due to the Department under this Act from  
20 a taxpayer for the purpose of acting as the taxpayer's agent to  
21 make the payment to the Department, but who willfully fails to  
22 remit such payment to the Department when due, shall be guilty  
23 of a Class A misdemeanor. Any such person who purports to make

1 such payment by issuing or delivering a check or other order  
2 upon a real or fictitious depository for the payment of money,  
3 knowing that it will not be paid by the depository, shall be  
4 guilty of a deceptive practice in violation of Section 17-1 of  
5 the Criminal Code of 2012 ~~1961, as amended~~. Any person whose  
6 commercial domicile or whose residence is in this State and who  
7 is charged with a violation under this Section shall be tried  
8 in the county where his commercial domicile or his residence is  
9 located unless he asserts a right to be tried in another venue.  
10 A prosecution for any act in violation of this Section may be  
11 commenced at any time within 5 years of the commission of that  
12 act.

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

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

16 (35 ILCS 105/14) (from Ch. 120, par. 439.14)

17 Sec. 14. When the amount due is under \$300, any person  
18 subject to the provisions hereof who fails to file a return, or  
19 who violates any other provision of Section 9 or Section 10  
20 hereof, or who fails to keep books and records as required  
21 herein, or who files a fraudulent return, or who wilfully  
22 violates any rule or regulation of the Department for the  
23 administration and enforcement of the provisions hereof, or any  
24 officer or agent of a corporation or manager, member, or agent

1 of a limited liability company subject hereto who signs a  
2 fraudulent return filed on behalf of such corporation or  
3 limited liability company, or any accountant or other agent who  
4 knowingly enters false information on the return of any  
5 taxpayer under this Act, or any person who violates any of the  
6 provisions of Sections 3, 5 or 7 hereof, or any purchaser who  
7 obtains a registration number or resale number from the  
8 Department through misrepresentation, or who represents to a  
9 seller that such purchaser has a registration number or a  
10 resale number from the Department when he knows that he does  
11 not, or who uses his registration number or resale number to  
12 make a seller believe that he is buying tangible personal  
13 property for resale when such purchaser in fact knows that this  
14 is not the case, is guilty of a Class 4 felony.

15 Any person who violates any provision of Section 6 hereof,  
16 or who engages in the business of selling tangible personal  
17 property at retail after his Certificate of Registration under  
18 this Act has been revoked in accordance with Section 12 of this  
19 Act, is guilty of a Class 4 felony. Each day any such person is  
20 engaged in business in violation of Section 6, or after his  
21 Certificate of Registration under this Act has been revoked,  
22 constitutes a separate offense.

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

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

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

1 that he is buying tangible personal property for resale when  
2 such purchaser in fact knows that this is not the case, is  
3 guilty of a Class 3 felony.

4 When the amount due is \$300 or more 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 3  
9 felony. Any such person who purports to make such payment by  
10 issuing or delivering a check or other order upon a real or  
11 fictitious depository for the payment of money, knowing that it  
12 will not be paid by the depository shall be guilty of a  
13 deceptive practice in violation of Section 17-1 of the Criminal  
14 Code of 2012 ~~1961~~, as amended.

15 Any seller who collects or attempts to collect use tax  
16 measured by receipts which such seller knows are not subject to  
17 use tax, or any seller who knowingly over-collects or attempts  
18 to over-collect use tax 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 for each such offense. This paragraph does not apply  
21 to an amount collected by the seller as use tax on receipts  
22 which are subject to tax under this Act as long as such  
23 collection is made in compliance with the tax collection  
24 brackets prescribed by the Department in its Rules and  
25 Regulations.

26 Any taxpayer or agent of a taxpayer who with the intent to

1 defraud purports to make a payment due to the Department 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 A prosecution for any act in violation of this Section may  
8 be commenced at any time within 3 years of the commission of  
9 that Act.

10 This Section does not apply if the violation in a  
11 particular case also constitutes a criminal violation of the  
12 Retailers' Occupation Tax Act.

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

14 (35 ILCS 105/15) (from Ch. 120, par. 439.15)

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

19 Any taxpayer or agent of a taxpayer who with the intent to  
20 defraud purports to make a payment due to the Department 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~~.

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

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

4 (35 ILCS 110/15) (from Ch. 120, par. 439.45)

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



1 property for resale when such purchaser in fact knows that this  
2 is not the case, is guilty of a Class 4 felony.

3 Any person who violates any provision of Section 6 hereof,  
4 or who engages in the business of making sales of service after  
5 his Certificate of Registration under this Act has been revoked  
6 in accordance with Section 12 of this Act, is guilty of a Class  
7 4 felony. Each day any such person is engaged in business in  
8 violation of Section 6, or after his Certificate of  
9 Registration under this Act has been revoked, constitutes a  
10 separate offense.

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

22 When the amount due is \$300 or more, any person subject to  
23 the provisions hereof who fails to file a return, or who  
24 violates any other provision of Section 9 or Section 10 hereof,  
25 or who fails to keep books and records as required herein or  
26 who files a fraudulent return, or who willfully violates any

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

18 When the amount due is \$300 or more, any person who accepts  
19 money that is due to the Department under this Act from a  
20 taxpayer for the purpose of acting as the taxpayer's agent to  
21 make the payment to the Department, but who fails to remit such  
22 payment to the Department when due is guilty of a Class 3  
23 felony. Any such person who purports to make such payment by  
24 issuing or delivering a check or other order upon a real or  
25 fictitious depository for the payment of money, knowing that it  
26 will not be paid by the depository, shall be guilty of a

1 deceptive practice in violation of Section 17-1 of the Criminal  
2 Code of 2012 ~~1961~~, as amended.

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

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

22 A prosecution for any Act in violation of this Section may  
23 be commenced at any time within 3 years of the commission of  
24 that Act.

25 This Section does not apply if the violation in a  
26 particular case also constitutes a criminal violation of the

1 Retailers' Occupation Tax Act, the Use Tax Act or the Service  
2 Occupation Tax Act.

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

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

6 (35 ILCS 115/15) (from Ch. 120, par. 439.115)

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

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

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

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

24 When the amount due is \$300 or more, any person subject to  
25 the provisions hereof who fails to file a return, or who  
26 violates any other provision of Section 9 or Section 10 hereof,

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

20 When the amount due is \$300 or more, any person who accepts  
21 money that is due to the Department under this Act from a  
22 taxpayer for the purpose of acting as the taxpayer's agent to  
23 make the payment to the Department but who fails to remit such  
24 payment to the Department when due is guilty of a Class 3  
25 felony. Any such person who purports to make such payment by  
26 issuing or delivering a check or other order upon a real or

1 fictitious depository for the payment of money, knowing that it  
2 will not be paid by the depository shall be guilty of a  
3 deceptive practice in violation of Section 17-1 of the Criminal  
4 Code of 2012 ~~1961~~, as amended.

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

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

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

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

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

7           (35 ILCS 120/13) (from Ch. 120, par. 452)

8           Sec. 13. Criminal penalties.

9           (a) When the amount due is under \$300, any person engaged  
10 in the business of selling tangible personal property at retail  
11 in this State who fails to file a return, or who files a  
12 fraudulent return, or any officer, employee or agent of a  
13 corporation, member, employee or agent of a partnership, or  
14 manager, member, agent, or employee of a limited liability  
15 company engaged in the business of selling tangible personal  
16 property at retail in this State who, as such officer,  
17 employee, agent, manager, or member is under a duty to file a  
18 return, or any officer, agent or employee of a corporation,  
19 member, agent, or employee of a partnership, or manager,  
20 member, agent, or employee of a limited liability company  
21 engaged in the business of selling tangible personal property  
22 at retail in this State who files or causes to be filed or  
23 signs or causes to be signed a fraudulent return filed on  
24 behalf of such corporation or limited liability company, or any



1 accountant or other agent who knowingly enters false  
2 information on the return of any taxpayer under this Act, is  
3 guilty of a Class 4 felony.

4 Any person who or any officer or director of any  
5 corporation, partner or member of any partnership, or manager  
6 or member of a limited liability company that: (a) violates  
7 Section 2a of this Act or (b) fails to keep books and records,  
8 or fails to produce books and records as required by Section 7  
9 or (c) willfully violates a rule or regulation of the  
10 Department for the administration and enforcement of this Act  
11 is guilty of a Class A misdemeanor. Any person, manager or  
12 member of a limited liability company, or officer or director  
13 of any corporation who engages in the business of selling  
14 tangible personal property at retail after the certificate of  
15 registration of that person, corporation, limited liability  
16 company, or partnership has been revoked is guilty of a Class A  
17 misdemeanor. Each day such person, corporation, or partnership  
18 is engaged in business without a certificate of registration or  
19 after the certificate of registration of that person,  
20 corporation, or partnership has been revoked constitutes a  
21 separate offense.

22 Any purchaser who obtains a registration number or resale  
23 number from the Department through misrepresentation, or who  
24 represents to a seller that such purchaser has a registration  
25 number or a resale number from the Department when he knows  
26 that he does not, or who uses his registration number or resale

1 number to make a seller believe that he is buying tangible  
2 personal property for resale when such purchaser in fact knows  
3 that this is not the case is guilty of a Class 4 felony.

4 Any distributor, supplier or other reseller of motor fuel  
5 registered pursuant to Section 2a or 2c of this Act who fails  
6 to collect the prepaid tax on invoiced gallons of motor fuel  
7 sold or who fails to deliver a statement of tax paid to the  
8 purchaser or to the Department as required by Sections 2d and  
9 2e of this Act, respectively, shall be guilty of a Class A  
10 misdemeanor if the amount due is under \$300, and a Class 4  
11 felony if the amount due is \$300 or more.

12 When the amount due is under \$300, 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 4  
17 felony.

18 Any seller who collects or attempts to collect an amount  
19 (however designated) which purports to reimburse such seller  
20 for retailers' occupation tax liability measured by receipts  
21 which such seller knows are not subject to retailers'  
22 occupation tax, or any seller who knowingly over-collects or  
23 attempts to over-collect an amount purporting to reimburse such  
24 seller for retailers' occupation tax liability in a transaction  
25 which is subject to the tax that is imposed by this Act, shall  
26 be guilty of a Class 4 felony for each such offense. This

1 paragraph does not apply to an amount collected by the seller  
2 as reimbursement for the seller's retailers' occupation tax  
3 liability on receipts which are subject to tax under this Act  
4 as long as such collection is made in compliance with the tax  
5 collection brackets prescribed by the Department in its Rules  
6 and Regulations.

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

26 When the amount due is \$300 or more, any person engaged in

1 the business of selling tangible personal property at retail in  
2 this State who accepts money that is due to the Department  
3 under this Act from a taxpayer for the purpose of acting as the  
4 taxpayer's agent to make payment to the Department but fails to  
5 remit such payment to the Department when due, is guilty of a  
6 Class 3 felony.

7 Any person whose principal place of business is in this  
8 State and who is charged with a violation under this Section  
9 shall be tried in the county where his principal place of  
10 business is located unless he asserts a right to be tried in  
11 another venue.

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

19 (b) A person commits the offense of sales tax evasion under  
20 this Act when he knowingly attempts in any manner to evade or  
21 defeat the tax imposed on him or on any other person, or the  
22 payment thereof, and he commits an affirmative act in  
23 furtherance of the evasion. For purposes of this Section, an  
24 "affirmative act in furtherance of the evasion" means an act  
25 designed in whole or in part to (i) conceal, misrepresent,  
26 falsify, or manipulate any material fact or (ii) tamper with or

1 destroy documents or materials related to a person's tax  
2 liability under this Act. Two or more acts of sales tax evasion  
3 may be charged as a single count in any indictment,  
4 information, or complaint and the amount of tax deficiency may  
5 be aggregated for purposes of determining the amount of tax  
6 which is attempted to be or is evaded and the period between  
7 the first and last acts may be alleged as the date of the  
8 offense.

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

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

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

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

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

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

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

3           (35 ILCS 143/10-50)

4           Sec. 10-50. Violations and penalties. When the amount due  
5 is under \$300, any distributor who fails to file a return,  
6 wilfully fails or refuses to make any payment to the Department  
7 of the tax imposed by this Act, or files a fraudulent return,  
8 or any officer or agent of a corporation engaged in the  
9 business of distributing tobacco products to retailers and  
10 consumers located in this State who signs a fraudulent return  
11 filed on behalf of the corporation, or any accountant or other  
12 agent who knowingly enters false information on the return of  
13 any taxpayer under this Act is guilty of a Class 4 felony.

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

21           When the amount due is under \$300, any person who accepts  
22 money that is due to the Department under this Act from a  
23 taxpayer for the purpose of acting as the taxpayer's agent to  
24 make the payment to the Department, but who fails to remit the

1 payment to the Department when due, is guilty of a Class 4  
2 felony.

3       When the amount due is \$300 or more, any distributor who  
4 files, or causes to be filed, a fraudulent return, or any  
5 officer or agent of a corporation engaged in the business of  
6 distributing tobacco products to retailers and consumers  
7 located in this State who files or causes to be filed or signs  
8 or causes to be signed a fraudulent return filed on behalf of  
9 the corporation, or any accountant or other agent who knowingly  
10 enters false information on the return of any taxpayer under  
11 this Act is guilty of a Class 3 felony.

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

21       Any person whose principal place of business is in this  
22 State and who is charged with a violation under this Section  
23 shall be tried in the county where his or her principal place  
24 of business is located unless he or she asserts a right to be  
25 tried in another venue. If the taxpayer does not have his or  
26 her principal place of business in this State, however, the

1 hearing must be held in Sangamon County unless the taxpayer  
2 asserts a right to be tried in another venue.

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

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

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

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

16 (35 ILCS 145/8) (from Ch. 120, par. 481b.38)

17 Sec. 8. When the amount due is under \$300, any person  
18 engaged in the business of renting, leasing or letting hotel  
19 rooms in this State who fails to make a return, or to keep  
20 books and records as required herein, or who makes a fraudulent  
21 return, or who wilfully violates any rule or regulation of the  
22 Department for the administration and enforcement of the  
23 provisions of this Act, or any officer or agent of a  
24 corporation engaged in the business of renting, leasing or



1 letting hotel rooms in this State who signs a fraudulent return  
2 made on behalf of such corporation, is guilty of a Class 4  
3 felony.

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

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

19 Any hotel operator who collects or attempts to collect an  
20 amount (however designated) which purports to reimburse such  
21 operator for hotel operators' occupation tax liability  
22 measured by receipts which such operator knows are not subject  
23 to hotel operators' occupation tax, or any hotel operator who  
24 knowingly over-collects or attempts to over-collect an amount  
25 purporting to reimburse such operator for hotel operators'  
26 occupation tax liability in a transaction which is subject to

1 the tax that is imposed by this Act, shall be guilty of a Class  
2 4 felony.

3 When the amount due is \$300 or more, any person engaged in  
4 the business of renting, leasing or letting hotel rooms in this  
5 State who fails to make a return, or to keep books and records  
6 as required herein, or who makes a fraudulent return, or who  
7 wilfully violates any rule or regulation of the Department for  
8 the administration and enforcement of the provisions of this  
9 Act, or any officer or agent of a corporation engaged in the  
10 business of renting, leasing or letting hotel rooms in this  
11 State who signs a fraudulent return made on behalf of such  
12 corporation is guilty of a Class 3 felony.

13 When the amount due is \$300 or more, any person who accepts  
14 money that is due to the Department under this Act from a  
15 taxpayer for the purpose of acting as the taxpayer's agent to  
16 make the payment to the Department, but who fails to remit such  
17 payment to the Department is guilty of a Class 3 felony. Any  
18 such person who purports to make such payment by issuing or  
19 delivering a check or other order upon a real or fictitious  
20 depository for the payment of money, knowing that it will not  
21 be paid by the depository, shall be guilty of a deceptive  
22 practice in violation of Section 17-1 of the Criminal Code of  
23 2012 1961, ~~as amended~~.

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

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

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

4 (35 ILCS 200/15-172)

5 Sec. 15-172. Senior Citizens Assessment Freeze Homestead  
6 Exemption.

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

9 (b) As used in this Section:

10 "Applicant" means an individual who has filed an  
11 application under this Section.

12 "Base amount" means the base year equalized assessed value  
13 of the residence plus the first year's equalized assessed value  
14 of any added improvements which increased the assessed value of  
15 the residence after the base year.

16 "Base year" means the taxable year prior to the taxable  
17 year for which the applicant first qualifies and applies for  
18 the exemption provided that in the prior taxable year the  
19 property was improved with a permanent structure that was  
20 occupied as a residence by the applicant who was liable for  
21 paying real property taxes on the property and who was either  
22 (i) an owner of record of the property or had legal or  
23 equitable interest in the property as evidenced by a written  
24 instrument or (ii) had a legal or equitable interest as a

1 lessee in the parcel of property that was single family  
2 residence. If in any subsequent taxable year for which the  
3 applicant applies and qualifies for the exemption the equalized  
4 assessed value of the residence is less than the equalized  
5 assessed value in the existing base year (provided that such  
6 equalized assessed value is not based on an assessed value that  
7 results from a temporary irregularity in the property that  
8 reduces the assessed value for one or more taxable years), then  
9 that subsequent taxable year shall become the base year until a  
10 new base year is established under the terms of this paragraph.  
11 For taxable year 1999 only, the Chief County Assessment Officer  
12 shall review (i) all taxable years for which the applicant  
13 applied and qualified for the exemption and (ii) the existing  
14 base year. The assessment officer shall select as the new base  
15 year the year with the lowest equalized assessed value. An  
16 equalized assessed value that is based on an assessed value  
17 that results from a temporary irregularity in the property that  
18 reduces the assessed value for one or more taxable years shall  
19 not be considered the lowest equalized assessed value. The  
20 selected year shall be the base year for taxable year 1999 and  
21 thereafter until a new base year is established under the terms  
22 of this paragraph.

23 "Chief County Assessment Officer" means the County  
24 Assessor or Supervisor of Assessments of the county in which  
25 the property is located.

26 "Equalized assessed value" means the assessed value as

1 equalized by the Illinois Department of Revenue.

2 "Household" means the applicant, the spouse of the  
3 applicant, and all persons using the residence of the applicant  
4 as their principal place of residence.

5 "Household income" means the combined income of the members  
6 of a household for the calendar year preceding the taxable  
7 year.

8 "Income" has the same meaning as provided in Section 3.07  
9 of the Senior Citizens and Disabled Persons Property Tax Relief  
10 Act, except that, beginning in assessment year 2001, "income"  
11 does not include veteran's benefits.

12 "Internal Revenue Code of 1986" means the United States  
13 Internal Revenue Code of 1986 or any successor law or laws  
14 relating to federal income taxes in effect for the year  
15 preceding the taxable year.

16 "Life care facility that qualifies as a cooperative" means  
17 a facility as defined in Section 2 of the Life Care Facilities  
18 Act.

19 "Maximum income limitation" means:

- 20 (1) \$35,000 prior to taxable year 1999;
- 21 (2) \$40,000 in taxable years 1999 through 2003;
- 22 (3) \$45,000 in taxable years 2004 through 2005;
- 23 (4) \$50,000 in taxable years 2006 and 2007; and
- 24 (5) \$55,000 in taxable year 2008 and thereafter.

25 "Residence" means the principal dwelling place and  
26 appurtenant structures used for residential purposes in this

1 State occupied on January 1 of the taxable year by a household  
2 and so much of the surrounding land, constituting the parcel  
3 upon which the dwelling place is situated, as is used for  
4 residential purposes. If the Chief County Assessment Officer  
5 has established a specific legal description for a portion of  
6 property constituting the residence, then that portion of  
7 property shall be deemed the residence for the purposes of this  
8 Section.

9 "Taxable year" means the calendar year during which ad  
10 valorem property taxes payable in the next succeeding year are  
11 levied.

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

1 legal or equitable ownership interest in the property as  
2 lessee, and (iv) is liable for the payment of real property  
3 taxes on that property.

4 In counties of 3,000,000 or more inhabitants, the amount of  
5 the exemption for all taxable years is the equalized assessed  
6 value of the residence in the taxable year for which  
7 application is made minus the base amount. In all other  
8 counties, the amount of the exemption is as follows: (i)  
9 through taxable year 2005 and for taxable year 2007 and  
10 thereafter, the amount of this exemption shall be the equalized  
11 assessed value of the residence in the taxable year for which  
12 application is made minus the base amount; and (ii) for taxable  
13 year 2006, the amount of the exemption is as follows:

14 (1) For an applicant who has a household income of  
15 \$45,000 or less, the amount of the exemption is the  
16 equalized assessed value of the residence in the taxable  
17 year for which application is made minus the base amount.

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

23 (3) For an applicant who has a household income  
24 exceeding \$46,250 but not exceeding \$47,500, the amount of  
25 the exemption is (i) the equalized assessed value of the  
26 residence in the taxable year for which application is made

1 minus the base amount (ii) multiplied by 0.6.

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

7 (5) For an applicant who has a household income  
8 exceeding \$48,750 but not exceeding \$50,000, the amount of  
9 the exemption is (i) the equalized assessed value of the  
10 residence in the taxable year for which application is made  
11 minus the base amount (ii) multiplied by 0.2.

12 When the applicant is a surviving spouse of an applicant  
13 for a prior year for the same residence for which an exemption  
14 under this Section has been granted, the base year and base  
15 amount for that residence are the same as for the applicant for  
16 the prior year.

17 Each year at the time the assessment books are certified to  
18 the County Clerk, the Board of Review or Board of Appeals shall  
19 give to the County Clerk a list of the assessed values of  
20 improvements on each parcel qualifying for this exemption that  
21 were added after the base year for this parcel and that  
22 increased the assessed value of the property.

23 In the case of land improved with an apartment building  
24 owned and operated as a cooperative or a building that is a  
25 life care facility that qualifies as a cooperative, the maximum  
26 reduction from the equalized assessed value of the property is



1 limited to the sum of the reductions calculated for each unit  
2 occupied as a residence by a person or persons (i) 65 years of  
3 age or older, (ii) with a household income that does not exceed  
4 the maximum income limitation, (iii) who is liable, by contract  
5 with the owner or owners of record, for paying real property  
6 taxes on the property, and (iv) who is an owner of record of a  
7 legal or equitable interest in the cooperative apartment  
8 building, other than a leasehold interest. In the instance of a  
9 cooperative where a homestead exemption has been granted under  
10 this Section, the cooperative association or its management  
11 firm shall credit the savings resulting from that exemption  
12 only to the apportioned tax liability of the owner who  
13 qualified for the exemption. Any person who willfully refuses  
14 to credit that savings to an owner who qualifies for the  
15 exemption is guilty of a Class B misdemeanor.

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

25 Beginning January 1, 1997, when an individual dies who  
26 would have qualified for an exemption under this Section, and

1 the surviving spouse does not independently qualify for this  
2 exemption because of age, the exemption under this Section  
3 shall be granted to the surviving spouse for the taxable year  
4 preceding and the taxable year of the death, provided that,  
5 except for age, the surviving spouse meets all other  
6 qualifications for the granting of this exemption for those  
7 years.

8 When married persons maintain separate residences, the  
9 exemption provided for in this Section may be claimed by only  
10 one of such persons and for only one residence.

11 For taxable year 1994 only, in counties having less than  
12 3,000,000 inhabitants, to receive the exemption, a person shall  
13 submit an application by February 15, 1995 to the Chief County  
14 Assessment Officer of the county in which the property is  
15 located. In counties having 3,000,000 or more inhabitants, for  
16 taxable year 1994 and all subsequent taxable years, to receive  
17 the exemption, a person may submit an application to the Chief  
18 County Assessment Officer of the county in which the property  
19 is located during such period as may be specified by the Chief  
20 County Assessment Officer. The Chief County Assessment Officer  
21 in counties of 3,000,000 or more inhabitants shall annually  
22 give notice of the application period by mail or by  
23 publication. In counties having less than 3,000,000  
24 inhabitants, beginning with taxable year 1995 and thereafter,  
25 to receive the exemption, a person shall submit an application  
26 by July 1 of each taxable year to the Chief County Assessment

1 Officer of the county in which the property is located. A  
2 county may, by ordinance, establish a date for submission of  
3 applications that is different than July 1. The applicant shall  
4 submit with the application an affidavit of the applicant's  
5 total household income, age, marital status (and if married the  
6 name and address of the applicant's spouse, if known), and  
7 principal dwelling place of members of the household on January  
8 1 of the taxable year. The Department shall establish, by rule,  
9 a method for verifying the accuracy of affidavits filed by  
10 applicants under this Section, and the Chief County Assessment  
11 Officer may conduct audits of any taxpayer claiming an  
12 exemption under this Section to verify that the taxpayer is  
13 eligible to receive the exemption. Each application shall  
14 contain or be verified by a written declaration that it is made  
15 under the penalties of perjury. A taxpayer's signing a  
16 fraudulent application under this Act is perjury, as defined in  
17 Section 32-2 of the Criminal Code of 2012 ~~1961~~. The  
18 applications shall be clearly marked as applications for the  
19 Senior Citizens Assessment Freeze Homestead Exemption and must  
20 contain a notice that any taxpayer who receives the exemption  
21 is subject to an audit by the Chief County Assessment Officer.

22 Notwithstanding any other provision to the contrary, in  
23 counties having fewer than 3,000,000 inhabitants, if an  
24 applicant fails to file the application required by this  
25 Section in a timely manner and this failure to file is due to a  
26 mental or physical condition sufficiently severe so as to

1 render the applicant incapable of filing the application in a  
2 timely manner, the Chief County Assessment Officer may extend  
3 the filing deadline for a period of 30 days after the applicant  
4 regains the capability to file the application, but in no case  
5 may the filing deadline be extended beyond 3 months of the  
6 original filing deadline. In order to receive the extension  
7 provided in this paragraph, the applicant shall provide the  
8 Chief County Assessment Officer with a signed statement from  
9 the applicant's physician stating the nature and extent of the  
10 condition, that, in the physician's opinion, the condition was  
11 so severe that it rendered the applicant incapable of filing  
12 the application in a timely manner, and the date on which the  
13 applicant regained the capability to file the application.

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

1 that it rendered the applicant incapable of filing the  
2 application in a timely manner.

3 In counties having less than 3,000,000 inhabitants, if an  
4 applicant was denied an exemption in taxable year 1994 and the  
5 denial occurred due to an error on the part of an assessment  
6 official, or his or her agent or employee, then beginning in  
7 taxable year 1997 the applicant's base year, for purposes of  
8 determining the amount of the exemption, shall be 1993 rather  
9 than 1994. In addition, in taxable year 1997, the applicant's  
10 exemption shall also include an amount equal to (i) the amount  
11 of any exemption denied to the applicant in taxable year 1995  
12 as a result of using 1994, rather than 1993, as the base year,  
13 (ii) the amount of any exemption denied to the applicant in  
14 taxable year 1996 as a result of using 1994, rather than 1993,  
15 as the base year, and (iii) the amount of the exemption  
16 erroneously denied for taxable year 1994.

17 For purposes of this Section, a person who will be 65 years  
18 of age during the current taxable year shall be eligible to  
19 apply for the homestead exemption during that taxable year.  
20 Application shall be made during the application period in  
21 effect for the county of his or her residence.

22 The Chief County Assessment Officer may determine the  
23 eligibility of a life care facility that qualifies as a  
24 cooperative to receive the benefits provided by this Section by  
25 use of an affidavit, application, visual inspection,  
26 questionnaire, or other reasonable method in order to insure

1 that the tax savings resulting from the exemption are credited  
2 by the management firm to the apportioned tax liability of each  
3 qualifying resident. The Chief County Assessment Officer may  
4 request reasonable proof that the management firm has so  
5 credited that exemption.

6 Except as provided in this Section, all information  
7 received by the chief county assessment officer or the  
8 Department from applications filed under this Section, or from  
9 any investigation conducted under the provisions of this  
10 Section, shall be confidential, except for official purposes or  
11 pursuant to official procedures for collection of any State or  
12 local tax or enforcement of any civil or criminal penalty or  
13 sanction imposed by this Act or by any statute or ordinance  
14 imposing a State or local tax. Any person who divulges any such  
15 information in any manner, except in accordance with a proper  
16 judicial order, is guilty of a Class A misdemeanor.

17 Nothing contained in this Section shall prevent the  
18 Director or chief county assessment officer from publishing or  
19 making available reasonable statistics concerning the  
20 operation of the exemption contained in this Section in which  
21 the contents of claims are grouped into aggregates in such a  
22 way that information contained in any individual claim shall  
23 not be disclosed.

24 (d) Each Chief County Assessment Officer shall annually  
25 publish a notice of availability of the exemption provided  
26 under this Section. The notice shall be published at least 60

1 days but no more than 75 days prior to the date on which the  
2 application must be submitted to the Chief County Assessment  
3 Officer of the county in which the property is located. The  
4 notice shall appear in a newspaper of general circulation in  
5 the county.

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

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

12 (35 ILCS 200/15-177)

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

14 (a) If the county has elected, under Section 15-176, to be  
15 subject to the provisions of the alternative general homestead  
16 exemption, then, for taxable years 2007 and thereafter,  
17 regardless of whether the exemption under Section 15-176  
18 applies, qualified homestead property is entitled to an annual  
19 homestead exemption equal to a reduction in the property's  
20 equalized assessed value calculated as provided in this  
21 Section.

22 (b) As used in this Section:

23 "Adjusted homestead value" means the lesser of the  
24 following values:

25 (1) The property's base homestead value increased by:

1 (i) 10% for each taxable year after the base year through  
2 and including the current tax year for qualified taxpayers  
3 with a household income of more than \$75,000 but not  
4 exceeding \$100,000; or (ii) 7% for each taxable year after  
5 the base year through and including the current tax year  
6 for qualified taxpayers with a household income of \$75,000  
7 or less. The increase each year is an increase over the  
8 prior year; or

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

11 "Base homestead value" means:

12 (1) if the property did not have an adjusted homestead  
13 value under Section 15-176 for the base year, then an  
14 amount equal to the equalized assessed value of the  
15 property for the base year prior to exemptions, minus the  
16 general homestead deduction, provided that the property's  
17 assessment was not based on a reduced assessed value  
18 resulting from a temporary irregularity in the property for  
19 that year; or

20 (2) if the property had an adjusted homestead value  
21 under Section 15-176 for the base year, then an amount  
22 equal to the adjusted homestead value of the property under  
23 Section 15-176 for the base year.

24 "Base year" means the taxable year prior to the taxable  
25 year in which the taxpayer first qualifies for the exemption  
26 under this Section.



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

3 "Equalized assessed value" means the property's assessed  
4 value as equalized by the Department.

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

26 "Household income" has the meaning set forth under Section

1 15-172 of this Code.

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

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

6 "Qualified homestead property" means homestead property  
7 owned by a qualified taxpayer.

8 "Qualified taxpayer" means any individual:

9 (1) who, for at least 10 continuous years as of January  
10 1 of the taxable year, has occupied the same homestead  
11 property as a principal residence and domicile or who, for  
12 at least 5 continuous years as of January 1 of the taxable  
13 year, has occupied the same homestead property as a  
14 principal residence and domicile if that person received  
15 assistance in the acquisition of the property as part of a  
16 government or nonprofit housing program; and

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

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

21 (1) If the equalized assessed value of a homestead  
22 property for the current tax year is less than the previous  
23 base homestead value for that property, then the current  
24 equalized assessed value (provided it is not based on a  
25 reduced assessed value resulting from a temporary  
26 irregularity in the property) becomes the base homestead

1 value in subsequent tax years.

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

7 (d) The amount of the exemption under this Section is the  
8 greater of: (i) the equalized assessed value of the homestead  
9 property for the current tax year minus the adjusted homestead  
10 value; or (ii) the general homestead deduction.

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

25 (f) When married persons maintain separate residences, the  
26 exemption provided under this Section may be claimed by only

1 one such person and for only one residence. No person who  
2 receives an exemption under Section 15-172 of this Code may  
3 receive an exemption under this Section. No person who receives  
4 an exemption under this Section may receive an exemption under  
5 Section 15-175 or 15-176 of this Code.

6 (g) In the event of a sale or other transfer in ownership  
7 of the homestead property between spouses or between a parent  
8 and a child, the exemption under this Section remains in effect  
9 if the new owner has a household income of \$100,000 or less.

10 (h) In the event of a sale or other transfer in ownership  
11 of the homestead property other than subsection (g) of this  
12 Section, the exemption under this Section shall remain in  
13 effect for the remainder of the tax year and be calculated  
14 using the same base homestead value in which the sale or  
15 transfer occurs.

16 (i) To receive the exemption, a person must submit an  
17 application to the county assessor during the period specified  
18 by the county assessor.

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

21 The taxpayer must submit, with the application, an  
22 affidavit of the taxpayer's total household income, marital  
23 status (and if married the name and address of the applicant's  
24 spouse, if known), and principal dwelling place of members of  
25 the household on January 1 of the taxable year. The Department  
26 shall establish, by rule, a method for verifying the accuracy

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

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

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

18 Section 160. The Coin-Operated Amusement Device and  
19 Redemption Machine Tax Act is amended by changing Section 1 as  
20 follows:

21 (35 ILCS 510/1) (from Ch. 120, par. 481b.1)

22 Sec. 1. There is imposed, on the privilege of operating  
23 every coin-in-the-slot-operated amusement device, including a  
24 device operated or operable by insertion of coins, tokens,

1 chips or similar objects, in this State which returns to the  
2 player thereof no money or property or right to receive money  
3 or property, and on the privilege of operating in this State a  
4 redemption machine as defined in Section 28-2 of the Criminal  
5 Code of 2012 ~~1961~~, an annual privilege tax of \$30 for each  
6 device for a period beginning on or after August 1 of any year  
7 and prior to August 1 of the succeeding year.

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

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

11 (35 ILCS 520/15) (from Ch. 120, par. 2165)

12 Sec. 15. Lien for Tax.

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

24 (b) Notice of lien. The lien created by assessment shall

1 terminate unless a notice of lien is filed, as provided in  
2 Section 17 hereof, within 3 years from the date all proceedings  
3 in court for the review of such assessment have terminated or  
4 the time for the taking thereof has expired without such  
5 proceedings being instituted.

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

7 (35 ILCS 520/19) (from Ch. 120, par. 2169)

8 Sec. 19. Release of Liens.

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

19 (b) Judicial determination. If on judicial review the final  
20 judgment of the court is that the taxpayer does not owe some or  
21 all of the amount secured by the lien against him, or that no  
22 jeopardy to the revenue exists, the Department shall release  
23 its lien to the extent of such finding of nonliability, or to  
24 the extent of such finding of no jeopardy to the revenue.

25 (c) Payment. The Department shall also release its jeopardy

1 assessment lien against the taxpayer whenever the tax and  
2 penalty covered by such lien, plus any interest which may be  
3 due, are paid.

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

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

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

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

16 (4) To the extent and under the circumstances specified  
17 in this Section. A certificate of complete or partial  
18 release of any lien shall be held conclusive that the lien  
19 upon the property covered by the certificate is  
20 extinguished to the extent indicated by such certificate.

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

24 FOR THE PROTECTION OF THE OWNER, THIS RELEASE SHALL  
25 BE FILED WITH THE RECORDER OR THE REGISTRAR  
26 OF TITLES, IN WHOSE OFFICE, THE LIEN WAS FILED.



1           (e) Filing. When a certificate of complete or partial  
2 release of lien issued by the Department is presented for  
3 filing in the office of the recorder or Registrar of Titles  
4 where a notice of lien or notice of jeopardy assessment lien  
5 was filed:

6           (1) The recorder, in the case of nonregistered  
7 property, shall permanently attach the certificate of  
8 release to the notice of lien or notice of jeopardy  
9 assessment lien and shall enter the certificate of release  
10 and the date in the "State Tax Lien Index" on the line  
11 where the notice of lien or notice of jeopardy assessment  
12 lien is entered; and

13           (2) In the case of registered property, the Registrar  
14 of Titles shall file and enter upon each folium of the  
15 register of titles affected thereby a memorial of the  
16 certificate of release which memorial when so entered shall  
17 act as a release pro tanto of any memorial of such notice  
18 of lien or notice of jeopardy assessment lien previously  
19 filed and registered.

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

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

23           (50 ILCS 105/4.5)

24           Sec. 4.5. False verification; perjury. A person is guilty

1 of perjury who:

2 (1) In swearing on oath or otherwise affirming a  
3 statement in writing as required under this Act, knowingly  
4 makes a false statement as to, or knowingly omits a  
5 material fact relating to, the identification of an  
6 individual or entity that has an ownership interest in real  
7 property, or that is material to an issue or point in  
8 question in the written disclosure pertaining to a contract  
9 for the ownership or use of real property.

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

15 (3) Suborns any other person to so swear, affirm, or  
16 testify.

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

20 This Section applies to written statements made or  
21 testimony given on or after the effective date of this  
22 amendatory Act of 1995.

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

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

1 (50 ILCS 705/6) (from Ch. 85, par. 506)

2 Sec. 6. Selection and certification of schools. The Board  
3 shall select and certify schools within the State of Illinois  
4 for the purpose of providing basic training for probationary  
5 police officers, probationary county corrections officers, and  
6 court security officers and of providing advanced or in-service  
7 training for permanent police officers or permanent county  
8 corrections officers, which schools may be either publicly or  
9 privately owned and operated. In addition, the Board has the  
10 following power and duties:

11 a. To require local governmental units to furnish such  
12 reports and information as the Board deems necessary to  
13 fully implement this Act.

14 b. To establish appropriate mandatory minimum  
15 standards relating to the training of probationary local  
16 law enforcement officers or probationary county  
17 corrections officers.

18 c. To provide appropriate certification to those  
19 probationary officers who successfully complete the  
20 prescribed minimum standard basic training course.

21 d. To review and approve annual training curriculum for  
22 county sheriffs.

23 e. To review and approve applicants to ensure no  
24 applicant is admitted to a certified academy unless the  
25 applicant is a person of good character and has not been

1 convicted of a felony offense, any of the misdemeanors in  
2 Sections 11-1.50, 11-6, 11-9.1, 11-14, 11-17, 11-19, 12-2,  
3 12-15, 16-1, 17-1, 17-2, 28-3, 29-1, 31-1, 31-6, 31-7,  
4 32-4a, or 32-7 of the Criminal Code of 1961 or the Criminal  
5 Code of 2012, subdivision (a)(1) or (a)(2)(C) of Section  
6 11-14.3 of the Criminal Code of 1961 or the Criminal Code  
7 of 2012, or subsection (a) of Section 17-32 of the Criminal  
8 Code of 1961 or the Criminal Code of 2012, or Section 5 or  
9 5.2 of the Cannabis Control Act, or a crime involving moral  
10 turpitude under the laws of this State or any other state  
11 which if committed in this State would be punishable as a  
12 felony or a crime of moral turpitude. The Board may appoint  
13 investigators who shall enforce the duties conferred upon  
14 the Board by this Act.

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

16 (50 ILCS 705/6.1)

17 Sec. 6.1. Decertification of full-time and part-time  
18 police officers.

19 (a) The Board must review police officer conduct and  
20 records to ensure that no police officer is certified or  
21 provided a valid waiver if that police officer has been  
22 convicted of a felony offense under the laws of this State or  
23 any other state which if committed in this State would be  
24 punishable as a felony. The Board must also ensure that no  
25 police officer is certified or provided a valid waiver if that

1 police officer has been convicted on or after the effective  
2 date of this amendatory Act of 1999 of any misdemeanor  
3 specified in this Section or if committed in any other state  
4 would be an offense similar to Section 11-1.50, 11-6, 11-9.1,  
5 11-14, 11-17, 11-19, 12-2, 12-15, 16-1, 17-1, 17-2, 28-3, 29-1,  
6 31-1, 31-6, 31-7, 32-4a, or 32-7 of the Criminal Code of 1961  
7 or the Criminal Code of 2012, to subdivision (a)(1) or  
8 (a)(2)(C) of Section 11-14.3 of the Criminal Code of 1961 or  
9 the Criminal Code of 2012, or subsection (a) of Section 17-32  
10 of the Criminal Code of 1961 or the Criminal Code of 2012, or  
11 to Section 5 or 5.2 of the Cannabis Control Act. The Board must  
12 appoint investigators to enforce the duties conferred upon the  
13 Board by this Act.

14 (b) It is the responsibility of the sheriff or the chief  
15 executive officer of every local law enforcement agency or  
16 department within this State to report to the Board any arrest  
17 or conviction of any officer for an offense identified in this  
18 Section.

19 (c) It is the duty and responsibility of every full-time  
20 and part-time police officer in this State to report to the  
21 Board within 30 days, and the officer's sheriff or chief  
22 executive officer, of his or her arrest or conviction for an  
23 offense identified in this Section. Any full-time or part-time  
24 police officer who knowingly makes, submits, causes to be  
25 submitted, or files a false or untruthful report to the Board  
26 must have his or her certificate or waiver immediately

1 decertified or revoked.

2 (d) Any person, or a local or State agency, or the Board is  
3 immune from liability for submitting, disclosing, or releasing  
4 information of arrests or convictions in this Section as long  
5 as the information is submitted, disclosed, or released in good  
6 faith and without malice. The Board has qualified immunity for  
7 the release of the information.

8 (e) Any full-time or part-time police officer with a  
9 certificate or waiver issued by the Board who is convicted of  
10 any offense described in this Section immediately becomes  
11 decertified or no longer has a valid waiver. The  
12 decertification and invalidity of waivers occurs as a matter of  
13 law. Failure of a convicted person to report to the Board his  
14 or her conviction as described in this Section or any continued  
15 law enforcement practice after receiving a conviction is a  
16 Class 4 felony.

17 (f) The Board's investigators are peace officers and have  
18 all the powers possessed by policemen in cities and by  
19 sheriff's, provided that the investigators may exercise those  
20 powers anywhere in the State, only after contact and  
21 cooperation with the appropriate local law enforcement  
22 authorities.

23 (g) The Board must request and receive information and  
24 assistance from any federal, state, or local governmental  
25 agency as part of the authorized criminal background  
26 investigation. The Department of State Police must process,

1 retain, and additionally provide and disseminate information  
2 to the Board concerning criminal charges, arrests,  
3 convictions, and their disposition, that have been filed  
4 before, on, or after the effective date of this amendatory Act  
5 of the 91st General Assembly against a basic academy applicant,  
6 law enforcement applicant, or law enforcement officer whose  
7 fingerprint identification cards are on file or maintained by  
8 the Department of State Police. The Federal Bureau of  
9 Investigation must provide the Board any criminal history  
10 record information contained in its files pertaining to law  
11 enforcement officers or any applicant to a Board certified  
12 basic law enforcement academy as described in this Act based on  
13 fingerprint identification. The Board must make payment of fees  
14 to the Department of State Police for each fingerprint card  
15 submission in conformance with the requirements of paragraph 22  
16 of Section 55a of the Civil Administrative Code of Illinois.

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

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

26 (A) by the defendant; or

1 (B) by a police officer with personal knowledge of  
2 perjured testimony.

3 The complaint must allege that a police officer, while  
4 under oath, knowingly and willfully made false statements  
5 as to a material fact going to an element of the offense of  
6 murder. The verified complaint must be filed with the  
7 Executive Director of the Illinois Law Enforcement  
8 Training Standards Board within 2 years of the judgment of  
9 acquittal.

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

25 (i) If the Executive Director of the Illinois Law  
26 Enforcement Training Standards Board determines that the



1 verified complaint warrants further investigation, he or she  
2 shall refer the matter to a task force of investigators created  
3 for this purpose. This task force shall consist of 8 sworn  
4 police officers: 2 from the Illinois State Police, 2 from the  
5 City of Chicago Police Department, 2 from county police  
6 departments, and 2 from municipal police departments. These  
7 investigators shall have a minimum of 5 years of experience in  
8 conducting criminal investigations. The investigators shall be  
9 appointed by the Executive Director of the Illinois Law  
10 Enforcement Training Standards Board. Any officer or officers  
11 acting in this capacity pursuant to this statutory provision  
12 will have statewide police authority while acting in this  
13 investigative capacity. Their salaries and expenses for the  
14 time spent conducting investigations under this paragraph  
15 shall be reimbursed by the Illinois Law Enforcement Training  
16 Standards Board.

17 (j) Once the Executive Director of the Illinois Law  
18 Enforcement Training Standards Board has determined that an  
19 investigation is warranted, the verified complaint shall be  
20 assigned to an investigator or investigators. The investigator  
21 or investigators shall conduct an investigation of the verified  
22 complaint and shall write a report of his or her findings. This  
23 report shall be submitted to the Executive Director of the  
24 Illinois Labor Relations Board State Panel.

25 Within 30 days, the Executive Director of the Illinois  
26 Labor Relations Board State Panel shall review the

1 investigative report and determine whether sufficient evidence  
2 exists to conduct an evidentiary hearing on the verified  
3 complaint. If the Executive Director of the Illinois Labor  
4 Relations Board State Panel determines upon his or her review  
5 of the investigatory report that a hearing should not be  
6 conducted, the complaint shall be dismissed. This decision is  
7 in the Executive Director's sole discretion, and this dismissal  
8 may not be appealed.

9 If the Executive Director of the Illinois Labor Relations  
10 Board State Panel determines that there is sufficient evidence  
11 to warrant a hearing, a hearing shall be ordered on the  
12 verified complaint, to be conducted by an administrative law  
13 judge employed by the Illinois Labor Relations Board State  
14 Panel. The Executive Director of the Illinois Labor Relations  
15 Board State Panel shall inform the Executive Director of the  
16 Illinois Law Enforcement Training Standards Board and the  
17 person who filed the complaint of either the dismissal of the  
18 complaint or the issuance of the complaint for hearing. The  
19 Executive Director shall assign the complaint to the  
20 administrative law judge within 30 days of the decision  
21 granting a hearing.

22 (k) In the case of a finding of guilt on the offense of  
23 murder, if a new trial is granted on direct appeal, or a state  
24 post-conviction evidentiary hearing is ordered, based on a  
25 claim that a police officer, under oath, knowingly and  
26 willfully made false statements as to a material fact going to

1 an element of the offense of murder, the Illinois Labor  
2 Relations Board State Panel shall hold a hearing to determine  
3 whether the officer should be decertified if an interested  
4 party requests such a hearing within 2 years of the court's  
5 decision. The complaint shall be assigned to an administrative  
6 law judge within 30 days so that a hearing can be scheduled.

7 At the hearing, the accused officer shall be afforded the  
8 opportunity to:

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

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

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

13 (4) Request that the Illinois Labor Relations Board  
14 State Panel compel the attendance of witnesses and  
15 production of related documents including but not limited  
16 to court documents and records.

17 Once a case has been set for hearing, the verified  
18 complaint shall be referred to the Department of Professional  
19 Regulation. That office shall prosecute the verified complaint  
20 at the hearing before the administrative law judge. The  
21 Department of Professional Regulation shall have the  
22 opportunity to produce evidence to support the verified  
23 complaint and to request the Illinois Labor Relations Board  
24 State Panel to compel the attendance of witnesses and the  
25 production of related documents, including, but not limited to,  
26 court documents and records. The Illinois Labor Relations Board

1 State Panel shall have the power to issue subpoenas requiring  
2 the attendance of and testimony of witnesses and the production  
3 of related documents including, but not limited to, court  
4 documents and records and shall have the power to administer  
5 oaths.

6 The administrative law judge shall have the responsibility  
7 of receiving into evidence relevant testimony and documents,  
8 including court records, to support or disprove the allegations  
9 made by the person filing the verified complaint and, at the  
10 close of the case, hear arguments. If the administrative law  
11 judge finds that there is not clear and convincing evidence to  
12 support the verified complaint that the police officer has,  
13 while under oath, knowingly and willfully made false statements  
14 as to a material fact going to an element of the offense of  
15 murder, the administrative law judge shall make a written  
16 recommendation of dismissal to the Illinois Labor Relations  
17 Board State Panel. If the administrative law judge finds that  
18 there is clear and convincing evidence that the police officer  
19 has, while under oath, knowingly and willfully made false  
20 statements as to a material fact that goes to an element of the  
21 offense of murder, the administrative law judge shall make a  
22 written recommendation so concluding to the Illinois Labor  
23 Relations Board State Panel. The hearings shall be transcribed.  
24 The Executive Director of the Illinois Law Enforcement Training  
25 Standards Board shall be informed of the administrative law  
26 judge's recommended findings and decision and the Illinois

1 Labor Relations Board State Panel's subsequent review of the  
2 recommendation.

3 (l) An officer named in any complaint filed pursuant to  
4 this Act shall be indemnified for his or her reasonable  
5 attorney's fees and costs by his or her employer. These fees  
6 shall be paid in a regular and timely manner. The State, upon  
7 application by the public employer, shall reimburse the public  
8 employer for the accused officer's reasonable attorney's fees  
9 and costs. At no time and under no circumstances will the  
10 accused officer be required to pay his or her own reasonable  
11 attorney's fees or costs.

12 (m) The accused officer shall not be placed on unpaid  
13 status because of the filing or processing of the verified  
14 complaint until there is a final non-appealable order  
15 sustaining his or her guilt and his or her certification is  
16 revoked. Nothing in this Act, however, restricts the public  
17 employer from pursuing discipline against the officer in the  
18 normal course and under procedures then in place.

19 (n) The Illinois Labor Relations Board State Panel shall  
20 review the administrative law judge's recommended decision and  
21 order and determine by a majority vote whether or not there was  
22 clear and convincing evidence that the accused officer, while  
23 under oath, knowingly and willfully made false statements as to  
24 a material fact going to the offense of murder. Within 30 days  
25 of service of the administrative law judge's recommended  
26 decision and order, the parties may file exceptions to the

1 recommended decision and order and briefs in support of their  
2 exceptions with the Illinois Labor Relations Board State Panel.  
3 The parties may file responses to the exceptions and briefs in  
4 support of the responses no later than 15 days after the  
5 service of the exceptions. If exceptions are filed by any of  
6 the parties, the Illinois Labor Relations Board State Panel  
7 shall review the matter and make a finding to uphold, vacate,  
8 or modify the recommended decision and order. If the Illinois  
9 Labor Relations Board State Panel concludes that there is clear  
10 and convincing evidence that the accused officer, while under  
11 oath, knowingly and willfully made false statements as to a  
12 material fact going to an element of the offense murder, the  
13 Illinois Labor Relations Board State Panel shall inform the  
14 Illinois Law Enforcement Training Standards Board and the  
15 Illinois Law Enforcement Training Standards Board shall revoke  
16 the accused officer's certification. If the accused officer  
17 appeals that determination to the Appellate Court, as provided  
18 by this Act, he or she may petition the Appellate Court to stay  
19 the revocation of his or her certification pending the court's  
20 review of the matter.

21 (o) None of the Illinois Labor Relations Board State  
22 Panel's findings or determinations shall set any precedent in  
23 any of its decisions decided pursuant to the Illinois Public  
24 Labor Relations Act by the Illinois Labor Relations Board State  
25 Panel or the courts.

26 (p) A party aggrieved by the final order of the Illinois

1 Labor Relations Board State Panel may apply for and obtain  
2 judicial review of an order of the Illinois Labor Relations  
3 Board State Panel, in accordance with the provisions of the  
4 Administrative Review Law, except that such judicial review  
5 shall be afforded directly in the Appellate Court for the  
6 district in which the accused officer resides. Any direct  
7 appeal to the Appellate Court shall be filed within 35 days  
8 from the date that a copy of the decision sought to be reviewed  
9 was served upon the party affected by the decision.

10 (q) Interested parties. Only interested parties to the  
11 criminal prosecution in which the police officer allegedly,  
12 while under oath, knowingly and willfully made false statements  
13 as to a material fact going to an element of the offense of  
14 murder may file a verified complaint pursuant to this Section.  
15 For purposes of this Section, "interested parties" shall be  
16 limited to the defendant and any police officer who has  
17 personal knowledge that the police officer who is the subject  
18 of the complaint has, while under oath, knowingly and willfully  
19 made false statements as to a material fact going to an element  
20 of the offense of murder.

21 (r) Semi-annual reports. The Executive Director of the  
22 Illinois Labor Relations Board shall submit semi-annual  
23 reports to the Governor, President, and Minority Leader of the  
24 Senate, and to the Speaker and Minority Leader of the House of  
25 Representatives beginning on June 30, 2004, indicating:

26 (1) the number of verified complaints received since

1 the date of the last report;

2 (2) the number of investigations initiated since the  
3 date of the last report;

4 (3) the number of investigations concluded since the  
5 date of the last report;

6 (4) the number of investigations pending as of the  
7 reporting date;

8 (5) the number of hearings held since the date of the  
9 last report; and

10 (6) the number of officers decertified since the date  
11 of the last report.

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

13 Section 180. The Peace Officer Firearm Training Act is  
14 amended by changing Section 2 as follows:

15 (50 ILCS 710/2) (from Ch. 85, par. 516)

16 Sec. 2. Training course for peace officers.

17 (a) Successful completion of a 40 hour course of training  
18 in use of a suitable type firearm shall be a condition  
19 precedent to the possession and use of that respective firearm  
20 by any peace officer in this State in connection with the  
21 officer's official duties. The training must be approved by the  
22 Illinois Law Enforcement Training Standards Board ("the  
23 Board") and may be given in logical segments but must be  
24 completed within 6 months from the date of the officer's



1 initial employment. To satisfy the requirements of this Act,  
2 the training must include the following:

3 (1) Instruction in the dangers of misuse of the  
4 firearm, safety rules, and care and cleaning of the  
5 firearm.

6 (2) Practice firing on a range and qualification with  
7 the firearm in accordance with the standards established by  
8 the Board.

9 (3) Instruction in the legal use of firearms under the  
10 Criminal Code of 2012 ~~1961~~ and relevant court decisions.

11 (4) A forceful presentation of the ethical and moral  
12 considerations assumed by any person who uses a firearm.

13 (b) Any officer who successfully completes the Basic  
14 Training Course prescribed for recruits by the Board shall be  
15 presumed to have satisfied the requirements of this Act.

16 (c) The Board shall cause the training courses to be  
17 conducted twice each year within each of the Mobile Team  
18 Regions, but no training course need be held when there are no  
19 police officers requiring the training.

20 (d) (Blank).

21 (e) The Board may waive, or may conditionally waive, the 40  
22 hour course of training if, in the Board's opinion, the officer  
23 has previously successfully completed a course of similar  
24 content and duration. In cases of waiver, the officer shall  
25 demonstrate his or her knowledge and proficiency by passing the  
26 written examination on firearms and by successfully passing the

1 range qualification portion of the prescribed course of  
2 training.

3 (Source: P.A. 94-984, eff. 6-30-06.)

4 Section 185. The Uniform Peace Officers' Disciplinary Act  
5 is amended by changing Sections 2 and 5 as follows:

6 (50 ILCS 725/2) (from Ch. 85, par. 2552)

7 Sec. 2. For the purposes of this Act, unless clearly  
8 required otherwise, the terms defined in this Section have the  
9 meaning ascribed herein:

10 (a) "Officer" means any peace officer, as defined by  
11 Section 2-13 of the Criminal Code of 2012 ~~1961, as now or~~  
12 ~~hereafter amended~~, who is employed by any unit of local  
13 government or a State college or university, including  
14 supervisory and command personnel, and any pay-grade  
15 investigator for the Secretary of State as defined in Section  
16 14-110 of the Illinois Pension Code, including Secretary of  
17 State sergeants, lieutenants, commanders, and investigator  
18 trainees. The term does not include crossing guards, parking  
19 enforcement personnel, traffic wardens or employees of any  
20 State's Attorney's office.

21 (b) "Informal inquiry" means a meeting by supervisory or  
22 command personnel with an officer upon whom an allegation of  
23 misconduct has come to the attention of such supervisory or  
24 command personnel, the purpose of which meeting is to mediate a

1 citizen complaint or discuss the facts to determine whether a  
2 formal investigation should be commenced.

3 (c) "Formal investigation" means the process of  
4 investigation ordered by a commanding officer during which the  
5 questioning of an officer is intended to gather evidence of  
6 misconduct which may be the basis for filing charges seeking  
7 his or her removal, discharge or suspension in excess of 3  
8 days.

9 (d) "Interrogation" means the questioning of an officer  
10 pursuant to the formal investigation procedures of the  
11 respective State agency or local governmental unit in  
12 connection with an alleged violation of such agency's or unit's  
13 rules which may be the basis for filing charges seeking his or  
14 her suspension, removal, or discharge. The term does not  
15 include questioning (1) as part of an informal inquiry or (2)  
16 relating to minor infractions of agency rules which may be  
17 noted on the officer's record but which may not in themselves  
18 result in removal, discharge or suspension in excess of 3 days.

19 (e) "Administrative proceeding" means any non-judicial  
20 hearing which is authorized to recommend, approve or order the  
21 suspension, removal, or discharge of an officer.

22 (Source: P.A. 95-293, eff. 1-1-08.)

23 (50 ILCS 725/5) (from Ch. 85, par. 2566)

24 Sec. 5. This Act does not apply to any officer charged with  
25 violating any provisions of the Criminal Code of 1961, the

1 Criminal Code of 2012, or any other federal, State, or local  
2 criminal law.

3 (Source: P.A. 83-981.)

4 Section 190. The Firemen's Disciplinary Act is amended by  
5 changing Section 5 as follows:

6 (50 ILCS 745/5) (from Ch. 85, par. 2516)

7 Sec. 5. This Act does not apply to any fireman charged with  
8 violating any provisions of the Criminal Code of 1961, the  
9 Criminal Code of 2012, or any other federal, State, or local  
10 criminal law.

11 (Source: P.A. 83-783.)

12 Section 195. The Emergency Telephone System Act is amended  
13 by changing Sections 6 and 15.2 as follows:

14 (50 ILCS 750/6) (from Ch. 134, par. 36)

15 Sec. 6. Capabilities of system; pay telephones. All systems  
16 shall be designed to meet the specific requirements of each  
17 community and public agency served by the system. Every system,  
18 whether basic or sophisticated, shall be designed to have the  
19 capability of utilizing at least 1 of the methods specified in  
20 Sections 2.03 through 2.06, in response to emergency calls. The  
21 General Assembly finds and declares that the most critical  
22 aspect of the design of any system is the procedure established

1 for handling a telephone request for emergency services.

2 In addition, to maximize efficiency and utilization of the  
3 system, all pay telephones within each system shall, within 3  
4 years after the implementation date or by December 31, 1985,  
5 whichever is later, enable a caller to dial "9-1-1" for  
6 emergency services without the necessity of inserting a coin.  
7 This paragraph does not apply to pay telephones located in  
8 penal institutions, as defined in Section 2-14 of the Criminal  
9 Code of 2012 ~~1961~~, that have been designated for the exclusive  
10 use of committed persons.

11 (Source: P.A. 91-518, eff. 8-13-99.)

12 (50 ILCS 750/15.2) (from Ch. 134, par. 45.2)

13 Sec. 15.2. Any person calling the number "911" for the  
14 purpose of making a false alarm or complaint and reporting  
15 false information is subject to the provisions of Section 26-1  
16 of the Criminal Code of 2012 ~~1961~~.

17 (Source: P.A. 92-502, eff. 12-19-01.)

18 Section 200. The Counties Code is amended by changing  
19 Sections 3-9005, 3-9007, 4-2002, 5-1103, and 5-1117 as follows:

20 (55 ILCS 5/3-9005) (from Ch. 34, par. 3-9005)

21 Sec. 3-9005. Powers and duties of State's attorney.

22 (a) The duty of each State's attorney shall be:

23 (1) To commence and prosecute all actions, suits,

1           indictments and prosecutions, civil and criminal, in the  
2           circuit court for his county, in which the people of the  
3           State or county may be concerned.

4           (2) To prosecute all forfeited bonds and  
5           recognizances, and all actions and proceedings for the  
6           recovery of debts, revenues, moneys, fines, penalties and  
7           forfeitures accruing to the State or his county, or to any  
8           school district or road district in his county; also, to  
9           prosecute all suits in his county against railroad or  
10          transportation companies, which may be prosecuted in the  
11          name of the People of the State of Illinois.

12          (3) To commence and prosecute all actions and  
13          proceedings brought by any county officer in his official  
14          capacity.

15          (4) To defend all actions and proceedings brought  
16          against his county, or against any county or State officer,  
17          in his official capacity, within his county.

18          (5) To attend the examination of all persons brought  
19          before any judge on habeas corpus, when the prosecution is  
20          in his county.

21          (6) To attend before judges and prosecute charges of  
22          felony or misdemeanor, for which the offender is required  
23          to be recognized to appear before the circuit court, when  
24          in his power so to do.

25          (7) To give his opinion, without fee or reward, to any  
26          county officer in his county, upon any question or law

1 relating to any criminal or other matter, in which the  
2 people or the county may be concerned.

3 (8) To assist the attorney general whenever it may be  
4 necessary, and in cases of appeal from his county to the  
5 Supreme Court, to which it is the duty of the attorney  
6 general to attend, he shall furnish the attorney general at  
7 least 10 days before such is due to be filed, a manuscript  
8 of a proposed statement, brief and argument to be printed  
9 and filed on behalf of the people, prepared in accordance  
10 with the rules of the Supreme Court. However, if such  
11 brief, argument or other document is due to be filed by law  
12 or order of court within this 10 day period, then the  
13 State's attorney shall furnish such as soon as may be  
14 reasonable.

15 (9) To pay all moneys received by him in trust, without  
16 delay, to the officer who by law is entitled to the custody  
17 thereof.

18 (10) To notify, by first class mail, complaining  
19 witnesses of the ultimate disposition of the cases arising  
20 from an indictment or an information.

21 (11) To perform such other and further duties as may,  
22 from time to time, be enjoined on him by law.

23 (12) To appear in all proceedings by collectors of  
24 taxes against delinquent taxpayers for judgments to sell  
25 real estate, and see that all the necessary preliminary  
26 steps have been legally taken to make the judgment legal

1 and binding.

2 (13) To notify, by first-class mail, the State  
3 Superintendent of Education, the applicable regional  
4 superintendent of schools, and the superintendent of the  
5 employing school district or the chief school  
6 administrator of the employing nonpublic school, if any,  
7 upon the conviction of any individual known to possess a  
8 certificate or license issued pursuant to Article 21 or  
9 21B, respectively, of the School Code of any offense set  
10 forth in Section 21B-80 of the School Code or any other  
11 felony conviction, providing the name of the certificate  
12 holder, the fact of the conviction, and the name and  
13 location of the court where the conviction occurred. The  
14 certificate holder must also be contemporaneously sent a  
15 copy of the notice.

16 (b) The State's Attorney of each county shall have  
17 authority to appoint one or more special investigators to serve  
18 subpoenas, make return of process and conduct investigations  
19 which assist the State's Attorney in the performance of his  
20 duties. A special investigator shall not carry firearms except  
21 with permission of the State's Attorney and only while carrying  
22 appropriate identification indicating his employment and in  
23 the performance of his assigned duties.

24 Subject to the qualifications set forth in this subsection,  
25 special investigators shall be peace officers and shall have  
26 all the powers possessed by investigators under the State's



1 Attorneys Appellate Prosecutor's Act.

2 No special investigator employed by the State's Attorney  
3 shall have peace officer status or exercise police powers  
4 unless he or she successfully completes the basic police  
5 training course mandated and approved by the Illinois Law  
6 Enforcement Training Standards Board or such board waives the  
7 training requirement by reason of the special investigator's  
8 prior law enforcement experience or training or both. Any  
9 State's Attorney appointing a special investigator shall  
10 consult with all affected local police agencies, to the extent  
11 consistent with the public interest, if the special  
12 investigator is assigned to areas within that agency's  
13 jurisdiction.

14 Before a person is appointed as a special investigator, his  
15 fingerprints shall be taken and transmitted to the Department  
16 of State Police. The Department shall examine its records and  
17 submit to the State's Attorney of the county in which the  
18 investigator seeks appointment any conviction information  
19 concerning the person on file with the Department. No person  
20 shall be appointed as a special investigator if he has been  
21 convicted of a felony or other offense involving moral  
22 turpitude. A special investigator shall be paid a salary and be  
23 reimbursed for actual expenses incurred in performing his  
24 assigned duties. The county board shall approve the salary and  
25 actual expenses and appropriate the salary and expenses in the  
26 manner prescribed by law or ordinance.

1           (c) The State's Attorney may request and receive from  
2 employers, labor unions, telephone companies, and utility  
3 companies location information concerning putative fathers and  
4 noncustodial parents for the purpose of establishing a child's  
5 paternity or establishing, enforcing, or modifying a child  
6 support obligation. In this subsection, "location information"  
7 means information about (i) the physical whereabouts of a  
8 putative father or noncustodial parent, (ii) the putative  
9 father or noncustodial parent's employer, or (iii) the salary,  
10 wages, and other compensation paid and the health insurance  
11 coverage provided to the putative father or noncustodial parent  
12 by the employer of the putative father or noncustodial parent  
13 or by a labor union of which the putative father or  
14 noncustodial parent is a member.

15           (d) For each State fiscal year, the State's Attorney of  
16 Cook County shall appear before the General Assembly and  
17 request appropriations to be made from the Capital Litigation  
18 Trust Fund to the State Treasurer for the purpose of providing  
19 assistance in the prosecution of capital cases in Cook County  
20 and for the purpose of providing assistance to the State in  
21 post-conviction proceedings in capital cases under Article 122  
22 of the Code of Criminal Procedure of 1963 and in relation to  
23 petitions filed under Section 2-1401 of the Code of Civil  
24 Procedure in relation to capital cases. The State's Attorney  
25 may appear before the General Assembly at other times during  
26 the State's fiscal year to request supplemental appropriations

1 from the Trust Fund to the State Treasurer.

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

17 (Source: P.A. 96-431, eff. 8-13-09; 96-1551, eff. 7-1-11;  
18 97-607, eff. 8-26-11.)

19 (55 ILCS 5/3-9007) (from Ch. 34, par. 3-9007)

20 Sec. 3-9007. Home rule unit liquor tax ordinance;  
21 prosecutions. Where any county, municipality or other unit of  
22 local government has adopted any ordinance or other regulation  
23 imposing a tax upon the privilege of engaging in business as a  
24 manufacturer, importing distributor, retailer or distributor  
25 of beer, alcohol or other spirits, pursuant to its home rule

1 powers under Article VII, Section 6 of the Constitution of the  
2 State of Illinois, nothing shall prohibit a State's attorney  
3 from prosecuting any offense under the Criminal Code of 1961 or  
4 the Criminal Code of 2012 which may also constitute a violation  
5 of the applicable ordinance or regulation.

6 (Source: P.A. 86-962.)

7 (55 ILCS 5/4-2002) (from Ch. 34, par. 4-2002)

8 Sec. 4-2002. State's attorney fees in counties under  
9 3,000,000 population. This Section applies only to counties  
10 with fewer than 3,000,000 inhabitants.

11 (a) State's attorneys shall be entitled to the following  
12 fees, however, the fee requirement of this subsection does not  
13 apply to county boards:

14 For each conviction in prosecutions on indictments for  
15 first degree murder, second degree murder, involuntary  
16 manslaughter, criminal sexual assault, aggravated criminal  
17 sexual assault, aggravated criminal sexual abuse, kidnapping,  
18 arson and forgery, \$30. All other cases punishable by  
19 imprisonment in the penitentiary, \$30.

20 For each conviction in other cases tried before judges of  
21 the circuit court, \$15; except that if the conviction is in a  
22 case which may be assigned to an associate judge, whether or  
23 not it is in fact assigned to an associate judge, the fee shall  
24 be \$10.

25 For preliminary examinations for each defendant held to

1 bail or recognizance, \$10.

2 For each examination of a party bound over to keep the  
3 peace, \$10.

4 For each defendant held to answer in a circuit court on a  
5 charge of paternity, \$10.

6 For each trial on a charge of paternity, \$30.

7 For each case of appeal taken from his county or from the  
8 county to which a change of venue is taken to his county to the  
9 Supreme or Appellate Court when prosecuted or defended by him,  
10 \$50.

11 For each day actually employed in the trial of a case, \$25;  
12 in which case the court before whom the case is tried shall  
13 make an order specifying the number of days for which a per  
14 diem shall be allowed.

15 For each day actually employed in the trial of cases of  
16 felony arising in their respective counties and taken by change  
17 of venue to another county, \$25; and the court before whom the  
18 case is tried shall make an order specifying the number of days  
19 for which said per diem shall be allowed; and it is hereby made  
20 the duty of each State's attorney to prepare and try each case  
21 of felony arising when so taken by change of venue.

22 For assisting in a trial of each case on an indictment for  
23 felony brought by change of venue to their respective counties,  
24 the same fees they would be entitled to if such indictment had  
25 been found for an offense committed in his county, and it shall  
26 be the duty of the State's attorney of the county to which such

1 cause is taken by change of venue to assist in the trial  
2 thereof.

3 For each case of forfeited recognizance where the  
4 forfeiture is set aside at the instance of the defense, in  
5 addition to the ordinary costs, \$10 for each defendant.

6 For each proceeding in a circuit court to inquire into the  
7 alleged mental illness of any person, \$10 for each defendant.

8 For each proceeding in a circuit court to inquire into the  
9 alleged dependency or delinquency of any child, \$10.

10 For each day actually employed in the hearing of a case of  
11 habeas corpus in which the people are interested, \$25.

12 For each violation of the Criminal Code of 1961 or the  
13 Criminal Code of 2012 and the Illinois Vehicle Code in which a  
14 defendant has entered a plea of guilty or a defendant has  
15 stipulated to the facts supporting the charge or a finding of  
16 guilt and the court has entered an order of supervision, \$10.

17 State's attorneys shall be entitled to a \$2 fee to be paid  
18 by the defendant on a judgment of guilty or a grant of  
19 supervision for a violation of any provision of the Illinois  
20 Vehicle Code or any felony, misdemeanor, or petty offense to  
21 discharge the expenses of the State's Attorney's office for  
22 establishing and maintaining automated record keeping systems.  
23 The fee shall be remitted monthly to the county treasurer, to  
24 be deposited by him or her into a special fund designated as  
25 the State's Attorney Records Automation Fund. Expenditures  
26 from this fund may be made by the State's Attorney for

1 hardware, software, research, and development costs and  
2 personnel related thereto.

3 All the foregoing fees shall be taxed as costs to be  
4 collected from the defendant, if possible, upon conviction. But  
5 in cases of inquiry into the mental illness of any person  
6 alleged to be mentally ill, in cases on a charge of paternity  
7 and in cases of appeal in the Supreme or Appellate Court, where  
8 judgment is in favor of the accused, the fees allowed the  
9 State's attorney therein shall be retained out of the fines and  
10 forfeitures collected by them in other cases.

11 Ten per cent of all moneys except revenue, collected by  
12 them and paid over to the authorities entitled thereto, which  
13 per cent together with the fees provided for herein that are  
14 not collected from the parties tried or examined, shall be paid  
15 out of any fines and forfeited recognizances collected by them,  
16 provided however, that in proceedings to foreclose the lien of  
17 delinquent real estate taxes State's attorneys shall receive a  
18 fee, to be credited to the earnings of their office, of 10% of  
19 the total amount realized from the sale of real estate sold in  
20 such proceedings. Such fees shall be paid from the total amount  
21 realized from the sale of the real estate sold in such  
22 proceedings.

23 State's attorneys shall have a lien for their fees on all  
24 judgments for fines or forfeitures procured by them and on  
25 moneys except revenue received by them until such fees and  
26 earnings are fully paid.

1           No fees shall be charged on more than 10 counts in any one  
2 indictment or information on trial and conviction; nor on more  
3 than 10 counts against any one defendant on pleas of guilty.

4           The Circuit Court may direct that of all monies received,  
5 by restitution or otherwise, which monies are ordered paid to  
6 the Department of Healthcare and Family Services (formerly  
7 Department of Public Aid) or the Department of Human Services  
8 (acting as successor to the Department of Public Aid under the  
9 Department of Human Services Act) as a direct result of the  
10 efforts of the State's attorney and which payments arise from  
11 Civil or Criminal prosecutions involving the Illinois Public  
12 Aid Code or the Criminal Code, the following amounts shall be  
13 paid quarterly by the Department of Healthcare and Family  
14 Services or the Department of Human Services to the General  
15 Corporate Fund of the County in which the prosecution or cause  
16 of action took place:

17           (1) where the monies result from child support  
18 obligations, not more than 25% of the federal share of the  
19 monies received,

20           (2) where the monies result from other than child  
21 support obligations, not more than 25% of the State's share  
22 of the monies received.

23           In addition to any other amounts to which State's Attorneys  
24 are entitled under this Section, State's Attorneys are entitled  
25 to \$10 of the fine that is imposed under Section 5-9-1.17 of  
26 the Unified Code of Corrections, as set forth in that Section.



1           (b) A municipality shall be entitled to a \$25 prosecution  
2 fee for each conviction for a violation of the Illinois Vehicle  
3 Code prosecuted by the municipal attorney pursuant to Section  
4 16-102 of that Code which results in a finding of guilt before  
5 a circuit or associate judge or in which a defendant has  
6 stipulated to the facts supporting the charge or a finding of  
7 guilt and the court has entered an order of supervision and  
8 shall be entitled to a \$25 prosecution fee for each conviction  
9 for a violation of a municipal vehicle ordinance or nontraffic  
10 ordinance which results in a finding of guilt before a circuit  
11 or associate judge or in which a defendant has stipulated to  
12 the facts supporting the charge or a finding of guilt and the  
13 court has entered an order of supervision. Such fee shall be  
14 taxed as costs to be collected from the defendant, if possible,  
15 upon disposition of the case. A municipality shall have a lien  
16 for such prosecution fees on all judgments or fines procured by  
17 the municipal attorney from prosecutions for violations of the  
18 Illinois Vehicle Code and municipal vehicle ordinances or  
19 nontraffic ordinances.

20           For the purposes of this subsection (b), "municipal vehicle  
21 ordinance" means any ordinance enacted pursuant to Sections  
22 11-40-1, 11-40-2, 11-40-2a and 11-40-3 of the Illinois  
23 Municipal Code or any ordinance enacted by a municipality which  
24 is similar to a provision of Chapter 11 of the Illinois Vehicle  
25 Code.

26           (Source: P.A. 96-707, eff. 1-1-10; 96-1186, eff. 7-22-10;

1 97-331, eff. 8-12-11; 97-673, eff. 6-1-12; revised 10-16-12.)

2 (55 ILCS 5/5-1103) (from Ch. 34, par. 5-1103)

3 Sec. 5-1103. Court services fee. A county board may enact  
4 by ordinance or resolution a court services fee dedicated to  
5 defraying court security expenses incurred by the sheriff in  
6 providing court services or for any other court services deemed  
7 necessary by the sheriff to provide for court security,  
8 including without limitation court services provided pursuant  
9 to Section 3-6023, as now or hereafter amended. Such fee shall  
10 be paid in civil cases by each party at the time of filing the  
11 first pleading, paper or other appearance; provided that no  
12 additional fee shall be required if more than one party is  
13 represented in a single pleading, paper or other appearance. In  
14 criminal, local ordinance, county ordinance, traffic and  
15 conservation cases, such fee shall be assessed against the  
16 defendant upon a plea of guilty, stipulation of facts or  
17 findings of guilty, resulting in a judgment of conviction, or  
18 order of supervision, or sentence of probation without entry of  
19 judgment pursuant to Section 10 of the Cannabis Control Act,  
20 Section 410 of the Illinois Controlled Substances Act, Section  
21 70 of the Methamphetamine Control and Community Protection Act,  
22 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 of the  
23 Criminal Code of 1961 or the Criminal Code of 2012, Section  
24 10-102 of the Illinois Alcoholism and Other Drug Dependency  
25 Act, Section 40-10 of the Alcoholism and Other Drug Abuse and

1 Dependency Act, or Section 10 of the Steroid Control Act. In  
2 setting such fee, the county board may impose, with the  
3 concurrence of the Chief Judge of the judicial circuit in which  
4 the county is located by administrative order entered by the  
5 Chief Judge, differential rates for the various types or  
6 categories of criminal and civil cases, but the maximum rate  
7 shall not exceed \$25. All proceeds from this fee must be used  
8 to defray court security expenses incurred by the sheriff in  
9 providing court services. No fee shall be imposed or collected,  
10 however, in traffic, conservation, and ordinance cases in which  
11 fines are paid without a court appearance. The fees shall be  
12 collected in the manner in which all other court fees or costs  
13 are collected and shall be deposited into the county general  
14 fund for payment solely of costs incurred by the sheriff in  
15 providing court security or for any other court services deemed  
16 necessary by the sheriff to provide for court security.

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

18 (55 ILCS 5/5-1117) (from Ch. 34, par. 5-1117)

19 Sec. 5-1117. Discharge of firearms.

20 (a) The county board of any county may, by ordinance,  
21 regulate or prohibit within unincorporated areas the discharge  
22 of firearms in any residential area where such discharge is  
23 likely to subject residents or passersby to the risk of injury.  
24 However, such an ordinance shall not limit the right to  
25 discharge a firearm for the lawful defense of persons or

1 property, or in the course of making a lawful arrest, when such  
2 use of force is justified under Article 7 of the Criminal Code  
3 of 2012 ~~1961~~.

4 (b) For the purposes of this Section, a "residential area"  
5 is any area within 300 yards of at least 3 single or  
6 multi-family residential structures.

7 (Source: P.A. 87-580.)

8 Section 205. The Illinois Municipal Code is amended by  
9 changing Sections 10-1-7, 10-1-7.1, 10-2.1-6, and 10-2.1-6.3  
10 as follows:

11 (65 ILCS 5/10-1-7) (from Ch. 24, par. 10-1-7)

12 Sec. 10-1-7. Examination of applicants; disqualifications.

13 (a) All applicants for offices or places in the classified  
14 service, except those mentioned in Section 10-1-17, are subject  
15 to examination. The examination shall be public, competitive,  
16 and open to all citizens of the United States, with specified  
17 limitations as to residence, age, health, habits and moral  
18 character.

19 (b) Residency requirements in effect at the time an  
20 individual enters the fire or police service of a municipality  
21 (other than a municipality that has more than 1,000,000  
22 inhabitants) cannot be made more restrictive for that  
23 individual during his or her period of service for that  
24 municipality, or be made a condition of promotion, except for

1 the rank or position of Fire or Police Chief.

2 (c) No person with a record of misdemeanor convictions  
3 except those under Sections 11-1.50, 11-6, 11-7, 11-9, 11-14,  
4 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2, 12-6, 12-15,  
5 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6,  
6 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8, subdivisions (a) (1) and  
7 (a) (2) (C) of Section 11-14.3, and subsections (1), (6) and (8)  
8 of Section 24-1 of the Criminal Code of 1961 or the Criminal  
9 Code of 2012 or arrested for any cause but not convicted on  
10 that cause shall be disqualified from taking the examination on  
11 grounds of habits or moral character, unless the person is  
12 attempting to qualify for a position on the police department,  
13 in which case the conviction or arrest may be considered as a  
14 factor in determining the person's habits or moral character.

15 (d) Persons entitled to military preference under Section  
16 10-1-16 shall not be subject to limitations specifying age  
17 unless they are applicants for a position as a fireman or a  
18 policeman having no previous employment status as a fireman or  
19 policeman in the regularly constituted fire or police  
20 department of the municipality, in which case they must not  
21 have attained their 35th birthday, except any person who has  
22 served as an auxiliary police officer under Section 3.1-30-20  
23 for at least 5 years and is under 40 years of age.

24 (e) All employees of a municipality of less than 500,000  
25 population (except those who would be excluded from the  
26 classified service as provided in this Division 1) who are

1 holding that employment as of the date a municipality adopts  
2 this Division 1, or as of July 17, 1959, whichever date is the  
3 later, and who have held that employment for at least 2 years  
4 immediately before that later date, and all firemen and  
5 policemen regardless of length of service who were either  
6 appointed to their respective positions by the board of fire  
7 and police commissioners under the provisions of Division 2 of  
8 this Article or who are serving in a position (except as a  
9 temporary employee) in the fire or police department in the  
10 municipality on the date a municipality adopts this Division 1,  
11 or as of July 17, 1959, whichever date is the later, shall  
12 become members of the classified civil service of the  
13 municipality without examination.

14 (f) The examinations shall be practical in their character,  
15 and shall relate to those matters that will fairly test the  
16 relative capacity of the persons examined to discharge the  
17 duties of the positions to which they seek to be appointed. The  
18 examinations shall include tests of physical qualifications,  
19 health, and (when appropriate) manual skill. If an applicant is  
20 unable to pass the physical examination solely as the result of  
21 an injury received by the applicant as the result of the  
22 performance of an act of duty while working as a temporary  
23 employee in the position for which he or she is being examined,  
24 however, the physical examination shall be waived and the  
25 applicant shall be considered to have passed the examination.  
26 No questions in any examination shall relate to political or

1 religious opinions or affiliations. Results of examinations  
2 and the eligible registers prepared from the results shall be  
3 published by the commission within 60 days after any  
4 examinations are held.

5 (g) The commission shall control all examinations, and may,  
6 whenever an examination is to take place, designate a suitable  
7 number of persons, either in or not in the official service of  
8 the municipality, to be examiners. The examiners shall conduct  
9 the examinations as directed by the commission and shall make a  
10 return or report of the examinations to the commission. If the  
11 appointed examiners are in the official service of the  
12 municipality, the examiners shall not receive extra  
13 compensation for conducting the examinations unless the  
14 examiners are subject to a collective bargaining agreement with  
15 the municipality. The commission may at any time substitute any  
16 other person, whether or not in the service of the  
17 municipality, in the place of any one selected as an examiner.  
18 The commission members may themselves at any time act as  
19 examiners without appointing examiners. The examiners at any  
20 examination shall not all be members of the same political  
21 party.

22 (h) In municipalities of 500,000 or more population, no  
23 person who has attained his or her 35th birthday shall be  
24 eligible to take an examination for a position as a fireman or  
25 a policeman unless the person has had previous employment  
26 status as a policeman or fireman in the regularly constituted

1 police or fire department of the municipality, except as  
2 provided in this Section.

3 (i) In municipalities of more than 5,000 but not more than  
4 200,000 inhabitants, no person who has attained his or her 35th  
5 birthday shall be eligible to take an examination for a  
6 position as a fireman or a policeman unless the person has had  
7 previous employment status as a policeman or fireman in the  
8 regularly constituted police or fire department of the  
9 municipality, except as provided in this Section.

10 (j) In all municipalities, applicants who are 20 years of  
11 age and who have successfully completed 2 years of law  
12 enforcement studies at an accredited college or university may  
13 be considered for appointment to active duty with the police  
14 department. An applicant described in this subsection (j) who  
15 is appointed to active duty shall not have power of arrest, nor  
16 shall the applicant be permitted to carry firearms, until he or  
17 she reaches 21 years of age.

18 (k) In municipalities of more than 500,000 population,  
19 applications for examination for and appointment to positions  
20 as firefighters or police shall be made available at various  
21 branches of the public library of the municipality.

22 (l) No municipality having a population less than 1,000,000  
23 shall require that any fireman appointed to the lowest rank  
24 serve a probationary employment period of longer than one year.  
25 The limitation on periods of probationary employment provided  
26 in this amendatory Act of 1989 is an exclusive power and



1 function of the State. Pursuant to subsection (h) of Section 6  
2 of Article VII of the Illinois Constitution, a home rule  
3 municipality having a population less than 1,000,000 must  
4 comply with this limitation on periods of probationary  
5 employment, which is a denial and limitation of home rule  
6 powers. Notwithstanding anything to the contrary in this  
7 Section, the probationary employment period limitation may be  
8 extended for a firefighter who is required, as a condition of  
9 employment, to be a certified paramedic, during which time the  
10 sole reason that a firefighter may be discharged without a  
11 hearing is for failing to meet the requirements for paramedic  
12 certification.

13 (m) To the extent that this Section or any other Section in  
14 this Division conflicts with Section 10-1-7.1 or 10-1-7.2, then  
15 Section 10-1-7.1 or 10-1-7.2 shall control.

16 (Source: P.A. 96-1551, eff. 7-1-11; 97-251, eff. 8-4-11;  
17 97-898, eff. 8-6-12; 97-1109, eff. 1-1-13.)

18 (65 ILCS 5/10-1-7.1)

19 Sec. 10-1-7.1. Original appointments; full-time fire  
20 department.

21 (a) Applicability. Unless a commission elects to follow the  
22 provisions of Section 10-1-7.2, this Section shall apply to all  
23 original appointments to an affected full-time fire  
24 department. Existing registers of eligibles shall continue to  
25 be valid until their expiration dates, or up to a maximum of 2

1 years after the effective date of this amendatory Act of the  
2 97th General Assembly.

3 Notwithstanding any statute, ordinance, rule, or other law  
4 to the contrary, all original appointments to an affected  
5 department to which this Section applies shall be administered  
6 in the manner provided for in this Section. Provisions of the  
7 Illinois Municipal Code, municipal ordinances, and rules  
8 adopted pursuant to such authority and other laws relating to  
9 initial hiring of firefighters in affected departments shall  
10 continue to apply to the extent they are compatible with this  
11 Section, but in the event of a conflict between this Section  
12 and any other law, this Section shall control.

13 A home rule or non-home rule municipality may not  
14 administer its fire department process for original  
15 appointments in a manner that is less stringent than this  
16 Section. This Section is a limitation under subsection (i) of  
17 Section 6 of Article VII of the Illinois Constitution on the  
18 concurrent exercise by home rule units of the powers and  
19 functions exercised by the State.

20 A municipality that is operating under a court order or  
21 consent decree regarding original appointments to a full-time  
22 fire department before the effective date of this amendatory  
23 Act of the 97th General Assembly is exempt from the  
24 requirements of this Section for the duration of the court  
25 order or consent decree.

26 Notwithstanding any other provision of this subsection

1 (a), this Section does not apply to a municipality with more  
2 than 1,000,000 inhabitants.

3 (b) Original appointments. All original appointments made  
4 to an affected fire department shall be made from a register of  
5 eligibles established in accordance with the processes  
6 established by this Section. Only persons who meet or exceed  
7 the performance standards required by this Section shall be  
8 placed on a register of eligibles for original appointment to  
9 an affected fire department.

10 Whenever an appointing authority authorizes action to hire  
11 a person to perform the duties of a firefighter or to hire a  
12 firefighter-paramedic to fill a position that is a new position  
13 or vacancy due to resignation, discharge, promotion, death, the  
14 granting of a disability or retirement pension, or any other  
15 cause, the appointing authority shall appoint to that position  
16 the person with the highest ranking on the final eligibility  
17 list. If the appointing authority has reason to conclude that  
18 the highest ranked person fails to meet the minimum standards  
19 for the position or if the appointing authority believes an  
20 alternate candidate would better serve the needs of the  
21 department, then the appointing authority has the right to pass  
22 over the highest ranked person and appoint either: (i) any  
23 person who has a ranking in the top 5% of the register of  
24 eligibles or (ii) any person who is among the top 5 highest  
25 ranked persons on the list of eligibles if the number of people  
26 who have a ranking in the top 5% of the register of eligibles

1 is less than 5 people.

2 Any candidate may pass on an appointment once without  
3 losing his or her position on the register of eligibles. Any  
4 candidate who passes a second time may be removed from the list  
5 by the appointing authority provided that such action shall not  
6 prejudice a person's opportunities to participate in future  
7 examinations, including an examination held during the time a  
8 candidate is already on the municipality's register of  
9 eligibles.

10 The sole authority to issue certificates of appointment  
11 shall be vested in the Civil Service Commission. All  
12 certificates of appointment issued to any officer or member of  
13 an affected department shall be signed by the chairperson and  
14 secretary, respectively, of the commission upon appointment of  
15 such officer or member to the affected department by the  
16 commission. Each person who accepts a certificate of  
17 appointment and successfully completes his or her probationary  
18 period shall be enrolled as a firefighter and as a regular  
19 member of the fire department.

20 For the purposes of this Section, "firefighter" means any  
21 person who has been prior to, on, or after the effective date  
22 of this amendatory Act of the 97th General Assembly appointed  
23 to a fire department or fire protection district or employed by  
24 a State university and sworn or commissioned to perform  
25 firefighter duties or paramedic duties, or both, except that  
26 the following persons are not included: part-time

1 firefighters; auxiliary, reserve, or voluntary firefighters,  
2 including paid-on-call firefighters; clerks and dispatchers or  
3 other civilian employees of a fire department or fire  
4 protection district who are not routinely expected to perform  
5 firefighter duties; and elected officials.

6 (c) Qualification for placement on register of eligibles.  
7 The purpose of establishing a register of eligibles is to  
8 identify applicants who possess and demonstrate the mental  
9 aptitude and physical ability to perform the duties required of  
10 members of the fire department in order to provide the highest  
11 quality of service to the public. To this end, all applicants  
12 for original appointment to an affected fire department shall  
13 be subject to examination and testing which shall be public,  
14 competitive, and open to all applicants unless the municipality  
15 shall by ordinance limit applicants to residents of the  
16 municipality, county or counties in which the municipality is  
17 located, State, or nation. Municipalities may establish  
18 educational, emergency medical service licensure, and other  
19 pre-requisites for participation in an examination or for hire  
20 as a firefighter. Any municipality may charge a fee to cover  
21 the costs of the application process.

22 Residency requirements in effect at the time an individual  
23 enters the fire service of a municipality cannot be made more  
24 restrictive for that individual during his or her period of  
25 service for that municipality, or be made a condition of  
26 promotion, except for the rank or position of fire chief and

1 for no more than 2 positions that rank immediately below that  
2 of the chief rank which are appointed positions pursuant to the  
3 Fire Department Promotion Act.

4 No person who is 35 years of age or older shall be eligible  
5 to take an examination for a position as a firefighter unless  
6 the person has had previous employment status as a firefighter  
7 in the regularly constituted fire department of the  
8 municipality, except as provided in this Section. The age  
9 limitation does not apply to:

10 (1) any person previously employed as a full-time  
11 firefighter in a regularly constituted fire department of  
12 (i) any municipality or fire protection district located in  
13 Illinois, (ii) a fire protection district whose  
14 obligations were assumed by a municipality under Section 21  
15 of the Fire Protection District Act, or (iii) a  
16 municipality whose obligations were taken over by a fire  
17 protection district, or

18 (2) any person who has served a municipality as a  
19 regularly enrolled volunteer, paid-on-call, or part-time  
20 firefighter for the 5 years immediately preceding the time  
21 that the municipality begins to use full-time firefighters  
22 to provide all or part of its fire protection service.

23 No person who is under 21 years of age shall be eligible  
24 for employment as a firefighter.

25 No applicant shall be examined concerning his or her  
26 political or religious opinions or affiliations. The

1 examinations shall be conducted by the commissioners of the  
2 municipality or their designees and agents.

3 No municipality shall require that any firefighter  
4 appointed to the lowest rank serve a probationary employment  
5 period of longer than one year of actual active employment,  
6 which may exclude periods of training, or injury or illness  
7 leaves, including duty related leave, in excess of 30 calendar  
8 days. Notwithstanding anything to the contrary in this Section,  
9 the probationary employment period limitation may be extended  
10 for a firefighter who is required, as a condition of  
11 employment, to be a certified paramedic, during which time the  
12 sole reason that a firefighter may be discharged without a  
13 hearing is for failing to meet the requirements for paramedic  
14 certification.

15 In the event that any applicant who has been found eligible  
16 for appointment and whose name has been placed upon the final  
17 eligibility register provided for in this Division 1 has not  
18 been appointed to a firefighter position within one year after  
19 the date of his or her physical ability examination, the  
20 commission may cause a second examination to be made of that  
21 applicant's physical ability prior to his or her appointment.  
22 If, after the second examination, the physical ability of the  
23 applicant shall be found to be less than the minimum standard  
24 fixed by the rules of the commission, the applicant shall not  
25 be appointed. The applicant's name may be retained upon the  
26 register of candidates eligible for appointment and when next

1 reached for certification and appointment that applicant may be  
2 again examined as provided in this Section, and if the physical  
3 ability of that applicant is found to be less than the minimum  
4 standard fixed by the rules of the commission, the applicant  
5 shall not be appointed, and the name of the applicant shall be  
6 removed from the register.

7 (d) Notice, examination, and testing components. Notice of  
8 the time, place, general scope, merit criteria for any  
9 subjective component, and fee of every examination shall be  
10 given by the commission, by a publication at least 2 weeks  
11 preceding the examination: (i) in one or more newspapers  
12 published in the municipality, or if no newspaper is published  
13 therein, then in one or more newspapers with a general  
14 circulation within the municipality, or (ii) on the  
15 municipality's Internet website. Additional notice of the  
16 examination may be given as the commission shall prescribe.

17 The examination and qualifying standards for employment of  
18 firefighters shall be based on: mental aptitude, physical  
19 ability, preferences, moral character, and health. The mental  
20 aptitude, physical ability, and preference components shall  
21 determine an applicant's qualification for and placement on the  
22 final register of eligibles. The examination may also include a  
23 subjective component based on merit criteria as determined by  
24 the commission. Scores from the examination must be made  
25 available to the public.

26 (e) Mental aptitude. No person who does not possess at



1 least a high school diploma or an equivalent high school  
2 education shall be placed on a register of eligibles.  
3 Examination of an applicant's mental aptitude shall be based  
4 upon a written examination. The examination shall be practical  
5 in character and relate to those matters that fairly test the  
6 capacity of the persons examined to discharge the duties  
7 performed by members of a fire department. Written examinations  
8 shall be administered in a manner that ensures the security and  
9 accuracy of the scores achieved.

10 (f) Physical ability. All candidates shall be required to  
11 undergo an examination of their physical ability to perform the  
12 essential functions included in the duties they may be called  
13 upon to perform as a member of a fire department. For the  
14 purposes of this Section, essential functions of the job are  
15 functions associated with duties that a firefighter may be  
16 called upon to perform in response to emergency calls. The  
17 frequency of the occurrence of those duties as part of the fire  
18 department's regular routine shall not be a controlling factor  
19 in the design of examination criteria or evolutions selected  
20 for testing. These physical examinations shall be open,  
21 competitive, and based on industry standards designed to test  
22 each applicant's physical abilities in the following  
23 dimensions:

24 (1) Muscular strength to perform tasks and evolutions  
25 that may be required in the performance of duties including  
26 grip strength, leg strength, and arm strength. Tests shall

1 be conducted under anaerobic as well as aerobic conditions  
2 to test both the candidate's speed and endurance in  
3 performing tasks and evolutions. Tasks tested may be based  
4 on standards developed, or approved, by the local  
5 appointing authority.

6 (2) The ability to climb ladders, operate from heights,  
7 walk or crawl in the dark along narrow and uneven surfaces,  
8 and operate in proximity to hazardous environments.

9 (3) The ability to carry out critical, time-sensitive,  
10 and complex problem solving during physical exertion in  
11 stressful and hazardous environments. The testing  
12 environment may be hot and dark with tightly enclosed  
13 spaces, flashing lights, sirens, and other distractions.

14 The tests utilized to measure each applicant's  
15 capabilities in each of these dimensions may be tests based on  
16 industry standards currently in use or equivalent tests  
17 approved by the Joint Labor-Management Committee of the Office  
18 of the State Fire Marshal.

19 Physical ability examinations administered under this  
20 Section shall be conducted with a reasonable number of proctors  
21 and monitors, open to the public, and subject to reasonable  
22 regulations of the commission.

23 (g) Scoring of examination components. Appointing  
24 authorities may create a preliminary eligibility register. A  
25 person shall be placed on the list based upon his or her  
26 passage of the written examination or the passage of the

1 written examination and the physical ability component.  
2 Passage of the written examination means a score that is at or  
3 above the median score for all applicants participating in the  
4 written test. The appointing authority may conduct the physical  
5 ability component and any subjective components subsequent to  
6 the posting of the preliminary eligibility register.

7 The examination components for an initial eligibility  
8 register shall be graded on a 100-point scale. A person's  
9 position on the list shall be determined by the following: (i)  
10 the person's score on the written examination, (ii) the person  
11 successfully passing the physical ability component, and (iii)  
12 the person's results on any subjective component as described  
13 in subsection (d).

14 In order to qualify for placement on the final eligibility  
15 register, an applicant's score on the written examination,  
16 before any applicable preference points or subjective points  
17 are applied, shall be at or above the median score. The local  
18 appointing authority may prescribe the score to qualify for  
19 placement on the final eligibility register, but the score  
20 shall not be less than the median score.

21 The commission shall prepare and keep a register of persons  
22 whose total score is not less than the minimum fixed by this  
23 Section and who have passed the physical ability examination.  
24 These persons shall take rank upon the register as candidates  
25 in the order of their relative excellence based on the highest  
26 to the lowest total points scored on the mental aptitude,

1 subjective component, and preference components of the test  
2 administered in accordance with this Section. No more than 60  
3 days after each examination, an initial eligibility list shall  
4 be posted by the commission. The list shall include the final  
5 grades of the candidates without reference to priority of the  
6 time of examination and subject to claim for preference credit.

7 Commissions may conduct additional examinations, including  
8 without limitation a polygraph test, after a final eligibility  
9 register is established and before it expires with the  
10 candidates ranked by total score without regard to date of  
11 examination. No more than 60 days after each examination, an  
12 initial eligibility list shall be posted by the commission  
13 showing the final grades of the candidates without reference to  
14 priority of time of examination and subject to claim for  
15 preference credit.

16 (h) Preferences. The following are preferences:

17 (1) Veteran preference. Persons who were engaged in the  
18 military service of the United States for a period of at  
19 least one year of active duty and who were honorably  
20 discharged therefrom, or who are now or have been members  
21 on inactive or reserve duty in such military or naval  
22 service, shall be preferred for appointment to and  
23 employment with the fire department of an affected  
24 department.

25 (2) Fire cadet preference. Persons who have  
26 successfully completed 2 years of study in fire techniques

1 or cadet training within a cadet program established under  
2 the rules of the Joint Labor and Management Committee  
3 (JLMC), as defined in Section 50 of the Fire Department  
4 Promotion Act, may be preferred for appointment to and  
5 employment with the fire department.

6 (3) Educational preference. Persons who have  
7 successfully obtained an associate's degree in the field of  
8 fire service or emergency medical services, or a bachelor's  
9 degree from an accredited college or university may be  
10 preferred for appointment to and employment with the fire  
11 department.

12 (4) Paramedic preference. Persons who have obtained  
13 certification as an Emergency Medical Technician-Paramedic  
14 (EMT-P) may be preferred for appointment to and employment  
15 with the fire department of an affected department  
16 providing emergency medical services.

17 (5) Experience preference. All persons employed by a  
18 municipality who have been paid-on-call or part-time  
19 certified Firefighter II, certified Firefighter III, State  
20 of Illinois or nationally licensed EMT-B or EMT-I, licensed  
21 paramedic, or any combination of those capacities may be  
22 awarded up to a maximum of 5 points. However, the applicant  
23 may not be awarded more than 0.5 points for each complete  
24 year of paid-on-call or part-time service. Applicants from  
25 outside the municipality who were employed as full-time  
26 firefighters or firefighter-paramedics by a fire

1 protection district or another municipality may be awarded  
2 up to 5 experience preference points. However, the  
3 applicant may not be awarded more than one point for each  
4 complete year of full-time service.

5 Upon request by the commission, the governing body of  
6 the municipality or in the case of applicants from outside  
7 the municipality the governing body of any fire protection  
8 district or any other municipality shall certify to the  
9 commission, within 10 days after the request, the number of  
10 years of successful paid-on-call, part-time, or full-time  
11 service of any person. A candidate may not receive the full  
12 amount of preference points under this subsection if the  
13 amount of points awarded would place the candidate before a  
14 veteran on the eligibility list. If more than one candidate  
15 receiving experience preference points is prevented from  
16 receiving all of their points due to not being allowed to  
17 pass a veteran, the candidates shall be placed on the list  
18 below the veteran in rank order based on the totals  
19 received if all points under this subsection were to be  
20 awarded. Any remaining ties on the list shall be determined  
21 by lot.

22 (6) Residency preference. Applicants whose principal  
23 residence is located within the fire department's  
24 jurisdiction may be preferred for appointment to and  
25 employment with the fire department.

26 (7) Additional preferences. Up to 5 additional

1 preference points may be awarded for unique categories  
2 based on an applicant's experience or background as  
3 identified by the commission.

4 (8) Scoring of preferences. The commission shall give  
5 preference for original appointment to persons designated  
6 in item (1) by adding to the final grade that they receive  
7 5 points for the recognized preference achieved. The  
8 commission shall determine the number of preference points  
9 for each category except (1). The number of preference  
10 points for each category shall range from 0 to 5. In  
11 determining the number of preference points, the  
12 commission shall prescribe that if a candidate earns the  
13 maximum number of preference points in all categories, that  
14 number may not be less than 10 nor more than 30. The  
15 commission shall give preference for original appointment  
16 to persons designated in items (2) through (7) by adding  
17 the requisite number of points to the final grade for each  
18 recognized preference achieved. The numerical result thus  
19 attained shall be applied by the commission in determining  
20 the final eligibility list and appointment from the  
21 eligibility list. The local appointing authority may  
22 prescribe the total number of preference points awarded  
23 under this Section, but the total number of preference  
24 points shall not be less than 10 points or more than 30  
25 points.

26 No person entitled to any preference shall be required to

1 claim the credit before any examination held under the  
2 provisions of this Section, but the preference shall be given  
3 after the posting or publication of the initial eligibility  
4 list or register at the request of a person entitled to a  
5 credit before any certification or appointments are made from  
6 the eligibility register, upon the furnishing of verifiable  
7 evidence and proof of qualifying preference credit. Candidates  
8 who are eligible for preference credit shall make a claim in  
9 writing within 10 days after the posting of the initial  
10 eligibility list, or the claim shall be deemed waived. Final  
11 eligibility registers shall be established after the awarding  
12 of verified preference points. All employment shall be subject  
13 to the commission's initial hire background review including,  
14 but not limited to, criminal history, employment history, moral  
15 character, oral examination, and medical and psychological  
16 examinations, all on a pass-fail basis. The medical and  
17 psychological examinations must be conducted last, and may only  
18 be performed after a conditional offer of employment has been  
19 extended.

20 Any person placed on an eligibility list who exceeds the  
21 age requirement before being appointed to a fire department  
22 shall remain eligible for appointment until the list is  
23 abolished, or his or her name has been on the list for a period  
24 of 2 years. No person who has attained the age of 35 years  
25 shall be inducted into a fire department, except as otherwise  
26 provided in this Section.



1           The commission shall strike off the names of candidates for  
2 original appointment after the names have been on the list for  
3 more than 2 years.

4           (i) Moral character. No person shall be appointed to a fire  
5 department unless he or she is a person of good character; not  
6 a habitual drunkard, a gambler, or a person who has been  
7 convicted of a felony or a crime involving moral turpitude.  
8 However, no person shall be disqualified from appointment to  
9 the fire department because of the person's record of  
10 misdemeanor convictions except those under Sections 11-6,  
11 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,  
12 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,  
13 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections  
14 1, 6, and 8 of Section 24-1 of the Criminal Code of 1961 or the  
15 Criminal Code of 2012, or arrest for any cause without  
16 conviction thereon. Any such person who is in the department  
17 may be removed on charges brought for violating this subsection  
18 and after a trial as hereinafter provided.

19           A classifiable set of the fingerprints of every person who  
20 is offered employment as a certificated member of an affected  
21 fire department whether with or without compensation, shall be  
22 furnished to the Illinois Department of State Police and to the  
23 Federal Bureau of Investigation by the commission.

24           Whenever a commission is authorized or required by law to  
25 consider some aspect of criminal history record information for  
26 the purpose of carrying out its statutory powers and

1 responsibilities, then, upon request and payment of fees in  
2 conformance with the requirements of Section 2605-400 of the  
3 State Police Law of the Civil Administrative Code of Illinois,  
4 the Department of State Police is authorized to furnish,  
5 pursuant to positive identification, the information contained  
6 in State files as is necessary to fulfill the request.

7 (j) Temporary appointments. In order to prevent a stoppage  
8 of public business, to meet extraordinary exigencies, or to  
9 prevent material impairment of the fire department, the  
10 commission may make temporary appointments, to remain in force  
11 only until regular appointments are made under the provisions  
12 of this Division, but never to exceed 60 days. No temporary  
13 appointment of any one person shall be made more than twice in  
14 any calendar year.

15 (k) A person who knowingly divulges or receives test  
16 questions or answers before a written examination, or otherwise  
17 knowingly violates or subverts any requirement of this Section,  
18 commits a violation of this Section and may be subject to  
19 charges for official misconduct.

20 A person who is the knowing recipient of test information  
21 in advance of the examination shall be disqualified from the  
22 examination or discharged from the position to which he or she  
23 was appointed, as applicable, and otherwise subjected to  
24 disciplinary actions.

25 (Source: P.A. 97-251, eff. 8-4-11; 97-898, eff. 8-6-12.)

1 (65 ILCS 5/10-2.1-6) (from Ch. 24, par. 10-2.1-6)  
2 Sec. 10-2.1-6. Examination of applicants;  
3 disqualifications.

4 (a) All applicants for a position in either the fire or  
5 police department of the municipality shall be under 35 years  
6 of age, shall be subject to an examination that shall be  
7 public, competitive, and open to all applicants (unless the  
8 council or board of trustees by ordinance limit applicants to  
9 electors of the municipality, county, state or nation) and  
10 shall be subject to reasonable limitations as to residence,  
11 health, habits, and moral character. The municipality may not  
12 charge or collect any fee from an applicant who has met all  
13 prequalification standards established by the municipality for  
14 any such position. With respect to a police department, a  
15 veteran shall be allowed to exceed the maximum age provision of  
16 this Section by the number of years served on active military  
17 duty, but by no more than 10 years of active military duty.

18 (b) Residency requirements in effect at the time an  
19 individual enters the fire or police service of a municipality  
20 (other than a municipality that has more than 1,000,000  
21 inhabitants) cannot be made more restrictive for that  
22 individual during his period of service for that municipality,  
23 or be made a condition of promotion, except for the rank or  
24 position of Fire or Police Chief.

25 (c) No person with a record of misdemeanor convictions  
26 except those under Sections 11-1.50, 11-6, 11-7, 11-9, 11-14,

1 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2, 12-6, 12-15,  
2 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6,  
3 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8, subdivisions (a)(1) and  
4 (a)(2)(C) of Section 11-14.3, and subsections (1), (6) and (8)  
5 of Section 24-1 of the Criminal Code of 1961 or the Criminal  
6 Code of 2012, or arrested for any cause but not convicted on  
7 that cause shall be disqualified from taking the examination to  
8 qualify for a position in the fire department on grounds of  
9 habits or moral character.

10 (d) The age limitation in subsection (a) does not apply (i)  
11 to any person previously employed as a policeman or fireman in  
12 a regularly constituted police or fire department of (I) any  
13 municipality, regardless of whether the municipality is  
14 located in Illinois or in another state, or (II) a fire  
15 protection district whose obligations were assumed by a  
16 municipality under Section 21 of the Fire Protection District  
17 Act, (ii) to any person who has served a municipality as a  
18 regularly enrolled volunteer fireman for 5 years immediately  
19 preceding the time that municipality begins to use full time  
20 firemen to provide all or part of its fire protection service,  
21 or (iii) to any person who has served as an auxiliary police  
22 officer under Section 3.1-30-20 for at least 5 years and is  
23 under 40 years of age, (iv) to any person who has served as a  
24 deputy under Section 3-6008 of the Counties Code and otherwise  
25 meets necessary training requirements, or (v) to any person who  
26 has served as a sworn officer as a member of the Illinois

1 Department of State Police.

2 (e) Applicants who are 20 years of age and who have  
3 successfully completed 2 years of law enforcement studies at an  
4 accredited college or university may be considered for  
5 appointment to active duty with the police department. An  
6 applicant described in this subsection (e) who is appointed to  
7 active duty shall not have power of arrest, nor shall the  
8 applicant be permitted to carry firearms, until he or she  
9 reaches 21 years of age.

10 (f) Applicants who are 18 years of age and who have  
11 successfully completed 2 years of study in fire techniques,  
12 amounting to a total of 4 high school credits, within the cadet  
13 program of a municipality may be considered for appointment to  
14 active duty with the fire department of any municipality.

15 (g) The council or board of trustees may by ordinance  
16 provide that persons residing outside the municipality are  
17 eligible to take the examination.

18 (h) The examinations shall be practical in character and  
19 relate to those matters that will fairly test the capacity of  
20 the persons examined to discharge the duties of the positions  
21 to which they seek appointment. No person shall be appointed to  
22 the police or fire department if he or she does not possess a  
23 high school diploma or an equivalent high school education. A  
24 board of fire and police commissioners may, by its rules,  
25 require police applicants to have obtained an associate's  
26 degree or a bachelor's degree as a prerequisite for employment.

1 The examinations shall include tests of physical  
2 qualifications and health. A board of fire and police  
3 commissioners may, by its rules, waive portions of the required  
4 examination for police applicants who have previously been  
5 full-time sworn officers of a regular police department in any  
6 municipal, county, university, or State law enforcement  
7 agency, provided they are certified by the Illinois Law  
8 Enforcement Training Standards Board and have been with their  
9 respective law enforcement agency within the State for at least  
10 2 years. No person shall be appointed to the police or fire  
11 department if he or she has suffered the amputation of any limb  
12 unless the applicant's duties will be only clerical or as a  
13 radio operator. No applicant shall be examined concerning his  
14 or her political or religious opinions or affiliations. The  
15 examinations shall be conducted by the board of fire and police  
16 commissioners of the municipality as provided in this Division  
17 2.1.

18 (i) No person who is classified by his local selective  
19 service draft board as a conscientious objector, or who has  
20 ever been so classified, may be appointed to the police  
21 department.

22 (j) No person shall be appointed to the police or fire  
23 department unless he or she is a person of good character and  
24 not an habitual drunkard, gambler, or a person who has been  
25 convicted of a felony or a crime involving moral turpitude. No  
26 person, however, shall be disqualified from appointment to the

1 fire department because of his or her record of misdemeanor  
2 convictions except those under Sections 11-1.50, 11-6, 11-7,  
3 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2,  
4 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3,  
5 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8,  
6 subdivisions (a)(1) and (a)(2)(C) of Section 11-14.3, and  
7 subsections (1), (6) and (8) of Section 24-1 of the Criminal  
8 Code of 1961 or the Criminal Code of 2012, or arrest for any  
9 cause without conviction on that cause. Any such person who is  
10 in the department may be removed on charges brought and after a  
11 trial as provided in this Division 2.1.

12 (Source: P.A. 95-165, eff. 1-1-08; 95-931, eff. 1-1-09; 96-472,  
13 eff. 8-14-09; 96-1551, eff. 7-1-11.)

14 (65 ILCS 5/10-2.1-6.3)

15 Sec. 10-2.1-6.3. Original appointments; full-time fire  
16 department.

17 (a) Applicability. Unless a commission elects to follow the  
18 provisions of Section 10-2.1-6.4, this Section shall apply to  
19 all original appointments to an affected full-time fire  
20 department. Existing registers of eligibles shall continue to  
21 be valid until their expiration dates, or up to a maximum of 2  
22 years after the effective date of this amendatory Act of the  
23 97th General Assembly.

24 Notwithstanding any statute, ordinance, rule, or other law  
25 to the contrary, all original appointments to an affected

1 department to which this Section applies shall be administered  
2 in the manner provided for in this Section. Provisions of the  
3 Illinois Municipal Code, municipal ordinances, and rules  
4 adopted pursuant to such authority and other laws relating to  
5 initial hiring of firefighters in affected departments shall  
6 continue to apply to the extent they are compatible with this  
7 Section, but in the event of a conflict between this Section  
8 and any other law, this Section shall control.

9 A home rule or non-home rule municipality may not  
10 administer its fire department process for original  
11 appointments in a manner that is less stringent than this  
12 Section. This Section is a limitation under subsection (i) of  
13 Section 6 of Article VII of the Illinois Constitution on the  
14 concurrent exercise by home rule units of the powers and  
15 functions exercised by the State.

16 A municipality that is operating under a court order or  
17 consent decree regarding original appointments to a full-time  
18 fire department before the effective date of this amendatory  
19 Act of the 97th General Assembly is exempt from the  
20 requirements of this Section for the duration of the court  
21 order or consent decree.

22 Notwithstanding any other provision of this subsection  
23 (a), this Section does not apply to a municipality with more  
24 than 1,000,000 inhabitants.

25 (b) Original appointments. All original appointments made  
26 to an affected fire department shall be made from a register of



1 eligibles established in accordance with the processes  
2 established by this Section. Only persons who meet or exceed  
3 the performance standards required by this Section shall be  
4 placed on a register of eligibles for original appointment to  
5 an affected fire department.

6 Whenever an appointing authority authorizes action to hire  
7 a person to perform the duties of a firefighter or to hire a  
8 firefighter-paramedic to fill a position that is a new position  
9 or vacancy due to resignation, discharge, promotion, death, the  
10 granting of a disability or retirement pension, or any other  
11 cause, the appointing authority shall appoint to that position  
12 the person with the highest ranking on the final eligibility  
13 list. If the appointing authority has reason to conclude that  
14 the highest ranked person fails to meet the minimum standards  
15 for the position or if the appointing authority believes an  
16 alternate candidate would better serve the needs of the  
17 department, then the appointing authority has the right to pass  
18 over the highest ranked person and appoint either: (i) any  
19 person who has a ranking in the top 5% of the register of  
20 eligibles or (ii) any person who is among the top 5 highest  
21 ranked persons on the list of eligibles if the number of people  
22 who have a ranking in the top 5% of the register of eligibles  
23 is less than 5 people.

24 Any candidate may pass on an appointment once without  
25 losing his or her position on the register of eligibles. Any  
26 candidate who passes a second time may be removed from the list

1 by the appointing authority provided that such action shall not  
2 prejudice a person's opportunities to participate in future  
3 examinations, including an examination held during the time a  
4 candidate is already on the municipality's register of  
5 eligibles.

6 The sole authority to issue certificates of appointment  
7 shall be vested in the board of fire and police commissioners.  
8 All certificates of appointment issued to any officer or member  
9 of an affected department shall be signed by the chairperson  
10 and secretary, respectively, of the board upon appointment of  
11 such officer or member to the affected department by action of  
12 the board. Each person who accepts a certificate of appointment  
13 and successfully completes his or her probationary period shall  
14 be enrolled as a firefighter and as a regular member of the  
15 fire department.

16 For the purposes of this Section, "firefighter" means any  
17 person who has been prior to, on, or after the effective date  
18 of this amendatory Act of the 97th General Assembly appointed  
19 to a fire department or fire protection district or employed by  
20 a State university and sworn or commissioned to perform  
21 firefighter duties or paramedic duties, or both, except that  
22 the following persons are not included: part-time  
23 firefighters; auxiliary, reserve, or voluntary firefighters,  
24 including paid-on-call firefighters; clerks and dispatchers or  
25 other civilian employees of a fire department or fire  
26 protection district who are not routinely expected to perform

1 firefighter duties; and elected officials.

2 (c) Qualification for placement on register of eligibles.

3 The purpose of establishing a register of eligibles is to  
4 identify applicants who possess and demonstrate the mental  
5 aptitude and physical ability to perform the duties required of  
6 members of the fire department in order to provide the highest  
7 quality of service to the public. To this end, all applicants  
8 for original appointment to an affected fire department shall  
9 be subject to examination and testing which shall be public,  
10 competitive, and open to all applicants unless the municipality  
11 shall by ordinance limit applicants to residents of the  
12 municipality, county or counties in which the municipality is  
13 located, State, or nation. Municipalities may establish  
14 educational, emergency medical service licensure, and other  
15 pre-requisites for participation in an examination or for hire  
16 as a firefighter. Any municipality may charge a fee to cover  
17 the costs of the application process.

18 Residency requirements in effect at the time an individual  
19 enters the fire service of a municipality cannot be made more  
20 restrictive for that individual during his or her period of  
21 service for that municipality, or be made a condition of  
22 promotion, except for the rank or position of fire chief and  
23 for no more than 2 positions that rank immediately below that  
24 of the chief rank which are appointed positions pursuant to the  
25 Fire Department Promotion Act.

26 No person who is 35 years of age or older shall be eligible

1 to take an examination for a position as a firefighter unless  
2 the person has had previous employment status as a firefighter  
3 in the regularly constituted fire department of the  
4 municipality, except as provided in this Section. The age  
5 limitation does not apply to:

6 (1) any person previously employed as a full-time  
7 firefighter in a regularly constituted fire department of  
8 (i) any municipality or fire protection district located in  
9 Illinois, (ii) a fire protection district whose  
10 obligations were assumed by a municipality under Section 21  
11 of the Fire Protection District Act, or (iii) a  
12 municipality whose obligations were taken over by a fire  
13 protection district, or

14 (2) any person who has served a municipality as a  
15 regularly enrolled volunteer, paid-on-call, or part-time  
16 firefighter for the 5 years immediately preceding the time  
17 that the municipality begins to use full-time firefighters  
18 to provide all or part of its fire protection service.

19 No person who is under 21 years of age shall be eligible  
20 for employment as a firefighter.

21 No applicant shall be examined concerning his or her  
22 political or religious opinions or affiliations. The  
23 examinations shall be conducted by the commissioners of the  
24 municipality or their designees and agents.

25 No municipality shall require that any firefighter  
26 appointed to the lowest rank serve a probationary employment

1 period of longer than one year of actual active employment,  
2 which may exclude periods of training, or injury or illness  
3 leaves, including duty related leave, in excess of 30 calendar  
4 days. Notwithstanding anything to the contrary in this Section,  
5 the probationary employment period limitation may be extended  
6 for a firefighter who is required, as a condition of  
7 employment, to be a certified paramedic, during which time the  
8 sole reason that a firefighter may be discharged without a  
9 hearing is for failing to meet the requirements for paramedic  
10 certification.

11 In the event that any applicant who has been found eligible  
12 for appointment and whose name has been placed upon the final  
13 eligibility register provided for in this Section has not been  
14 appointed to a firefighter position within one year after the  
15 date of his or her physical ability examination, the commission  
16 may cause a second examination to be made of that applicant's  
17 physical ability prior to his or her appointment. If, after the  
18 second examination, the physical ability of the applicant shall  
19 be found to be less than the minimum standard fixed by the  
20 rules of the commission, the applicant shall not be appointed.  
21 The applicant's name may be retained upon the register of  
22 candidates eligible for appointment and when next reached for  
23 certification and appointment that applicant may be again  
24 examined as provided in this Section, and if the physical  
25 ability of that applicant is found to be less than the minimum  
26 standard fixed by the rules of the commission, the applicant

1 shall not be appointed, and the name of the applicant shall be  
2 removed from the register.

3 (d) Notice, examination, and testing components. Notice of  
4 the time, place, general scope, merit criteria for any  
5 subjective component, and fee of every examination shall be  
6 given by the commission, by a publication at least 2 weeks  
7 preceding the examination: (i) in one or more newspapers  
8 published in the municipality, or if no newspaper is published  
9 therein, then in one or more newspapers with a general  
10 circulation within the municipality, or (ii) on the  
11 municipality's Internet website. Additional notice of the  
12 examination may be given as the commission shall prescribe.

13 The examination and qualifying standards for employment of  
14 firefighters shall be based on: mental aptitude, physical  
15 ability, preferences, moral character, and health. The mental  
16 aptitude, physical ability, and preference components shall  
17 determine an applicant's qualification for and placement on the  
18 final register of eligibles. The examination may also include a  
19 subjective component based on merit criteria as determined by  
20 the commission. Scores from the examination must be made  
21 available to the public.

22 (e) Mental aptitude. No person who does not possess at  
23 least a high school diploma or an equivalent high school  
24 education shall be placed on a register of eligibles.  
25 Examination of an applicant's mental aptitude shall be based  
26 upon a written examination. The examination shall be practical

1 in character and relate to those matters that fairly test the  
2 capacity of the persons examined to discharge the duties  
3 performed by members of a fire department. Written examinations  
4 shall be administered in a manner that ensures the security and  
5 accuracy of the scores achieved.

6 (f) Physical ability. All candidates shall be required to  
7 undergo an examination of their physical ability to perform the  
8 essential functions included in the duties they may be called  
9 upon to perform as a member of a fire department. For the  
10 purposes of this Section, essential functions of the job are  
11 functions associated with duties that a firefighter may be  
12 called upon to perform in response to emergency calls. The  
13 frequency of the occurrence of those duties as part of the fire  
14 department's regular routine shall not be a controlling factor  
15 in the design of examination criteria or evolutions selected  
16 for testing. These physical examinations shall be open,  
17 competitive, and based on industry standards designed to test  
18 each applicant's physical abilities in the following  
19 dimensions:

20 (1) Muscular strength to perform tasks and evolutions  
21 that may be required in the performance of duties including  
22 grip strength, leg strength, and arm strength. Tests shall  
23 be conducted under anaerobic as well as aerobic conditions  
24 to test both the candidate's speed and endurance in  
25 performing tasks and evolutions. Tasks tested may be based  
26 on standards developed, or approved, by the local

1 appointing authority.

2 (2) The ability to climb ladders, operate from heights,  
3 walk or crawl in the dark along narrow and uneven surfaces,  
4 and operate in proximity to hazardous environments.

5 (3) The ability to carry out critical, time-sensitive,  
6 and complex problem solving during physical exertion in  
7 stressful and hazardous environments. The testing  
8 environment may be hot and dark with tightly enclosed  
9 spaces, flashing lights, sirens, and other distractions.

10 The tests utilized to measure each applicant's  
11 capabilities in each of these dimensions may be tests based on  
12 industry standards currently in use or equivalent tests  
13 approved by the Joint Labor-Management Committee of the Office  
14 of the State Fire Marshal.

15 Physical ability examinations administered under this  
16 Section shall be conducted with a reasonable number of proctors  
17 and monitors, open to the public, and subject to reasonable  
18 regulations of the commission.

19 (g) Scoring of examination components. Appointing  
20 authorities may create a preliminary eligibility register. A  
21 person shall be placed on the list based upon his or her  
22 passage of the written examination or the passage of the  
23 written examination and the physical ability component.  
24 Passage of the written examination means a score that is at or  
25 above the median score for all applicants participating in the  
26 written test. The appointing authority may conduct the physical



1 ability component and any subjective components subsequent to  
2 the posting of the preliminary eligibility register.

3 The examination components for an initial eligibility  
4 register shall be graded on a 100-point scale. A person's  
5 position on the list shall be determined by the following: (i)  
6 the person's score on the written examination, (ii) the person  
7 successfully passing the physical ability component, and (iii)  
8 the person's results on any subjective component as described  
9 in subsection (d).

10 In order to qualify for placement on the final eligibility  
11 register, an applicant's score on the written examination,  
12 before any applicable preference points or subjective points  
13 are applied, shall be at or above the median score. The local  
14 appointing authority may prescribe the score to qualify for  
15 placement on the final eligibility register, but the score  
16 shall not be less than the median score.

17 The commission shall prepare and keep a register of persons  
18 whose total score is not less than the minimum fixed by this  
19 Section and who have passed the physical ability examination.  
20 These persons shall take rank upon the register as candidates  
21 in the order of their relative excellence based on the highest  
22 to the lowest total points scored on the mental aptitude,  
23 subjective component, and preference components of the test  
24 administered in accordance with this Section. No more than 60  
25 days after each examination, an initial eligibility list shall  
26 be posted by the commission. The list shall include the final

1 grades of the candidates without reference to priority of the  
2 time of examination and subject to claim for preference credit.

3 Commissions may conduct additional examinations, including  
4 without limitation a polygraph test, after a final eligibility  
5 register is established and before it expires with the  
6 candidates ranked by total score without regard to date of  
7 examination. No more than 60 days after each examination, an  
8 initial eligibility list shall be posted by the commission  
9 showing the final grades of the candidates without reference to  
10 priority of time of examination and subject to claim for  
11 preference credit.

12 (h) Preferences. The following are preferences:

13 (1) Veteran preference. Persons who were engaged in the  
14 military service of the United States for a period of at  
15 least one year of active duty and who were honorably  
16 discharged therefrom, or who are now or have been members  
17 on inactive or reserve duty in such military or naval  
18 service, shall be preferred for appointment to and  
19 employment with the fire department of an affected  
20 department.

21 (2) Fire cadet preference. Persons who have  
22 successfully completed 2 years of study in fire techniques  
23 or cadet training within a cadet program established under  
24 the rules of the Joint Labor and Management Committee  
25 (JLMC), as defined in Section 50 of the Fire Department  
26 Promotion Act, may be preferred for appointment to and

1 employment with the fire department.

2 (3) Educational preference. Persons who have  
3 successfully obtained an associate's degree in the field of  
4 fire service or emergency medical services, or a bachelor's  
5 degree from an accredited college or university may be  
6 preferred for appointment to and employment with the fire  
7 department.

8 (4) Paramedic preference. Persons who have obtained  
9 certification as an Emergency Medical Technician-Paramedic  
10 (EMT-P) shall be preferred for appointment to and  
11 employment with the fire department of an affected  
12 department providing emergency medical services.

13 (5) Experience preference. All persons employed by a  
14 municipality who have been paid-on-call or part-time  
15 certified Firefighter II, State of Illinois or nationally  
16 licensed EMT-B or EMT-I, or any combination of those  
17 capacities shall be awarded 0.5 point for each year of  
18 successful service in one or more of those capacities, up  
19 to a maximum of 5 points. Certified Firefighter III and  
20 State of Illinois or nationally licensed paramedics shall  
21 be awarded one point per year up to a maximum of 5 points.  
22 Applicants from outside the municipality who were employed  
23 as full-time firefighters or firefighter-paramedics by a  
24 fire protection district or another municipality for at  
25 least 2 years shall be awarded 5 experience preference  
26 points. These additional points presuppose a rating scale

1 totaling 100 points available for the eligibility list. If  
2 more or fewer points are used in the rating scale for the  
3 eligibility list, the points awarded under this subsection  
4 shall be increased or decreased by a factor equal to the  
5 total possible points available for the examination  
6 divided by 100.

7 Upon request by the commission, the governing body of  
8 the municipality or in the case of applicants from outside  
9 the municipality the governing body of any fire protection  
10 district or any other municipality shall certify to the  
11 commission, within 10 days after the request, the number of  
12 years of successful paid-on-call, part-time, or full-time  
13 service of any person. A candidate may not receive the full  
14 amount of preference points under this subsection if the  
15 amount of points awarded would place the candidate before a  
16 veteran on the eligibility list. If more than one candidate  
17 receiving experience preference points is prevented from  
18 receiving all of their points due to not being allowed to  
19 pass a veteran, the candidates shall be placed on the list  
20 below the veteran in rank order based on the totals  
21 received if all points under this subsection were to be  
22 awarded. Any remaining ties on the list shall be determined  
23 by lot.

24 (6) Residency preference. Applicants whose principal  
25 residence is located within the fire department's  
26 jurisdiction shall be preferred for appointment to and

1 employment with the fire department.

2 (7) Additional preferences. Up to 5 additional  
3 preference points may be awarded for unique categories  
4 based on an applicant's experience or background as  
5 identified by the commission.

6 (8) Scoring of preferences. The commission shall give  
7 preference for original appointment to persons designated  
8 in item (1) by adding to the final grade that they receive  
9 5 points for the recognized preference achieved. The  
10 commission shall determine the number of preference points  
11 for each category except (1). The number of preference  
12 points for each category shall range from 0 to 5. In  
13 determining the number of preference points, the  
14 commission shall prescribe that if a candidate earns the  
15 maximum number of preference points in all categories, that  
16 number may not be less than 10 nor more than 30. The  
17 commission shall give preference for original appointment  
18 to persons designated in items (2) through (7) by adding  
19 the requisite number of points to the final grade for each  
20 recognized preference achieved. The numerical result thus  
21 attained shall be applied by the commission in determining  
22 the final eligibility list and appointment from the  
23 eligibility list. The local appointing authority may  
24 prescribe the total number of preference points awarded  
25 under this Section, but the total number of preference  
26 points shall not be less than 10 points or more than 30

1 points.

2 No person entitled to any preference shall be required to  
3 claim the credit before any examination held under the  
4 provisions of this Section, but the preference shall be given  
5 after the posting or publication of the initial eligibility  
6 list or register at the request of a person entitled to a  
7 credit before any certification or appointments are made from  
8 the eligibility register, upon the furnishing of verifiable  
9 evidence and proof of qualifying preference credit. Candidates  
10 who are eligible for preference credit shall make a claim in  
11 writing within 10 days after the posting of the initial  
12 eligibility list, or the claim shall be deemed waived. Final  
13 eligibility registers shall be established after the awarding  
14 of verified preference points. All employment shall be subject  
15 to the commission's initial hire background review including,  
16 but not limited to, criminal history, employment history, moral  
17 character, oral examination, and medical and psychological  
18 examinations, all on a pass-fail basis. The medical and  
19 psychological examinations must be conducted last, and may only  
20 be performed after a conditional offer of employment has been  
21 extended.

22 Any person placed on an eligibility list who exceeds the  
23 age requirement before being appointed to a fire department  
24 shall remain eligible for appointment until the list is  
25 abolished, or his or her name has been on the list for a period  
26 of 2 years. No person who has attained the age of 35 years

1 shall be inducted into a fire department, except as otherwise  
2 provided in this Section.

3 The commission shall strike off the names of candidates for  
4 original appointment after the names have been on the list for  
5 more than 2 years.

6 (i) Moral character. No person shall be appointed to a fire  
7 department unless he or she is a person of good character; not  
8 a habitual drunkard, a gambler, or a person who has been  
9 convicted of a felony or a crime involving moral turpitude.  
10 However, no person shall be disqualified from appointment to  
11 the fire department because of the person's record of  
12 misdemeanor convictions except those under Sections 11-6,  
13 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,  
14 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,  
15 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections  
16 1, 6, and 8 of Section 24-1 of the Criminal Code of 1961 or the  
17 Criminal Code of 2012, or arrest for any cause without  
18 conviction thereon. Any such person who is in the department  
19 may be removed on charges brought for violating this subsection  
20 and after a trial as hereinafter provided.

21 A classifiable set of the fingerprints of every person who  
22 is offered employment as a certificated member of an affected  
23 fire department whether with or without compensation, shall be  
24 furnished to the Illinois Department of State Police and to the  
25 Federal Bureau of Investigation by the commission.

26 Whenever a commission is authorized or required by law to

1 consider some aspect of criminal history record information for  
2 the purpose of carrying out its statutory powers and  
3 responsibilities, then, upon request and payment of fees in  
4 conformance with the requirements of Section 2605-400 of the  
5 State Police Law of the Civil Administrative Code of Illinois,  
6 the Department of State Police is authorized to furnish,  
7 pursuant to positive identification, the information contained  
8 in State files as is necessary to fulfill the request.

9 (j) Temporary appointments. In order to prevent a stoppage  
10 of public business, to meet extraordinary exigencies, or to  
11 prevent material impairment of the fire department, the  
12 commission may make temporary appointments, to remain in force  
13 only until regular appointments are made under the provisions  
14 of this Division, but never to exceed 60 days. No temporary  
15 appointment of any one person shall be made more than twice in  
16 any calendar year.

17 (k) A person who knowingly divulges or receives test  
18 questions or answers before a written examination, or otherwise  
19 knowingly violates or subverts any requirement of this Section,  
20 commits a violation of this Section and may be subject to  
21 charges for official misconduct.

22 A person who is the knowing recipient of test information  
23 in advance of the examination shall be disqualified from the  
24 examination or discharged from the position to which he or she  
25 was appointed, as applicable, and otherwise subjected to  
26 disciplinary actions.



1 (Source: P.A. 97-251, eff. 8-4-11; 97-898, eff. 8-6-12.)

2 Section 210. The Fire Protection District Act is amended by  
3 changing Sections 16.06 and 16.06b as follows:

4 (70 ILCS 705/16.06) (from Ch. 127 1/2, par. 37.06)

5 Sec. 16.06. Eligibility for positions in fire department;  
6 disqualifications.

7 (a) All applicants for a position in the fire department of  
8 the fire protection district shall be under 35 years of age and  
9 shall be subjected to examination, which shall be public,  
10 competitive, and free to all applicants, subject to reasonable  
11 limitations as to health, habits, and moral character; provided  
12 that the foregoing age limitation shall not apply in the case  
13 of any person having previous employment status as a fireman in  
14 a regularly constituted fire department of any fire protection  
15 district, and further provided that each fireman or fire chief  
16 who is a member in good standing in a regularly constituted  
17 fire department of any municipality which shall be or shall  
18 have subsequently been included within the boundaries of any  
19 fire protection district now or hereafter organized shall be  
20 given a preference for original appointment in the same class,  
21 grade or employment over all other applicants. The examinations  
22 shall be practical in their character and shall relate to those  
23 matters which will fairly test the persons examined as to their  
24 relative capacity to discharge the duties of the positions to

1 which they seek appointment. The examinations shall include  
2 tests of physical qualifications and health. No applicant,  
3 however, shall be examined concerning his political or  
4 religious opinions or affiliations. The examinations shall be  
5 conducted by the board of fire commissioners.

6 In any fire protection district that employs full-time  
7 firefighters and is subject to a collective bargaining  
8 agreement, a person who has not qualified for regular  
9 appointment under the provisions of this Section shall not be  
10 used as a temporary or permanent substitute for certificated  
11 members of a fire district's fire department or for regular  
12 appointment as a certificated member of a fire district's fire  
13 department unless mutually agreed to by the employee's  
14 certified bargaining agent. Such agreement shall be considered  
15 a permissive subject of bargaining. Fire protection districts  
16 covered by the changes made by this amendatory Act of the 95th  
17 General Assembly that are using non-certificated employees as  
18 substitutes immediately prior to the effective date of this  
19 amendatory Act of the 95th General Assembly may, by mutual  
20 agreement with the certified bargaining agent, continue the  
21 existing practice or a modified practice and that agreement  
22 shall be considered a permissive subject of bargaining.

23 (b) No person shall be appointed to the fire department  
24 unless he or she is a person of good character and not a person  
25 who has been convicted of a felony in Illinois or convicted in  
26 another jurisdiction for conduct that would be a felony under

1 Illinois law, or convicted of a crime involving moral  
2 turpitude. No person, however, shall be disqualified from  
3 appointment to the fire department because of his or her record  
4 of misdemeanor convictions, except those under Sections  
5 11-1.50, 11-6, 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19,  
6 11-30, 11-35, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1,  
7 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3,  
8 32-4, and 32-8, subdivisions (a)(1) and (a)(2)(C) of Section  
9 11-14.3, and subsections (1), (6), and (8) of Section 24-1 of  
10 the Criminal Code of 1961 or the Criminal Code of 2012.

11 (Source: P.A. 95-490, eff. 6-1-08; 96-1551, eff. 7-1-11.)

12 (70 ILCS 705/16.06b)

13 Sec. 16.06b. Original appointments; full-time fire  
14 department.

15 (a) Applicability. Unless a commission elects to follow the  
16 provisions of Section 16.06c, this Section shall apply to all  
17 original appointments to an affected full-time fire  
18 department. Existing registers of eligibles shall continue to  
19 be valid until their expiration dates, or up to a maximum of 2  
20 years after the effective date of this amendatory Act of the  
21 97th General Assembly.

22 Notwithstanding any statute, ordinance, rule, or other law  
23 to the contrary, all original appointments to an affected  
24 department to which this Section applies shall be administered  
25 in a no less stringent manner than the manner provided for in

1 this Section. Provisions of the Illinois Municipal Code, Fire  
2 Protection District Act, fire district ordinances, and rules  
3 adopted pursuant to such authority and other laws relating to  
4 initial hiring of firefighters in affected departments shall  
5 continue to apply to the extent they are compatible with this  
6 Section, but in the event of a conflict between this Section  
7 and any other law, this Section shall control.

8 A fire protection district that is operating under a court  
9 order or consent decree regarding original appointments to a  
10 full-time fire department before the effective date of this  
11 amendatory 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 (b) Original appointments. All original appointments made  
15 to an affected fire department shall be made from a register of  
16 eligibles established in accordance with the processes  
17 required by this Section. Only persons who meet or exceed the  
18 performance standards required by the Section shall be placed  
19 on a register of eligibles for original appointment to an  
20 affected fire department.

21 Whenever an appointing authority authorizes action to hire  
22 a person to perform the duties of a firefighter or to hire a  
23 firefighter-paramedic to fill a position that is a new position  
24 or vacancy due to resignation, discharge, promotion, death, the  
25 granting of a disability or retirement pension, or any other  
26 cause, the appointing authority shall appoint to that position

1 the person with the highest ranking on the final eligibility  
2 list. If the appointing authority has reason to conclude that  
3 the highest ranked person fails to meet the minimum standards  
4 for the position or if the appointing authority believes an  
5 alternate candidate would better serve the needs of the  
6 department, then the appointing authority has the right to pass  
7 over the highest ranked person and appoint either: (i) any  
8 person who has a ranking in the top 5% of the register of  
9 eligibles or (ii) any person who is among the top 5 highest  
10 ranked persons on the list of eligibles if the number of people  
11 who have a ranking in the top 5% of the register of eligibles  
12 is less than 5 people.

13 Any candidate may pass on an appointment once without  
14 losing his or her position on the register of eligibles. Any  
15 candidate who passes a second time may be removed from the list  
16 by the appointing authority provided that such action shall not  
17 prejudice a person's opportunities to participate in future  
18 examinations, including an examination held during the time a  
19 candidate is already on the fire district's register of  
20 eligibles.

21 The sole authority to issue certificates of appointment  
22 shall be vested in the board of fire commissioners, or board of  
23 trustees serving in the capacity of a board of fire  
24 commissioners. All certificates of appointment issued to any  
25 officer or member of an affected department shall be signed by  
26 the chairperson and secretary, respectively, of the commission

1 upon appointment of such officer or member to the affected  
2 department by action of the commission. Each person who accepts  
3 a certificate of appointment and successfully completes his or  
4 her probationary period shall be enrolled as a firefighter and  
5 as a regular member of the fire department.

6 For the purposes of this Section, "firefighter" means any  
7 person who has been prior to, on, or after the effective date  
8 of this amendatory Act of the 97th General Assembly appointed  
9 to a fire department or fire protection district or employed by  
10 a State university and sworn or commissioned to perform  
11 firefighter duties or paramedic duties, or both, except that  
12 the following persons are not included: part-time  
13 firefighters; auxiliary, reserve, or voluntary firefighters,  
14 including paid-on-call firefighters; clerks and dispatchers or  
15 other civilian employees of a fire department or fire  
16 protection district who are not routinely expected to perform  
17 firefighter duties; and elected officials.

18 (c) Qualification for placement on register of eligibles.  
19 The purpose of establishing a register of eligibles is to  
20 identify applicants who possess and demonstrate the mental  
21 aptitude and physical ability to perform the duties required of  
22 members of the fire department in order to provide the highest  
23 quality of service to the public. To this end, all applicants  
24 for original appointment to an affected fire department shall  
25 be subject to examination and testing which shall be public,  
26 competitive, and open to all applicants unless the district

1 shall by ordinance limit applicants to residents of the  
2 district, county or counties in which the district is located,  
3 State, or nation. Districts may establish educational,  
4 emergency medical service licensure, and other pre-requisites  
5 for participation in an examination or for hire as a  
6 firefighter. Any fire protection district may charge a fee to  
7 cover the costs of the application process.

8 Residency requirements in effect at the time an individual  
9 enters the fire service of a district cannot be made more  
10 restrictive for that individual during his or her period of  
11 service for that district, or be made a condition of promotion,  
12 except for the rank or position of fire chief and for no more  
13 than 2 positions that rank immediately below that of the chief  
14 rank which are appointed positions pursuant to the Fire  
15 Department Promotion Act.

16 No person who is 35 years of age or older shall be eligible  
17 to take an examination for a position as a firefighter unless  
18 the person has had previous employment status as a firefighter  
19 in the regularly constituted fire department of the district,  
20 except as provided in this Section. The age limitation does not  
21 apply to:

- 22 (1) any person previously employed as a full-time  
23 firefighter in a regularly constituted fire department of  
24 (i) any municipality or fire protection district located in  
25 Illinois, (ii) a fire protection district whose  
26 obligations were assumed by a municipality under Section 21

1 of the Fire Protection District Act, or (iii) a  
2 municipality whose obligations were taken over by a fire  
3 protection district, or

4 (2) any person who has served a fire district as a  
5 regularly enrolled volunteer, paid-on-call, or part-time  
6 firefighter for the 5 years immediately preceding the time  
7 that the district begins to use full-time firefighters to  
8 provide all or part of its fire protection service.

9 No person who is under 21 years of age shall be eligible  
10 for employment as a firefighter.

11 No applicant shall be examined concerning his or her  
12 political or religious opinions or affiliations. The  
13 examinations shall be conducted by the commissioners of the  
14 district or their designees and agents.

15 No district shall require that any firefighter appointed to  
16 the lowest rank serve a probationary employment period of  
17 longer than one year of actual active employment, which may  
18 exclude periods of training, or injury or illness leaves,  
19 including duty related leave, in excess of 30 calendar days.  
20 Notwithstanding anything to the contrary in this Section, the  
21 probationary employment period limitation may be extended for a  
22 firefighter who is required, as a condition of employment, to  
23 be a certified paramedic, during which time the sole reason  
24 that a firefighter may be discharged without a hearing is for  
25 failing to meet the requirements for paramedic certification.

26 In the event that any applicant who has been found eligible



1 for appointment and whose name has been placed upon the final  
2 eligibility register provided for in this Section has not been  
3 appointed to a firefighter position within one year after the  
4 date of his or her physical ability examination, the commission  
5 may cause a second examination to be made of that applicant's  
6 physical ability prior to his or her appointment. If, after the  
7 second examination, the physical ability of the applicant shall  
8 be found to be less than the minimum standard fixed by the  
9 rules of the commission, the applicant shall not be appointed.  
10 The applicant's name may be retained upon the register of  
11 candidates eligible for appointment and when next reached for  
12 certification and appointment that applicant may be again  
13 examined as provided in this Section, and if the physical  
14 ability of that applicant is found to be less than the minimum  
15 standard fixed by the rules of the commission, the applicant  
16 shall not be appointed, and the name of the applicant shall be  
17 removed from the register.

18 (d) Notice, examination, and testing components. Notice of  
19 the time, place, general scope, merit criteria for any  
20 subjective component, and fee of every examination shall be  
21 given by the commission, by a publication at least 2 weeks  
22 preceding the examination: (i) in one or more newspapers  
23 published in the district, or if no newspaper is published  
24 therein, then in one or more newspapers with a general  
25 circulation within the district, or (ii) on the fire protection  
26 district's Internet website. Additional notice of the

1 examination may be given as the commission shall prescribe.

2 The examination and qualifying standards for employment of  
3 firefighters shall be based on: mental aptitude, physical  
4 ability, preferences, moral character, and health. The mental  
5 aptitude, physical ability, and preference components shall  
6 determine an applicant's qualification for and placement on the  
7 final register of eligibles. The examination may also include a  
8 subjective component based on merit criteria as determined by  
9 the commission. Scores from the examination must be made  
10 available to the public.

11 (e) Mental aptitude. No person who does not possess at  
12 least a high school diploma or an equivalent high school  
13 education shall be placed on a register of eligibles.  
14 Examination of an applicant's mental aptitude shall be based  
15 upon a written examination. The examination shall be practical  
16 in character and relate to those matters that fairly test the  
17 capacity of the persons examined to discharge the duties  
18 performed by members of a fire department. Written examinations  
19 shall be administered in a manner that ensures the security and  
20 accuracy of the scores achieved.

21 (f) Physical ability. All candidates shall be required to  
22 undergo an examination of their physical ability to perform the  
23 essential functions included in the duties they may be called  
24 upon to perform as a member of a fire department. For the  
25 purposes of this Section, essential functions of the job are  
26 functions associated with duties that a firefighter may be

1 called upon to perform in response to emergency calls. The  
2 frequency of the occurrence of those duties as part of the fire  
3 department's regular routine shall not be a controlling factor  
4 in the design of examination criteria or evolutions selected  
5 for testing. These physical examinations shall be open,  
6 competitive, and based on industry standards designed to test  
7 each applicant's physical abilities in the following  
8 dimensions:

9 (1) Muscular strength to perform tasks and evolutions  
10 that may be required in the performance of duties including  
11 grip strength, leg strength, and arm strength. Tests shall  
12 be conducted under anaerobic as well as aerobic conditions  
13 to test both the candidate's speed and endurance in  
14 performing tasks and evolutions. Tasks tested may be based  
15 on standards developed, or approved, by the local  
16 appointing authority.

17 (2) The ability to climb ladders, operate from heights,  
18 walk or crawl in the dark along narrow and uneven surfaces,  
19 and operate in proximity to hazardous environments.

20 (3) The ability to carry out critical, time-sensitive,  
21 and complex problem solving during physical exertion in  
22 stressful and hazardous environments. The testing  
23 environment may be hot and dark with tightly enclosed  
24 spaces, flashing lights, sirens, and other distractions.

25 The tests utilized to measure each applicant's  
26 capabilities in each of these dimensions may be tests based on

1 industry standards currently in use or equivalent tests  
2 approved by the Joint Labor-Management Committee of the Office  
3 of the State Fire Marshal.

4 Physical ability examinations administered under this  
5 Section shall be conducted with a reasonable number of proctors  
6 and monitors, open to the public, and subject to reasonable  
7 regulations of the commission.

8 (g) Scoring of examination components. Appointing  
9 authorities may create a preliminary eligibility register. A  
10 person shall be placed on the list based upon his or her  
11 passage of the written examination or the passage of the  
12 written examination and the physical ability component.  
13 Passage of the written examination means a score that is at or  
14 above the median score for all applicants participating in the  
15 written test. The appointing authority may conduct the physical  
16 ability component and any subjective components subsequent to  
17 the posting of the preliminary eligibility register.

18 The examination components for an initial eligibility  
19 register shall be graded on a 100-point scale. A person's  
20 position on the list shall be determined by the following: (i)  
21 the person's score on the written examination, (ii) the person  
22 successfully passing the physical ability component, and (iii)  
23 the person's results on any subjective component as described  
24 in subsection (d).

25 In order to qualify for placement on the final eligibility  
26 register, an applicant's score on the written examination,

1 before any applicable preference points or subjective points  
2 are applied, shall be at or above the median score. The local  
3 appointing authority may prescribe the score to qualify for  
4 placement on the final eligibility register, but the score  
5 shall not be less than the median score.

6 The commission shall prepare and keep a register of persons  
7 whose total score is not less than the minimum fixed by this  
8 Section and who have passed the physical ability examination.  
9 These persons shall take rank upon the register as candidates  
10 in the order of their relative excellence based on the highest  
11 to the lowest total points scored on the mental aptitude,  
12 subjective component, and preference components of the test  
13 administered in accordance with this Section. No more than 60  
14 days after each examination, an initial eligibility list shall  
15 be posted by the commission. The list shall include the final  
16 grades of the candidates without reference to priority of the  
17 time of examination and subject to claim for preference credit.

18 Commissions may conduct additional examinations, including  
19 without limitation a polygraph test, after a final eligibility  
20 register is established and before it expires with the  
21 candidates ranked by total score without regard to date of  
22 examination. No more than 60 days after each examination, an  
23 initial eligibility list shall be posted by the commission  
24 showing the final grades of the candidates without reference to  
25 priority of time of examination and subject to claim for  
26 preference credit.

1 (h) Preferences. The following are preferences:

2 (1) Veteran preference. Persons who were engaged in the  
3 military service of the United States for a period of at  
4 least one year of active duty and who were honorably  
5 discharged therefrom, or who are now or have been members  
6 on inactive or reserve duty in such military or naval  
7 service, shall be preferred for appointment to and  
8 employment with the fire department of an affected  
9 department.

10 (2) Fire cadet preference. Persons who have  
11 successfully completed 2 years of study in fire techniques  
12 or cadet training within a cadet program established under  
13 the rules of the Joint Labor and Management Committee  
14 (JLMC), as defined in Section 50 of the Fire Department  
15 Promotion Act, may be preferred for appointment to and  
16 employment with the fire department.

17 (3) Educational preference. Persons who have  
18 successfully obtained an associate's degree in the field of  
19 fire service or emergency medical services, or a bachelor's  
20 degree from an accredited college or university may be  
21 preferred for appointment to and employment with the fire  
22 department.

23 (4) Paramedic preference. Persons who have obtained  
24 certification as an Emergency Medical Technician-Paramedic  
25 (EMT-P) may be preferred for appointment to and employment  
26 with the fire department of an affected department

1 providing emergency medical services.

2 (5) Experience preference. All persons employed by a  
3 district who have been paid-on-call or part-time certified  
4 Firefighter II, certified Firefighter III, State of  
5 Illinois or nationally licensed EMT-B or EMT-I, licensed  
6 paramedic, or any combination of those capacities may be  
7 awarded up to a maximum of 5 points. However, the applicant  
8 may not be awarded more than 0.5 points for each complete  
9 year of paid-on-call or part-time service. Applicants from  
10 outside the district who were employed as full-time  
11 firefighters or firefighter-paramedics by a fire  
12 protection district or municipality for at least 2 years  
13 may be awarded up to 5 experience preference points.  
14 However, the applicant may not be awarded more than one  
15 point for each complete year of full-time service.

16 Upon request by the commission, the governing body of  
17 the district or in the case of applicants from outside the  
18 district the governing body of any other fire protection  
19 district or any municipality shall certify to the  
20 commission, within 10 days after the request, the number of  
21 years of successful paid-on-call, part-time, or full-time  
22 service of any person. A candidate may not receive the full  
23 amount of preference points under this subsection if the  
24 amount of points awarded would place the candidate before a  
25 veteran on the eligibility list. If more than one candidate  
26 receiving experience preference points is prevented from

1 receiving all of their points due to not being allowed to  
2 pass a veteran, the candidates shall be placed on the list  
3 below the veteran in rank order based on the totals  
4 received if all points under this subsection were to be  
5 awarded. Any remaining ties on the list shall be determined  
6 by lot.

7 (6) Residency preference. Applicants whose principal  
8 residence is located within the fire department's  
9 jurisdiction may be preferred for appointment to and  
10 employment with the fire department.

11 (7) Additional preferences. Up to 5 additional  
12 preference points may be awarded for unique categories  
13 based on an applicant's experience or background as  
14 identified by the commission.

15 (8) Scoring of preferences. The commission shall give  
16 preference for original appointment to persons designated  
17 in item (1) by adding to the final grade that they receive  
18 5 points for the recognized preference achieved. The  
19 commission shall determine the number of preference points  
20 for each category except (1). The number of preference  
21 points for each category shall range from 0 to 5. In  
22 determining the number of preference points, the  
23 commission shall prescribe that if a candidate earns the  
24 maximum number of preference points in all categories, that  
25 number may not be less than 10 nor more than 30. The  
26 commission shall give preference for original appointment



1 to persons designated in items (2) through (7) by adding  
2 the requisite number of points to the final grade for each  
3 recognized preference achieved. The numerical result thus  
4 attained shall be applied by the commission in determining  
5 the final eligibility list and appointment from the  
6 eligibility list. The local appointing authority may  
7 prescribe the total number of preference points awarded  
8 under this Section, but the total number of preference  
9 points shall not be less than 10 points or more than 30  
10 points.

11 No person entitled to any preference shall be required to  
12 claim the credit before any examination held under the  
13 provisions of this Section, but the preference shall be given  
14 after the posting or publication of the initial eligibility  
15 list or register at the request of a person entitled to a  
16 credit before any certification or appointments are made from  
17 the eligibility register, upon the furnishing of verifiable  
18 evidence and proof of qualifying preference credit. Candidates  
19 who are eligible for preference credit shall make a claim in  
20 writing within 10 days after the posting of the initial  
21 eligibility list, or the claim shall be deemed waived. Final  
22 eligibility registers shall be established after the awarding  
23 of verified preference points. All employment shall be subject  
24 to the commission's initial hire background review including,  
25 but not limited to, criminal history, employment history, moral  
26 character, oral examination, and medical and psychological

1 examinations, all on a pass-fail basis. The medical and  
2 psychological examinations must be conducted last, and may only  
3 be performed after a conditional offer of employment has been  
4 extended.

5 Any person placed on an eligibility list who exceeds the  
6 age requirement before being appointed to a fire department  
7 shall remain eligible for appointment until the list is  
8 abolished, or his or her name has been on the list for a period  
9 of 2 years. No person who has attained the age of 35 years  
10 shall be inducted into a fire department, except as otherwise  
11 provided in this Section.

12 The commission shall strike off the names of candidates for  
13 original appointment after the names have been on the list for  
14 more than 2 years.

15 (i) Moral character. No person shall be appointed to a fire  
16 department unless he or she is a person of good character; not  
17 a habitual drunkard, a gambler, or a person who has been  
18 convicted of a felony or a crime involving moral turpitude.  
19 However, no person shall be disqualified from appointment to  
20 the fire department because of the person's record of  
21 misdemeanor convictions except those under Sections 11-6,  
22 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,  
23 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,  
24 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections  
25 1, 6, and 8 of Section 24-1 of the Criminal Code of 1961 or the  
26 Criminal Code of 2012, or arrest for any cause without

1 conviction thereon. Any such person who is in the department  
2 may be removed on charges brought for violating this subsection  
3 and after a trial as hereinafter provided.

4 A classifiable set of the fingerprints of every person who  
5 is offered employment as a certificated member of an affected  
6 fire department whether with or without compensation, shall be  
7 furnished to the Illinois Department of State Police and to the  
8 Federal Bureau of Investigation by the commission.

9 Whenever a commission is authorized or required by law to  
10 consider some aspect of criminal history record information for  
11 the purpose of carrying out its statutory powers and  
12 responsibilities, then, upon request and payment of fees in  
13 conformance with the requirements of Section 2605-400 of the  
14 State Police Law of the Civil Administrative Code of Illinois,  
15 the Department of State Police is authorized to furnish,  
16 pursuant to positive identification, the information contained  
17 in State files as is necessary to fulfill the request.

18 (j) Temporary appointments. In order to prevent a stoppage  
19 of public business, to meet extraordinary exigencies, or to  
20 prevent material impairment of the fire department, the  
21 commission may make temporary appointments, to remain in force  
22 only until regular appointments are made under the provisions  
23 of this Section, but never to exceed 60 days. No temporary  
24 appointment of any one person shall be made more than twice in  
25 any calendar year.

26 (k) A person who knowingly divulges or receives test

1 questions or answers before a written examination, or otherwise  
2 knowingly violates or subverts any requirement of this Section,  
3 commits a violation of this Section and may be subject to  
4 charges for official misconduct.

5 A person who is the knowing recipient of test information  
6 in advance of the examination shall be disqualified from the  
7 examination or discharged from the position to which he or she  
8 was appointed, as applicable, and otherwise subjected to  
9 disciplinary actions.

10 (Source: P.A. 97-251, eff. 8-4-11; 97-898, eff. 8-6-12.)

11 Section 215. The Park District Code is amended by changing  
12 Section 8-23 as follows:

13 (70 ILCS 1205/8-23)

14 Sec. 8-23. Criminal background investigations.

15 (a) An applicant for employment with a park district is  
16 required as a condition of employment to authorize an  
17 investigation to determine if the applicant has been convicted  
18 of, or adjudicated a delinquent minor for, any of the  
19 enumerated criminal or drug offenses in subsection (c) of this  
20 Section or has been convicted, within 7 years of the  
21 application for employment with the park district, of any other  
22 felony under the laws of this State or of any offense committed  
23 or attempted in any other state or against the laws of the  
24 United States that, if committed or attempted in this State,

1 would have been punishable as a felony under the laws of this  
2 State. Authorization for the investigation shall be furnished  
3 by the applicant to the park district. Upon receipt of this  
4 authorization, the park district shall submit the applicant's  
5 name, sex, race, date of birth, and social security number to  
6 the Department of State Police on forms prescribed by the  
7 Department of State Police. The Department of State Police  
8 shall conduct a search of the Illinois criminal history records  
9 database to ascertain if the applicant being considered for  
10 employment has been convicted of, or adjudicated a delinquent  
11 minor for, committing or attempting to commit any of the  
12 enumerated criminal or drug offenses in subsection (c) of this  
13 Section or has been convicted of committing or attempting to  
14 commit, within 7 years of the application for employment with  
15 the park district, any other felony under the laws of this  
16 State. The Department of State Police shall charge the park  
17 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 park district for the investigation.

21 (b) If the search of the Illinois criminal history record  
22 database indicates that the applicant has been convicted of, or  
23 adjudicated a delinquent minor for, committing or attempting to  
24 commit any of the enumerated criminal or drug offenses in  
25 subsection (c) or has been convicted of committing or  
26 attempting to commit, within 7 years of the application for

1 employment with the park district, any other felony under the  
2 laws of this State, the Department of State Police and the  
3 Federal Bureau of Investigation shall furnish, pursuant to a  
4 fingerprint based background check, records of convictions or  
5 adjudications as a delinquent minor, until expunged, to the  
6 president of the park district. Any information concerning the  
7 record of convictions or adjudications as a delinquent minor  
8 obtained by the president shall be confidential and may only be  
9 transmitted to those persons who are necessary to the decision  
10 on whether to hire the applicant for employment. A copy of the  
11 record of convictions or adjudications as a delinquent minor  
12 obtained from the Department of State Police shall be provided  
13 to the applicant for employment. Any person who releases any  
14 confidential information concerning any criminal convictions  
15 or adjudications as a delinquent minor of an applicant for  
16 employment shall be guilty of a Class A misdemeanor, unless the  
17 release of such information is authorized by this Section.

18 (c) No park district shall knowingly employ a person who  
19 has been convicted, or adjudicated a delinquent minor, for  
20 committing attempted first degree murder or for committing or  
21 attempting to commit first degree murder, a Class X felony, or  
22 any one or more of the following offenses: (i) those defined in  
23 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6,  
24 11-9, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
25 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B,  
26 11-20.3, 11-21, 11-30, 12-7.3, 12-7.4, 12-7.5, 12-13, 12-14,

1 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 or the  
2 Criminal Code of 2012; (ii) those defined in the Cannabis  
3 Control Act, except those defined in Sections 4(a), 4(b), and  
4 5(a) of that Act; (iii) those defined in the Illinois  
5 Controlled Substances Act; (iv) those defined in the  
6 Methamphetamine Control and Community Protection Act; and (v)  
7 any offense committed or attempted in any other state or  
8 against the laws of the United States, which, if committed or  
9 attempted in this State, would have been punishable as one or  
10 more of the foregoing offenses. Further, no park district shall  
11 knowingly employ a person who has been found to be the  
12 perpetrator of sexual or physical abuse of any minor under 18  
13 years of age pursuant to proceedings under Article II of the  
14 Juvenile Court Act of 1987. No park district shall knowingly  
15 employ a person for whom a criminal background investigation  
16 has not been initiated.

17 (Source: P.A. 96-1551, eff. 7-1-11; 97-700, eff. 6-22-12.)

18 Section 220. The Chicago Park District Act is amended by  
19 changing Sections 16a-5 and 26.3 as follows:

20 (70 ILCS 1505/16a-5)

21 Sec. 16a-5. Criminal background investigations.

22 (a) An applicant for employment with the Chicago Park  
23 District is required as a condition of employment to authorize  
24 an investigation to determine if the applicant has been

1 convicted of, or adjudicated a delinquent minor for, any of the  
2 enumerated criminal or drug offenses in subsection (c) of this  
3 Section or has been convicted, within 7 years of the  
4 application for employment with the Chicago Park District, of  
5 any other felony under the laws of this State or of any offense  
6 committed or attempted in any other state or against the laws  
7 of the United States that, if committed or attempted in this  
8 State, would have been punishable as a felony under the laws of  
9 this State. Authorization for the investigation shall be  
10 furnished by the applicant to the Chicago Park District. Upon  
11 receipt of this authorization, the Chicago Park District shall  
12 submit the applicant's name, sex, race, date of birth, and  
13 social security number to the Department of State Police on  
14 forms prescribed by the Department of State Police. The  
15 Department of State Police shall conduct a search of the  
16 Illinois criminal history record information database to  
17 ascertain if the applicant being considered for employment has  
18 been convicted of, or adjudicated a delinquent minor for,  
19 committing or attempting to commit any of the enumerated  
20 criminal or drug offenses in subsection (c) of this Section or  
21 has been convicted, of committing or attempting to commit  
22 within 7 years of the application for employment with the  
23 Chicago Park District, any other felony under the laws of this  
24 State. The Department of State Police shall charge the Chicago  
25 Park District a fee for conducting the investigation, which fee  
26 shall be deposited in the State Police Services Fund and shall



1 not exceed the cost of the inquiry. The applicant shall not be  
2 charged a fee by the Chicago Park District for the  
3 investigation.

4 (b) If the search of the Illinois criminal history record  
5 database indicates that the applicant has been convicted of, or  
6 adjudicated a delinquent minor for, committing or attempting to  
7 commit any of the enumerated criminal or drug offenses in  
8 subsection (c) or has been convicted of committing or  
9 attempting to commit, within 7 years of the application for  
10 employment with the Chicago Park District, any other felony  
11 under the laws of this State, the Department of State Police  
12 and the Federal Bureau of Investigation shall furnish, pursuant  
13 to a fingerprint based background check, records of convictions  
14 or adjudications as a delinquent minor, until expunged, to the  
15 General Superintendent and Chief Executive Officer of the  
16 Chicago Park District. Any information concerning the record of  
17 convictions or adjudications as a delinquent minor obtained by  
18 the General Superintendent and Chief Executive Officer shall be  
19 confidential and may only be transmitted to those persons who  
20 are necessary to the decision on whether to hire the applicant  
21 for employment. A copy of the record of convictions or  
22 adjudications as a delinquent minor obtained from the  
23 Department of State Police shall be provided to the applicant  
24 for employment. Any person who releases any confidential  
25 information concerning any criminal convictions or  
26 adjudications as a delinquent minor of an applicant for

1 employment shall be guilty of a Class A misdemeanor, unless the  
2 release of such information is authorized by this Section.

3 (c) The Chicago Park District may not knowingly employ a  
4 person who has been convicted, or adjudicated a delinquent  
5 minor, for committing attempted first degree murder or for  
6 committing or attempting to commit first degree murder, a Class  
7 X felony, or any one or more of the following offenses: (i)  
8 those defined in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,  
9 11-1.60, 11-6, 11-9, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1,  
10 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,  
11 11-20.1B, 11-20.3, 11-21, 11-30, 12-7.3, 12-7.4, 12-7.5,  
12 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of  
13 1961 or the Criminal Code of 2012; (ii) those defined in the  
14 Cannabis Control Act, except those defined in Sections 4(a),  
15 4(b), and 5(a) of that Act; (iii) those defined in the Illinois  
16 Controlled Substances Act; (iv) those defined in the  
17 Methamphetamine Control and Community Protection Act; and (v)  
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. Further, the Chicago Park  
22 District may not knowingly employ a person who has been found  
23 to be the perpetrator of sexual or physical abuse of any minor  
24 under 18 years of age pursuant to proceedings under Article II  
25 of the Juvenile Court Act of 1987. The Chicago Park District  
26 may not knowingly employ a person for whom a criminal

1 background investigation has not been initiated.

2 (Source: P.A. 96-1551, eff. 7-1-11; 97-700, eff. 6-22-12.)

3 (70 ILCS 1505/26.3) (from Ch. 105, par. 333.23n)

4 Sec. 26.3. The Chicago Park District, to carry out the  
5 purposes of this section, has all the rights and powers over  
6 its harbor as it does over its other property, and its rights  
7 and powers include but are not limited to the following:

8 (a) To furnish complete harbor facilities and  
9 services, including but not limited to: launching,  
10 mooring, docking, storing, and repairing facilities and  
11 services; parking facilities for motor vehicles and boat  
12 trailers; and roads for access to the harbor.

13 (b) To acquire by gift, legacy, grant, purchase, lease,  
14 or by condemnation in the manner provided for the exercise  
15 of the right of eminent domain under the Eminent Domain  
16 Act, any property necessary or appropriate for the purposes  
17 of this Section, including riparian rights, within or  
18 without the Chicago Park District.

19 (c) To use, occupy and reclaim submerged land under the  
20 public waters of the State and artificially made or  
21 reclaimed land anywhere within the jurisdiction of the  
22 Chicago Park District, or in, over, and upon bordering  
23 public waters.

24 (d) To acquire property by agreeing on a boundary line  
25 in accordance with the provisions of "An Act to enable the

1 commissioners of Lincoln Park to extend certain parks,  
2 boulevards and driveways under its control from time to  
3 time and granting submerged lands for the purpose of such  
4 extensions and providing for the acquisition of riparian  
5 rights and shore lands and interests therein for the  
6 purpose of such extensions and to defray the cost thereof,"  
7 approved May 25, 1931, and "An Act to enable Park  
8 Commissioners having control of a park or parks bordering  
9 upon public waters in this state, to enlarge and connect  
10 the same from time to time by extensions over lands and the  
11 bed of such waters, and defining the use which may be made  
12 of such extensions, and granting lands for the purpose of  
13 such enlargements," approved May 14, 1903, as amended, and  
14 the other Statutes pertaining to Park Districts bordering  
15 on navigable waters in the State of Illinois.

16 (e) To locate and establish dock, shore and harbor  
17 lines.

18 (f) To license, regulate, and control the use and  
19 operation of the harbor, including the operation of all  
20 water-borne vessels in the harbor, or otherwise within the  
21 jurisdiction of the Chicago Park District.

22 (g) To establish and collect fees for all facilities  
23 and services, and compensation for materials furnished.  
24 Fees charged nonresidents of such district need not be the  
25 same as fees charged to residents of the district.

26 (h) To appoint a director of special services, harbor

1 masters and other personnel, defining their duties and  
2 authority.

3 (i) To enter into contracts and leases of every kind,  
4 dealing in any manner with the objects and purposes of this  
5 section, upon such terms and conditions as the Chicago Park  
6 District determines.

7 (j) To establish an impoundment area or areas within  
8 the jurisdiction of the Chicago Park District.

9 (k) To remove and store within the impoundment area or  
10 areas a water-borne vessel that:

11 (1) is tied or attached to any docks, piers or  
12 buoys or other moorings in or upon any harbors or  
13 waters of the park system in contravention of those  
14 Sections of the Code of the Chicago Park District  
15 pertaining to the use of harbors or any rules  
16 promulgated by the general superintendent thereunder;

17 (2) is located in the waters or harbors for a  
18 period of 12 hours or more without a proper permit;

19 (3) is abandoned or left unattended in the waters  
20 or harbors that impedes navigation on the waters;

21 (4) is impeding navigation on the waters, because  
22 the persons in charge are incapacitated due to injury  
23 or illness;

24 (5) is abandoned in the waters or harbors for a  
25 period of 10 hours or more;

26 (6) is seized under Article 36 of the Criminal Code

1 of 2012 ~~1961~~, having been used in the commission of a  
2 crime;

3 (7) is reported stolen and the owner has not been  
4 located after a reasonable search.

5 (l) To impose a duty on the director of special  
6 services or other appointed official to manage and operate  
7 the impoundment process and to keep any impounded vessel  
8 until such vessel is repossessed by the owner or other  
9 person legally entitled to possession thereof or otherwise  
10 disposed of in accordance with ordinances or regulations  
11 established by the Chicago Park District.

12 (m) To impose fees and charges for redemption of any  
13 impounded vessel to cover the cost of towing and storage of  
14 the vessel while in custody of the Chicago Park District.

15 (n) To release any impounded vessel to a person  
16 entitled to possession or to dispose of such vessel which  
17 remains unclaimed after a reasonable search for the owner  
18 has been made in full compliance with ordinances and  
19 regulations of the Chicago Park District.

20 (o) To control, license and regulate, including the  
21 establishment of permits and fees therefor, the  
22 chartering, renting or letting for hire of any vessel  
23 operating on the waters or harbors within the jurisdiction  
24 of the Chicago Park District.

25 (p) To rent storage space to owners of vessels during  
26 such seasons and at such fees as are prescribed from time

1 to time in regulations of the Chicago Park District.

2 (Source: P.A. 94-1055, eff. 1-1-07.)

3 Section 225. The Metropolitan Water Reclamation District  
4 Act is amended by changing Section 7g as follows:

5 (70 ILCS 2605/7g) (from Ch. 42, par. 326g)

6 Sec. 7g. Any person who takes or who knowingly permits his  
7 agent or employee to take industrial wastes or other wastes  
8 from a point of origin and intentionally discharges such wastes  
9 by means of mobile or portable equipment into any sewer, sewer  
10 manhole, or any appurtenances thereto, or directly or  
11 indirectly to any waters without possession of a valid and  
12 legally issued permit shall be guilty of a Class A misdemeanor.  
13 A second or subsequent offense shall constitute a Class 4  
14 felony.

15 Any mobile or portable equipment used in the commission of  
16 any act which is a violation of this Section shall be subject  
17 to seizure and forfeiture in the manner provided for the  
18 seizure and forfeiture of vessels, vehicles and aircraft in  
19 Article 36 of the Criminal Code of 2012 ~~1961~~, as now or  
20 hereafter amended. The person causing the intentional  
21 discharge shall be liable for the costs of seizure, storage,  
22 and disposal of the mobile or portable equipment.

23 The terms "industrial waste" and "other wastes" shall have  
24 the same meaning as these terms are defined in Section 7a of

1 this Act.

2 (Source: P.A. 90-354, eff. 8-8-97.)

3 Section 230. The Metropolitan Transit Authority Act is  
4 amended by changing Section 28b as follows:

5 (70 ILCS 3605/28b) (from Ch. 111 2/3, par. 328b)

6 Sec. 28b. Any person applying for a position as a driver of  
7 a vehicle owned by a private carrier company which provides  
8 public transportation pursuant to an agreement with the  
9 Authority shall be required to authorize an investigation by  
10 the private carrier company to determine if the applicant has  
11 been convicted of any of the following offenses: (i) those  
12 offenses defined in Sections 9-1, 9-1.2, 10-1, 10-2, 10-3.1,  
13 10-4, 10-5, 10-6, 10-7, 11-1.20, 11-1.30, 11-1.40, 11-1.50,  
14 11-1.60, 11-6, 11-9, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1,  
15 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,  
16 11-20.1B, 11-20.3, 11-21, 11-22, 11-30, 12-4.3, 12-4.4,  
17 12-4.5, 12-6, 12-7.1, 12-11, 12-13, 12-14, 12-14.1, 12-15,  
18 12-16, 12-16.1, 18-1, 18-2, 19-6, 20-1, 20-1.1, 31A-1, 31A-1.1,  
19 and 33A-2, in subsection (a) and subsection (b), clause (1), of  
20 Section 12-4, in subdivisions (a)(1), (b)(1), and (f)(1) of  
21 Section 12-3.05, and in subsection (a-5) of Section 12-3.1 of  
22 the Criminal Code of 1961 or the Criminal Code of 2012; (ii)  
23 those offenses defined in the Cannabis Control Act except those  
24 offenses defined in subsections (a) and (b) of Section 4, and



1 subsection (a) of Section 5 of the Cannabis Control Act (iii)  
2 those offenses defined in the Illinois Controlled Substances  
3 Act; (iv) those offenses defined in the Methamphetamine Control  
4 and Community Protection Act; and (v) any offense committed or  
5 attempted in any other state or against the laws of the United  
6 States, which if committed or attempted in this State would be  
7 punishable as one or more of the foregoing offenses. Upon  
8 receipt of this authorization, the private carrier company  
9 shall submit the applicant's name, sex, race, date of birth,  
10 fingerprints and social security number to the Department of  
11 State Police on forms prescribed by the Department. The  
12 Department of State Police shall conduct an investigation to  
13 ascertain if the applicant has been convicted of any of the  
14 above enumerated offenses. The Department shall charge the  
15 private carrier company a fee for conducting the investigation,  
16 which fee shall be deposited in the State Police Services Fund  
17 and shall not exceed the cost of the inquiry; and the applicant  
18 shall not be charged a fee for such investigation by the  
19 private carrier company. The Department of State Police shall  
20 furnish, pursuant to positive identification, records of  
21 convictions, until expunged, to the private carrier company  
22 which requested the investigation. A copy of the record of  
23 convictions obtained from the Department shall be provided to  
24 the applicant. Any record of conviction received by the private  
25 carrier company shall be confidential. Any person who releases  
26 any confidential information concerning any criminal

1 convictions of an applicant shall be guilty of a Class A  
2 misdemeanor, unless authorized by this Section.

3 (Source: P.A. 96-1551, Article 1, Section 920, eff. 7-1-11;  
4 96-1551, Article 2, Section 960, eff. 7-1-11; 97-1108, eff.  
5 1-1-13; 97-1109, eff. 1-1-13.)

6 Section 235. The School Code is amended by changing  
7 Sections 10-3, 10-10, 10-22.6, 10-22.39, 10-27.1A, 14-6.02,  
8 21B-80, 27-9.1, 33-2, 34-2.1, 34-4, 34-84a.1, and 34-84b as  
9 follows:

10 (105 ILCS 5/10-3) (from Ch. 122, par. 10-3)

11 Sec. 10-3. Eligibility of directors. Any person who, on the  
12 date of his or her election, is a citizen of the United States,  
13 of the age of 18 years or over, is a resident of the State and  
14 of the territory of the district for at least one year  
15 immediately preceding his or her election, is a registered  
16 voter as provided in the general election law, is not a school  
17 trustee or a school treasurer, and is not a child sex offender  
18 as defined in Section 11-9.3 of the Criminal Code of 2012 ~~1961~~  
19 shall be eligible to the office of school director.

20 (Source: P.A. 93-309, eff. 1-1-04.)

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

22 Sec. 10-10. Board of education; Term; Vacancy. All school  
23 districts having a population of not fewer than 1,000 and not

1 more than 500,000 inhabitants, as ascertained by any special or  
2 general census, and not governed by special Acts, shall be  
3 governed by a board of education consisting of 7 members,  
4 serving without compensation except as herein provided. Each  
5 member shall be elected for a term of 4 years for the initial  
6 members of the board of education of a combined school district  
7 to which that subsection applies. If 5 members are elected in  
8 1983 pursuant to the extension of terms provided by law for  
9 transition to the consolidated election schedule under the  
10 general election law, 2 of those members shall be elected to  
11 serve terms of 2 years and 3 shall be elected to serve terms of  
12 4 years; their successors shall serve for a 4 year term. When  
13 the voters of a district have voted to elect members of the  
14 board of education for 6 year terms, as provided in Section  
15 9-5, the terms of office of members of the board of education  
16 of that district expire when their successors assume office but  
17 not later than 7 days after such election. If at the regular  
18 school election held in the first odd-numbered year after the  
19 determination to elect members for 6 year terms 2 members are  
20 elected, they shall serve for a 6 year term; and of the members  
21 elected at the next regular school election 3 shall serve for a  
22 term of 6 years and 2 shall serve a term of 2 years. Thereafter  
23 members elected in such districts shall be elected to a 6 year  
24 term. If at the regular school election held in the first  
25 odd-numbered year after the determination to elect members for  
26 6 year terms 3 members are elected, they shall serve for a 6

1 year term; and of the members elected at the next regular  
2 school election 2 shall serve for a term of 2 years and 2 shall  
3 serve for a term of 6 years. Thereafter members elected in such  
4 districts shall be elected to a 6 year term. If at the regular  
5 school election held in the first odd-numbered year after the  
6 determination to elect members for 6 year terms 4 members are  
7 elected, 3 shall serve for a term of 6 years and one shall  
8 serve for a term of 2 years; and of the members elected at the  
9 next regular school election 2 shall serve for terms of 6 years  
10 and 2 shall serve for terms of 2 years. Thereafter members  
11 elected in such districts shall be elected to a 6 year term. If  
12 at the regular school election held in the first odd-numbered  
13 year after the determination to elect members for a 6 year term  
14 5 members are elected, 3 shall serve for a term of 6 years and 2  
15 shall serve for a term of 2 years; and of the members elected  
16 at the next regular school election 2 shall serve for terms of  
17 6 years and 2 shall serve for terms of 2 years. Thereafter  
18 members elected in such districts shall be elected to a 6 year  
19 term. An election for board members shall not be held in school  
20 districts which by consolidation, annexation or otherwise  
21 shall cease to exist as a school district within 6 months after  
22 the election date, and the term of all board members which  
23 would otherwise terminate shall be continued until such  
24 district shall cease to exist. Each member, on the date of his  
25 or her election, shall be a citizen of the United States of the  
26 age of 18 years or over, shall be a resident of the State and

1 the territory of the district for at least one year immediately  
2 preceding his or her election, shall be a registered voter as  
3 provided in the general election law, shall not be a school  
4 trustee, and shall not be a child sex offender as defined in  
5 Section 11-9.3 of the Criminal Code of 2012 ~~1961~~. When the  
6 board of education is the successor of the school directors,  
7 all rights of property, and all rights regarding causes of  
8 action existing or vested in such directors, shall vest in it  
9 as fully as they were vested in the school directors. Terms of  
10 members are subject to Section 2A-54 of the Election Code.

11 Nomination papers filed under this Section are not valid  
12 unless the candidate named therein files with the secretary of  
13 the board of education or with a person designated by the board  
14 to receive nominating petitions a receipt from the county clerk  
15 showing that the candidate has filed a statement of economic  
16 interests as required by the Illinois Governmental Ethics Act.  
17 Such receipt shall be so filed either previously during the  
18 calendar year in which his nomination papers were filed or  
19 within the period for the filing of nomination papers in  
20 accordance with the general election law.

21 Whenever a vacancy occurs, the remaining members shall  
22 notify the regional superintendent of that vacancy within 5  
23 days after its occurrence and shall proceed to fill the vacancy  
24 until the next regular school election, at which election a  
25 successor shall be elected to serve the remainder of the  
26 unexpired term. However, if the vacancy occurs with less than

1 868 days remaining in the term, or if the vacancy occurs less  
2 than 88 days before the next regularly scheduled election for  
3 this office then the person so appointed shall serve the  
4 remainder of the unexpired term, and no election to fill the  
5 vacancy shall be held. Should they fail so to act, within 45  
6 days after the vacancy occurs, the regional superintendent of  
7 schools under whose supervision and control the district is  
8 operating, as defined in Section 3-14.2 of this Act, shall  
9 within 30 days after the remaining members have failed to fill  
10 the vacancy, fill the vacancy as provided for herein. Upon the  
11 regional superintendent's failure to fill the vacancy, the  
12 vacancy shall be filled at the next regularly scheduled  
13 election. Whether elected or appointed by the remaining members  
14 or regional superintendent, the successor shall be an  
15 inhabitant of the particular area from which his or her  
16 predecessor was elected if the residential requirements  
17 contained in Section 10-10.5 or 12-2 of this Code apply.

18 A board of education may appoint a student to the board to  
19 serve in an advisory capacity. The student member shall serve  
20 for a term as determined by the board. The board may not grant  
21 the student member any voting privileges, but shall consider  
22 the student member as an advisor. The student member may not  
23 participate in or attend any executive session of the board.

24 (Source: P.A. 96-538, eff. 8-14-09.)

25 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

1           Sec. 10-22.6. Suspension or expulsion of pupils; school  
2 searches.

3           (a) To expel pupils guilty of gross disobedience or  
4 misconduct, including gross disobedience or misconduct  
5 perpetuated by electronic means, and no action shall lie  
6 against them for such expulsion. Expulsion shall take place  
7 only after the parents have been requested to appear at a  
8 meeting of the board, or with a hearing officer appointed by  
9 it, to discuss their child's behavior. Such request shall be  
10 made by registered or certified mail and shall state the time,  
11 place and purpose of the meeting. The board, or a hearing  
12 officer appointed by it, at such meeting shall state the  
13 reasons for dismissal and the date on which the expulsion is to  
14 become effective. If a hearing officer is appointed by the  
15 board he shall report to the board a written summary of the  
16 evidence heard at the meeting and the board may take such  
17 action thereon as it finds appropriate. An expelled pupil may  
18 be immediately transferred to an alternative program in the  
19 manner provided in Article 13A or 13B of this Code. A pupil  
20 must not be denied transfer because of the expulsion, except in  
21 cases in which such transfer is deemed to cause a threat to the  
22 safety of students or staff in the alternative program.

23           (b) To suspend or by policy to authorize the superintendent  
24 of the district or the principal, assistant principal, or dean  
25 of students of any school to suspend pupils guilty of gross  
26 disobedience or misconduct, or to suspend pupils guilty of

1 gross disobedience or misconduct on the school bus from riding  
2 the school bus, and no action shall lie against them for such  
3 suspension. The board may by policy authorize the  
4 superintendent of the district or the principal, assistant  
5 principal, or dean of students of any school to suspend pupils  
6 guilty of such acts for a period not to exceed 10 school days.  
7 If a pupil is suspended due to gross disobedience or misconduct  
8 on a school bus, the board may suspend the pupil in excess of  
9 10 school days for safety reasons. Any suspension shall be  
10 reported immediately to the parents or guardian of such pupil  
11 along with a full statement of the reasons for such suspension  
12 and a notice of their right to a review. The school board must  
13 be given a summary of the notice, including the reason for the  
14 suspension and the suspension length. Upon request of the  
15 parents or guardian the school board or a hearing officer  
16 appointed by it shall review such action of the superintendent  
17 or principal, assistant principal, or dean of students. At such  
18 review the parents or guardian of the pupil may appear and  
19 discuss the suspension with the board or its hearing officer.  
20 If a hearing officer is appointed by the board he shall report  
21 to the board a written summary of the evidence heard at the  
22 meeting. After its hearing or upon receipt of the written  
23 report of its hearing officer, the board may take such action  
24 as it finds appropriate. A pupil who is suspended in excess of  
25 20 school days may be immediately transferred to an alternative  
26 program in the manner provided in Article 13A or 13B of this



1 Code. A pupil must not be denied transfer because of the  
2 suspension, except in cases in which such transfer is deemed to  
3 cause a threat to the safety of students or staff in the  
4 alternative program.

5 (c) The Department of Human Services shall be invited to  
6 send a representative to consult with the board at such meeting  
7 whenever there is evidence that mental illness may be the cause  
8 for expulsion or suspension.

9 (d) The board may expel a student for a definite period of  
10 time not to exceed 2 calendar years, as determined on a case by  
11 case basis. A student who is determined to have brought one of  
12 the following objects to school, any school-sponsored activity  
13 or event, or any activity or event that bears a reasonable  
14 relationship to school shall be expelled for a period of not  
15 less than one year:

16 (1) A firearm. For the purposes of this Section,  
17 "firearm" means any gun, rifle, shotgun, weapon as defined  
18 by Section 921 of Title 18 of the United States Code,  
19 firearm as defined in Section 1.1 of the Firearm Owners  
20 Identification Card Act, or firearm as defined in Section  
21 24-1 of the Criminal Code of 2012 ~~1961~~. The expulsion  
22 period under this subdivision (1) may be modified by the  
23 superintendent, and the superintendent's determination may  
24 be modified by the board on a case-by-case basis.

25 (2) A knife, brass knuckles or other knuckle weapon  
26 regardless of its composition, a billy club, or any other

1 object if used or attempted to be used to cause bodily  
2 harm, including "look alike" of any firearm as defined in  
3 subdivision (1) of this subsection (d). The expulsion  
4 requirement under this subdivision (2) may be modified by  
5 the superintendent, and the superintendent's determination  
6 may be modified by the board on a case-by-case basis.

7 Expulsion or suspension shall be construed in a manner  
8 consistent with the Federal Individuals with Disabilities  
9 Education Act. A student who is subject to suspension or  
10 expulsion as provided in this Section may be eligible for a  
11 transfer to an alternative school program in accordance with  
12 Article 13A of the School Code. The provisions of this  
13 subsection (d) apply in all school districts, including special  
14 charter districts and districts organized under Article 34.

15 (d-5) The board may suspend or by regulation authorize the  
16 superintendent of the district or the principal, assistant  
17 principal, or dean of students of any school to suspend a  
18 student for a period not to exceed 10 school days or may expel  
19 a student for a definite period of time not to exceed 2  
20 calendar years, as determined on a case by case basis, if (i)  
21 that student has been determined to have made an explicit  
22 threat on an Internet website against a school employee, a  
23 student, or any school-related personnel, (ii) the Internet  
24 website through which the threat was made is a site that was  
25 accessible within the school at the time the threat was made or  
26 was available to third parties who worked or studied within the

1 school grounds at the time the threat was made, and (iii) the  
2 threat could be reasonably interpreted as threatening to the  
3 safety and security of the threatened individual because of his  
4 or her duties or employment status or status as a student  
5 inside the school. The provisions of this subsection (d-5)  
6 apply in all school districts, including special charter  
7 districts and districts organized under Article 34 of this  
8 Code.

9 (e) To maintain order and security in the schools, school  
10 authorities may inspect and search places and areas such as  
11 lockers, desks, parking lots, and other school property and  
12 equipment owned or controlled by the school, as well as  
13 personal effects left in those places and areas by students,  
14 without notice to or the consent of the student, and without a  
15 search warrant. As a matter of public policy, the General  
16 Assembly finds that students have no reasonable expectation of  
17 privacy in these places and areas or in their personal effects  
18 left in these places and areas. School authorities may request  
19 the assistance of law enforcement officials for the purpose of  
20 conducting inspections and searches of lockers, desks, parking  
21 lots, and other school property and equipment owned or  
22 controlled by the school for illegal drugs, weapons, or other  
23 illegal or dangerous substances or materials, including  
24 searches conducted through the use of specially trained dogs.  
25 If a search conducted in accordance with this Section produces  
26 evidence that the student has violated or is violating either

1 the law, local ordinance, or the school's policies or rules,  
2 such evidence may be seized by school authorities, and  
3 disciplinary action may be taken. School authorities may also  
4 turn over such evidence to law enforcement authorities. The  
5 provisions of this subsection (e) apply in all school  
6 districts, including special charter districts and districts  
7 organized under Article 34.

8 (f) Suspension or expulsion may include suspension or  
9 expulsion from school and all school activities and a  
10 prohibition from being present on school grounds.

11 (g) A school district may adopt a policy providing that if  
12 a student is suspended or expelled for any reason from any  
13 public or private school in this or any other state, the  
14 student must complete the entire term of the suspension or  
15 expulsion in an alternative school program under Article 13A of  
16 this Code or an alternative learning opportunities program  
17 under Article 13B of this Code before being admitted into the  
18 school district if there is no threat to the safety of students  
19 or staff in the alternative program. This subsection (g)  
20 applies to all school districts, including special charter  
21 districts and districts organized under Article 34 of this  
22 Code.

23 (Source: P.A. 96-633, eff. 8-24-09; 96-998, eff. 7-2-10;  
24 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; 97-813, eff.  
25 7-13-12.)

1 (105 ILCS 5/10-22.39)

2 Sec. 10-22.39. In-service training programs.

3 (a) To conduct in-service training programs for teachers.

4 (b) In addition to other topics at in-service training  
5 programs, school guidance counselors, teachers, school social  
6 workers, and other school personnel who work with pupils in  
7 grades 7 through 12 shall be trained to identify the warning  
8 signs of suicidal behavior in adolescents and teens and shall  
9 be taught appropriate intervention and referral techniques.

10 (c) School guidance counselors, nurses, teachers and other  
11 school personnel who work with pupils may be trained to have a  
12 basic knowledge of matters relating to acquired  
13 immunodeficiency syndrome (AIDS), including the nature of the  
14 disease, its causes and effects, the means of detecting it and  
15 preventing its transmission, and the availability of  
16 appropriate sources of counseling and referral, and any other  
17 information that may be appropriate considering the age and  
18 grade level of such pupils. The School Board shall supervise  
19 such training. The State Board of Education and the Department  
20 of Public Health shall jointly develop standards for such  
21 training.

22 (d) In this subsection (d):

23 "Domestic violence" means abuse by a family or household  
24 member, as "abuse" and "family or household members" are  
25 defined in Section 103 of the Illinois Domestic Violence Act of  
26 1986.

1 "Sexual violence" means sexual assault, abuse, or stalking  
2 of an adult or minor child proscribed in the Criminal Code of  
3 1961 or the Criminal Code of 2012 in Sections 11-1.20, 11-1.30,  
4 11-1.40, 11-1.50, 11-1.60, 12-7.3, 12-7.4, 12-7.5, 12-12,  
5 12-13, 12-14, 12-14.1, 12-15, and 12-16, including sexual  
6 violence committed by perpetrators who are strangers to the  
7 victim and sexual violence committed by perpetrators who are  
8 known or related by blood or marriage to the victim.

9 At least once every 2 years, an in-service training program  
10 for school personnel who work with pupils, including, but not  
11 limited to, school and school district administrators,  
12 teachers, school guidance counselors, school social workers,  
13 school counselors, school psychologists, and school nurses,  
14 must be conducted by persons with expertise in domestic and  
15 sexual violence and the needs of expectant and parenting youth  
16 and shall include training concerning (i) communicating with  
17 and listening to youth victims of domestic or sexual violence  
18 and expectant and parenting youth, (ii) connecting youth  
19 victims of domestic or sexual violence and expectant and  
20 parenting youth to appropriate in-school services and other  
21 agencies, programs, and services as needed, and (iii)  
22 implementing the school district's policies, procedures, and  
23 protocols with regard to such youth, including  
24 confidentiality. At a minimum, school personnel must be trained  
25 to understand, provide information and referrals, and address  
26 issues pertaining to youth who are parents, expectant parents,

1 or victims of domestic or sexual violence.

2 (e) At least every 2 years, an in-service training program  
3 for school personnel who work with pupils must be conducted by  
4 persons with expertise in anaphylactic reactions and  
5 management.

6 (f) At least once every 2 years, a school board shall  
7 conduct in-service training on educator ethics,  
8 teacher-student conduct, and school employee-student conduct  
9 for all personnel.

10 (Source: P.A. 95-558, eff. 8-30-07; 96-349, eff. 8-13-09;  
11 96-431, eff. 8-13-09; 96-951, eff. 6-28-10; 96-1000, eff.  
12 7-2-10; 96-1551, eff. 7-1-11.)

13 (105 ILCS 5/10-27.1A)

14 Sec. 10-27.1A. Firearms in schools.

15 (a) All school officials, including teachers, guidance  
16 counselors, and support staff, shall immediately notify the  
17 office of the principal in the event that they observe any  
18 person in possession of a firearm on school grounds; provided  
19 that taking such immediate action to notify the office of the  
20 principal would not immediately endanger the health, safety, or  
21 welfare of students who are under the direct supervision of the  
22 school official or the school official. If the health, safety,  
23 or welfare of students under the direct supervision of the  
24 school official or of the school official is immediately  
25 endangered, the school official shall notify the office of the

1 principal as soon as the students under his or her supervision  
2 and he or she are no longer under immediate danger. A report is  
3 not required by this Section when the school official knows  
4 that the person in possession of the firearm is a law  
5 enforcement official engaged in the conduct of his or her  
6 official duties. Any school official acting in good faith who  
7 makes such a report under this Section shall have immunity from  
8 any civil or criminal liability that might otherwise be  
9 incurred as a result of making the report. The identity of the  
10 school official making such report shall not be disclosed  
11 except as expressly and specifically authorized by law.  
12 Knowingly and willfully failing to comply with this Section is  
13 a petty offense. A second or subsequent offense is a Class C  
14 misdemeanor.

15 (b) Upon receiving a report from any school official  
16 pursuant to this Section, or from any other person, the  
17 principal or his or her designee shall immediately notify a  
18 local law enforcement agency. If the person found to be in  
19 possession of a firearm on school grounds is a student, the  
20 principal or his or her designee shall also immediately notify  
21 that student's parent or guardian. Any principal or his or her  
22 designee acting in good faith who makes such reports under this  
23 Section shall have immunity from any civil or criminal  
24 liability that might otherwise be incurred or imposed as a  
25 result of making the reports. Knowingly and willfully failing  
26 to comply with this Section is a petty offense. A second or



1 subsequent offense is a Class C misdemeanor. If the person  
2 found to be in possession of the firearm on school grounds is a  
3 minor, the law enforcement agency shall detain that minor until  
4 such time as the agency makes a determination pursuant to  
5 clause (a) of subsection (1) of Section 5-401 of the Juvenile  
6 Court Act of 1987, as to whether the agency reasonably believes  
7 that the minor is delinquent. If the law enforcement agency  
8 determines that probable cause exists to believe that the minor  
9 committed a violation of item (4) of subsection (a) of Section  
10 24-1 of the Criminal Code of 2012 ~~1961~~ while on school grounds,  
11 the agency shall detain the minor for processing pursuant to  
12 Section 5-407 of the Juvenile Court Act of 1987.

13 (c) On or after January 1, 1997, upon receipt of any  
14 written, electronic, or verbal report from any school personnel  
15 regarding a verified incident involving a firearm in a school  
16 or on school owned or leased property, including any conveyance  
17 owned, leased, or used by the school for the transport of  
18 students or school personnel, the superintendent or his or her  
19 designee shall report all such firearm-related incidents  
20 occurring in a school or on school property to the local law  
21 enforcement authorities immediately and to the Department of  
22 State Police in a form, manner, and frequency as prescribed by  
23 the Department of State Police.

24 The State Board of Education shall receive an annual  
25 statistical compilation and related data associated with  
26 incidents involving firearms in schools from the Department of

1 State Police. The State Board of Education shall compile this  
2 information by school district and make it available to the  
3 public.

4 (d) As used in this Section, the term "firearm" shall have  
5 the meaning ascribed to it in Section 1.1 of the Firearm Owners  
6 Identification Card Act.

7 As used in this Section, the term "school" means any public  
8 or private elementary or secondary school.

9 As used in this Section, the term "school grounds" includes  
10 the real property comprising any school, any conveyance owned,  
11 leased, or contracted by a school to transport students to or  
12 from school or a school-related activity, or any public way  
13 within 1,000 feet of the real property comprising any school.

14 (Source: P.A. 91-11, eff. 6-4-99; 91-491, eff. 8-13-99.)

15 (105 ILCS 5/14-6.02) (from Ch. 122, par. 14-6.02)

16 Sec. 14-6.02. Service animals. Service animals such as  
17 guide dogs, signal dogs or any other animal individually  
18 trained to perform tasks for the benefit of a student with a  
19 disability shall be permitted to accompany that student at all  
20 school functions, whether in or outside the classroom. For the  
21 purposes of this Section, "service animal" has the same meaning  
22 as in Section 48-8 of the Criminal Code of 2012 ~~1 of the~~  
23 ~~Service Animal Access Act.~~

24 (Source: P.A. 97-956, eff. 8-14-12; revised 9-20-12.)

1 (105 ILCS 5/21B-80)

2 Sec. 21B-80. Conviction of certain offenses as grounds for  
3 revocation of license.

4 (a) As used in this Section:

5 "Narcotics offense" means any one or more of the following  
6 offenses:

7 (1) Any offense defined in the Cannabis Control Act,  
8 except those defined in subdivisions (a) and (b) of Section  
9 4 and subdivision (a) of Section 5 of the Cannabis Control  
10 Act and any offense for which the holder of a license is  
11 placed on probation under the provisions of Section 10 of  
12 the Cannabis Control Act, provided that if the terms and  
13 conditions of probation required by the court are not  
14 fulfilled, the offense is not eligible for this exception.

15 (2) Any offense defined in the Illinois Controlled  
16 Substances Act, except any offense for which the holder of  
17 a license is placed on probation under the provisions of  
18 Section 410 of the Illinois Controlled Substances Act,  
19 provided that if the terms and conditions of probation  
20 required by the court are not fulfilled, the offense is not  
21 eligible for this exception.

22 (3) Any offense defined in the Methamphetamine Control  
23 and Community Protection Act, except any offense for which  
24 the holder of a license is placed on probation under the  
25 provision of Section 70 of that Act, provided that if the  
26 terms and conditions of probation required by the court are

1 not fulfilled, the offense is not eligible for this  
2 exception.

3 (4) Any attempt to commit any of the offenses listed in  
4 items (1) through (3) of this definition.

5 (5) Any offense committed or attempted in any other  
6 state or against the laws of the United States that, if  
7 committed or attempted in this State, would have been  
8 punishable as one or more of the offenses listed in items  
9 (1) through (4) of this definition.

10 The changes made by Public Act 96-431 to the definition of  
11 "narcotics offense" are declaratory of existing law.

12 "Sex offense" means any one or more of the following  
13 offenses:

14 (A) Any offense defined in Sections 11-6, 11-9 through  
15 11-9.5, inclusive, and 11-30, of the Criminal Code of 1961  
16 or the Criminal Code of 2012; Sections 11-14 through 11-21,  
17 inclusive, of the Criminal Code of 1961 or the Criminal  
18 Code of 2012; Sections 11-23 (if punished as a Class 3  
19 felony), 11-24, 11-25, and 11-26 of the Criminal Code of  
20 1961 or the Criminal Code of 2012; and Sections 11-1.20,  
21 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-4.9, 12-13, 12-14,  
22 12-14.1, 12-15, 12-16, 12-32, 12-33, and 12C-45 of the  
23 Criminal Code of 1961 or the Criminal Code of 2012.

24 (B) Any attempt to commit any of the offenses listed in  
25 item (A) of this definition.

26 (C) Any offense committed or attempted in any other

1 state that, if committed or attempted in this State, would  
2 have been punishable as one or more of the offenses listed  
3 in items (A) and (B) of this definition.

4 (b) Whenever the holder of any license issued pursuant to  
5 this Article has been convicted of any sex offense or narcotics  
6 offense, the State Superintendent of Education shall forthwith  
7 suspend the license. If the conviction is reversed and the  
8 holder is acquitted of the offense in a new trial or the  
9 charges against him or her are dismissed, the State  
10 Superintendent of Education shall forthwith terminate the  
11 suspension of the license. When the conviction becomes final,  
12 the State Superintendent of Education shall forthwith revoke  
13 the license.

14 (c) Whenever the holder of a license issued pursuant to  
15 this Article has been convicted of attempting to commit,  
16 conspiring to commit, soliciting, or committing first degree  
17 murder or a Class X felony or any offense committed or  
18 attempted in any other state or against the laws of the United  
19 States that, if committed or attempted in this State, would  
20 have been punishable as one or more of the foregoing offenses,  
21 the State Superintendent of Education shall forthwith suspend  
22 the license. If the conviction is reversed and the holder is  
23 acquitted of that offense in a new trial or the charges that he  
24 or she committed that offense are dismissed, the State  
25 Superintendent of Education shall forthwith terminate the  
26 suspension of the license. When the conviction becomes final,

1 the State Superintendent of Education shall forthwith revoke  
2 the license.

3 (Source: P.A. 97-607, eff. 8-26-11; incorporates 96-1551, eff.  
4 7-1-11; 97-1109, eff. 1-1-13.)

5 (105 ILCS 5/27-9.1) (from Ch. 122, par. 27-9.1)

6 Sec. 27-9.1. Sex Education.

7 (a) No pupil shall be required to take or participate in  
8 any class or course in comprehensive sex education if his  
9 parent or guardian submits written objection thereto, and  
10 refusal to take or participate in such course or program shall  
11 not be reason for suspension or expulsion of such pupil. Each  
12 class or course in comprehensive sex education offered in any  
13 of grades 6 through 12 shall include instruction on the  
14 prevention, transmission and spread of AIDS. Nothing in this  
15 Section prohibits instruction in sanitation, hygiene or  
16 traditional courses in biology.

17 (b) All public elementary, junior high, and senior high  
18 school classes that teach sex education and discuss sexual  
19 intercourse shall emphasize that abstinence is the expected  
20 norm in that abstinence from sexual intercourse is the only  
21 protection that is 100% effective against unwanted teenage  
22 pregnancy, sexually transmitted diseases, and acquired immune  
23 deficiency syndrome (AIDS) when transmitted sexually.

24 (c) All sex education courses that discuss sexual  
25 intercourse shall satisfy the following criteria:

1           (1) Course material and instruction shall be age  
2 appropriate.

3           (2) Course material and instruction shall teach honor  
4 and respect for monogamous heterosexual marriage.

5           (3) Course material and instruction shall stress that  
6 pupils should abstain from sexual intercourse until they  
7 are ready for marriage.

8           (4) Course material and instruction shall include a  
9 discussion of the possible emotional and psychological  
10 consequences of preadolescent and adolescent sexual  
11 intercourse outside of marriage and the consequences of  
12 unwanted adolescent pregnancy.

13           (5) Course material and instruction shall stress that  
14 sexually transmitted diseases are serious possible hazards  
15 of sexual intercourse. Pupils shall be provided with  
16 statistics based on the latest medical information citing  
17 the failure and success rates of condoms in preventing AIDS  
18 and other sexually transmitted diseases.

19           (6) Course material and instruction shall advise  
20 pupils of the laws pertaining to their financial  
21 responsibility to children born in and out of wedlock.

22           (7) Course material and instruction shall advise  
23 pupils of the circumstances under which it is unlawful for  
24 males to have sexual relations with females under the age  
25 of 18 to whom they are not married pursuant to Article 11  
26 ~~12~~ of the Criminal Code of 2012 ~~1961, as now or hereafter~~

1 ~~amended.~~

2 (8) Course material and instruction shall teach pupils  
3 to not make unwanted physical and verbal sexual advances  
4 and how to say no to unwanted sexual advances. Pupils shall  
5 be taught that it is wrong to take advantage of or to  
6 exploit another person. The material and instruction shall  
7 also encourage youth to resist negative peer pressure.

8 (9) (Blank).

9 (10) Course material and instruction shall teach  
10 pupils about the dangers associated with drug and alcohol  
11 consumption during pregnancy.

12 (d) An opportunity shall be afforded to parents or  
13 guardians to examine the instructional materials to be used in  
14 such class or course.

15 (Source: P.A. 96-1082, eff. 7-16-10.)

16 (105 ILCS 5/33-2) (from Ch. 122, par. 33-2)

17 Sec. 33-2. Eligibility. To be eligible for election to the  
18 board, a person shall be a citizen of the United States, shall  
19 have been a resident of the district for at least one year  
20 immediately preceding his or her election, and shall not be a  
21 child sex offender as defined in Section 11-9.3 of the Criminal  
22 Code of 2012 ~~1961~~. Permanent removal from the district by any  
23 member constitutes a resignation from and creates a vacancy in  
24 the board. Board members shall serve without compensation.

25 Notwithstanding any provisions to the contrary in any



1 special charter, petitions nominating candidates for the board  
2 of education shall be signed by at least 200 voters of the  
3 district; and the polls, whether they be located within a city  
4 lying in the district or outside of a city, shall remain open  
5 during the hours specified in the Election Code.

6 (Source: P.A. 93-309, eff. 1-1-04.)

7 (105 ILCS 5/34-2.1) (from Ch. 122, par. 34-2.1)

8 Sec. 34-2.1. Local School Councils - Composition -  
9 Voter-Eligibility - Elections - Terms.

10 (a) A local school council shall be established for each  
11 attendance center within the school district. Each local school  
12 council shall consist of the following 12 voting members: the  
13 principal of the attendance center, 2 teachers employed and  
14 assigned to perform the majority of their employment duties at  
15 the attendance center, 6 parents of students currently enrolled  
16 at the attendance center, one employee of the school district  
17 employed and assigned to perform the majority of his or her  
18 employment duties at the attendance center who is not a  
19 teacher, and 2 community residents. Neither the parents nor the  
20 community residents who serve as members of the local school  
21 council shall be employees of the Board of Education. In each  
22 secondary attendance center, the local school council shall  
23 consist of 13 voting members -- the 12 voting members described  
24 above and one full-time student member, appointed as provided  
25 in subsection (m) below. In the event that the chief executive

1 officer of the Chicago School Reform Board of Trustees  
2 determines that a local school council is not carrying out its  
3 financial duties effectively, the chief executive officer is  
4 authorized to appoint a representative of the business  
5 community with experience in finance and management to serve as  
6 an advisor to the local school council for the purpose of  
7 providing advice and assistance to the local school council on  
8 fiscal matters. The advisor shall have access to relevant  
9 financial records of the local school council. The advisor may  
10 attend executive sessions. The chief executive officer shall  
11 issue a written policy defining the circumstances under which a  
12 local school council is not carrying out its financial duties  
13 effectively.

14 (b) Within 7 days of January 11, 1991, the Mayor shall  
15 appoint the members and officers (a Chairperson who shall be a  
16 parent member and a Secretary) of each local school council who  
17 shall hold their offices until their successors shall be  
18 elected and qualified. Members so appointed shall have all the  
19 powers and duties of local school councils as set forth in this  
20 amendatory Act of 1991. The Mayor's appointments shall not  
21 require approval by the City Council.

22 The membership of each local school council shall be  
23 encouraged to be reflective of the racial and ethnic  
24 composition of the student population of the attendance center  
25 served by the local school council.

26 (c) Beginning with the 1995-1996 school year and in every

1 even-numbered year thereafter, the Board shall set second  
2 semester Parent Report Card Pick-up Day for Local School  
3 Council elections and may schedule elections at year-round  
4 schools for the same dates as the remainder of the school  
5 system. Elections shall be conducted as provided herein by the  
6 Board of Education in consultation with the local school  
7 council at each attendance center.

8 (d) Beginning with the 1995-96 school year, the following  
9 procedures shall apply to the election of local school council  
10 members at each attendance center:

11 (i) The elected members of each local school council  
12 shall consist of the 6 parent members and the 2 community  
13 resident members.

14 (ii) Each elected member shall be elected by the  
15 eligible voters of that attendance center to serve for a  
16 two-year term commencing on July 1 immediately following  
17 the election described in subsection (c). Eligible voters  
18 for each attendance center shall consist of the parents and  
19 community residents for that attendance center.

20 (iii) Each eligible voter shall be entitled to cast one  
21 vote for up to a total of 5 candidates, irrespective of  
22 whether such candidates are parent or community resident  
23 candidates.

24 (iv) Each parent voter shall be entitled to vote in the  
25 local school council election at each attendance center in  
26 which he or she has a child currently enrolled. Each

1 community resident voter shall be entitled to vote in the  
2 local school council election at each attendance center for  
3 which he or she resides in the applicable attendance area  
4 or voting district, as the case may be.

5 (v) Each eligible voter shall be entitled to vote once,  
6 but not more than once, in the local school council  
7 election at each attendance center at which the voter is  
8 eligible to vote.

9 (vi) The 2 teacher members and the non-teacher employee  
10 member of each local school council shall be appointed as  
11 provided in subsection (l) below each to serve for a  
12 two-year term coinciding with that of the elected parent  
13 and community resident members.

14 (vii) At secondary attendance centers, the voting  
15 student member shall be appointed as provided in subsection  
16 (m) below to serve for a one-year term coinciding with the  
17 beginning of the terms of the elected parent and community  
18 members of the local school council.

19 (e) The Council shall publicize the date and place of the  
20 election by posting notices at the attendance center, in public  
21 places within the attendance boundaries of the attendance  
22 center and by distributing notices to the pupils at the  
23 attendance center, and shall utilize such other means as it  
24 deems necessary to maximize the involvement of all eligible  
25 voters.

26 (f) Nomination. The Council shall publicize the opening of

1 nominations by posting notices at the attendance center, in  
2 public places within the attendance boundaries of the  
3 attendance center and by distributing notices to the pupils at  
4 the attendance center, and shall utilize such other means as it  
5 deems necessary to maximize the involvement of all eligible  
6 voters. Not less than 2 weeks before the election date, persons  
7 eligible to run for the Council shall submit their name, date  
8 of birth, social security number, if available, and some  
9 evidence of eligibility to the Council. The Council shall  
10 encourage nomination of candidates reflecting the  
11 racial/ethnic population of the students at the attendance  
12 center. Each person nominated who runs as a candidate shall  
13 disclose, in a manner determined by the Board, any economic  
14 interest held by such person, by such person's spouse or  
15 children, or by each business entity in which such person has  
16 an ownership interest, in any contract with the Board, any  
17 local school council or any public school in the school  
18 district. Each person nominated who runs as a candidate shall  
19 also disclose, in a manner determined by the Board, if he or  
20 she ever has been convicted of any of the offenses specified in  
21 subsection (c) of Section 34-18.5; provided that neither this  
22 provision nor any other provision of this Section shall be  
23 deemed to require the disclosure of any information that is  
24 contained in any law enforcement record or juvenile court  
25 record that is confidential or whose accessibility or  
26 disclosure is restricted or prohibited under Section 5-901 or

1 5-905 of the Juvenile Court Act of 1987. Failure to make such  
2 disclosure shall render a person ineligible for election or to  
3 serve on the local school council. The same disclosure shall be  
4 required of persons under consideration for appointment to the  
5 Council pursuant to subsections (l) and (m) of this Section.

6 (f-5) Notwithstanding disclosure, a person who has been  
7 convicted of any of the following offenses at any time shall be  
8 ineligible for election or appointment to a local school  
9 council and ineligible for appointment to a local school  
10 council pursuant to subsections (l) and (m) of this Section:

11 (i) those defined in Section 11-1.20, 11-1.30, 11-1.40,  
12 11-1.50, 11-1.60, 11-6, 11-9.1, 11-14.4, 11-16, 11-17.1,  
13 11-19, 11-19.1, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-13,  
14 12-14, 12-14.1, 12-15, or 12-16, or subdivision (a)(2) of  
15 Section 11-14.3, of the Criminal Code of 1961 or the Criminal  
16 Code of 2012, or (ii) any offense committed or attempted in any  
17 other state or against the laws of the United States, which, if  
18 committed or attempted in this State, would have been  
19 punishable as one or more of the foregoing offenses.

20 Notwithstanding disclosure, a person who has been convicted of  
21 any of the following offenses within the 10 years previous to  
22 the date of nomination or appointment shall be ineligible for  
23 election or appointment to a local school council: (i) those  
24 defined in Section 401.1, 405.1, or 405.2 of the Illinois  
25 Controlled Substances Act or (ii) any offense committed or  
26 attempted in any other state or against the laws of the United

1 States, which, if committed or attempted in this State, would  
2 have been punishable as one or more of the foregoing offenses.

3 Immediately upon election or appointment, incoming local  
4 school council members shall be required to undergo a criminal  
5 background investigation, to be completed prior to the member  
6 taking office, in order to identify any criminal convictions  
7 under the offenses enumerated in Section 34-18.5. The  
8 investigation shall be conducted by the Department of State  
9 Police in the same manner as provided for in Section 34-18.5.  
10 However, notwithstanding Section 34-18.5, the social security  
11 number shall be provided only if available. If it is determined  
12 at any time that a local school council member or member-elect  
13 has been convicted of any of the offenses enumerated in this  
14 Section or failed to disclose a conviction of any of the  
15 offenses enumerated in Section 34-18.5, the general  
16 superintendent shall notify the local school council member or  
17 member-elect of such determination and the local school council  
18 member or member-elect shall be removed from the local school  
19 council by the Board, subject to a hearing, convened pursuant  
20 to Board rule, prior to removal.

21 (g) At least one week before the election date, the Council  
22 shall publicize, in the manner provided in subsection (e), the  
23 names of persons nominated for election.

24 (h) Voting shall be in person by secret ballot at the  
25 attendance center between the hours of 6:00 a.m. and 7:00 p.m.

26 (i) Candidates receiving the highest number of votes shall

1 be declared elected by the Council. In cases of a tie, the  
2 Council shall determine the winner by lot.

3 (j) The Council shall certify the results of the election  
4 and shall publish the results in the minutes of the Council.

5 (k) The general superintendent shall resolve any disputes  
6 concerning election procedure or results and shall ensure that,  
7 except as provided in subsections (e) and (g), no resources of  
8 any attendance center shall be used to endorse or promote any  
9 candidate.

10 (l) Beginning with the 1995-1996 school year and in every  
11 even numbered year thereafter, the Board shall appoint 2  
12 teacher members to each local school council. These  
13 appointments shall be made in the following manner:

14 (i) The Board shall appoint 2 teachers who are employed  
15 and assigned to perform the majority of their employment  
16 duties at the attendance center to serve on the local  
17 school council of the attendance center for a two-year term  
18 coinciding with the terms of the elected parent and  
19 community members of that local school council. These  
20 appointments shall be made from among those teachers who  
21 are nominated in accordance with subsection (f).

22 (ii) A non-binding, advisory poll to ascertain the  
23 preferences of the school staff regarding appointments of  
24 teachers to the local school council for that attendance  
25 center shall be conducted in accordance with the procedures  
26 used to elect parent and community Council



1 representatives. At such poll, each member of the school  
2 staff shall be entitled to indicate his or her preference  
3 for up to 2 candidates from among those who submitted  
4 statements of candidacy as described above. These  
5 preferences shall be advisory only and the Board shall  
6 maintain absolute discretion to appoint teacher members to  
7 local school councils, irrespective of the preferences  
8 expressed in any such poll.

9 (iii) In the event that a teacher representative is  
10 unable to perform his or her employment duties at the  
11 school due to illness, disability, leave of absence,  
12 disciplinary action, or any other reason, the Board shall  
13 declare a temporary vacancy and appoint a replacement  
14 teacher representative to serve on the local school council  
15 until such time as the teacher member originally appointed  
16 pursuant to this subsection (l) resumes service at the  
17 attendance center or for the remainder of the term. The  
18 replacement teacher representative shall be appointed in  
19 the same manner and by the same procedures as teacher  
20 representatives are appointed in subdivisions (i) and (ii)  
21 of this subsection (l).

22 (m) Beginning with the 1995-1996 school year, and in every  
23 year thereafter, the Board shall appoint one student member to  
24 each secondary attendance center. These appointments shall be  
25 made in the following manner:

26 (i) Appointments shall be made from among those

1 students who submit statements of candidacy to the  
2 principal of the attendance center, such statements to be  
3 submitted commencing on the first day of the twentieth week  
4 of school and continuing for 2 weeks thereafter. The form  
5 and manner of such candidacy statements shall be determined  
6 by the Board.

7 (ii) During the twenty-second week of school in every  
8 year, the principal of each attendance center shall conduct  
9 a non-binding, advisory poll to ascertain the preferences  
10 of the school students regarding the appointment of a  
11 student to the local school council for that attendance  
12 center. At such poll, each student shall be entitled to  
13 indicate his or her preference for up to one candidate from  
14 among those who submitted statements of candidacy as  
15 described above. The Board shall promulgate rules to ensure  
16 that these non-binding, advisory polls are conducted in a  
17 fair and equitable manner and maximize the involvement of  
18 all school students. The preferences expressed in these  
19 non-binding, advisory polls shall be transmitted by the  
20 principal to the Board. However, these preferences shall be  
21 advisory only and the Board shall maintain absolute  
22 discretion to appoint student members to local school  
23 councils, irrespective of the preferences expressed in any  
24 such poll.

25 (iii) For the 1995-96 school year only, appointments  
26 shall be made from among those students who submitted

1 statements of candidacy to the principal of the attendance  
2 center during the first 2 weeks of the school year. The  
3 principal shall communicate the results of any nonbinding,  
4 advisory poll to the Board. These results shall be advisory  
5 only, and the Board shall maintain absolute discretion to  
6 appoint student members to local school councils,  
7 irrespective of the preferences expressed in any such poll.

8 (n) The Board may promulgate such other rules and  
9 regulations for election procedures as may be deemed necessary  
10 to ensure fair elections.

11 (o) In the event that a vacancy occurs during a member's  
12 term, the Council shall appoint a person eligible to serve on  
13 the Council, to fill the unexpired term created by the vacancy,  
14 except that any teacher vacancy shall be filled by the Board  
15 after considering the preferences of the school staff as  
16 ascertained through a non-binding advisory poll of school  
17 staff.

18 (p) If less than the specified number of persons is elected  
19 within each candidate category, the newly elected local school  
20 council shall appoint eligible persons to serve as members of  
21 the Council for two-year terms.

22 (q) The Board shall promulgate rules regarding conflicts of  
23 interest and disclosure of economic interests which shall apply  
24 to local school council members and which shall require reports  
25 or statements to be filed by Council members at regular  
26 intervals with the Secretary of the Board. Failure to comply

1 with such rules or intentionally falsifying such reports shall  
2 be grounds for disqualification from local school council  
3 membership. A vacancy on the Council for disqualification may  
4 be so declared by the Secretary of the Board. Rules regarding  
5 conflicts of interest and disclosure of economic interests  
6 promulgated by the Board shall apply to local school council  
7 members. No less than 45 days prior to the deadline, the  
8 general superintendent shall provide notice, by mail, to each  
9 local school council member of all requirements and forms for  
10 compliance with economic interest statements.

11 (r) (1) If a parent member of a local school council ceases  
12 to have any child enrolled in the attendance center governed by  
13 the Local School Council due to the graduation or voluntary  
14 transfer of a child or children from the attendance center, the  
15 parent's membership on the Local School Council and all voting  
16 rights are terminated immediately as of the date of the child's  
17 graduation or voluntary transfer. If the child of a parent  
18 member of a local school council dies during the member's term  
19 in office, the member may continue to serve on the local school  
20 council for the balance of his or her term. Further, a local  
21 school council member may be removed from the Council by a  
22 majority vote of the Council as provided in subsection (c) of  
23 Section 34-2.2 if the Council member has missed 3 consecutive  
24 regular meetings, not including committee meetings, or 5  
25 regular meetings in a 12 month period, not including committee  
26 meetings. If a parent member of a local school council ceases

1 to be eligible to serve on the Council for any other reason, he  
2 or she shall be removed by the Board subject to a hearing,  
3 convened pursuant to Board rule, prior to removal. A vote to  
4 remove a Council member by the local school council shall only  
5 be valid if the Council member has been notified personally or  
6 by certified mail, mailed to the person's last known address,  
7 of the Council's intent to vote on the Council member's removal  
8 at least 7 days prior to the vote. The Council member in  
9 question shall have the right to explain his or her actions and  
10 shall be eligible to vote on the question of his or her removal  
11 from the Council. The provisions of this subsection shall be  
12 contained within the petitions used to nominate Council  
13 candidates.

14 (2) A person may continue to serve as a community resident  
15 member of a local school council as long as he or she resides  
16 in the attendance area served by the school and is not employed  
17 by the Board nor is a parent of a student enrolled at the  
18 school. If a community resident member ceases to be eligible to  
19 serve on the Council, he or she shall be removed by the Board  
20 subject to a hearing, convened pursuant to Board rule, prior to  
21 removal.

22 (3) A person may continue to serve as a teacher member of a  
23 local school council as long as he or she is employed and  
24 assigned to perform a majority of his or her duties at the  
25 school, provided that if the teacher representative resigns  
26 from employment with the Board or voluntarily transfers to

1 another school, the teacher's membership on the local school  
2 council and all voting rights are terminated immediately as of  
3 the date of the teacher's resignation or upon the date of the  
4 teacher's voluntary transfer to another school. If a teacher  
5 member of a local school council ceases to be eligible to serve  
6 on a local school council for any other reason, that member  
7 shall be removed by the Board subject to a hearing, convened  
8 pursuant to Board rule, prior to removal.

9 (Source: P.A. 95-1015, eff. 12-15-08; 96-1412, eff. 1-1-11;  
10 96-1551, eff. 7-1-11.)

11 (105 ILCS 5/34-4) (from Ch. 122, par. 34-4)

12 Sec. 34-4. Eligibility. To be eligible for appointment to  
13 the board, a person shall be a citizen of the United States,  
14 shall be a registered voter as provided in the Election Code,  
15 shall have been a resident of the city for at least 3 years  
16 immediately preceding his or her appointment, and shall not be  
17 a child sex offender as defined in Section 11-9.3 of the  
18 Criminal Code of 2012 ~~1961~~. Permanent removal from the city by  
19 any member of the board during his term of office constitutes a  
20 resignation therefrom and creates a vacancy in the board.  
21 Except for the President of the Chicago School Reform Board of  
22 Trustees who may be paid compensation for his or her services  
23 as chief executive officer as determined by the Mayor as  
24 provided in subsection (a) of Section 34-3, board members shall  
25 serve without any compensation; provided, that board members

1 shall be reimbursed for expenses incurred while in the  
2 performance of their duties upon submission of proper receipts  
3 or upon submission of a signed voucher in the case of an  
4 expense allowance evidencing the amount of such reimbursement  
5 or allowance to the president of the board for verification and  
6 approval. The board of education may continue to provide health  
7 care insurance coverage, employer pension contributions,  
8 employee pension contributions, and life insurance premium  
9 payments for an employee required to resign from an  
10 administrative, teaching, or career service position in order  
11 to qualify as a member of the board of education. They shall  
12 not hold other public office under the Federal, State or any  
13 local government other than that of Director of the Regional  
14 Transportation Authority, member of the economic development  
15 commission of a city having a population exceeding 500,000,  
16 notary public or member of the National Guard, and by accepting  
17 any such office while members of the board, or by not resigning  
18 any such office held at the time of being appointed to the  
19 board within 30 days after such appointment, shall be deemed to  
20 have vacated their membership in the board.

21 (Source: P.A. 93-309, eff. 1-1-04.)

22 (105 ILCS 5/34-84a.1) (from Ch. 122, par. 34-84a.1)

23 Sec. 34-84a.1. Principals shall report incidents of  
24 intimidation. The principal of each attendance center shall  
25 promptly notify and report to the local law enforcement

1 authorities for inclusion in the Department of State Police's  
2 Illinois Uniform Crime Reporting Program each incident of  
3 intimidation of which he or she has knowledge and each alleged  
4 incident of intimidation which is reported to him or her,  
5 either orally or in writing, by any pupil or by any teacher or  
6 other certificated or non-certificated personnel employed at  
7 the attendance center. "Intimidation" shall have the meaning  
8 ascribed to it by Section 12-6 of the Criminal Code of 2012  
9 ~~1961~~.

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

11 (105 ILCS 5/34-84b) (from Ch. 122, par. 34-84b)

12 Sec. 34-84b. Conviction of sex or narcotics offense, first  
13 degree murder, attempted first degree murder, or Class X felony  
14 as grounds for revocation of certificate.

15 (a) Whenever the holder of any certificate issued by the  
16 board of education has been convicted of any sex offense or  
17 narcotics offense as defined in this Section, the board of  
18 education shall forthwith suspend the certificate. If the  
19 conviction is reversed and the holder is acquitted of the  
20 offense in a new trial or the charges against him are  
21 dismissed, the board shall forthwith terminate the suspension  
22 of the certificate. When the conviction becomes final, the  
23 board shall forthwith revoke the certificate. "Sex offense" as  
24 used in this Section means any one or more of the following  
25 offenses: (1) any offense defined in Sections 11-6, 11-9, and



1 11-30, Sections 11-14 through 11-21, inclusive, and Sections  
2 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,  
3 12-14.1, 12-15 and 12-16 of the Criminal Code of 1961 or the  
4 Criminal Code of 2012; (2) any attempt to commit any of the  
5 foregoing offenses, and (3) any offense committed or attempted  
6 in any other state which, if committed or attempted in this  
7 State, would have been punishable as one or more of the  
8 foregoing offenses. "Narcotics offense" as used in this Section  
9 means any one or more of the following offenses: (1) any  
10 offense defined in the Cannabis Control Act except those  
11 defined in Sections 4(a), 4(b) and 5(a) of that Act and any  
12 offense for which the holder of any certificate is placed on  
13 probation under the provisions of Section 10 of that Act and  
14 fulfills the terms and conditions of probation as may be  
15 required by the court; (2) any offense defined in the Illinois  
16 Controlled Substances Act except any offense for which the  
17 holder of any certificate is placed on probation under the  
18 provisions of Section 410 of that Act and fulfills the terms  
19 and conditions of probation as may be required by the court;  
20 (3) any offense defined in the Methamphetamine Control and  
21 Community Protection Act except any offense for which the  
22 holder of any certificate is placed on probation under the  
23 provision of Section 70 of that Act and fulfills the terms and  
24 conditions of probation as may be required by the court; (4)  
25 any attempt to commit any of the foregoing offenses; and (5)  
26 any offense committed or attempted in any other state or

1 against the laws of the United States which, if committed or  
2 attempted in this State, would have been punishable as one or  
3 more of the foregoing offenses.

4 (b) Whenever the holder of any certificate issued by the  
5 board of education or pursuant to Article 21 or any other  
6 provisions of the School Code has been convicted of first  
7 degree murder, attempted first degree murder, or a Class X  
8 felony, the board of education or the State Superintendent of  
9 Education shall forthwith suspend the certificate. If the  
10 conviction is reversed and the holder is acquitted of that  
11 offense in a new trial or the charges that he or she committed  
12 that offense are dismissed, the suspending authority shall  
13 forthwith terminate the suspension of the certificate. When the  
14 conviction becomes final, the State Superintendent of  
15 Education shall forthwith revoke the certificate. The stated  
16 offenses of "first degree murder", "attempted first degree  
17 murder", and "Class X felony" referred to in this Section  
18 include any offense committed in another state that, if  
19 committed in this State, would have been punishable as any one  
20 of the stated offenses.

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

22 Section 240. The Medical School Matriculant Criminal  
23 History Records Check Act is amended by changing Section 5 as  
24 follows:

1 (110 ILCS 57/5)

2 Sec. 5. Definitions.

3 "Matriculant" means an individual who is conditionally  
4 admitted as a student to a medical school located in Illinois,  
5 pending the medical school's consideration of his or her  
6 criminal history records check under this Act.

7 "Sex offender" means any person who is convicted pursuant  
8 to Illinois law or any substantially similar federal, Uniform  
9 Code of Military Justice, sister state, or foreign country law  
10 with any of the following sex offenses set forth in the  
11 Criminal Code of 1961 or the Criminal Code of 2012:

- 12 (1) Indecent solicitation of a child.  
13 (2) Sexual exploitation of a child.  
14 (3) Custodial sexual misconduct.  
15 (4) Exploitation of a child.  
16 (5) Child pornography.  
17 (6) Aggravated child pornography.

18 "Violent felony" means any of the following offenses, as  
19 defined by the Criminal Code of 1961 or the Criminal Code of  
20 2012:

- 21 (1) First degree murder.  
22 (2) Second degree murder.  
23 (3) Predatory criminal sexual assault of a child.  
24 (4) Aggravated criminal sexual assault.  
25 (5) Criminal sexual assault.  
26 (6) Aggravated arson.

1 (7) Aggravated kidnapping.

2 (8) Kidnapping.

3 (9) Aggravated battery resulting in great bodily harm  
4 or permanent disability or disfigurement.

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

6 Section 245. The Board of Higher Education Act is amended  
7 by changing Section 9.21 as follows:

8 (110 ILCS 205/9.21) (from Ch. 144, par. 189.21)

9 Sec. 9.21. Human Relations.

10 (a) The Board shall monitor, budget, evaluate, and report  
11 to the General Assembly in accordance with Section 9.16 of this  
12 Act on programs to improve human relations to include race,  
13 ethnicity, gender and other issues related to improving human  
14 relations. The programs shall at least:

15 (1) require each public institution of higher  
16 education to include, in the general education  
17 requirements for obtaining a degree, coursework on  
18 improving human relations to include race, ethnicity,  
19 gender and other issues related to improving human  
20 relations to address racism and sexual harassment on their  
21 campuses, through existing courses;

22 (2) require each public institution of higher  
23 education to report monthly to the Department of Human  
24 Rights and the Attorney General on each adjudicated case in

1 which a finding of racial, ethnic or religious intimidation  
2 or sexual harassment made in a grievance, affirmative  
3 action or other proceeding established by that institution  
4 to investigate and determine allegations of racial, ethnic  
5 or religious intimidation and sexual harassment; and

6 (3) require each public institution of higher  
7 education to forward to the local State's Attorney any  
8 report received by campus security or by a university  
9 police department alleging the commission of a hate crime  
10 as defined under Section 12-7.1 of the Criminal Code of  
11 2012 ~~1961~~.

12 (Source: P.A. 90-655, eff. 7-30-98.)

13 Section 250. The Residential Mortgage License Act of 1987  
14 is amended by changing Section 4-7 as follows:

15 (205 ILCS 635/4-7)

16 Sec. 4-7. Additional investigation and examination  
17 authority. In addition to any authority allowed under this Act,  
18 the Director shall have the authority to conduct investigations  
19 and examinations as follows:

20 (a) For purposes of initial licensing, license renewal,  
21 license suspension, license conditioning, license revocation  
22 or termination, or general or specific inquiry or investigation  
23 to determine compliance with this Act, the Commissioner shall  
24 have the authority to access, receive, and use any books,

1 accounts, records, files, documents, information, or evidence  
2 including, but not limited to, the following:

3 (1) criminal, civil, and administrative history  
4 information, including nonconviction data as specified in  
5 the Criminal Code of 2012 ~~1961~~;

6 (2) personal history and experience information,  
7 including independent credit reports obtained from a  
8 consumer reporting agency described in Section 603(p) of  
9 the federal Fair Credit Reporting Act; and

10 (3) any other documents, information, or evidence the  
11 Commissioner deems relevant to the inquiry or  
12 investigation regardless of the location, possession,  
13 control, or custody of the documents, information, or  
14 evidence.

15 (b) For the purposes of investigating violations or  
16 complaints arising under this Act, or for the purposes of  
17 examination, the Commissioner may review, investigate, or  
18 examine any licensee, individual, or person subject to this  
19 Act, as often as necessary in order to carry out the purposes  
20 of this Act. The Commissioner may direct, subpoena, or order  
21 the attendance of and examine under oath all persons whose  
22 testimony may be required about the loans or the business or  
23 subject matter of any such examination or investigation, and  
24 may direct, subpoena, or order the person to produce books,  
25 accounts, records, files, and any other documents the  
26 Commissioner deems relevant to the inquiry.

1           (c) Each licensee, individual, or person subject to this  
2 Act shall make available to the Commissioner upon request the  
3 books and records relating to the operations of such licensee,  
4 individual, or person subject to this Act. The Commissioner  
5 shall have access to such books and records and interview the  
6 officers, principals, mortgage loan originators, employees,  
7 independent contractors, agents, and customers of the  
8 licensee, individual, or person subject to this Act concerning  
9 their business.

10           (d) Each licensee, individual, or person subject to this  
11 Act shall make or compile reports or prepare other information  
12 as directed by the Commissioner in order to carry out the  
13 purposes of this Section including, but not limited to:

14                 (1) accounting compilations;

15                 (2) information lists and data concerning loan  
16 transactions in a format prescribed by the Commissioner; or

17                 (3) other information deemed necessary to carry out the  
18 purposes of this Section.

19           (e) In making any examination or investigation authorized  
20 by this Act, the Commissioner may control access to any  
21 documents and records of the licensee or person under  
22 examination or investigation. The Commissioner may take  
23 possession of the documents and records or place a person in  
24 exclusive charge of the documents and records in the place  
25 where they are usually kept. During the period of control, no  
26 individual or person shall remove or attempt to remove any of

1 the documents and records except pursuant to a court order or  
2 with the consent of the Commissioner. Unless the Commissioner  
3 has reasonable grounds to believe the documents or records of  
4 the licensee have been, or are at risk of being altered or  
5 destroyed for purposes of concealing a violation of this Act,  
6 the licensee or owner of the documents and records shall have  
7 access to the documents or records as necessary to conduct its  
8 ordinary business affairs.

9 (f) In order to carry out the purposes of this Section, the  
10 Commissioner may:

11 (1) retain attorneys, accountants, or other  
12 professionals and specialists as examiners, auditors, or  
13 investigators to conduct or assist in the conduct of  
14 examinations or investigations;

15 (2) enter into agreements or relationships with other  
16 government officials or regulatory associations in order  
17 to improve efficiencies and reduce regulatory burden by  
18 sharing resources, standardized or uniform methods or  
19 procedures, and documents, records, information or  
20 evidence obtained under this Section;

21 (3) use, hire, contract, or employ public or privately  
22 available analytical systems, methods, or software to  
23 examine or investigate the licensee, individual, or person  
24 subject to this Act;

25 (4) accept and rely on examination or investigation  
26 reports made by other government officials, within or



1 without this State; or

2 (5) accept audit reports made by an independent  
3 certified public accountant for the licensee, individual,  
4 or person subject to this Act in the course of that part of  
5 the examination covering the same general subject matter as  
6 the audit and may incorporate the audit report in the  
7 report of the examination, report of investigation, or  
8 other writing of the Commissioner.

9 (g) The authority of this Section shall remain in effect,  
10 whether such a licensee, individual, or person subject to this  
11 Act acts or claims to act under any licensing or registration  
12 law of this State, or claims to act without the authority.

13 (h) No licensee, individual, or person subject to  
14 investigation or examination under this Section may knowingly  
15 withhold, abstract, remove, mutilate, destroy, or secrete any  
16 books, records, computer records, or other information.

17 (Source: P.A. 96-112, eff. 7-31-09.)

18 Section 255. The Nursing Home Care Act is amended by  
19 changing Section 3-702 as follows:

20 (210 ILCS 45/3-702) (from Ch. 111 1/2, par. 4153-702)

21 Sec. 3-702. (a) A person who believes that this Act or a  
22 rule promulgated under this Act may have been violated may  
23 request an investigation. The request may be submitted to the  
24 Department in writing, by telephone, or by personal visit. An

1 oral complaint shall be reduced to writing by the Department.  
2 The Department shall request information identifying the  
3 complainant, including the name, address and telephone number,  
4 to help enable appropriate follow-up. The Department shall act  
5 on such complaints via on-site visits or other methods deemed  
6 appropriate to handle the complaints with or without such  
7 identifying information, as otherwise provided under this  
8 Section. The complainant shall be informed that compliance with  
9 such request is not required to satisfy the procedures for  
10 filing a complaint under this Act.

11 (b) The substance of the complaint shall be provided in  
12 writing to the licensee, owner or administrator no earlier than  
13 at the commencement of an on-site inspection of the facility  
14 which takes place pursuant to the complaint.

15 (c) The Department shall not disclose the name of the  
16 complainant unless the complainant consents in writing to the  
17 disclosure or the investigation results in a judicial  
18 proceeding, or unless disclosure is essential to the  
19 investigation. The complainant shall be given the opportunity  
20 to withdraw the complaint before disclosure. Upon the request  
21 of the complainant, the Department may permit the complainant  
22 or a representative of the complainant to accompany the person  
23 making the on-site inspection of the facility.

24 (d) Upon receipt of a complaint, the Department shall  
25 determine whether this Act or a rule promulgated under this Act  
26 has been or is being violated. The Department shall investigate

1 all complaints alleging abuse or neglect within 7 days after  
2 the receipt of the complaint except that complaints of abuse or  
3 neglect which indicate that a resident's life or safety is in  
4 imminent danger shall be investigated within 24 hours after  
5 receipt of the complaint. All other complaints shall be  
6 investigated within 30 days after the receipt of the complaint.  
7 The Department employees investigating a complaint shall  
8 conduct a brief, informal exit conference with the facility to  
9 alert its administration of any suspected serious deficiency  
10 that poses a direct threat to the health, safety or welfare of  
11 a resident to enable an immediate correction for the  
12 alleviation or elimination of such threat. Such information and  
13 findings discussed in the brief exit conference shall become a  
14 part of the investigating record but shall not in any way  
15 constitute an official or final notice of violation as provided  
16 under Section 3-301. All complaints shall be classified as "an  
17 invalid report", "a valid report", or "an undetermined report".  
18 For any complaint classified as "a valid report", the  
19 Department must determine within 30 working days if any rule or  
20 provision of this Act has been or is being violated.

21 (d-1) The Department shall, whenever possible, combine an  
22 on-site investigation of a complaint in a facility with other  
23 inspections in order to avoid duplication of inspections.

24 (e) In all cases, the Department shall inform the  
25 complainant of its findings within 10 days of its determination  
26 unless otherwise indicated by the complainant, and the

1 complainant may direct the Department to send a copy of such  
2 findings to another person. The Department's findings may  
3 include comments or documentation provided by either the  
4 complainant or the licensee pertaining to the complaint. The  
5 Department shall also notify the facility of such findings  
6 within 10 days of the determination, but the name of the  
7 complainant or residents shall not be disclosed in this notice  
8 to the facility. The notice of such findings shall include a  
9 copy of the written determination; the correction order, if  
10 any; the warning notice, if any; the inspection report; or the  
11 State licensure form on which the violation is listed.

12 (f) A written determination, correction order, or warning  
13 notice concerning a complaint, together with the facility's  
14 response, shall be available for public inspection, but the  
15 name of the complainant or resident shall not be disclosed  
16 without his consent.

17 (g) A complainant who is dissatisfied with the  
18 determination or investigation by the Department may request a  
19 hearing under Section 3-703. The facility shall be given notice  
20 of any such hearing and may participate in the hearing as a  
21 party. If a facility requests a hearing under Section 3-703  
22 which concerns a matter covered by a complaint, the complainant  
23 shall be given notice and may participate in the hearing as a  
24 party. A request for a hearing by either a complainant or a  
25 facility shall be submitted in writing to the Department within  
26 30 days after the mailing of the Department's findings as

1 described in subsection (e) of this Section. Upon receipt of  
2 the request the Department shall conduct a hearing as provided  
3 under Section 3-703.

4 (h) Any person who knowingly transmits a false report to  
5 the Department commits the offense of disorderly conduct under  
6 subsection (a) (8) of Section 26-1 of the "Criminal Code of 2012  
7 ~~1961~~".

8 (Source: P.A. 85-1378.)

9 Section 260. The ID/DD Community Care Act is amended by  
10 changing Section 3-702 as follows:

11 (210 ILCS 47/3-702)

12 Sec. 3-702. Request for investigation of violation.

13 (a) A person who believes that this Act or a rule  
14 promulgated under this Act may have been violated may request  
15 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 or her 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. 96-339, eff. 7-1-10.)



1           Section 265. The Specialized Mental Health Rehabilitation  
2 Act is amended by changing Section 3-702 as follows:

3           (210 ILCS 48/3-702)

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. 97-38, eff. 6-28-11.)

19           Section 270. The Emergency Medical Services (EMS) Systems  
20 Act is amended by changing Section 3.133 as follows:

21           (210 ILCS 50/3.133)

22           Sec. 3.133. Suspension of license for failure to pay  
23 restitution. The Department, without further process or  
24 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. 94-577, eff. 1-1-06.)

10 Section 275. The Illinois Insurance Code is amended by  
11 changing Sections 356e and 367 as follows:

12 (215 ILCS 5/356e) (from Ch. 73, par. 968e)

13 Sec. 356e. Victims of certain offenses.

14 (1) No policy of accident and health insurance, which  
15 provides benefits for hospital or medical expenses based upon  
16 the actual expenses incurred, delivered or issued for delivery  
17 to any person in this State shall contain any specific  
18 exception to coverage which would preclude the payment under  
19 that policy of actual expenses incurred in the examination and  
20 testing of a victim of an offense defined in Sections 11-1.20  
21 through 11-1.60 or 12-13 through 12-16 of the Criminal Code of  
22 1961 or the Criminal Code of 2012, ~~as now or hereafter amended,~~  
23 or an attempt to commit such offense to establish that sexual  
24 contact did occur or did not occur, and to establish the

1 presence or absence of sexually transmitted disease or  
2 infection, and examination and treatment of injuries and trauma  
3 sustained by a victim of such offense arising out of the  
4 offense. Every policy of accident and health insurance which  
5 specifically provides benefits for routine physical  
6 examinations shall provide full coverage for expenses incurred  
7 in the examination and testing of a victim of an offense  
8 defined in Sections 11-1.20 through 11-1.60 or 12-13 through  
9 12-16 of the Criminal Code of 1961 or the Criminal Code of  
10 2012, as now or hereafter amended, or an attempt to commit such  
11 offense as set forth in this Section. This Section shall not  
12 apply to a policy which covers hospital and medical expenses  
13 for specified illnesses or injuries only.

14 (2) For purposes of enabling the recovery of State funds,  
15 any insurance carrier subject to this Section shall upon  
16 reasonable demand by the Department of Public Health disclose  
17 the names and identities of its insureds entitled to benefits  
18 under this provision to the Department of Public Health  
19 whenever the Department of Public Health has determined that it  
20 has paid, or is about to pay, hospital or medical expenses for  
21 which an insurance carrier is liable under this Section. All  
22 information received by the Department of Public Health under  
23 this provision shall be held on a confidential basis and shall  
24 not be subject to subpoena and shall not be made public by the  
25 Department of Public Health or used for any purpose other than  
26 that authorized by this Section.

1           (3) Whenever the Department of Public Health finds that it  
2 has paid all or part of any hospital or medical expenses which  
3 an insurance carrier is obligated to pay under this Section,  
4 the Department of Public Health shall be entitled to receive  
5 reimbursement for its payments from such insurance carrier  
6 provided that the Department of Public Health has notified the  
7 insurance carrier of its claims before the carrier has paid  
8 such benefits to its insureds or in behalf of its insureds.

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

10           (215 ILCS 5/367) (from Ch. 73, par. 979)

11           Sec. 367. Group accident and health insurance.

12           (1) Group accident and health insurance is hereby declared  
13 to be that form of accident and health insurance covering not  
14 less than 2 employees, members, or employees of members,  
15 written under a master policy issued to any governmental  
16 corporation, unit, agency or department thereof, or to any  
17 corporation, copartnership, individual employer, or to any  
18 association upon application of an executive officer or trustee  
19 of such association having a constitution or bylaws and formed  
20 in good faith for purposes other than that of obtaining  
21 insurance, where officers, members, employees, employees of  
22 members or classes or department thereof, may be insured for  
23 their individual benefit. In addition a group accident and  
24 health policy may be written to insure any group which may be  
25 insured under a group life insurance policy. The term

1 "employees" shall include the officers, managers and employees  
2 of subsidiary or affiliated corporations, and the individual  
3 proprietors, partners and employees of affiliated individuals  
4 and firms, when the business of such subsidiary or affiliated  
5 corporations, firms or individuals, is controlled by a common  
6 employer through stock ownership, contract or otherwise.

7 (2) Any insurance company authorized to write accident and  
8 health insurance in this State shall have power to issue group  
9 accident and health policies. No policy of group accident and  
10 health insurance may be issued or delivered in this State  
11 unless a copy of the form thereof shall have been filed with  
12 the department and approved by it in accordance with Section  
13 355, and it contains in substance those provisions contained in  
14 Sections 357.1 through 357.30 as may be applicable to group  
15 accident and health insurance and the following provisions:

16 (a) A provision that the policy, the application of the  
17 employer, or executive officer or trustee of any  
18 association, and the individual applications, if any, of  
19 the employees, members or employees of members insured  
20 shall constitute the entire contract between the parties,  
21 and that all statements made by the employer, or the  
22 executive officer or trustee, or by the individual  
23 employees, members or employees of members shall (in the  
24 absence of fraud) be deemed representations and not  
25 warranties, and that no such statement shall be used in  
26 defense to a claim under the policy, unless it is contained



1 in a written application.

2 (b) A provision that the insurer will issue to the  
3 employer, or to the executive officer or trustee of the  
4 association, for delivery to the employee, member or  
5 employee of a member, who is insured under such policy, an  
6 individual certificate setting forth a statement as to the  
7 insurance protection to which he is entitled and to whom  
8 payable.

9 (c) A provision that to the group or class thereof  
10 originally insured shall be added from time to time all new  
11 employees of the employer, members of the association or  
12 employees of members eligible to and applying for insurance  
13 in such group or class.

14 (3) Anything in this code to the contrary notwithstanding,  
15 any group accident and health policy may provide that all or  
16 any portion of any indemnities provided by any such policy on  
17 account of hospital, nursing, medical or surgical services,  
18 may, at the insurer's option, be paid directly to the hospital  
19 or person rendering such services; but the policy may not  
20 require that the service be rendered by a particular hospital  
21 or person. Payment so made shall discharge the insurer's  
22 obligation with respect to the amount of insurance so paid.  
23 Nothing in this subsection (3) shall prohibit an insurer from  
24 providing incentives for insureds to utilize the services of a  
25 particular hospital or person.

26 (4) Special group policies may be issued to school

1 districts providing medical or hospital service, or both, for  
2 pupils of the district injured while participating in any  
3 athletic activity under the jurisdiction of or sponsored or  
4 controlled by the district or the authorities of any school  
5 thereof. The provisions of this Section governing the issuance  
6 of group accident and health insurance shall, insofar as  
7 applicable, control the issuance of such policies issued to  
8 schools.

9 (5) No policy of group accident and health insurance may be  
10 issued or delivered in this State unless it provides that upon  
11 the death of the insured employee or group member the  
12 dependents' coverage, if any, continues for a period of at  
13 least 90 days subject to any other policy provisions relating  
14 to termination of dependents' coverage.

15 (6) No group hospital policy covering miscellaneous  
16 hospital expenses issued or delivered in this State shall  
17 contain any exception or exclusion from coverage which would  
18 preclude the payment of expenses incurred for the processing  
19 and administration of blood and its components.

20 (7) No policy of group accident and health insurance,  
21 delivered in this State more than 120 days after the effective  
22 day of the Section, which provides inpatient hospital coverage  
23 for sicknesses shall exclude from such coverage the treatment  
24 of alcoholism. This subsection shall not apply to a policy  
25 which covers only specified sicknesses.

26 (8) No policy of group accident and health insurance, which

1 provides benefits for hospital or medical expenses based upon  
2 the actual expenses incurred, issued or delivered in this State  
3 shall contain any specific exception to coverage which would  
4 preclude the payment of actual expenses incurred in the  
5 examination and testing of a victim of an offense defined in  
6 Sections 11-1.20 through 11-1.60 or 12-13 through 12-16 of the  
7 Criminal Code of 1961 or the Criminal Code of 2012, or an  
8 attempt to commit such offense, to establish that sexual  
9 contact did occur or did not occur, and to establish the  
10 presence or absence of sexually transmitted disease or  
11 infection, and examination and treatment of injuries and trauma  
12 sustained by the victim of such offense, arising out of the  
13 offense. Every group policy of accident and health insurance  
14 which specifically provides benefits for routine physical  
15 examinations shall provide full coverage for expenses incurred  
16 in the examination and testing of a victim of an offense  
17 defined in Sections 11-1.20 through 11-1.60 or 12-13 through  
18 12-16 of the Criminal Code of 1961 or the Criminal Code of  
19 2012, or an attempt to commit such offense, as set forth in  
20 this Section. This subsection shall not apply to a policy which  
21 covers hospital and medical expenses for specified illnesses  
22 and injuries only.

23 (9) For purposes of enabling the recovery of State funds,  
24 any insurance carrier subject to this Section shall upon  
25 reasonable demand by the Department of Public Health disclose  
26 the names and identities of its insureds entitled to benefits

1 under this provision to the Department of Public Health  
2 whenever the Department of Public Health has determined that it  
3 has paid, or is about to pay, hospital or medical expenses for  
4 which an insurance carrier is liable under this Section. All  
5 information received by the Department of Public Health under  
6 this provision shall be held on a confidential basis and shall  
7 not be subject to subpoena and shall not be made public by the  
8 Department of Public Health or used for any purpose other than  
9 that authorized by this Section.

10 (10) Whenever the Department of Public Health finds that it  
11 has paid all or part of any hospital or medical expenses which  
12 an insurance carrier is obligated to pay under this Section,  
13 the Department of Public Health shall be entitled to receive  
14 reimbursement for its payments from such insurance carrier  
15 provided that the Department of Public Health has notified the  
16 insurance carrier of its claim before the carrier has paid the  
17 benefits to its insureds or the insureds' assignees.

18 (11) (a) No group hospital, medical or surgical expense  
19 policy shall contain any provision whereby benefits  
20 otherwise payable thereunder are subject to reduction  
21 solely on account of the existence of similar benefits  
22 provided under other group or group-type accident and  
23 sickness insurance policies where such reduction would  
24 operate to reduce total benefits payable under these  
25 policies below an amount equal to 100% of total allowable  
26 expenses provided under these policies.

1           (b) When dependents of insureds are covered under 2  
2 policies, both of which contain coordination of benefits  
3 provisions, benefits of the policy of the insured whose  
4 birthday falls earlier in the year are determined before  
5 those of the policy of the insured whose birthday falls  
6 later in the year. Birthday, as used herein, refers only to  
7 the month and day in a calendar year, not the year in which  
8 the person was born. The Department of Insurance shall  
9 promulgate rules defining the order of benefit  
10 determination pursuant to this paragraph (b).

11           (12) Every group policy under this Section shall be subject  
12 to the provisions of Sections 356g and 356n of this Code.

13           (13) No accident and health insurer providing coverage for  
14 hospital or medical expenses on an expense incurred basis shall  
15 deny reimbursement for an otherwise covered expense incurred  
16 for any organ transplantation procedure solely on the basis  
17 that such procedure is deemed experimental or investigational  
18 unless supported by the determination of the Office of Health  
19 Care Technology Assessment within the Agency for Health Care  
20 Policy and Research within the federal Department of Health and  
21 Human Services that such procedure is either experimental or  
22 investigational or that there is insufficient data or  
23 experience to determine whether an organ transplantation  
24 procedure is clinically acceptable. If an accident and health  
25 insurer has made written request, or had one made on its behalf  
26 by a national organization, for determination by the Office of

1 Health Care Technology Assessment within the Agency for Health  
2 Care Policy and Research within the federal Department of  
3 Health and Human Services as to whether a specific organ  
4 transplantation procedure is clinically acceptable and said  
5 organization fails to respond to such a request within a period  
6 of 90 days, the failure to act may be deemed a determination  
7 that the procedure is deemed to be experimental or  
8 investigational.

9 (14) Whenever a claim for benefits by an insured under a  
10 dental prepayment program is denied or reduced, based on the  
11 review of x-ray films, such review must be performed by a  
12 dentist.

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

14 Section 280. The Health Maintenance Organization Act is  
15 amended by changing Section 4-4 as follows:

16 (215 ILCS 125/4-4) (from Ch. 111 1/2, par. 1408.4)

17 Sec. 4-4. Sexual assault or abuse victims; coverage of  
18 expenses; recovery of State funds; reimbursement of Department  
19 of Public Health.

20 (1) Contracts or evidences of coverage issued by a health  
21 maintenance organization, which provide benefits for health  
22 care services, shall to the full extent of coverage provided  
23 for any other emergency or accident care, provide for the  
24 payment of actual expenses incurred, without offset or

1 reduction for benefit deductibles or co-insurance amounts, in  
2 the examination and testing of a victim of an offense defined  
3 in Sections 11-1.20 through 11-1.60 or 12-13 through 12-16 of  
4 the Criminal Code of 1961 or the Criminal Code of 2012, ~~as now~~  
5 ~~or hereafter amended~~, or an attempt to commit such offense, to  
6 establish that sexual contact did occur or did not occur, and  
7 to establish the presence or absence of sexually transmitted  
8 disease or infection, and examination and treatment of injuries  
9 and trauma sustained by a victim of such offense.

10 (2) For purposes of enabling the recovery of State funds,  
11 any health maintenance organization subject to this Section  
12 shall upon reasonable demand by the Department of Public Health  
13 disclose the names and identities of its enrollees entitled to  
14 benefits under this provision to the Department of Public  
15 Health whenever the Department of Public Health has determined  
16 that it has paid, or is about to pay for, health care services  
17 for which a health maintenance organization is liable under  
18 this Section. All information received by the Department of  
19 Public Health under this provision shall be held on a  
20 confidential basis and shall not be subject to subpoena and  
21 shall not be made public by the Department of Public Health or  
22 used for any purpose other than that authorized by this  
23 Section.

24 (3) Whenever the Department of Public Health finds that it  
25 has paid for all or part of any health care services for which  
26 a health maintenance organization is obligated to pay under

1 this Section, the Department of Public Health shall be entitled  
2 to receive reimbursement for its payments from such  
3 organization provided that the Department of Public Health has  
4 notified the organization of its claims before the organization  
5 has paid such benefits to its enrollees or in behalf of its  
6 enrollees.

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

8 Section 285. The Voluntary Health Services Plans Act is  
9 amended by changing Section 15.8 as follows:

10 (215 ILCS 165/15.8) (from Ch. 32, par. 609.8)

11 Sec. 15.8. Sexual assault or abuse victims.

12 (1) Policies, contracts or subscription certificates  
13 issued by a health services plan corporation, which provide  
14 benefits for hospital or medical expenses based upon the actual  
15 expenses incurred, shall to the full extent of coverage  
16 provided for any other emergency or accident care, provide for  
17 the payment of actual expenses incurred, without offset or  
18 reduction for benefit deductibles or co-insurance amounts, in  
19 the examination and testing of a victim of an offense defined  
20 in Sections 11-1.20 through 11-1.60 or 12-13 through 12-16 of  
21 the Criminal Code of 1961 or the Criminal Code of 2012, as now  
22 ~~or hereafter amended,~~ or attempt to commit such offense, to  
23 establish that sexual contact did occur or did not occur, and  
24 to establish the presence or absence of sexually transmitted



1 disease or infection, and examination and treatment of injuries  
2 and trauma sustained by a victim of such offense.

3 (2) For purposes of enabling the recovery of State Funds,  
4 any health services plan corporation subject to this Section  
5 shall upon reasonable demand by the Department of Public Health  
6 disclose the names and identities of its insureds or  
7 subscribers entitled to benefits under this provision to the  
8 Department of Public Health whenever the Department of Public  
9 Health has determined that it has paid, or is about to pay,  
10 hospital or medical expenses for which a health care service  
11 corporation is liable under this Section. All information  
12 received by the Department of Public Health under this  
13 provision shall be held on a confidential basis and shall not  
14 be subject to subpoena and shall not be made public by the  
15 Department of Public Health or used for any purpose other than  
16 that authorized by this Section.

17 (3) Whenever the Department of Public Health finds that it  
18 has paid all or part of any hospital or medical expenses which  
19 a health services plan corporation is obligated to pay under  
20 this Section, the Department of Public Health shall be entitled  
21 to receive reimbursement for its payments from such corporation  
22 provided that the Department of Public Health has notified the  
23 corporation of its claims before the corporation has paid such  
24 benefits to its subscribers or in behalf of its subscribers.

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

1           Section 290. The Public Utilities Act is amended by  
2 changing Sections 2-202, 4-201, 18-106, and 22-501 as follows:

3           (220 ILCS 5/2-202) (from Ch. 111 2/3, par. 2-202)

4           Sec. 2-202. Policy; Public Utility Fund; tax.

5           (a) It is declared to be the public policy of this State  
6 that in order to maintain and foster the effective regulation  
7 of public utilities under this Act in the interests of the  
8 People of the State of Illinois and the public utilities as  
9 well, the public utilities subject to regulation under this Act  
10 and which enjoy the privilege of operating as public utilities  
11 in this State, shall bear the expense of administering this Act  
12 by means of a tax on such privilege measured by the annual  
13 gross revenue of such public utilities in the manner provided  
14 in this Section. For purposes of this Section, "expense of  
15 administering this Act" includes any costs incident to studies,  
16 whether made by the Commission or under contract entered into  
17 by the Commission, concerning environmental pollution problems  
18 caused or contributed to by public utilities and the means for  
19 eliminating or abating those problems. Such proceeds shall be  
20 deposited in the Public Utility Fund in the State treasury.

21           (b) All of the ordinary and contingent expenses of the  
22 Commission incident to the administration of this Act shall be  
23 paid out of the Public Utility Fund except the compensation of  
24 the members of the Commission which shall be paid from the  
25 General Revenue Fund. Notwithstanding other provisions of this

1 Act to the contrary, the ordinary and contingent expenses of  
2 the Commission incident to the administration of the Illinois  
3 Commercial Transportation Law may be paid from appropriations  
4 from the Public Utility Fund through the end of fiscal year  
5 1986.

6 (c) A tax is imposed upon each public utility subject to  
7 the provisions of this Act equal to .08% of its gross revenue  
8 for each calendar year commencing with the calendar year  
9 beginning January 1, 1982, except that the Commission may, by  
10 rule, establish a different rate no greater than 0.1%. For  
11 purposes of this Section, "gross revenue" shall not include  
12 revenue from the production, transmission, distribution, sale,  
13 delivery, or furnishing of electricity. "Gross revenue" shall  
14 not include amounts paid by telecommunications retailers under  
15 the Telecommunications Infrastructure Maintenance Fee Act.

16 (d) Annual gross revenue returns shall be filed in  
17 accordance with paragraph (1) or (2) of this subsection (d).

18 (1) Except as provided in paragraph (2) of this  
19 subsection (d), on or before January 10 of each year each  
20 public utility subject to the provisions of this Act shall  
21 file with the Commission an estimated annual gross revenue  
22 return containing an estimate of the amount of its gross  
23 revenue for the calendar year commencing January 1 of said  
24 year and a statement of the amount of tax due for said  
25 calendar year on the basis of that estimate. Public  
26 utilities may also file revised returns containing updated

1 estimates and updated amounts of tax due during the  
2 calendar year. These revised returns, if filed, shall form  
3 the basis for quarterly payments due during the remainder  
4 of the calendar year. In addition, on or before March 31 of  
5 each year, each public utility shall file an amended return  
6 showing the actual amount of gross revenues shown by the  
7 company's books and records as of December 31 of the  
8 previous year. Forms and instructions for such estimated,  
9 revised, and amended returns shall be devised and supplied  
10 by the Commission.

11 (2) Beginning with returns due after January 1, 2002,  
12 the requirements of paragraph (1) of this subsection (d)  
13 shall not apply to any public utility in any calendar year  
14 for which the total tax the public utility owes under this  
15 Section is less than \$10,000. For such public utilities  
16 with respect to such years, the public utility shall file  
17 with the Commission, on or before March 31 of the following  
18 year, an annual gross revenue return for the year and a  
19 statement of the amount of tax due for that year on the  
20 basis of such a return. Forms and instructions for such  
21 returns and corrected returns shall be devised and supplied  
22 by the Commission.

23 (e) All returns submitted to the Commission by a public  
24 utility as provided in this subsection (e) or subsection (d) of  
25 this Section shall contain or be verified by a written  
26 declaration by an appropriate officer of the public utility

1 that the return is made under the penalties of perjury. The  
2 Commission may audit each such return submitted and may, under  
3 the provisions of Section 5-101 of this Act, take such measures  
4 as are necessary to ascertain the correctness of the returns  
5 submitted. The Commission has the power to direct the filing of  
6 a corrected return by any utility which has filed an incorrect  
7 return and to direct the filing of a return by any utility  
8 which has failed to submit a return. A taxpayer's signing a  
9 fraudulent return under this Section is perjury, as defined in  
10 Section 32-2 of the Criminal Code of 2012 ~~1961~~.

11 (f) (1) For all public utilities subject to paragraph (1)  
12 of subsection (d), at least one quarter of the annual amount of  
13 tax due under subsection (c) shall be paid to the Commission on  
14 or before the tenth day of January, April, July, and October of  
15 the calendar year subject to tax. In the event that an  
16 adjustment in the amount of tax due should be necessary as a  
17 result of the filing of an amended or corrected return under  
18 subsection (d) or subsection (e) of this Section, the amount of  
19 any deficiency shall be paid by the public utility together  
20 with the amended or corrected return and the amount of any  
21 excess shall, after the filing of a claim for credit by the  
22 public utility, be returned to the public utility in the form  
23 of a credit memorandum in the amount of such excess or be  
24 refunded to the public utility in accordance with the  
25 provisions of subsection (k) of this Section. However, if such  
26 deficiency or excess is less than \$1, then the public utility

1 need not pay the deficiency and may not claim a credit.

2 (2) Any public utility subject to paragraph (2) of  
3 subsection (d) shall pay the amount of tax due under subsection  
4 (c) on or before March 31 next following the end of the  
5 calendar year subject to tax. In the event that an adjustment  
6 in the amount of tax due should be necessary as a result of the  
7 filing of a corrected return under subsection (e), the amount  
8 of any deficiency shall be paid by the public utility at the  
9 time the corrected return is filed. Any excess tax payment by  
10 the public utility shall be returned to it after the filing of  
11 a claim for credit, in the form of a credit memorandum in the  
12 amount of the excess. However, if such deficiency or excess is  
13 less than \$1, the public utility need not pay the deficiency  
14 and may not claim a credit.

15 (g) Each installment or required payment of the tax imposed  
16 by subsection (c) becomes delinquent at midnight of the date  
17 that it is due. Failure to make a payment as required by this  
18 Section shall result in the imposition of a late payment  
19 penalty, an underestimation penalty, or both, as provided by  
20 this subsection. The late payment penalty shall be the greater  
21 of:

22 (1) \$25 for each month or portion of a month that the  
23 installment or required payment is unpaid or

24 (2) an amount equal to the difference between what  
25 should have been paid on the due date, based upon the most  
26 recently filed estimated, annual, or amended return, and

1           what was actually paid, times 1%, for each month or portion  
2           of a month that the installment or required payment goes  
3           unpaid. This penalty may be assessed as soon as the  
4           installment or required payment becomes delinquent.

5           The underestimation penalty shall apply to those public  
6           utilities subject to paragraph (1) of subsection (d) and shall  
7           be calculated after the filing of the amended return. It shall  
8           be imposed if the amount actually paid on any of the dates  
9           specified in subsection (f) is not equal to at least one-fourth  
10          of the amount actually due for the year, and shall equal the  
11          greater of:

12                 (1) \$25 for each month or portion of a month that the  
13                 amount due is unpaid or

14                 (2) an amount equal to the difference between what  
15                 should have been paid, based on the amended return, and  
16                 what was actually paid as of the date specified in  
17                 subsection (f), times a percentage equal to 1/12 of the sum  
18                 of 10% and the percentage most recently established by the  
19                 Commission for interest to be paid on customer deposits  
20                 under 83 Ill. Adm. Code 280.70(e)(1), for each month or  
21                 portion of a month that the amount due goes unpaid, except  
22                 that no underestimation penalty shall be assessed if the  
23                 amount actually paid on or before each of the dates  
24                 specified in subsection (f) was based on an estimate of  
25                 gross revenues at least equal to the actual gross revenues  
26                 for the previous year. The Commission may enforce the

1 collection of any delinquent installment or payment, or  
2 portion thereof by legal action or in any other manner by  
3 which the collection of debts due the State of Illinois may  
4 be enforced under the laws of this State. The executive  
5 director or his designee may excuse the payment of an  
6 assessed penalty or a portion of an assessed penalty if he  
7 determines that enforced collection of the penalty as  
8 assessed would be unjust.

9 (h) All sums collected by the Commission under the  
10 provisions of this Section shall be paid promptly after the  
11 receipt of the same, accompanied by a detailed statement  
12 thereof, into the Public Utility Fund in the State treasury.

13 (i) During the month of October of each odd-numbered year  
14 the Commission shall:

15 (1) determine the amount of all moneys deposited in the  
16 Public Utility Fund during the preceding fiscal biennium  
17 plus the balance, if any, in that fund at the beginning of  
18 that biennium;

19 (2) determine the sum total of the following items: (A)  
20 all moneys expended or obligated against appropriations  
21 made from the Public Utility Fund during the preceding  
22 fiscal biennium, plus (B) the sum of the credit memoranda  
23 then outstanding against the Public Utility Fund, if any;  
24 and

25 (3) determine the amount, if any, by which the sum  
26 determined as provided in item (1) exceeds the amount



1           determined as provided in item (2).

2           If the amount determined as provided in item (3) of this  
3 subsection exceeds 50% of the previous fiscal year's  
4 appropriation level, the Commission shall then compute the  
5 proportionate amount, if any, which (x) the tax paid hereunder  
6 by each utility during the preceding biennium, and (y) the  
7 amount paid into the Public Utility Fund during the preceding  
8 biennium by the Department of Revenue pursuant to Sections 2-9  
9 and 2-11 of the Electricity Excise Tax Law, bears to the  
10 difference between the amount determined as provided in item  
11 (3) of this subsection (i) and 50% of the previous fiscal  
12 year's appropriation level. The Commission shall cause the  
13 proportionate amount determined with respect to payments made  
14 under the Electricity Excise Tax Law to be transferred into the  
15 General Revenue Fund in the State Treasury, and notify each  
16 public utility that it may file during the 3 month period after  
17 the date of notification a claim for credit for the  
18 proportionate amount determined with respect to payments made  
19 hereunder by the public utility. If the proportionate amount is  
20 less than \$10, no notification will be sent by the Commission,  
21 and no right to a claim exists as to that amount. Upon the  
22 filing of a claim for credit within the period provided, the  
23 Commission shall issue a credit memorandum in such amount to  
24 such public utility. Any claim for credit filed after the  
25 period provided for in this Section is void.

26           (j) Credit memoranda issued pursuant to subsection (f) and

1 credit memoranda issued after notification and filing pursuant  
2 to subsection (i) may be applied for the 2 year period from the  
3 date of issuance, against the payment of any amount due during  
4 that period under the tax imposed by subsection (c), or,  
5 subject to reasonable rule of the Commission including  
6 requirement of notification, may be assigned to any other  
7 public utility subject to regulation under this Act. Any  
8 application of credit memoranda after the period provided for  
9 in this Section is void.

10 (k) The chairman or executive director may make refund of  
11 fees, taxes or other charges whenever he shall determine that  
12 the person or public utility will not be liable for payment of  
13 such fees, taxes or charges during the next 24 months and he  
14 determines that the issuance of a credit memorandum would be  
15 unjust.

16 (Source: P.A. 95-1027, eff. 6-1-09.)

17 (220 ILCS 5/4-201) (from Ch. 111 2/3, par. 4-201)

18 Sec. 4-201. It is hereby made the duty of the Commission to  
19 see that the provisions of the Constitution and statutes of  
20 this State affecting public utilities, the enforcement of which  
21 is not specifically vested in some other officer or tribunal,  
22 are enforced and obeyed, and that violations thereof are  
23 promptly prosecuted and penalties due the State therefor  
24 recovered and collected, and to this end it may sue in the name  
25 of the People of the State.

1           It shall be the duty of the Commission, at the direction  
2 and discretion of the Chairman, to assemble and maintain an  
3 electronic trespass enforcement assistance staff consisting of  
4 experts in computer systems, electronics and other  
5 professional disciplines to aid public utilities, businesses,  
6 individuals and law enforcement agencies in detecting and  
7 preventing electronic trespass violations and enforcing the  
8 provisions of Sections 17-50, 17-51, and 17-52 ~~Section 16-9~~ of  
9 the "Criminal Code of 2012 ~~1961~~", ~~approved July 28, 1961, as~~  
10 ~~amended~~ or any other relevant statute.

11           No cause of action shall exist and no liability may be  
12 imposed either civil or criminal, against the State, the  
13 Chairman of the Commission or any of its members, or any  
14 employee of the Commission, for any act or omission by them in  
15 the performance of any power or duty authorized by this  
16 Section, unless such act or omission was performed in bad faith  
17 and with intent to injure a particular person.

18           (Source: P.A. 84-617.)

19           (220 ILCS 5/18-106)

20           Sec. 18-106. Grantee instruments.

21           (a) If an electric utility to which grantee instruments  
22 have been issued discontinues providing electric power and  
23 energy services prior to the maturity date of such grantee  
24 instruments, such electric utility shall not be entitled to  
25 receive any payment on such grantee instruments on and after

1 the date of such discontinuance.

2 (b) Notwithstanding the provisions of subsection (a) of  
3 this Section, any assignee holding such grantee instruments or  
4 any holder of transitional funding instruments which are  
5 secured by such grantee instruments shall nevertheless be  
6 entitled to recover amounts payable by such grantee under such  
7 grantee instruments in accordance with their terms as if such  
8 electric utility had not discontinued the provision of electric  
9 power and energy.

10 (c) Notwithstanding any other provision of law, the  
11 issuance of any grantee instruments in accordance with the  
12 terms and provisions of a transitional funding order shall for  
13 all purposes be exempt from the application of Section 17-59 or  
14 Article 39 of the Criminal Code of 2012 or the Criminal Code of  
15 1961 and the Interest Act.

16 (Source: P.A. 90-561, eff. 12-16-97.)

17 (220 ILCS 5/22-501)

18 Sec. 22-501. Customer service and privacy protection. All  
19 cable or video providers in this State shall comply with the  
20 following customer service requirements and privacy  
21 protections. The provisions of this Act shall not apply to an  
22 incumbent cable operator prior to January 1, 2008. For purposes  
23 of this paragraph, an incumbent cable operator means a person  
24 or entity that provided cable services in a particular area  
25 under a franchise agreement with a local unit of government

1 pursuant to Section 11-42-11 of the Illinois Municipal Code or  
2 Section 5-1095 of the Counties Code on January 1, 2007. A  
3 master antenna television, satellite master antenna  
4 television, direct broadcast satellite, multipoint  
5 distribution service, and other provider of video programming  
6 shall only be subject to the provisions of this Article to the  
7 extent permitted by federal law.

8 The following definitions apply to the terms used in this  
9 Article:

10 "Basic cable or video service" means any service offering  
11 or tier that includes the retransmission of local television  
12 broadcast signals.

13 "Cable or video provider" means any person or entity  
14 providing cable service or video service pursuant to  
15 authorization under (i) the Cable and Video Competition Law of  
16 2007; (ii) Section 11-42-11 of the Illinois Municipal Code;  
17 (iii) Section 5-1095 of the Counties Code; or (iv) a master  
18 antenna television, satellite master antenna television,  
19 direct broadcast satellite, multipoint distribution services,  
20 and other providers of video programming, whatever their  
21 technology. A cable or video provider shall not include a  
22 landlord providing only broadcast video programming to a  
23 single-family home or other residential dwelling consisting of  
24 4 units or less.

25 "Franchise" has the same meaning as found in 47 U.S.C.  
26 522(9).

1 "Local unit of government" means a city, village,  
2 incorporated town, or a county.

3 "Normal business hours" means those hours during which most  
4 similar businesses in the geographic area of the local unit of  
5 government are open to serve customers. In all cases, "normal  
6 business hours" must include some evening hours at least one  
7 night per week or some weekend hours.

8 "Normal operating conditions" means those service  
9 conditions that are within the control of cable or video  
10 providers. Those conditions that are not within the control of  
11 cable or video providers include, but are not limited to,  
12 natural disasters, civil disturbances, power outages,  
13 telephone network outages, and severe or unusual weather  
14 conditions. Those conditions that are ordinarily within the  
15 control of cable or video providers include, but are not  
16 limited to, special promotions, pay-per-view events, rate  
17 increases, regular peak or seasonal demand periods, and  
18 maintenance or upgrade of the cable service or video service  
19 network.

20 "Service interruption" means the loss of picture or sound  
21 on one or more cable service or video service on one or more  
22 cable or video channels.

23 "Service line drop" means the point of connection between a  
24 premises and the cable or video network that enables the  
25 premises to receive cable service or video service.

26 (a) General customer service standards:

1           (1) Cable or video providers shall establish general  
2 standards related to customer service, which shall  
3 include, but not be limited to, installation,  
4 disconnection, service and repair obligations; appointment  
5 hours and employee ID requirements; customer service  
6 telephone numbers and hours; procedures for billing,  
7 charges, deposits, refunds, and credits; procedures for  
8 termination of service; notice of deletion of programming  
9 service; changes related to transmission of programming;  
10 changes or increases in rates; the use and availability of  
11 parental control or lock-out devices; the use and  
12 availability of an A/B switch if applicable; complaint  
13 procedures and procedures for bill dispute resolution; a  
14 description of the rights and remedies available to  
15 consumers if the cable or video provider does not  
16 materially meet its customer service standards; and  
17 special services for customers with visual, hearing, or  
18 mobility disabilities.

19           (2) Cable or video providers' rates for each level of  
20 service, rules, regulations, and policies related to its  
21 cable service or video service described in paragraph (1)  
22 of this subsection (a) must be made available to the public  
23 and displayed clearly and conspicuously on the cable or  
24 video provider's site on the Internet. If a promotional  
25 price or a price for a specified period of time is offered,  
26 the cable or video provider shall display the price at the

1 end of the promotional period or specified period of time  
2 clearly and conspicuously with the display of the  
3 promotional price or price for a specified period of time.  
4 The cable or video provider shall provide this information  
5 upon request.

6 (3) Cable or video providers shall provide notice  
7 concerning their general customer service standards to all  
8 customers. This notice shall be offered when service is  
9 first activated and annually thereafter. The information  
10 in the notice shall include all of the information  
11 specified in paragraph (1) of this subsection (a), as well  
12 as the following: a listing of services offered by the  
13 cable or video providers, which shall clearly describe  
14 programming for all services and all levels of service; the  
15 rates for all services and levels of service; a telephone  
16 number through which customers may subscribe to, change, or  
17 terminate service, request customer service, or seek  
18 general or billing information; instructions on the use of  
19 the cable or video services; and a description of rights  
20 and remedies that the cable or video providers shall make  
21 available to their customers if they do not materially meet  
22 the general customer service standards described in this  
23 Act.

24 (b) General customer service obligations:

25 (1) Cable or video providers shall render reasonably  
26 efficient service, promptly make repairs, and interrupt



1 service only as necessary and for good cause, during  
2 periods of minimum use of the system and for no more than  
3 24 hours.

4 (2) All service representatives or any other person who  
5 contacts customers or potential customers on behalf of the  
6 cable or video provider shall have a visible identification  
7 card with their name and photograph and shall orally  
8 identify themselves upon first contact with the customer.  
9 Customer service representatives shall orally identify  
10 themselves to callers immediately following the greeting  
11 during each telephone contact with the public.

12 (3) The cable or video providers shall: (i) maintain a  
13 customer service facility within the boundaries of a local  
14 unit of government staffed by customer service  
15 representatives that have the capacity to accept payment,  
16 adjust bills, and respond to repair, installation,  
17 reconnection, disconnection, or other service calls and  
18 distribute or receive converter boxes, remote control  
19 units, digital stereo units, or other equipment related to  
20 the provision of cable or video service; (ii) provide  
21 customers with bill payment facilities through retail,  
22 financial, or other commercial institutions located within  
23 the boundaries of a local unit of government; (iii) provide  
24 an address, toll-free telephone number or electronic  
25 address to accept bill payments and correspondence and  
26 provide secure collection boxes for the receipt of bill

1 payments and the return of equipment, provided that if a  
2 cable or video provider provides secure collection boxes,  
3 it shall provide a printed receipt when items are  
4 deposited; or (iv) provide an address, toll-free telephone  
5 number, or electronic address to accept bill payments and  
6 correspondence and provide a method for customers to return  
7 equipment to the cable or video provider at no cost to the  
8 customer.

9 (4) In each contact with a customer, the service  
10 representatives or any other person who contacts customers  
11 or potential customers on behalf of the cable or video  
12 provider shall state the estimated cost of the service,  
13 repair, or installation orally prior to delivery of the  
14 service or before any work is performed, shall provide the  
15 customer with an oral statement of the total charges before  
16 terminating the telephone call or other contact in which a  
17 service is ordered, whether in-person or over the Internet,  
18 and shall provide a written statement of the total charges  
19 before leaving the location at which the work was  
20 performed. In the event that the cost of service is a  
21 promotional price or is for a limited period of time, the  
22 cost of service at the end of the promotion or limited  
23 period of time shall be disclosed.

24 (5) Cable or video providers shall provide customers a  
25 minimum of 30 days' written notice before increasing rates  
26 or eliminating transmission of programming and shall

1 submit the notice to the local unit of government in  
2 advance of distribution to customers, provided that the  
3 cable or video provider is not in violation of this  
4 provision if the elimination of transmission of  
5 programming was outside the control of the provider, in  
6 which case the provider shall use reasonable efforts to  
7 provide as much notice as possible, and any rate decrease  
8 related to the elimination of transmission of programming  
9 shall be applied to the date of the change.

10 (6) Cable or video providers shall provide clear visual  
11 and audio reception that meets or exceeds applicable  
12 Federal Communications Commission technical standards. If  
13 a customer experiences poor video or audio reception due to  
14 the equipment of the cable or video provider, the cable or  
15 video provider shall promptly repair the problem at its own  
16 expense.

17 (c) Bills, payment, and termination:

18 (1) Cable or video providers shall render monthly bills  
19 that are clear, accurate, and understandable.

20 (2) Every residential customer who pays bills directly  
21 to the cable or video provider shall have at least 28 days  
22 from the date of the bill to pay the listed charges.

23 (3) Customer payments shall be posted promptly. When  
24 the payment is sent by United States mail, payment is  
25 considered paid on the date it is postmarked.

26 (4) Cable or video providers may not terminate

1 residential service for nonpayment of a bill unless the  
2 cable or video provider furnishes notice of the delinquency  
3 and impending termination at least 21 days prior to the  
4 proposed termination. Notice of proposed termination shall  
5 be mailed, postage prepaid, to the customer to whom service  
6 is billed. Notice of proposed termination shall not be  
7 mailed until the 29th day after the date of the bill for  
8 services. Notice of delinquency and impending termination  
9 may be part of a billing statement only if the notice is  
10 presented in a different color than the bill and is  
11 designed to be conspicuous. The cable or video providers  
12 may not assess a late fee prior to the 29th day after the  
13 date of the bill for service.

14 (5) Every notice of impending termination shall  
15 include all of the following: the name and address of  
16 customer; the amount of the delinquency; the date on which  
17 payment is required to avoid termination; and the telephone  
18 number of the cable or video provider's service  
19 representative to make payment arrangements and to provide  
20 additional information about the charges for failure to  
21 return equipment and for reconnection, if any. No customer  
22 may be charged a fee for termination or disconnection of  
23 service, irrespective of whether the customer initiated  
24 termination or disconnection or the cable or video provider  
25 initiated termination or disconnection.

26 (6) Service may only be terminated on days when the

1 customer is able to reach a service representative of the  
2 cable or video providers, either in person or by telephone.

3 (7) Any service terminated by a cable or video provider  
4 without good cause shall be restored without any  
5 reconnection fee, charge, or penalty; good cause for  
6 termination includes, but is not limited to, failure to pay  
7 a bill by the date specified in the notice of impending  
8 termination, payment by check for which there are  
9 insufficient funds, theft of service, abuse of equipment or  
10 personnel, or other similar subscriber actions.

11 (8) Cable or video providers shall cease charging a  
12 customer for any or all services within one business day  
13 after it receives a request to immediately terminate  
14 service or on the day requested by the customer if such a  
15 date is at least 5 days from the date requested by the  
16 customer. Nothing in this subsection (c) shall prohibit the  
17 provider from billing for charges that the customer incurs  
18 prior to the date of termination. Cable or video providers  
19 shall issue a credit or a refund or return a deposit within  
20 10 business days after the close of the customer's billing  
21 cycle following the request for termination or the return  
22 of equipment, if any, whichever is later.

23 (9) The customers or subscribers of a cable or video  
24 provider shall be allowed to disconnect their service at  
25 any time within the first 60 days after subscribing to or  
26 upgrading the service. Within this 60-day period, cable or

1 video providers shall not charge or impose any fees or  
2 penalties on the customer for disconnecting service,  
3 including, but not limited to, any installation charge or  
4 the imposition of an early termination charge, except the  
5 cable or video provider may impose a charge or fee to  
6 offset any rebates or credits received by the customer and  
7 may impose monthly service or maintenance charges,  
8 including pay-per-view and premium services charges,  
9 during such 60-day period.

10 (10) Cable and video providers shall guarantee  
11 customer satisfaction for new or upgraded service and the  
12 customer shall receive a pro-rata credit in an amount equal  
13 to the pro-rata charge for the remaining days of service  
14 being disconnected or replaced upon the customers request  
15 if the customer is dissatisfied with the service and  
16 requests to discontinue the service within the first 60  
17 days after subscribing to the upgraded service.

18 (d) Response to customer inquiries:

19 (1) Cable or video providers will maintain a toll-free  
20 telephone access line that is available to customers 24  
21 hours a day, 7 days a week to accept calls regarding  
22 installation, termination, service, and complaints.  
23 Trained, knowledgeable, qualified service representatives  
24 of the cable or video providers will be available to  
25 respond to customer telephone inquiries during normal  
26 business hours. Customer service representatives shall be

1 able to provide credit, waive fees, schedule appointments,  
2 and change billing cycles. Any difficulties that cannot be  
3 resolved by the customer service representatives shall be  
4 referred to a supervisor who shall make his or her best  
5 efforts to resolve the issue immediately. If the supervisor  
6 does not resolve the issue to the customer's satisfaction,  
7 the customer shall be informed of the cable or video  
8 provider's complaint procedures and procedures for billing  
9 dispute resolution and given a description of the rights  
10 and remedies available to customers to enforce the terms of  
11 this Article, including the customer's rights to have the  
12 complaint reviewed by the local unit of government, to  
13 request mediation, and to review in a court of competent  
14 jurisdiction.

15 (2) After normal business hours, the access line may be  
16 answered by a service or an automated response system,  
17 including an answering machine. Inquiries received by  
18 telephone or e-mail after normal business hours shall be  
19 responded to by a trained service representative on the  
20 next business day. The cable or video provider shall  
21 respond to a written billing inquiry within 10 days of  
22 receipt of the inquiry.

23 (3) Cable or video providers shall provide customers  
24 seeking non-standard installations with a total  
25 installation cost estimate and an estimated date of  
26 completion. The actual charge to the customer shall not

1 exceed 10% of the estimated cost without the written  
2 consent of the customer.

3 (4) If the cable or video provider receives notice that  
4 an unsafe condition exists with respect to its equipment,  
5 it shall investigate such condition immediately and shall  
6 take such measures as are necessary to remove or eliminate  
7 the unsafe condition. The cable or video provider shall  
8 inform the local unit of government promptly, but no later  
9 than 2 hours after it receives notification of an unsafe  
10 condition that it has not remedied.

11 (5) Under normal operating conditions, telephone  
12 answer time by the cable or video provider's customer  
13 representative, including wait time, shall not exceed 30  
14 seconds when the connection is made. If the call needs to  
15 be transferred, transfer time shall not exceed 30 seconds.  
16 These standards shall be met no less than 90% of the time  
17 under normal operating conditions, measured on a quarterly  
18 basis.

19 (6) Under normal operating conditions, the cable or  
20 video provider's customers will receive a busy signal less  
21 than 3% of the time.

22 (e) Under normal operating conditions, each of the  
23 following standards related to installations, outages, and  
24 service calls will be met no less than 95% of the time measured  
25 on a quarterly basis:

26 (1) Standard installations will be performed within 7



1 business days after an order has been placed. "Standard"  
2 installations are those that are located up to 125 feet  
3 from the existing distribution system.

4 (2) Excluding conditions beyond the control of the  
5 cable or video providers, the cable or video providers will  
6 begin working on "service interruptions" promptly and in no  
7 event later than 24 hours after the interruption is  
8 reported by the customer or otherwise becomes known to the  
9 cable or video providers. Cable or video providers must  
10 begin actions to correct other service problems the next  
11 business day after notification of the service problem and  
12 correct the problem within 48 hours after the interruption  
13 is reported by the customer 95% of the time, measured on a  
14 quarterly basis.

15 (3) The "appointment window" alternatives for  
16 installations, service calls, and other installation  
17 activities will be either a specific time or, at a maximum,  
18 a 4-hour time block during evening, weekend, and normal  
19 business hours. The cable or video provider may schedule  
20 service calls and other installation activities outside of  
21 these hours for the express convenience of the customer.

22 (4) Cable or video providers may not cancel an  
23 appointment with a customer after 5:00 p.m. on the business  
24 day prior to the scheduled appointment. If the cable or  
25 video provider's representative is running late for an  
26 appointment with a customer and will not be able to keep

1 the appointment as scheduled, the customer will be  
2 contacted. The appointment will be rescheduled, as  
3 necessary, at a time that is convenient for the customer,  
4 even if the rescheduled appointment is not within normal  
5 business hours.

6 (f) Public benefit obligation:

7 (1) All cable or video providers offering service  
8 pursuant to the Cable and Video Competition Law of 2007,  
9 the Illinois Municipal Code, or the Counties Code shall  
10 provide a free service line drop and free basic service to  
11 all current and future public buildings within their  
12 footprint, including, but not limited to, all local unit of  
13 government buildings, public libraries, and public primary  
14 and secondary schools, whether owned or leased by that  
15 local unit of government ("eligible buildings"). Such  
16 service shall be used in a manner consistent with the  
17 government purpose for the eligible building and shall not  
18 be resold.

19 (2) This obligation only applies to those cable or  
20 video service providers whose cable service or video  
21 service systems pass eligible buildings and its cable or  
22 video service is generally available to residential  
23 subscribers in the same local unit of government in which  
24 the eligible building is located. The burden of providing  
25 such service at each eligible building shall be shared by  
26 all cable and video providers whose systems pass the

1 eligible buildings in an equitable and competitively  
2 neutral manner, and nothing herein shall require  
3 duplicative installations by more than one cable or video  
4 provider at each eligible building. Cable or video  
5 providers operating in a local unit of government shall  
6 meet as necessary and determine who will provide service to  
7 eligible buildings under this subsection (f). If the cable  
8 or video providers are unable to reach an agreement, they  
9 shall meet with the local unit of government, which shall  
10 determine which cable or video providers will serve each  
11 eligible building. The local unit of government shall bear  
12 the costs of any inside wiring or video equipment costs not  
13 ordinarily provided as part of the cable or video  
14 provider's basic offering.

15 (g) After the cable or video providers have offered service  
16 for one year, the cable or video providers shall make an annual  
17 report to the Commission, to the local unit of government, and  
18 to the Attorney General that it is meeting the standards  
19 specified in this Article, identifying the number of complaints  
20 it received over the prior year in the State and specifying the  
21 number of complaints related to each of the following: (1)  
22 billing, charges, refunds, and credits; (2) installation or  
23 termination of service; (3) quality of service and repair; (4)  
24 programming; and (5) miscellaneous complaints that do not fall  
25 within these categories. Thereafter, the cable or video  
26 providers shall also provide, upon request by the local unit of

1 government where service is offered and to the Attorney  
2 General, an annual public report that includes performance data  
3 described in subdivisions (5) and (6) of subsection (d) and  
4 subdivisions (1) and (2) of subsection (e) of this Section for  
5 cable services or video services. The performance data shall be  
6 disaggregated for each requesting local unit of government or  
7 local exchange, as that term is defined in Section 13-206 of  
8 this Act, in which the cable or video providers have customers.

9 (h) To the extent consistent with federal law, cable or  
10 video providers shall offer the lowest-cost basic cable or  
11 video service as a stand-alone service to residential customers  
12 at reasonable rates. Cable or video providers shall not require  
13 the subscription to any service other than the lowest-cost  
14 basic service or to any telecommunications or information  
15 service, as a condition of access to cable or video service,  
16 including programming offered on a per channel or per program  
17 basis. Cable or video providers shall not discriminate between  
18 subscribers to the lowest-cost basic service, subscribers to  
19 other cable services or video services, and other subscribers  
20 with regard to the rates charged for cable or video programming  
21 offered on a per channel or per program basis.

22 (i) To the extent consistent with federal law, cable or  
23 video providers shall ensure that charges for changes in the  
24 subscriber's selection of services or equipment shall be based  
25 on the cost of such change and shall not exceed nominal amounts  
26 when the system's configuration permits changes in service tier

1 selection to be effected solely by coded entry on a computer  
2 terminal or by other similarly simple method.

3 (j) To the extent consistent with federal law, cable or  
4 video providers shall have a rate structure for the provision  
5 of cable or video service that is uniform throughout the area  
6 within the boundaries of the local unit of government. This  
7 subsection (j) is not intended to prohibit bulk discounts to  
8 multiple dwelling units or to prohibit reasonable discounts to  
9 senior citizens or other economically disadvantaged groups.

10 (k) To the extent consistent with federal law, cable or  
11 video providers shall not charge a subscriber for any service  
12 or equipment that the subscriber has not affirmatively  
13 requested by name. For purposes of this subsection (k), a  
14 subscriber's failure to refuse a cable or video provider's  
15 proposal to provide service or equipment shall not be deemed to  
16 be an affirmative request for such service or equipment.

17 (l) No contract or service agreement containing an early  
18 termination clause offering residential cable or video  
19 services or any bundle including such services shall be for a  
20 term longer than 2 years. Any contract or service offering with  
21 a term of service that contains an early termination fee shall  
22 limit the early termination fee to not more than the value of  
23 any additional goods or services provided with the cable or  
24 video services, the amount of the discount reflected in the  
25 price for cable services or video services for the period  
26 during which the consumer benefited from the discount, or a

1 declining fee based on the remainder of the contract term.

2 (m) Cable or video providers shall not discriminate in the  
3 provision of services for the hearing and visually impaired,  
4 and shall comply with the accessibility requirements of 47  
5 U.S.C. 613. Cable or video providers shall deliver and pick-up  
6 or provide customers with pre-paid shipping and packaging for  
7 the return of converters and other necessary equipment at the  
8 home of customers with disabilities. Cable or video providers  
9 shall provide free use of a converter or remote control unit to  
10 mobility impaired customers.

11 (n) (1) To the extent consistent with federal law, cable or  
12 video providers shall comply with the provisions of 47 U.S.C.  
13 532(h) and (j). The cable or video providers shall not exercise  
14 any editorial control over any video programming provided  
15 pursuant to this Section, or in any other way consider the  
16 content of such programming, except that a cable or video  
17 provider may refuse to transmit any leased access program or  
18 portion of a leased access program that contains obscenity,  
19 indecency, or nudity and may consider such content to the  
20 minimum extent necessary to establish a reasonable price for  
21 the commercial use of designated channel capacity by an  
22 unaffiliated person. This subsection (n) shall permit cable or  
23 video providers to enforce prospectively a written and  
24 published policy of prohibiting programming that the cable or  
25 video provider reasonably believes describes or depicts sexual  
26 or excretory activities or organs in a patently offensive

1 manner as measured by contemporary community standards.

2 (2) Upon customer request, the cable or video provider  
3 shall, without charge, fully scramble or otherwise fully  
4 block the audio and video programming of each channel  
5 carrying such programming so that a person who is not a  
6 subscriber does not receive the channel or programming.

7 (3) In providing sexually explicit adult programming  
8 or other programming that is indecent on any channel of its  
9 service primarily dedicated to sexually oriented  
10 programming, the cable or video provider shall fully  
11 scramble or otherwise fully block the video and audio  
12 portion of such channel so that a person who is not a  
13 subscriber to such channel or programming does not receive  
14 it.

15 (4) Scramble means to rearrange the content of the  
16 signal of the programming so that the programming cannot be  
17 viewed or heard in an understandable manner.

18 (o) Cable or video providers will maintain a listing,  
19 specific to the level of street address, of the areas where its  
20 cable or video services are available. Customers who inquire  
21 about purchasing cable or video service shall be informed about  
22 whether the cable or video provider's cable or video services  
23 are currently available to them at their specific location.

24 (p) Cable or video providers shall not disclose the name,  
25 address, telephone number or other personally identifying  
26 information of a cable service or video service customer to be

1 used in mailing lists or to be used for other commercial  
2 purposes not reasonably related to the conduct of its business  
3 unless the cable or video provider has provided to the customer  
4 a notice, separately or included in any other customer service  
5 notice, that clearly and conspicuously describes the  
6 customer's ability to prohibit the disclosure. Cable or video  
7 providers shall provide an address and telephone number for a  
8 customer to use without a toll charge to prevent disclosure of  
9 the customer's name and address in mailing lists or for other  
10 commercial purposes not reasonably related to the conduct of  
11 its business to other businesses or affiliates of the cable or  
12 video provider. Cable or video providers shall comply with the  
13 consumer privacy requirements of Section 26-4.5 of the Criminal  
14 Code of 2012 ~~1961~~, the Restricted Call Registry Act, and 47  
15 U.S.C. 551 that are in effect as of June 30, 2007 (the  
16 effective date of Public Act 95-9) and as amended thereafter.

17 (q) Cable or video providers shall implement an informal  
18 process for handling inquiries from local units of government  
19 and customers concerning billing issues, service issues,  
20 privacy concerns, and other consumer complaints. In the event  
21 that an issue is not resolved through this informal process, a  
22 local unit of government or the customer may request nonbinding  
23 mediation with the cable or video provider, with each party to  
24 bear its own costs of such mediation. Selection of the mediator  
25 will be by mutual agreement, and preference will be given to  
26 mediation services that do not charge the consumer for their



1 services. In the event that the informal process does not  
2 produce a satisfactory result to the customer or the local unit  
3 of government, enforcement may be pursued as provided in  
4 subdivision (4) of subsection (r) of this Section.

5 (r) The Attorney General and the local unit of government  
6 may enforce all of the customer service and privacy protection  
7 standards of this Section with respect to complaints received  
8 from residents within the local unit of government's  
9 jurisdiction, but it may not adopt or seek to enforce any  
10 additional or different customer service or performance  
11 standards under any other authority or provision of law.

12 (1) The local unit of government may, by ordinance,  
13 provide a schedule of penalties for any material breach of  
14 this Section by cable or video providers in addition to the  
15 penalties provided herein. No monetary penalties shall be  
16 assessed for a material breach if it is out of the  
17 reasonable control of the cable or video providers or its  
18 affiliate. Monetary penalties adopted in an ordinance  
19 pursuant to this Section shall apply on a competitively  
20 neutral basis to all providers of cable service or video  
21 service within the local unit of government's  
22 jurisdiction. In no event shall the penalties imposed under  
23 this subsection (r) exceed \$750 for each day of the  
24 material breach, and these penalties shall not exceed  
25 \$25,000 for each occurrence of a material breach per  
26 customer.

1           (2) For purposes of this Section, "material breach"  
2 means any substantial failure of a cable or video service  
3 provider to comply with service quality and other standards  
4 specified in any provision of this Act. The Attorney  
5 General or the local unit of government shall give the  
6 cable or video provider written notice of any alleged  
7 material breaches of this Act and allow such provider at  
8 least 30 days from receipt of the notice to remedy the  
9 specified material breach.

10           (3) A material breach, for the purposes of assessing  
11 penalties, shall be deemed to have occurred for each day  
12 that a material breach has not been remedied by the cable  
13 service or video service provider after the expiration of  
14 the period specified in subdivision (2) of this subsection  
15 (r) in each local unit of government's jurisdiction,  
16 irrespective of the number of customers affected.

17           (4) Any customer, the Attorney General, or a local unit  
18 of government may pursue alleged violations of this Act by  
19 the cable or video provider in a court of competent  
20 jurisdiction. A cable or video provider may seek judicial  
21 review of a decision of a local unit of government imposing  
22 penalties in a court of competent jurisdiction. No local  
23 unit of government shall be subject to suit for damages or  
24 other relief based upon its action in connection with its  
25 enforcement or review of any of the terms, conditions, and  
26 rights contained in this Act except a court may require the

1 return of any penalty it finds was not properly assessed or  
2 imposed.

3 (s) Cable or video providers shall credit customers for  
4 violations in the amounts stated herein. The credits shall be  
5 applied on the statement issued to the customer for the next  
6 monthly billing cycle following the violation or following the  
7 discovery of the violation. Cable or video providers are  
8 responsible for providing the credits described herein and the  
9 customer is under no obligation to request the credit. If the  
10 customer is no longer taking service from the cable or video  
11 provider, the credit amount will be refunded to the customer by  
12 check within 30 days of the termination of service. A local  
13 unit of government may, by ordinance, adopt a schedule of  
14 credits payable directly to customers for breach of the  
15 customer service standards and obligations contained in this  
16 Article, provided the schedule of customer credits applies on a  
17 competitively neutral basis to all providers of cable service  
18 or video service in the local unit of government's jurisdiction  
19 and the credits are not greater than the credits provided in  
20 this Section.

21 (1) Failure to provide notice of customer service  
22 standards upon initiation of service: \$25.00.

23 (2) Failure to install service within 7 days: Waiver of  
24 50% of the installation fee or the monthly fee for the  
25 lowest-cost basic service, whichever is greater. Failure  
26 to install service within 14 days: Waiver of 100% of the

1 installation fee or the monthly fee for the lowest-cost  
2 basic service, whichever is greater.

3 (3) Failure to remedy service interruptions or poor  
4 video or audio service quality within 48 hours: Pro-rata  
5 credit of total regular monthly charges equal to the number  
6 of days of the service interruption.

7 (4) Failure to keep an appointment or to notify the  
8 customer prior to the close of business on the business day  
9 prior to the scheduled appointment: \$25.00.

10 (5) Violation of privacy protections: \$150.00.

11 (6) Failure to comply with scrambling requirements:  
12 \$50.00 per month.

13 (7) Violation of customer service and billing  
14 standards in subsections (c) and (d) of this Section:  
15 \$25.00 per occurrence.

16 (8) Violation of the bundling rules in subsection (h)  
17 of this Section: \$25.00 per month.

18 (t) The enforcement powers granted to the Attorney General  
19 in Article XXI of this Act shall apply to this Article, except  
20 that the Attorney General may not seek penalties for violation  
21 of this Article other than in the amounts specified herein.  
22 Nothing in this Section shall limit or affect the powers of the  
23 Attorney General to enforce the provisions of Article XXI of  
24 this Act or the Consumer Fraud and Deceptive Business Practices  
25 Act.

26 (u) This Article applies to all cable and video providers

1 in the State, including but not limited to those operating  
2 under a local franchise as that term is used in 47 U.S.C.  
3 522(9), those operating under authorization pursuant to  
4 Section 11-42-11 of the Illinois Municipal Code, those  
5 operating under authorization pursuant to Section 5-1095 of the  
6 Counties Code, and those operating under a State-issued  
7 authorization pursuant to Article XXI of this Act.

8 (Source: P.A. 96-927, eff. 6-15-10; 97-1108, eff. 1-1-13.)

9 Section 295. The Acupuncture Practice Act is amended by  
10 changing Section 117 as follows:

11 (225 ILCS 2/117)

12 (Section scheduled to be repealed on January 1, 2018)

13 Sec. 117. Suspension of license for failure to pay  
14 restitution. The Department, without further process or  
15 hearing, shall suspend the license or other authorization to  
16 practice of any person issued under this Act who has been  
17 certified by court order as not having paid restitution to a  
18 person under Section 8A-3.5 of the Illinois Public Aid Code or  
19 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or  
20 the Criminal Code of 2012. A person whose license or other  
21 authorization to practice is suspended under this Section is  
22 prohibited from practicing until the restitution is made in  
23 full.

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

1           Section 300. The Illinois Athletic Trainers Practice Act is  
2 amended by changing Section 16.5 as follows:

3           (225 ILCS 5/16.5)

4           (Section scheduled to be repealed on January 1, 2016)

5           Sec. 16.5. 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 305. The Child Care Act of 1969 is amended by  
18 changing Sections 4.2 and 14.6 as follows:

19           (225 ILCS 10/4.2) (from Ch. 23, par. 2214.2)

20           Sec. 4.2. (a) No applicant may receive a license from the  
21 Department and no person may be employed by a licensed child  
22 care facility who refuses to authorize an investigation as

1 required by Section 4.1.

2 (b) In addition to the other provisions of this Section, no  
3 applicant may receive a license from the Department and no  
4 person may be employed by a child care facility licensed by the  
5 Department who has been declared a sexually dangerous person  
6 under "An Act in relation to sexually dangerous persons, and  
7 providing for their commitment, detention and supervision",  
8 approved July 6, 1938, as amended, or convicted of committing  
9 or attempting to commit any of the following offenses  
10 stipulated under the Criminal Code of 1961 or the Criminal Code  
11 of 2012:

12 (1) murder;

13 (1.1) solicitation of murder;

14 (1.2) solicitation of murder for hire;

15 (1.3) intentional homicide of an unborn child;

16 (1.4) voluntary manslaughter of an unborn child;

17 (1.5) involuntary manslaughter;

18 (1.6) reckless homicide;

19 (1.7) concealment of a homicidal death;

20 (1.8) involuntary manslaughter of an unborn child;

21 (1.9) reckless homicide of an unborn child;

22 (1.10) drug-induced homicide;

23 (2) a sex offense under Article 11, except offenses  
24 described in Sections 11-7, 11-8, 11-12, 11-13, 11-35,  
25 11-40, and 11-45;

26 (3) kidnapping;

- 1 (3.1) aggravated unlawful restraint;
- 2 (3.2) forcible detention;
- 3 (3.3) harboring a runaway;
- 4 (3.4) aiding and abetting child abduction;
- 5 (4) aggravated kidnapping;
- 6 (5) child abduction;
- 7 (6) aggravated battery of a child as described in
- 8 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;
- 9 (7) criminal sexual assault;
- 10 (8) aggravated criminal sexual assault;
- 11 (8.1) predatory criminal sexual assault of a child;
- 12 (9) criminal sexual abuse;
- 13 (10) aggravated sexual abuse;
- 14 (11) heinous battery as described in Section 12-4.1 or
- 15 subdivision (a) (2) of Section 12-3.05;
- 16 (12) aggravated battery with a firearm as described in
- 17 Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
- 18 (e) (4) of Section 12-3.05;
- 19 (13) tampering with food, drugs, or cosmetics;
- 20 (14) drug induced infliction of great bodily harm as
- 21 described in Section 12-4.7 or subdivision (g) (1) of
- 22 Section 12-3.05;
- 23 (15) hate crime;
- 24 (16) stalking;
- 25 (17) aggravated stalking;
- 26 (18) threatening public officials;



- 1           (19) home invasion;
- 2           (20) vehicular invasion;
- 3           (21) criminal transmission of HIV;
- 4           (22) criminal abuse or neglect of an elderly or  
5 disabled person as described in Section 12-21 or subsection  
6 (b) of Section 12-4.4a;
- 7           (23) child abandonment;
- 8           (24) endangering the life or health of a child;
- 9           (25) ritual mutilation;
- 10          (26) ritualized abuse of a child;
- 11          (27) an offense in any other jurisdiction the elements  
12 of which are similar and bear a substantial relationship to  
13 any of the foregoing offenses.

14          (b-1) In addition to the other provisions of this Section,  
15 beginning January 1, 2004, no new applicant and, on the date of  
16 licensure renewal, no current licensee may operate or receive a  
17 license from the Department to operate, no person may be  
18 employed by, and no adult person may reside in a child care  
19 facility licensed by the Department who has been convicted of  
20 committing or attempting to commit any of the following  
21 offenses or an offense in any other jurisdiction the elements  
22 of which are similar and bear a substantial relationship to any  
23 of the following offenses:

24

(I) BODILY HARM

- 1 (1) Felony aggravated assault.
- 2 (2) Vehicular endangerment.
- 3 (3) Felony domestic battery.
- 4 (4) Aggravated battery.
- 5 (5) Heinous battery.
- 6 (6) Aggravated battery with a firearm.
- 7 (7) Aggravated battery of an unborn child.
- 8 (8) Aggravated battery of a senior citizen.
- 9 (9) Intimidation.
- 10 (10) Compelling organization membership of persons.
- 11 (11) Abuse and criminal neglect of a long term care
- 12 facility resident.
- 13 (12) Felony violation of an order of protection.

14 (II) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

- 15 (1) Felony unlawful use of weapons.
- 16 (2) Aggravated discharge of a firearm.
- 17 (3) Reckless discharge of a firearm.
- 18 (4) Unlawful use of metal piercing bullets.
- 19 (5) Unlawful sale or delivery of firearms on the
- 20 premises of any school.
- 21 (6) Disarming a police officer.
- 22 (7) Obstructing justice.
- 23 (8) Concealing or aiding a fugitive.
- 24 (9) Armed violence.



1 (15) Delivery of controlled substances.

2 (16) Sale or delivery of drug paraphernalia.

3 (17) Felony possession, sale, or exchange of  
4 instruments adapted for use of a controlled substance,  
5 methamphetamine, or cannabis by subcutaneous injection.

6 (18) Felony possession of a controlled substance.

7 (19) Any violation of the Methamphetamine Control and  
8 Community Protection Act.

9 (b-1.5) In addition to any other provision of this Section,  
10 for applicants with access to confidential financial  
11 information or who submit documentation to support billing, no  
12 applicant whose initial application was considered after the  
13 effective date of this amendatory Act of the 97th General  
14 Assembly may receive a license from the Department or a child  
15 care facility licensed by the Department who has been convicted  
16 of committing or attempting to commit any of the following  
17 felony offenses:

18 (1) financial institution fraud under Section 17-10.6  
19 of the Criminal Code of 1961 or the Criminal Code of 2012;

20 (2) identity theft under Section 16-30 of the Criminal  
21 Code of 1961 or the Criminal Code of 2012;

22 (3) financial exploitation of an elderly person or a  
23 person with a disability under Section 17-56 of the  
24 Criminal Code of 1961 or the Criminal Code of 2012;

25 (4) computer tampering under Section 17-51 of the  
26 Criminal Code of 1961 or the Criminal Code of 2012;

1 (5) aggravated computer tampering under Section 17-52  
2 of the Criminal Code of 1961 or the Criminal Code of 2012;

3 (6) computer fraud under Section 17-50 of the Criminal  
4 Code of 1961 or the Criminal Code of 2012;

5 (7) deceptive practices under Section 17-1 of the  
6 Criminal Code of 1961 or the Criminal Code of 2012;

7 (8) forgery under Section 17-3 of the Criminal Code of  
8 1961 or the Criminal Code of 2012;

9 (9) State benefits fraud under Section 17-6 of the  
10 Criminal Code of 1961 or the Criminal Code of 2012;

11 (10) mail fraud and wire fraud under Section 17-24 of  
12 the Criminal Code of 1961 or the Criminal Code of 2012;

13 (11) theft under paragraphs (1.1) through (11) of  
14 subsection (b) of Section 16-1 of the Criminal Code of 1961  
15 or the Criminal Code of 2012.

16 (b-2) Notwithstanding subsection (b-1), the Department may  
17 make an exception and, for child care facilities other than  
18 foster family homes, issue a new child care facility license to  
19 or renew the existing child care facility license of an  
20 applicant, a person employed by a child care facility, or an  
21 applicant who has an adult residing in a home child care  
22 facility who was convicted of an offense described in  
23 subsection (b-1), provided that all of the following  
24 requirements are met:

25 (1) The relevant criminal offense occurred more than 5  
26 years prior to the date of application or renewal, except

1 for drug offenses. The relevant drug offense must have  
2 occurred more than 10 years prior to the date of  
3 application or renewal, unless the applicant passed a drug  
4 test, arranged and paid for by the child care facility, no  
5 less than 5 years after the offense.

6 (2) The Department must conduct a background check and  
7 assess all convictions and recommendations of the child  
8 care facility to determine if hiring or licensing the  
9 applicant is in accordance with Department administrative  
10 rules and procedures.

11 (3) The applicant meets all other requirements and  
12 qualifications to be licensed as the pertinent type of  
13 child care facility under this Act and the Department's  
14 administrative rules.

15 (c) In addition to the other provisions of this Section, no  
16 applicant may receive a license from the Department to operate  
17 a foster family home, and no adult person may reside in a  
18 foster family home licensed by the Department, who has been  
19 convicted of committing or attempting to commit any of the  
20 following offenses stipulated under the Criminal Code of 1961,  
21 the Criminal Code of 2012, the Cannabis Control Act, the  
22 Methamphetamine Control and Community Protection Act, and the  
23 Illinois Controlled Substances Act:

24 (I) OFFENSES DIRECTED AGAINST THE PERSON

## 1 (A) KIDNAPPING AND RELATED OFFENSES

2 (1) Unlawful restraint.

## 3 (B) BODILY HARM

4 (2) Felony aggravated assault.

5 (3) Vehicular endangerment.

6 (4) Felony domestic battery.

7 (5) Aggravated battery.

8 (6) Heinous battery.

9 (7) Aggravated battery with a firearm.

10 (8) Aggravated battery of an unborn child.

11 (9) Aggravated battery of a senior citizen.

12 (10) Intimidation.

13 (11) Compelling organization membership of persons.

14 (12) Abuse and criminal neglect of a long term care  
15 facility resident.

16 (13) Felony violation of an order of protection.

## 17 (II) OFFENSES DIRECTED AGAINST PROPERTY

18 (14) Felony theft.

19 (15) Robbery.

20 (16) Armed robbery.

21 (17) Aggravated robbery.

22 (18) Vehicular hijacking.

23 (19) Aggravated vehicular hijacking.





- 1 (37) Possession of more than 30 grams of cannabis.
- 2 (38) Manufacture of more than 10 grams of cannabis.
- 3 (39) Cannabis trafficking.
- 4 (40) Delivery of cannabis on school grounds.
- 5 (41) Unauthorized production of more than 5 cannabis  
6 sativa plants.
- 7 (42) Calculated criminal cannabis conspiracy.
- 8 (43) Unauthorized manufacture or delivery of  
9 controlled substances.
- 10 (44) Controlled substance trafficking.
- 11 (45) Manufacture, distribution, or advertisement of  
12 look-alike substances.
- 13 (46) Calculated criminal drug conspiracy.
- 14 (46.5) Streetgang criminal drug conspiracy.
- 15 (47) Permitting unlawful use of a building.
- 16 (48) Delivery of controlled, counterfeit, or  
17 look-alike substances to persons under age 18, or at truck  
18 stops, rest stops, or safety rest areas, or on school  
19 property.
- 20 (49) Using, engaging, or employing persons under 18 to  
21 deliver controlled, counterfeit, or look-alike substances.
- 22 (50) Delivery of controlled substances.
- 23 (51) Sale or delivery of drug paraphernalia.
- 24 (52) Felony possession, sale, or exchange of  
25 instruments adapted for use of a controlled substance,

1           methamphetamine, or cannabis by subcutaneous injection.

2           (53) Any violation of the Methamphetamine Control and  
3           Community Protection Act.

4           (d) Notwithstanding subsection (c), the Department may  
5           make an exception and issue a new foster family home license or  
6           may renew an existing foster family home license of an  
7           applicant who was convicted of an offense described in  
8           subsection (c), provided all of the following requirements are  
9           met:

10           (1) The relevant criminal offense or offenses occurred  
11           more than 10 years prior to the date of application or  
12           renewal.

13           (2) The applicant had previously disclosed the  
14           conviction or convictions to the Department for purposes of  
15           a background check.

16           (3) After the disclosure, the Department either placed  
17           a child in the home or the foster family home license was  
18           issued.

19           (4) During the background check, the Department had  
20           assessed and waived the conviction in compliance with the  
21           existing statutes and rules in effect at the time of the  
22           hire or licensure.

23           (5) The applicant meets all other requirements and  
24           qualifications to be licensed as a foster family home under  
25           this Act and the Department's administrative rules.

26           (6) The applicant has a history of providing a safe,

1           stable home environment and appears able to continue to  
2           provide a safe, stable home environment.

3           (e) In evaluating the exception pursuant to subsections  
4           (b-2) and (d), the Department must carefully review any  
5           relevant documents to determine whether the applicant, despite  
6           the disqualifying convictions, poses a substantial risk to  
7           State resources or clients. In making such a determination, the  
8           following guidelines shall be used:

9                   (1) the age of the applicant when the offense was  
10                   committed;

11                   (2) the circumstances surrounding the offense;

12                   (3) the length of time since the conviction;

13                   (4) the specific duties and responsibilities  
14                   necessarily related to the license being applied for and  
15                   the bearing, if any, that the applicant's conviction  
16                   history may have on his or her fitness to perform these  
17                   duties and responsibilities;

18                   (5) the applicant's employment references;

19                   (6) the applicant's character references and any  
20                   certificates of achievement;

21                   (7) an academic transcript showing educational  
22                   attainment since the disqualifying conviction;

23                   (8) a Certificate of Relief from Disabilities or  
24                   Certificate of Good Conduct; and

25                   (9) anything else that speaks to the applicant's  
26                   character.

1 (Source: P.A. 96-1551, Article 1, Section 925, eff. 7-1-11;  
2 96-1551, Article 2, Section 990, eff. 7-1-11; 97-874, eff.  
3 7-31-12; 97-1109, eff. 1-1-13.)

4 (225 ILCS 10/14.6)

5 Sec. 14.6. Agency payment of salaries or other  
6 compensation.

7 (a) A licensed child welfare agency may pay salaries or  
8 other compensation to its officers, employees, agents,  
9 contractors, or any other persons acting on its behalf for  
10 providing adoption services, provided that all of the following  
11 limitations apply:

12 (1) The fees, wages, salaries, or other compensation of  
13 any description paid to the officers, employees,  
14 contractors, or any other person acting on behalf of a  
15 child welfare agency providing adoption services shall not  
16 be unreasonably high in relation to the services actually  
17 rendered. Every form of compensation shall be taken into  
18 account in determining whether fees, wages, salaries, or  
19 compensation are unreasonably high, including, but not  
20 limited to, salary, bonuses, deferred and non-cash  
21 compensation, retirement funds, medical and liability  
22 insurance, loans, and other benefits such as the use,  
23 purchase, or lease of vehicles, expense accounts, and food,  
24 housing, and clothing allowances.

25 (2) Any earnings, if applicable, or compensation paid

1 to the child welfare agency's directors, stockholders, or  
2 members of its governing body shall not be unreasonably  
3 high in relation to the services rendered.

4 (3) Persons providing adoption services for a child  
5 welfare agency may be compensated only for services  
6 actually rendered and only on a fee-for-service, hourly  
7 wage, or salary basis.

8 (b) The Department may adopt rules setting forth the  
9 criteria to determine what constitutes unreasonably high fees  
10 and compensation as those terms are used in this Section. In  
11 determining the reasonableness of fees, wages, salaries, and  
12 compensation under paragraphs (1) and (2) of subsection (a) of  
13 this Section, the Department shall take into account the  
14 location, number, and qualifications of staff, workload  
15 requirements, budget, and size of the agency or person and  
16 available norms for compensation within the adoption  
17 community. Every licensed child welfare agency providing  
18 adoption services shall provide the Department and the Attorney  
19 General with a report, on an annual basis, providing a  
20 description of the fees, wages, salaries and other compensation  
21 described in paragraphs (1), (2), and (3) of this Section.  
22 Nothing in Section 12C-70 of the Criminal Code of 2012 ~~1961~~  
23 shall be construed to prevent a child welfare agency from  
24 charging fees or the payment of salaries and compensation as  
25 limited in this Section and any applicable Section of this Act  
26 or the Adoption Act.

1 (c) This Section does not apply to international adoption  
2 services performed by those child welfare agencies governed by  
3 the 1993 Hague Convention on Protection of Children and  
4 Cooperation in Respect of Intercountry Adoption and the  
5 Intercountry Adoption Act of 2000.

6 (d) Eligible agencies may be deemed compliant with this  
7 Section.

8 (Source: P.A. 97-1109, eff. 1-1-13.)

9 Section 310. The Clinical Psychologist Licensing Act is  
10 amended by changing Section 15.1 as follows:

11 (225 ILCS 15/15.1)

12 (Section scheduled to be repealed on January 1, 2017)

13 Sec. 15.1. Suspension of license for failure to pay  
14 restitution. The Department, without further process or  
15 hearing, shall suspend the license or other authorization to  
16 practice of any person issued under this Act who has been  
17 certified by court order as not having paid restitution to a  
18 person under Section 8A-3.5 of the Illinois Public Aid Code or  
19 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or  
20 the Criminal Code of 2012. A person whose license or other  
21 authorization to practice is suspended under this Section is  
22 prohibited from practicing until the restitution is made in  
23 full.

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

1           Section 315. The Clinical Social Work and Social Work  
2 Practice Act is amended by changing Section 19.5 as follows:

3           (225 ILCS 20/19.5)

4           (Section scheduled to be repealed on January 1, 2018)

5           Sec. 19.5. 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 320. The Illinois Dental Practice Act is amended by  
18 changing Section 23c as follows:

19           (225 ILCS 25/23c)

20           (Section scheduled to be repealed on January 1, 2016)

21           Sec. 23c. 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 325. The Health Care Worker Background Check Act is  
12 amended by changing Section 25 as follows:

13 (225 ILCS 46/25)

14 Sec. 25. Persons ineligible to be hired by health care  
15 employers and long-term care facilities.

16 (a) In the discretion of the Director of Public Health, as  
17 soon after January 1, 1996, January 1, 1997, January 1, 2006,  
18 or October 1, 2007, as applicable, and as is reasonably  
19 practical, no health care employer shall knowingly hire,  
20 employ, or retain any individual in a position with duties  
21 involving direct care for clients, patients, or residents, and  
22 no long-term care facility shall knowingly hire, employ, or  
23 retain any individual in a position with duties that involve or  
24 may involve contact with residents or access to the living



1 quarters or the financial, medical, or personal records of  
2 residents, who has been convicted of committing or attempting  
3 to commit one or more of the following offenses: those defined  
4 in Sections 8-1(b), 8-1.1, 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3,  
5 9-3.1, 9-3.2, 9-3.3, 9-3.4, 10-1, 10-2, 10-3, 10-3.1, 10-4,  
6 10-5, 10-7, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6,  
7 11-9.1, 11-9.5, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-1,  
8 12-2, 12-3.05, 12-3.1, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-4.2,  
9 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-7.4, 12-11, 12-13,  
10 12-14, 12-14.1, 12-15, 12-16, 12-19, 12-21, 12-21.6, 12-32,  
11 12-33, 12C-5, 16-1, 16-1.3, 16-25, 16A-3, 17-3, 17-56, 18-1,  
12 18-2, 18-3, 18-4, 18-5, 19-1, 19-3, 19-4, 19-6, 20-1, 20-1.1,  
13 24-1, 24-1.2, 24-1.5, or 33A-2, or subdivision (a)(4) of  
14 Section 11-14.4, or in subsection (a) of Section 12-3 or  
15 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
16 of 1961 or the Criminal Code of 2012; those provided in Section  
17 4 of the Wrongs to Children Act; those provided in Section 53  
18 of the Criminal Jurisprudence Act; those defined in Section 5,  
19 5.1, 5.2, 7, or 9 of the Cannabis Control Act; those defined in  
20 the Methamphetamine Control and Community Protection Act; or  
21 those defined in Sections 401, 401.1, 404, 405, 405.1, 407, or  
22 407.1 of the Illinois Controlled Substances Act, unless the  
23 applicant or employee obtains a waiver pursuant to Section 40.

24 (a-1) In the discretion of the Director of Public Health,  
25 as soon after January 1, 2004 or October 1, 2007, as  
26 applicable, and as is reasonably practical, no health care

1 employer shall knowingly hire any individual in a position with  
2 duties involving direct care for clients, patients, or  
3 residents, and no long-term care facility shall knowingly hire  
4 any individual in a position with duties that involve or may  
5 involve contact with residents or access to the living quarters  
6 or the financial, medical, or personal records of residents,  
7 who has (i) been convicted of committing or attempting to  
8 commit one or more of the offenses defined in Section 12-3.3,  
9 12-4.2-5, 16-2, 16-30, 16G-15, 16G-20, 17-33, 17-34, 17-36,  
10 17-44, 18-5, 20-1.2, 24-1.1, 24-1.2-5, 24-1.6, 24-3.2, or  
11 24-3.3, or subsection (b) of Section 17-32, subsection (b) of  
12 Section 18-1, or subsection (b) of Section 20-1, of the  
13 Criminal Code of 1961 or the Criminal Code of 2012; Section 4,  
14 5, 6, 8, or 17.02 of the Illinois Credit Card and Debit Card  
15 Act; or Section 11-9.1A of the Criminal Code of 1961 or the  
16 Criminal Code of 2012 or Section 5.1 of the Wrongs to Children  
17 Act; or (ii) violated Section 50-50 of the Nurse Practice Act,  
18 unless the applicant or employee obtains a waiver pursuant to  
19 Section 40 of this Act.

20 A health care employer is not required to retain an  
21 individual in a position with duties involving direct care for  
22 clients, patients, or residents, and no long-term care facility  
23 is required to retain an individual in a position with duties  
24 that involve or may involve contact with residents or access to  
25 the living quarters or the financial, medical, or personal  
26 records of residents, who has been convicted of committing or

1 attempting to commit one or more of the offenses enumerated in  
2 this subsection.

3 (b) A health care employer shall not hire, employ, or  
4 retain any individual in a position with duties involving  
5 direct care of clients, patients, or residents, and no  
6 long-term care facility shall knowingly hire, employ, or retain  
7 any individual in a position with duties that involve or may  
8 involve contact with residents or access to the living quarters  
9 or the financial, medical, or personal records of residents, if  
10 the health care employer becomes aware that the individual has  
11 been convicted in another state of committing or attempting to  
12 commit an offense that has the same or similar elements as an  
13 offense listed in subsection (a) or (a-1), as verified by court  
14 records, records from a state agency, or an FBI criminal  
15 history record check, unless the applicant or employee obtains  
16 a waiver pursuant to Section 40 of this Act. This shall not be  
17 construed to mean that a health care employer has an obligation  
18 to conduct a criminal history records check in other states in  
19 which an employee has resided.

20 (Source: P.A. 96-710, eff. 1-1-10; 96-1551, Article 1, Section  
21 930, eff. 7-1-11; 96-1551, Article 2, Section 995, eff. 7-1-11;  
22 96-1551, Article 10, Section 10-40, eff. 7-1-11; 97-597, eff.  
23 1-1-12; 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; revised  
24 9-20-12.)

25 Section 330. The Hearing Instrument Consumer Protection

1 Act is amended by changing Section 18.5 as follows:

2 (225 ILCS 50/18.5)

3 (Section scheduled to be repealed on January 1, 2016)

4 Sec. 18.5. 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. 96-1551, eff. 7-1-11.)

16 Section 335. The Home Medical Equipment and Services  
17 Provider License Act is amended by changing Section 77 as  
18 follows:

19 (225 ILCS 51/77)

20 (Section scheduled to be repealed on January 1, 2018)

21 Sec. 77. 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 340. The Marriage and Family Therapy Licensing Act  
11 is amended by changing Section 87 as follows:

12 (225 ILCS 55/87)

13 (Section scheduled to be repealed on January 1, 2018)

14 Sec. 87. 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 345. The Medical Practice Act of 1987 is amended by  
3 changing Section 22.5 as follows:

4 (225 ILCS 60/22.5)

5 (Section scheduled to be repealed on December 31, 2012)

6 Sec. 22.5. 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 350. The Naprapathic Practice Act is amended by  
19 changing Section 113 as follows:

20 (225 ILCS 63/113)

21 (Section scheduled to be repealed on January 1, 2023)

22 Sec. 113. 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 355. The Nurse Practice Act is amended by changing  
13 Section 70-20 as follows:

14 (225 ILCS 65/70-20) (was 225 ILCS 65/20-13)

15 (Section scheduled to be repealed on January 1, 2018)

16 Sec. 70-20. Suspension of license or registration for  
17 failure to pay restitution. The Department, without further  
18 process or hearing, shall suspend the license or other  
19 authorization to practice of any person issued under this Act  
20 who has been certified by court order as not having paid  
21 restitution to a person under Section 8A-3.5 of the Illinois  
22 Public Aid Code or under Section 17-10.5 or 46-1 of the  
23 Criminal Code of 1961 or the Criminal Code of 2012. A person  
24 whose license or other authorization to practice is suspended

1 under this Section is prohibited from practicing until the  
2 restitution is made in full.

3 (Source: P.A. 95-639, eff. 10-5-07; 96-1551, eff. 7-1-11.)

4 Section 360. The Nursing Home Administrators Licensing and  
5 Disciplinary Act is amended by changing Section 17 as follows:

6 (225 ILCS 70/17) (from Ch. 111, par. 3667)

7 Sec. 17. Grounds for disciplinary action.

8 (a) The Department may impose fines not to exceed \$10,000  
9 or may refuse to issue or to renew, or may revoke, suspend,  
10 place on probation, censure, reprimand or take other  
11 disciplinary or non-disciplinary action with regard to the  
12 license of any person, for any one or combination of the  
13 following causes:

14 (1) Intentional material misstatement in furnishing  
15 information to the Department.

16 (2) Conviction of or entry of a plea of guilty or nolo  
17 contendere to any crime that is a felony under the laws of  
18 the United States or any state or territory thereof or a  
19 misdemeanor of which an essential element is dishonesty or  
20 that is directly related to the practice of the profession  
21 of nursing home administration.

22 (3) Making any misrepresentation for the purpose of  
23 obtaining a license, or violating any provision of this  
24 Act.



1           (4) Immoral conduct in the commission of any act, such  
2 as sexual abuse or sexual misconduct, related to the  
3 licensee's practice.

4           (5) Failing to respond within 30 days, to a written  
5 request made by the Department for information.

6           (6) Engaging in dishonorable, unethical or  
7 unprofessional conduct of a character likely to deceive,  
8 defraud or harm the public.

9           (7) Habitual use or addiction to alcohol, narcotics,  
10 stimulants, or any other chemical agent or drug which  
11 results in the inability to practice with reasonable  
12 judgment, skill or safety.

13           (8) Discipline by another U.S. jurisdiction if at least  
14 one of the grounds for the discipline is the same or  
15 substantially equivalent to those set forth herein.

16           (9) A finding by the Department that the licensee,  
17 after having his or her license placed on probationary  
18 status has violated the terms of probation.

19           (10) Willfully making or filing false records or  
20 reports in his or her practice, including but not limited  
21 to false records filed with State agencies or departments.

22           (11) Physical illness, mental illness, or other  
23 impairment or disability, including, but not limited to,  
24 deterioration through the aging process, or loss of motor  
25 skill that results in the inability to practice the  
26 profession with reasonable judgment, skill or safety.

1           (12) Disregard or violation of this Act or of any rule  
2 issued pursuant to this Act.

3           (13) Aiding or abetting another in the violation of  
4 this Act or any rule or regulation issued pursuant to this  
5 Act.

6           (14) Allowing one's license to be used by an unlicensed  
7 person.

8           (15) (Blank).

9           (16) Professional incompetence in the practice of  
10 nursing home administration.

11           (17) Conviction of a violation of Section 12-19 or  
12 subsection (a) of Section 12-4.4a of the Criminal Code of  
13 1961 or the Criminal Code of 2012 for the abuse and  
14 criminal neglect of a long term care facility resident.

15           (18) Violation of the Nursing Home Care Act, the  
16 Specialized Mental Health Rehabilitation Act, or the ID/DD  
17 Community Care Act or of any rule issued under the Nursing  
18 Home Care Act, the Specialized Mental Health  
19 Rehabilitation Act, or the ID/DD Community Care Act. A  
20 final adjudication of a Type "AA" violation of the Nursing  
21 Home Care Act made by the Illinois Department of Public  
22 Health, as identified by rule, relating to the hiring,  
23 training, planning, organizing, directing, or supervising  
24 the operation of a nursing home and a licensee's failure to  
25 comply with this Act or the rules adopted under this Act,  
26 shall create a rebuttable presumption of a violation of

1           this subsection.

2           (19) Failure to report to the Department any adverse  
3           final action taken against the licensee by a licensing  
4           authority of another state, territory of the United States,  
5           or foreign country; or by any governmental or law  
6           enforcement agency; or by any court for acts or conduct  
7           similar to acts or conduct that would constitute grounds  
8           for disciplinary action under this Section.

9           (20) Failure to report to the Department the surrender  
10          of a license or authorization to practice as a nursing home  
11          administrator in another state or jurisdiction for acts or  
12          conduct similar to acts or conduct that would constitute  
13          grounds for disciplinary action under this Section.

14          (21) Failure to report to the Department any adverse  
15          judgment, settlement, or award arising from a liability  
16          claim related to acts or conduct similar to acts or conduct  
17          that would constitute grounds for disciplinary action  
18          under this Section.

19          All proceedings to suspend, revoke, place on probationary  
20          status, or take any other disciplinary action as the Department  
21          may deem proper, with regard to a license on any of the  
22          foregoing grounds, must be commenced within 5 years next after  
23          receipt by the Department of (i) a complaint alleging the  
24          commission of or notice of the conviction order for any of the  
25          acts described herein or (ii) a referral for investigation  
26          under Section 3-108 of the Nursing Home Care Act.

1           The entry of an order or judgment by any circuit court  
2 establishing that any person holding a license under this Act  
3 is a person in need of mental treatment operates as a  
4 suspension of that license. That person may resume their  
5 practice only upon the entry of a Department order based upon a  
6 finding by the Board that they have been determined to be  
7 recovered from mental illness by the court and upon the Board's  
8 recommendation that they be permitted to resume their practice.

9           The Department, upon the recommendation of the Board, may  
10 adopt rules which set forth standards to be used in determining  
11 what constitutes:

12           (i) when a person will be deemed sufficiently  
13 rehabilitated to warrant the public trust;

14           (ii) dishonorable, unethical or unprofessional conduct  
15 of a character likely to deceive, defraud, or harm the  
16 public;

17           (iii) immoral conduct in the commission of any act  
18 related to the licensee's practice; and

19           (iv) professional incompetence in the practice of  
20 nursing home administration.

21           However, no such rule shall be admissible into evidence in  
22 any civil action except for review of a licensing or other  
23 disciplinary action under this Act.

24           In enforcing this Section, the Department or Board, upon a  
25 showing of a possible violation, may compel any individual  
26 licensed to practice under this Act, or who has applied for

1 licensure pursuant to this Act, to submit to a mental or  
2 physical examination, or both, as required by and at the  
3 expense of the Department. The examining physician or  
4 physicians shall be those specifically designated by the  
5 Department or Board. The Department or Board may order the  
6 examining physician to present testimony concerning this  
7 mental or physical examination of the licensee or applicant. No  
8 information shall be excluded by reason of any common law or  
9 statutory privilege relating to communications between the  
10 licensee or applicant and the examining physician. The  
11 individual to be examined may have, at his or her own expense,  
12 another physician of his or her choice present during all  
13 aspects of the examination. Failure of any individual to submit  
14 to mental or physical examination, when directed, shall be  
15 grounds for suspension of his or her license until such time as  
16 the individual submits to the examination if the Department  
17 finds, after notice and hearing, that the refusal to submit to  
18 the examination was without reasonable cause.

19 If the Department or Board finds an individual unable to  
20 practice because of the reasons set forth in this Section, the  
21 Department or Board shall require such individual to submit to  
22 care, counseling, or treatment by physicians approved or  
23 designated by the Department or Board, as a condition, term, or  
24 restriction for continued, reinstated, or renewed licensure to  
25 practice; or in lieu of care, counseling, or treatment, the  
26 Department may file, or the Board may recommend to the

1 Department to file, a complaint to immediately suspend, revoke,  
2 or otherwise discipline the license of the individual. Any  
3 individual whose license was granted pursuant to this Act or  
4 continued, reinstated, renewed, disciplined or supervised,  
5 subject to such terms, conditions or restrictions who shall  
6 fail to comply with such terms, conditions or restrictions  
7 shall be referred to the Secretary for a determination as to  
8 whether the licensee shall have his or her license suspended  
9 immediately, pending a hearing by the Department. In instances  
10 in which the Secretary immediately suspends a license under  
11 this Section, a hearing upon such person's license must be  
12 convened by the Board within 30 days after such suspension and  
13 completed without appreciable delay. The Department and Board  
14 shall have the authority to review the subject administrator's  
15 record of treatment and counseling regarding the impairment, to  
16 the extent permitted by applicable federal statutes and  
17 regulations safeguarding the confidentiality of medical  
18 records.

19 An individual licensed under this Act, affected under this  
20 Section, shall be afforded an opportunity to demonstrate to the  
21 Department or Board that he or she can resume practice in  
22 compliance with acceptable and prevailing standards under the  
23 provisions of his or her license.

24 (b) Any individual or organization acting in good faith,  
25 and not in a wilful and wanton manner, in complying with this  
26 Act by providing any report or other information to the

1 Department, or assisting in the investigation or preparation of  
2 such information, or by participating in proceedings of the  
3 Department, or by serving as a member of the Board, shall not,  
4 as a result of such actions, be subject to criminal prosecution  
5 or civil damages.

6 (c) Members of the Board, and persons retained under  
7 contract to assist and advise in an investigation, shall be  
8 indemnified by the State for any actions occurring within the  
9 scope of services on or for the Board, done in good faith and  
10 not wilful and wanton in nature. The Attorney General shall  
11 defend all such actions unless he or she determines either that  
12 there would be a conflict of interest in such representation or  
13 that the actions complained of were not in good faith or were  
14 wilful and wanton.

15 Should the Attorney General decline representation, a  
16 person entitled to indemnification under this Section shall  
17 have the right to employ counsel of his or her choice, whose  
18 fees shall be provided by the State, after approval by the  
19 Attorney General, unless there is a determination by a court  
20 that the member's actions were not in good faith or were wilful  
21 and wanton.

22 A person entitled to indemnification under this Section  
23 must notify the Attorney General within 7 days of receipt of  
24 notice of the initiation of any action involving services of  
25 the Board. Failure to so notify the Attorney General shall  
26 constitute an absolute waiver of the right to a defense and

1 indemnification.

2 The Attorney General shall determine within 7 days after  
3 receiving such notice, whether he or she will undertake to  
4 represent a person entitled to indemnification under this  
5 Section.

6 (d) The determination by a circuit court that a licensee is  
7 subject to involuntary admission or judicial admission as  
8 provided in the Mental Health and Developmental Disabilities  
9 Code, as amended, operates as an automatic suspension. Such  
10 suspension will end only upon a finding by a court that the  
11 patient is no longer subject to involuntary admission or  
12 judicial admission and issues an order so finding and  
13 discharging the patient; and upon the recommendation of the  
14 Board to the Secretary that the licensee be allowed to resume  
15 his or her practice.

16 (e) The Department may refuse to issue or may suspend the  
17 license of any person who fails to file a return, or to pay the  
18 tax, penalty or interest shown in a filed return, or to pay any  
19 final assessment of tax, penalty or interest, as required by  
20 any tax Act administered by the Department of Revenue, until  
21 such time as the requirements of any such tax Act are  
22 satisfied.

23 (f) The Department of Public Health shall transmit to the  
24 Department a list of those facilities which receive an "A"  
25 violation as defined in Section 1-129 of the Nursing Home Care  
26 Act.



1 (Source: P.A. 96-339, eff. 7-1-10; 96-1372, eff. 7-29-10;  
2 96-1551, eff. 7-1-11; 97-38, eff. 6-28-11; 97-227, eff. 1-1-12;  
3 97-1109, eff. 1-1-13.)

4 Section 365. The Illinois Occupational Therapy Practice  
5 Act is amended by changing Section 19.17 as follows:

6 (225 ILCS 75/19.17)

7 (Section scheduled to be repealed on January 1, 2014)

8 Sec. 19.17. 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 370. The Illinois Optometric Practice Act of 1987  
21 is amended by changing Section 24.5 as follows:

22 (225 ILCS 80/24.5)

1 (Section scheduled to be repealed on January 1, 2017)

2 Sec. 24.5. 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 375. The Orthotics, Prosthetics, and Pedorthics  
15 Practice Act is amended by changing Section 93 as follows:

16 (225 ILCS 84/93)

17 (Section scheduled to be repealed on January 1, 2020)

18 Sec. 93. 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 380. The Pharmacy Practice Act is amended by  
7 changing Section 30.5 as follows:

8 (225 ILCS 85/30.5)

9 (Section scheduled to be repealed on January 1, 2018)

10 Sec. 30.5. Suspension of license or certificate for failure  
11 to pay 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 385. The Illinois Physical Therapy Act is amended  
23 by changing Section 17.5 as follows:

1 (225 ILCS 90/17.5)

2 (Section scheduled to be repealed on January 1, 2016)

3 Sec. 17.5. Suspension of license for failure to pay  
4 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 390. The Physician Assistant Practice Act of 1987  
16 is amended by changing Section 21.5 as follows:

17 (225 ILCS 95/21.5)

18 (Section scheduled to be repealed on January 1, 2018)

19 Sec. 21.5. 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 395. The Podiatric Medical Practice Act of 1987 is  
9 amended by changing Section 24.5 as follows:

10 (225 ILCS 100/24.5)

11 (Section scheduled to be repealed on January 1, 2018)

12 Sec. 24.5. 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 400. The Respiratory Care Practice Act is amended  
2 by changing Section 97 as follows:

3           (225 ILCS 106/97)

4           (Section scheduled to be repealed on January 1, 2016)

5           Sec. 97. 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 405. The Professional Counselor and Clinical  
18 Professional Counselor Licensing and Practice Act is amended by  
19 changing Section 83 as follows:

20           (225 ILCS 107/83)

21           (Section scheduled to be repealed on January 1, 2023)

22           Sec. 83. Suspension of license for failure to pay  
23 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 410. The Illinois Speech-Language Pathology and  
12 Audiology Practice Act is amended by changing Section 16.3 as  
13 follows:

14 (225 ILCS 110/16.3)

15 (Section scheduled to be repealed on January 1, 2018)

16 Sec. 16.3. 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 415. The Veterinary Medicine and Surgery Practice  
5 Act of 2004 is amended by changing Sections 19, 25, and 25.19  
6 as follows:

7 (225 ILCS 115/19) (from Ch. 111, par. 7019)

8 (Section scheduled to be repealed on January 1, 2014)

9 Sec. 19. Any person filing or attempting to file as his  
10 own, the diploma of another, or a forged, fictitious or  
11 fraudulently obtained diploma or certificate, shall upon  
12 conviction be subject to such fine and imprisonment as are set  
13 forth in the "Criminal Code of 2012 ~~1961~~", ~~approved July 28,~~  
14 ~~1961, as amended,~~ for the crime of forgery.

15 (Source: P.A. 83-1016.)

16 (225 ILCS 115/25) (from Ch. 111, par. 7025)

17 (Section scheduled to be repealed on January 1, 2014)

18 Sec. 25. Disciplinary actions.

19 1. The Department may refuse to issue or renew, or may  
20 revoke, suspend, place on probation, reprimand, or take other  
21 disciplinary action as the Department may deem appropriate,  
22 including fines not to exceed \$1,000 for each violation, with  
23 regard to any license or certificate for any one or combination



1 of the following:

2 A. Material misstatement in furnishing information to  
3 the Department.

4 B. Violations of this Act, or of the rules adopted  
5 pursuant to this Act.

6 C. Conviction of any crime under the laws of the United  
7 States or any state or territory of the United States that  
8 is a felony or that is a misdemeanor, an essential element  
9 of which is dishonesty, or of any crime that is directly  
10 related to the practice of the profession.

11 D. Making any misrepresentation for the purpose of  
12 obtaining licensure or certification, or violating any  
13 provision of this Act or the rules adopted pursuant to this  
14 Act pertaining to advertising.

15 E. Professional incompetence.

16 F. Gross malpractice.

17 G. Aiding or assisting another person in violating any  
18 provision of this Act or rules.

19 H. Failing, within 60 days, to provide information in  
20 response to a written request made by the Department.

21 I. Engaging in dishonorable, unethical, or  
22 unprofessional conduct of a character likely to deceive,  
23 defraud, or harm the public.

24 J. Habitual or excessive use or addiction to alcohol,  
25 narcotics, stimulants, or any other chemical agent or drug  
26 that results in the inability to practice with reasonable

1 judgment, skill, or safety.

2 K. Discipline by another state, District of Columbia,  
3 territory, or foreign nation, if at least one of the  
4 grounds for the discipline is the same or substantially  
5 equivalent to those set forth herein.

6 L. Directly or indirectly giving to or receiving from  
7 any person, firm, corporation, partnership or association  
8 any fee, commission, rebate, or other form of compensation  
9 for professional services not actually or personally  
10 rendered.

11 M. A finding by the Board that the licensee or  
12 certificate holder, after having his license or  
13 certificate placed on probationary status, has violated  
14 the terms of probation.

15 N. Willfully making or filing false records or reports  
16 in his practice, including but not limited to false records  
17 filed with State agencies or departments.

18 O. Physical illness, including but not limited to,  
19 deterioration through the aging process, or loss of motor  
20 skill which results in the inability to practice the  
21 profession with reasonable judgment, skill, or safety.

22 P. Solicitation of professional services other than  
23 permitted advertising.

24 Q. Having professional connection with or lending  
25 one's name, directly or indirectly, to any illegal  
26 practitioner of veterinary medicine and surgery and the

1 various branches thereof.

2 R. Conviction of or cash compromise of a charge or  
3 violation of the Harrison Act or the Illinois Controlled  
4 Substances Act, regulating narcotics.

5 S. Fraud or dishonesty in applying, treating, or  
6 reporting on tuberculin or other biological tests.

7 T. Failing to report, as required by law, or making  
8 false report of any contagious or infectious diseases.

9 U. Fraudulent use or misuse of any health certificate,  
10 shipping certificate, brand inspection certificate, or  
11 other blank forms used in practice that might lead to the  
12 dissemination of disease or the transportation of diseased  
13 animals dead or alive; or dilatory methods, willful  
14 neglect, or misrepresentation in the inspection of milk,  
15 meat, poultry, and the by-products thereof.

16 V. Conviction on a charge of cruelty to animals.

17 W. Failure to keep one's premises and all equipment  
18 therein in a clean and sanitary condition.

19 X. Failure to provide satisfactory proof of having  
20 participated in approved continuing education programs.

21 Y. Failure to (i) file a return, (ii) pay the tax,  
22 penalty, or interest shown in a filed return, or (iii) pay  
23 any final assessment of tax, penalty, or interest, as  
24 required by any tax Act administered by the Illinois  
25 Department of Revenue, until the requirements of that tax  
26 Act are satisfied.

1           Z. Conviction by any court of competent jurisdiction,  
2           either within or outside this State, of any violation of  
3           any law governing the practice of veterinary medicine, if  
4           the Department determines, after investigation, that the  
5           person has not been sufficiently rehabilitated to warrant  
6           the public trust.

7           AA. Promotion of the sale of drugs, devices,  
8           appliances, or goods provided for a patient in any manner  
9           to exploit the client for financial gain of the  
10          veterinarian.

11          BB. Gross, willful, or continued overcharging for  
12          professional services, including filing false statements  
13          for collection of fees for which services are not rendered.

14          CC. Practicing under a false or, except as provided by  
15          law, an assumed name.

16          DD. Fraud or misrepresentation in applying for, or  
17          procuring, a license under this Act or in connection with  
18          applying for renewal of a license under this Act.

19          EE. Cheating on or attempting to subvert the licensing  
20          examination administered under this Act.

21          FF. Using, prescribing, or selling a prescription drug  
22          or the extra-label use of a prescription drug by any means  
23          in the absence of a valid veterinarian-client-patient  
24          relationship.

25          GG. Failing to report a case of suspected aggravated  
26          cruelty, torture, or animal fighting pursuant to Section

1           3.07 or 4.01 of the Humane Care for Animals Act or Section  
2           26-5 or 48-1 of the Criminal Code of 1961 or the Criminal  
3           Code of 2012.

4           2. The determination by a circuit court that a licensee or  
5           certificate holder is subject to involuntary admission or  
6           judicial admission as provided in the Mental Health and  
7           Developmental Disabilities Code operates as an automatic  
8           suspension. The suspension will end only upon a finding by a  
9           court that the patient is no longer subject to involuntary  
10          admission or judicial admission and issues an order so finding  
11          and discharging the patient; and upon the recommendation of the  
12          Board to the Secretary that the licensee or certificate holder  
13          be allowed to resume his practice.

14          3. All proceedings to suspend, revoke, place on  
15          probationary status, or take any other disciplinary action as  
16          the Department may deem proper, with regard to a license or  
17          certificate on any of the foregoing grounds, must be commenced  
18          within 3 years after receipt by the Department of a complaint  
19          alleging the commission of or notice of the conviction order  
20          for any of the acts described in this Section. Except for  
21          proceedings brought for violations of items (CC), (DD), or  
22          (EE), no action shall be commenced more than 5 years after the  
23          date of the incident or act alleged to have violated this  
24          Section. In the event of the settlement of any claim or cause  
25          of action in favor of the claimant or the reduction to final  
26          judgment of any civil action in favor of the plaintiff, the

1 claim, cause of action, or civil action being grounded on the  
2 allegation that a person licensed or certified under this Act  
3 was negligent in providing care, the Department shall have an  
4 additional period of one year from the date of the settlement  
5 or final judgment in which to investigate and begin formal  
6 disciplinary proceedings under Section 25.2 of this Act, except  
7 as otherwise provided by law. The time during which the holder  
8 of the license or certificate was outside the State of Illinois  
9 shall not be included within any period of time limiting the  
10 commencement of disciplinary action by the Department.

11 4. The Department may refuse to issue or take disciplinary  
12 action concerning the license of any person who fails to file a  
13 return, to pay the tax, penalty, or interest shown in a filed  
14 return, or to pay any final assessment of tax, penalty, or  
15 interest as required by any tax Act administered by the  
16 Department of Revenue, until such time as the requirements of  
17 any such tax Act are satisfied as determined by the Department  
18 of Revenue.

19 5. In enforcing this Section, the Board, upon a showing of  
20 a possible violation, may compel a licensee or applicant to  
21 submit to a mental or physical examination, or both, as  
22 required by and at the expense of the Department. The examining  
23 physicians or clinical psychologists shall be those  
24 specifically designated by the Board. The Board or the  
25 Department may order (i) the examining physician to present  
26 testimony concerning the mental or physical examination of a

1 licensee or applicant or (ii) the examining clinical  
2 psychologist to present testimony concerning the mental  
3 examination of a licensee or applicant. No information shall be  
4 excluded by reason of any common law or statutory privilege  
5 relating to communications between a licensee or applicant and  
6 the examining physician or clinical psychologist. An  
7 individual to be examined may have, at his or her own expense,  
8 another physician or clinical psychologist of his or her choice  
9 present during all aspects of the examination. Failure of an  
10 individual to submit to a mental or physical examination, when  
11 directed, is grounds for suspension of his or her license. The  
12 license must remain suspended until the person submits to the  
13 examination or the Board finds, after notice and hearing, that  
14 the refusal to submit to the examination was with reasonable  
15 cause.

16 If the Board finds an individual unable to practice because  
17 of the reasons set forth in this Section, the Board must  
18 require the individual to submit to care, counseling, or  
19 treatment by a physician or clinical psychologist approved by  
20 the Board, as a condition, term, or restriction for continued,  
21 reinstated, or renewed licensure to practice. In lieu of care,  
22 counseling, or treatment, the Board may recommend that the  
23 Department file a complaint to immediately suspend or revoke  
24 the license of the individual or otherwise discipline the  
25 licensee.

26 Any individual whose license was granted, continued,

1 reinstated, or renewed subject to conditions, terms, or  
2 restrictions, as provided for in this Section, or any  
3 individual who was disciplined or placed on supervision  
4 pursuant to this Section must be referred to the Secretary for  
5 a determination as to whether the person shall have his or her  
6 license suspended immediately, pending a hearing by the Board.  
7 (Source: P.A. 96-1322, eff. 7-27-10; 97-1108, eff. 1-1-13.)

8 (225 ILCS 115/25.19)

9 (Section scheduled to be repealed on January 1, 2014)

10 Sec. 25.19. Mandatory reporting. Nothing in this Act  
11 exempts a licensee from the mandatory reporting requirements  
12 regarding suspected acts of aggravated cruelty, torture, and  
13 animal fighting imposed under Sections 3.07 and 4.01 of the  
14 Humane Care for Animals Act and Section 26-5 or 48-1 of the  
15 Criminal Code of 1961 or the Criminal Code of 2012.

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

17 Section 420. The Perfusionist Practice Act is amended by  
18 changing Section 107 as follows:

19 (225 ILCS 125/107)

20 (Section scheduled to be repealed on January 1, 2020)

21 Sec. 107. 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 425. The Registered Surgical Assistant and  
11 Registered Surgical Technologist Title Protection Act is  
12 amended by changing Section 77 as follows:

13 (225 ILCS 130/77)

14 (Section scheduled to be repealed on January 1, 2014)

15 Sec. 77. Suspension of registration 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 430. The Genetic Counselor Licensing Act is amended  
4 by changing Section 97 as follows:

5 (225 ILCS 135/97)

6 (Section scheduled to be repealed on January 1, 2015)

7 Sec. 97. Suspension of license 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 435. The Fire Sprinkler Contractor Licensing Act is  
20 amended by changing Section 32 as follows:

21 (225 ILCS 317/32)

22 Sec. 32. Application for building permit; identity theft. A

1 person who knowingly, in the course of applying for a building  
2 permit with a unit of local government, provides the license  
3 number of a fire sprinkler contractor whom he or she does not  
4 intend to have perform the work on the fire sprinkler portion  
5 of the project commits identity theft under paragraph (8) of  
6 subsection (a) of Section 16-30 of the Criminal Code of 2012  
7 ~~1961~~.

8 (Source: P.A. 96-1455, eff. 8-20-10; 97-333, eff. 8-12-11;  
9 97-597, eff. 1-1-12; 97-1109, eff. 1-1-13.)

10 Section 440. The Illinois Roofing Industry Licensing Act is  
11 amended by changing Section 5 as follows:

12 (225 ILCS 335/5) (from Ch. 111, par. 7505)

13 (Section scheduled to be repealed on January 1, 2016)

14 Sec. 5. Display of license number; building permits;  
15 advertising.

16 (a) Each State licensed roofing contractor shall affix the  
17 roofing contractor license number and the licensee's name, as  
18 it appears on the license, to all of his or her contracts and  
19 bids. In addition, the official issuing building permits shall  
20 affix the roofing contractor license number to each application  
21 for a building permit and on each building permit issued and  
22 recorded.

23 (a-3) A municipality or a county that requires a building  
24 permit may not issue a building permit to a roofing contractor

1 unless that contractor has provided sufficient proof that he or  
2 she is licensed currently as a roofing contractor by the State.  
3 Holders of an unlimited roofing license may be issued permits  
4 for residential, commercial, and industrial roofing projects.  
5 Holders of a limited roofing license are restricted to permits  
6 for work on residential properties consisting of 8 units or  
7 less.

8 (a-5) A person who knowingly, in the course of applying for  
9 a building permit with a unit of local government, provides the  
10 roofing license number or name of a roofing contractor whom he  
11 or she does not intend to have perform the work on the roofing  
12 portion of the project commits identity theft under paragraph  
13 (8) of subsection (a) of Section 16-30 of the Criminal Code of  
14 2012 ~~1961~~.

15 (a-10) A building permit applicant must present a  
16 government-issued identification along with the building  
17 permit application. Except for the name of the individual, all  
18 other personal information contained in the government-issued  
19 identification shall be exempt from disclosure under  
20 subsection (c) of Section 7 of the Freedom of Information Act.  
21 The official issuing the building permit shall maintain the  
22 name and identification number, as it appears on the  
23 government-issued identification, in the building permit  
24 application file. It is not necessary that the building permit  
25 applicant be the qualifying party. This subsection shall not  
26 apply to a county or municipality whose building permit process

1 occurs through electronic means.

2 (b) (Blank).

3 (c) Every holder of a license shall display it in a  
4 conspicuous place in his or her principal office, place of  
5 business, or place of employment.

6 (d) No person licensed under this Act may advertise  
7 services regulated by this Act unless that person includes in  
8 the advertisement the roofing contractor license number and the  
9 licensee's name, as it appears on the license. Nothing  
10 contained in this subsection requires the publisher of  
11 advertising for roofing contractor services to investigate or  
12 verify the accuracy of the license number provided by the  
13 licensee.

14 (e) A person who advertises services regulated by this Act  
15 who knowingly (i) fails to display the license number and the  
16 licensee's name, as it appears on the license, in any manner  
17 required by this Section, (ii) fails to provide a publisher  
18 with the correct license number as required by subsection (d),  
19 or (iii) provides a publisher with a false license number or a  
20 license number of another person, or a person who knowingly  
21 allows his or her license number to be displayed or used by  
22 another person to circumvent any provisions of this Section, is  
23 guilty of a Class A misdemeanor with a fine of \$1,000, and, in  
24 addition, is subject to the administrative enforcement  
25 provisions of this Act. Each day that an advertisement runs or  
26 each day that a person knowingly allows his or her license to

1 be displayed or used in violation of this Section constitutes a  
2 separate offense.

3 (Source: P.A. 96-624, eff. 1-1-10; 96-1324, eff. 7-27-10;  
4 97-235, eff. 1-1-12; 97-597, eff. 1-1-12; 97-965, eff. 8-15-12;  
5 97-1109, eff. 1-1-13.)

6 Section 450. The Community Association Manager Licensing  
7 and Disciplinary Act is amended by changing Section 87 as  
8 follows:

9 (225 ILCS 427/87)

10 (Section scheduled to be repealed on January 1, 2020)

11 Sec. 87. Suspension of license for failure to pay  
12 restitution. The Department, without further process or  
13 hearing, shall suspend the license or other authorization to  
14 practice of any person issued under this Act who has been  
15 certified by court order as not having paid restitution to a  
16 person under Section 8A-3.5 of the Illinois Public Aid Code or  
17 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or  
18 the Criminal Code of 2012. A person whose license or other  
19 authorization to practice is suspended under this Section is  
20 prohibited from practicing until the restitution is made in  
21 full.

22 (Source: P.A. 96-726, eff. 7-1-10.)

23 Section 455. The Private Detective, Private Alarm, Private

1 Security, Fingerprint Vendor, and Locksmith Act of 2004 is  
2 amended by changing Sections 20-20 and 25-20 as follows:

3 (225 ILCS 447/20-20)

4 (Section scheduled to be repealed on January 1, 2014)

5 Sec. 20-20. Training; private alarm contractor and  
6 employees.

7 (a) Registered employees of the private alarm contractor  
8 agency who carry a firearm and respond to alarm systems shall  
9 complete, within 30 days of their employment, a minimum of 20  
10 hours of classroom training provided by a qualified instructor  
11 and shall include all of the following subjects:

12 (1) The law regarding arrest and search and seizure as  
13 it applies to the private alarm industry.

14 (2) Civil and criminal liability for acts related to  
15 the private alarm industry.

16 (3) The use of force, including but not limited to the  
17 use of nonlethal force (i.e., disabling spray, baton,  
18 stungun, or similar weapon).

19 (4) Arrest and control techniques.

20 (5) The offenses under the Criminal Code of 2012 ~~1961~~  
21 that are directly related to the protection of persons and  
22 property.

23 (6) The law on private alarm forces and on reporting to  
24 law enforcement agencies.

25 (7) Fire prevention, fire equipment, and fire safety.

1           (8) Civil rights and public relations.

2           (9) The identification of terrorists, acts of  
3 terrorism, and terrorist organizations, as defined by  
4 federal and State statutes.

5           Pursuant to directives set forth by the U.S. Department of  
6 Homeland Security and the provisions set forth by the National  
7 Fire Protection Association in the National Fire Alarm Code and  
8 the Life Safety Code, training may include the installation,  
9 repair, and maintenance of emergency communication systems and  
10 mass notification systems.

11           (b) All other employees of a private alarm contractor  
12 agency shall complete a minimum of 20 hours of training  
13 provided by a 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) It is the responsibility of the employer to certify, on  
17 forms provided by the Department, that the employee has  
18 successfully completed the training. The form shall be a  
19 permanent record of training completed by the employee and  
20 shall be placed in the employee's file with the employer for  
21 the term the employee is retained by the employer. A private  
22 alarm contractor agency may place a notarized copy of the  
23 Department form in lieu of the original into the permanent  
24 employee registration card file. The form shall be returned to  
25 the employee when his or her employment is terminated. Failure  
26 to return the form to the employee is grounds for discipline.



1 The employee shall not be required to complete the training  
2 required under this Act once the employee has been issued a  
3 form.

4 (d) Nothing in this Act prevents any employer from  
5 providing or requiring additional training beyond the required  
6 20 hours that the employer feels is necessary and appropriate  
7 for competent job performance.

8 (e) Any certification of completion of the 20-hour basic  
9 training issued under the Private Detective, Private Alarm,  
10 Private Security, and Locksmith Act of 1993 or any prior Act  
11 shall be accepted as proof of training under this Act.

12 (Source: P.A. 95-613, eff. 9-11-07; 96-847, eff. 6-1-10.)

13 (225 ILCS 447/25-20)

14 (Section scheduled to be repealed on January 1, 2014)

15 Sec. 25-20. Training; private security contractor and  
16 employees.

17 (a) Registered employees of the private security  
18 contractor agency who provide traditional guarding or other  
19 private security related functions or who respond to alarm  
20 systems shall complete, within 30 days of their employment, a  
21 minimum of 20 hours of classroom basic training provided by a  
22 qualified instructor, which shall include the following  
23 subjects:

24 (1) The law regarding arrest and search and seizure as  
25 it applies to private security.

1           (2) Civil and criminal liability for acts related to  
2 private security.

3           (3) The use of force, including but not limited to the  
4 use of nonlethal force (i.e., disabling spray, baton,  
5 stungun or similar weapon).

6           (4) Arrest and control techniques.

7           (5) The offenses under the Criminal Code of 2012 ~~1961~~  
8 that are directly related to the protection of persons and  
9 property.

10          (6) The law on private security forces and on reporting  
11 to law enforcement agencies.

12          (7) Fire prevention, fire equipment, and fire safety.

13          (8) The procedures for service of process and for  
14 report writing.

15          (9) Civil rights and public relations.

16          (10) The identification of terrorists, acts of  
17 terrorism, and terrorist organizations, as defined by  
18 federal and State statutes.

19          (b) All other employees of a private security contractor  
20 agency shall complete a minimum of 20 hours of training  
21 provided by the qualified instructor within 30 days of their  
22 employment. The substance of the training shall be related to  
23 the work performed by the registered employee.

24          (c) Registered employees of the private security  
25 contractor agency who provide guarding or other private  
26 security related functions, in addition to the classroom

1 training required under subsection (a), within 6 months of  
2 their employment, shall complete an additional 8 hours of  
3 training on subjects to be determined by the employer, which  
4 training may be site-specific and may be conducted on the job.

5 (d) In addition to the basic training provided for in  
6 subsections (a) and (c), registered employees of the private  
7 security contractor agency who provide guarding or other  
8 private security related functions shall complete an  
9 additional 8 hours of refresher training on subjects to be  
10 determined by the employer each calendar year commencing with  
11 the calendar year following the employee's first employment  
12 anniversary date, which refresher training may be  
13 site-specific and may be conducted on the job.

14 (e) It is the responsibility of the employer to certify, on  
15 a form provided by the Department, that the employee has  
16 successfully completed the basic and refresher training. The  
17 form shall be a permanent record of training completed by the  
18 employee and shall be placed in the employee's file with the  
19 employer for the period the employee remains with the employer.  
20 An agency may place a notarized copy of the Department form in  
21 lieu of the original into the permanent employee registration  
22 card file. The original form shall be given to the employee  
23 when his or her employment is terminated. Failure to return the  
24 original form to the employee is grounds for disciplinary  
25 action. The employee shall not be required to repeat the  
26 required training once the employee has been issued the form.

1 An employer may provide or require additional training.

2 (f) Any certification of completion of the 20-hour basic  
3 training issued under the Private Detective, Private Alarm,  
4 Private Security and Locksmith Act of 1993 or any prior Act  
5 shall be accepted as proof of training under this Act.

6 (Source: P.A. 95-613, eff. 9-11-07.)

7 Section 460. The Solicitation for Charity Act is amended by  
8 changing Sections 7.5, 9, and 16.5 as follows:

9 (225 ILCS 460/7.5)

10 Sec. 7.5. Public Safety Personnel Organization.

11 (a) Every Public Safety Personnel Organization that  
12 solicits contributions from the public shall, in addition to  
13 other provisions of this Act:

14 (1) Have as a condition of public solicitation a  
15 provision included in every professional fund raiser  
16 contract providing that the professional fund raiser  
17 shall: (A) maintain and deliver to the organization a list  
18 of the names and addresses of all contributors and  
19 purchasers of merchandise, goods, services, memberships,  
20 and advertisements; (B) deliver the list of the current  
21 year semiannually of each contribution or purchase and  
22 specify the amount of the contribution or purchase and the  
23 date of the transaction; and (C) assign ownership of the  
24 list to the Public Safety Personnel Organization.

1           The obligation required by this subdivision (1) does  
2           not apply to a professional fund raiser under the following  
3           conditions:

4                   (i) the professional fund raiser does not have  
5                   access to information to create and maintain the list  
6                   and the Public Safety Personnel Organization obtained  
7                   the information to create and maintain the list under  
8                   the fund raising campaign by other means; or

9                   (ii) the Public Safety Personnel Organization and  
10                  the professional fund raiser agree to waive the  
11                  obligation required by this subdivision (1).

12           (2) Act in accordance with Section 17-2 of the Criminal  
13           Code of 2012 ~~1961~~, and violation of this Section shall also  
14           be subject to separate civil remedy hereunder.

15           (b) Any professional fund raiser who willfully violates the  
16           provisions of this Section may in addition to other remedies be  
17           subject to a fine of \$2,000 for each violation, forfeiture of  
18           all solicitation fees, and enjoined from operating and  
19           soliciting the public.

20           (c) This Section does not apply to a contract that is in  
21           effect on the effective date of this amendatory Act of the 91st  
22           General Assembly (unless the contract is extended, renewed, or  
23           revised on or after the effective date of this amendatory Act  
24           of the 91st General Assembly, in which case this Section  
25           applies to the contract on and after the date on which the  
26           extension, renewal, or revision takes place).

1 (Source: P.A. 91-301, eff. 7-29-99.)

2 (225 ILCS 460/9) (from Ch. 23, par. 5109)

3 Sec. 9. (a) An action for violation of this Act may be  
4 prosecuted by the Attorney General in the name of the people of  
5 the State, and in any such action, the Attorney General shall  
6 exercise all the powers and perform all duties which the  
7 State's Attorney would otherwise be authorized to exercise or  
8 to perform therein.

9 (b) This Act shall not be construed to limit or restrict  
10 the exercise of the powers or the performance of the duties of  
11 the Attorney General which he otherwise is authorized to  
12 exercise or perform under any other provision of law by statute  
13 or otherwise.

14 (c) Whenever the Attorney General shall have reason to  
15 believe that any charitable organization, professional fund  
16 raiser, or professional solicitor is operating in violation of  
17 the provisions of this Act, or if any of the principal officers  
18 of any charitable organization has refused or failed, after  
19 notice, to produce any records of such organization or there is  
20 employed or is about to be employed in any solicitation or  
21 collection of contributions for a charitable organization any  
22 device, scheme, or artifice to defraud or for obtaining money  
23 or property by means of any false pretense, representation or  
24 promise, or any false statement has been made in any  
25 application, registration or statement required to be filed

1 pursuant to this Act, in addition to any other action  
2 authorized by law, he may bring in the circuit court an action  
3 in the name, and on behalf of the people of the State of  
4 Illinois against such charitable organization and any other  
5 person who has participated or is about to participate in such  
6 solicitation or collection by employing such device, scheme,  
7 artifice, false representation or promise, to enjoin such  
8 charitable organization or other person from continuing such  
9 solicitation or collection or engaging therein or doing any  
10 acts in furtherance thereof, or to cancel any registration  
11 statement previously filed with the Attorney General.

12 In connection with such proposed action the Attorney  
13 General is authorized to take proof in the manner provided in  
14 Section 2-1003 of the Code of Civil Procedure.

15 (d) Upon a showing by the Attorney General in an  
16 application for an injunction that any person engaged in the  
17 solicitation or collection of funds for charitable purposes,  
18 either as an individual or as a member of a copartnership, or  
19 as an officer of a corporation or as an agent for some other  
20 person, or copartnership or corporation, has been convicted in  
21 this State or elsewhere of a felony or of a misdemeanor where  
22 such felony or misdemeanor involved the misappropriation,  
23 misapplication or misuse of the money or property of another,  
24 he may enjoin such persons from engaging in any solicitation or  
25 collection of funds for charitable purposes.

26 (e) The Attorney General may exercise the authority granted

1 in this Section against any charitable organization or person  
2 which or who operates under the guise or pretense of being an  
3 organization exempted by the provisions of Section 3 and is not  
4 in fact an organization entitled to such an exemption.

5 (f) In any action brought under the provisions of this Act,  
6 the Attorney General is entitled to recover costs for the use  
7 of this State.

8 (g) Any person who knowingly violates this Section may be  
9 enjoined from such conduct, removed from office, enjoined from  
10 acting for charity and subject to punitive damages as deemed  
11 appropriate by the circuit court.

12 (h) Any person who violates this Section shall not be  
13 entitled to keep or receive monies, fees, salaries, commissions  
14 or any compensation, as a result of the solicitations or fund  
15 raising campaigns, and at the request of the Attorney General  
16 such monies, fees, salaries, commissions or any compensation  
17 shall be forfeited and subject to distribution to charitable  
18 use as a court of equity determines.

19 (i) The Attorney General may publish an annual report of  
20 all charitable organizations based on information contained in  
21 reports filed hereunder stating the amount of money each  
22 organization received through solicitation and the amount of  
23 money which was expended on program service activity and the  
24 percentage of the solicited assets that were expended on  
25 charitable activity.

26 (j) The Attorney General shall cancel the registration of



1 any organization, professional fund raiser, or professional  
2 solicitor who violates the provisions of this Section.

3 (k) Any person who solicits financial contributions or the  
4 sale of merchandise, goods, services, memberships, or  
5 advertisements in violation of the prohibitions of subsection  
6 (d-1) of Section 11 of this Act, or commits false personation,  
7 use of title, or solicitation as defined by Section 17-2 of the  
8 Criminal Code of 2012 ~~1961~~ shall, in addition to any other  
9 penalties provided for by law, be subject to civil remedy by  
10 cause of action brought by the Attorney General or a Public  
11 Safety Personnel Organization affected by the violation.

12 In addition to equitable relief, a successful claimant or  
13 the Attorney General shall recover damages of triple the amount  
14 collected as a result of solicitations made in violation of  
15 this Act, plus reasonable attorney's fees and costs.

16 A plaintiff in any suit filed under this Section shall  
17 serve a copy of all pleadings on the Attorney General and the  
18 State's Attorney for the county in which the suit is filed.

19 (Source: P.A. 91-301, eff. 7-29-99.)

20 (225 ILCS 460/16.5)

21 Sec. 16.5. Terrorist acts.

22 (a) Any person or organization subject to registration  
23 under this Act, who knowingly acts to further, directly or  
24 indirectly, or knowingly uses charitable assets to conduct or  
25 further, directly or indirectly, an act or actions as set forth

1 in Article 29D of the Criminal Code of 2012 ~~1961~~, is thereby  
2 engaged in an act or actions contrary to public policy and  
3 antithetical to charity, and all of the funds, assets, and  
4 records of the person or organization shall be subject to  
5 temporary and permanent injunction from use or expenditure and  
6 the appointment of a temporary and permanent receiver to take  
7 possession of all of the assets and related records.

8 (b) An ex parte action may be commenced by the Attorney  
9 General, and, upon a showing of probable cause of a violation  
10 of this Section or Article 29D of the Criminal Code of 2012  
11 ~~1961~~, an immediate seizure of books and records by the Attorney  
12 General by and through his or her assistants or investigators  
13 or the Department of State Police and freezing of all assets  
14 shall be made by order of a court to protect the public,  
15 protect the assets, and allow a full review of the records.

16 (c) Upon a finding by a court after a hearing that a person  
17 or organization has acted or is in violation of this Section,  
18 the person or organization shall be permanently enjoined from  
19 soliciting funds from the public, holding charitable funds, or  
20 acting as a trustee or fiduciary within Illinois. Upon a  
21 finding of violation all assets and funds held by the person or  
22 organization shall be forfeited to the People of the State of  
23 Illinois or otherwise ordered by the court to be accounted for  
24 and marshaled and then delivered to charitable causes and uses  
25 within the State of Illinois by court order.

26 (d) A determination under this Section may be made by any

1 court separate and apart from any criminal proceedings and the  
2 standard of proof shall be that for civil proceedings.

3 (e) Any knowing use of charitable assets to conduct or  
4 further, directly or indirectly, an act or actions set forth in  
5 Article 29D of the Criminal Code of 2012 ~~1961~~ shall be a misuse  
6 of charitable assets and breach of fiduciary duty relative to  
7 all other Sections of this Act.

8 (Source: P.A. 92-854, eff. 12-5-02.)

9 Section 465. The Illinois Horse Racing Act of 1975 is  
10 amended by changing Sections 3.15, 3.29, and 41 as follows:

11 (230 ILCS 5/3.15) (from Ch. 8, par. 37-3.15)

12 Sec. 3.15. "Public official" means a person who is a public  
13 officer, as defined in Section 2-18 of the Criminal Code of  
14 2012 ~~1961~~, of the State or any municipality, county or  
15 township.

16 (Source: P.A. 79-1185.)

17 (230 ILCS 5/3.29)

18 Sec. 3.29. Advance deposit wagering. "Advance deposit  
19 wagering" means a method of pari-mutuel wagering in which an  
20 individual may establish an account, deposit money into the  
21 account, and use the account balance to pay for pari-mutuel  
22 wagering authorized by this Act. An advance deposit wager may  
23 be placed in person at a wagering facility or from any other

1 location via a telephone-type device or any other electronic  
2 means. Any person who accepts an advance deposit wager who is  
3 not licensed by the Board as an advance deposit wagering  
4 licensee shall be considered in violation of this Act and the  
5 Criminal Code of 2012 ~~1961~~. Any advance deposit wager placed in  
6 person at a wagering facility shall be deemed to have been  
7 placed at that wagering facility.

8 (Source: P.A. 96-762, eff. 8-25-09.)

9 (230 ILCS 5/41) (from Ch. 8, par. 37-41)

10 Sec. 41. Article 28 of the "Criminal Code of 2012 ~~1961~~", ~~as~~  
11 ~~now or hereafter amended~~, and all other Acts or parts of Acts  
12 inconsistent with the provisions of this Act shall not apply to  
13 pari-mutuel wagering in manner and form as provided by this Act  
14 at any horse race meeting held by any person having an  
15 organization license for the holding of such horse race meeting  
16 as provided by this Act.

17 (Source: P.A. 89-16, eff. 5-30-95.)

18 Section 470. The Riverboat Gambling Act is amended by  
19 changing Sections 7, 7.4, 8, 9, 18, and 19 as follows:

20 (230 ILCS 10/7) (from Ch. 120, par. 2407)

21 Sec. 7. Owners Licenses.

22 (a) The Board shall issue owners licenses to persons, firms  
23 or corporations which apply for such licenses upon payment to

1 the Board of the non-refundable license fee set by the Board,  
2 upon payment of a \$25,000 license fee for the first year of  
3 operation and a \$5,000 license fee for each succeeding year and  
4 upon a determination by the Board that the applicant is  
5 eligible for an owners license pursuant to this Act and the  
6 rules of the Board. From the effective date of this amendatory  
7 Act of the 95th General Assembly until (i) 3 years after the  
8 effective date of this amendatory Act of the 95th General  
9 Assembly, (ii) the date any organization licensee begins to  
10 operate a slot machine or video game of chance under the  
11 Illinois Horse Racing Act of 1975 or this Act, (iii) the date  
12 that payments begin under subsection (c-5) of Section 13 of the  
13 Act, or (iv) the wagering tax imposed under Section 13 of this  
14 Act is increased by law to reflect a tax rate that is at least  
15 as stringent or more stringent than the tax rate contained in  
16 subsection (a-3) of Section 13, whichever occurs first, as a  
17 condition of licensure and as an alternative source of payment  
18 for those funds payable under subsection (c-5) of Section 13 of  
19 the Riverboat Gambling Act, any owners licensee that holds or  
20 receives its owners license on or after the effective date of  
21 this amendatory Act of the 94th General Assembly, other than an  
22 owners licensee operating a riverboat with adjusted gross  
23 receipts in calendar year 2004 of less than \$200,000,000, must  
24 pay into the Horse Racing Equity Trust Fund, in addition to any  
25 other payments required under this Act, an amount equal to 3%  
26 of the adjusted gross receipts received by the owners licensee.

1 The payments required under this Section shall be made by the  
2 owners licensee to the State Treasurer no later than 3:00  
3 o'clock p.m. of the day after the day when the adjusted gross  
4 receipts were received by the owners licensee. A person, firm  
5 or corporation is ineligible to receive an owners license if:

6 (1) the person has been convicted of a felony under the  
7 laws of this State, any other state, or the United States;

8 (2) the person has been convicted of any violation of  
9 Article 28 of the Criminal Code of 1961 or the Criminal  
10 Code of 2012, or substantially similar laws of any other  
11 jurisdiction;

12 (3) the person has submitted an application for a  
13 license under this Act which contains false information;

14 (4) the person is a member of the Board;

15 (5) a person defined in (1), (2), (3) or (4) is an  
16 officer, director or managerial employee of the firm or  
17 corporation;

18 (6) the firm or corporation employs a person defined in  
19 (1), (2), (3) or (4) who participates in the management or  
20 operation of gambling operations authorized under this  
21 Act;

22 (7) (blank); or

23 (8) a license of the person, firm or corporation issued  
24 under this Act, or a license to own or operate gambling  
25 facilities in any other jurisdiction, has been revoked.

26 The Board is expressly prohibited from making changes to

1 the requirement that licensees make payment into the Horse  
2 Racing Equity Trust Fund without the express authority of the  
3 Illinois General Assembly and making any other rule to  
4 implement or interpret this amendatory Act of the 95th General  
5 Assembly. For the purposes of this paragraph, "rules" is given  
6 the meaning given to that term in Section 1-70 of the Illinois  
7 Administrative Procedure Act.

8 (b) In determining whether to grant an owners license to an  
9 applicant, the Board shall consider:

10 (1) the character, reputation, experience and  
11 financial integrity of the applicants and of any other or  
12 separate person that either:

13 (A) controls, directly or indirectly, such  
14 applicant, or

15 (B) is controlled, directly or indirectly, by such  
16 applicant or by a person which controls, directly or  
17 indirectly, such applicant;

18 (2) the facilities or proposed facilities for the  
19 conduct of riverboat gambling;

20 (3) the highest prospective total revenue to be derived  
21 by the State from the conduct of riverboat gambling;

22 (4) the extent to which the ownership of the applicant  
23 reflects the diversity of the State by including minority  
24 persons, females, and persons with a disability and the  
25 good faith affirmative action plan of each applicant to  
26 recruit, train and upgrade minority persons, females, and

1 persons with a disability in all employment  
2 classifications;

3 (5) the financial ability of the applicant to purchase  
4 and maintain adequate liability and casualty insurance;

5 (6) whether the applicant has adequate capitalization  
6 to provide and maintain, for the duration of a license, a  
7 riverboat;

8 (7) the extent to which the applicant exceeds or meets  
9 other standards for the issuance of an owners license which  
10 the Board may adopt by rule; and

11 (8) The amount of the applicant's license bid.

12 (c) Each owners license shall specify the place where  
13 riverboats shall operate and dock.

14 (d) Each applicant shall submit with his application, on  
15 forms provided by the Board, 2 sets of his fingerprints.

16 (e) The Board may issue up to 10 licenses authorizing the  
17 holders of such licenses to own riverboats. In the application  
18 for an owners license, the applicant shall state the dock at  
19 which the riverboat is based and the water on which the  
20 riverboat will be located. The Board shall issue 5 licenses to  
21 become effective not earlier than January 1, 1991. Three of  
22 such licenses shall authorize riverboat gambling on the  
23 Mississippi River, or, with approval by the municipality in  
24 which the riverboat was docked on August 7, 2003 and with Board  
25 approval, be authorized to relocate to a new location, in a  
26 municipality that (1) borders on the Mississippi River or is



1 within 5 miles of the city limits of a municipality that  
2 borders on the Mississippi River and (2), on August 7, 2003,  
3 had a riverboat conducting riverboat gambling operations  
4 pursuant to a license issued under this Act; one of which shall  
5 authorize riverboat gambling from a home dock in the city of  
6 East St. Louis. One other license shall authorize riverboat  
7 gambling on the Illinois River south of Marshall County. The  
8 Board shall issue one additional license to become effective  
9 not earlier than March 1, 1992, which shall authorize riverboat  
10 gambling on the Des Plaines River in Will County. The Board may  
11 issue 4 additional licenses to become effective not earlier  
12 than March 1, 1992. In determining the water upon which  
13 riverboats will operate, the Board shall consider the economic  
14 benefit which riverboat gambling confers on the State, and  
15 shall seek to assure that all regions of the State share in the  
16 economic benefits of riverboat gambling.

17 In granting all licenses, the Board may give favorable  
18 consideration to economically depressed areas of the State, to  
19 applicants presenting plans which provide for significant  
20 economic development over a large geographic area, and to  
21 applicants who currently operate non-gambling riverboats in  
22 Illinois. The Board shall review all applications for owners  
23 licenses, and shall inform each applicant of the Board's  
24 decision. The Board may grant an owners license to an applicant  
25 that has not submitted the highest license bid, but if it does  
26 not select the highest bidder, the Board shall issue a written

1 decision explaining why another applicant was selected and  
2 identifying the factors set forth in this Section that favored  
3 the winning bidder.

4 In addition to any other revocation powers granted to the  
5 Board under this Act, the Board may revoke the owners license  
6 of a licensee which fails to begin conducting gambling within  
7 15 months of receipt of the Board's approval of the application  
8 if the Board determines that license revocation is in the best  
9 interests of the State.

10 (f) The first 10 owners licenses issued under this Act  
11 shall permit the holder to own up to 2 riverboats and equipment  
12 thereon for a period of 3 years after the effective date of the  
13 license. Holders of the first 10 owners licenses must pay the  
14 annual license fee for each of the 3 years during which they  
15 are authorized to own riverboats.

16 (g) Upon the termination, expiration, or revocation of each  
17 of the first 10 licenses, which shall be issued for a 3 year  
18 period, all licenses are renewable annually upon payment of the  
19 fee and a determination by the Board that the licensee  
20 continues to meet all of the requirements of this Act and the  
21 Board's rules. However, for licenses renewed on or after May 1,  
22 1998, renewal shall be for a period of 4 years, unless the  
23 Board sets a shorter period.

24 (h) An owners license shall entitle the licensee to own up  
25 to 2 riverboats. A licensee shall limit the number of gambling  
26 participants to 1,200 for any such owners license. A licensee

1 may operate both of its riverboats concurrently, provided that  
2 the total number of gambling participants on both riverboats  
3 does not exceed 1,200. Riverboats licensed to operate on the  
4 Mississippi River and the Illinois River south of Marshall  
5 County shall have an authorized capacity of at least 500  
6 persons. Any other riverboat licensed under this Act shall have  
7 an authorized capacity of at least 400 persons.

8 (i) A licensed owner is authorized to apply to the Board  
9 for and, if approved therefor, to receive all licenses from the  
10 Board necessary for the operation of a riverboat, including a  
11 liquor license, a license to prepare and serve food for human  
12 consumption, and other necessary licenses. All use, occupation  
13 and excise taxes which apply to the sale of food and beverages  
14 in this State and all taxes imposed on the sale or use of  
15 tangible personal property apply to such sales aboard the  
16 riverboat.

17 (j) The Board may issue or re-issue a license authorizing a  
18 riverboat to dock in a municipality or approve a relocation  
19 under Section 11.2 only if, prior to the issuance or  
20 re-issuance of the license or approval, the governing body of  
21 the municipality in which the riverboat will dock has by a  
22 majority vote approved the docking of riverboats in the  
23 municipality. The Board may issue or re-issue a license  
24 authorizing a riverboat to dock in areas of a county outside  
25 any municipality or approve a relocation under Section 11.2  
26 only if, prior to the issuance or re-issuance of the license or

1 approval, the governing body of the county has by a majority  
2 vote approved of the docking of riverboats within such areas.

3 (Source: P.A. 95-1008, eff. 12-15-08; 96-1392, eff. 1-1-11.)

4 (230 ILCS 10/7.4)

5 Sec. 7.4. Managers licenses.

6 (a) A qualified person may apply to the Board for a  
7 managers license to operate and manage any gambling operation  
8 conducted by the State. The application shall be made on forms  
9 provided by the Board and shall contain such information as the  
10 Board prescribes, including but not limited to information  
11 required in Sections 6(a), (b), and (c) and information  
12 relating to the applicant's proposed price to manage State  
13 gambling operations and to provide the riverboat, gambling  
14 equipment, and supplies necessary to conduct State gambling  
15 operations.

16 (b) Each applicant must submit evidence to the Board that  
17 minority persons and females hold ownership interests in the  
18 applicant of at least 16% and 4%, respectively.

19 (c) A person, firm, or corporation is ineligible to receive  
20 a managers 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) a person defined in (1), (2), (3), or (4) is an  
6 officer, director, or managerial employee of the firm or  
7 corporation;

8 (6) the firm or corporation employs a person defined in  
9 (1), (2), (3), or (4) who participates in the management or  
10 operation of gambling operations authorized under this  
11 Act; or

12 (7) a license of the person, firm, or corporation  
13 issued under this Act, or a license to own or operate  
14 gambling facilities in any other jurisdiction, has been  
15 revoked.

16 (d) Each applicant shall submit with his or her  
17 application, on forms prescribed by the Board, 2 sets of his or  
18 her fingerprints.

19 (e) The Board shall charge each applicant a fee, set by the  
20 Board, to defray the costs associated with the background  
21 investigation conducted by the Board.

22 (f) A person who knowingly makes a false statement on an  
23 application is guilty of a Class A misdemeanor.

24 (g) The managers license shall be for a term not to exceed  
25 10 years, shall be renewable at the Board's option, and shall  
26 contain such terms and provisions as the Board deems necessary

1 to protect or enhance the credibility and integrity of State  
2 gambling operations, achieve the highest prospective total  
3 revenue to the State, and otherwise serve the interests of the  
4 citizens of Illinois.

5 (h) Issuance of a managers license shall be subject to an  
6 open and competitive bidding process. The Board may select an  
7 applicant other than the lowest bidder by price. If it does not  
8 select the lowest bidder, the Board shall issue a notice of who  
9 the lowest bidder was and a written decision as to why another  
10 bidder was selected.

11 (Source: P.A. 93-28, eff. 6-20-03.)

12 (230 ILCS 10/8) (from Ch. 120, par. 2408)

13 Sec. 8. Suppliers licenses.

14 (a) The Board may issue a suppliers license to such  
15 persons, firms or corporations which apply therefor upon the  
16 payment of a non-refundable application fee set by the Board,  
17 upon a determination by the Board that the applicant is  
18 eligible for a suppliers license and upon payment of a \$5,000  
19 annual license fee.

20 (b) The holder of a suppliers license is authorized to sell  
21 or lease, and to contract to sell or lease, gambling equipment  
22 and supplies to any licensee involved in the ownership or  
23 management of gambling operations.

24 (c) Gambling supplies and equipment may not be distributed  
25 unless supplies and equipment conform to standards adopted by

1 rules of the Board.

2 (d) A person, firm or corporation is ineligible to receive  
3 a suppliers license if:

4 (1) the person has been convicted of a felony under the  
5 laws of this State, any other state, or the United States;

6 (2) the person has been convicted of any violation of  
7 Article 28 of the Criminal Code of 1961 or the Criminal  
8 Code of 2012, or substantially similar laws of any other  
9 jurisdiction;

10 (3) the person has submitted an application for a  
11 license under this Act which contains false information;

12 (4) the person is a member of the Board;

13 (5) the firm or corporation is one in which a person  
14 defined in (1), (2), (3) or (4), is an officer, director or  
15 managerial employee;

16 (6) the firm or corporation employs a person who  
17 participates in the management or operation of riverboat  
18 gambling authorized under this Act;

19 (7) the license of the person, firm or corporation  
20 issued under this Act, or a license to own or operate  
21 gambling facilities in any other jurisdiction, has been  
22 revoked.

23 (e) Any person that supplies any equipment, devices, or  
24 supplies to a licensed riverboat gambling operation must first  
25 obtain a suppliers license. A supplier shall furnish to the  
26 Board a list of all equipment, devices and supplies offered for

1 sale or lease in connection with gambling games authorized  
2 under this Act. A supplier shall keep books and records for the  
3 furnishing of equipment, devices and supplies to gambling  
4 operations separate and distinct from any other business that  
5 the supplier might operate. A supplier shall file a quarterly  
6 return with the Board listing all sales and leases. A supplier  
7 shall permanently affix its name to all its equipment, devices,  
8 and supplies for gambling operations. Any supplier's  
9 equipment, devices or supplies which are used by any person in  
10 an unauthorized gambling operation shall be forfeited to the  
11 State. A licensed owner may own its own equipment, devices and  
12 supplies. Each holder of an owners license under the Act shall  
13 file an annual report listing its inventories of gambling  
14 equipment, devices and supplies.

15 (f) Any person who knowingly makes a false statement on an  
16 application is guilty of a Class A misdemeanor.

17 (g) Any gambling equipment, devices and supplies provided  
18 by any licensed supplier may either be repaired on the  
19 riverboat or removed from the riverboat to an on-shore facility  
20 owned by the holder of an owners license for repair.

21 (Source: P.A. 86-1029; 87-826.)

22 (230 ILCS 10/9) (from Ch. 120, par. 2409)

23 Sec. 9. Occupational licenses.

24 (a) The Board may issue an occupational license to an  
25 applicant upon the payment of a non-refundable fee set by the



1 Board, upon a determination by the Board that the applicant is  
2 eligible for an occupational license and upon payment of an  
3 annual license fee in an amount to be established. To be  
4 eligible for an occupational license, an applicant must:

5 (1) be at least 21 years of age if the applicant will  
6 perform any function involved in gaming by patrons. Any  
7 applicant seeking an occupational license for a non-gaming  
8 function shall be at least 18 years of age;

9 (2) not have been convicted of a felony offense, a  
10 violation of Article 28 of the Criminal Code of 1961 or the  
11 Criminal Code of 2012, or a similar statute of any other  
12 jurisdiction;

13 (2.5) not have been convicted of a crime, other than a  
14 crime described in item (2) of this subsection (a),  
15 involving dishonesty or moral turpitude, except that the  
16 Board may, in its discretion, issue an occupational license  
17 to a person who has been convicted of a crime described in  
18 this item (2.5) more than 10 years prior to his or her  
19 application and has not subsequently been convicted of any  
20 other crime;

21 (3) have demonstrated a level of skill or knowledge  
22 which the Board determines to be necessary in order to  
23 operate gambling aboard a riverboat; and

24 (4) have met standards for the holding of an  
25 occupational license as adopted by rules of the Board. Such  
26 rules shall provide that any person or entity seeking an

1 occupational license to manage gambling operations  
2 hereunder shall be subject to background inquiries and  
3 further requirements similar to those required of  
4 applicants for an owners license. Furthermore, such rules  
5 shall provide that each such entity shall be permitted to  
6 manage gambling operations for only one licensed owner.

7 (b) Each application for an occupational license shall be  
8 on forms prescribed by the Board and shall contain all  
9 information required by the Board. The applicant shall set  
10 forth in the application: whether he has been issued prior  
11 gambling related licenses; whether he has been licensed in any  
12 other state under any other name, and, if so, such name and his  
13 age; and whether or not a permit or license issued to him in  
14 any other state has been suspended, restricted or revoked, and,  
15 if so, for what period of time.

16 (c) Each applicant shall submit with his application, on  
17 forms provided by the Board, 2 sets of his fingerprints. The  
18 Board shall charge each applicant a fee set by the Department  
19 of State Police to defray the costs associated with the search  
20 and classification of fingerprints obtained by the Board with  
21 respect to the applicant's application. These fees shall be  
22 paid into the State Police Services Fund.

23 (d) The Board may in its discretion refuse an occupational  
24 license to any person: (1) who is unqualified to perform the  
25 duties required of such applicant; (2) who fails to disclose or  
26 states falsely any information called for in the application;

1 (3) who has been found guilty of a violation of this Act or  
2 whose prior gambling related license or application therefor  
3 has been suspended, restricted, revoked or denied for just  
4 cause in any other state; or (4) for any other just cause.

5 (e) The Board may suspend, revoke or restrict any  
6 occupational licensee: (1) for violation of any provision of  
7 this Act; (2) for violation of any of the rules and regulations  
8 of the Board; (3) for any cause which, if known to the Board,  
9 would have disqualified the applicant from receiving such  
10 license; or (4) for default in the payment of any obligation or  
11 debt due to the State of Illinois; or (5) for any other just  
12 cause.

13 (f) A person who knowingly makes a false statement on an  
14 application is guilty of a Class A misdemeanor.

15 (g) Any license issued pursuant to this Section shall be  
16 valid for a period of one year from the date of issuance.

17 (h) Nothing in this Act shall be interpreted to prohibit a  
18 licensed owner from entering into an agreement with a public  
19 community college or a school approved under the Private  
20 Business and Vocational Schools Act of 2012 for the training of  
21 any occupational licensee. Any training offered by such a  
22 school shall be in accordance with a written agreement between  
23 the licensed owner and the school.

24 (i) Any training provided for occupational licensees may be  
25 conducted either on the riverboat or at a school with which a  
26 licensed owner has entered into an agreement pursuant to

1 subsection (h).

2 (Source: P.A. 96-1392, eff. 1-1-11; 97-650, eff. 2-1-12.)

3 (230 ILCS 10/18) (from Ch. 120, par. 2418)

4 Sec. 18. Prohibited Activities - Penalty.

5 (a) A person is guilty of a Class A misdemeanor for doing  
6 any of the following:

7 (1) Conducting gambling where wagering is used or to be  
8 used without a license issued by the Board.

9 (2) Conducting gambling where wagering is permitted  
10 other than in the manner specified by Section 11.

11 (b) A person is guilty of a Class B misdemeanor for doing  
12 any of the following:

13 (1) permitting a person under 21 years to make a wager;

14 or

15 (2) violating paragraph (12) of subsection (a) of  
16 Section 11 of this Act.

17 (c) A person wagering or accepting a wager at any location  
18 outside the riverboat is subject to the penalties in paragraphs  
19 (1) or (2) of subsection (a) of Section 28-1 of the Criminal  
20 Code of 2012 ~~1961~~.

21 (d) A person commits a Class 4 felony and, in addition,  
22 shall be barred for life from riverboats under the jurisdiction  
23 of the Board, if the person does any of the following:

24 (1) Offers, promises, or gives anything of value or  
25 benefit to a person who is connected with a riverboat owner

1 including, but not limited to, an officer or employee of a  
2 licensed owner or holder of an occupational license  
3 pursuant to an agreement or arrangement or with the intent  
4 that the promise or thing of value or benefit will  
5 influence the actions of the person to whom the offer,  
6 promise, or gift was made in order to affect or attempt to  
7 affect the outcome of a gambling game, or to influence  
8 official action of a member of the Board.

9 (2) Solicits or knowingly accepts or receives a promise  
10 of anything of value or benefit while the person is  
11 connected with a riverboat including, but not limited to,  
12 an officer or employee of a licensed owner, or holder of an  
13 occupational license, pursuant to an understanding or  
14 arrangement or with the intent that the promise or thing of  
15 value or benefit will influence the actions of the person  
16 to affect or attempt to affect the outcome of a gambling  
17 game, or to influence official action of a member of the  
18 Board.

19 (3) Uses or possesses with the intent to use a device  
20 to assist:

21 (i) In projecting the outcome of the game.

22 (ii) In keeping track of the cards played.

23 (iii) In analyzing the probability of the  
24 occurrence of an event relating to the gambling game.

25 (iv) In analyzing the strategy for playing or  
26 betting to be used in the game except as permitted by

1 the Board.

2 (4) Cheats at a gambling game.

3 (5) Manufactures, sells, or distributes any cards,  
4 chips, dice, game or device which is intended to be used to  
5 violate any provision of this Act.

6 (6) Alters or misrepresents the outcome of a gambling  
7 game on which wagers have been made after the outcome is  
8 made sure but before it is revealed to the players.

9 (7) Places a bet after acquiring knowledge, not  
10 available to all players, of the outcome of the gambling  
11 game which is subject of the bet or to aid a person in  
12 acquiring the knowledge for the purpose of placing a bet  
13 contingent on that outcome.

14 (8) Claims, collects, or takes, or attempts to claim,  
15 collect, or take, money or anything of value in or from the  
16 gambling games, with intent to defraud, without having made  
17 a wager contingent on winning a gambling game, or claims,  
18 collects, or takes an amount of money or thing of value of  
19 greater value than the amount won.

20 (9) Uses counterfeit chips or tokens in a gambling  
21 game.

22 (10) Possesses any key or device designed for the  
23 purpose of opening, entering, or affecting the operation of  
24 a gambling game, drop box, or an electronic or mechanical  
25 device connected with the gambling game or for removing  
26 coins, tokens, chips or other contents of a gambling game.

1           This paragraph (10) does not apply to a gambling licensee  
2           or employee of a gambling licensee acting in furtherance of  
3           the employee's employment.

4           (e) The possession of more than one of the devices  
5           described in subsection (d), paragraphs (3), (5), or (10)  
6           permits a rebuttable presumption that the possessor intended to  
7           use the devices for cheating.

8           (f) A person under the age of 21 who, except as authorized  
9           under paragraph (10) of Section 11, enters upon a riverboat  
10          commits a petty offense and is subject to a fine of not less  
11          than \$100 or more than \$250 for a first offense and of not less  
12          than \$200 or more than \$500 for a second or subsequent offense.

13          An action to prosecute any crime occurring on a riverboat  
14          shall be tried in the county of the dock at which the riverboat  
15          is based.

16          (Source: P.A. 96-1392, eff. 1-1-11.)

17                 (230 ILCS 10/19) (from Ch. 120, par. 2419)

18          Sec. 19. Forfeiture of property. (a) Except as provided in  
19          subsection (b), any riverboat used for the conduct of gambling  
20          games in violation of this Act shall be considered a gambling  
21          place in violation of Section 28-3 of the Criminal Code of 2012  
22          ~~1961, as now or hereafter amended~~. Every gambling device found  
23          on a riverboat operating gambling games in violation of this  
24          Act shall be subject to seizure, confiscation and destruction  
25          as provided in Section 28-5 of the Criminal Code of 2012 ~~1961,~~

1 ~~as now or hereafter amended.~~

2 (b) It is not a violation of this Act for a riverboat or  
3 other watercraft which is licensed for gaming by a contiguous  
4 state to dock on the shores of this State if the municipality  
5 having 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. No gambling device  
9 shall be subject to seizure, confiscation or destruction if the  
10 gambling device is located on a riverboat or other watercraft  
11 which is licensed for gaming by a contiguous state and which is  
12 docked on the shores of this State if the municipality having  
13 jurisdiction of the shores, or the county in the case of  
14 unincorporated areas, has granted permission for docking and no  
15 gaming is conducted on the riverboat or other watercraft while  
16 it is docked on the shores of this State.

17 (Source: P.A. 86-1029.)

18 Section 475. The Raffles Act is amended by changing  
19 Sections 1 and 8.1 as follows:

20 (230 ILCS 15/1) (from Ch. 85, par. 2301)

21 Sec. 1. Definitions.) For the purposes of this Act the  
22 terms defined in this Section have the meanings given them.

23 "Net Proceeds" means the gross receipts from the conduct of  
24 raffles, less reasonable sums expended for prizes, local



1 license fees and other reasonable operating expenses incurred  
2 as a result of operating a raffle.

3 "Raffle" means a form of lottery, as defined in Section  
4 28-2 (b) of the "~~Criminal Code of 1961~~ 2012", conducted by an  
5 organization licensed under this Act, in which:

6 (1) the player pays or agrees to pay something of value for  
7 a chance, represented and differentiated by a number or by a  
8 combination of numbers or by some other medium, one or more of  
9 which chances is to be designated the winning chance;

10 (2) the winning chance is to be determined through a  
11 drawing or by some other method based on an element of chance  
12 by an act or set of acts on the part of persons conducting or  
13 connected with the lottery, except that the winning chance  
14 shall not be determined by the outcome of a publicly exhibited  
15 sporting contest.

16 (Source: P.A. 81-1365.)

17 (230 ILCS 15/8.1) (from Ch. 85, par. 2308.1)

18 Sec. 8.1. (a) Political Committees. For the purposes of  
19 this Section the terms defined in this subsection have the  
20 meanings given them.

21 "Net Proceeds" means the gross receipts from the conduct of  
22 raffles, less reasonable sums expended for prizes, license fees  
23 and other reasonable operating expenses incurred as a result of  
24 operating a raffle.

25 "Raffle" means a form of lottery, as defined in Section

1 28-2 (b) of the "~~Criminal Code of 2012 1961~~", conducted by a  
2 political committee licensed under this Section, in which:

3 (1) the player pays or agrees to pay something of value  
4 for a chance, represented and differentiated by a number or  
5 by a combination of numbers or by some other medium, one or  
6 more of which chances is to be designated the winning  
7 chance;

8 (2) the winning chance is to be determined through a  
9 drawing or by some other method based on an element of  
10 chance by an act or set of acts on the part of persons  
11 conducting or connected with the lottery, except that the  
12 winning chance shall not be determined by the outcome of a  
13 publicly exhibited sporting contest.

14 "Unresolved claim" means a claim for civil penalty under  
15 Sections 9-3, 9-10, and 9-23 of The Election Code which has  
16 been begun by the State Board of Elections, has been disputed  
17 by the political committee under the applicable rules of the  
18 State Board of Elections, and has not been finally decided  
19 either by the State Board of Elections, or, where application  
20 for review has been made to the Courts of Illinois, remains  
21 finally undecided by the Courts.

22 "Owes" means that a political committee has been finally  
23 determined under applicable rules of the State Board of  
24 Elections to be liable for a civil penalty under Sections 9-3,  
25 9-10, and 9-23 of The Election Code.

26 (b) Licenses issued pursuant to this Section shall be valid

1 for one raffle or for a specified number of raffles to be  
2 conducted during a specified period not to exceed one year and  
3 may be suspended or revoked for any violation of this Section.  
4 The State Board of Elections shall act on a license application  
5 within 30 days from the date of application.

6 (c) Licenses issued by the State Board of Elections are  
7 subject to the following restrictions:

8 (1) No political committee shall conduct raffles or  
9 chances without having first obtained a license therefor  
10 pursuant to this Section.

11 (2) The application for license shall be prepared in  
12 accordance with regulations of the State Board of Elections  
13 and must specify the area or areas within the State in  
14 which raffle chances will be sold or issued, the time  
15 period during which raffle chances will be sold or issued,  
16 the time of determination of winning chances and the  
17 location or locations at which winning chances will be  
18 determined.

19 (3) A license authorizes the licensee to conduct  
20 raffles as defined in this Section.

21 The following are ineligible for any license under this  
22 Section:

23 (i) any political committee which has an officer  
24 who has been convicted of a felony;

25 (ii) any political committee which has an officer  
26 who is or has been a professional gambler or gambling

1 promoter;

2 (iii) any political committee which has an officer  
3 who is not of good moral character;

4 (iv) any political committee which has an officer  
5 who is also an officer of a firm or corporation in  
6 which a person defined in (i), (ii) or (iii) has a  
7 proprietary, equitable or credit interest, or in which  
8 such a person is active or employed;

9 (v) any political committee in which a person  
10 defined in (i), (ii) or (iii) is an officer, director,  
11 or employee, whether compensated or not;

12 (vi) any political committee in which a person  
13 defined in (i), (ii) or (iii) is to participate in the  
14 management or operation of a raffle as defined in this  
15 Section;

16 (vii) any committee which, at the time of its  
17 application for a license to conduct a raffle, owes the  
18 State Board of Elections any unpaid civil penalty  
19 authorized by Sections 9-3, 9-10, and 9-23 of The  
20 Election Code, or is the subject of an unresolved claim  
21 for a civil penalty under Sections 9-3, 9-10, and 9-23  
22 of The Election Code;

23 (viii) any political committee which, at the time  
24 of its application to conduct a raffle, has not  
25 submitted any report or document required to be filed  
26 by Article 9 of The Election Code and such report or

1 document is more than 10 days overdue.

2 (d) (1) The conducting of raffles is subject to the  
3 following restrictions:

4 (i) The entire net proceeds of any raffle must be  
5 exclusively devoted to the lawful purposes of the  
6 political committee permitted to conduct that game.

7 (ii) No person except a bona fide member of the  
8 political committee may participate in the management  
9 or operation of the raffle.

10 (iii) No person may receive any remuneration or  
11 profit for participating in the management or  
12 operation of the raffle.

13 (iv) Raffle chances may be sold or issued only  
14 within the area specified on the license and winning  
15 chances may be determined only at those locations  
16 specified on the license.

17 (v) A person under the age of 18 years may  
18 participate in the conducting of raffles or chances  
19 only with the permission of a parent or guardian. A  
20 person under the age of 18 years may be within the area  
21 where winning chances are being determined only when  
22 accompanied by his parent or guardian.

23 (2) If a lessor rents premises where a winning chance  
24 or chances on a raffle are determined, the lessor shall not  
25 be criminally liable if the person who uses the premises  
26 for the determining of winning chances does not hold a

1 license issued under the provisions of this Section.

2 (e) (1) Each political committee licensed to conduct  
3 raffles and chances shall keep records of its gross  
4 receipts, expenses and net proceeds for each single  
5 gathering or occasion at which winning chances are  
6 determined. All deductions from gross receipts for each  
7 single gathering or occasion shall be documented with  
8 receipts or other records indicating the amount, a  
9 description of the purchased item or service or other  
10 reason for the deduction, and the recipient. The  
11 distribution of net proceeds shall be itemized as to payee,  
12 purpose, amount and date of payment.

13 (2) Each political committee licensed to conduct  
14 raffles shall report on the next report due to be filed  
15 under Article 9 of The Election Code its gross receipts,  
16 expenses and net proceeds from raffles, and the  
17 distribution of net proceeds itemized as required in this  
18 subsection.

19 Such reports shall be included in the regular reports  
20 required of political committees by Article 9 of The Election  
21 Code.

22 (3) Records required by this subsection shall be  
23 preserved for 3 years, and political committees shall make  
24 available their records relating to operation of raffles  
25 for public inspection at reasonable times and places.

26 (f) Violation of any provision of this Section is a Class C

1 misdemeanor.

2 (g) Nothing in this Section shall be construed to authorize  
3 the conducting or operating of any gambling scheme, enterprise,  
4 activity or device other than raffles as provided for herein.

5 (Source: P.A. 93-615, eff. 11-19-03.)

6 Section 480. The Illinois Pull Tabs and Jar Games Act is  
7 amended by changing Sections 2.1, 6, and 7 as follows:

8 (230 ILCS 20/2.1)

9 Sec. 2.1. Ineligibility for a license. The following are  
10 ineligible for any license under this Act:

11 (1) Any person who has been convicted of a felony  
12 within the last 10 years prior to the date of the  
13 application.

14 (2) Any person who has been convicted of a violation of  
15 Article 28 of the Criminal Code of 1961 or the Criminal  
16 Code of 2012.

17 (3) Any person who has had a bingo, pull tabs and jar  
18 games, or charitable games license revoked by the  
19 Department.

20 (4) Any person who is or has been a professional  
21 gambler.

22 (5) Any person found gambling in a manner not  
23 authorized by the Illinois Pull Tabs and Jar Games Act, the  
24 Bingo License and Tax Act, or the Charitable Games Act,

1 participating in such gambling, or knowingly permitting  
2 such gambling on premises where pull tabs and jar games are  
3 authorized to be conducted.

4 (6) Any firm or corporation in which a person defined  
5 in (1), (2), (3), (4), or (5) has any proprietary,  
6 equitable, or credit interest or in which such person is  
7 active or employed.

8 (7) Any organization in which a person defined in (1),  
9 (2), (3), (4), or (5) is an officer, director, or employee,  
10 whether compensated or not.

11 (8) Any organization in which a person defined in (1),  
12 (2), (3), (4), or (5) is to participate in the management  
13 or operation of pull tabs and jar games.

14 The Department of State Police shall provide the criminal  
15 background of any supplier as requested by the Department of  
16 Revenue.

17 (Source: P.A. 95-228, eff. 8-16-07.)

18 (230 ILCS 20/6) (from Ch. 120, par. 1056)

19 Sec. 6. Each licensee must keep a complete record of pull  
20 tabs and jar games conducted within the previous 3 years. Such  
21 record shall be available for inspection by any employee of the  
22 Department of Revenue during reasonable business hours. The  
23 Department may require that any person, organization, or  
24 corporation licensed under this Act obtain from an Illinois  
25 certified public accounting firm at its own expense a certified



1 and unqualified financial statement and verification of  
2 records of such organization. Failure of a pull tabs and jar  
3 games licensee to comply with this requirement within 90 days  
4 of receiving notice from the Department may result in  
5 suspension or revocation of the licensee's license.

6 The Department of Revenue may, at its discretion, suspend or  
7 revoke any license if it finds that the licensee or any person  
8 connected therewith has violated or is violating this Act. A  
9 suspension or revocation shall be in addition to, and not in  
10 lieu of, any other civil penalties or assessments that are  
11 authorized by this Act. No licensee under this Act, while pull  
12 tabs and jar games chances are being conducted, shall knowingly  
13 permit entry to any part of the licensed premises by any person  
14 who has been convicted of a felony or a violation of Article 28  
15 of the Criminal Code of 1961 or the Criminal Code of 2012.

16 (Source: P.A. 95-228, eff. 8-16-07.)

17 (230 ILCS 20/7) (from Ch. 120, par. 1057)

18 Sec. 7. Violations.

19 (a) Any person who conducts or knowingly participates in an  
20 unlicensed pull tabs and jar game commits the offense of  
21 gambling in violation of Section 28-1 of the Criminal Code of  
22 2012 ~~1961, as amended~~. Any person who violates any other  
23 provision of this Act, or any person who knowingly fails to  
24 file a pull tabs and jar games return or who knowingly files a  
25 fraudulent application or return under this Act, or any person

1 who wilfully violates any rule or regulation of the Department  
2 for the administration and enforcement of this Act, or any  
3 officer or agent of an organization licensed under this Act who  
4 signs a fraudulent application or return filed on behalf of  
5 such an organization, is guilty of a Class A misdemeanor.

6 (b) Any organization that illegally conducts pull tabs or  
7 jar games, 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 from those unlicensed games, as well as  
10 confiscation and forfeiture of all pull tabs and jar games  
11 equipment used in the conduct of those unlicensed games.

12 (c) Any organization licensed to conduct pull tabs and jar  
13 games which allows any form of illegal gambling to be conducted  
14 on the premises where pull tabs and jar games are being  
15 conducted, in addition to other penalties provided for in this  
16 Act, shall be subject to a civil penalty equal to the amount of  
17 gross proceeds derived on that day from pull tabs and jar games  
18 and any illegal game that may have been conducted, as well as  
19 confiscation and forfeiture of all pull tabs and jar games  
20 equipment used in the conduct of any unlicensed or illegal  
21 games.

22 (Source: P.A. 95-228, eff. 8-16-07.)

23 Section 485. The Bingo License and Tax Act is amended by  
24 changing Sections 1.2, 4, and 5 as follows:

1 (230 ILCS 25/1.2)

2 Sec. 1.2. Ineligibility for licensure. 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 application.

6 (2) Any person who has been convicted of a violation of  
7 Article 28 of the Criminal Code of 1961 or the Criminal  
8 Code of 2012.

9 (3) Any person who has had a bingo, pull tabs and jar  
10 games, or charitable games license revoked by the  
11 Department.

12 (4) Any person who is or has been a professional  
13 gambler.

14 (5) Any person found gambling in a manner not  
15 authorized by the Illinois Pull Tabs and Jar Games Act,  
16 Bingo License and Tax Act, or the Charitable Games Act,  
17 participating in such gambling, or knowingly permitting  
18 such gambling on premises where a bingo event is authorized  
19 to be conducted or has been conducted.

20 (6) Any organization in which a person defined in (1),  
21 (2), (3), (4), or (5) has a proprietary, equitable, or  
22 credit interest, or in which such person is active or  
23 employed.

24 (7) Any organization in which a person defined in (1),  
25 (2), (3), (4), or (5) is an officer, director, or employee,  
26 whether compensated or not.

1           (8) Any organization in which a person defined in (1),  
2           (2), (3), (4), or (5) is to participate in the management  
3           or operation of a bingo game.

4           The Department of State Police shall provide the criminal  
5           background of any person requested by the Department of  
6           Revenue.

7           (Source: P.A. 95-228, eff. 8-16-07.)

8           (230 ILCS 25/4) (from Ch. 120, par. 1104)

9           Sec. 4. Each licensee must keep a complete record of bingo  
10          games conducted within the previous 3 years. Such record shall  
11          be available for inspection by any employee of the Department  
12          of Revenue during reasonable business hours.

13          The Department may require that any person, organization or  
14          corporation licensed under this Act obtain from an Illinois  
15          certified public accounting firm at its own expense a certified  
16          and unqualified financial statement and verification of  
17          records of such organization. Failure of a bingo licensee to  
18          comply with this requirement within 90 days of receiving notice  
19          from the Director may result in suspension or revocation of the  
20          licensee's license.

21          The Department of Revenue may, at its discretion, suspend  
22          or revoke any license if it finds that the licensee or any  
23          person connected therewith has violated or is violating the  
24          provisions of this Act. A suspension or revocation shall be in  
25          addition to, and not in lieu of, any other civil penalties or

1 assessments that are authorized by this Act. No licensee under  
2 this Act, while a bingo game is being conducted, shall  
3 knowingly permit entry into any part of the licensed premises  
4 by any person who has been convicted of a felony or a violation  
5 of Article 28 of the "Criminal Code of 1961" or the Criminal  
6 Code of 2012.

7 (Source: P.A. 95-228, eff. 8-16-07.)

8 (230 ILCS 25/5) (from Ch. 120, par. 1105)

9 Sec. 5. Penalties.

10 (a) Any person who conducts or knowingly participates in an  
11 unlicensed bingo game commits the offense of gambling in  
12 violation of Section 28-1 of the Criminal Code of 2012 ~~1961~~, as  
13 ~~amended~~. Any person who violates any other provision of this  
14 Act, or any person who knowingly fails to file a bingo return  
15 or who knowingly files a fraudulent application or return under  
16 this Act, or any person who wilfully violates any rule or  
17 regulation of the Department for the administration and  
18 enforcement of this Act, or any officer or agent of an  
19 organization licensed under this Act who signs a fraudulent  
20 application or return filed on behalf of such an organization,  
21 is guilty of a Class A misdemeanor.

22 (b) Any organization that illegally conducts bingo, in  
23 addition to other penalties provided for in this Act, shall be  
24 subject to a civil penalty equal to the gross proceeds derived  
25 from those unlicensed games, as well as confiscation and

1 forfeiture of all bingo equipment used in the conduct of those  
2 unlicensed games.

3 (c) Any organization licensed to conduct bingo which allows  
4 any form of illegal gambling to be conducted on the premises  
5 where bingo is being conducted, in addition to other penalties  
6 provided for in this Act, shall be subject to a civil penalty  
7 equal to the amount of gross proceeds derived on that day from  
8 bingo and any illegal game that may have been conducted, as  
9 well as confiscation and forfeiture of all bingo equipment used  
10 in the conduct of any unlicensed or illegal games.

11 (d) Any person or organization, in addition to other  
12 penalties provided for in this Act, shall be subject to a civil  
13 penalty not to exceed \$5,000 for any of the following  
14 violations:

15 (1) Providing premises for the conduct of bingo without  
16 first obtaining a license or a special permit to do so.

17 (2) Allowing unlicensed organizations to conduct bingo  
18 on its premises.

19 (3) Allowing any form of illegal gambling to be  
20 conducted on the premises where bingo is being conducted.

21 (Source: P.A. 95-228, eff. 8-16-07.)

22 Section 490. The Charitable Games Act is amended by  
23 changing Sections 7, 10, and 12 as follows:

24 (230 ILCS 30/7) (from Ch. 120, par. 1127)

1           Sec. 7. Ineligible Persons. The following are ineligible  
2 for any license under this Act:

3           (a) any person who has been convicted of a felony  
4 within the last 10 years before the date of the  
5 application;

6           (b) any person who has been convicted of a violation of  
7 Article 28 of the Criminal Code of 1961 or the Criminal  
8 Code of 2012;

9           (c) any person who has had a bingo, pull tabs and jar  
10 games, or charitable games license revoked by the  
11 Department;

12           (d) any person who is or has been a professional  
13 gambler;

14           (d-1) any person found gambling in a manner not  
15 authorized by this Act, the Illinois Pull Tabs and Jar  
16 Games Act, or the Bingo License and Tax Act participating  
17 in such gambling, or knowingly permitting such gambling on  
18 premises where an authorized charitable games event is  
19 authorized to be conducted or has been conducted;

20           (e) any organization in which a person defined in (a),  
21 (b), (c), (d), or (d-1) has a proprietary, equitable, or  
22 credit interest, or in which the person is active or  
23 employed;

24           (f) any organization in which a person defined in (a),  
25 (b), (c), (d), or (d-1) is an officer, director, or  
26 employee, whether compensated or not;

1           (g) any organization in which a person defined in (a),  
2           (b), (c), (d), or (d-1) is to participate in the management  
3           or operation of charitable games.

4           The Department of State Police shall provide the criminal  
5           background of any person requested by the Department of  
6           Revenue.

7           (Source: P.A. 94-986, eff. 6-30-06; 95-228, eff. 8-16-07.)

8           (230 ILCS 30/10) (from Ch. 120, par. 1130)

9           Sec. 10. Each licensee must keep a complete record of  
10          charitable games conducted within the previous 3 years. Such  
11          record shall be open to inspection by any employee of the  
12          Department of Revenue during reasonable business hours.

13          The Department may require that any person, organization or  
14          corporation licensed under this Act obtain from an Illinois  
15          certified public accounting firm at its own expense a certified  
16          and unqualified financial statement and verification of  
17          records of such organization. Failure of a charitable games  
18          licensee to comply with this requirement within 90 days of  
19          receiving notice from the Department may result in suspension  
20          or revocation of the licensee's license.

21          The Department of Revenue may, at its discretion, suspend  
22          or revoke any license if it finds that the licensee or any  
23          person connected therewith has violated or is violating the  
24          provisions of this Act. A revocation or suspension shall be in  
25          addition to, and not in lieu of, any other civil penalties or



1 assessments that are authorized by this Act. No licensee under  
2 this Act, while a charitable game is being conducted, shall  
3 knowingly permit the entry into any part of the licensed  
4 premises by any person who has been convicted of a violation of  
5 Article 28 of the Criminal Code of 1961 or the Criminal Code of  
6 2012.

7 (Source: P.A. 94-986, eff. 6-30-06; 95-228, eff. 8-16-07.)

8 (230 ILCS 30/12) (from Ch. 120, par. 1132)

9 Sec. 12. Penalties.

10 (1) Any person who conducts or knowingly participates in an  
11 unlicensed charitable game commits the offense of gambling in  
12 violation of Section 28-1 of the Criminal Code of 2012 ~~1961, as~~  
13 ~~amended~~. Any person who violates any provision of this Act, or  
14 any person who fails to file a charitable games return or who  
15 files a fraudulent return or application under this Act, or any  
16 person who willfully violates any rule or regulation of the  
17 Department for the administration and enforcement of this Act,  
18 or any officer or agent of an organization licensed under this  
19 Act who signs a fraudulent return or application filed on  
20 behalf of such an organization, is guilty of a Class A  
21 misdemeanor. Any second or subsequent violation of this Act  
22 constitutes a Class 4 felony.

23 (2) Any organization that illegally conducts charitable  
24 games, in addition to other penalties provided for in this Act,  
25 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 charitable games equipment  
3 used in the conduct of those unlicensed games.

4 (3) Any organization licensed to conduct charitable games  
5 that allows any form of illegal gambling to be conducted on the  
6 premises where charitable games are being conducted, in  
7 addition to other penalties provided for in this Act, shall be  
8 subject to a civil penalty equal to the amount of gross  
9 proceeds derived on that day from charitable games and any  
10 illegal game that may have been conducted, as well as  
11 confiscation and forfeiture of all charitable games equipment  
12 used in the conduct of any unlicensed or illegal games.

13 (4) Any person who violates any provision of this Act or  
14 knowingly violates any rule of the Department for the  
15 administration of this Act, in addition to other penalties  
16 provided, shall be subject to a civil penalty not to exceed  
17 \$250 for each separate violation.

18 (5) No person shall sell, lease, or distribute for  
19 compensation within this State, or possess with intent to sell,  
20 lease, or distribute for compensation within this State, any  
21 chips, representations of money, wheels, or any devices or  
22 equipment designed for use or used in the play of charitable  
23 games without first having obtained a license to do so from the  
24 Department of Revenue. Any person that knowingly violates this  
25 paragraph is guilty of a Class A misdemeanor, the fine for  
26 which shall not exceed \$50,000.

1 (Source: P.A. 94-986, eff. 6-30-06; 95-228, eff. 8-16-07.)

2 Section 495. The Video Gaming Act is amended by changing  
3 Sections 35 and 45 as follows:

4 (230 ILCS 40/35)

5 Sec. 35. Display of license; confiscation; violation as  
6 felony.

7 (a) Each video gaming terminal shall be licensed by the  
8 Board before placement or operation on the premises of a  
9 licensed establishment, licensed truck stop establishment,  
10 licensed fraternal establishment, or licensed veterans  
11 establishment. The license of each video gaming terminal shall  
12 be maintained at the location where the video gaming terminal  
13 is operated. Failure to do so is a petty offense with a fine  
14 not to exceed \$100. Any licensed establishment, licensed truck  
15 stop establishment, licensed fraternal establishment, or  
16 licensed veterans establishment used for the conduct of  
17 gambling games in violation of this Act shall be considered a  
18 gambling place in violation of Section 28-3 of the Criminal  
19 Code of 2012 ~~1961~~. Every gambling device found in a licensed  
20 establishment, licensed truck stop establishment, licensed  
21 fraternal establishment, or licensed veterans establishment  
22 operating gambling games in violation of this Act shall be  
23 subject to seizure, confiscation, and destruction as provided  
24 in Section 28-5 of the Criminal Code of 2012 ~~1961~~. Any license

1 issued under the Liquor Control Act of 1934 to any owner or  
2 operator of a licensed establishment, licensed truck stop  
3 establishment, licensed fraternal establishment, or licensed  
4 veterans establishment that operates or permits the operation  
5 of a video gaming terminal within its establishment in  
6 violation of this Act shall be immediately revoked. No person  
7 may own, operate, have in his or her possession or custody or  
8 under his or her control, or permit to be kept in any place  
9 under his or her possession or control, any device that awards  
10 credits and contains a circuit, meter, or switch capable of  
11 removing and recording the removal of credits when the award of  
12 credits is dependent upon chance. A violation of this Section  
13 is a Class 4 felony. All devices that are owned, operated, or  
14 possessed in violation of this Section are hereby declared to  
15 be public nuisances and shall be subject to seizure,  
16 confiscation, and destruction as provided in Section 28-5 of  
17 the Criminal Code of 2012 ~~1961~~. The provisions of this Section  
18 do not apply to devices or electronic video game terminals  
19 licensed pursuant to this Act. A video gaming terminal operated  
20 for amusement only and bearing a valid amusement tax sticker  
21 shall not be subject to this Section until 30 days after the  
22 Board establishes that the central communications system is  
23 functional.

24 (b) (1) The odds of winning each video game shall be posted  
25 on or near each video gaming terminal. The manner in which the  
26 odds are calculated and how they are posted shall be determined

1 by the Board by rule.

2 (2) No video gaming terminal licensed under this Act may be  
3 played except during the legal hours of operation allowed for  
4 the consumption of alcoholic beverages at the licensed  
5 establishment, licensed fraternal establishment, or licensed  
6 veterans establishment. A licensed establishment, licensed  
7 fraternal establishment, or licensed veterans establishment  
8 that violates this subsection is subject to termination of its  
9 license by the Board.

10 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09;  
11 96-1410, eff. 7-30-10.)

12 (230 ILCS 40/45)

13 Sec. 45. Issuance of license.

14 (a) The burden is upon each applicant to demonstrate his  
15 suitability for licensure. Each video gaming terminal  
16 manufacturer, distributor, supplier, operator, handler,  
17 licensed establishment, licensed truck stop establishment,  
18 licensed fraternal establishment, and licensed veterans  
19 establishment shall be licensed by the Board. The Board may  
20 issue or deny a license under this Act to any person pursuant  
21 to the same criteria set forth in Section 9 of the Riverboat  
22 Gambling Act.

23 (a-5) The Board shall not grant a license to a person who  
24 has facilitated, enabled, or participated in the use of  
25 coin-operated devices for gambling purposes or who is under the

1 significant influence or control of such a person. For the  
2 purposes of this Act, "facilitated, enabled, or participated in  
3 the use of coin-operated amusement devices for gambling  
4 purposes" means that the person has been convicted of any  
5 violation of Article 28 of the Criminal Code of 1961 or the  
6 Criminal Code of 2012. If there is pending legal action against  
7 a person for any such violation, then the Board shall delay the  
8 licensure of that person until the legal action is resolved.

9 (b) Each person seeking and possessing a license as a video  
10 gaming terminal manufacturer, distributor, supplier, operator,  
11 handler, licensed establishment, licensed truck stop  
12 establishment, licensed fraternal establishment, or licensed  
13 veterans establishment shall submit to a background  
14 investigation conducted by the Board with the assistance of the  
15 State Police or other law enforcement. The background  
16 investigation shall include each beneficiary of a trust, each  
17 partner of a partnership, and each director and officer and all  
18 stockholders of 5% or more in a parent or subsidiary  
19 corporation of a video gaming terminal manufacturer,  
20 distributor, supplier, operator, or licensed establishment,  
21 licensed truck stop establishment, licensed fraternal  
22 establishment, or licensed veterans establishment.

23 (c) Each person seeking and possessing a license as a video  
24 gaming terminal manufacturer, distributor, supplier, operator,  
25 handler, licensed establishment, licensed truck stop  
26 establishment, licensed fraternal establishment, or licensed

1 veterans establishment shall disclose the identity of every  
2 person, association, trust, corporation, or limited liability  
3 company having a greater than 1% direct or indirect pecuniary  
4 interest in the video gaming terminal operation for which the  
5 license is sought. If the disclosed entity is a trust, the  
6 application shall disclose the names and addresses of the  
7 beneficiaries; if a corporation, the names and addresses of all  
8 stockholders and directors; if a limited liability company, the  
9 names and addresses of all members; or if a partnership, the  
10 names and addresses of all partners, both general and limited.

11 (d) No person may be licensed as a video gaming terminal  
12 manufacturer, distributor, supplier, operator, handler,  
13 licensed establishment, licensed truck stop establishment,  
14 licensed fraternal establishment, or licensed veterans  
15 establishment if that person has been found by the Board to:

16 (1) have a background, including a criminal record,  
17 reputation, habits, social or business associations, or  
18 prior activities that pose a threat to the public interests  
19 of the State or to the security and integrity of video  
20 gaming;

21 (2) create or enhance the dangers of unsuitable,  
22 unfair, or illegal practices, methods, and activities in  
23 the conduct of video gaming; or

24 (3) present questionable business practices and  
25 financial arrangements incidental to the conduct of video  
26 gaming activities.

1           (e) Any applicant for any license under this Act has the  
 2 burden of proving his or her qualifications to the satisfaction  
 3 of the Board. The Board may adopt rules to establish additional  
 4 qualifications and requirements to preserve the integrity and  
 5 security of video gaming in this State.

6           (f) A non-refundable application fee shall be paid at the  
 7 time an application for a license is filed with the Board in  
 8 the following amounts:

- 9           (1) Manufacturer ..... \$5,000
- 10          (2) Distributor..... \$5,000
- 11          (3) Terminal operator..... \$5,000
- 12          (4) Supplier ..... \$2,500
- 13          (5) Technician ..... \$100
- 14          (6) Terminal Handler ..... \$50

15           (g) The Board shall establish an annual fee for each  
 16 license not to exceed the following:

- 17          (1) Manufacturer ..... \$10,000
- 18          (2) Distributor..... \$10,000
- 19          (3) Terminal operator..... \$5,000
- 20          (4) Supplier ..... \$2,000
- 21          (5) Technician ..... \$100
- 22          (6) Licensed establishment, licensed truck stop  
 23 establishment, licensed fraternal establishment,  
 24 or licensed veterans establishment ..... \$100
- 25          (7) Video gaming terminal..... \$100
- 26          (8) Terminal Handler ..... \$50



1 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-38,  
2 eff. 7-13-09; 96-1000, eff. 7-2-10; 96-1410, eff. 7-30-10.)

3 Section 500. The Liquor Control Act of 1934 is amended by  
4 changing Section 6-2 as follows:

5 (235 ILCS 5/6-2) (from Ch. 43, par. 120)

6 Sec. 6-2. Issuance of licenses to certain persons  
7 prohibited.

8 (a) Except as otherwise provided in subsection (b) of this  
9 Section and in paragraph (1) of subsection (a) of Section 3-12,  
10 no license of any kind issued by the State Commission or any  
11 local commission shall be issued to:

12 (1) A person who is not a resident of any city, village  
13 or county in which the premises covered by the license are  
14 located; except in case of railroad or boat licenses.

15 (2) A person who is not of good character and  
16 reputation in the community in which he resides.

17 (3) A person who is not a citizen of the United States.

18 (4) A person who has been convicted of a felony under  
19 any Federal or State law, unless the Commission determines  
20 that such person has been sufficiently rehabilitated to  
21 warrant the public trust after considering matters set  
22 forth in such person's application and the Commission's  
23 investigation. The burden of proof of sufficient  
24 rehabilitation shall be on the applicant.

1           (5) A person who has been convicted of keeping a place  
2 of prostitution or keeping a place of juvenile  
3 prostitution, promoting prostitution that involves keeping  
4 a place of prostitution, or promoting juvenile  
5 prostitution that involves keeping a place of juvenile  
6 prostitution.

7           (6) A person who has been convicted of pandering or  
8 other crime or misdemeanor opposed to decency and morality.

9           (7) A person whose license issued under this Act has  
10 been revoked for cause.

11           (8) A person who at the time of application for renewal  
12 of any license issued hereunder would not be eligible for  
13 such license upon a first application.

14           (9) A copartnership, if any general partnership  
15 thereof, or any limited partnership thereof, owning more  
16 than 5% of the aggregate limited partner interest in such  
17 copartnership would not be eligible to receive a license  
18 hereunder for any reason other than residence within the  
19 political subdivision, unless residency is required by  
20 local ordinance.

21           (10) A corporation or limited liability company, if any  
22 member, officer, manager or director thereof, or any  
23 stockholder or stockholders owning in the aggregate more  
24 than 5% of the stock of such corporation, would not be  
25 eligible to receive a license hereunder for any reason  
26 other than citizenship and residence within the political

1 subdivision.

2 (10a) A corporation or limited liability company  
3 unless it is incorporated or organized in Illinois, or  
4 unless it is a foreign corporation or foreign limited  
5 liability company which is qualified under the Business  
6 Corporation Act of 1983 or the Limited Liability Company  
7 Act to transact business in Illinois. The Commission shall  
8 permit and accept from an applicant for a license under  
9 this Act proof prepared from the Secretary of State's  
10 website that the corporation or limited liability company  
11 is in good standing and is qualified under the Business  
12 Corporation Act of 1983 or the Limited Liability Company  
13 Act to transact business in Illinois.

14 (11) A person whose place of business is conducted by a  
15 manager or agent unless the manager or agent possesses the  
16 same qualifications required by the licensee.

17 (12) A person who has been convicted of a violation of  
18 any Federal or State law concerning the manufacture,  
19 possession or sale of alcoholic liquor, subsequent to the  
20 passage of this Act or has forfeited his bond to appear in  
21 court to answer charges for any such violation.

22 (13) A person who does not beneficially own the  
23 premises for which a license is sought, or does not have a  
24 lease thereon for the full period for which the license is  
25 to be issued.

26 (14) Any law enforcing public official, including

1 members of local liquor control commissions, any mayor,  
2 alderman, or member of the city council or commission, any  
3 president of the village board of trustees, any member of a  
4 village board of trustees, or any president or member of a  
5 county board; and no such official shall have a direct  
6 interest in the manufacture, sale, or distribution of  
7 alcoholic liquor, except that a license may be granted to  
8 such official in relation to premises that are not located  
9 within the territory subject to the jurisdiction of that  
10 official if the issuance of such license is approved by the  
11 State Liquor Control Commission and except that a license  
12 may be granted, in a city or village with a population of  
13 50,000 or less, to any alderman, member of a city council,  
14 or member of a village board of trustees in relation to  
15 premises that are located within the territory subject to  
16 the jurisdiction of that official if (i) the sale of  
17 alcoholic liquor pursuant to the license is incidental to  
18 the selling of food, (ii) the issuance of the license is  
19 approved by the State Commission, (iii) the issuance of the  
20 license is in accordance with all applicable local  
21 ordinances in effect where the premises are located, and  
22 (iv) the official granted a license does not vote on  
23 alcoholic liquor issues pending before the board or council  
24 to which the license holder is elected. Notwithstanding any  
25 provision of this paragraph (14) to the contrary, an  
26 alderman or member of a city council or commission, a

1 member of a village board of trustees other than the  
2 president of the village board of trustees, or a member of  
3 a county board other than the president of a county board  
4 may have a direct interest in the manufacture, sale, or  
5 distribution of alcoholic liquor as long as he or she is  
6 not a law enforcing public official, a mayor, a village  
7 board president, or president of a county board. To prevent  
8 any conflict of interest, the elected official with the  
9 direct interest in the manufacture, sale, or distribution  
10 of alcoholic liquor shall not participate in any meetings,  
11 hearings, or decisions on matters impacting the  
12 manufacture, sale, or distribution of alcoholic liquor.  
13 Furthermore, the mayor of a city with a population of  
14 50,000 or less or the president of a village with a  
15 population of 50,000 or less may have an interest in the  
16 manufacture, sale, or distribution of alcoholic liquor as  
17 long as the council or board over which he or she presides  
18 has made a local liquor control commissioner appointment  
19 that complies with the requirements of Section 4-2 of this  
20 Act.

21 (15) A person who is not a beneficial owner of the  
22 business to be operated by the licensee.

23 (16) A person who has been convicted of a gambling  
24 offense as proscribed by any of subsections (a) (3) through  
25 (a) (11) of Section 28-1 of, or as proscribed by Section  
26 28-1.1 or 28-3 of, the Criminal Code of 1961 or the

1        Criminal Code of 2012, or as proscribed by a statute  
2        replaced by any of the aforesaid statutory provisions.

3            (17) A person or entity to whom a federal wagering  
4        stamp has been issued by the federal government, unless the  
5        person or entity is eligible to be issued a license under  
6        the Raffles Act or the Illinois Pull Tabs and Jar Games  
7        Act.

8            (18) A person who intends to sell alcoholic liquors for  
9        use or consumption on his or her licensed retail premises  
10       who does not have liquor liability insurance coverage for  
11       that premises in an amount that is at least equal to the  
12       maximum liability amounts set out in subsection (a) of  
13       Section 6-21.

14           (b) A criminal conviction of a corporation is not grounds  
15       for the denial, suspension, or revocation of a license applied  
16       for or held by the corporation if the criminal conviction was  
17       not the result of a violation of any federal or State law  
18       concerning the manufacture, possession or sale of alcoholic  
19       liquor, the offense that led to the conviction did not result  
20       in any financial gain to the corporation and the corporation  
21       has terminated its relationship with each director, officer,  
22       employee, or controlling shareholder whose actions directly  
23       contributed to the conviction of the corporation. The  
24       Commission shall determine if all provisions of this subsection  
25       (b) have been met before any action on the corporation's  
26       license is initiated.

1 (Source: P.A. 96-1551, eff. 7-1-11; 97-1059, eff. 8-24-12.)

2 Section 505. The Illinois Public Aid Code is amended by  
3 changing Sections 2-18, 4-1.7, 8A-2, 10-5, and 12-4.25 as  
4 follows:

5 (305 ILCS 5/2-18)

6 Sec. 2-18. Domestic or sexual violence. "Domestic or sexual  
7 violence" means domestic violence, sexual assault, or  
8 stalking. Domestic or sexual violence may occur through  
9 electronic communication.

10 "Domestic violence" means "abuse" as defined in Section 103  
11 of the Illinois Domestic Violence Act of 1986 by a "family or  
12 household member" as defined in Section 103 of the Illinois  
13 Domestic Violence Act of 1986.

14 "Sexual assault" means any conduct proscribed by Sections  
15 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,  
16 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 or the  
17 Criminal Code of 2012.

18 "Stalking" means any conduct proscribed by Sections  
19 12-7.3, 12-7.4, and 12-7.5 of the Criminal Code of 1961 or the  
20 Criminal Code of 2012.

21 "Electronic communication" includes communications via  
22 telephone, mobile phone, computer, e-mail, video recorder, fax  
23 machine, telex, or pager, or any other "electronic  
24 communication" as defined in Section 12-7.5 of the Criminal

1 Code of 2012 ~~1961~~.

2 (Source: P.A. 96-866, eff. 7-1-10.)

3 (305 ILCS 5/4-1.7) (from Ch. 23, par. 4-1.7)

4 Sec. 4-1.7. Enforcement of Parental Child Support  
5 Obligation. If the parent or parents of the child are failing  
6 to meet or are delinquent in their legal obligation to support  
7 the child, the parent or other person having custody of the  
8 child or the Department of Healthcare and Family Services may  
9 request the law enforcement officer authorized or directed by  
10 law to so act to file action for the enforcement of such  
11 remedies as the law provides for the fulfillment of the child  
12 support obligation.

13 If a parent has a judicial remedy against the other parent  
14 to compel child support, or if, as the result of an action  
15 initiated by or in behalf of one parent against the other, a  
16 child support order has been entered in respect to which there  
17 is noncompliance or delinquency, or where the order so entered  
18 may be changed upon petition to the court to provide additional  
19 support, the parent or other person having custody of the child  
20 or the Department of Healthcare and Family Services may request  
21 the appropriate law enforcement officer to seek enforcement of  
22 the remedy, or of the support order, or a change therein to  
23 provide additional support. If the law enforcement officer is  
24 not authorized by law to so act in these instances, the parent,  
25 or if so authorized by law the other person having custody of



1 the child, or the Department of Healthcare and Family Services  
2 may initiate an action to enforce these remedies.

3 A parent or other person having custody of the child must  
4 comply with the requirements of Title IV of the federal Social  
5 Security Act, and the regulations duly promulgated thereunder,  
6 and any rules promulgated by the Illinois Department regarding  
7 enforcement of the child support obligation. The Department of  
8 Healthcare and Family Services and the Department of Human  
9 Services may provide by rule for the grant or continuation of  
10 aid to the person for a temporary period if he or she accepts  
11 counseling or other services designed to increase his or her  
12 motivation to seek enforcement of the child support obligation.

13 In addition to any other definition of failure or refusal  
14 to comply with the requirements of Title IV of the federal  
15 Social Security Act, or Illinois Department rule, in the case  
16 of failure to attend court hearings, the parent or other person  
17 can show cooperation by attending a court hearing or, if a  
18 court hearing cannot be scheduled within 14 days following the  
19 court hearing that was missed, by signing a statement that the  
20 parent or other person is now willing to cooperate in the child  
21 support enforcement process and will appear at any later  
22 scheduled court date. The parent or other person can show  
23 cooperation by signing such a statement only once. If failure  
24 to attend the court hearing or other failure to cooperate  
25 results in the case being dismissed, such a statement may be  
26 signed after 2 months.

1           No denial or termination of medical assistance pursuant to  
2 this Section shall commence during pregnancy of the parent or  
3 other person having custody of the child or for 30 days after  
4 the termination of such pregnancy. The termination of medical  
5 assistance may commence thereafter if the Department of  
6 Healthcare and Family Services determines that the failure or  
7 refusal to comply with this Section persists. Postponement of  
8 denial or termination of medical assistance during pregnancy  
9 under this paragraph shall be effective only to the extent it  
10 does not conflict with federal law or regulation.

11           Any evidence a parent or other person having custody of the  
12 child gives in order to comply with the requirements of this  
13 Section shall not render him or her liable to prosecution under  
14 Section 11-35 or 11-40 of the "Criminal Code of 2012 ~~1961~~",  
15 ~~approved July 28, 1961, as amended.~~

16           When so requested, the Department of Healthcare and Family  
17 Services and the Department of Human Services shall provide  
18 such services and assistance as the law enforcement officer may  
19 require in connection with the filing of any action hereunder.

20           The Department of Healthcare and Family Services and the  
21 Department of Human Services, as an expense of administration,  
22 may also provide applicants for and recipients of aid with such  
23 services and assistance, including assumption of the  
24 reasonable costs of prosecuting any action or proceeding, as  
25 may be necessary to enable them to enforce the child support  
26 liability required hereunder.

1           Nothing in this Section shall be construed as a requirement  
2 that an applicant or recipient file an action for dissolution  
3 of marriage against his or her spouse.

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

5           (305 ILCS 5/8A-2) (from Ch. 23, par. 8A-2)

6           Sec. 8A-2. Recipient Fraud. (a) Any person, who by means of  
7 any false statement, willful misrepresentation or failure to  
8 notify the county department or the local governmental unit, as  
9 the case may be, of a change in his status as required by  
10 Sections 11-18 and 11-19, or any person who knowingly causes  
11 any applicant or recipient without knowledge to make such a  
12 false statement or willful misrepresentation, or by  
13 withholding information causes the applicant or recipient to  
14 fail to notify the county department or local governmental unit  
15 as required, for the purpose of preventing the denial,  
16 cancellation or suspension of any grant, or a variation in the  
17 amount thereof, or through other fraudulent device obtains or  
18 attempts to obtain, or aids or abets any person in obtaining  
19 public aid under this Code to which he is not entitled is  
20 guilty of a violation of this Article and shall be punished as  
21 provided in Section 8A-6.

22           (b) If an applicant makes and subscribes an application  
23 form under Section 11-15 which contains a written declaration  
24 that it is made under penalties of perjury, knowing it to be  
25 false, incorrect or incomplete in respect to any material

1 statement or representation bearing on his eligibility, income  
2 or resources, the offender shall be subject to the penalties  
3 for perjury as provided in Section 32-2 of the "Criminal Code  
4 of 2012 1961".

5 (Source: P.A. 82-440.)

6 (305 ILCS 5/10-5) (from Ch. 23, par. 10-5)

7 Sec. 10-5. Declarations by Responsible Relatives-Penalty.

8 Information requested of responsible relatives shall be  
9 submitted on forms or questionnaires prescribed by the Illinois  
10 Department or local governmental units, as the case may be, and  
11 shall contain a written declaration to be signed by the  
12 relative in substantially the following form:

13 "I declare under penalties of perjury that I have  
14 examined this form (or questionnaire) and all accompanying  
15 statements or documents pertaining to my income, resources, or  
16 any other matter having bearing upon my status and ability to  
17 provide support, and to the best of my knowledge and belief the  
18 information supplied is true, correct, and complete".

19 A person who makes and subscribes a form or questionnaire  
20 which contains, as hereinabove provided, a written declaration  
21 that it is made under the penalties of perjury, knowing it to  
22 be false, incorrect or incomplete, in respect to any material  
23 statement or representation bearing upon his status as a  
24 responsible relative, or upon his income, resources, or other  
25 matter concerning his ability to provide support, shall be

1 subject to the penalties for perjury provided for in Section  
2 32-2 of the "Criminal Code of 2012 ~~1961~~", ~~approved July 28,~~  
3 ~~1961, as amended.~~

4 (Source: Laws 1967, p. 122.)

5 (305 ILCS 5/12-4.25) (from Ch. 23, par. 12-4.25)

6 Sec. 12-4.25. Medical assistance program; vendor  
7 participation.

8 (A) The Illinois Department may deny, suspend, or terminate  
9 the eligibility of any person, firm, corporation, association,  
10 agency, institution or other legal entity to participate as a  
11 vendor of goods or services to recipients under the medical  
12 assistance program under Article V, or may exclude any such  
13 person or entity from participation as such a vendor, and may  
14 deny, suspend, or recover payments, if after reasonable notice  
15 and opportunity for a hearing the Illinois Department finds:

16 (a) Such vendor is not complying with the Department's  
17 policy or rules and regulations, or with the terms and  
18 conditions prescribed by the Illinois Department in its  
19 vendor agreement, which document shall be developed by the  
20 Department as a result of negotiations with each vendor  
21 category, including physicians, hospitals, long term care  
22 facilities, pharmacists, optometrists, podiatrists and  
23 dentists setting forth the terms and conditions applicable  
24 to the participation of each vendor group in the program;  
25 or

1           (b) Such vendor has failed to keep or make available  
2 for inspection, audit or copying, after receiving a written  
3 request from the Illinois Department, such records  
4 regarding payments claimed for providing services. This  
5 section does not require vendors to make available patient  
6 records of patients for whom services are not reimbursed  
7 under this Code; or

8           (c) Such vendor has failed to furnish any information  
9 requested by the Department regarding payments for  
10 providing goods or services; or

11           (d) Such vendor has knowingly made, or caused to be  
12 made, any false statement or representation of a material  
13 fact in connection with the administration of the medical  
14 assistance program; or

15           (e) Such vendor has furnished goods or services to a  
16 recipient which are (1) in excess of need, (2) harmful, or  
17 (3) of grossly inferior quality, all of such determinations  
18 to be based upon competent medical judgment and  
19 evaluations; or

20           (f) The vendor; a person with management  
21 responsibility for a vendor; an officer or person owning,  
22 either directly or indirectly, 5% or more of the shares of  
23 stock or other evidences of ownership in a corporate  
24 vendor; an owner of a sole proprietorship which is a  
25 vendor; or a partner in a partnership which is a vendor,  
26 either:

1           (1) was previously terminated, suspended, or  
2 excluded from participation in the Illinois medical  
3 assistance program, or was terminated, suspended, or  
4 excluded from participation in another state or  
5 federal medical assistance or health care program; or

6           (2) was a person with management responsibility  
7 for a vendor previously terminated, suspended, or  
8 excluded from participation in the Illinois medical  
9 assistance program, or terminated, suspended, or  
10 excluded from participation in another state or  
11 federal medical assistance or health care program  
12 during the time of conduct which was the basis for that  
13 vendor's termination, suspension, or exclusion; 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 corporate or  
17 limited liability company vendor previously  
18 terminated, suspended, or excluded from participation  
19 in the Illinois medical assistance program, or  
20 terminated, suspended, or excluded from participation  
21 in a state or federal medical assistance or health care  
22 program during the time of conduct which was the basis  
23 for that vendor's termination, suspension, or  
24 exclusion; or

25           (4) was an owner of a sole proprietorship or  
26 partner of a partnership previously terminated,

1           suspended, or excluded from participation in the  
2           Illinois medical assistance program, or terminated,  
3           suspended, or excluded from participation in a state or  
4           federal medical assistance or health care program  
5           during the time of conduct which was the basis for that  
6           vendor's termination, suspension, or exclusion; or

7           (f-1) Such vendor has a delinquent debt owed to the  
8           Illinois Department; or

9           (g) The vendor; a person with management  
10          responsibility for a vendor; an officer or person owning,  
11          either directly or indirectly, 5% or more of the shares of  
12          stock or other evidences of ownership in a corporate or  
13          limited liability company vendor; an owner of a sole  
14          proprietorship which is a vendor; or a partner in a  
15          partnership which is a vendor, either:

16               (1) has engaged in practices prohibited by  
17               applicable federal or State law or regulation; or

18               (2) was a person with management responsibility  
19               for a vendor at the time that such vendor engaged in  
20               practices prohibited by applicable federal or State  
21               law or regulation; or

22               (3) was an officer, or person owning, either  
23               directly or indirectly, 5% or more of the shares of  
24               stock or other evidences of ownership in a vendor at  
25               the time such vendor engaged in practices prohibited by  
26               applicable federal or State law or regulation; or



1           (4) was an owner of a sole proprietorship or  
2 partner of a partnership which was a vendor at the time  
3 such vendor engaged in practices prohibited by  
4 applicable federal or State law or regulation; or

5           (h) The direct or indirect ownership of the vendor  
6 (including the ownership of a vendor that is a sole  
7 proprietorship, a partner's interest in a vendor that is a  
8 partnership, or ownership of 5% or more of the shares of  
9 stock or other evidences of ownership in a corporate  
10 vendor) has been transferred by an individual who is  
11 terminated, suspended, or excluded or barred from  
12 participating as a vendor to the individual's spouse,  
13 child, brother, sister, parent, grandparent, grandchild,  
14 uncle, aunt, niece, nephew, cousin, or relative by  
15 marriage.

16           (A-5) The Illinois Department may deny, suspend, or  
17 terminate the eligibility of any person, firm, corporation,  
18 association, agency, institution, or other legal entity to  
19 participate as a vendor of goods or services to recipients  
20 under the medical assistance program under Article V, or may  
21 exclude any such person or entity from participation as such a  
22 vendor, if, after reasonable notice and opportunity for a  
23 hearing, the Illinois Department finds that the vendor; a  
24 person with management responsibility for a vendor; an officer  
25 or person owning, either directly or indirectly, 5% or more of  
26 the shares of stock or other evidences of ownership in a

1 corporate vendor; an owner of a sole proprietorship that is a  
2 vendor; or a partner in a partnership that is a vendor has been  
3 convicted of an offense based on fraud or willful  
4 misrepresentation related to any of the following:

5 (1) The medical assistance program under Article V of  
6 this Code.

7 (2) A medical assistance or health care program in  
8 another state.

9 (3) The Medicare program under Title XVIII of the  
10 Social Security Act.

11 (4) The provision of health care services.

12 (5) A violation of this Code, as provided in Article  
13 VIIIA, or another state or federal medical assistance  
14 program or health care program.

15 (A-10) The Illinois Department may deny, suspend, or  
16 terminate the eligibility of any person, firm, corporation,  
17 association, agency, institution, or other legal entity to  
18 participate as a vendor of goods or services to recipients  
19 under the medical assistance program under Article V, or may  
20 exclude any such person or entity from participation as such a  
21 vendor, if, after reasonable notice and opportunity for a  
22 hearing, the Illinois Department finds that (i) the vendor,  
23 (ii) a person with management responsibility for a vendor,  
24 (iii) an officer or person owning, either directly or  
25 indirectly, 5% or more of the shares of stock or other  
26 evidences of ownership in a corporate vendor, (iv) an owner of

1 a sole proprietorship that is a vendor, or (v) a partner in a  
2 partnership that is a vendor has been convicted of an offense  
3 related to any of the following:

4 (1) Murder.

5 (2) A Class X felony under the Criminal Code of 1961 or  
6 the Criminal Code of 2012.

7 (3) Sexual misconduct that may subject recipients to an  
8 undue risk of harm.

9 (4) A criminal offense that may subject recipients to  
10 an undue risk of harm.

11 (5) A crime of fraud or dishonesty.

12 (6) A crime involving a controlled substance.

13 (7) A misdemeanor relating to fraud, theft,  
14 embezzlement, breach of fiduciary responsibility, or other  
15 financial misconduct related to a health care program.

16 (A-15) The Illinois Department may deny the eligibility of  
17 any person, firm, corporation, association, agency,  
18 institution, or other legal entity to participate as a vendor  
19 of goods or services to recipients under the medical assistance  
20 program under Article V if, after reasonable notice and  
21 opportunity for a hearing, the Illinois Department finds:

22 (1) The applicant or any person with management  
23 responsibility for the applicant; an officer or member of  
24 the board of directors of an applicant; an entity owning  
25 (directly or indirectly) 5% or more of the shares of stock  
26 or other evidences of ownership in a corporate vendor

1 applicant; an owner of a sole proprietorship applicant; a  
2 partner in a partnership applicant; or a technical or other  
3 advisor to an applicant has a debt owed to the Illinois  
4 Department, and no payment arrangements acceptable to the  
5 Illinois Department have been made by the applicant.

6 (2) The applicant or any person with management  
7 responsibility for the applicant; an officer or member of  
8 the board of directors of an applicant; an entity owning  
9 (directly or indirectly) 5% or more of the shares of stock  
10 or other evidences of ownership in a corporate vendor  
11 applicant; an owner of a sole proprietorship applicant; a  
12 partner in a partnership vendor applicant; or a technical  
13 or other advisor to an applicant was (i) a person with  
14 management responsibility, (ii) an officer or member of the  
15 board of directors of an applicant, (iii) an entity owning  
16 (directly or indirectly) 5% or more of the shares of stock  
17 or other evidences of ownership in a corporate vendor, (iv)  
18 an owner of a sole proprietorship, (v) a partner in a  
19 partnership vendor, (vi) a technical or other advisor to a  
20 vendor, during a period of time where the conduct of that  
21 vendor resulted in a debt owed to the Illinois Department,  
22 and no payment arrangements acceptable to the Illinois  
23 Department have been made by that vendor.

24 (3) There is a credible allegation of the use,  
25 transfer, or lease of assets of any kind to an applicant  
26 from a current or prior vendor who has a debt owed to the

1 Illinois Department, no payment arrangements acceptable to  
2 the Illinois Department have been made by that vendor or  
3 the vendor's alternate payee, and the applicant knows or  
4 should have known of such debt.

5 (4) There is a credible allegation of a transfer of  
6 management responsibilities, or direct or indirect  
7 ownership, to an applicant from a current or prior vendor  
8 who has a debt owed to the Illinois Department, and no  
9 payment arrangements acceptable to the Illinois Department  
10 have been made by that vendor or the vendor's alternate  
11 payee, and the applicant knows or should have known of such  
12 debt.

13 (5) There is a credible allegation of the use,  
14 transfer, or lease of assets of any kind to an applicant  
15 who is a spouse, child, brother, sister, parent,  
16 grandparent, grandchild, uncle, aunt, niece, relative by  
17 marriage, nephew, cousin, or relative of a current or prior  
18 vendor who has a debt owed to the Illinois Department and  
19 no payment arrangements acceptable to the Illinois  
20 Department have been made.

21 (6) There is a credible allegation that the applicant's  
22 previous affiliations with a provider of medical services  
23 that has an uncollected debt, a provider that has been or  
24 is subject to a payment suspension under a federal health  
25 care program, or a provider that has been previously  
26 excluded from participation in the medical assistance

1 program, poses a risk of fraud, waste, or abuse to the  
2 Illinois Department.

3 As used in this subsection, "credible allegation" is  
4 defined to include an allegation from any source, including,  
5 but not limited to, fraud hotline complaints, claims data  
6 mining, patterns identified through provider audits, civil  
7 actions filed under the Illinois False Claims Act, and law  
8 enforcement investigations. An allegation is considered to be  
9 credible when it has indicia of reliability.

10 (B) The Illinois Department shall deny, suspend or  
11 terminate the eligibility of any person, firm, corporation,  
12 association, agency, institution or other legal entity to  
13 participate as a vendor of goods or services to recipients  
14 under the medical assistance program under Article V, or may  
15 exclude any such person or entity from participation as such a  
16 vendor:

17 (1) immediately, if such vendor is not properly  
18 licensed, certified, or authorized;

19 (2) within 30 days of the date when such vendor's  
20 professional license, certification or other authorization  
21 has been refused renewal, restricted, revoked, suspended,  
22 or otherwise terminated; or

23 (3) if such vendor has been convicted of a violation of  
24 this Code, as provided in Article VIII A.

25 (C) Upon termination, suspension, or exclusion of a vendor  
26 of goods or services from participation in the medical

1 assistance program authorized by this Article, a person with  
2 management responsibility for such vendor during the time of  
3 any conduct which served as the basis for that vendor's  
4 termination, suspension, or exclusion is barred from  
5 participation in the medical assistance program.

6 Upon termination, suspension, or exclusion of a corporate  
7 vendor, the officers and persons owning, directly or  
8 indirectly, 5% or more of the shares of stock or other  
9 evidences of ownership in the vendor during the time of any  
10 conduct which served as the basis for that vendor's  
11 termination, suspension, or exclusion are barred from  
12 participation in the medical assistance program. A person who  
13 owns, directly or indirectly, 5% or more of the shares of stock  
14 or other evidences of ownership in a terminated, suspended, or  
15 excluded vendor may not transfer his or her ownership interest  
16 in that vendor to his or her spouse, child, brother, sister,  
17 parent, grandparent, grandchild, uncle, aunt, niece, nephew,  
18 cousin, or relative by marriage.

19 Upon termination, suspension, or exclusion of a sole  
20 proprietorship or partnership, the owner or partners during the  
21 time of any conduct which served as the basis for that vendor's  
22 termination, suspension, or exclusion are barred from  
23 participation in the medical assistance program. The owner of a  
24 terminated, suspended, or excluded vendor that is a sole  
25 proprietorship, and a partner in a terminated, suspended, or  
26 excluded vendor that is a partnership, may not transfer his or

1 her ownership or partnership interest in that vendor to his or  
2 her spouse, child, brother, sister, parent, grandparent,  
3 grandchild, uncle, aunt, niece, nephew, cousin, or relative by  
4 marriage.

5 A person who owns, directly or indirectly, 5% or more of  
6 the shares of stock or other evidences of ownership in a  
7 corporate or limited liability company vendor who owes a debt  
8 to the Department, if that vendor has not made payment  
9 arrangements acceptable to the Department, shall not transfer  
10 his or her ownership interest in that vendor, or vendor assets  
11 of any kind, to his or her spouse, child, brother, sister,  
12 parent, grandparent, grandchild, uncle, aunt, niece, nephew,  
13 cousin, or relative by marriage.

14 Rules adopted by the Illinois Department to implement these  
15 provisions shall specifically include a definition of the term  
16 "management responsibility" as used in this Section. Such  
17 definition shall include, but not be limited to, typical job  
18 titles, and duties and descriptions which will be considered as  
19 within the definition of individuals with management  
20 responsibility for a provider.

21 A vendor or a prior vendor who has been terminated,  
22 excluded, or suspended from the medical assistance program, or  
23 from another state or federal medical assistance or health care  
24 program, and any individual currently or previously barred from  
25 the medical assistance program, or from another state or  
26 federal medical assistance or health care program, as a result



1 of being an officer or a person owning, directly or indirectly,  
2 5% or more of the shares of stock or other evidences of  
3 ownership in a corporate or limited liability company vendor  
4 during the time of any conduct which served as the basis for  
5 that vendor's termination, suspension, or exclusion, may be  
6 required to post a surety bond as part of a condition of  
7 enrollment or participation in the medical assistance program.  
8 The Illinois Department shall establish, by rule, the criteria  
9 and requirements for determining when a surety bond must be  
10 posted and the value of the bond.

11 A vendor or a prior vendor who has a debt owed to the  
12 Illinois Department and any individual currently or previously  
13 barred from the medical assistance program, or from another  
14 state or federal medical assistance or health care program, as  
15 a result of being an officer or a person owning, directly or  
16 indirectly, 5% or more of the shares of stock or other  
17 evidences of ownership in that corporate or limited liability  
18 company vendor during the time of any conduct which served as  
19 the basis for the debt, may be required to post a surety bond  
20 as part of a condition of enrollment or participation in the  
21 medical assistance program. The Illinois Department shall  
22 establish, by rule, the criteria and requirements for  
23 determining when a surety bond must be posted and the value of  
24 the bond.

25 (D) If a vendor has been suspended from the medical  
26 assistance program under Article V of the Code, the Director

1 may require that such vendor correct any deficiencies which  
2 served as the basis for the suspension. The Director shall  
3 specify in the suspension order a specific period of time,  
4 which shall not exceed one year from the date of the order,  
5 during which a suspended vendor shall not be eligible to  
6 participate. At the conclusion of the period of suspension the  
7 Director shall reinstate such vendor, unless he finds that such  
8 vendor has not corrected deficiencies upon which the suspension  
9 was based.

10 If a vendor has been terminated, suspended, or excluded  
11 from the medical assistance program under Article V, such  
12 vendor shall be barred from participation for at least one  
13 year, except that if a vendor has been terminated, suspended,  
14 or excluded based on a conviction of a violation of Article  
15 VIIIA or a conviction of a felony based on fraud or a willful  
16 misrepresentation related to (i) the medical assistance  
17 program under Article V, (ii) a federal or another state's  
18 medical assistance or health care program, or (iii) the  
19 provision of health care services, then the vendor shall be  
20 barred from participation for 5 years or for the length of the  
21 vendor's sentence for that conviction, whichever is longer. At  
22 the end of one year a vendor who has been terminated,  
23 suspended, or excluded may apply for reinstatement to the  
24 program. Upon proper application to be reinstated such vendor  
25 may be deemed eligible by the Director providing that such  
26 vendor meets the requirements for eligibility under this Code.

1 If such vendor is deemed not eligible for reinstatement, he  
2 shall be barred from again applying for reinstatement for one  
3 year from the date his application for reinstatement is denied.

4 A vendor whose termination, suspension, or exclusion from  
5 participation in the Illinois medical assistance program under  
6 Article V was based solely on an action by a governmental  
7 entity other than the Illinois Department may, upon  
8 reinstatement by that governmental entity or upon reversal of  
9 the termination, suspension, or exclusion, apply for  
10 rescission of the termination, suspension, or exclusion from  
11 participation in the Illinois medical assistance program. Upon  
12 proper application for rescission, the vendor may be deemed  
13 eligible by the Director if the vendor meets the requirements  
14 for eligibility under this Code.

15 If a vendor has been terminated, suspended, or excluded and  
16 reinstated to the medical assistance program under Article V  
17 and the vendor is terminated, suspended, or excluded a second  
18 or subsequent time from the medical assistance program, the  
19 vendor shall be barred from participation for at least 2 years,  
20 except that if a vendor has been terminated, suspended, or  
21 excluded a second time based on a conviction of a violation of  
22 Article VIII A or a conviction of a felony based on fraud or a  
23 willful misrepresentation related to (i) the medical  
24 assistance program under Article V, (ii) a federal or another  
25 state's medical assistance or health care program, or (iii) the  
26 provision of health care services, then the vendor shall be

1 barred from participation for life. At the end of 2 years, a  
2 vendor who has been terminated, suspended, or excluded may  
3 apply for reinstatement to the program. Upon application to be  
4 reinstated, the vendor may be deemed eligible if the vendor  
5 meets the requirements for eligibility under this Code. If the  
6 vendor is deemed not eligible for reinstatement, the vendor  
7 shall be barred from again applying for reinstatement for 2  
8 years from the date the vendor's application for reinstatement  
9 is denied.

10 (E) The Illinois Department may recover money improperly or  
11 erroneously paid, or overpayments, either by setoff, crediting  
12 against future billings or by requiring direct repayment to the  
13 Illinois Department. The Illinois Department may suspend or  
14 deny payment, in whole or in part, if such payment would be  
15 improper or erroneous or would otherwise result in overpayment.

16 (1) Payments may be suspended, denied, or recovered  
17 from a vendor or alternate payee: (i) for services rendered  
18 in violation of the Illinois Department's provider  
19 notices, statutes, rules, and regulations; (ii) for  
20 services rendered in violation of the terms and conditions  
21 prescribed by the Illinois Department in its vendor  
22 agreement; (iii) for any vendor who fails to grant the  
23 Office of Inspector General timely access to full and  
24 complete records, including, but not limited to, records  
25 relating to recipients under the medical assistance  
26 program for the most recent 6 years, in accordance with

1 Section 140.28 of Title 89 of the Illinois Administrative  
2 Code, and other information for the purpose of audits,  
3 investigations, or other program integrity functions,  
4 after reasonable written request by the Inspector General;  
5 this subsection (E) does not require vendors to make  
6 available the medical records of patients for whom services  
7 are not reimbursed under this Code or to provide access to  
8 medical records more than 6 years old; (iv) when the vendor  
9 has knowingly made, or caused to be made, any false  
10 statement or representation of a material fact in  
11 connection with the administration of the medical  
12 assistance program; or (v) when the vendor previously  
13 rendered services while terminated, suspended, or excluded  
14 from participation in the medical assistance program or  
15 while terminated or excluded from participation in another  
16 state or federal medical assistance or health care program.

17 (2) Notwithstanding any other provision of law, if a  
18 vendor has the same taxpayer identification number  
19 (assigned under Section 6109 of the Internal Revenue Code  
20 of 1986) as is assigned to a vendor with past-due financial  
21 obligations to the Illinois Department, the Illinois  
22 Department may make any necessary adjustments to payments  
23 to that vendor in order to satisfy any past-due  
24 obligations, regardless of whether the vendor is assigned a  
25 different billing number under the medical assistance  
26 program.

1           If the Illinois Department establishes through an  
2 administrative hearing that the overpayments resulted from the  
3 vendor or alternate payee knowingly making, using, or causing  
4 to be made or used, a false record or statement to obtain  
5 payment or other benefit from the medical assistance program  
6 under Article V, the Department may recover interest on the  
7 amount of the payment or other benefit at the rate of 5% per  
8 annum. In addition to any other penalties that may be  
9 prescribed by law, such a vendor or alternate payee shall be  
10 subject to civil penalties consisting of an amount not to  
11 exceed 3 times the amount of payment or other benefit resulting  
12 from each such false record or statement, and the sum of \$2,000  
13 for each such false record or statement for payment or other  
14 benefit. For purposes of this paragraph, "knowingly" means that  
15 a vendor or alternate payee with respect to information: (i)  
16 has actual knowledge of the information, (ii) acts in  
17 deliberate ignorance of the truth or falsity of the  
18 information, or (iii) acts in reckless disregard of the truth  
19 or falsity of the information. No proof of specific intent to  
20 defraud is required.

21           (F) The Illinois Department may withhold payments to any  
22 vendor or alternate payee prior to or during the pendency of  
23 any audit or proceeding under this Section, and through the  
24 pendency of any administrative appeal or administrative review  
25 by any court proceeding. The Illinois Department shall state by  
26 rule with as much specificity as practicable the conditions

1 under which payments will not be withheld under this Section.  
2 Payments may be denied for bills submitted with service dates  
3 occurring during the pendency of a proceeding, after a final  
4 decision has been rendered, or after the conclusion of any  
5 administrative appeal, where the final administrative decision  
6 is to terminate, exclude, or suspend eligibility to participate  
7 in the medical assistance program. The Illinois Department  
8 shall state by rule with as much specificity as practicable the  
9 conditions under which payments will not be denied for such  
10 bills. The Illinois Department shall state by rule a process  
11 and criteria by which a vendor or alternate payee may request  
12 full or partial release of payments withheld under this  
13 subsection. The Department must complete a proceeding under  
14 this Section in a timely manner.

15 Notwithstanding recovery allowed under subsection (E) or  
16 this subsection (F), the Illinois Department may withhold  
17 payments to any vendor or alternate payee who is not properly  
18 licensed, certified, or in compliance with State or federal  
19 agency regulations. Payments may be denied for bills submitted  
20 with service dates occurring during the period of time that a  
21 vendor is not properly licensed, certified, or in compliance  
22 with State or federal regulations. Facilities licensed under  
23 the Nursing Home Care Act shall have payments denied or  
24 withheld pursuant to subsection (I) of this Section.

25 (F-5) The Illinois Department may temporarily withhold  
26 payments to a vendor or alternate payee if any of the following

1 individuals have been indicted or otherwise charged under a law  
2 of the United States or this or any other state with an offense  
3 that is based on alleged fraud or willful misrepresentation on  
4 the part of the individual related to (i) the medical  
5 assistance program under Article V of this Code, (ii) a federal  
6 or another state's medical assistance or health care program,  
7 or (iii) the provision of health care services:

8 (1) If the vendor or alternate payee is a corporation:  
9 an officer of the corporation or an individual who owns,  
10 either directly or indirectly, 5% or more of the shares of  
11 stock or other evidence of ownership of the corporation.

12 (2) If the vendor is a sole proprietorship: the owner  
13 of the sole proprietorship.

14 (3) If the vendor or alternate payee is a partnership:  
15 a partner in the partnership.

16 (4) If the vendor or alternate payee is any other  
17 business entity authorized by law to transact business in  
18 this State: an officer of the entity or an individual who  
19 owns, either directly or indirectly, 5% or more of the  
20 evidences of ownership of the entity.

21 If the Illinois Department withholds payments to a vendor  
22 or alternate payee under this subsection, the Department shall  
23 not release those payments to the vendor or alternate payee  
24 while any criminal proceeding related to the indictment or  
25 charge is pending unless the Department determines that there  
26 is good cause to release the payments before completion of the



1 proceeding. If the indictment or charge results in the  
2 individual's conviction, the Illinois Department shall retain  
3 all withheld payments, which shall be considered forfeited to  
4 the Department. If the indictment or charge does not result in  
5 the individual's conviction, the Illinois Department shall  
6 release to the vendor or alternate payee all withheld payments.

7 (F-10) If the Illinois Department establishes that the  
8 vendor or alternate payee owes a debt to the Illinois  
9 Department, and the vendor or alternate payee subsequently  
10 fails to pay or make satisfactory payment arrangements with the  
11 Illinois Department for the debt owed, the Illinois Department  
12 may seek all remedies available under the law of this State to  
13 recover the debt, including, but not limited to, wage  
14 garnishment or the filing of claims or liens against the vendor  
15 or alternate payee.

16 (F-15) Enforcement of judgment.

17 (1) Any fine, recovery amount, other sanction, or costs  
18 imposed, or part of any fine, recovery amount, other  
19 sanction, or cost imposed, remaining unpaid after the  
20 exhaustion of or the failure to exhaust judicial review  
21 procedures under the Illinois Administrative Review Law is  
22 a debt due and owing the State and may be collected using  
23 all remedies available under the law.

24 (2) After expiration of the period in which judicial  
25 review under the Illinois Administrative Review Law may be  
26 sought for a final administrative decision, unless stayed

1 by a court of competent jurisdiction, the findings,  
2 decision, and order of the Director may be enforced in the  
3 same manner as a judgment entered by a court of competent  
4 jurisdiction.

5 (3) In any case in which any person or entity has  
6 failed to comply with a judgment ordering or imposing any  
7 fine or other sanction, any expenses incurred by the  
8 Illinois Department to enforce the judgment, including,  
9 but not limited to, attorney's fees, court costs, and costs  
10 related to property demolition or foreclosure, after they  
11 are fixed by a court of competent jurisdiction or the  
12 Director, shall be a debt due and owing the State and may  
13 be collected in accordance with applicable law. Prior to  
14 any expenses being fixed by a final administrative decision  
15 pursuant to this subsection (F-15), the Illinois  
16 Department shall provide notice to the individual or entity  
17 that states that the individual or entity shall appear at a  
18 hearing before the administrative hearing officer to  
19 determine whether the individual or entity has failed to  
20 comply with the judgment. The notice shall set the date for  
21 such a hearing, which shall not be less than 7 days from  
22 the date that notice is served. If notice is served by  
23 mail, the 7-day period shall begin to run on the date that  
24 the notice was deposited in the mail.

25 (4) Upon being recorded in the manner required by  
26 Article XII of the Code of Civil Procedure or by the

1 Uniform Commercial Code, a lien shall be imposed on the  
2 real estate or personal estate, or both, of the individual  
3 or entity in the amount of any debt due and owing the State  
4 under this Section. The lien may be enforced in the same  
5 manner as a judgment of a court of competent jurisdiction.  
6 A lien shall attach to all property and assets of such  
7 person, firm, corporation, association, agency,  
8 institution, or other legal entity until the judgment is  
9 satisfied.

10 (5) The Director may set aside any judgment entered by  
11 default and set a new hearing date upon a petition filed at  
12 any time (i) if the petitioner's failure to appear at the  
13 hearing was for good cause, or (ii) if the petitioner  
14 established that the Department did not provide proper  
15 service of process. If any judgment is set aside pursuant  
16 to this paragraph (5), the hearing officer shall have  
17 authority to enter an order extinguishing any lien which  
18 has been recorded for any debt due and owing the Illinois  
19 Department as a result of the vacated default judgment.

20 (G) The provisions of the Administrative Review Law, as now  
21 or hereafter amended, and the rules adopted pursuant thereto,  
22 shall apply to and govern all proceedings for the judicial  
23 review of final administrative decisions of the Illinois  
24 Department under this Section. The term "administrative  
25 decision" is defined as in Section 3-101 of the Code of Civil  
26 Procedure.

1 (G-5) Vendors who pose a risk of fraud, waste, abuse, or  
2 harm.

3 (1) Notwithstanding any other provision in this  
4 Section, the Department may terminate, suspend, or exclude  
5 vendors who pose a risk of fraud, waste, abuse, or harm  
6 from participation in the medical assistance program prior  
7 to an evidentiary hearing but after reasonable notice and  
8 opportunity to respond as established by the Department by  
9 rule.

10 (2) Vendors who pose a risk of fraud, waste, abuse, or  
11 harm shall submit to a fingerprint-based criminal  
12 background check on current and future information  
13 available in the State system and current information  
14 available through the Federal Bureau of Investigation's  
15 system by submitting all necessary fees and information in  
16 the form and manner prescribed by the Department of State  
17 Police. The following individuals shall be subject to the  
18 check:

19 (A) In the case of a vendor that is a corporation,  
20 every shareholder who owns, directly or indirectly, 5%  
21 or more of the outstanding shares of the corporation.

22 (B) In the case of a vendor that is a partnership,  
23 every partner.

24 (C) In the case of a vendor that is a sole  
25 proprietorship, the sole proprietor.

26 (D) Each officer or manager of the vendor.

1           Each such vendor shall be responsible for payment of  
2           the cost of the criminal background check.

3           (3) Vendors who pose a risk of fraud, waste, abuse, or  
4           harm may be required to post a surety bond. The Department  
5           shall establish, by rule, the criteria and requirements for  
6           determining when a surety bond must be posted and the value  
7           of the bond.

8           (4) The Department, or its agents, may refuse to accept  
9           requests for authorization from specific vendors who pose a  
10          risk of fraud, waste, abuse, or harm, including  
11          prior-approval and post-approval requests, if:

12           (A) the Department has initiated a notice of  
13           termination, suspension, or exclusion of the vendor  
14           from participation in the medical assistance program;  
15           or

16           (B) the Department has issued notification of its  
17           withholding of payments pursuant to subsection (F-5)  
18           of this Section; or

19           (C) the Department has issued a notification of its  
20           withholding of payments due to reliable evidence of  
21           fraud or willful misrepresentation pending  
22           investigation.

23          (5) As used in this subsection, the following terms are  
24          defined as follows:

25           (A) "Fraud" means an intentional deception or  
26           misrepresentation made by a person with the knowledge

1           that the deception could result in some unauthorized  
2           benefit to himself or herself or some other person. It  
3           includes any act that constitutes fraud under  
4           applicable federal or State law.

5           (B) "Abuse" means provider practices that are  
6           inconsistent with sound fiscal, business, or medical  
7           practices and that result in an unnecessary cost to the  
8           medical assistance program or in reimbursement for  
9           services that are not medically necessary or that fail  
10          to meet professionally recognized standards for health  
11          care. It also includes recipient practices that result  
12          in unnecessary cost to the medical assistance program.  
13          Abuse does not include diagnostic or therapeutic  
14          measures conducted primarily as a safeguard against  
15          possible vendor liability.

16          (C) "Waste" means the unintentional misuse of  
17          medical assistance resources, resulting in unnecessary  
18          cost to the medical assistance program. Waste does not  
19          include diagnostic or therapeutic measures conducted  
20          primarily as a safeguard against possible vendor  
21          liability.

22          (D) "Harm" means physical, mental, or monetary  
23          damage to recipients or to the medical assistance  
24          program.

25           (G-6) The Illinois Department, upon making a determination  
26          based upon information in the possession of the Illinois

1 Department that continuation of participation in the medical  
2 assistance program by a vendor would constitute an immediate  
3 danger to the public, may immediately suspend such vendor's  
4 participation in the medical assistance program without a  
5 hearing. In instances in which the Illinois Department  
6 immediately suspends the medical assistance program  
7 participation of a vendor under this Section, a hearing upon  
8 the vendor's participation must be convened by the Illinois  
9 Department within 15 days after such suspension and completed  
10 without appreciable delay. Such hearing shall be held to  
11 determine whether to recommend to the Director that the  
12 vendor's medical assistance program participation be denied,  
13 terminated, suspended, placed on provisional status, or  
14 reinstated. In the hearing, any evidence relevant to the vendor  
15 constituting an immediate danger to the public may be  
16 introduced against such vendor; provided, however, that the  
17 vendor, or his or her counsel, shall have the opportunity to  
18 discredit, impeach, and submit evidence rebutting such  
19 evidence.

20 (H) Nothing contained in this Code shall in any way limit  
21 or otherwise impair the authority or power of any State agency  
22 responsible for licensing of vendors.

23 (I) Based on a finding of noncompliance on the part of a  
24 nursing home with any requirement for certification under Title  
25 XVIII or XIX of the Social Security Act (42 U.S.C. Sec. 1395 et  
26 seq. or 42 U.S.C. Sec. 1396 et seq.), the Illinois Department

1 may impose one or more of the following remedies after notice  
2 to the facility:

3 (1) Termination of the provider agreement.

4 (2) Temporary management.

5 (3) Denial of payment for new admissions.

6 (4) Civil money penalties.

7 (5) Closure of the facility in emergency situations or  
8 transfer of residents, or both.

9 (6) State monitoring.

10 (7) Denial of all payments when the U.S. Department of  
11 Health and Human Services has imposed this sanction.

12 The Illinois Department shall by rule establish criteria  
13 governing continued payments to a nursing facility subsequent  
14 to termination of the facility's provider agreement if, in the  
15 sole discretion of the Illinois Department, circumstances  
16 affecting the health, safety, and welfare of the facility's  
17 residents require those continued payments. The Illinois  
18 Department may condition those continued payments on the  
19 appointment of temporary management, sale of the facility to  
20 new owners or operators, or other arrangements that the  
21 Illinois Department determines best serve the needs of the  
22 facility's residents.

23 Except in the case of a facility that has a right to a  
24 hearing on the finding of noncompliance before an agency of the  
25 federal government, a facility may request a hearing before a  
26 State agency on any finding of noncompliance within 60 days



1 after the notice of the intent to impose a remedy. Except in  
2 the case of civil money penalties, a request for a hearing  
3 shall not delay imposition of the penalty. The choice of  
4 remedies is not appealable at a hearing. The level of  
5 noncompliance may be challenged only in the case of a civil  
6 money penalty. The Illinois Department shall provide by rule  
7 for the State agency that will conduct the evidentiary  
8 hearings.

9 The Illinois Department may collect interest on unpaid  
10 civil money penalties.

11 The Illinois Department may adopt all rules necessary to  
12 implement this subsection (I).

13 (J) The Illinois Department, by rule, may permit individual  
14 practitioners to designate that Department payments that may be  
15 due the practitioner be made to an alternate payee or alternate  
16 payees.

17 (a) Such alternate payee or alternate payees shall be  
18 required to register as an alternate payee in the Medical  
19 Assistance Program with the Illinois Department.

20 (b) If a practitioner designates an alternate payee,  
21 the alternate payee and practitioner shall be jointly and  
22 severally liable to the Department for payments made to the  
23 alternate payee. Pursuant to subsection (E) of this  
24 Section, any Department action to suspend or deny payment  
25 or recover money or overpayments from an alternate payee  
26 shall be subject to an administrative hearing.

1           (c) Registration as an alternate payee or alternate  
2 payees in the Illinois Medical Assistance Program shall be  
3 conditional. At any time, the Illinois Department may deny  
4 or cancel any alternate payee's registration in the  
5 Illinois Medical Assistance Program without cause. Any  
6 such denial or cancellation is not subject to an  
7 administrative hearing.

8           (d) The Illinois Department may seek a revocation of  
9 any alternate payee, and all owners, officers, and  
10 individuals with management responsibility for such  
11 alternate payee shall be permanently prohibited from  
12 participating as an owner, an officer, or an individual  
13 with management responsibility with an alternate payee in  
14 the Illinois Medical Assistance Program, if after  
15 reasonable notice and opportunity for a hearing the  
16 Illinois Department finds that:

17           (1) the alternate payee is not complying with the  
18 Department's policy or rules and regulations, or with  
19 the terms and conditions prescribed by the Illinois  
20 Department in its alternate payee registration  
21 agreement; or

22           (2) the alternate payee has failed to keep or make  
23 available for inspection, audit, or copying, after  
24 receiving a written request from the Illinois  
25 Department, such records regarding payments claimed as  
26 an alternate payee; or

1           (3) the alternate payee has failed to furnish any  
2 information requested by the Illinois Department  
3 regarding payments claimed as an alternate payee; or

4           (4) the alternate payee has knowingly made, or  
5 caused to be made, any false statement or  
6 representation of a material fact in connection with  
7 the administration of the Illinois Medical Assistance  
8 Program; or

9           (5) the alternate payee, a person with management  
10 responsibility for an alternate payee, an officer or  
11 person owning, either directly or indirectly, 5% or  
12 more of the shares of stock or other evidences of  
13 ownership in a corporate alternate payee, or a partner  
14 in a partnership which is an alternate payee:

15           (a) was previously terminated, suspended, or  
16 excluded from participation as a vendor in the  
17 Illinois Medical Assistance Program, or was  
18 previously revoked as an alternate payee in the  
19 Illinois Medical Assistance Program, or was  
20 terminated, suspended, or excluded from  
21 participation as a vendor in a medical assistance  
22 program in another state that is of the same kind  
23 as the program of medical assistance provided  
24 under Article V of this Code; or

25           (b) was a person with management  
26 responsibility for a vendor previously terminated,

1           suspended, or excluded from participation as a  
2           vendor in the Illinois Medical Assistance Program,  
3           or was previously revoked as an alternate payee in  
4           the Illinois Medical Assistance Program, or was  
5           terminated, suspended, or excluded from  
6           participation as a vendor in a medical assistance  
7           program in another state that is of the same kind  
8           as the program of medical assistance provided  
9           under Article V of this Code, during the time of  
10          conduct which was the basis for that vendor's  
11          termination, suspension, or exclusion or alternate  
12          payee's revocation; or

13           (c) was an officer, or person owning, either  
14          directly or indirectly, 5% or more of the shares of  
15          stock or other evidences of ownership in a  
16          corporate vendor previously terminated, suspended,  
17          or excluded from participation as a vendor in the  
18          Illinois Medical Assistance Program, or was  
19          previously revoked as an alternate payee in the  
20          Illinois Medical Assistance Program, or was  
21          terminated, suspended, or excluded from  
22          participation as a vendor in a medical assistance  
23          program in another state that is of the same kind  
24          as the program of medical assistance provided  
25          under Article V of this Code, during the time of  
26          conduct which was the basis for that vendor's

1 termination, suspension, or exclusion; or

2 (d) was an owner of a sole proprietorship or  
3 partner in a partnership previously terminated,  
4 suspended, or excluded from participation as a  
5 vendor in the Illinois Medical Assistance Program,  
6 or was previously revoked as an alternate payee in  
7 the Illinois Medical Assistance Program, or was  
8 terminated, suspended, or excluded from  
9 participation as a vendor in a medical assistance  
10 program in another state that is of the same kind  
11 as the program of medical assistance provided  
12 under Article V of this Code, during the time of  
13 conduct which was the basis for that vendor's  
14 termination, suspension, or exclusion or alternate  
15 payee's revocation; or

16 (6) the alternate payee, a person with management  
17 responsibility for an alternate payee, an officer or  
18 person owning, either directly or indirectly, 5% or  
19 more of the shares of stock or other evidences of  
20 ownership in a corporate alternate payee, or a partner  
21 in a partnership which is an alternate payee:

22 (a) has engaged in conduct prohibited by  
23 applicable federal or State law or regulation  
24 relating to the Illinois Medical Assistance  
25 Program; or

26 (b) was a person with management

1 responsibility for a vendor or alternate payee at  
2 the time that the vendor or alternate payee engaged  
3 in practices prohibited by applicable federal or  
4 State law or regulation relating to the Illinois  
5 Medical Assistance Program; or

6 (c) 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 vendor  
9 or alternate payee at the time such vendor or  
10 alternate payee engaged in practices prohibited by  
11 applicable federal or State law or regulation  
12 relating to the Illinois Medical Assistance  
13 Program; or

14 (d) was an owner of a sole proprietorship or  
15 partner in a partnership which was a vendor or  
16 alternate payee at the time such vendor or  
17 alternate payee engaged in practices prohibited by  
18 applicable federal or State law or regulation  
19 relating to the Illinois Medical Assistance  
20 Program; or

21 (7) the direct or indirect ownership of the vendor  
22 or alternate payee (including the ownership of a vendor  
23 or alternate payee that is a partner's interest in a  
24 vendor or alternate payee, or ownership of 5% or more  
25 of the shares of stock or other evidences of ownership  
26 in a corporate vendor or alternate payee) has been

1 transferred by an individual who is terminated,  
2 suspended, or excluded or barred from participating as  
3 a vendor or is prohibited or revoked as an alternate  
4 payee to the individual's spouse, child, brother,  
5 sister, parent, grandparent, grandchild, uncle, aunt,  
6 niece, nephew, cousin, or relative by marriage.

7 (K) The Illinois Department of Healthcare and Family  
8 Services may withhold payments, in whole or in part, to a  
9 provider or alternate payee where there is credible evidence,  
10 received from State or federal law enforcement or federal  
11 oversight agencies or from the results of a preliminary  
12 Department audit, that the circumstances giving rise to the  
13 need for a withholding of payments may involve fraud or willful  
14 misrepresentation under the Illinois Medical Assistance  
15 program. The Department shall by rule define what constitutes  
16 "credible" evidence for purposes of this subsection. The  
17 Department may withhold payments without first notifying the  
18 provider or alternate payee of its intention to withhold such  
19 payments. A provider or alternate payee may request a  
20 reconsideration of payment withholding, and the Department  
21 must grant such a request. The Department shall state by rule a  
22 process and criteria by which a provider or alternate payee may  
23 request full or partial release of payments withheld under this  
24 subsection. This request may be made at any time after the  
25 Department first withholds such payments.

26 (a) The Illinois Department must send notice of its

1 withholding of program payments within 5 days of taking  
2 such action. The notice must set forth the general  
3 allegations as to the nature of the withholding action, but  
4 need not disclose any specific information concerning its  
5 ongoing investigation. The notice must do all of the  
6 following:

7 (1) State that payments are being withheld in  
8 accordance with this subsection.

9 (2) State that the withholding is for a temporary  
10 period, as stated in paragraph (b) of this subsection,  
11 and cite the circumstances under which withholding  
12 will be terminated.

13 (3) Specify, when appropriate, which type or types  
14 of Medicaid claims withholding is effective.

15 (4) Inform the provider or alternate payee of the  
16 right to submit written evidence for reconsideration  
17 of the withholding by the Illinois Department.

18 (5) Inform the provider or alternate payee that a  
19 written request may be made to the Illinois Department  
20 for full or partial release of withheld payments and  
21 that such requests may be made at any time after the  
22 Department first withholds such payments.

23 (b) All withholding-of-payment actions under this  
24 subsection shall be temporary and shall not continue after  
25 any of the following:

26 (1) The Illinois Department or the prosecuting



1 authorities determine that there is insufficient  
2 evidence of fraud or willful misrepresentation by the  
3 provider or alternate payee.

4 (2) Legal proceedings related to the provider's or  
5 alternate payee's alleged fraud, willful  
6 misrepresentation, violations of this Act, or  
7 violations of the Illinois Department's administrative  
8 rules are completed.

9 (3) The withholding of payments for a period of 3  
10 years.

11 (c) The Illinois Department may adopt all rules  
12 necessary to implement this subsection (K).

13 (K-5) The Illinois Department may withhold payments, in  
14 whole or in part, to a provider or alternate payee upon  
15 initiation of an audit, quality of care review, investigation  
16 when there is a credible allegation of fraud, or the provider  
17 or alternate payee demonstrating a clear failure to cooperate  
18 with the Illinois Department such that the circumstances give  
19 rise to the need for a withholding of payments. As used in this  
20 subsection, "credible allegation" is defined to include an  
21 allegation from any source, including, but not limited to,  
22 fraud hotline complaints, claims data mining, patterns  
23 identified through provider audits, civil actions filed under  
24 the Illinois False Claims Act, and law enforcement  
25 investigations. An allegation is considered to be credible when  
26 it has indicia of reliability. The Illinois Department may

1 withhold payments without first notifying the provider or  
2 alternate payee of its intention to withhold such payments. A  
3 provider or alternate payee may request a hearing or a  
4 reconsideration of payment withholding, and the Illinois  
5 Department must grant such a request. The Illinois Department  
6 shall state by rule a process and criteria by which a provider  
7 or alternate payee may request a hearing or a reconsideration  
8 for the full or partial release of payments withheld under this  
9 subsection. This request may be made at any time after the  
10 Illinois Department first withholds such payments.

11 (a) The Illinois Department must send notice of its  
12 withholding of program payments within 5 days of taking  
13 such action. The notice must set forth the general  
14 allegations as to the nature of the withholding action but  
15 need not disclose any specific information concerning its  
16 ongoing investigation. The notice must do all of the  
17 following:

18 (1) State that payments are being withheld in  
19 accordance with this subsection.

20 (2) State that the withholding is for a temporary  
21 period, as stated in paragraph (b) of this subsection,  
22 and cite the circumstances under which withholding  
23 will be terminated.

24 (3) Specify, when appropriate, which type or types  
25 of claims are withheld.

26 (4) Inform the provider or alternate payee of the

1 right to request a hearing or a reconsideration of the  
2 withholding by the Illinois Department, including the  
3 ability to submit written evidence.

4 (5) Inform the provider or alternate payee that a  
5 written request may be made to the Illinois Department  
6 for a hearing or a reconsideration for the full or  
7 partial release of withheld payments and that such  
8 requests may be made at any time after the Illinois  
9 Department first withholds such payments.

10 (b) All withholding of payment actions under this  
11 subsection shall be temporary and shall not continue after  
12 any of the following:

13 (1) The Illinois Department determines that there  
14 is insufficient evidence of fraud, or the provider or  
15 alternate payee demonstrates clear cooperation with  
16 the Illinois Department, as determined by the Illinois  
17 Department, such that the circumstances do not give  
18 rise to the need for withholding of payments; or

19 (2) The withholding of payments has lasted for a  
20 period in excess of 3 years.

21 (c) The Illinois Department may adopt all rules  
22 necessary to implement this subsection (K-5).

23 (L) The Illinois Department shall establish a protocol to  
24 enable health care providers to disclose an actual or potential  
25 violation of this Section pursuant to a self-referral  
26 disclosure protocol, referred to in this subsection as "the

1 protocol". The protocol shall include direction for health care  
2 providers on a specific person, official, or office to whom  
3 such disclosures shall be made. The Illinois Department shall  
4 post information on the protocol on the Illinois Department's  
5 public website. The Illinois Department may adopt rules  
6 necessary to implement this subsection (L). In addition to  
7 other factors that the Illinois Department finds appropriate,  
8 the Illinois Department may consider a health care provider's  
9 timely use or failure to use the protocol in considering the  
10 provider's failure to comply with this Code.

11 (M) Notwithstanding any other provision of this Code, the  
12 Illinois Department, at its discretion, may exempt an entity  
13 licensed under the Nursing Home Care Act and the ID/DD  
14 Community Care Act from the provisions of subsections (A-15),  
15 (B), and (C) of this Section if the licensed entity is in  
16 receivership.

17 (Source: P.A. 97-689, eff. 6-14-12; revised 8-3-12.)

18 Section 510. The Abandoned Newborn Infant Protection Act is  
19 amended by changing Section 25 as follows:

20 (325 ILCS 2/25)

21 Sec. 25. Immunity for relinquishing person.

22 (a) The act of relinquishing a newborn infant to a  
23 hospital, police station, fire station, or emergency medical  
24 facility in accordance with this Act does not, by itself,

1 constitute a basis for a finding of abuse, neglect, or  
2 abandonment of the infant pursuant to the laws of this State  
3 nor does it, by itself, constitute a violation of Section 12C-5  
4 or 12C-10 of the Criminal Code of 2012 ~~1961~~.

5 (b) If there is suspected child abuse or neglect that is  
6 not based solely on the newborn infant's relinquishment to a  
7 hospital, police station, fire station, or emergency medical  
8 facility, the personnel of the hospital, police station, fire  
9 station, or emergency medical facility who are mandated  
10 reporters under the Abused and Neglected Child Reporting Act  
11 must report the abuse or neglect pursuant to that Act.

12 (c) Neither a child protective investigation nor a criminal  
13 investigation may be initiated solely because a newborn infant  
14 is relinquished pursuant to this Act.

15 (Source: P.A. 97-1109, eff. 1-1-13.)

16 Section 515. The Abused and Neglected Child Reporting Act  
17 is amended by changing Sections 3, 4, 4.5, 7, 7.6, and 7.8 as  
18 follows:

19 (325 ILCS 5/3) (from Ch. 23, par. 2053)

20 Sec. 3. As used in this Act unless the context otherwise  
21 requires:

22 "Adult resident" means any person between 18 and 22 years  
23 of age who resides in any facility licensed by the Department  
24 under the Child Care Act of 1969. For purposes of this Act, the

1 criteria set forth in the definitions of "abused child" and  
2 "neglected child" shall be used in determining whether an adult  
3 resident is abused or neglected.

4 "Blatant disregard" means an incident where the real,  
5 significant, and imminent risk of harm would be so obvious to a  
6 reasonable parent or caretaker that it is unlikely that a  
7 reasonable parent or caretaker would have exposed the child to  
8 the danger without exercising precautionary measures to  
9 protect the child from harm.

10 "Child" means any person under the age of 18 years, unless  
11 legally emancipated by reason of marriage or entry into a  
12 branch of the United States armed services.

13 "Department" means Department of Children and Family  
14 Services.

15 "Local law enforcement agency" means the police of a city,  
16 town, village or other incorporated area or the sheriff of an  
17 unincorporated area or any sworn officer of the Illinois  
18 Department of State Police.

19 "Abused child" means a child whose parent or immediate  
20 family member, or any person responsible for the child's  
21 welfare, or any individual residing in the same home as the  
22 child, or a paramour of the child's parent:

23 (a) inflicts, causes to be inflicted, or allows to be  
24 inflicted upon such child physical injury, by other than  
25 accidental means, which causes death, disfigurement,  
26 impairment of physical or emotional health, or loss or

1 impairment of any bodily function;

2 (b) creates a substantial risk of physical injury to  
3 such child by other than accidental means which would be  
4 likely to cause death, disfigurement, impairment of  
5 physical or emotional health, or loss or impairment of any  
6 bodily function;

7 (c) commits or allows to be committed any sex offense  
8 against such child, as such sex offenses are defined in the  
9 Criminal Code of 2012 ~~1961, as amended,~~ or in the Wrongs to  
10 Children Act, and extending those definitions of sex  
11 offenses to include children under 18 years of age;

12 (d) commits or allows to be committed an act or acts of  
13 torture upon such child;

14 (e) inflicts excessive corporal punishment;

15 (f) commits or allows to be committed the offense of  
16 female genital mutilation, as defined in Section 12-34 of  
17 the Criminal Code of 2012 ~~1961,~~ against the child;

18 (g) causes to be sold, transferred, distributed, or  
19 given to such child under 18 years of age, a controlled  
20 substance as defined in Section 102 of the Illinois  
21 Controlled Substances Act in violation of Article IV of the  
22 Illinois Controlled Substances Act or in violation of the  
23 Methamphetamine Control and Community Protection Act,  
24 except for controlled substances that are prescribed in  
25 accordance with Article III of the Illinois Controlled  
26 Substances Act and are dispensed to such child in a manner

1 that substantially complies with the prescription; or

2 (h) commits or allows to be committed the offense of  
3 involuntary servitude, involuntary sexual servitude of a  
4 minor, or trafficking in persons as defined in Section 10-9  
5 of the Criminal Code of 2012 ~~1961~~ against the child.

6 A child shall not be considered abused for the sole reason  
7 that the child has been relinquished in accordance with the  
8 Abandoned Newborn Infant Protection Act.

9 "Neglected child" means any child who is not receiving the  
10 proper or necessary nourishment or medically indicated  
11 treatment including food or care not provided solely on the  
12 basis of the present or anticipated mental or physical  
13 impairment as determined by a physician acting alone or in  
14 consultation with other physicians or otherwise is not  
15 receiving the proper or necessary support or medical or other  
16 remedial care recognized under State law as necessary for a  
17 child's well-being, or other care necessary for his or her  
18 well-being, including adequate food, clothing and shelter; or  
19 who is subjected to an environment which is injurious insofar  
20 as (i) the child's environment creates a likelihood of harm to  
21 the child's health, physical well-being, or welfare and (ii)  
22 the likely harm to the child is the result of a blatant  
23 disregard of parent or caretaker responsibilities; or who is  
24 abandoned by his or her parents or other person responsible for  
25 the child's welfare without a proper plan of care; or who has  
26 been provided with interim crisis intervention services under



1 Section 3-5 of the Juvenile Court Act of 1987 and whose parent,  
2 guardian, or custodian refuses to permit the child to return  
3 home and no other living arrangement agreeable to the parent,  
4 guardian, or custodian can be made, and the parent, guardian,  
5 or custodian has not made any other appropriate living  
6 arrangement for the child; or who is a newborn infant whose  
7 blood, urine, or meconium contains any amount of a controlled  
8 substance as defined in subsection (f) of Section 102 of the  
9 Illinois Controlled Substances Act or a metabolite thereof,  
10 with the exception of a controlled substance or metabolite  
11 thereof whose presence in the newborn infant is the result of  
12 medical treatment administered to the mother or the newborn  
13 infant. A child shall not be considered neglected for the sole  
14 reason that the child's parent or other person responsible for  
15 his or her welfare has left the child in the care of an adult  
16 relative for any period of time. A child shall not be  
17 considered neglected for the sole reason that the child has  
18 been relinquished in accordance with the Abandoned Newborn  
19 Infant Protection Act. A child shall not be considered  
20 neglected or abused for the sole reason that such child's  
21 parent or other person responsible for his or her welfare  
22 depends upon spiritual means through prayer alone for the  
23 treatment or cure of disease or remedial care as provided under  
24 Section 4 of this Act. A child shall not be considered  
25 neglected or abused solely because the child is not attending  
26 school in accordance with the requirements of Article 26 of The

1 School Code, as amended.

2 "Child Protective Service Unit" means certain specialized  
3 State employees of the Department assigned by the Director to  
4 perform the duties and responsibilities as provided under  
5 Section 7.2 of this Act.

6 "Person responsible for the child's welfare" means the  
7 child's parent; guardian; foster parent; relative caregiver;  
8 any person responsible for the child's welfare in a public or  
9 private residential agency or institution; any person  
10 responsible for the child's welfare within a public or private  
11 profit or not for profit child care facility; or any other  
12 person responsible for the child's welfare at the time of the  
13 alleged abuse or neglect, including any person that is the  
14 custodian of a child under 18 years of age who commits or  
15 allows to be committed, against the child, the offense of  
16 involuntary servitude, involuntary sexual servitude of a  
17 minor, or trafficking in persons for forced labor or services,  
18 as provided in Section 10-9 of the Criminal Code of 2012 ~~1961~~,  
19 or any person who came to know the child through an official  
20 capacity or position of trust, including but not limited to  
21 health care professionals, educational personnel, recreational  
22 supervisors, members of the clergy, and volunteers or support  
23 personnel in any setting where children may be subject to abuse  
24 or neglect.

25 "Temporary protective custody" means custody within a  
26 hospital or other medical facility or a place previously

1 designated for such custody by the Department, subject to  
2 review by the Court, including a licensed foster home, group  
3 home, or other institution; but such place shall not be a jail  
4 or other place for the detention of criminal or juvenile  
5 offenders.

6 "An unfounded report" means any report made under this Act  
7 for which it is determined after an investigation that no  
8 credible evidence of abuse or neglect exists.

9 "An indicated report" means a report made under this Act if  
10 an investigation determines that credible evidence of the  
11 alleged abuse or neglect exists.

12 "An undetermined report" means any report made under this  
13 Act in which it was not possible to initiate or complete an  
14 investigation on the basis of information provided to the  
15 Department.

16 "Subject of report" means any child reported to the central  
17 register of child abuse and neglect established under Section  
18 7.7 of this Act as an alleged victim of child abuse or neglect  
19 and the parent or guardian of the alleged victim or other  
20 person responsible for the alleged victim's welfare who is  
21 named in the report or added to the report as an alleged  
22 perpetrator of child abuse or neglect.

23 "Perpetrator" means a person who, as a result of  
24 investigation, has been determined by the Department to have  
25 caused child abuse or neglect.

26 "Member of the clergy" means a clergyman or practitioner of

1 any religious denomination accredited by the religious body to  
2 which he or she belongs.

3 (Source: P.A. 96-1196, eff. 1-1-11; 96-1446, eff. 8-20-10;  
4 96-1464, eff. 8-20-10; 97-333, eff. 8-12-11; 97-803, eff.  
5 7-13-12; 97-897, eff. 1-1-13; 97-1063, eff. 8-24-12; revised  
6 9-20-12.)

7 (325 ILCS 5/4) (from Ch. 23, par. 2054)

8 Sec. 4. Persons required to report; privileged  
9 communications; transmitting false report. Any physician,  
10 resident, intern, hospital, hospital administrator and  
11 personnel engaged in examination, care and treatment of  
12 persons, surgeon, dentist, dentist hygienist, osteopath,  
13 chiropractor, podiatrist, physician assistant, substance abuse  
14 treatment personnel, funeral home director or employee,  
15 coroner, medical examiner, emergency medical technician,  
16 acupuncturist, crisis line or hotline personnel, school  
17 personnel (including administrators and both certified and  
18 non-certified school employees), personnel of institutions of  
19 higher education, educational advocate assigned to a child  
20 pursuant to the School Code, member of a school board or the  
21 Chicago Board of Education or the governing body of a private  
22 school (but only to the extent required in accordance with  
23 other provisions of this Section expressly concerning the duty  
24 of school board members to report suspected child abuse),  
25 truant officers, social worker, social services administrator,

1 domestic violence program personnel, registered nurse,  
2 licensed practical nurse, genetic counselor, respiratory care  
3 practitioner, advanced practice nurse, home health aide,  
4 director or staff assistant of a nursery school or a child day  
5 care center, recreational or athletic program or facility  
6 personnel, early intervention provider as defined in the Early  
7 Intervention Services System Act, law enforcement officer,  
8 licensed professional counselor, licensed clinical  
9 professional counselor, registered psychologist and assistants  
10 working under the direct supervision of a psychologist,  
11 psychiatrist, or field personnel of the Department of  
12 Healthcare and Family Services, Juvenile Justice, Public  
13 Health, Human Services (acting as successor to the Department  
14 of Mental Health and Developmental Disabilities,  
15 Rehabilitation Services, or Public Aid), Corrections, Human  
16 Rights, or Children and Family Services, supervisor and  
17 administrator of general assistance under the Illinois Public  
18 Aid Code, probation officer, animal control officer or Illinois  
19 Department of Agriculture Bureau of Animal Health and Welfare  
20 field investigator, or any other foster parent, homemaker or  
21 child care worker having reasonable cause to believe a child  
22 known to them in their professional or official capacity may be  
23 an abused child or a neglected child shall immediately report  
24 or cause a report to be made to the Department.

25 Any member of the clergy having reasonable cause to believe  
26 that a child known to that member of the clergy in his or her

1 professional capacity may be an abused child as defined in item  
2 (c) of the definition of "abused child" in Section 3 of this  
3 Act shall immediately report or cause a report to be made to  
4 the Department.

5 Any physician, physician's assistant, registered nurse,  
6 licensed practical nurse, medical technician, certified  
7 nursing assistant, social worker, or licensed professional  
8 counselor of any office, clinic, or any other physical location  
9 that provides abortions, abortion referrals, or contraceptives  
10 having reasonable cause to believe a child known to him or her  
11 in his or her professional or official capacity may be an  
12 abused child or a neglected child shall immediately report or  
13 cause a report to be made to the Department.

14 If an allegation is raised to a school board member during  
15 the course of an open or closed school board meeting that a  
16 child who is enrolled in the school district of which he or she  
17 is a board member is an abused child as defined in Section 3 of  
18 this Act, the member shall direct or cause the school board to  
19 direct the superintendent of the school district or other  
20 equivalent school administrator to comply with the  
21 requirements of this Act concerning the reporting of child  
22 abuse. For purposes of this paragraph, a school board member is  
23 granted the authority in his or her individual capacity to  
24 direct the superintendent of the school district or other  
25 equivalent school administrator to comply with the  
26 requirements of this Act concerning the reporting of child

1 abuse.

2 Notwithstanding any other provision of this Act, if an  
3 employee of a school district has made a report or caused a  
4 report to be made to the Department under this Act involving  
5 the conduct of a current or former employee of the school  
6 district and a request is made by another school district for  
7 the provision of information concerning the job performance or  
8 qualifications of the current or former employee because he or  
9 she is an applicant for employment with the requesting school  
10 district, the general superintendent of the school district to  
11 which the request is being made must disclose to the requesting  
12 school district the fact that an employee of the school  
13 district has made a report involving the conduct of the  
14 applicant or caused a report to be made to the Department, as  
15 required under this Act. Only the fact that an employee of the  
16 school district has made a report involving the conduct of the  
17 applicant or caused a report to be made to the Department may  
18 be disclosed by the general superintendent of the school  
19 district to which the request for information concerning the  
20 applicant is made, and this fact may be disclosed only in cases  
21 where the employee and the general superintendent have not been  
22 informed by the Department that the allegations were unfounded.  
23 An employee of a school district who is or has been the subject  
24 of a report made pursuant to this Act during his or her  
25 employment with the school district must be informed by that  
26 school district that if he or she applies for employment with

1 another school district, the general superintendent of the  
2 former school district, upon the request of the school district  
3 to which the employee applies, shall notify that requesting  
4 school district that the employee is or was the subject of such  
5 a report.

6 Whenever such person is required to report under this Act  
7 in his capacity as a member of the staff of a medical or other  
8 public or private institution, school, facility or agency, or  
9 as a member of the clergy, he shall make report immediately to  
10 the Department in accordance with the provisions of this Act  
11 and may also notify the person in charge of such institution,  
12 school, facility or agency, or church, synagogue, temple,  
13 mosque, or other religious institution, or his designated agent  
14 that such report has been made. Under no circumstances shall  
15 any person in charge of such institution, school, facility or  
16 agency, or church, synagogue, temple, mosque, or other  
17 religious institution, or his designated agent to whom such  
18 notification has been made, exercise any control, restraint,  
19 modification or other change in the report or the forwarding of  
20 such report to the Department.

21 The privileged quality of communication between any  
22 professional person required to report and his patient or  
23 client shall not apply to situations involving abused or  
24 neglected children and shall not constitute grounds for failure  
25 to report as required by this Act or constitute grounds for  
26 failure to share information or documents with the Department



1 during the course of a child abuse or neglect investigation. If  
2 requested by the professional, the Department shall confirm in  
3 writing that the information or documents disclosed by the  
4 professional were gathered in the course of a child abuse or  
5 neglect investigation.

6 A member of the clergy may claim the privilege under  
7 Section 8-803 of the Code of Civil Procedure.

8 Any office, clinic, or any other physical location that  
9 provides abortions, abortion referrals, or contraceptives  
10 shall provide to all office personnel copies of written  
11 information and training materials about abuse and neglect and  
12 the requirements of this Act that are provided to employees of  
13 the office, clinic, or physical location who are required to  
14 make reports to the Department under this Act, and instruct  
15 such office personnel to bring to the attention of an employee  
16 of the office, clinic, or physical location who is required to  
17 make reports to the Department under this Act any reasonable  
18 suspicion that a child known to him or her in his or her  
19 professional or official capacity may be an abused child or a  
20 neglected child. In addition to the above persons required to  
21 report suspected cases of abused or neglected children, any  
22 other person may make a report if such person has reasonable  
23 cause to believe a child may be an abused child or a neglected  
24 child.

25 Any person who enters into employment on and after July 1,  
26 1986 and is mandated by virtue of that employment to report

1 under this Act, shall sign a statement on a form prescribed by  
2 the Department, to the effect that the employee has knowledge  
3 and understanding of the reporting requirements of this Act.  
4 The statement shall be signed prior to commencement of the  
5 employment. The signed statement shall be retained by the  
6 employer. The cost of printing, distribution, and filing of the  
7 statement shall be borne by the employer.

8 The Department shall provide copies of this Act, upon  
9 request, to all employers employing persons who shall be  
10 required under the provisions of this Section to report under  
11 this Act.

12 Any person who knowingly transmits a false report to the  
13 Department commits the offense of disorderly conduct under  
14 subsection (a) (7) of Section 26-1 of the "Criminal Code of 2012  
15 ~~1961~~". A violation of this provision is a Class 4 felony.

16 Any person who knowingly and willfully violates any  
17 provision of this Section other than a second or subsequent  
18 violation of transmitting a false report as described in the  
19 preceding paragraph, is guilty of a Class A misdemeanor for a  
20 first violation and a Class 4 felony for a second or subsequent  
21 violation; except that if the person acted as part of a plan or  
22 scheme having as its object the prevention of discovery of an  
23 abused or neglected child by lawful authorities for the purpose  
24 of protecting or insulating any person or entity from arrest or  
25 prosecution, the person is guilty of a Class 4 felony for a  
26 first offense and a Class 3 felony for a second or subsequent

1 offense (regardless of whether the second or subsequent offense  
2 involves any of the same facts or persons as the first or other  
3 prior offense).

4 A child whose parent, guardian or custodian in good faith  
5 selects and depends upon spiritual means through prayer alone  
6 for the treatment or cure of disease or remedial care may be  
7 considered neglected or abused, but not for the sole reason  
8 that his parent, guardian or custodian accepts and practices  
9 such beliefs.

10 A child shall not be considered neglected or abused solely  
11 because the child is not attending school in accordance with  
12 the requirements of Article 26 of the School Code, as amended.

13 Nothing in this Act prohibits a mandated reporter who  
14 reasonably believes that an animal is being abused or neglected  
15 in violation of the Humane Care for Animals Act from reporting  
16 animal abuse or neglect to the Department of Agriculture's  
17 Bureau of Animal Health and Welfare.

18 A home rule unit may not regulate the reporting of child  
19 abuse or neglect in a manner inconsistent with the provisions  
20 of this Section. This Section is a limitation under subsection  
21 (i) of Section 6 of Article VII of the Illinois Constitution on  
22 the concurrent exercise by home rule units of powers and  
23 functions exercised by the State.

24 For purposes of this Section "child abuse or neglect"  
25 includes abuse or neglect of an adult resident as defined in  
26 this Act.

1 (Source: P.A. 96-494, eff. 8-14-09; 96-1446, eff. 8-20-10;  
2 97-189, eff. 7-22-11; 97-254, eff. 1-1-12; 97-387, eff.  
3 8-15-11; 97-711, eff. 6-27-12; 97-813, eff. 7-13-12.)

4 (325 ILCS 5/4.5)

5 Sec. 4.5. Electronic and information technology workers;  
6 reporting child pornography.

7 (a) In this Section:

8 "Child pornography" means child pornography as described  
9 in Section 11-20.1 of the Criminal Code of 2012 ~~1961~~ ~~or~~  
10 ~~aggravated child pornography as described in Section 11-20.1B~~  
11 ~~of the Criminal Code of 1961.~~

12 "Electronic and information technology equipment" means  
13 equipment used in the creation, manipulation, storage,  
14 display, or transmission of data, including internet and  
15 intranet systems, software applications, operating systems,  
16 video and multimedia, telecommunications products, kiosks,  
17 information transaction machines, copiers, printers, and  
18 desktop and portable computers.

19 "Electronic and information technology equipment worker"  
20 means a person who in the scope and course of his or her  
21 employment or business installs, repairs, or otherwise  
22 services electronic and information technology equipment for a  
23 fee but does not include (i) an employee, independent  
24 contractor, or other agent of a telecommunications carrier or  
25 telephone or telecommunications cooperative, as those terms

1 are defined in the Public Utilities Act, or (ii) an employee,  
2 independent contractor, or other agent of a provider of  
3 commercial mobile radio service, as defined in 47 C.F.R. 20.3.

4 (b) If an electronic and information technology equipment  
5 worker discovers any depiction of child pornography while  
6 installing, repairing, or otherwise servicing an item of  
7 electronic and information technology equipment, that worker  
8 or the worker's employer shall immediately report the discovery  
9 to the local law enforcement agency or to the Cyber Tipline at  
10 the National Center for Missing & Exploited Children.

11 (c) If a report is filed in accordance with the  
12 requirements of 42 U.S.C. 13032, the requirements of this  
13 Section 4.5 will be deemed to have been met.

14 (d) An electronic and information technology equipment  
15 worker or electronic and information technology equipment  
16 worker's employer who reports a discovery of child pornography  
17 as required under this Section is immune from any criminal,  
18 civil, or administrative liability in connection with making  
19 the report, except for willful or wanton misconduct.

20 (e) Failure to report a discovery of child pornography as  
21 required under this Section is a business offense subject to a  
22 fine of \$1,001.

23 (Source: P.A. 95-944, eff. 8-29-08; 96-1551, eff. 7-1-11.)

24 (325 ILCS 5/7) (from Ch. 23, par. 2057)

25 Sec. 7. Time and manner of making reports. All reports of

1 suspected child abuse or neglect made under this Act shall be  
2 made immediately by telephone to the central register  
3 established under Section 7.7 on the single, State-wide,  
4 toll-free telephone number established in Section 7.6, or in  
5 person or by telephone through the nearest Department office.  
6 The Department shall, in cooperation with school officials,  
7 distribute appropriate materials in school buildings listing  
8 the toll-free telephone number established in Section 7.6,  
9 including methods of making a report under this Act. The  
10 Department may, in cooperation with appropriate members of the  
11 clergy, distribute appropriate materials in churches,  
12 synagogues, temples, mosques, or other religious buildings  
13 listing the toll-free telephone number established in Section  
14 7.6, including methods of making a report under this Act.

15 Wherever the Statewide number is posted, there shall also  
16 be posted the following notice:

17 "Any person who knowingly transmits a false report to the  
18 Department commits the offense of disorderly conduct under  
19 subsection (a) (7) of Section 26-1 of the Criminal Code of 2012  
20 ~~1961~~. A violation of this subsection is a Class 4 felony."

21 The report required by this Act shall include, if known,  
22 the name and address of the child and his parents or other  
23 persons having his custody; the child's age; the nature of the  
24 child's condition including any evidence of previous injuries  
25 or disabilities; and any other information that the person  
26 filing the report believes might be helpful in establishing the

1 cause of such abuse or neglect and the identity of the person  
2 believed to have caused such abuse or neglect. Reports made to  
3 the central register through the State-wide, toll-free  
4 telephone number shall be immediately transmitted by the  
5 Department to the appropriate Child Protective Service Unit.  
6 All such reports alleging the death of a child, serious injury  
7 to a child including, but not limited to, brain damage, skull  
8 fractures, subdural hematomas, and internal injuries, torture  
9 of a child, malnutrition of a child, and sexual abuse to a  
10 child, including, but not limited to, sexual intercourse,  
11 sexual exploitation, sexual molestation, and sexually  
12 transmitted disease in a child age 12 and under, shall also be  
13 immediately transmitted by the Department to the appropriate  
14 local law enforcement agency. The Department shall within 24  
15 hours orally notify local law enforcement personnel and the  
16 office of the State's Attorney of the involved county of the  
17 receipt of any report alleging the death of a child, serious  
18 injury to a child including, but not limited to, brain damage,  
19 skull fractures, subdural hematomas, and, internal injuries,  
20 torture of a child, malnutrition of a child, and sexual abuse  
21 to a child, including, but not limited to, sexual intercourse,  
22 sexual exploitation, sexual molestation, and sexually  
23 transmitted disease in a child age twelve and under. All oral  
24 reports made by the Department to local law enforcement  
25 personnel and the office of the State's Attorney of the  
26 involved county shall be confirmed in writing within 24 hours

1 of the oral report. All reports by persons mandated to report  
2 under this Act shall be confirmed in writing to the appropriate  
3 Child Protective Service Unit, which may be on forms supplied  
4 by the Department, within 48 hours of any initial report.

5 Written confirmation reports from persons not required to  
6 report by this Act may be made to the appropriate Child  
7 Protective Service Unit. Written reports from persons required  
8 by this Act to report shall be admissible in evidence in any  
9 judicial proceeding or administrative hearing relating to  
10 child abuse or neglect. Reports involving known or suspected  
11 child abuse or neglect in public or private residential  
12 agencies or institutions shall be made and received in the same  
13 manner as all other reports made under this Act.

14 For purposes of this Section "child" includes an adult  
15 resident as defined in this Act.

16 (Source: P.A. 96-1446, eff. 8-20-10; 97-189, eff. 7-22-11;  
17 97-387, eff. 8-15-11; 97-813, eff. 7-13-12.)

18 (325 ILCS 5/7.6) (from Ch. 23, par. 2057.6)

19 Sec. 7.6. There shall be a single State-wide, toll-free  
20 telephone number established and maintained by the Department  
21 which all persons, whether or not mandated by law, may use to  
22 report suspected child abuse or neglect at any hour of the day  
23 or night, on any day of the week. Immediately upon receipt of  
24 such reports, the Department shall transmit the contents of the  
25 report, either orally or electronically, to the appropriate



1 Child Protective Service Unit. Any other person may use the  
2 State-wide number to obtain assistance or information  
3 concerning the handling of child abuse and neglect cases.

4 Wherever the Statewide number is posted, there shall also  
5 be posted the following notice:

6 "Any person who knowingly transmits a false report to the  
7 Department commits the offense of disorderly conduct under  
8 subsection (a) (7) of Section 26-1 of the Criminal Code of 2012  
9 ~~1961~~. A violation of this subsection is a Class 4 felony."

10 (Source: P.A. 97-189, eff. 7-22-11.)

11 (325 ILCS 5/7.8) (from Ch. 23, par. 2057.8)

12 Sec. 7.8. Upon receiving an oral or written report of  
13 suspected child abuse or neglect, the Department shall  
14 immediately notify, either orally or electronically, the Child  
15 Protective Service Unit of a previous report concerning a  
16 subject of the present report or other pertinent information.  
17 In addition, upon satisfactory identification procedures, to  
18 be established by Department regulation, any person authorized  
19 to have access to records under Section 11.1 relating to child  
20 abuse and neglect may request and shall be immediately provided  
21 the information requested in accordance with this Act. However,  
22 no information shall be released unless it prominently states  
23 the report is "indicated", and only information from  
24 "indicated" reports shall be released, except that information  
25 concerning pending reports may be released to any person

1 authorized under paragraphs (1), (2), (3) and (11) of Section  
2 11.1. In addition, State's Attorneys are authorized to receive  
3 unfounded reports for prosecution purposes related to the  
4 transmission of false reports of child abuse or neglect in  
5 violation of subsection (a), paragraph (7) of Section 26-1 of  
6 the Criminal Code of 2012 ~~1961~~ and guardians ad litem appointed  
7 under Article II of the Juvenile Court Act of 1987 shall  
8 receive the classified reports set forth in Section 7.14 of  
9 this Act in conformance with paragraph (19) of Section 11.1 and  
10 Section 7.14 of this Act. The names and other identifying data  
11 and the dates and the circumstances of any persons requesting  
12 or receiving information from the central register shall be  
13 entered in the register record.

14 (Source: P.A. 86-904; 86-1293; 87-649.)

15 Section 520. The Sexual Assault Survivors Emergency  
16 Treatment Act is amended by changing Section 1a as follows:

17 (410 ILCS 70/1a) (from Ch. 111 1/2, par. 87-1a)

18 Sec. 1a. Definitions. In this Act:

19 "Ambulance provider" means an individual or entity that  
20 owns and operates a business or service using ambulances or  
21 emergency medical services vehicles to transport emergency  
22 patients.

23 "Areawide sexual assault treatment plan" means a plan,  
24 developed by the hospitals in the community or area to be

1 served, which provides for hospital emergency services to  
2 sexual assault survivors that shall be made available by each  
3 of the participating hospitals.

4 "Department" means the Department of Public Health.

5 "Emergency contraception" means medication as approved by  
6 the federal Food and Drug Administration (FDA) that can  
7 significantly reduce the risk of pregnancy if taken within 72  
8 hours after sexual assault.

9 "Follow-up healthcare" means healthcare services related  
10 to a sexual assault, including laboratory services and pharmacy  
11 services, rendered within 90 days of the initial visit for  
12 hospital emergency services.

13 "Forensic services" means the collection of evidence  
14 pursuant to a statewide sexual assault evidence collection  
15 program administered by the Department of State Police, using  
16 the Illinois State Police Sexual Assault Evidence Collection  
17 Kit.

18 "Health care professional" means a physician, a physician  
19 assistant, or an advanced practice nurse.

20 "Hospital" has the meaning given to that term in the  
21 Hospital Licensing Act.

22 "Hospital emergency services" means healthcare delivered  
23 to outpatients within or under the care and supervision of  
24 personnel working in a designated emergency department of a  
25 hospital, including, but not limited to, care ordered by such  
26 personnel for a sexual assault survivor in the emergency

1 department.

2 "Illinois State Police Sexual Assault Evidence Collection  
3 Kit" means a prepackaged set of materials and forms to be used  
4 for the collection of evidence relating to sexual assault. The  
5 standardized evidence collection kit for the State of Illinois  
6 shall be the Illinois State Police Sexual Assault Evidence  
7 Collection Kit.

8 "Nurse" means a nurse licensed under the Nurse Practice  
9 Act.

10 "Physician" means a person licensed to practice medicine in  
11 all its branches.

12 "Sexual assault" means an act of nonconsensual sexual  
13 conduct or sexual penetration, as defined in Section 11-0.1 of  
14 the Criminal Code of 2012 ~~1961~~, including, without limitation,  
15 acts prohibited under Sections 11-1.20 through 11-1.60 of the  
16 Criminal Code of 2012 ~~1961~~.

17 "Sexual assault survivor" means a person who presents for  
18 hospital emergency services in relation to injuries or trauma  
19 resulting from a sexual assault.

20 "Sexual assault transfer plan" means a written plan  
21 developed by a hospital and approved by the Department, which  
22 describes the hospital's procedures for transferring sexual  
23 assault survivors to another hospital in order to receive  
24 emergency treatment.

25 "Sexual assault treatment plan" means a written plan  
26 developed by a hospital that describes the hospital's

1 procedures and protocols for providing hospital emergency  
2 services and forensic services to sexual assault survivors who  
3 present themselves for such services, either directly or  
4 through transfer from another hospital.

5 "Transfer services" means the appropriate medical  
6 screening examination and necessary stabilizing treatment  
7 prior to the transfer of a sexual assault survivor to a  
8 hospital that provides hospital emergency services and  
9 forensic services to sexual assault survivors pursuant to a  
10 sexual assault treatment plan or areawide sexual assault  
11 treatment plan.

12 (Source: P.A. 95-432, eff. 1-1-08; 96-328, eff. 8-11-09;  
13 96-1551, eff. 7-1-11.)

14 Section 525. The Consent by Minors to Medical Procedures  
15 Act is amended by changing Section 3 as follows:

16 (410 ILCS 210/3) (from Ch. 111, par. 4503)

17 Sec. 3. (a) Where a hospital, a physician licensed to  
18 practice medicine or surgery, an advanced practice nurse who  
19 has a written collaborative agreement with a collaborating  
20 physician that authorizes provision of services for minors, or  
21 a physician assistant who has been delegated authority to  
22 provide services for minors renders emergency treatment or  
23 first aid or a licensed dentist renders emergency dental  
24 treatment to a minor, consent of the minor's parent or legal

1 guardian need not be obtained if, in the sole opinion of the  
2 physician, advanced practice nurse, physician assistant,  
3 dentist, or hospital, the obtaining of consent is not  
4 reasonably feasible under the circumstances without adversely  
5 affecting the condition of such minor's health.

6 (b) Where a minor is the victim of a predatory criminal  
7 sexual assault of a child, aggravated criminal sexual assault,  
8 criminal sexual assault, aggravated criminal sexual abuse or  
9 criminal sexual abuse, as provided in Sections 11-1.20 through  
10 11-1.60 of the Criminal Code of 2012 ~~1961, as now or hereafter~~  
11 ~~amended~~, the consent of the minor's parent or legal guardian  
12 need not be obtained to authorize a hospital, physician,  
13 advanced practice nurse, physician assistant, or other medical  
14 personnel to furnish medical care or counseling related to the  
15 diagnosis or treatment of any disease or injury arising from  
16 such offense. The minor may consent to such counseling,  
17 diagnosis or treatment as if the minor had reached his or her  
18 age of majority. Such consent shall not be voidable, nor  
19 subject to later disaffirmance, because of minority.

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

21 Section 530. The AIDS Confidentiality Act is amended by  
22 changing Section 9 as follows:

23 (410 ILCS 305/9) (from Ch. 111 1/2, par. 7309)

24 Sec. 9. No person may disclose or be compelled to disclose

1 the identity of any person upon whom a test is performed, or  
2 the results of such a test in a manner which permits  
3 identification of the subject of the test, except to the  
4 following persons:

5 (a) The subject of the test or the subject's legally  
6 authorized representative. A physician may notify the spouse of  
7 the test subject, if the test result is positive and has been  
8 confirmed pursuant to rules adopted by the Department, provided  
9 that the physician has first sought unsuccessfully to persuade  
10 the patient to notify the spouse or that, a reasonable time  
11 after the patient has agreed to make the notification, the  
12 physician has reason to believe that the patient has not  
13 provided the notification. This paragraph shall not create a  
14 duty or obligation under which a physician must notify the  
15 spouse of the test results, nor shall such duty or obligation  
16 be implied. No civil liability or criminal sanction under this  
17 Act shall be imposed for any disclosure or non-disclosure of a  
18 test result to a spouse by a physician acting in good faith  
19 under this paragraph. For the purpose of any proceedings, civil  
20 or criminal, the good faith of any physician acting under this  
21 paragraph shall be presumed.

22 (b) Any person designated in a legally effective release of  
23 the test results executed by the subject of the test or the  
24 subject's legally authorized representative.

25 (c) An authorized agent or employee of a health facility or  
26 health care provider if the health facility or health care

1 provider itself is authorized to obtain the test results, the  
2 agent or employee provides patient care or handles or processes  
3 specimens of body fluids or tissues, and the agent or employee  
4 has a need to know such information.

5 (d) The Department and local health authorities serving a  
6 population of over 1,000,000 residents or other local health  
7 authorities as designated by the Department, in accordance with  
8 rules for reporting and controlling the spread of disease, as  
9 otherwise provided by State law. The Department, local health  
10 authorities, and authorized representatives shall not disclose  
11 information and records held by them relating to known or  
12 suspected cases of AIDS or HIV infection, publicly or in any  
13 action of any kind in any court or before any tribunal, board,  
14 or agency. AIDS and HIV infection data shall be protected from  
15 disclosure in accordance with the provisions of Sections 8-2101  
16 through 8-2105 of the Code of Civil Procedure.

17 (e) A health facility or health care provider which  
18 procures, processes, distributes or uses: (i) a human body part  
19 from a deceased person with respect to medical information  
20 regarding that person; or (ii) semen provided prior to the  
21 effective date of this Act for the purpose of artificial  
22 insemination.

23 (f) Health facility staff committees for the purposes of  
24 conducting program monitoring, program evaluation or service  
25 reviews.

26 (f-5) A court in accordance with the provisions of Section



1 12-5.01 of the Criminal Code of 2012 ~~1961~~.

2 (g) (Blank).

3 (h) Any health care provider or employee of a health  
4 facility, and any firefighter or EMT-A, EMT-P, or EMT-I,  
5 involved in an accidental direct skin or mucous membrane  
6 contact with the blood or bodily fluids of an individual which  
7 is of a nature that may transmit HIV, as determined by a  
8 physician in his medical judgment.

9 (i) Any law enforcement officer, as defined in subsection  
10 (c) of Section 7, involved in the line of duty in a direct skin  
11 or mucous membrane contact with the blood or bodily fluids of  
12 an individual which is of a nature that may transmit HIV, as  
13 determined by a physician in his medical judgment.

14 (j) A temporary caretaker of a child taken into temporary  
15 protective custody by the Department of Children and Family  
16 Services pursuant to Section 5 of the Abused and Neglected  
17 Child Reporting Act, as now or hereafter amended.

18 (k) In the case of a minor under 18 years of age whose test  
19 result is positive and has been confirmed pursuant to rules  
20 adopted by the Department, the health care provider who ordered  
21 the test shall make a reasonable effort to notify the minor's  
22 parent or legal guardian if, in the professional judgment of  
23 the health care provider, notification would be in the best  
24 interest of the child and the health care provider has first  
25 sought unsuccessfully to persuade the minor to notify the  
26 parent or legal guardian or a reasonable time after the minor

1 has agreed to notify the parent or legal guardian, the health  
2 care provider has reason to believe that the minor has not made  
3 the notification. This subsection shall not create a duty or  
4 obligation under which a health care provider must notify the  
5 minor's parent or legal guardian of the test results, nor shall  
6 a duty or obligation be implied. No civil liability or criminal  
7 sanction under this Act shall be imposed for any notification  
8 or non-notification of a minor's test result by a health care  
9 provider acting in good faith under this subsection. For the  
10 purpose of any proceeding, civil or criminal, the good faith of  
11 any health care provider acting under this subsection shall be  
12 presumed.

13 (Source: P.A. 96-328, eff. 8-11-09; 97-1046, eff. 8-21-12.)

14 Section 535. The Illinois Sexually Transmissible Disease  
15 Control Act is amended by changing Section 5.5 as follows:

16 (410 ILCS 325/5.5) (from Ch. 111 1/2, par. 7405.5)

17 Sec. 5.5. Risk assessment.

18 (a) Whenever the Department receives a report of HIV  
19 infection or AIDS pursuant to this Act and the Department  
20 determines that the subject of the report may present or may  
21 have presented a possible risk of HIV transmission, the  
22 Department shall, when medically appropriate, investigate the  
23 subject of the report and that person's contacts as defined in  
24 subsection (c), to assess the potential risks of transmission.

1 Any investigation and action shall be conducted in a timely  
2 fashion. All contacts other than those defined in subsection  
3 (c) shall be investigated in accordance with Section 5 of this  
4 Act.

5 (b) If the Department determines that there is or may have  
6 been potential risks of HIV transmission from the subject of  
7 the report to other persons, the Department shall afford the  
8 subject the opportunity to submit any information and comment  
9 on proposed actions the Department intends to take with respect  
10 to the subject's contacts who are at potential risk of  
11 transmission of HIV prior to notification of the subject's  
12 contacts. The Department shall also afford the subject of the  
13 report the opportunity to notify the subject's contacts in a  
14 timely fashion who are at potential risk of transmission of HIV  
15 prior to the Department taking any steps to notify such  
16 contacts. If the subject declines to notify such contacts or if  
17 the Department determines the notices to be inadequate or  
18 incomplete, the Department shall endeavor to notify such other  
19 persons of the potential risk, and offer testing and counseling  
20 services to these individuals. When the contacts are notified,  
21 they shall be informed of the disclosure provisions of the AIDS  
22 Confidentiality Act and the penalties therein and this Section.

23 (c) Contacts investigated under this Section shall in the  
24 case of HIV infection include (i) individuals who have  
25 undergone invasive procedures performed by an HIV infected  
26 health care provider and (ii) health care providers who have

1 performed invasive procedures for persons infected with HIV,  
2 provided the Department has determined that there is or may  
3 have been potential risk of HIV transmission from the health  
4 care provider to those individuals or from infected persons to  
5 health care providers. The Department shall have access to the  
6 subject's records to review for the identity of contacts. The  
7 subject's records shall not be copied or seized by the  
8 Department.

9 For purposes of this subsection, the term "invasive  
10 procedures" means those procedures termed invasive by the  
11 Centers for Disease Control in current guidelines or  
12 recommendations for the prevention of HIV transmission in  
13 health care settings, and the term "health care provider" means  
14 any physician, dentist, podiatrist, advanced practice nurse,  
15 physician assistant, nurse, or other person providing health  
16 care services of any kind.

17 (d) All information and records held by the Department and  
18 local health authorities pertaining to activities conducted  
19 pursuant to this Section shall be strictly confidential and  
20 exempt from copying and inspection under the Freedom of  
21 Information Act. Such information and records shall not be  
22 released or made public by the Department or local health  
23 authorities, and shall not be admissible as evidence, nor  
24 discoverable in any action of any kind in any court or before  
25 any tribunal, board, agency or person and shall be treated in  
26 the same manner as the information and those records subject to

1 the provisions of Part 21 of the Code of Civil Procedure except  
2 under the following circumstances:

3 (1) When made with the written consent of all persons  
4 to whom this information pertains;

5 (2) When authorized under Section 8 to be released  
6 under court order or subpoena pursuant to Section 12-5.01  
7 or 12-16.2 of the Criminal Code of 1961 or the Criminal  
8 Code of 2012; or

9 (3) When made by the Department for the purpose of  
10 seeking a warrant authorized by Sections 6 and 7 of this  
11 Act. Such disclosure shall conform to the requirements of  
12 subsection (a) of Section 8 of this Act.

13 (e) Any person who knowingly or maliciously disseminates  
14 any information or report concerning the existence of any  
15 disease under this Section is guilty of a Class A misdemeanor.

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

17 Section 540. The Environmental Protection Act is amended by  
18 changing Sections 2, 22.2, and 44 as follows:

19 (415 ILCS 5/2) (from Ch. 111 1/2, par. 1002)

20 Sec. 2. (a) The General Assembly finds:

21 (i) that environmental damage seriously endangers the  
22 public health and welfare, as more specifically described in  
23 later sections of this Act;

24 (ii) that because environmental damage does not respect

1 political boundaries, it is necessary to establish a unified  
2 state-wide program for environmental protection and to  
3 cooperate fully with other States and with the United States in  
4 protecting the environment;

5 (iii) that air, water, and other resource pollution, public  
6 water supply, solid waste disposal, noise, and other  
7 environmental problems are closely interrelated and must be  
8 dealt with as a unified whole in order to safeguard the  
9 environment;

10 (iv) that it is the obligation of the State Government to  
11 manage its own activities so as to minimize environmental  
12 damage; to encourage and assist local governments to adopt and  
13 implement environmental-protection programs consistent with  
14 this Act; to promote the development of technology for  
15 environmental protection and conservation of natural  
16 resources; and in appropriate cases to afford financial  
17 assistance in preventing environmental damage;

18 (v) that in order to alleviate the burden on enforcement  
19 agencies, to assure that all interests are given a full  
20 hearing, and to increase public participation in the task of  
21 protecting the environment, private as well as governmental  
22 remedies must be provided;

23 (vi) that despite the existing laws and regulations  
24 concerning environmental damage there exist continuing  
25 destruction and damage to the environment and harm to the  
26 public health, safety and welfare of the people of this State,

1 and that among the most significant sources of this  
2 destruction, damage, and harm are the improper and unsafe  
3 transportation, treatment, storage, disposal, and dumping of  
4 hazardous wastes;

5 (vii) that it is necessary to supplement and strengthen  
6 existing criminal sanctions regarding environmental damage, by  
7 enacting specific penalties for injury to public health and  
8 welfare and the environment.

9 (b) It is the purpose of this Act, as more specifically  
10 described in later sections, to establish a unified, state-wide  
11 program supplemented by private remedies, to restore, protect  
12 and enhance the quality of the environment, and to assure that  
13 adverse effects upon the environment are fully considered and  
14 borne by those who cause them.

15 (c) The terms and provisions of this Act shall be liberally  
16 construed so as to effectuate the purposes of this Act as set  
17 forth in subsection (b) of this Section, but to the extent that  
18 this Act prescribes criminal penalties, it shall be construed  
19 in accordance with the "Criminal Code of 2012 ~~1961~~", ~~as~~  
20 ~~amended~~.

21 (Source: P.A. 83-1101.)

22 (415 ILCS 5/22.2) (from Ch. 111 1/2, par. 1022.2)

23 Sec. 22.2. Hazardous waste; fees; liability.

24 (a) There are hereby created within the State Treasury 2  
25 special funds to be known respectively as the "Hazardous Waste

1 Fund" and the "Hazardous Waste Research Fund", constituted from  
2 the fees collected pursuant to this Section. In addition to the  
3 fees collected under this Section, the Hazardous Waste Fund  
4 shall include other moneys made available from any source for  
5 deposit into the Fund.

6 (b) (1) On and after January 1, 1989, the Agency shall  
7 collect from the owner or operator of each of the following  
8 sites a fee in the amount of:

9 (A) 9 cents per gallon or \$18.18 per cubic yard, if  
10 the hazardous waste disposal site is located off the  
11 site where such waste was produced. The maximum amount  
12 payable under this subdivision (A) with respect to the  
13 hazardous waste generated by a single generator and  
14 deposited in monofills is \$30,000 per year. If, as a  
15 result of the use of multiple monofills, waste fees in  
16 excess of the maximum are assessed with respect to a  
17 single waste generator, the generator may apply to the  
18 Agency for a credit.

19 (B) 9 cents or \$18.18 per cubic yard, if the  
20 hazardous waste disposal site is located on the site  
21 where such waste was produced, provided however the  
22 maximum amount of fees payable under this paragraph (B)  
23 is \$30,000 per year for each such hazardous waste  
24 disposal site.

25 (C) If the hazardous waste disposal site is an  
26 underground injection well, \$6,000 per year if not more



1 than 10,000,000 gallons per year are injected, \$15,000  
2 per year if more than 10,000,000 gallons but not more  
3 than 50,000,000 gallons per year are injected, and  
4 \$27,000 per year if more than 50,000,000 gallons per  
5 year are injected.

6 (D) 3 cents per gallon or \$6.06 per cubic yard of  
7 hazardous waste received for treatment at a hazardous  
8 waste treatment site, if the hazardous waste treatment  
9 site is located off the site where such waste was  
10 produced and if such hazardous waste treatment site is  
11 owned, controlled and operated by a person other than  
12 the generator of such waste. After treatment at such  
13 hazardous waste treatment site, the waste shall not be  
14 subject to any other fee imposed by this subsection  
15 (b). For purposes of this subsection (b), the term  
16 "treatment" is defined as in Section 3.505 but shall  
17 not include recycling, reclamation or reuse.

18 (2) The General Assembly shall annually appropriate to  
19 the Fund such amounts as it deems necessary to fulfill the  
20 purposes of this Act.

21 (3) The Agency shall have the authority to accept,  
22 receive, and administer on behalf of the State any moneys  
23 made available to the State from any source for the  
24 purposes of the Hazardous Waste Fund set forth in  
25 subsection (d) of this Section.

26 (4) Of the amount collected as fees provided for in

1           this Section, the Agency shall manage the use of such funds  
2           to assure that sufficient funds are available for match  
3           towards federal expenditures for response action at sites  
4           which are listed on the National Priorities List; provided,  
5           however, that this shall not apply to additional monies  
6           appropriated to the Fund by the General Assembly, nor shall  
7           it apply in the event that the Director finds that revenues  
8           in the Hazardous Waste Fund must be used to address  
9           conditions which create or may create an immediate danger  
10          to the environment or public health or to the welfare of  
11          the people of the State of Illinois.

12           (5) Notwithstanding the other provisions of this  
13          subsection (b), sludge from a publicly-owned sewage works  
14          generated in Illinois, coal mining wastes and refuse  
15          generated in Illinois, bottom boiler ash, flyash and flue  
16          gas desulphurization sludge from public utility electric  
17          generating facilities located in Illinois, and bottom  
18          boiler ash and flyash from all incinerators which process  
19          solely municipal waste shall not be subject to the fee.

20           (6) For the purposes of this subsection (b), "monofill"  
21          means a facility, or a unit at a facility, that accepts  
22          only wastes bearing the same USEPA hazardous waste  
23          identification number, or compatible wastes as determined  
24          by the Agency.

25           (c) The Agency shall establish procedures, not later than  
26          January 1, 1984, relating to the collection of the fees

1 authorized by this Section. Such procedures shall include, but  
2 not be limited to: (1) necessary records identifying the  
3 quantities of hazardous waste received or disposed; (2) the  
4 form and submission of reports to accompany the payment of fees  
5 to the Agency; and (3) the time and manner of payment of fees  
6 to the Agency, which payments shall be not more often than  
7 quarterly.

8 (d) Beginning July 1, 1996, the Agency shall deposit all  
9 such receipts in the State Treasury to the credit of the  
10 Hazardous Waste Fund, except as provided in subsection (e) of  
11 this Section. All monies in the Hazardous Waste Fund shall be  
12 used by the Agency for the following purposes:

13 (1) Taking whatever preventive or corrective action is  
14 necessary or appropriate, in circumstances certified by  
15 the Director, including but not limited to removal or  
16 remedial action whenever there is a release or substantial  
17 threat of a release of a hazardous substance or pesticide;  
18 provided, the Agency shall expend no more than \$1,000,000  
19 on any single incident without appropriation by the General  
20 Assembly.

21 (2) To meet any requirements which must be met by the  
22 State in order to obtain federal funds pursuant to the  
23 Comprehensive Environmental Response, Compensation and  
24 Liability Act of 1980, (P.L. 96-510).

25 (3) In an amount up to 30% of the amount collected as  
26 fees provided for in this Section, for use by the Agency to

1       conduct groundwater protection activities, including  
2       providing grants to appropriate units of local government  
3       which are addressing protection of underground waters  
4       pursuant to the provisions of this Act.

5           (4) To fund the development and implementation of the  
6       model pesticide collection program under Section 19.1 of  
7       the Illinois Pesticide Act.

8           (5) To the extent the Agency has received and deposited  
9       monies in the Fund other than fees collected under  
10      subsection (b) of this Section, to pay for the cost of  
11      Agency employees for services provided in reviewing the  
12      performance of response actions pursuant to Title XVII of  
13      this Act.

14          (6) In an amount up to 15% of the fees collected  
15      annually under subsection (b) of this Section, for use by  
16      the Agency for administration of the provisions of this  
17      Section.

18          (e) The Agency shall deposit 10% of all receipts collected  
19      under subsection (b) of this Section, but not to exceed  
20      \$200,000 per year, in the State Treasury to the credit of the  
21      Hazardous Waste Research Fund established by this Act. Pursuant  
22      to appropriation, all monies in such Fund shall be used by the  
23      University of Illinois for the purposes set forth in this  
24      subsection.

25          The University of Illinois may enter into contracts with  
26      business, industrial, university, governmental or other

1 qualified individuals or organizations to assist in the  
2 research and development intended to recycle, reduce the volume  
3 of, separate, detoxify or reduce the hazardous properties of  
4 hazardous wastes in Illinois. Monies in the Fund may also be  
5 used by the University of Illinois for technical studies,  
6 monitoring activities, and educational and research activities  
7 which are related to the protection of underground waters.  
8 Monies in the Hazardous Waste Research Fund may be used to  
9 administer the Illinois Health and Hazardous Substances  
10 Registry Act. Monies in the Hazardous Waste Research Fund shall  
11 not be used for any sanitary landfill or the acquisition or  
12 construction of any facility. This does not preclude the  
13 purchase of equipment for the purpose of public demonstration  
14 projects. The University of Illinois shall adopt guidelines for  
15 cost sharing, selecting, and administering projects under this  
16 subsection.

17 (f) Notwithstanding any other provision or rule of law, and  
18 subject only to the defenses set forth in subsection (j) of  
19 this Section, the following persons shall be liable for all  
20 costs of removal or remedial action incurred by the State of  
21 Illinois or any unit of local government as a result of a  
22 release or substantial threat of a release of a hazardous  
23 substance or pesticide:

24 (1) the owner and operator of a facility or vessel from  
25 which there is a release or substantial threat of release  
26 of a hazardous substance or pesticide;

1           (2) any person who at the time of disposal, transport,  
2 storage or treatment of a hazardous substance or pesticide  
3 owned or operated the facility or vessel used for such  
4 disposal, transport, treatment or storage from which there  
5 was a release or substantial threat of a release of any  
6 such hazardous substance or pesticide;

7           (3) any person who by contract, agreement, or otherwise  
8 has arranged with another party or entity for transport,  
9 storage, disposal or treatment of hazardous substances or  
10 pesticides owned, controlled or possessed by such person at  
11 a facility owned or operated by another party or entity  
12 from which facility there is a release or substantial  
13 threat of a release of such hazardous substances or  
14 pesticides; and

15           (4) any person who accepts or accepted any hazardous  
16 substances or pesticides for transport to disposal,  
17 storage or treatment facilities or sites from which there  
18 is a release or a substantial threat of a release of a  
19 hazardous substance or pesticide.

20           Any monies received by the State of Illinois pursuant to  
21 this subsection (f) shall be deposited in the State Treasury to  
22 the credit of the Hazardous Waste Fund.

23           In accordance with the other provisions of this Section,  
24 costs of removal or remedial action incurred by a unit of local  
25 government may be recovered in an action before the Board  
26 brought by the unit of local government under subsection (i) of

1 this Section. Any monies so recovered shall be paid to the unit  
2 of local government.

3 (g) (1) No indemnification, hold harmless, or similar  
4 agreement or conveyance shall be effective to transfer from  
5 the owner or operator of any vessel or facility or from any  
6 person who may be liable for a release or substantial  
7 threat of a release under this Section, to any other person  
8 the liability imposed under this Section. Nothing in this  
9 Section shall bar any agreement to insure, hold harmless or  
10 indemnify a party to such agreements for any liability  
11 under this Section.

12 (2) Nothing in this Section, including the provisions  
13 of paragraph (g) (1) of this Section, shall bar a cause of  
14 action that an owner or operator or any other person  
15 subject to liability under this Section, or a guarantor,  
16 has or would have, by reason of subrogation or otherwise  
17 against any person.

18 (h) For purposes of this Section:

19 (1) The term "facility" means:

20 (A) any building, structure, installation,  
21 equipment, pipe or pipeline including but not limited  
22 to any pipe into a sewer or publicly owned treatment  
23 works, well, pit, pond, lagoon, impoundment, ditch,  
24 landfill, storage container, motor vehicle, rolling  
25 stock, or aircraft; or

26 (B) any site or area where a hazardous substance

1 has been deposited, stored, disposed of, placed, or  
2 otherwise come to be located.

3 (2) The term "owner or operator" means:

4 (A) any person owning or operating a vessel or  
5 facility;

6 (B) in the case of an abandoned facility, any  
7 person owning or operating the abandoned facility or  
8 any person who owned, operated, or otherwise  
9 controlled activities at the abandoned facility  
10 immediately prior to such abandonment;

11 (C) in the case of a land trust as defined in  
12 Section 2 of the Land Trustee as Creditor Act, the  
13 person owning the beneficial interest in the land  
14 trust;

15 (D) in the case of a fiduciary (other than a land  
16 trustee), the estate, trust estate, or other interest  
17 in property held in a fiduciary capacity, and not the  
18 fiduciary. For the purposes of this Section,  
19 "fiduciary" means a trustee, executor, administrator,  
20 guardian, receiver, conservator or other person  
21 holding a facility or vessel in a fiduciary capacity;

22 (E) in the case of a "financial institution",  
23 meaning the Illinois Housing Development Authority and  
24 that term as defined in Section 2 of the Illinois  
25 Banking Act, that has acquired ownership, operation,  
26 management, or control of a vessel or facility through



1 foreclosure or under the terms of a security interest  
2 held by the financial institution or under the terms of  
3 an extension of credit made by the financial  
4 institution, the financial institution only if the  
5 financial institution takes possession of the vessel  
6 or facility and the financial institution exercises  
7 actual, direct, and continual or recurrent managerial  
8 control in the operation of the vessel or facility that  
9 causes a release or substantial threat of a release of  
10 a hazardous substance or pesticide resulting in  
11 removal or remedial action;

12 (F) In the case of an owner of residential  
13 property, the owner if the owner is a person other than  
14 an individual, or if the owner is an individual who  
15 owns more than 10 dwelling units in Illinois, or if the  
16 owner, or an agent, representative, contractor, or  
17 employee of the owner, has caused, contributed to, or  
18 allowed the release or threatened release of a  
19 hazardous substance or pesticide. The term  
20 "residential property" means single family residences  
21 of one to 4 dwelling units, including accessory land,  
22 buildings, or improvements incidental to those  
23 dwellings that are exclusively used for the  
24 residential use. For purposes of this subparagraph  
25 (F), the term "individual" means a natural person, and  
26 shall not include corporations, partnerships, trusts,

1 or other non-natural persons.

2 (G) In the case of any facility, title or control  
3 of which was conveyed due to bankruptcy, foreclosure,  
4 tax delinquency, abandonment, or similar means to a  
5 unit of State or local government, any person who  
6 owned, operated, or otherwise controlled activities at  
7 the facility immediately beforehand.

8 (H) The term "owner or operator" does not include a  
9 unit of State or local government which acquired  
10 ownership or control through bankruptcy, tax  
11 delinquency, abandonment, or other circumstances in  
12 which the government acquires title by virtue of its  
13 function as sovereign. The exclusion provided under  
14 this paragraph shall not apply to any State or local  
15 government which has caused or contributed to the  
16 release or threatened release of a hazardous substance  
17 from the facility, and such a State or local government  
18 shall be subject to the provisions of this Act in the  
19 same manner and to the same extent, both procedurally  
20 and substantively, as any nongovernmental entity,  
21 including liability under Section 22.2(f).

22 (i) The costs and damages provided for in this Section may  
23 be imposed by the Board in an action brought before the Board  
24 in accordance with Title VIII of this Act, except that Section  
25 33(c) of this Act shall not apply to any such action.

26 (j) (1) There shall be no liability under this Section for a

1 person otherwise liable who can establish by a preponderance of  
2 the evidence that the release or substantial threat of release  
3 of a hazardous substance and the damages resulting therefrom  
4 were caused solely by:

5 (A) an act of God;

6 (B) an act of war;

7 (C) an act or omission of a third party other than an  
8 employee or agent of the defendant, or other than one whose  
9 act or omission occurs in connection with a contractual  
10 relationship, existing directly or indirectly, with the  
11 defendant (except where the sole contractual arrangement  
12 arises from a published tariff and acceptance for carriage  
13 by a common carrier by rail), if the defendant establishes  
14 by a preponderance of the evidence that (i) he exercised  
15 due care with respect to the hazardous substance concerned,  
16 taking into consideration the characteristics of such  
17 hazardous substance, in light of all relevant facts and  
18 circumstances, and (ii) he took precautions against  
19 foreseeable acts or omissions of any such third party and  
20 the consequences that could foreseeably result from such  
21 acts or omissions; or

22 (D) any combination of the foregoing paragraphs.

23 (2) There shall be no liability under this Section for any  
24 release permitted by State or federal law.

25 (3) There shall be no liability under this Section for  
26 damages as a result of actions taken or omitted in the course

1 of rendering care, assistance, or advice in accordance with  
2 this Section or the National Contingency Plan pursuant to the  
3 Comprehensive Environmental Response, Compensation and  
4 Liability Act of 1980 (P.L. 96-510) or at the direction of an  
5 on-scene coordinator appointed under such plan, with respect to  
6 an incident creating a danger to public health or welfare or  
7 the environment as a result of any release of a hazardous  
8 substance or a substantial threat thereof. This subsection  
9 shall not preclude liability for damages as the result of gross  
10 negligence or intentional misconduct on the part of such  
11 person. For the purposes of the preceding sentence, reckless,  
12 willful, or wanton misconduct shall constitute gross  
13 negligence.

14 (4) There shall be no liability under this Section for any  
15 person (including, but not limited to, an owner of residential  
16 property who applies a pesticide to the residential property or  
17 who has another person apply a pesticide to the residential  
18 property) for response costs or damages as the result of the  
19 storage, handling and use, or recommendation for storage,  
20 handling and use, of a pesticide consistent with:

21 (A) its directions for storage, handling and use as  
22 stated in its label or labeling;

23 (B) its warnings and cautions as stated in its label or  
24 labeling; and

25 (C) the uses for which it is registered under the  
26 Federal Insecticide, Fungicide and Rodenticide Act and the

1 Illinois Pesticide Act.

2 (4.5) There shall be no liability under subdivision (f)(1)  
3 of this Section for response costs or damages as the result of  
4 a release of a pesticide from an agrichemical facility site if  
5 the Agency has received notice from the Department of  
6 Agriculture pursuant to Section 19.3 of the Illinois Pesticide  
7 Act, the owner or operator of the agrichemical facility is  
8 proceeding with a corrective action plan under the Agrichemical  
9 Facility Response Action Program implemented under that  
10 Section, and the Agency has provided a written endorsement of a  
11 corrective action plan.

12 (4.6) There shall be no liability under subdivision (f)(1)  
13 of this Section for response costs or damages as the result of  
14 a substantial threat of a release of a pesticide from an  
15 agrichemical facility site if the Agency has received notice  
16 from the Department of Agriculture pursuant to Section 19.3 of  
17 the Illinois Pesticide Act and the owner or operator of the  
18 agrichemical facility is proceeding with a corrective action  
19 plan under the Agrichemical Facility Response Action Program  
20 implemented under that Section.

21 (5) Nothing in this subsection (j) shall affect or modify  
22 in any way the obligations or liability of any person under any  
23 other provision of this Act or State or federal law, including  
24 common law, for damages, injury, or loss resulting from a  
25 release or substantial threat of a release of any hazardous  
26 substance or for removal or remedial action or the costs of

1 removal or remedial action of such hazardous substance.

2 (6) (A) The term "contractual relationship", for the  
3 purpose of this subsection includes, but is not limited to,  
4 land contracts, deeds or other instruments transferring title  
5 or possession, unless the real property on which the facility  
6 concerned is located was acquired by the defendant after the  
7 disposal or placement of the hazardous substance on, in, or at  
8 the facility, and one or more of the circumstances described in  
9 clause (i), (ii), or (iii) of this paragraph is also  
10 established by the defendant by a preponderance of the  
11 evidence:

12 (i) At the time the defendant acquired the facility the  
13 defendant did not know and had no reason to know that any  
14 hazardous substance which is the subject of the release or  
15 threatened release was disposed of on, in or at the  
16 facility.

17 (ii) The defendant is a government entity which  
18 acquired the facility by escheat, or through any other  
19 involuntary transfer or acquisition, or through the  
20 exercise of eminent domain authority by purchase or  
21 condemnation.

22 (iii) The defendant acquired the facility by  
23 inheritance or bequest.

24 In addition to establishing the foregoing, the defendant  
25 must establish that he has satisfied the requirements of  
26 subparagraph (C) of paragraph (1) of this subsection (j).

1           (B) To establish the defendant had no reason to know, as  
2 provided in clause (i) of subparagraph (A) of this paragraph,  
3 the defendant must have undertaken, at the time of acquisition,  
4 all appropriate inquiry into the previous ownership and uses of  
5 the property consistent with good commercial or customary  
6 practice in an effort to minimize liability. For purposes of  
7 the preceding sentence, the court shall take into account any  
8 specialized knowledge or experience on the part of the  
9 defendant, the relationship of the purchase price to the value  
10 of the property if uncontaminated, commonly known or reasonably  
11 ascertainable information about the property, the obviousness  
12 of the presence or likely presence of contamination at the  
13 property, and the ability to detect such contamination by  
14 appropriate inspection.

15           (C) Nothing in this paragraph (6) or in subparagraph (C) of  
16 paragraph (1) of this subsection shall diminish the liability  
17 of any previous owner or operator of such facility who would  
18 otherwise be liable under this Act. Notwithstanding this  
19 paragraph (6), if the defendant obtained actual knowledge of  
20 the release or threatened release of a hazardous substance at  
21 such facility when the defendant owned the real property and  
22 then subsequently transferred ownership of the property to  
23 another person without disclosing such knowledge, such  
24 defendant shall be treated as liable under subsection (f) of  
25 this Section and no defense under subparagraph (C) of paragraph  
26 (1) of this subsection shall be available to such defendant.

1           (D) Nothing in this paragraph (6) shall affect the  
2 liability under this Act of a defendant who, by any act or  
3 omission, caused or contributed to the release or threatened  
4 release of a hazardous substance which is the subject of the  
5 action relating to the facility.

6           (E)(i) Except as provided in clause (ii) of this  
7 subparagraph (E), a defendant who has acquired real property  
8 shall have established a rebuttable presumption against all  
9 State claims and a conclusive presumption against all private  
10 party claims that the defendant has made all appropriate  
11 inquiry within the meaning of subdivision (6)(B) of this  
12 subsection (j) if the defendant proves that immediately prior  
13 to or at the time of the acquisition:

14           (I) the defendant obtained a Phase I Environmental  
15 Audit of the real property that meets or exceeds the  
16 requirements of this subparagraph (E), and the Phase I  
17 Environmental Audit did not disclose the presence or likely  
18 presence of a release or a substantial threat of a release  
19 of a hazardous substance or pesticide at, on, to, or from  
20 the real property; or

21           (II) the defendant obtained a Phase II Environmental  
22 Audit of the real property that meets or exceeds the  
23 requirements of this subparagraph (E), and the Phase II  
24 Environmental Audit did not disclose the presence or likely  
25 presence of a release or a substantial threat of a release  
26 of a hazardous substance or pesticide at, on, to, or from



1 the real property.

2 (ii) No presumption shall be created under clause (i) of  
3 this subparagraph (E), and a defendant shall be precluded from  
4 demonstrating that the defendant has made all appropriate  
5 inquiry within the meaning of subdivision (6)(B) of this  
6 subsection (j), if:

7 (I) the defendant fails to obtain all Environmental  
8 Audits required under this subparagraph (E) or any such  
9 Environmental Audit fails to meet or exceed the  
10 requirements of this subparagraph (E);

11 (II) a Phase I Environmental Audit discloses the  
12 presence or likely presence of a release or a substantial  
13 threat of a release of a hazardous substance or pesticide  
14 at, on, to, or from real property, and the defendant fails  
15 to obtain a Phase II Environmental Audit;

16 (III) a Phase II Environmental Audit discloses the  
17 presence or likely presence of a release or a substantial  
18 threat of a release of a hazardous substance or pesticide  
19 at, on, to, or from the real property;

20 (IV) the defendant fails to maintain a written  
21 compilation and explanatory summary report of the  
22 information reviewed in the course of each Environmental  
23 Audit under this subparagraph (E); or

24 (V) there is any evidence of fraud, material  
25 concealment, or material misrepresentation by the  
26 defendant of environmental conditions or of related

1 information discovered during the course of an  
2 Environmental Audit.

3 (iii) For purposes of this subparagraph (E), the term  
4 "environmental professional" means an individual (other than a  
5 practicing attorney) who, through academic training,  
6 occupational experience, and reputation (such as engineers,  
7 industrial hygienists, or geologists) can objectively conduct  
8 one or more aspects of an Environmental Audit and who either:

9 (I) maintains at the time of the Environmental Audit  
10 and for at least one year thereafter at least \$500,000 of  
11 environmental consultants' professional liability  
12 insurance coverage issued by an insurance company licensed  
13 to do business in Illinois; or

14 (II) is an Illinois licensed professional engineer or  
15 an Illinois licensed industrial hygienist.

16 An environmental professional may employ persons who are  
17 not environmental professionals to assist in the preparation of  
18 an Environmental Audit if such persons are under the direct  
19 supervision and control of the environmental professional.

20 (iv) For purposes of this subparagraph (E), the term "real  
21 property" means any interest in any parcel of land, and  
22 includes, but is not limited to, buildings, fixtures, and  
23 improvements.

24 (v) For purposes of this subparagraph (E), the term "Phase  
25 I Environmental Audit" means an investigation of real property,  
26 conducted by environmental professionals, to discover the

1 presence or likely presence of a release or a substantial  
2 threat of a release of a hazardous substance or pesticide at,  
3 on, to, or from real property, and whether a release or a  
4 substantial threat of a release of a hazardous substance or  
5 pesticide has occurred or may occur at, on, to, or from the  
6 real property. Until such time as the United States  
7 Environmental Protection Agency establishes standards for  
8 making appropriate inquiry into the previous ownership and uses  
9 of the facility pursuant to 42 U.S.C. Sec. 9601(35)(B)(ii), the  
10 investigation shall comply with the procedures of the American  
11 Society for Testing and Materials, including the document known  
12 as Standard E1527-97, entitled "Standard Procedures for  
13 Environmental Site Assessment: Phase 1 Environmental Site  
14 Assessment Process". Upon their adoption, the standards  
15 promulgated by USEPA pursuant to 42 U.S.C. Sec. 9601(35)(B)(ii)  
16 shall govern the performance of Phase I Environmental Audits.  
17 In addition to the above requirements, the Phase I  
18 Environmental Audit shall include a review of recorded land  
19 title records for the purpose of determining whether the real  
20 property is subject to an environmental land use restriction  
21 such as a No Further Remediation Letter, Environmental Land Use  
22 Control, or Highway Authority Agreement.

23 (vi) For purposes of subparagraph (E), the term "Phase II  
24 Environmental Audit" means an investigation of real property,  
25 conducted by environmental professionals, subsequent to a  
26 Phase I Environmental Audit. If the Phase I Environmental Audit

1 discloses the presence or likely presence of a hazardous  
2 substance or a pesticide or a release or a substantial threat  
3 of a release of a hazardous substance or pesticide:

4 (I) In or to soil, the defendant, as part of the Phase  
5 II Environmental Audit, shall perform a series of soil  
6 borings sufficient to determine whether there is a presence  
7 or likely presence of a hazardous substance or pesticide  
8 and whether there is or has been a release or a substantial  
9 threat of a release of a hazardous substance or pesticide  
10 at, on, to, or from the real property.

11 (II) In or to groundwater, the defendant, as part of  
12 the Phase II Environmental Audit, shall: review  
13 information regarding local geology, water well locations,  
14 and locations of waters of the State as may be obtained  
15 from State, federal, and local government records,  
16 including but not limited to the United States Geological  
17 Survey, the State Geological Survey of the University of  
18 Illinois, and the State Water Survey of the University of  
19 Illinois; and perform groundwater monitoring sufficient to  
20 determine whether there is a presence or likely presence of  
21 a 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 (III) On or to media other than soil or groundwater,  
26 the defendant, as part of the Phase II Environmental Audit,

1 shall perform an investigation sufficient to determine  
2 whether there is a presence or likely presence of a  
3 hazardous substance or pesticide, and whether there is or  
4 has been a release or a substantial threat of a release of  
5 a hazardous substance or pesticide at, on, to, or from the  
6 real property.

7 (vii) The findings of each Environmental Audit prepared  
8 under this subparagraph (E) shall be set forth in a written  
9 audit report. Each audit report shall contain an affirmation by  
10 the defendant and by each environmental professional who  
11 prepared the Environmental Audit that the facts stated in the  
12 report are true and are made under a penalty of perjury as  
13 defined in Section 32-2 of the Criminal Code of 2012 ~~1961~~. It  
14 is perjury for any person to sign an audit report that contains  
15 a false material statement that the person does not believe to  
16 be true.

17 (viii) The Agency is not required to review, approve, or  
18 certify the results of any Environmental Audit. The performance  
19 of an Environmental Audit shall in no way entitle a defendant  
20 to a presumption of Agency approval or certification of the  
21 results of the Environmental Audit.

22 The presence or absence of a disclosure document prepared  
23 under the Responsible Property Transfer Act of 1988 shall not  
24 be a defense under this Act and shall not satisfy the  
25 requirements of subdivision (6)(A) of this subsection (j).

26 (7) No person shall be liable under this Section for

1 response costs or damages as the result of a pesticide release  
2 if the Agency has found that a pesticide release occurred based  
3 on a Health Advisory issued by the U.S. Environmental  
4 Protection Agency or an action level developed by the Agency,  
5 unless the Agency notified the manufacturer of the pesticide  
6 and provided an opportunity of not less than 30 days for the  
7 manufacturer to comment on the technical and scientific  
8 justification supporting the Health Advisory or action level.

9 (8) No person shall be liable under this Section for  
10 response costs or damages as the result of a pesticide release  
11 that occurs in the course of a farm pesticide collection  
12 program operated under Section 19.1 of the Illinois Pesticide  
13 Act, unless the release results from gross negligence or  
14 intentional misconduct.

15 (k) If any person who is liable for a release or  
16 substantial threat of release of a hazardous substance or  
17 pesticide fails without sufficient cause to provide removal or  
18 remedial action upon or in accordance with a notice and request  
19 by the Agency or upon or in accordance with any order of the  
20 Board or any court, such person may be liable to the State for  
21 punitive damages in an amount at least equal to, and not more  
22 than 3 times, the amount of any costs incurred by the State of  
23 Illinois as a result of such failure to take such removal or  
24 remedial action. The punitive damages imposed by the Board  
25 shall be in addition to any costs recovered from such person  
26 pursuant to this Section and in addition to any other penalty

1 or relief provided by this Act or any other law.

2 Any monies received by the State pursuant to this  
3 subsection (k) shall be deposited in the Hazardous Waste Fund.

4 (1) Beginning January 1, 1988, and prior to January 1,  
5 2013, the Agency shall annually collect a \$250 fee for each  
6 Special Waste Hauling Permit Application and, in addition,  
7 shall collect a fee of \$20 for each waste hauling vehicle  
8 identified in the annual permit application and for each  
9 vehicle which is added to the permit during the annual period.

10 Beginning January 1, 2013, the Agency shall issue 3-year  
11 Special Waste Hauling Permits instead of annual Special Waste  
12 Hauling Permits and shall collect a \$750 fee for each Special  
13 Waste Hauling Permit Application. In addition, beginning  
14 January 1, 2013, the Agency shall collect a fee of \$60 for each  
15 waste hauling vehicle identified in the permit application and  
16 for each vehicle that is added to the permit during the 3-year  
17 period. The Agency shall deposit 85% of such fees collected  
18 under this subsection in the State Treasury to the credit of  
19 the Hazardous Waste Research Fund; and shall deposit the  
20 remaining 15% of such fees collected in the State Treasury to  
21 the credit of the Environmental Protection Permit and  
22 Inspection Fund. The majority of such receipts which are  
23 deposited in the Hazardous Waste Research Fund pursuant to this  
24 subsection shall be used by the University of Illinois for  
25 activities which relate to the protection of underground  
26 waters.

1 (l-5) (Blank).

2 (m) (Blank).

3 (n) (Blank).

4 (Source: P.A. 97-220, eff. 7-28-11; 97-1081, eff. 8-24-12.)

5 (415 ILCS 5/44) (from Ch. 111 1/2, par. 1044)

6 Sec. 44. Criminal acts; penalties.

7 (a) Except as otherwise provided in this Section, it shall  
8 be a Class A misdemeanor to violate this Act or regulations  
9 thereunder, or any permit or term or condition thereof, or  
10 knowingly to submit any false information under this Act or  
11 regulations adopted thereunder, or under any permit or term or  
12 condition thereof. A court may, in addition to any other  
13 penalty herein imposed, order a person convicted of any  
14 violation of this Act to perform community service for not less  
15 than 100 hours and not more than 300 hours if community service  
16 is available in the jurisdiction. It shall be the duty of all  
17 State and local law-enforcement officers to enforce such Act  
18 and regulations, and all such officers shall have authority to  
19 issue citations for such violations.

20 (b) Calculated Criminal Disposal of Hazardous Waste.

21 (1) A person commits the offense of Calculated Criminal  
22 Disposal of Hazardous Waste when, without lawful  
23 justification, he knowingly disposes of hazardous waste  
24 while knowing that he thereby places another person in



1 danger of great bodily harm or creates an immediate or  
2 long-term danger to the public health or the environment.

3 (2) Calculated Criminal Disposal of Hazardous Waste is  
4 a Class 2 felony. In addition to any other penalties  
5 prescribed by law, a person convicted of the offense of  
6 Calculated Criminal Disposal of Hazardous Waste is subject  
7 to a fine not to exceed \$500,000 for each day of such  
8 offense.

9 (c) Criminal Disposal of Hazardous Waste.

10 (1) A person commits the offense of Criminal Disposal  
11 of Hazardous Waste when, without lawful justification, he  
12 knowingly disposes of hazardous waste.

13 (2) Criminal Disposal of Hazardous Waste is a Class 3  
14 felony. In addition to any other penalties prescribed by  
15 law, a person convicted of the offense of Criminal Disposal  
16 of Hazardous Waste is subject to a fine not to exceed  
17 \$250,000 for each day of such offense.

18 (d) Unauthorized Use of Hazardous Waste.

19 (1) A person commits the offense of Unauthorized Use of  
20 Hazardous Waste when he, being required to have a permit,  
21 registration, or license under this Act or any other law  
22 regulating the treatment, transportation, or storage of  
23 hazardous waste, knowingly:

24 (A) treats, transports, or stores any hazardous

1 waste without such permit, registration, or license;

2 (B) treats, transports, or stores any hazardous  
3 waste in violation of the terms and conditions of such  
4 permit or license;

5 (C) transports any hazardous waste to a facility  
6 which does not have a permit or license required under  
7 this Act; or

8 (D) transports by vehicle any hazardous waste  
9 without having in each vehicle credentials issued to  
10 the transporter by the transporter's base state  
11 pursuant to procedures established under the Uniform  
12 Program.

13 (2) A person who is convicted of a violation of  
14 subparagraph (A), (B), or (C) of paragraph (1) of this  
15 subsection is guilty of a Class 4 felony. A person who is  
16 convicted of a violation of subparagraph (D) of paragraph  
17 (1) of this subsection is guilty of a Class A misdemeanor.  
18 In addition to any other penalties prescribed by law, a  
19 person convicted of violating subparagraph (A), (B), or (C)  
20 of paragraph (1) of this subsection is subject to a fine  
21 not to exceed \$100,000 for each day of such violation, and  
22 a person who is convicted of violating subparagraph (D) of  
23 paragraph (1) of this subsection is subject to a fine not  
24 to exceed \$1,000.

25 (e) Unlawful Delivery of Hazardous Waste.

1           (1) Except as authorized by this Act or the federal  
2 Resource Conservation and Recovery Act, and the  
3 regulations promulgated thereunder, it is unlawful for any  
4 person to knowingly deliver hazardous waste.

5           (2) Unlawful Delivery 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 Unlawful Delivery  
8 of Hazardous Waste is subject to a fine not to exceed  
9 \$250,000 for each such violation.

10          (3) For purposes of this Section, "deliver" or  
11 "delivery" means the actual, constructive, or attempted  
12 transfer of possession of hazardous waste, with or without  
13 consideration, whether or not there is an agency  
14 relationship.

15          (f) Reckless Disposal of Hazardous Waste.

16          (1) A person commits Reckless Disposal of Hazardous  
17 Waste if he disposes of hazardous waste, and his acts which  
18 cause the hazardous waste to be disposed of, whether or not  
19 those acts are undertaken pursuant to or under color of any  
20 permit or license, are performed with a conscious disregard  
21 of a substantial and unjustifiable risk that such disposing  
22 of hazardous waste is a gross deviation from the standard  
23 of care which a reasonable person would exercise in the  
24 situation.

25          (2) Reckless Disposal of Hazardous Waste is a Class 4

1 felony. In addition to any other penalties prescribed by  
2 law, a person convicted of the offense of Reckless Disposal  
3 of Hazardous Waste is subject to a fine not to exceed  
4 \$50,000 for each day of such offense.

5 (g) Concealment of Criminal Disposal of Hazardous Waste.

6 (1) A person commits the offense of Concealment of  
7 Criminal Disposal of Hazardous Waste when he conceals,  
8 without lawful justification, the disposal of hazardous  
9 waste with the knowledge that such hazardous waste has been  
10 disposed of in violation of this Act.

11 (2) Concealment of Criminal Disposal of a Hazardous  
12 Waste is a Class 4 felony. In addition to any other  
13 penalties prescribed by law, a person convicted of the  
14 offense of Concealment of Criminal Disposal of Hazardous  
15 Waste is subject to a fine not to exceed \$50,000 for each  
16 day of such offense.

17 (h) Violations; False Statements.

18 (1) Any person who knowingly makes a false material  
19 statement in an application for a permit or license  
20 required by this Act to treat, transport, store, or dispose  
21 of hazardous waste commits the offense of perjury and shall  
22 be subject to the penalties set forth in Section 32-2 of  
23 the Criminal Code of 2012 ~~1961~~.

24 (2) Any person who knowingly makes a false material

1 statement or representation in any label, manifest,  
2 record, report, permit or license, or other document filed,  
3 maintained, or used for the purpose of compliance with this  
4 Act in connection with the generation, disposal,  
5 treatment, storage, or transportation of hazardous waste  
6 commits a Class 4 felony. A second or any subsequent  
7 offense after conviction hereunder is a Class 3 felony.

8 (3) Any person who knowingly destroys, alters, or  
9 conceals any record required to be made by this Act in  
10 connection with the disposal, treatment, storage, or  
11 transportation of hazardous waste commits a Class 4 felony.  
12 A second or any subsequent offense after a conviction  
13 hereunder is a Class 3 felony.

14 (4) Any person who knowingly makes a false material  
15 statement or representation in any application, bill,  
16 invoice, or other document filed, maintained, or used for  
17 the purpose of receiving money from the Underground Storage  
18 Tank Fund commits a Class 4 felony. A second or any  
19 subsequent offense after conviction hereunder is a Class 3  
20 felony.

21 (5) Any person who knowingly destroys, alters, or  
22 conceals any record required to be made or maintained by  
23 this Act or required to be made or maintained by Board or  
24 Agency rules for the purpose of receiving money from the  
25 Underground Storage Tank Fund commits a Class 4 felony. A  
26 second or any subsequent offense after a conviction

1 hereunder is a Class 3 felony.

2 (6) A person who knowingly and falsely certifies under  
3 Section 22.48 that an industrial process waste or pollution  
4 control waste is not special waste commits a Class 4 felony  
5 for a first offense and commits a Class 3 felony for a  
6 second or subsequent offense.

7 (7) In addition to any other penalties prescribed by  
8 law, a person convicted of violating this subsection (h) is  
9 subject to a fine not to exceed \$50,000 for each day of  
10 such violation.

11 (8) Any person who knowingly makes a false, fictitious,  
12 or fraudulent material statement, orally or in writing, to  
13 the Agency, or to a unit of local government to which the  
14 Agency has delegated authority under subsection (r) of  
15 Section 4 of this Act, related to or required by this Act,  
16 a regulation adopted under this Act, any federal law or  
17 regulation for which the Agency has responsibility, or any  
18 permit, term, or condition thereof, commits a Class 4  
19 felony, and each such statement or writing shall be  
20 considered a separate Class 4 felony. A person who, after  
21 being convicted under this paragraph (8), violates this  
22 paragraph (8) a second or subsequent time, commits a Class  
23 3 felony.

24 (i) Verification.

25 (1) Each application for a permit or license to dispose

1 of, transport, treat, store, or generate hazardous waste  
2 under this Act shall contain an affirmation that the facts  
3 are true and are made under penalty of perjury as defined  
4 in Section 32-2 of the Criminal Code of 2012 ~~1961~~. It is  
5 perjury for a person to sign any such application for a  
6 permit or license which contains a false material  
7 statement, which he does not believe to be true.

8 (2) Each request for money from the Underground Storage  
9 Tank Fund shall contain an affirmation that the facts are  
10 true and are made under penalty of perjury as defined in  
11 Section 32-2 of the Criminal Code of 2012 ~~1961~~. It is  
12 perjury for a person to sign any request that contains a  
13 false material statement that he does not believe to be  
14 true.

15 (j) Violations of Other Provisions.

16 (1) It is unlawful for a person knowingly to violate:

17 (A) subsection (f) of Section 12 of this Act;

18 (B) subsection (g) of Section 12 of this Act;

19 (C) any term or condition of any Underground  
20 Injection Control (UIC) permit;

21 (D) any filing requirement, regulation, or order  
22 relating to the State Underground Injection Control  
23 (UIC) program;

24 (E) any provision of any regulation, standard, or  
25 filing requirement under subsection (b) of Section 13

1 of this Act;

2 (F) any provision of any regulation, standard, or  
3 filing requirement under subsection (b) of Section 39  
4 of this Act;

5 (G) any National Pollutant Discharge Elimination  
6 System (NPDES) permit issued under this Act or any term  
7 or condition of such permit;

8 (H) subsection (h) of Section 12 of this Act;

9 (I) subsection 6 of Section 39.5 of this Act;

10 (J) any provision of any regulation, standard or  
11 filing requirement under Section 39.5 of this Act;

12 (K) a provision of the Procedures for Asbestos  
13 Emission Control in subsection (c) of Section 61.145 of  
14 Title 40 of the Code of Federal Regulations; or

15 (L) the standard for waste disposal for  
16 manufacturing, fabricating, demolition, renovation,  
17 and spraying operations in Section 61.150 of Title 40  
18 of the Code of Federal Regulations.

19 (2) A person convicted of a violation of subdivision  
20 (1) of this subsection commits a Class 4 felony, and in  
21 addition to any other penalty prescribed by law is subject  
22 to a fine not to exceed \$25,000 for each day of such  
23 violation.

24 (3) A person who negligently violates the following  
25 shall be subject to a fine not to exceed \$10,000 for each  
26 day of such violation:



1 (A) subsection (f) of Section 12 of this Act;

2 (B) subsection (g) of Section 12 of this Act;

3 (C) any provision of any regulation, standard, or  
4 filing requirement under subsection (b) of Section 13  
5 of this Act;

6 (D) any provision of any regulation, standard, or  
7 filing requirement under subsection (b) of Section 39  
8 of this Act;

9 (E) any National Pollutant Discharge Elimination  
10 System (NPDES) permit issued under this Act;

11 (F) subsection 6 of Section 39.5 of this Act; or

12 (G) any provision of any regulation, standard, or  
13 filing requirement under Section 39.5 of this Act.

14 (4) It is unlawful for a person knowingly to:

15 (A) make any false statement, representation, or  
16 certification in an application form, or form  
17 pertaining to, a National Pollutant Discharge  
18 Elimination System (NPDES) permit;

19 (B) render inaccurate any monitoring device or  
20 record required by the Agency or Board in connection  
21 with any such permit or with any discharge which is  
22 subject to the provisions of subsection (f) of Section  
23 12 of this Act;

24 (C) make any false statement, representation, or  
25 certification in any form, notice, or report  
26 pertaining to a CAAPP permit under Section 39.5 of this

1 Act;

2 (D) render inaccurate any monitoring device or  
3 record required by the Agency or Board in connection  
4 with any CAAPP permit or with any emission which is  
5 subject to the provisions of Section 39.5 of this Act;  
6 or

7 (E) violate subsection 6 of Section 39.5 of this  
8 Act or any CAAPP permit, or term or condition thereof,  
9 or any fee or filing requirement.

10 (5) A person convicted of a violation of paragraph (4)  
11 of this subsection commits a Class A misdemeanor, and in  
12 addition to any other penalties provided by law is subject  
13 to a fine not to exceed \$10,000 for each day of violation.

14 (k) Criminal operation of a hazardous waste or PCB  
15 incinerator.

16 (1) A person commits the offense of criminal operation  
17 of a hazardous waste or PCB incinerator when, in the course  
18 of operating a hazardous waste or PCB incinerator, he  
19 knowingly and without justification operates the  
20 incinerator (i) without an Agency permit, or in knowing  
21 violation of the terms of an Agency permit, and (ii) as a  
22 result of such violation, knowingly places any person in  
23 danger of great bodily harm or knowingly creates an  
24 immediate or long term material danger to the public health  
25 or the environment.

1           (2) Any person who commits the offense of criminal  
2 operation of a hazardous waste or PCB incinerator for the  
3 first time commits a Class 4 felony and, in addition to any  
4 other penalties prescribed by law, shall be subject to a  
5 fine not to exceed \$100,000 for each day of the offense.

6           Any person who commits the offense of criminal  
7 operation of a hazardous waste or PCB incinerator for a  
8 second or subsequent time commits a Class 3 felony and, in  
9 addition to any other penalties prescribed by law, shall be  
10 subject to a fine not to exceed \$250,000 for each day of  
11 the offense.

12           (3) For the purpose of this subsection (k), the term  
13 "hazardous waste or PCB incinerator" means a pollution  
14 control facility at which either hazardous waste or PCBs,  
15 or both, are incinerated. "PCBs" means any substance or  
16 mixture of substances that contains one or more  
17 polychlorinated biphenyls in detectable amounts.

18           (1) It shall be the duty of all State and local law  
19 enforcement officers to enforce this Act and the regulations  
20 adopted hereunder, and all such officers shall have authority  
21 to issue citations for such violations.

22           (m) Any action brought under this Section shall be brought  
23 by the State's Attorney of the county in which the violation  
24 occurred, or by the Attorney General, and shall be conducted in

1 accordance with the applicable provisions of the Code of  
2 Criminal Procedure of 1963.

3 (n) For an offense described in this Section, the period  
4 for commencing prosecution prescribed by the statute of  
5 limitations shall not begin to run until the offense is  
6 discovered by or reported to a State or local agency having the  
7 authority to investigate violations of this Act.

8 (o) In addition to any other penalties provided under this  
9 Act, if a person is convicted of (or agrees to a settlement in  
10 an enforcement action over) illegal dumping of waste on the  
11 person's own property, the Attorney General, the Agency, or  
12 local prosecuting authority shall file notice of the  
13 conviction, finding, or agreement in the office of the Recorder  
14 in the county in which the landowner lives.

15 (p) Criminal Disposal of Waste.

16 (1) A person commits the offense of Criminal Disposal  
17 of Waste when he or she:

18 (A) if required to have a permit under subsection  
19 (d) of Section 21 of this Act, knowingly conducts a  
20 waste-storage, waste-treatment, or waste-disposal  
21 operation in a quantity that exceeds 250 cubic feet of  
22 waste without a permit; or

23 (B) knowingly conducts open dumping of waste in

1 violation of subsection (a) of Section 21 of this Act.

2 (2) (A) A person who is convicted of a violation of  
3 subparagraph (A) of paragraph (1) of this subsection is  
4 guilty of a Class 4 felony for a first offense and, in  
5 addition to any other penalties provided by law, is subject  
6 to a fine not to exceed \$25,000 for each day of violation.  
7 A person who is convicted of a violation of subparagraph  
8 (A) of paragraph (1) of this subsection is guilty of a  
9 Class 3 felony for a second or subsequent offense and, in  
10 addition to any other penalties provided by law, is subject  
11 to a fine not to exceed \$50,000 for each day of violation.

12 (B) A person who is convicted of a violation of  
13 subparagraph (B) of paragraph (1) of this subsection is  
14 guilty of a Class A misdemeanor. However, a person who  
15 is convicted of a violation of subparagraph (B) of  
16 paragraph (1) of this subsection for the open dumping  
17 of waste in a quantity that exceeds 250 cubic feet or  
18 that exceeds 50 waste tires is guilty of a Class 4  
19 felony and, in addition to any other penalties provided  
20 by law, is subject to a fine not to exceed \$25,000 for  
21 each day of violation.

22 (q) Criminal Damage to a Public Water Supply.

23 (1) A person commits the offense of Criminal Damage to  
24 a Public Water Supply when, without lawful justification,  
25 he knowingly alters, damages, or otherwise tampers with the

1 equipment or property of a public water supply, or  
2 knowingly introduces a contaminant into the distribution  
3 system of a public water supply so as to cause, threaten,  
4 or allow the distribution of water from any public water  
5 supply of such quality or quantity as to be injurious to  
6 human health or the environment.

7 (2) Criminal Damage to a Public Water Supply is a Class  
8 4 felony. In addition to any other penalties prescribed by  
9 law, a person convicted of the offense of Criminal Damage  
10 to a Public Water Supply is subject to a fine not to exceed  
11 \$250,000 for each day of such offense.

12 (r) Aggravated Criminal Damage to a Public Water Supply.

13 (1) A person commits the offense of Aggravated Criminal  
14 Damage to a Public Water Supply when, without lawful  
15 justification, he commits Criminal Damage to a Public Water  
16 Supply while knowing that he thereby places another person  
17 in danger of serious illness or great bodily harm, or  
18 creates an immediate or long-term danger to public health  
19 or the environment.

20 (2) Aggravated Criminal Damage to a Public Water Supply  
21 is a Class 2 felony. In addition to any other penalties  
22 prescribed by law, a person convicted of the offense of  
23 Aggravated Criminal Damage to a Public Water Supply is  
24 subject to a fine not to exceed \$500,000 for each day of  
25 such offense.

1 (Source: P.A. 96-603, eff. 8-24-09; 97-220, eff. 7-28-11;  
2 97-286, eff. 8-10-11; 97-813, eff. 7-13-12.)

3 Section 545. The Firearm Owners Identification Card Act is  
4 amended by changing Sections 1, 1.1, 3.1, 3.2, and 10 as  
5 follows:

6 (430 ILCS 65/1) (from Ch. 38, par. 83-1)

7 Sec. 1. It is hereby declared as a matter of legislative  
8 determination that in order to promote and protect the health,  
9 safety and welfare of the public, it is necessary and in the  
10 public interest to provide a system of identifying persons who  
11 are not qualified to acquire or possess firearms, firearm  
12 ammunition, stun guns, and tasers within the State of Illinois  
13 by the establishment of a system of Firearm Owner's  
14 Identification Cards, thereby establishing a practical and  
15 workable system by which law enforcement authorities will be  
16 afforded an opportunity to identify those persons who are  
17 prohibited by Section 24-3.1 of the "Criminal Code of 2012  
18 ~~1961~~", ~~as amended~~, from acquiring or possessing firearms and  
19 firearm ammunition and who are prohibited by this Act from  
20 acquiring stun guns and tasers.

21 (Source: P.A. 94-6, eff. 1-1-06.)

22 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

23 Sec. 1.1. For purposes of this Act:

1 "Has been adjudicated as a mental defective" means the  
2 person is the subject of a determination by a court, board,  
3 commission or other lawful authority that a person, as a result  
4 of marked subnormal intelligence, or mental illness, mental  
5 impairment, incompetency, condition, or disease:

6 (1) is a danger to himself, herself, or to others;

7 (2) lacks the mental capacity to manage his or her own  
8 affairs;

9 (3) is not guilty in a criminal case by reason of  
10 insanity, mental disease or defect;

11 (4) is incompetent to stand trial in a criminal case;

12 (5) is not guilty by reason of lack of mental  
13 responsibility pursuant to Articles 50a and 72b of the  
14 Uniform Code of Military Justice, 10 U.S.C. 850a, 876b.

15 "Counterfeit" means to copy or imitate, without legal  
16 authority, with intent to deceive.

17 "Federally licensed firearm dealer" means a person who is  
18 licensed as a federal firearms dealer under Section 923 of the  
19 federal Gun Control Act of 1968 (18 U.S.C. 923).

20 "Firearm" means any device, by whatever name known, which  
21 is designed to expel a projectile or projectiles by the action  
22 of an explosion, expansion of gas or escape of gas; excluding,  
23 however:

24 (1) any pneumatic gun, spring gun, paint ball gun, or  
25 B-B gun which expels a single globular projectile not  
26 exceeding .18 inch in diameter or which has a maximum



1 muzzle velocity of less than 700 feet per second;

2 (1.1) any pneumatic gun, spring gun, paint ball gun, or  
3 B-B gun which expels breakable paint balls containing  
4 washable marking colors;

5 (2) any device used exclusively for signalling or  
6 safety and required or recommended by the United States  
7 Coast Guard or the Interstate Commerce Commission;

8 (3) any device used exclusively for the firing of stud  
9 cartridges, explosive rivets or similar industrial  
10 ammunition; and

11 (4) an antique firearm (other than a machine-gun)  
12 which, although designed as a weapon, the Department of  
13 State Police finds by reason of the date of its  
14 manufacture, value, design, and other characteristics is  
15 primarily a collector's item and is not likely to be used  
16 as a weapon.

17 "Firearm ammunition" means any self-contained cartridge or  
18 shotgun shell, by whatever name known, which is designed to be  
19 used or adaptable to use in a firearm; excluding, however:

20 (1) any ammunition exclusively designed for use with a  
21 device used exclusively for signalling or safety and  
22 required or recommended by the United States Coast Guard or  
23 the Interstate Commerce Commission; and

24 (2) any ammunition designed exclusively for use with a  
25 stud or rivet driver or other similar industrial  
26 ammunition.

1 "Gun show" means an event or function:

2 (1) at which the sale and transfer of firearms is the  
3 regular and normal course of business and where 50 or more  
4 firearms are displayed, offered, or exhibited for sale,  
5 transfer, or exchange; or

6 (2) at which not less than 10 gun show vendors display,  
7 offer, or exhibit for sale, sell, transfer, or exchange  
8 firearms.

9 "Gun show" includes the entire premises provided for an  
10 event or function, including parking areas for the event or  
11 function, that is sponsored to facilitate the purchase, sale,  
12 transfer, or exchange of firearms as described in this Section.

13 "Gun show" does not include training or safety classes,  
14 competitive shooting events, such as rifle, shotgun, or handgun  
15 matches, trap, skeet, or sporting clays shoots, dinners,  
16 banquets, raffles, or any other event where the sale or  
17 transfer of firearms is not the primary course of business.

18 "Gun show promoter" means a person who organizes or  
19 operates a gun show.

20 "Gun show vendor" means a person who exhibits, sells,  
21 offers for sale, transfers, or exchanges any firearms at a gun  
22 show, regardless of whether the person arranges with a gun show  
23 promoter for a fixed location from which to exhibit, sell,  
24 offer for sale, transfer, or exchange any firearm.

25 "Sanctioned competitive shooting event" means a shooting  
26 contest officially recognized by a national or state shooting

1 sport association, and includes any sight-in or practice  
2 conducted in conjunction with the event.

3 "Stun gun or taser" has the meaning ascribed to it in  
4 Section 24-1 of the Criminal Code of 2012 ~~1961~~.

5 (Source: P.A. 97-776, eff. 7-13-12.)

6 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

7 Sec. 3.1. Dial up system.

8 (a) The Department of State Police shall provide a dial up  
9 telephone system or utilize other existing technology which  
10 shall be used by any federally licensed firearm dealer, gun  
11 show promoter, or gun show vendor who is to transfer a firearm,  
12 stun gun, or taser under the provisions of this Act. The  
13 Department of State Police may utilize existing technology  
14 which allows the caller to be charged a fee not to exceed \$2.  
15 Fees collected by the Department of State Police shall be  
16 deposited in the State Police Services Fund and used to provide  
17 the service.

18 (b) Upon receiving a request from a federally licensed  
19 firearm dealer, gun show promoter, or gun show vendor, the  
20 Department of State Police shall immediately approve, or within  
21 the time period established by Section 24-3 of the Criminal  
22 Code of 2012 ~~1961~~ regarding the delivery of firearms, stun  
23 guns, and tasers notify the inquiring dealer, gun show  
24 promoter, or gun show vendor of any objection that would  
25 disqualify the transferee from acquiring or possessing a

1 firearm, stun gun, or taser. In conducting the inquiry, the  
2 Department of State Police shall initiate and complete an  
3 automated search of its criminal history record information  
4 files and those of the Federal Bureau of Investigation,  
5 including the National Instant Criminal Background Check  
6 System, and of the files of the Department of Human Services  
7 relating to mental health and developmental disabilities to  
8 obtain any felony conviction or patient hospitalization  
9 information which would disqualify a person from obtaining or  
10 require revocation of a currently valid Firearm Owner's  
11 Identification Card.

12 (c) If receipt of a firearm would not violate Section 24-3  
13 of the Criminal Code of 2012 ~~1961~~, federal law, or this Act the  
14 Department of State Police shall:

15 (1) assign a unique identification number to the  
16 transfer; and

17 (2) provide the licensee, gun show promoter, or gun  
18 show vendor with the number.

19 (d) Approvals issued by the Department of State Police for  
20 the purchase of a firearm are valid for 30 days from the date  
21 of issue.

22 (e) (1) The Department of State Police must act as the  
23 Illinois Point of Contact for the National Instant Criminal  
24 Background Check System.

25 (2) The Department of State Police and the Department of  
26 Human Services shall, in accordance with State and federal law

1 regarding confidentiality, enter into a memorandum of  
2 understanding with the Federal Bureau of Investigation for the  
3 purpose of implementing the National Instant Criminal  
4 Background Check System in the State. The Department of State  
5 Police shall report the name, date of birth, and physical  
6 description of any person prohibited from possessing a firearm  
7 pursuant to the Firearm Owners Identification Card Act or 18  
8 U.S.C. 922(g) and (n) to the National Instant Criminal  
9 Background Check System Index, Denied Persons Files.

10 (f) The Department of State Police shall promulgate rules  
11 not inconsistent with this Section to implement this system.

12 (Source: P.A. 94-6, eff. 1-1-06; 94-353, eff. 7-29-05; 95-331,  
13 eff. 8-21-07; 95-564, eff. 6-1-08.)

14 (430 ILCS 65/3.2)

15 Sec. 3.2. List of prohibited projectiles; notice to  
16 dealers. Prior to January 1, 2002, the Department of State  
17 Police shall list on the Department's World Wide Web site all  
18 firearm projectiles that are prohibited under Sections 24-2.1,  
19 24-2.2, and 24-3.2 of the Criminal Code of 2012 ~~1961~~, together  
20 with a statement setting forth the sentence that may be imposed  
21 for violating those Sections. The Department of State Police  
22 shall, prior to January 1, 2002, send a list of all firearm  
23 projectiles that are prohibited under Sections 24-2.1, 24-2.2,  
24 and 24-3.2 of the Criminal Code of 2012 ~~1961~~ to each federally  
25 licensed firearm dealer in Illinois registered with the

1 Department.

2 (Source: P.A. 92-423, eff. 1-1-02.)

3 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

4 Sec. 10. Appeal to director; hearing; relief from firearm  
5 prohibitions.

6 (a) Whenever an application for a Firearm Owner's  
7 Identification Card is denied, whenever the Department fails to  
8 act on an application within 30 days of its receipt, or  
9 whenever such a Card is revoked or seized as provided for in  
10 Section 8 of this Act, the aggrieved party may appeal to the  
11 Director of State Police for a hearing upon such denial,  
12 revocation or seizure, unless the denial, revocation, or  
13 seizure was based upon a forcible felony, stalking, aggravated  
14 stalking, domestic battery, any violation of the Illinois  
15 Controlled Substances Act, the Methamphetamine Control and  
16 Community Protection Act, or the Cannabis Control Act that is  
17 classified as a Class 2 or greater felony, any felony violation  
18 of Article 24 of the Criminal Code of 1961 or the Criminal Code  
19 of 2012, or any adjudication as a delinquent minor for the  
20 commission of an offense that if committed by an adult would be  
21 a felony, in which case the aggrieved party may petition the  
22 circuit court in writing in the county of his or her residence  
23 for a hearing upon such denial, revocation, or seizure.

24 (b) At least 30 days before any hearing in the circuit  
25 court, the petitioner shall serve the relevant State's Attorney

1 with a copy of the petition. The State's Attorney may object to  
2 the petition and present evidence. At the hearing the court  
3 shall determine whether substantial justice has been done.  
4 Should the court determine that substantial justice has not  
5 been done, the court shall issue an order directing the  
6 Department of State Police to issue a Card. However, the court  
7 shall not issue the order if the petitioner is otherwise  
8 prohibited from obtaining, possessing, or using a firearm under  
9 federal law.

10 (c) Any person prohibited from possessing a firearm under  
11 Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 ~~1961~~ or  
12 acquiring a Firearm Owner's Identification Card under Section 8  
13 of this Act may apply to the Director of State Police or  
14 petition the circuit court in the county where the petitioner  
15 resides, whichever is applicable in accordance with subsection  
16 (a) of this Section, requesting relief from such prohibition  
17 and the Director or court may grant such relief if it is  
18 established by the applicant to the court's or Director's  
19 satisfaction that:

20 (0.05) when in the circuit court, the State's Attorney  
21 has been served with a written copy of the petition at  
22 least 30 days before any such hearing in the circuit court  
23 and at the hearing the State's Attorney was afforded an  
24 opportunity to present evidence and object to the petition;

25 (1) the applicant has not been convicted of a forcible  
26 felony under the laws of this State or any other

1 jurisdiction within 20 years of the applicant's  
2 application for a Firearm Owner's Identification Card, or  
3 at least 20 years have passed since the end of any period  
4 of imprisonment imposed in relation to that conviction;

5 (2) the circumstances regarding a criminal conviction,  
6 where applicable, the applicant's criminal history and his  
7 reputation are such that the applicant will not be likely  
8 to act in a manner dangerous to public safety;

9 (3) granting relief would not be contrary to the public  
10 interest; and

11 (4) granting relief would not be contrary to federal  
12 law.

13 (d) When a minor is adjudicated delinquent for an offense  
14 which if committed by an adult would be a felony, the court  
15 shall notify the Department of State Police.

16 (e) The court shall review the denial of an application or  
17 the revocation of a Firearm Owner's Identification Card of a  
18 person who has been adjudicated delinquent for an offense that  
19 if committed by an adult would be a felony if an application  
20 for relief has been filed at least 10 years after the  
21 adjudication of delinquency and the court determines that the  
22 applicant should be granted relief from disability to obtain a  
23 Firearm Owner's Identification Card. If the court grants  
24 relief, the court shall notify the Department of State Police  
25 that the disability has been removed and that the applicant is  
26 eligible to obtain a Firearm Owner's Identification Card.



1 (f) Any person who is subject to the disabilities of 18  
2 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act  
3 of 1968 because of an adjudication or commitment that occurred  
4 under the laws of this State or who was determined to be  
5 subject to the provisions of subsections (e), (f), or (g) of  
6 Section 8 of this Act may apply to the Department of State  
7 Police requesting relief from that prohibition. The Director  
8 shall grant the relief if it is established by a preponderance  
9 of the evidence that the person will not be likely to act in a  
10 manner dangerous to public safety and that granting relief  
11 would not be contrary to the public interest. In making this  
12 determination, the Director shall receive evidence concerning  
13 (i) the circumstances regarding the firearms disabilities from  
14 which relief is sought; (ii) the petitioner's mental health and  
15 criminal history records, if any; (iii) the petitioner's  
16 reputation, developed at a minimum through character witness  
17 statements, testimony, or other character evidence; and (iv)  
18 changes in the petitioner's condition or circumstances since  
19 the disqualifying events relevant to the relief sought. If  
20 relief is granted under this subsection or by order of a court  
21 under this Section, the Director shall as soon as practicable  
22 but in no case later than 15 business days, update, correct,  
23 modify, or remove the person's record in any database that the  
24 Department of State Police makes available to the National  
25 Instant Criminal Background Check System and notify the United  
26 States Attorney General that the basis for the record being

1 made available no longer applies. The Department of State  
2 Police shall adopt rules for the administration of this  
3 subsection (f).

4 (Source: P.A. 96-1368, eff. 7-28-10; 97-1131, eff. 1-1-13.)

5 Section 550. The Carnival and Amusement Rides Safety Act is  
6 amended by changing Section 2-20 as follows:

7 (430 ILCS 85/2-20)

8 Sec. 2-20. Employment of carnival workers.

9 (a) Beginning on January 1, 2008, no person, firm,  
10 corporation, or other entity that owns or operates a carnival  
11 or fair shall employ a carnival worker who (i) has been  
12 convicted of any offense set forth in Article 11 of the  
13 Criminal Code of 1961 or the Criminal Code of 2012, (ii) is a  
14 registered sex offender, as defined in the Sex Offender  
15 Registration Act, or (iii) has ever been convicted of any  
16 offense set forth in Article 9 of the Criminal Code of 1961 or  
17 the Criminal Code of 2012.

18 (b) A person, firm, corporation, or other entity that owns  
19 or operates a carnival or fair must conduct a criminal history  
20 records check and perform a check of the National Sex Offender  
21 Public Registry for carnival workers at the time they are  
22 hired, and annually thereafter except if they are in the  
23 continued employ of the entity.

24 The criminal history records check performed under this

1 subsection (b) shall be performed by the Illinois State Police,  
2 another State or federal law enforcement agency, or a business  
3 belonging to the National Association of Professional  
4 Background Check Screeners. Any criminal history checks  
5 performed by the Illinois State Police shall be pursuant to the  
6 Illinois Uniform Conviction Information Act.

7 Individuals who are under the age of 17 are exempt from the  
8 criminal history records check requirements set forth in this  
9 subsection (b).

10 (c) Any person, firm, corporation, or other entity that  
11 owns or operates a carnival or fair must have a substance abuse  
12 policy in place for its workers, which shall include random  
13 drug testing of carnival workers.

14 (d) Any person, firm, corporation, or other entity that  
15 owns or operates a carnival or fair that violates the  
16 provisions of subsection (a) of this Section or fails to  
17 conduct a criminal history records check or a sex offender  
18 registry check for carnival workers in its employ, as required  
19 by subsection (b) of this Section, shall be assessed a civil  
20 penalty in an amount not to exceed \$1,000 for a first offense,  
21 not to exceed \$5,000 for a second offense, and not to exceed  
22 \$15,000 for a third or subsequent offense. The collection of  
23 these penalties shall be enforced in a civil action brought by  
24 the Attorney General on behalf of the Department.

25 (e) A carnival or fair owner is not responsible for:

26 (1) any personal information submitted by a carnival

1 worker for criminal history records check purposes; or

2 (2) any information provided by a third party for a  
3 criminal history records check or a sex offender registry  
4 check.

5 (f) Recordkeeping requirements. Any person, firm,  
6 corporation, or other entity that owns or operates a carnival  
7 or fair subject to the provisions of this Act shall make,  
8 preserve, and make available to the Department, upon its  
9 request, all records that are required by this Act, including  
10 but not limited to a written substance abuse policy, evidence  
11 of the required criminal history records check and sex offender  
12 registry check, and any other information the Director may deem  
13 necessary and appropriate for enforcement of this Act.

14 (g) A carnival or fair owner shall not be liable to any  
15 employee in carrying out the requirements of this Section.

16 (Source: P.A. 95-397, eff. 8-24-07; 95-687, eff. 10-23-07;  
17 96-151, eff. 8-7-09.)

18 Section 555. The Animal Control Act is amended by changing  
19 Section 2.17a as follows:

20 (510 ILCS 5/2.17a)

21 Sec. 2.17a. "Peace officer" has the meaning ascribed to it  
22 in Section 2-13 of the Criminal Code of 2012 ~~1961~~.

23 (Source: P.A. 93-548, eff. 8-19-03.)

1           Section 560. The Humane Care for Animals Act is amended by  
2 changing Sections 3.03-1, 3.04, 3.05, 4.01, and 4.02 as  
3 follows:

4           (510 ILCS 70/3.03-1)

5           Sec. 3.03-1. Depiction of animal cruelty.

6           (a) "Depiction of animal cruelty" means any visual or  
7 auditory depiction, including any photograph, motion-picture  
8 film, video recording, electronic image, or sound recording,  
9 that would constitute a violation of Section 3.01, 3.02, 3.03,  
10 or 4.01 of the Humane Care for Animals Act or Section 26-5 or  
11 48-1 of the Criminal Code of 1961 or the Criminal Code of 2012.

12           (b) No person may knowingly create, sell, market, offer to  
13 market or sell, or possess a depiction of animal cruelty. No  
14 person may place that depiction in commerce for commercial gain  
15 or entertainment. This Section does not apply when the  
16 depiction has religious, political, scientific, educational,  
17 law enforcement or humane investigator training, journalistic,  
18 artistic, or historical value; or involves rodeos, sanctioned  
19 livestock events, or normal husbandry practices.

20           The creation, sale, marketing, offering to sell or market,  
21 or possession of the depiction of animal cruelty is illegal  
22 regardless of whether the maiming, mutilation, torture,  
23 wounding, abuse, killing, or any other conduct took place in  
24 this State.

25           (c) Any person convicted of violating this Section is

1 guilty of a Class A misdemeanor. A second or subsequent  
2 violation is a Class 4 felony. In addition to any other penalty  
3 provided by law, upon conviction for violating this Section,  
4 the court may order the convicted person to undergo a  
5 psychological or psychiatric evaluation and to undergo any  
6 treatment at the convicted person's expense that the court  
7 determines to be appropriate after due consideration of the  
8 evaluation. If the convicted person is a juvenile, the court  
9 shall order the convicted person to undergo a psychological or  
10 psychiatric evaluation and to undergo treatment that the court  
11 determines to be appropriate after due consideration of the  
12 evaluation.

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

14 (510 ILCS 70/3.04)

15 Sec. 3.04. Arrests and seizures; penalties.

16 (a) Any law enforcement officer making an arrest for an  
17 offense involving one or more companion animals under Section  
18 3.01, 3.02, or 3.03 of this Act may lawfully take possession of  
19 some or all of the companion animals in the possession of the  
20 person arrested. The officer, after taking possession of the  
21 companion animals, must file with the court before whom the  
22 complaint is made against any person so arrested an affidavit  
23 stating the name of the person charged in the complaint, a  
24 description of the condition of the companion animal or  
25 companion animals taken, and the time and place the companion

1 animal or companion animals were taken, together with the name  
2 of the person from whom the companion animal or companion  
3 animals were taken and name of the person who claims to own the  
4 companion animal or companion animals if different from the  
5 person from whom the companion animal or companion animals were  
6 seized. He or she must at the same time deliver an inventory of  
7 the companion animal or companion animals taken to the court of  
8 competent jurisdiction. The officer must place the companion  
9 animal or companion animals in the custody of an animal control  
10 or animal shelter and the agency must retain custody of the  
11 companion animal or companion animals subject to an order of  
12 the court adjudicating the charges on the merits and before  
13 which the person complained against is required to appear for  
14 trial. The State's Attorney may, within 14 days after the  
15 seizure, file a "petition for forfeiture prior to trial" before  
16 the court having criminal jurisdiction over the alleged  
17 charges, asking for permanent forfeiture of the companion  
18 animals seized. The petition shall be filed with the court,  
19 with copies served on the impounding agency, the owner, and  
20 anyone claiming an interest in the animals. In a "petition for  
21 forfeiture prior to trial", the burden is on the prosecution to  
22 prove by a preponderance of the evidence that the person  
23 arrested violated Section 3.01, 3.02, 3.03, or 4.01 of this Act  
24 or Section 26-5 or 48-1 of the Criminal Code of 1961 or the  
25 Criminal Code of 2012.

26 (b) An owner whose companion animal or companion animals

1 are removed by a law enforcement officer under this Section  
2 must be given written notice of the circumstances of the  
3 removal and of any legal remedies available to him or her. The  
4 notice must be posted at the place of seizure, or delivered to  
5 a person residing at the place of seizure or, if the address of  
6 the owner is different from the address of the person from whom  
7 the companion animal or companion animals were seized,  
8 delivered by registered mail to his or her last known address.

9 (c) In addition to any other penalty provided by law, upon  
10 conviction for violating Sections 3, 3.01, 3.02, or 3.03 the  
11 court may order the convicted person to forfeit to an animal  
12 control or animal shelter the animal or animals that are the  
13 basis of the conviction. Upon an order of forfeiture, the  
14 convicted person is deemed to have permanently relinquished all  
15 rights to the animal or animals that are the basis of the  
16 conviction. The forfeited animal or animals shall be adopted or  
17 humanely euthanized. In no event may the convicted person or  
18 anyone residing in his or her household be permitted to adopt  
19 the forfeited animal or animals. The court, additionally, may  
20 order that the convicted person and persons dwelling in the  
21 same household as the convicted person who conspired, aided, or  
22 abetted in the unlawful act that was the basis of the  
23 conviction, or who knew or should have known of the unlawful  
24 act, may not own, harbor, or have custody or control of any  
25 other animals for a period of time that the court deems  
26 reasonable.



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

2 (510 ILCS 70/3.05)

3 Sec. 3.05. Security for companion animals and animals used  
4 for fighting purposes.

5 (a) In the case of companion animals as defined in Section  
6 2.01a or animals used for fighting purposes in violation of  
7 Section 4.01 of this Act or Section 26-5 or 48-1 of the  
8 Criminal Code of 1961 or the Criminal Code of 2012, the animal  
9 control or animal shelter having custody of the animal or  
10 animals may file a petition with the court requesting that the  
11 person from whom the animal or animals are seized, or the owner  
12 of the animal or animals, be ordered to post security. The  
13 security must be in an amount sufficient to secure payment of  
14 all reasonable expenses expected to be incurred by the animal  
15 control or animal shelter in caring for and providing for the  
16 animal or animals pending the disposition of the charges.  
17 Reasonable expenses include, but are not limited to, estimated  
18 medical care and boarding of the animal or animals for 30 days.  
19 The amount of the security shall be determined by the court  
20 after taking into consideration all of the facts and  
21 circumstances of the case, including, but not limited to, the  
22 recommendation of the impounding organization having custody  
23 and care of the seized animal or animals and the cost of caring  
24 for the animal or animals. If security has been posted in  
25 accordance with this Section, the animal control or animal

1 shelter may draw from the security the actual costs incurred by  
2 the agency in caring for the seized animal or animals.

3 (b) Upon receipt of a petition, the court must set a  
4 hearing on the petition, to be conducted within 5 business days  
5 after the petition is filed. The petitioner must serve a true  
6 copy of the petition upon the defendant and the State's  
7 Attorney for the county in which the animal or animals were  
8 seized. The petitioner must also serve a true copy of the  
9 petition on any interested person. For the purposes of this  
10 subsection, "interested person" means an individual,  
11 partnership, firm, joint stock company, corporation,  
12 association, trust, estate, or other legal entity that the  
13 court determines may have a pecuniary interest in the animal or  
14 animals that are the subject of the petition. The court must  
15 set a hearing date to determine any interested parties. The  
16 court may waive for good cause shown the posting of security.

17 (c) If the court orders the posting of security, the  
18 security must be posted with the clerk of the court within 5  
19 business days after the hearing. If the person ordered to post  
20 security does not do so, the animal or animals are forfeited by  
21 operation of law and the animal control or animal shelter  
22 having control of the animal or animals must dispose of the  
23 animal or animals through adoption or must humanely euthanize  
24 the animal. In no event may the defendant or any person  
25 residing in the defendant's household adopt the animal or  
26 animals.

1           (d) The impounding organization may file a petition with  
2 the court upon the expiration of the 30-day period requesting  
3 the posting of additional security. The court may order the  
4 person from whom the animal or animals were seized, or the  
5 owner of the animal or animals, to post additional security  
6 with the clerk of the court to secure payment of reasonable  
7 expenses for an additional period of time pending a  
8 determination by the court of the charges against the person  
9 from whom the animal or animals were seized.

10           (e) In no event may the security prevent the impounding  
11 organization having custody and care of the animal or animals  
12 from disposing of the animal or animals before the expiration  
13 of the 30-day period covered by the security if the court makes  
14 a final determination of the charges against the person from  
15 whom the animal or animals were seized. Upon the adjudication  
16 of the charges, the person who posted the security is entitled  
17 to a refund of the security, in whole or in part, for any  
18 expenses not incurred by the impounding organization.

19           (f) Notwithstanding any other provision of this Section to  
20 the contrary, the court may order a person charged with any  
21 violation of this Act to provide necessary food, water,  
22 shelter, and care for any animal or animals that are the basis  
23 of the charge without the removal of the animal or animals from  
24 their existing location and until the charges against the  
25 person are adjudicated. Until a final determination of the  
26 charges is made, any law enforcement officer, animal control

1 officer, Department investigator, or an approved humane  
2 investigator may be authorized by an order of the court to make  
3 regular visits to the place where the animal or animals are  
4 being kept to ascertain if the animal or animals are receiving  
5 necessary food, water, shelter, and care. Nothing in this  
6 Section prevents any law enforcement officer, Department  
7 investigator, or approved humane investigator from applying  
8 for a warrant under this Section to seize any animal or animals  
9 being held by the person charged pending the adjudication of  
10 the charges if it is determined that the animal or animals are  
11 not receiving the necessary food, water, shelter, or care.

12 (g) Nothing in this Act shall be construed to prevent the  
13 voluntary, permanent relinquishment of any animal by its owner  
14 to an animal control or animal shelter in lieu of posting  
15 security or proceeding to a forfeiture hearing. Voluntary  
16 relinquishment shall have no effect on the criminal charges  
17 that may be pursued by the appropriate authorities.

18 (h) If an owner of a companion animal is acquitted by the  
19 court of charges made pursuant to this Act, the court shall  
20 further order that any security that has been posted for the  
21 animal shall be returned to the owner by the impounding  
22 organization.

23 (i) The provisions of this Section only pertain to  
24 companion animals and animals used for fighting purposes.

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

1 (510 ILCS 70/4.01) (from Ch. 8, par. 704.01)

2 Sec. 4.01. Animals in entertainment. This Section does not  
3 apply when the only animals involved are dogs. (Section 48-1 of  
4 the Criminal Code of 2012 ~~1961~~, rather than this Section,  
5 applies when the only animals involved are dogs.)

6 (a) No person may own, capture, breed, train, or lease any  
7 animal which he or she knows or should know is intended for use  
8 in any show, exhibition, program, or other activity featuring  
9 or otherwise involving a fight between such animal and any  
10 other animal or human, or the intentional killing of any animal  
11 for the purpose of sport, wagering, or entertainment.

12 (b) No person shall promote, conduct, carry on, advertise,  
13 collect money for or in any other manner assist or aid in the  
14 presentation for purposes of sport, wagering, or  
15 entertainment, any show, exhibition, program, or other  
16 activity involving a fight between 2 or more animals or any  
17 animal and human, or the intentional killing of any animal.

18 (c) No person shall sell or offer for sale, ship,  
19 transport, or otherwise move, or deliver or receive any animal  
20 which he or she knows or should know has been captured, bred,  
21 or trained, or will be used, to fight another animal or human  
22 or be intentionally killed, for the purpose of sport, wagering,  
23 or entertainment.

24 (d) No person shall manufacture for sale, shipment,  
25 transportation or delivery any device or equipment which that  
26 person knows or should know is intended for use in any show,

1 exhibition, program, or other activity featuring or otherwise  
2 involving a fight between 2 or more animals, or any human and  
3 animal, or the intentional killing of any animal for purposes  
4 of sport, wagering or entertainment.

5 (e) No person shall own, possess, sell or offer for sale,  
6 ship, transport, or otherwise move any equipment or device  
7 which such person knows or should know is intended for use in  
8 connection with any show, exhibition, program, or activity  
9 featuring or otherwise involving a fight between 2 or more  
10 animals, or any animal and human, or the intentional killing of  
11 any animal for purposes of sport, wagering or entertainment.

12 (f) No person shall make available any site, structure, or  
13 facility, whether enclosed or not, which he or she knows or  
14 should know is intended to be used for the purpose of  
15 conducting any show, exhibition, program, or other activity  
16 involving a fight between 2 or more animals, or any animal and  
17 human, or the intentional killing of any animal.

18 (g) No person shall knowingly attend or otherwise patronize  
19 any show, exhibition, program, or other activity featuring or  
20 otherwise involving a fight between 2 or more animals, or any  
21 animal and human, or the intentional killing of any animal for  
22 the purposes of sport, wagering or entertainment.

23 (h) (Blank).

24 (i) Any animals or equipment involved in a violation of  
25 this Section shall be immediately seized and impounded under  
26 Section 12 by the Department when located at any show,

1 exhibition, program, or other activity featuring or otherwise  
2 involving an animal fight for the purposes of sport, wagering,  
3 or entertainment.

4 (j) Any vehicle or conveyance other than a common carrier  
5 that is used in violation of this Section shall be seized,  
6 held, and offered for sale at public auction by the sheriff's  
7 department of the proper jurisdiction, and the proceeds from  
8 the sale shall be remitted to the general fund of the county  
9 where the violation took place.

10 (k) Any veterinarian in this State who is presented with an  
11 animal for treatment of injuries or wounds resulting from  
12 fighting where there is a reasonable possibility that the  
13 animal was engaged in or utilized for a fighting event for the  
14 purposes of sport, wagering, or entertainment shall file a  
15 report with the Department and cooperate by furnishing the  
16 owners' names, dates, and descriptions of the animal or animals  
17 involved. Any veterinarian who in good faith complies with the  
18 requirements of this subsection has immunity from any  
19 liability, civil, criminal, or otherwise, that may result from  
20 his or her actions. For the purposes of any proceedings, civil  
21 or criminal, the good faith of the veterinarian shall be  
22 rebuttably presumed.

23 (l) No person shall solicit a minor to violate this  
24 Section.

25 (m) The penalties for violations of this Section shall be  
26 as follows:

1           (1) A person convicted of violating subsection (a),  
2           (b), or (c) 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 offense involving the violation of subsection  
6           (a), (b), or (c) of this Section or any rule, regulation,  
7           or order of the Department pursuant thereto is a Class 3  
8           felony.

9           (2) A person convicted of violating subsection (d),  
10          (e), or (f) of this Section or any rule, regulation, or  
11          order of the Department pursuant thereto is guilty of a  
12          Class 4 felony for the first offense. A second or  
13          subsequent violation is a Class 3 felony.

14          (3) A person convicted of violating subsection (g) of  
15          this Section or any rule, regulation, or order of the  
16          Department pursuant thereto is guilty of a Class 4 felony  
17          for the first offense. A second or subsequent violation is  
18          a Class 3 felony.

19          (4) A person convicted of violating subsection (l) of  
20          this Section is guilty of a Class 4 felony for the first  
21          offense. A second or subsequent violation is a Class 3  
22          felony.

23          (n) A person who commits a felony violation of this Section  
24          is subject to the property forfeiture provisions set forth in  
25          Article 124B of the Code of Criminal Procedure of 1963.

26          (Source: P.A. 96-226, eff. 8-11-09; 96-712, eff. 1-1-10;



1 96-1000, eff. 7-2-10; 97-1108, eff. 1-1-13.)

2 (510 ILCS 70/4.02) (from Ch. 8, par. 704.02)

3 Sec. 4.02. Arrests; reports.

4 (a) Any law enforcement officer making an arrest for an  
5 offense involving one or more animals under Section 4.01 of  
6 this Act or Section 48-1 of the Criminal Code of 2012 ~~1961~~  
7 shall lawfully take possession of all animals and all  
8 paraphernalia, implements, or other property or things used or  
9 employed, or about to be employed, in the violation of any of  
10 the provisions of Section 4.01 of this Act or Section 48-1 of  
11 the Criminal Code of 2012 ~~1961~~. When a law enforcement officer  
12 has taken possession of such animals, paraphernalia,  
13 implements or other property or things, he or she shall file  
14 with the court before whom the complaint is made against any  
15 person so arrested an affidavit stating therein the name of the  
16 person charged in the complaint, a description of the property  
17 so taken and the time and place of the taking thereof together  
18 with the name of the person from whom the same was taken and  
19 name of the person who claims to own such property, if  
20 different from the person from whom the animals were seized and  
21 if known, and that the affiant has reason to believe and does  
22 believe, stating the ground of the belief, that the animals and  
23 property so taken were used or employed, or were about to be  
24 used or employed, in a violation of Section 4.01 of this Act or  
25 Section 48-1 of the Criminal Code of 2012 ~~1961~~. He or she shall

1 thereupon deliver an inventory of the property so taken to the  
2 court of competent jurisdiction. A law enforcement officer may  
3 humanely euthanize animals that are severely injured.

4 An owner whose animals are removed for a violation of  
5 Section 4.01 of this Act or Section 48-1 of the Criminal Code  
6 of 2012 ~~1961~~ must be given written notice of the circumstances  
7 of the removal and of any legal remedies available to him or  
8 her. The notice must be posted at the place of seizure or  
9 delivered to a person residing at the place of seizure or, if  
10 the address of the owner is different from the address of the  
11 person from whom the animals were seized, delivered by  
12 registered mail to his or her last known address.

13 The animal control or animal shelter having custody of the  
14 animals may file a petition with the court requesting that the  
15 person from whom the animals were seized or the owner of the  
16 animals be ordered to post security pursuant to Section 3.05 of  
17 this Act.

18 Upon the conviction of the person so charged, all animals  
19 shall be adopted or humanely euthanized and property so seized  
20 shall be adjudged by the court to be forfeited. Any outstanding  
21 costs incurred by the impounding facility in boarding and  
22 treating the animals pending the disposition of the case and  
23 disposing of the animals upon a conviction must be borne by the  
24 person convicted. In no event may the animals be adopted by the  
25 defendant or anyone residing in his or her household. If the  
26 court finds that the State either failed to prove the criminal

1 allegations or failed to prove that the animals were used in  
2 fighting, the court must direct the delivery of the animals and  
3 the other property not previously forfeited to the owner of the  
4 animals and property.

5 Any person authorized by this Section to care for an  
6 animal, to treat an animal, or to attempt to restore an animal  
7 to good health and who is acting in good faith is immune from  
8 any civil or criminal liability that may result from his or her  
9 actions.

10 An animal control warden, animal control administrator,  
11 animal shelter employee, or approved humane investigator may  
12 humanely euthanize severely injured, diseased, or suffering  
13 animal in exigent circumstances.

14 (b) Any veterinarian in this State who is presented with an  
15 animal for treatment of injuries or wounds resulting from  
16 fighting where there is a reasonable possibility that the  
17 animal was engaged in or utilized for a fighting event shall  
18 file a report with the Department and cooperate by furnishing  
19 the owners' names, date of receipt of the animal or animals and  
20 treatment administered, and descriptions of the animal or  
21 animals involved. Any veterinarian who in good faith makes a  
22 report, as required by this subsection (b), is immune from any  
23 liability, civil, criminal, or otherwise, resulting from his or  
24 her actions. For the purposes of any proceedings, civil or  
25 criminal, the good faith of any such veterinarian shall be  
26 presumed.

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

2 Section 565. The Wildlife Code is amended by changing  
3 Section 1.2b-1 as follows:

4 (520 ILCS 5/1.2b-1) (from Ch. 61, par. 1.2b-1)

5 Sec. 1.2b-1. Case. "Case" means any case, firearm carrying  
6 box, shipping box, or container acceptable under Article 24 of  
7 the Criminal Code of 2012 ~~1961~~.

8 (Source: P.A. 97-1027, eff. 8-17-12.)

9 Section 570. The Roadside Memorial Act is amended by  
10 changing Section 23 as follows:

11 (605 ILCS 125/23)

12 (Section scheduled to be repealed on December 31, 2012)

13 Sec. 23. Fatal accident memorial marker program.

14 (a) The fatal accident memorial marker program is intended  
15 to raise public awareness of reckless driving by emphasizing  
16 the dangers while affording families an opportunity to remember  
17 the victims of crashes involving reckless drivers.

18 (b) As used in this Section, "fatal accident memorial  
19 marker" means a marker on a highway in this State commemorating  
20 one or more persons who died as a proximate result of a crash  
21 caused by a driver who committed an act of reckless homicide in  
22 violation of Section 9-3 or 9-3.2 of the Criminal Code of 1961

1 or the Criminal Code of 2012 or who otherwise caused the death  
2 of one or more persons through the operation of a motor  
3 vehicle.

4 (c) For purposes of the fatal accident memorial marker  
5 program in this Section, the provisions of Section 15 of this  
6 Act applicable to DUI memorial markers shall apply the same to  
7 fatal accident memorial markers.

8 (d) A fatal accident memorial marker shall consist of a  
9 white on blue panel bearing the message "Reckless Driving Costs  
10 Lives". At the request of the qualified relative, a separate  
11 panel bearing the words "In Memory of (victim's name)",  
12 followed by the date of the crash that was the proximate cause  
13 of the loss of the victim's life, shall be mounted below the  
14 primary panel.

15 (e) A fatal accident memorial marker may memorialize more  
16 than one victim who died as a result of the same crash. If one  
17 or more additional deaths subsequently occur in close proximity  
18 to an existing fatal accident memorial marker, the supporting  
19 jurisdiction may use the same marker to memorialize the  
20 subsequent death or deaths, by adding the names of the  
21 additional persons.

22 (f) A fatal accident memorial marker shall be maintained  
23 for at least 2 years from the date the last person was  
24 memorialized on the marker.

25 (g) The supporting jurisdiction has the right to install a  
26 marker at a location other than the location of the crash or to

1 relocate a marker due to restricted room, property owner  
2 complaints, interference with essential traffic control  
3 devices, safety concerns, or other restrictions. In such cases,  
4 the sponsoring jurisdiction may select an alternate location.

5 (h) The Department shall secure the consent of any  
6 municipality before placing a fatal accident memorial marker  
7 within the corporate limits of the municipality.

8 (i) A fee in an amount to be determined by the supporting  
9 jurisdiction shall be charged to the qualified relative. The  
10 fee shall not exceed the costs associated with the fabrication,  
11 installation, and maintenance of the fatal accident memorial  
12 marker.

13 (j) The Department shall report to the General Assembly no  
14 later than October 1, 2011 on the evaluation of the program and  
15 the number of fatal accident memorial marker requests.

16 (k) This Section is repealed on December 31, 2012.

17 (Source: P.A. 96-1371, eff. 1-1-11; 97-304, eff. 8-11-11.)

18 Section 575. The Illinois Vehicle Code is amended by  
19 changing Sections 1-101.2, 3-704, 3-806.6, 3-821, 4-103.3,  
20 4-105.5, 4-107, 5-101, 5-102, 5-301, 5-501, 6-101, 6-103,  
21 6-106.1, 6-106.2, 6-106.3, 6-106.4, 6-108.1, 6-118, 6-204,  
22 6-205, 6-205.2, 6-206, 6-206.1, 6-208, 6-303, 6-508, 6-514,  
23 6-708, 11-204.1, 11-208.7, 11-501, 11-501.1, 11-501.4,  
24 11-501.4-1, 12-612, and 16-108 as follows:

1 (625 ILCS 5/1-101.2) (from Ch. 95 1/2, par. 1-101.2)

2 Sec. 1-101.2. Affirmation. A signed statement to the effect  
3 that the information provided by the signer is true and  
4 correct. The affirmation shall subject any person who shall  
5 knowingly affirm falsely, in matter material to any issue or  
6 point in question, to the penalties inflicted by law on persons  
7 convicted of perjury under Section 32-2 of the Criminal Code of  
8 2012 ~~1961~~.

9 (Source: P.A. 83-1473.)

10 (625 ILCS 5/3-704) (from Ch. 95 1/2, par. 3-704)

11 Sec. 3-704. Authority of Secretary of State to suspend or  
12 revoke a registration or certificate of title; authority to  
13 suspend or revoke the registration of a vehicle.

14 (a) The Secretary of State may suspend or revoke the  
15 registration of a vehicle or a certificate of title,  
16 registration card, registration sticker, registration plate,  
17 disability parking decal or device, or any nonresident or other  
18 permit in any of the following events:

19 1. When the Secretary of State is satisfied that such  
20 registration or that such certificate, card, plate,  
21 registration sticker or permit was fraudulently or  
22 erroneously issued;

23 2. When a registered vehicle has been dismantled or  
24 wrecked or is not properly equipped;

25 3. When the Secretary of State determines that any

1 required fees have not been paid to the Secretary of State,  
2 to the Illinois Commerce Commission, or to the Illinois  
3 Department of Revenue under the Motor Fuel Tax Law, and the  
4 same are not paid upon reasonable notice and demand;

5 4. When a registration card, registration plate,  
6 registration sticker or permit is knowingly displayed upon  
7 a vehicle other than the one for which issued;

8 5. When the Secretary of State determines that the  
9 owner has committed any offense under this Chapter  
10 involving the registration or the certificate, card,  
11 plate, registration sticker or permit to be suspended or  
12 revoked;

13 6. When the Secretary of State determines that a  
14 vehicle registered not-for-hire is used or operated  
15 for-hire unlawfully, or used or operated for purposes other  
16 than those authorized;

17 7. When the Secretary of State determines that an owner  
18 of a for-hire motor vehicle has failed to give proof of  
19 financial responsibility as required by this Act;

20 8. When the Secretary determines that the vehicle is  
21 not subject to or eligible for a registration;

22 9. When the Secretary determines that the owner of a  
23 vehicle registered under the mileage weight tax option  
24 fails to maintain the records specified by law, or fails to  
25 file the reports required by law, or that such vehicle is  
26 not equipped with an operable and operating speedometer or



1 odometer;

2 10. When the Secretary of State is so authorized under  
3 any other provision of law;

4 11. When the Secretary of State determines that the  
5 holder of a disability parking decal or device has  
6 committed any offense under Chapter 11 of this Code  
7 involving the use of a disability parking decal or device.

8 (a-5) The Secretary of State may revoke a certificate of  
9 title and registration card and issue a corrected certificate  
10 of title and registration card, at no fee to the vehicle owner  
11 or lienholder, if there is proof that the vehicle  
12 identification number is erroneously shown on the original  
13 certificate of title.

14 (b) The Secretary of State may suspend or revoke the  
15 registration of a vehicle as follows:

16 1. When the Secretary of State determines that the  
17 owner of a vehicle has not paid a civil penalty or a  
18 settlement agreement arising from the violation of rules  
19 adopted under the Illinois Motor Carrier Safety Law or the  
20 Illinois Hazardous Materials Transportation Act or that a  
21 vehicle, regardless of ownership, was the subject of  
22 violations of these rules that resulted in a civil penalty  
23 or settlement agreement which remains unpaid.

24 2. When the Secretary of State determines that a  
25 vehicle registered for a gross weight of more than 16,000  
26 pounds within an affected area is not in compliance with

1 the provisions of Section 13-109.1 of the Illinois Vehicle  
2 Code.

3 3. When the Secretary of State is notified by the  
4 United States Department of Transportation that a vehicle  
5 is in violation of the Federal Motor Carrier Safety  
6 Regulations, as they are now or hereafter amended, and is  
7 prohibited from operating.

8 (c) The Secretary of State may suspend the registration of  
9 a vehicle when a court finds that the vehicle was used in a  
10 violation of Section 24-3A of the Criminal Code of 1961 or the  
11 Criminal Code of 2012 relating to gunrunning. A suspension of  
12 registration under this subsection (c) may be for a period of  
13 up to 90 days.

14 (Source: P.A. 97-540, eff. 1-1-12.)

15 (625 ILCS 5/3-806.6)

16 Sec. 3-806.6. Victims of domestic violence.

17 (a) The Secretary shall issue new and different license  
18 plates immediately upon request to the registered owner of a  
19 vehicle who appears in person and submits a completed  
20 application, if all of the following are provided:

21 (1) proof of ownership of the vehicle that is  
22 acceptable to the Secretary;

23 (2) a driver's license or identification card  
24 containing a picture of the licensee or cardholder issued  
25 to the registered owner by the Secretary under Section

1 6-110 or 6-107 of this Code or Section 4 of the Illinois  
2 Identification Card Act. The Office of the Secretary shall  
3 conduct a search of its records to verify the authenticity  
4 of any document submitted under this paragraph (2);

5 (3) the previously issued license plates from the  
6 vehicle;

7 (4) payment of the required fee for the issuance of  
8 duplicate license plates under Section 3-417; and

9 (5) one of the following:

10 (A) a copy of a police report, court documentation,  
11 or other law enforcement documentation identifying the  
12 registered owner of the vehicle as the victim of an  
13 incident of abuse, as defined in Section 103 of the  
14 Illinois Domestic Violence Act of 1986, or the subject  
15 of stalking, as defined in Section 12-7.3 of the  
16 Criminal Code of 2012 ~~1961~~;

17 (B) a written acknowledgment, dated within 30 days  
18 of submission, on the letterhead of a domestic violence  
19 agency, that the registered owner is actively seeking  
20 assistance or has sought assistance from that agency  
21 within the past year; or

22 (C) an order of protection issued under Section 214  
23 of the Illinois Domestic Violence Act of 1986 that  
24 names the registered owner as a protected party.

25 (b) This Section does not apply to license plates issued  
26 under Section 3-664 or to special license plates issued under

1 Article VI of this Chapter.

2 (Source: P.A. 94-503, eff. 1-1-06; 95-876, eff. 8-21-08.)

3 (625 ILCS 5/3-821) (from Ch. 95 1/2, par. 3-821)

4 Sec. 3-821. Miscellaneous Registration and Title Fees.

5 (a) The fee to be paid to the Secretary of State for the  
6 following certificates, registrations or evidences of proper  
7 registration, or for corrected or duplicate documents shall be  
8 in accordance with the following schedule:

9	Certificate of Title, except for an all-terrain	
10	vehicle or off-highway motorcycle	\$95
11	Certificate of Title for an all-terrain vehicle	
12	or off-highway motorcycle	\$30
13	Certificate of Title for an all-terrain vehicle	
14	or off-highway motorcycle used for production	
15	agriculture, or accepted by a dealer in trade	13
16	Certificate of Title for a low-speed vehicle	30
17	Transfer of Registration or any evidence of	
18	proper registration	\$25
19	Duplicate Registration Card for plates or other	
20	evidence of proper registration	3
21	Duplicate Registration Sticker or Stickers, each	20
22	Duplicate Certificate of Title	95
23	Corrected Registration Card or Card for other	
24	evidence of proper registration	3
25	Corrected Certificate of Title	95

1	Salvage Certificate	4
2	Fleet Reciprocity Permit	15
3	Prorate Decal	1
4	Prorate Backing Plate	3
5	Special Corrected Certificate of Title	15
6	Expedited Title Service (to be charged in addition	
7	to other applicable fees)	30
8	Dealer Lien Release Certificate of Title	20

9 A special corrected certificate of title shall be issued  
 10 (i) to remove a co-owner's name due to the death of the  
 11 co-owner or due to a divorce or (ii) to change a co-owner's  
 12 name due to a marriage.

13 There shall be no fee paid for a Junking Certificate.

14 There shall be no fee paid for a certificate of title  
 15 issued to a county when the vehicle is forfeited to the county  
 16 under Article 36 of the Criminal Code of 2012 ~~1961~~.

17 (a-5) The Secretary of State may revoke a certificate of  
 18 title and registration card and issue a corrected certificate  
 19 of title and registration card, at no fee to the vehicle owner  
 20 or lienholder, if there is proof that the vehicle  
 21 identification number is erroneously shown on the original  
 22 certificate of title.

23 (a-10) The Secretary of State may issue, in connection with  
 24 the sale of a motor vehicle, a corrected title to a motor  
 25 vehicle dealer upon application and submittal of a lien release  
 26 letter from the lienholder listed in the files of the

1 Secretary. In the case of a title issued by another state, the  
2 dealer must submit proof from the state that issued the last  
3 title. The corrected title, which shall be known as a dealer  
4 lien release certificate of title, shall be issued in the name  
5 of the vehicle owner without the named lienholder. If the motor  
6 vehicle is currently titled in a state other than Illinois, the  
7 applicant must submit either (i) a letter from the current  
8 lienholder releasing the lien and stating that the lienholder  
9 has possession of the title; or (ii) a letter from the current  
10 lienholder releasing the lien and a copy of the records of the  
11 department of motor vehicles for the state in which the vehicle  
12 is titled, showing that the vehicle is titled in the name of  
13 the applicant and that no liens are recorded other than the  
14 lien for which a release has been submitted. The fee for the  
15 dealer lien release certificate of title is \$20.

16 (b) The Secretary may prescribe the maximum service charge  
17 to be imposed upon an applicant for renewal of a registration  
18 by any person authorized by law to receive and remit or  
19 transmit to the Secretary such renewal application and fees  
20 therewith.

21 (c) If payment is delivered to the Office of the Secretary  
22 of State as payment of any fee or tax under this Code, and such  
23 payment is not honored for any reason, the registrant or other  
24 person tendering the payment remains liable for the payment of  
25 such fee or tax. The Secretary of State may assess a service  
26 charge of \$25 in addition to the fee or tax due and owing for

1 all dishonored payments.

2 If the total amount then due and owing exceeds the sum of  
3 \$100 and has not been paid in full within 60 days from the date  
4 such fee or tax became due to the Secretary of State, the  
5 Secretary of State shall assess a penalty of 25% of such amount  
6 remaining unpaid.

7 All amounts payable under this Section shall be computed to  
8 the nearest dollar. Out of each fee collected for dishonored  
9 payments, \$5 shall be deposited in the Secretary of State  
10 Special Services Fund.

11 (d) The minimum fee and tax to be paid by any applicant for  
12 apportionment of a fleet of vehicles under this Code shall be  
13 \$15 if the application was filed on or before the date  
14 specified by the Secretary together with fees and taxes due. If  
15 an application and the fees or taxes due are filed after the  
16 date specified by the Secretary, the Secretary may prescribe  
17 the payment of interest at the rate of 1/2 of 1% per month or  
18 fraction thereof after such due date and a minimum of \$8.

19 (e) Trucks, truck tractors, truck tractors with loads, and  
20 motor buses, any one of which having a combined total weight in  
21 excess of 12,000 lbs. shall file an application for a Fleet  
22 Reciprocity Permit issued by the Secretary of State. This  
23 permit shall be in the possession of any driver operating a  
24 vehicle on Illinois highways. Any foreign licensed vehicle of  
25 the second division operating at any time in Illinois without a  
26 Fleet Reciprocity Permit or other proper Illinois

1 registration, shall subject the operator to the penalties  
2 provided in Section 3-834 of this Code. For the purposes of  
3 this Code, "Fleet Reciprocity Permit" means any second division  
4 motor vehicle with a foreign license and used only in  
5 interstate transportation of goods. The fee for such permit  
6 shall be \$15 per fleet which shall include all vehicles of the  
7 fleet being registered.

8 (f) For purposes of this Section, "all-terrain vehicle or  
9 off-highway motorcycle used for production agriculture" means  
10 any all-terrain vehicle or off-highway motorcycle used in the  
11 raising of or the propagation of livestock, crops for sale for  
12 human consumption, crops for livestock consumption, and  
13 production seed stock grown for the propagation of feed grains  
14 and the husbandry of animals or for the purpose of providing a  
15 food product, including the husbandry of blood stock as a main  
16 source of providing a food product. "All-terrain vehicle or  
17 off-highway motorcycle used in production agriculture" also  
18 means any all-terrain vehicle or off-highway motorcycle used in  
19 animal husbandry, floriculture, aquaculture, horticulture, and  
20 viticulture.

21 (g) All of the proceeds of the additional fees imposed by  
22 Public Act 96-34 shall be deposited into the Capital Projects  
23 Fund.

24 (Source: P.A. 96-34, eff. 7-13-09; 96-554, eff. 1-1-10; 96-653,  
25 eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1274, eff. 7-26-10;  
26 97-835, eff. 1-1-13; 97-838, eff. 7-20-12; revised 8-3-12.)



1 (625 ILCS 5/4-103.3) (from Ch. 95 1/2, par. 4-103.3)

2 Sec. 4-103.3. Organizer of an aggravated vehicle theft  
3 conspiracy.

4 (a) A person commits the offense of organizer of a vehicle  
5 theft conspiracy if:

6 (1) the person intentionally violates Section 4-103.2  
7 of this Code with the agreement of 3 or more persons; and

8 (2) the person is known by other co-conspirators as the  
9 organizer, supervisor, financier or otherwise leader of  
10 the conspiracy.

11 (b) No person may be convicted of organizer of a vehicle  
12 theft conspiracy unless an overt act in furtherance of the  
13 agreement is alleged and proved to have been committed by him  
14 or by a co-conspirator, and the accused is part of a common  
15 plan or scheme to engage in the unlawful activity.

16 (c) It shall not be a defense to organizer of a vehicle  
17 theft conspiracy that the person or persons with whom the  
18 accused is alleged to have conspired:

19 (1) has not been prosecuted or convicted;

20 (2) has been convicted of a different offense;

21 (3) is not amenable to justice;

22 (4) has been acquitted; or

23 (5) lacked the capacity to commit an offense.

24 (d) Notwithstanding Section 8-5 of the Criminal Code of  
25 2012 ~~1961~~, a person may be convicted and sentenced for both the

1 offense of organizer of a vehicle theft conspiracy and any  
2 other offense in this Chapter which is the object of the  
3 conspiracy.

4 (e) Organizer of a vehicle theft conspiracy is a Class X  
5 felony.

6 (Source: P.A. 86-1209.)

7 (625 ILCS 5/4-105.5) (from Ch. 95 1/2, par. 4-105.5)

8 Sec. 4-105.5. Attempt. As defined in Section 8-4 of the  
9 Criminal Code of 2012 ~~1961~~.

10 (Source: P.A. 81-932.)

11 (625 ILCS 5/4-107) (from Ch. 95 1/2, par. 4-107)

12 Sec. 4-107. Stolen, converted, recovered and unclaimed  
13 vehicles.

14 (a) Every Sheriff, Superintendent of police, Chief of  
15 police or other police officer in command of any Police  
16 department in any City, Village or Town of the State, shall, by  
17 the fastest means of communications available to his law  
18 enforcement agency, immediately report to the State Police, in  
19 Springfield, Illinois, the theft or recovery of any stolen or  
20 converted vehicle within his district or jurisdiction. The  
21 report shall give the date of theft, description of the vehicle  
22 including color, year of manufacture, manufacturer's trade  
23 name, manufacturer's series name, body style, vehicle  
24 identification number and license registration number,

1 including the state in which the license was issued and the  
2 year of issuance, together with the name, residence address,  
3 business address, and telephone number of the owner. The report  
4 shall be routed by the originating law enforcement agency  
5 through the State Police District in which such agency is  
6 located.

7 (b) A registered owner or a lienholder may report the theft  
8 by conversion of a vehicle, to the State Police, or any other  
9 police department or Sheriff's office. Such report will be  
10 accepted as a report of theft and processed only if a formal  
11 complaint is on file and a warrant issued.

12 (c) An operator of a place of business for garaging,  
13 repairing, parking or storing vehicles for the public, in which  
14 a vehicle remains unclaimed, after being left for the purpose  
15 of garaging, repairing, parking or storage, for a period of 15  
16 days, shall, within 5 days after the expiration of that period,  
17 report the vehicle as unclaimed to the municipal police when  
18 the vehicle is within the corporate limits of any City, Village  
19 or incorporated Town, or the County Sheriff, or State Police  
20 when the vehicle is outside the corporate limits of a City,  
21 Village or incorporated Town. This Section does not apply to  
22 any vehicle:

23 (1) removed to a place of storage by a law enforcement  
24 agency having jurisdiction, in accordance with Sections  
25 4-201 and 4-203 of this Act; or

26 (2) left under a garaging, repairing, parking, or

1 storage order signed by the owner, lessor, or other legally  
2 entitled person.

3 Failure to comply with this Section will result in the  
4 forfeiture of storage fees for that vehicle involved.

5 (d) The State Police shall keep a complete record of all  
6 reports filed under this Section of the Act. Upon receipt of  
7 such report, a careful search shall be made of the records of  
8 the office of the State Police, and where it is found that a  
9 vehicle reported recovered was stolen in a County, City,  
10 Village or Town other than the County, City, Village or Town in  
11 which it is recovered, the State Police shall immediately  
12 notify the Sheriff, Superintendent of police, Chief of police,  
13 or other police officer in command of the Sheriff's office or  
14 Police department of the County, City, Village or Town in which  
15 the vehicle was originally reported stolen, giving complete  
16 data as to the time and place of recovery.

17 (e) Notification of the theft or conversion of a vehicle  
18 will be furnished to the Secretary of State by the State  
19 Police. The Secretary of State shall place the proper  
20 information in the license registration and title registration  
21 files to indicate the theft or conversion of a motor vehicle or  
22 other vehicle. Notification of the recovery of a vehicle  
23 previously reported as a theft or a conversion will be  
24 furnished to the Secretary of State by the State Police. The  
25 Secretary of State shall remove the proper information from the  
26 license registration and title registration files that has

1 previously indicated the theft or conversion of a vehicle. The  
2 Secretary of State shall suspend the registration of a vehicle  
3 upon receipt of a report from the State Police that such  
4 vehicle was stolen or converted.

5 (f) When the Secretary of State receives an application for  
6 a certificate of title or an application for registration of a  
7 vehicle and it is determined from the records of the office of  
8 the Secretary of State that such vehicle has been reported  
9 stolen or converted, the Secretary of State shall immediately  
10 notify the State Police and shall give the State Police the  
11 name and address of the person or firm titling or registering  
12 the vehicle, together with all other information contained in  
13 the application submitted by such person or firm.

14 (g) During the usual course of business the manufacturer of  
15 any vehicle shall place an original manufacturer's vehicle  
16 identification number on all such vehicles manufactured and on  
17 any part of such vehicles requiring an identification number.

18 (h) Except provided in subsection (h-1), if a  
19 manufacturer's vehicle identification number is missing or has  
20 been removed, changed or mutilated on any vehicle, or any part  
21 of such vehicle requiring an identification number, the State  
22 Police shall restore, restamp or reaffix the vehicle  
23 identification number plate, or affix a new plate bearing the  
24 original manufacturer's vehicle identification number on each  
25 such vehicle and on all necessary parts of the vehicles. A  
26 vehicle identification number so affixed, restored, restamped,

1     reaffixed or replaced is not falsified, altered or forged  
2     within the meaning of this Act.

3           (h-1) A person engaged in the repair or servicing of  
4     vehicles may reaffix a manufacturer's identification number  
5     plate on the same damaged vehicle from which it was originally  
6     removed, if the person reaffixes the original manufacturer's  
7     identification number plate in place of the identification  
8     number plate affixed on a new dashboard that has been installed  
9     in the vehicle. The person must notify the Secretary of State  
10    each time the original manufacturer's identification number  
11    plate is reaffixed on a vehicle. The person must keep a record  
12    indicating that the identification number plate affixed on the  
13    new dashboard has been removed and has been replaced by the  
14    manufacturer's identification number plate originally affixed  
15    on the vehicle. The person also must keep a record regarding  
16    the status and location of the identification number plate  
17    removed from the replacement dashboard. The Secretary shall  
18    adopt rules for implementing this subsection (h-1).

19           (h-2) The owner of a vehicle repaired under subsection  
20    (h-1) must, within 90 days of the date of the repairs, contact  
21    an officer of the Illinois State Police Vehicle Inspection  
22    Bureau and arrange for an inspection of the vehicle, by the  
23    officer or the officer's designee, at a mutually agreed upon  
24    date and location.

25           (i) If a vehicle or part of any vehicle is found to have  
26    the manufacturer's identification number removed, altered,

1 defaced or destroyed, the vehicle or part shall be seized by  
2 any law enforcement agency having jurisdiction and held for the  
3 purpose of identification. In the event that the manufacturer's  
4 identification number of a vehicle or part cannot be  
5 identified, the vehicle or part shall be considered contraband,  
6 and no right of property shall exist in any person owning,  
7 leasing or possessing such property, unless the person owning,  
8 leasing or possessing the vehicle or part acquired such without  
9 knowledge that the manufacturer's vehicle identification  
10 number has been removed, altered, defaced, falsified or  
11 destroyed.

12       Either the seizing law enforcement agency or the State's  
13 Attorney of the county where the seizure occurred may make an  
14 application for an order of forfeiture to the circuit court in  
15 the county of seizure. The application for forfeiture shall be  
16 independent from any prosecution arising out of the seizure and  
17 is not subject to any final determination of such prosecution.  
18 The circuit court shall issue an order forfeiting the property  
19 to the seizing law enforcement agency if the court finds that  
20 the property did not at the time of seizure possess a valid  
21 manufacturer's identification number and that the original  
22 manufacturer's identification number cannot be ascertained.  
23 The seizing law enforcement agency may:

- 24           (1) retain the forfeited property for official use; or  
25           (2) sell the forfeited property and distribute the  
26           proceeds in accordance with Section 4-211 of this Code, or

1           dispose of the forfeited property in such manner as the law  
2           enforcement agency deems appropriate.

3           (i-1) If a motorcycle is seized under subsection (i), the  
4           motorcycle must be returned within 45 days of the date of  
5           seizure to the person from whom it was seized, unless (i)  
6           criminal charges are pending against that person or (ii) an  
7           application for an order of forfeiture has been submitted to  
8           the circuit in the county of seizure or (iii) the circuit court  
9           in the county of seizure has received from the seizing law  
10          enforcement agency and has granted a petition to extend, for a  
11          single 30 day period, the 45 days allowed for return of the  
12          motorcycle. Except as provided in subsection (i-2), a  
13          motorcycle returned to the person from whom it was seized must  
14          be returned in essentially the same condition it was in at the  
15          time of seizure.

16          (i-2) If any part or parts of a motorcycle seized under  
17          subsection (i) are found to be stolen and are removed, the  
18          seizing law enforcement agency is not required to replace the  
19          part or parts before returning the motorcycle to the person  
20          from whom it was seized.

21          (j) The State Police shall notify the Secretary of State  
22          each time a manufacturer's vehicle identification number is  
23          affixed, reattached, restored or restamped on any vehicle. The  
24          Secretary of State shall make the necessary changes or  
25          corrections in his records, after the proper applications and  
26          fees have been submitted, if applicable.



1 (k) Any vessel, vehicle or aircraft used with knowledge and  
2 consent of the owner in the commission of, or in the attempt to  
3 commit as defined in Section 8-4 of the Criminal Code of 2012  
4 ~~1961~~, an offense prohibited by Section 4-103 of this Chapter,  
5 including transporting of a stolen vehicle or stolen vehicle  
6 parts, shall be seized by any law enforcement agency. The  
7 seizing law enforcement agency may:

8 (1) return the vehicle to its owner if such vehicle is  
9 stolen; or

10 (2) confiscate the vehicle and retain it for any  
11 purpose which the law enforcement agency deems  
12 appropriate; or

13 (3) sell the vehicle at a public sale or dispose of the  
14 vehicle in such other manner as the law enforcement agency  
15 deems appropriate.

16 If the vehicle is sold at public sale, the proceeds of the  
17 sale shall be paid to the law enforcement agency.

18 The law enforcement agency shall not retain, sell or  
19 dispose of a vehicle under paragraphs (2) or (3) of this  
20 subsection (k) except upon an order of forfeiture issued by the  
21 circuit court. The circuit court may issue such order of  
22 forfeiture upon application of the law enforcement agency or  
23 State's Attorney of the county where the law enforcement agency  
24 has jurisdiction, or in the case of the Department of State  
25 Police or the Secretary of State, upon application of the  
26 Attorney General.

1           The court shall issue the order if the owner of the vehicle  
2 has been convicted of transporting stolen vehicles or stolen  
3 vehicle parts and the evidence establishes that the owner's  
4 vehicle has been used in the commission of such offense.

5           The provisions of subsection (k) of this Section shall not  
6 apply to any vessel, vehicle or aircraft, which has been  
7 leased, rented or loaned by its owner, if the owner did not  
8 have knowledge of and consent to the use of the vessel, vehicle  
9 or aircraft in the commission of, or in an attempt to commit,  
10 an offense prohibited by Section 4-103 of this Chapter.

11           (Source: P.A. 92-443, eff. 1-1-02; 93-456, eff. 8-8-03.)

12           (625 ILCS 5/5-101) (from Ch. 95 1/2, par. 5-101)

13           Sec. 5-101. New vehicle dealers must be licensed.

14           (a) No person shall engage in this State in the business of  
15 selling or dealing in, on consignment or otherwise, new  
16 vehicles of any make, or act as an intermediary or agent or  
17 broker for any licensed dealer or vehicle purchaser other than  
18 as a salesperson, or represent or advertise that he is so  
19 engaged or intends to so engage in such business unless  
20 licensed to do so in writing by the Secretary of State under  
21 the provisions of this Section.

22           (b) An application for a new vehicle dealer's license shall  
23 be filed with the Secretary of State, duly verified by oath, on  
24 such form as the Secretary of State may by rule or regulation  
25 prescribe and shall contain:

1           1. The name and type of business organization of the  
2 applicant and his established and additional places of  
3 business, if any, in this State.

4           2. If the applicant is a corporation, a list of its  
5 officers, directors, and shareholders having a ten percent  
6 or greater ownership interest in the corporation, setting  
7 forth the residence address of each; if the applicant is a  
8 sole proprietorship, a partnership, an unincorporated  
9 association, a trust, or any similar form of business  
10 organization, the name and residence address of the  
11 proprietor or of each partner, member, officer, director,  
12 trustee, or manager.

13           3. The make or makes of new vehicles which the  
14 applicant will offer for sale at retail in this State.

15           4. The name of each manufacturer or franchised  
16 distributor, if any, of new vehicles with whom the  
17 applicant has contracted for the sale of such new vehicles.  
18 As evidence of this fact, the application shall be  
19 accompanied by a signed statement from each such  
20 manufacturer or franchised distributor. If the applicant  
21 is in the business of offering for sale new conversion  
22 vehicles, trucks or vans, except for trucks modified to  
23 serve a special purpose which includes but is not limited  
24 to the following vehicles: street sweepers, fertilizer  
25 spreaders, emergency vehicles, implements of husbandry or  
26 maintenance type vehicles, he must furnish evidence of a

1 sales and service agreement from both the chassis  
2 manufacturer and second stage manufacturer.

3 5. A statement that the applicant has been approved for  
4 registration under the Retailers' Occupation Tax Act by the  
5 Department of Revenue: Provided that this requirement does  
6 not apply to a dealer who is already licensed hereunder  
7 with the Secretary of State, and who is merely applying for  
8 a renewal of his license. As evidence of this fact, the  
9 application shall be accompanied by a certification from  
10 the Department of Revenue showing that that Department has  
11 approved the applicant for registration under the  
12 Retailers' Occupation Tax Act.

13 6. A statement that the applicant has complied with the  
14 appropriate liability insurance requirement. A Certificate  
15 of Insurance in a solvent company authorized to do business  
16 in the State of Illinois shall be included with each  
17 application covering each location at which he proposes to  
18 act as a new vehicle dealer. The policy must provide  
19 liability coverage in the minimum amounts of \$100,000 for  
20 bodily injury to, or death of, any person, \$300,000 for  
21 bodily injury to, or death of, two or more persons in any  
22 one accident, and \$50,000 for damage to property. Such  
23 policy shall expire not sooner than December 31 of the year  
24 for which the license was issued or renewed. The expiration  
25 of the insurance policy shall not terminate the liability  
26 under the policy arising during the period for which the

1 policy was filed. Trailer and mobile home dealers are  
2 exempt from this requirement.

3 If the permitted user has a liability insurance policy  
4 that provides automobile liability insurance coverage of  
5 at least \$100,000 for bodily injury to or the death of any  
6 person, \$300,000 for bodily injury to or the death of any 2  
7 or more persons in any one accident, and \$50,000 for damage  
8 to property, then the permitted user's insurer shall be the  
9 primary insurer and the dealer's insurer shall be the  
10 secondary insurer. If the permitted user does not have a  
11 liability insurance policy that provides automobile  
12 liability insurance coverage of at least \$100,000 for  
13 bodily injury to or the death of any person, \$300,000 for  
14 bodily injury to or the death of any 2 or more persons in  
15 any one accident, and \$50,000 for damage to property, or  
16 does not have any insurance at all, then the dealer's  
17 insurer shall be the primary insurer and the permitted  
18 user's insurer shall be the secondary insurer.

19 When a permitted user is "test driving" a new vehicle  
20 dealer's automobile, the new vehicle dealer's insurance  
21 shall be primary and the permitted user's insurance shall  
22 be secondary.

23 As used in this paragraph 6, a "permitted user" is a  
24 person who, with the permission of the new vehicle dealer  
25 or an employee of the new vehicle dealer, drives a vehicle  
26 owned and held for sale or lease by the new vehicle dealer

1       which the person is considering to purchase or lease, in  
2       order to evaluate the performance, reliability, or  
3       condition of the vehicle. The term "permitted user" also  
4       includes a person who, with the permission of the new  
5       vehicle dealer, drives a vehicle owned or held for sale or  
6       lease by the new vehicle dealer for loaner purposes while  
7       the user's vehicle is being repaired or evaluated.

8       As used in this paragraph 6, "test driving" occurs when  
9       a permitted user who, with the permission of the new  
10      vehicle dealer or an employee of the new vehicle dealer,  
11      drives a vehicle owned and held for sale or lease by a new  
12      vehicle dealer that the person is considering to purchase  
13      or lease, in order to evaluate the performance,  
14      reliability, or condition of the vehicle.

15      As used in this paragraph 6, "loaner purposes" means  
16      when a person who, with the permission of the new vehicle  
17      dealer, drives a vehicle owned or held for sale or lease by  
18      the new vehicle dealer while the user's vehicle is being  
19      repaired or evaluated.

20      7. (A) An application for a new motor vehicle dealer's  
21      license shall be accompanied by the following license fees:

22              (i) \$1,000 for applicant's established place of  
23              business, and \$100 for each additional place of  
24              business, if any, to which the application pertains;  
25              but if the application is made after June 15 of any  
26              year, the license fee shall be \$500 for applicant's

1           established place of business plus \$50 for each  
2           additional place of business, if any, to which the  
3           application pertains. License fees shall be returnable  
4           only in the event that the application is denied by the  
5           Secretary of State. All moneys received by the  
6           Secretary of State as license fees under this  
7           subparagraph (i) prior to applications for the 2004  
8           licensing year shall be deposited into the Motor  
9           Vehicle Review Board Fund and shall be used to  
10          administer the Motor Vehicle Review Board under the  
11          Motor Vehicle Franchise Act. Of the money received by  
12          the Secretary of State as license fees under this  
13          subparagraph (i) for the 2004 licensing year and  
14          thereafter, 10% shall be deposited into the Motor  
15          Vehicle Review Board Fund and shall be used to  
16          administer the Motor Vehicle Review Board under the  
17          Motor Vehicle Franchise Act and 90% shall be deposited  
18          into the General Revenue Fund.

19               (ii) Except as provided in subsection (h) of  
20               Section 5-102.7 of this Code, an Annual Dealer Recovery  
21               Fund Fee in the amount of \$500 for the applicant's  
22               established place of business, and \$50 for each  
23               additional place of business, if any, to which the  
24               application pertains; but if the application is made  
25               after June 15 of any year, the fee shall be \$250 for  
26               the applicant's established place of business plus \$25

1           for each additional place of business, if any, to which  
2           the application pertains. License fees shall be  
3           returnable only in the event that the application is  
4           denied by the Secretary of State. Moneys received under  
5           this subparagraph (ii) shall be deposited into the  
6           Dealer Recovery Trust Fund.

7           (B) An application for a new vehicle dealer's license,  
8           other than for a new motor vehicle dealer's license, shall  
9           be accompanied by the following license fees:

10           (i) \$1,000 for applicant's established place of  
11           business, and \$50 for each additional place of  
12           business, if any, to which the application pertains;  
13           but if the application is made after June 15 of any  
14           year, the license fee shall be \$500 for applicant's  
15           established place of business plus \$25 for each  
16           additional place of business, if any, to which the  
17           application pertains. License fees shall be returnable  
18           only in the event that the application is denied by the  
19           Secretary of State. Of the money received by the  
20           Secretary of State as license fees under this  
21           subparagraph (i) for the 2004 licensing year and  
22           thereafter, 95% shall be deposited into the General  
23           Revenue Fund.

24           (ii) Except as provided in subsection (h) of  
25           Section 5-102.7 of this Code, an Annual Dealer Recovery  
26           Fund Fee in the amount of \$500 for the applicant's



1 established place of business, and \$50 for each  
2 additional place of business, if any, to which the  
3 application pertains; but if the application is made  
4 after June 15 of any year, the fee shall be \$250 for  
5 the applicant's established place of business plus \$25  
6 for each additional place of business, if any, to which  
7 the application pertains. License fees shall be  
8 returnable only in the event that the application is  
9 denied by the Secretary of State. Moneys received under  
10 this subparagraph (ii) shall be deposited into the  
11 Dealer Recovery Trust Fund.

12 8. A statement that the applicant's officers,  
13 directors, shareholders having a 10% or greater ownership  
14 interest therein, proprietor, a partner, member, officer,  
15 director, trustee, manager or other principals in the  
16 business have not committed in the past 3 years any one  
17 violation as determined in any civil, criminal or  
18 administrative proceedings of any one of the following  
19 Acts:

20 (A) The Anti Theft Laws of the Illinois Vehicle  
21 Code;

22 (B) The Certificate of Title Laws of the Illinois  
23 Vehicle Code;

24 (C) The Offenses against Registration and  
25 Certificates of Title Laws of the Illinois Vehicle  
26 Code;

1 (D) The Dealers, Transporters, Wreckers and  
2 Rebuilders Laws of the Illinois Vehicle Code;

3 (E) Section 21-2 of the Criminal Code of 1961 or  
4 the Criminal Code of 2012, Criminal Trespass to  
5 Vehicles; or

6 (F) The Retailers' Occupation Tax Act.

7 9. A statement that the applicant's officers,  
8 directors, shareholders having a 10% or greater ownership  
9 interest therein, proprietor, partner, member, officer,  
10 director, trustee, manager or other principals in the  
11 business have not committed in any calendar year 3 or more  
12 violations, as determined in any civil, criminal or  
13 administrative proceedings, of any one or more of the  
14 following Acts:

15 (A) The Consumer Finance Act;

16 (B) The Consumer Installment Loan Act;

17 (C) The Retail Installment Sales Act;

18 (D) The Motor Vehicle Retail Installment Sales  
19 Act;

20 (E) The Interest Act;

21 (F) The Illinois Wage Assignment Act;

22 (G) Part 8 of Article XII of the Code of Civil  
23 Procedure; or

24 (H) The Consumer Fraud Act.

25 10. A bond or certificate of deposit in the amount of  
26 \$20,000 for each location at which the applicant intends to

1 act as a new vehicle dealer. The bond shall be for the term  
2 of the license, or its renewal, for which application is  
3 made, and shall expire not sooner than December 31 of the  
4 year for which the license was issued or renewed. The bond  
5 shall run to the People of the State of Illinois, with  
6 surety by a bonding or insurance company authorized to do  
7 business in this State. It shall be conditioned upon the  
8 proper transmittal of all title and registration fees and  
9 taxes (excluding taxes under the Retailers' Occupation Tax  
10 Act) accepted by the applicant as a new vehicle dealer.

11 11. Such other information concerning the business of  
12 the applicant as the Secretary of State may by rule or  
13 regulation prescribe.

14 12. A statement that the applicant understands Chapter  
15 One through Chapter Five of this Code.

16 (c) Any change which renders no longer accurate any  
17 information contained in any application for a new vehicle  
18 dealer's license shall be amended within 30 days after the  
19 occurrence of such change on such form as the Secretary of  
20 State may prescribe by rule or regulation, accompanied by an  
21 amendatory fee of \$2.

22 (d) Anything in this Chapter 5 to the contrary  
23 notwithstanding no person shall be licensed as a new vehicle  
24 dealer unless:

25 1. He is authorized by contract in writing between  
26 himself and the manufacturer or franchised distributor of

1 such make of vehicle to so sell the same in this State, and

2 2. Such person shall maintain an established place of  
3 business as defined in this Act.

4 (e) The Secretary of State shall, within a reasonable time  
5 after receipt, examine an application submitted to him under  
6 this Section and unless he makes a determination that the  
7 application submitted to him does not conform with the  
8 requirements of this Section or that grounds exist for a denial  
9 of the application, under Section 5-501 of this Chapter, grant  
10 the applicant an original new vehicle dealer's license in  
11 writing for his established place of business and a  
12 supplemental license in writing for each additional place of  
13 business in such form as he may prescribe by rule or regulation  
14 which shall include the following:

15 1. The name of the person licensed;

16 2. If a corporation, the name and address of its  
17 officers or if a sole proprietorship, a partnership, an  
18 unincorporated association or any similar form of business  
19 organization, the name and address of the proprietor or of  
20 each partner, member, officer, director, trustee or  
21 manager;

22 3. In the case of an original license, the established  
23 place of business of the licensee;

24 4. In the case of a supplemental license, the  
25 established place of business of the licensee and the  
26 additional place of business to which such supplemental

1 license pertains;

2 5. The make or makes of new vehicles which the licensee  
3 is licensed to sell.

4 (f) The appropriate instrument evidencing the license or a  
5 certified copy thereof, provided by the Secretary of State,  
6 shall be kept posted conspicuously in the established place of  
7 business of the licensee and in each additional place of  
8 business, if any, maintained by such licensee.

9 (g) Except as provided in subsection (h) hereof, all new  
10 vehicle dealer's licenses granted under this Section shall  
11 expire by operation of law on December 31 of the calendar year  
12 for which they are granted unless sooner revoked or cancelled  
13 under the provisions of Section 5-501 of this Chapter.

14 (h) A new vehicle dealer's license may be renewed upon  
15 application and payment of the fee required herein, and  
16 submission of proof of coverage under an approved bond under  
17 the "Retailers' Occupation Tax Act" or proof that applicant is  
18 not subject to such bonding requirements, as in the case of an  
19 original license, but in case an application for the renewal of  
20 an effective license is made during the month of December, the  
21 effective license shall remain in force until the application  
22 is granted or denied by the Secretary of State.

23 (i) All persons licensed as a new vehicle dealer are  
24 required to furnish each purchaser of a motor vehicle:

25 1. In the case of a new vehicle a manufacturer's  
26 statement of origin and in the case of a used motor vehicle

1 a certificate of title, in either case properly assigned to  
2 the purchaser;

3 2. A statement verified under oath that all identifying  
4 numbers on the vehicle agree with those on the certificate  
5 of title or manufacturer's statement of origin;

6 3. A bill of sale properly executed on behalf of such  
7 person;

8 4. A copy of the Uniform Invoice-transaction reporting  
9 return referred to in Section 5-402 hereof;

10 5. In the case of a rebuilt vehicle, a copy of the  
11 Disclosure of Rebuilt Vehicle Status; and

12 6. In the case of a vehicle for which the warranty has  
13 been reinstated, a copy of the warranty.

14 (j) Except at the time of sale or repossession of the  
15 vehicle, no person licensed as a new vehicle dealer may issue  
16 any other person a newly created key to a vehicle unless the  
17 new vehicle dealer makes a copy of the driver's license or  
18 State identification card of the person requesting or obtaining  
19 the newly created key. The new vehicle dealer must retain the  
20 copy for 30 days.

21 A new vehicle dealer who violates this subsection (j) is  
22 guilty of a petty offense. Violation of this subsection (j) is  
23 not cause to suspend, revoke, cancel, or deny renewal of the  
24 new vehicle dealer's license.

25 This amendatory Act of 1983 shall be applicable to the 1984  
26 registration year and thereafter.

1 (Source: P.A. 97-480, eff. 10-1-11.)

2 (625 ILCS 5/5-102) (from Ch. 95 1/2, par. 5-102)

3 Sec. 5-102. Used vehicle dealers must be licensed.

4 (a) No person, other than a licensed new vehicle dealer,  
5 shall engage in the business of selling or dealing in, on  
6 consignment or otherwise, 5 or more used vehicles of any make  
7 during the year (except house trailers as authorized by  
8 paragraph (j) of this Section and rebuilt salvage vehicles sold  
9 by their rebuilders to persons licensed under this Chapter), or  
10 act as an intermediary, agent or broker for any licensed dealer  
11 or vehicle purchaser (other than as a salesperson) or represent  
12 or advertise that he is so engaged or intends to so engage in  
13 such business unless licensed to do so by the Secretary of  
14 State under the provisions of this Section.

15 (b) An application for a used vehicle dealer's license  
16 shall be filed with the Secretary of State, duly verified by  
17 oath, in such form as the Secretary of State may by rule or  
18 regulation prescribe and shall contain:

19 1. The name and type of business organization  
20 established and additional places of business, if any, in  
21 this State.

22 2. If the applicant is a corporation, a list of its  
23 officers, directors, and shareholders having a ten percent  
24 or greater ownership interest in the corporation, setting  
25 forth the residence address of each; if the applicant is a

1       sole proprietorship, a partnership, an unincorporated  
2       association, a trust, or any similar form of business  
3       organization, the names and residence address of the  
4       proprietor or of each partner, member, officer, director,  
5       trustee or manager.

6             3. A statement that the applicant has been approved for  
7       registration under the Retailers' Occupation Tax Act by the  
8       Department of Revenue. However, this requirement does not  
9       apply to a dealer who is already licensed hereunder with  
10      the Secretary of State, and who is merely applying for a  
11      renewal of his license. As evidence of this fact, the  
12      application shall be accompanied by a certification from  
13      the Department of Revenue showing that the Department has  
14      approved the applicant for registration under the  
15      Retailers' Occupation Tax Act.

16            4. A statement that the applicant has complied with the  
17      appropriate liability insurance requirement. A Certificate  
18      of Insurance in a solvent company authorized to do business  
19      in the State of Illinois shall be included with each  
20      application covering each location at which he proposes to  
21      act as a used vehicle dealer. The policy must provide  
22      liability coverage in the minimum amounts of \$100,000 for  
23      bodily injury to, or death of, any person, \$300,000 for  
24      bodily injury to, or death of, two or more persons in any  
25      one accident, and \$50,000 for damage to property. Such  
26      policy shall expire not sooner than December 31 of the year



1 for which the license was issued or renewed. The expiration  
2 of the insurance policy shall not terminate the liability  
3 under the policy arising during the period for which the  
4 policy was filed. Trailer and mobile home dealers are  
5 exempt from this requirement.

6 If the permitted user has a liability insurance policy  
7 that provides automobile liability insurance coverage of  
8 at least \$100,000 for bodily injury to or the death of any  
9 person, \$300,000 for bodily injury to or the death of any 2  
10 or more persons in any one accident, and \$50,000 for damage  
11 to property, then the permitted user's insurer shall be the  
12 primary insurer and the dealer's insurer shall be the  
13 secondary insurer. If the permitted user does not have a  
14 liability insurance policy that provides automobile  
15 liability insurance coverage of at least \$100,000 for  
16 bodily injury to or the death of any person, \$300,000 for  
17 bodily injury to or the death of any 2 or more persons in  
18 any one accident, and \$50,000 for damage to property, or  
19 does not have any insurance at all, then the dealer's  
20 insurer shall be the primary insurer and the permitted  
21 user's insurer shall be the secondary insurer.

22 When a permitted user is "test driving" a used vehicle  
23 dealer's automobile, the used vehicle dealer's insurance  
24 shall be primary and the permitted user's insurance shall  
25 be secondary.

26 As used in this paragraph 4, a "permitted user" is a

1 person who, with the permission of the used vehicle dealer  
2 or an employee of the used vehicle dealer, drives a vehicle  
3 owned and held for sale or lease by the used vehicle dealer  
4 which the person is considering to purchase or lease, in  
5 order to evaluate the performance, reliability, or  
6 condition of the vehicle. The term "permitted user" also  
7 includes a person who, with the permission of the used  
8 vehicle dealer, drives a vehicle owned or held for sale or  
9 lease by the used vehicle dealer for loaner purposes while  
10 the user's vehicle is being repaired or evaluated.

11 As used in this paragraph 4, "test driving" occurs when  
12 a permitted user who, with the permission of the used  
13 vehicle dealer or an employee of the used vehicle dealer,  
14 drives a vehicle owned and held for sale or lease by a used  
15 vehicle dealer that the person is considering to purchase  
16 or lease, in order to evaluate the performance,  
17 reliability, or condition of the vehicle.

18 As used in this paragraph 4, "loaner purposes" means  
19 when a person who, with the permission of the used vehicle  
20 dealer, drives a vehicle owned or held for sale or lease by  
21 the used vehicle dealer while the user's vehicle is being  
22 repaired or evaluated.

23 5. An application for a used vehicle dealer's license  
24 shall be accompanied by the following license fees:

25 (A) \$1,000 for applicant's established place of  
26 business, and \$50 for each additional place of

1 business, if any, to which the application pertains;  
2 however, if the application is made after June 15 of  
3 any year, the license fee shall be \$500 for applicant's  
4 established place of business plus \$25 for each  
5 additional place of business, if any, to which the  
6 application pertains. License fees shall be returnable  
7 only in the event that the application is denied by the  
8 Secretary of State. Of the money received by the  
9 Secretary of State as license fees under this  
10 subparagraph (A) for the 2004 licensing year and  
11 thereafter, 95% shall be deposited into the General  
12 Revenue Fund.

13 (B) Except as provided in subsection (h) of Section  
14 5-102.7 of this Code, an Annual Dealer Recovery Fund  
15 Fee in the amount of \$500 for the applicant's  
16 established place of business, and \$50 for each  
17 additional place of business, if any, to which the  
18 application pertains; but if the application is made  
19 after June 15 of any year, the fee shall be \$250 for  
20 the applicant's established place of business plus \$25  
21 for each additional place of business, if any, to which  
22 the application pertains. License fees shall be  
23 returnable only in the event that the application is  
24 denied by the Secretary of State. Moneys received under  
25 this subparagraph (B) shall be deposited into the  
26 Dealer Recovery Trust Fund.

1           6. A statement that the applicant's officers,  
2 directors, shareholders having a 10% or greater ownership  
3 interest therein, proprietor, partner, member, officer,  
4 director, trustee, manager or other principals in the  
5 business have not committed in the past 3 years any one  
6 violation as determined in any civil, criminal or  
7 administrative proceedings of any one of the following  
8 Acts:

9           (A) The Anti Theft Laws of the Illinois Vehicle  
10 Code;

11           (B) The Certificate of Title Laws of the Illinois  
12 Vehicle Code;

13           (C) The Offenses against Registration and  
14 Certificates of Title Laws of the Illinois Vehicle  
15 Code;

16           (D) The Dealers, Transporters, Wreckers and  
17 Rebuilders Laws of the Illinois Vehicle Code;

18           (E) Section 21-2 of the Illinois Criminal Code of  
19 1961 or the Criminal Code of 2012, Criminal Trespass to  
20 Vehicles; or

21           (F) The Retailers' Occupation Tax Act.

22           7. A statement that the applicant's officers,  
23 directors, shareholders having a 10% or greater ownership  
24 interest therein, proprietor, partner, member, officer,  
25 director, trustee, manager or other principals in the  
26 business have not committed in any calendar year 3 or more

1 violations, as determined in any civil or criminal or  
2 administrative proceedings, of any one or more of the  
3 following Acts:

4 (A) The Consumer Finance Act;

5 (B) The Consumer Installment Loan Act;

6 (C) The Retail Installment Sales Act;

7 (D) The Motor Vehicle Retail Installment Sales  
8 Act;

9 (E) The Interest Act;

10 (F) The Illinois Wage Assignment Act;

11 (G) Part 8 of Article XII of the Code of Civil  
12 Procedure; or

13 (H) The Consumer Fraud Act.

14 8. A bond or Certificate of Deposit in the amount of  
15 \$20,000 for each location at which the applicant intends to  
16 act as a used vehicle dealer. The bond shall be for the  
17 term of the license, or its renewal, for which application  
18 is made, and shall expire not sooner than December 31 of  
19 the year for which the license was issued or renewed. The  
20 bond shall run to the People of the State of Illinois, with  
21 surety by a bonding or insurance company authorized to do  
22 business in this State. It shall be conditioned upon the  
23 proper transmittal of all title and registration fees and  
24 taxes (excluding taxes under the Retailers' Occupation Tax  
25 Act) accepted by the applicant as a used vehicle dealer.

26 9. Such other information concerning the business of

1 the applicant as the Secretary of State may by rule or  
2 regulation prescribe.

3 10. A statement that the applicant understands Chapter  
4 1 through Chapter 5 of this Code.

5 11. A copy of the certification from the prelicensing  
6 education program.

7 (c) Any change which renders no longer accurate any  
8 information contained in any application for a used vehicle  
9 dealer's license shall be amended within 30 days after the  
10 occurrence of each change on such form as the Secretary of  
11 State may prescribe by rule or regulation, accompanied by an  
12 amendatory fee of \$2.

13 (d) Anything in this Chapter to the contrary  
14 notwithstanding, no person shall be licensed as a used vehicle  
15 dealer unless such person maintains an established place of  
16 business as defined in this Chapter.

17 (e) The Secretary of State shall, within a reasonable time  
18 after receipt, examine an application submitted to him under  
19 this Section. Unless the Secretary makes a determination that  
20 the application submitted to him does not conform to this  
21 Section or that grounds exist for a denial of the application  
22 under Section 5-501 of this Chapter, he must grant the  
23 applicant an original used vehicle dealer's license in writing  
24 for his established place of business and a supplemental  
25 license in writing for each additional place of business in  
26 such form as he may prescribe by rule or regulation which shall

1 include the following:

2 1. The name of the person licensed;

3 2. If a corporation, the name and address of its  
4 officers or if a sole proprietorship, a partnership, an  
5 unincorporated association or any similar form of business  
6 organization, the name and address of the proprietor or of  
7 each partner, member, officer, director, trustee or  
8 manager;

9 3. In case of an original license, the established  
10 place of business of the licensee;

11 4. In the case of a supplemental license, the  
12 established place of business of the licensee and the  
13 additional place of business to which such supplemental  
14 license pertains.

15 (f) The appropriate instrument evidencing the license or a  
16 certified copy thereof, provided by the Secretary of State  
17 shall be kept posted, conspicuously, in the established place  
18 of business of the licensee and in each additional place of  
19 business, if any, maintained by such licensee.

20 (g) Except as provided in subsection (h) of this Section,  
21 all used vehicle dealer's licenses granted under this Section  
22 expire by operation of law on December 31 of the calendar year  
23 for which they are granted unless sooner revoked or cancelled  
24 under Section 5-501 of this Chapter.

25 (h) A used vehicle dealer's license may be renewed upon  
26 application and payment of the fee required herein, and

1 submission of proof of coverage by an approved bond under the  
2 "Retailers' Occupation Tax Act" or proof that applicant is not  
3 subject to such bonding requirements, as in the case of an  
4 original license, but in case an application for the renewal of  
5 an effective license is made during the month of December, the  
6 effective license shall remain in force until the application  
7 for renewal is granted or denied by the Secretary of State.

8 (i) All persons licensed as a used vehicle dealer are  
9 required to furnish each purchaser of a motor vehicle:

10 1. A certificate of title properly assigned to the  
11 purchaser;

12 2. A statement verified under oath that all identifying  
13 numbers on the vehicle agree with those on the certificate  
14 of title;

15 3. A bill of sale properly executed on behalf of such  
16 person;

17 4. A copy of the Uniform Invoice-transaction reporting  
18 return referred to in Section 5-402 of this Chapter;

19 5. In the case of a rebuilt vehicle, a copy of the  
20 Disclosure of Rebuilt Vehicle Status; and

21 6. In the case of a vehicle for which the warranty has  
22 been reinstated, a copy of the warranty.

23 (j) A real estate broker holding a valid certificate of  
24 registration issued pursuant to "The Real Estate Brokers and  
25 Salesmen License Act" may engage in the business of selling or  
26 dealing in house trailers not his own without being licensed as



1 a used vehicle dealer under this Section; however such broker  
2 shall maintain a record of the transaction including the  
3 following:

4 (1) the name and address of the buyer and seller,

5 (2) the date of sale,

6 (3) a description of the mobile home, including the  
7 vehicle identification number, make, model, and year, and

8 (4) the Illinois certificate of title number.

9 The foregoing records shall be available for inspection by  
10 any officer of the Secretary of State's Office at any  
11 reasonable hour.

12 (k) Except at the time of sale or repossession of the  
13 vehicle, no person licensed as a used vehicle dealer may issue  
14 any other person a newly created key to a vehicle unless the  
15 used vehicle dealer makes a copy of the driver's license or  
16 State identification card of the person requesting or obtaining  
17 the newly created key. The used vehicle dealer must retain the  
18 copy for 30 days.

19 A used vehicle dealer who violates this subsection (k) is  
20 guilty of a petty offense. Violation of this subsection (k) is  
21 not cause to suspend, revoke, cancel, or deny renewal of the  
22 used vehicle dealer's license.

23 (l) Used vehicle dealers licensed under this Section shall  
24 provide the Secretary of State a register for the sale at  
25 auction of each salvage or junk certificate vehicle. Each  
26 register shall include the following information:

1           1. The year, make, model, style and color of the  
2           vehicle;

3           2. The vehicle's manufacturer's identification number  
4           or, if applicable, the Secretary of State or Illinois  
5           Department of State Police identification number;

6           3. The date of acquisition of the vehicle;

7           4. The name and address of the person from whom the  
8           vehicle was acquired;

9           5. The name and address of the person to whom any  
10          vehicle was disposed, the person's Illinois license number  
11          or if the person is an out-of-state salvage vehicle buyer,  
12          the license number from the state or jurisdiction where the  
13          buyer is licensed; and

14          6. The purchase price of the vehicle.

15          The register shall be submitted to the Secretary of State  
16          via written or electronic means within 10 calendar days from  
17          the date of the auction.

18          (Source: P.A. 96-678, eff. 8-25-09; 97-480, eff. 10-1-11.)

19                 (625 ILCS 5/5-301) (from Ch. 95 1/2, par. 5-301)

20                 Sec. 5-301. Automotive parts recyclers, scrap processors,  
21                 repairers and rebuilders must be licensed.

22                 (a) No person in this State shall, except as an incident to  
23                 the servicing of vehicles, carry on or conduct the business of  
24                 a automotive parts recyclers, a scrap processor, a repairer, or  
25                 a rebuilder, unless licensed to do so in writing by the

1 Secretary of State under this Section. No person shall rebuild  
2 a salvage vehicle unless such person is licensed as a rebuilder  
3 by the Secretary of State under this Section. No person shall  
4 engage in the business of acquiring 5 or more previously owned  
5 vehicles in one calendar year for the primary purpose of  
6 disposing of those vehicles in the manner described in the  
7 definition of a "scrap processor" in this Code unless the  
8 person is licensed as an automotive parts recycler by the  
9 Secretary of State under this Section. Each license shall be  
10 applied for and issued separately, except that a license issued  
11 to a new vehicle dealer under Section 5-101 of this Code shall  
12 also be deemed to be a repairer license.

13 (b) Any application filed with the Secretary of State,  
14 shall be duly verified by oath, in such form as the Secretary  
15 of State may by rule or regulation prescribe and shall contain:

16 1. The name and type of business organization of the  
17 applicant and his principal or additional places of  
18 business, if any, in this State.

19 2. The kind or kinds of business enumerated in  
20 subsection (a) of this Section to be conducted at each  
21 location.

22 3. If the applicant is a corporation, a list of its  
23 officers, directors, and shareholders having a ten percent  
24 or greater ownership interest in the corporation, setting  
25 forth the residence address of each; if the applicant is a  
26 sole proprietorship, a partnership, an unincorporated

1 association, a trust, or any similar form of business  
2 organization, the names and residence address of the  
3 proprietor or of each partner, member, officer, director,  
4 trustee or manager.

5 4. A statement that the applicant's officers,  
6 directors, shareholders having a ten percent or greater  
7 ownership interest therein, proprietor, partner, member,  
8 officer, director, trustee, manager, or other principals  
9 in the business have not committed in the past three years  
10 any one violation as determined in any civil or criminal or  
11 administrative proceedings of any one of the following  
12 Acts:

13 (a) The Anti Theft Laws of the Illinois Vehicle  
14 Code;

15 (b) The "Certificate of Title Laws" of the Illinois  
16 Vehicle Code;

17 (c) The "Offenses against Registration and  
18 Certificates of Title Laws" of the Illinois Vehicle  
19 Code;

20 (d) The "Dealers, Transporters, Wreckers and  
21 Rebuilders Laws" of the Illinois Vehicle Code;

22 (e) Section 21-2 of the Criminal Code of 1961 or  
23 the Criminal Code of 2012, Criminal Trespass to  
24 Vehicles; or

25 (f) The Retailers Occupation Tax Act.

26 5. A statement that the applicant's officers,

1 directors, shareholders having a ten percent or greater  
2 ownership interest therein, proprietor, partner, member,  
3 officer, director, trustee, manager or other principals in  
4 the business have not committed in any calendar year 3 or  
5 more violations, as determined in any civil or criminal or  
6 administrative proceedings, of any one or more of the  
7 following Acts:

8 (a) The Consumer Finance Act;

9 (b) The Consumer Installment Loan Act;

10 (c) The Retail Installment Sales Act;

11 (d) The Motor Vehicle Retail Installment Sales  
12 Act;

13 (e) The Interest Act;

14 (f) The Illinois Wage Assignment Act;

15 (g) Part 8 of Article XII of the Code of Civil  
16 Procedure; or

17 (h) The Consumer Fraud Act.

18 6. An application for a license shall be accompanied by  
19 the following fees: \$50 for applicant's established place  
20 of business; \$25 for each additional place of business, if  
21 any, to which the application pertains; provided, however,  
22 that if such an application is made after June 15 of any  
23 year, the license fee shall be \$25 for applicant's  
24 established place of business plus \$12.50 for each  
25 additional place of business, if any, to which the  
26 application pertains. License fees shall be returnable

1           only in the event that such application shall be denied by  
2           the Secretary of State.

3           7. A statement that the applicant understands Chapter 1  
4           through Chapter 5 of this Code.

5           8. A statement that the applicant shall comply with  
6           subsection (e) of this Section.

7           (c) Any change which renders no longer accurate any  
8           information contained in any application for a license filed  
9           with the Secretary of State shall be amended within 30 days  
10          after the occurrence of such change on such form as the  
11          Secretary of State may prescribe by rule or regulation,  
12          accompanied by an amendatory fee of \$2.

13          (d) Anything in this chapter to the contrary,  
14          notwithstanding, no person shall be licensed under this Section  
15          unless such person shall maintain an established place of  
16          business as defined in this Chapter.

17          (e) The Secretary of State shall within a reasonable time  
18          after receipt thereof, examine an application submitted to him  
19          under this Section and unless he makes a determination that the  
20          application submitted to him does not conform with the  
21          requirements of this Section or that grounds exist for a denial  
22          of the application, as prescribed in Section 5-501 of this  
23          Chapter, grant the applicant an original license as applied for  
24          in writing for his established place of business and a  
25          supplemental license in writing for each additional place of  
26          business in such form as he may prescribe by rule or regulation

1 which shall include the following:

2 1. The name of the person licensed;

3 2. If a corporation, the name and address of its  
4 officers or if a sole proprietorship, a partnership, an  
5 unincorporated association or any similar form of business  
6 organization, the name and address of the proprietor or of  
7 each partner, member, officer, director, trustee or  
8 manager;

9 3. A designation of the kind or kinds of business  
10 enumerated in subsection (a) of this Section to be  
11 conducted at each location;

12 4. In the case of an original license, the established  
13 place of business of the licensee;

14 5. In the case of a supplemental license, the  
15 established place of business of the licensee and the  
16 additional place of business to which such supplemental  
17 license pertains.

18 (f) The appropriate instrument evidencing the license or a  
19 certified copy thereof, provided by the Secretary of State  
20 shall be kept, posted, conspicuously in the established place  
21 of business of the licensee and in each additional place of  
22 business, if any, maintained by such licensee. The licensee  
23 also shall post conspicuously in the established place of  
24 business and in each additional place of business a notice  
25 which states that such business is required to be licensed by  
26 the Secretary of State under Section 5-301, and which provides

1 the license number of the business and the license expiration  
2 date. This notice also shall advise the consumer that any  
3 complaints as to the quality of service may be brought to the  
4 attention of the Attorney General. The information required on  
5 this notice also shall be printed conspicuously on all  
6 estimates and receipts for work by the licensee subject to this  
7 Section. The Secretary of State shall prescribe the specific  
8 format of this notice.

9 (g) Except as provided in subsection (h) hereof, licenses  
10 granted under this Section shall expire by operation of law on  
11 December 31 of the calendar year for which they are granted  
12 unless sooner revoked or cancelled under the provisions of  
13 Section 5-501 of this Chapter.

14 (h) Any license granted under this Section may be renewed  
15 upon application and payment of the fee required herein as in  
16 the case of an original license, provided, however, that in  
17 case an application for the renewal of an effective license is  
18 made during the month of December, such effective license shall  
19 remain in force until such application is granted or denied by  
20 the Secretary of State.

21 (i) All automotive repairers and rebuilders shall, in  
22 addition to the requirements of subsections (a) through (h) of  
23 this Section, meet the following licensing requirements:

- 24 1. Provide proof that the property on which first time  
25 applicants plan to do business is in compliance with local  
26 zoning laws and regulations, and a listing of zoning



1 classification;

2 2. Provide proof that the applicant for a repairer's  
3 license complies with the proper workers' compensation  
4 rate code or classification, and listing the code of  
5 classification for that industry;

6 3. Provide proof that the applicant for a rebuilder's  
7 license complies with the proper workers' compensation  
8 rate code or classification for the repair industry or the  
9 auto parts recycling industry and listing the code of  
10 classification;

11 4. Provide proof that the applicant has obtained or  
12 applied for a hazardous waste generator number, and listing  
13 the actual number if available or certificate of exemption;

14 5. Provide proof that applicant has proper liability  
15 insurance, and listing the name of the insurer and the  
16 policy number; and

17 6. Provide proof that the applicant has obtained or  
18 applied for the proper State sales tax classification and  
19 federal identification tax number, and listing the actual  
20 numbers if available.

21 (i-1) All automotive repairers shall provide proof that  
22 they comply with all requirements of the Automotive Collision  
23 Repair Act.

24 (j) All automotive parts recyclers shall, in addition to  
25 the requirements of subsections (a) through (h) of this  
26 Section, meet the following licensing requirements:

1           1. A statement that the applicant purchases 5 vehicles  
2 per year or has 5 hulks or chassis in stock;

3           2. Provide proof that the property on which all first  
4 time applicants will do business does comply to the proper  
5 local zoning laws in existence, and a listing of zoning  
6 classifications;

7           3. Provide proof that applicant complies with the  
8 proper workers' compensation rate code or classification,  
9 and listing the code of classification; and

10          4. Provide proof that applicant has obtained or applied  
11 for the proper State sales tax classification and federal  
12 identification tax number, and listing the actual numbers  
13 if available.

14 (Source: P.A. 97-832, eff. 7-20-12.)

15 (625 ILCS 5/5-501) (from Ch. 95 1/2, par. 5-501)

16 Sec. 5-501. Denial, suspension or revocation or  
17 cancellation of a license.

18 (a) The license of a person issued under this Chapter may  
19 be denied, revoked or suspended if the Secretary of State finds  
20 that the applicant, or the officer, director, shareholder  
21 having a ten percent or greater ownership interest in the  
22 corporation, owner, partner, trustee, manager, employee or the  
23 licensee has:

24           1. Violated this Act;

25           2. Made any material misrepresentation to the

1 Secretary of State in connection with an application for a  
2 license, junking certificate, salvage certificate, title  
3 or registration;

4 3. Committed a fraudulent act in connection with  
5 selling, bartering, exchanging, offering for sale or  
6 otherwise dealing in vehicles, chassis, essential parts,  
7 or vehicle shells;

8 4. As a new vehicle dealer has no contract with a  
9 manufacturer or enfranchised distributor to sell that new  
10 vehicle in this State;

11 5. Not maintained an established place of business as  
12 defined in this Code;

13 6. Failed to file or produce for the Secretary of State  
14 any application, report, document or other pertinent  
15 books, records, documents, letters, contracts, required to  
16 be filed or produced under this Code or any rule or  
17 regulation made by the Secretary of State pursuant to this  
18 Code;

19 7. Previously had, within 3 years, such a license  
20 denied, suspended, revoked, or cancelled under the  
21 provisions of subsection (c) (2) of this Section;

22 8. Has committed in any calendar year 3 or more  
23 violations, as determined in any civil or criminal  
24 proceeding, of any one or more of the following Acts:

25 a. the "Consumer Finance Act";

26 b. the "Consumer Installment Loan Act";

- 1           c. the "Retail Installment Sales Act";
- 2           d. the "Motor Vehicle Retail Installment Sales  
3 Act";
- 4           e. "An Act in relation to the rate of interest and  
5 other charges in connection with sales on credit and  
6 the lending of money", approved May 24, 1879, as  
7 amended;
- 8           f. "An Act to promote the welfare of wage-earners  
9 by regulating the assignment of wages, and prescribing  
10 a penalty for the violation thereof", approved July 1,  
11 1935, as amended;
- 12           g. Part 8 of Article XII of the Code of Civil  
13 Procedure; or
- 14           h. the "Consumer Fraud Act";
- 15           9. Failed to pay any fees or taxes due under this Act,  
16 or has failed to transmit any fees or taxes received by him  
17 for transmittal by him to the Secretary of State or the  
18 State of Illinois;
- 19           10. Converted an abandoned vehicle;
- 20           11. Used a vehicle identification plate or number  
21 assigned to a vehicle other than the one to which  
22 originally assigned;
- 23           12. Violated the provisions of Chapter 5 of this Act,  
24 as amended;
- 25           13. Violated the provisions of Chapter 4 of this Act,  
26 as amended;

1           14. Violated the provisions of Chapter 3 of this Act,  
2 as amended;

3           15. Violated Section 21-2 of the Criminal Code of 1961  
4 or the Criminal Code of 2012, Criminal Trespass to  
5 Vehicles;

6           16. Made or concealed a material fact in connection  
7 with his application for a license;

8           17. Acted in the capacity of a person licensed or acted  
9 as a licensee under this Chapter without having a license  
10 therefor;

11           18. Failed to pay, within 90 days after a final  
12 judgment, any fines assessed against the licensee pursuant  
13 to an action brought under Section 5-404;

14           19. Failed to pay the Dealer Recovery Trust Fund fee  
15 under Section 5-102.7 of this Code;

16           20. Failed to pay, within 90 days after notice has been  
17 given, any fine or fee owed as a result of an  
18 administrative citation issued by the Secretary under this  
19 Code.

20           (b) In addition to other grounds specified in this Chapter,  
21 the Secretary of State, on complaint of the Department of  
22 Revenue, shall refuse the issuance or renewal of a license, or  
23 suspend or revoke such license, for any of the following  
24 violations of the "Retailers' Occupation Tax Act":

25           1. Failure to make a tax return;

26           2. The filing of a fraudulent return;

1           3. Failure to pay all or part of any tax or penalty  
2           finally determined to be due;

3           4. Failure to comply with the bonding requirements of  
4           the "Retailers' Occupation Tax Act".

5           (b-1) In addition to other grounds specified in this  
6           Chapter, the Secretary of State, on complaint of the Motor  
7           Vehicle Review Board, shall refuse the issuance or renewal of a  
8           license, or suspend or revoke that license, if costs or fees  
9           assessed under Section 29 or Section 30 of the Motor Vehicle  
10          Franchise Act have remained unpaid for a period in excess of 90  
11          days after the licensee received from the Motor Vehicle Board a  
12          second notice and demand for the costs or fees. The Motor  
13          Vehicle Review Board must send the licensee written notice and  
14          demand for payment of the fees or costs at least 2 times, and  
15          the second notice and demand must be sent by certified mail.

16          (c) Cancellation of a license.

17           1. The license of a person issued under this Chapter  
18           may be cancelled by the Secretary of State prior to its  
19           expiration in any of the following situations:

20           A. When a license is voluntarily surrendered, by  
21           the licensed person; or

22           B. If the business enterprise is a sole  
23           proprietorship, which is not a franchised dealership,  
24           when the sole proprietor dies or is imprisoned for any  
25           period of time exceeding 30 days; or

26           C. If the license was issued to the wrong person or

1 corporation, or contains an error on its face. If any  
2 person above whose license has been cancelled wishes to  
3 apply for another license, whether during the same  
4 license year or any other year, that person shall be  
5 treated as any other new applicant and the cancellation  
6 of the person's prior license shall not, in and of  
7 itself, be a bar to the issuance of a new license.

8 2. The license of a person issued under this Chapter  
9 may be cancelled without a hearing when the Secretary of  
10 State is notified that the applicant, or any officer,  
11 director, shareholder having a 10 per cent or greater  
12 ownership interest in the corporation, owner, partner,  
13 trustee, manager, employee or member of the applicant or  
14 the licensee has been convicted of any felony involving the  
15 selling, bartering, exchanging, offering for sale, or  
16 otherwise dealing in vehicles, chassis, essential parts,  
17 vehicle shells, or ownership documents relating to any of  
18 the above items.

19 (Source: P.A. 97-480, eff. 10-1-11; 97-838, eff. 7-20-12.)

20 (625 ILCS 5/6-101) (from Ch. 95 1/2, par. 6-101)

21 Sec. 6-101. Drivers must have licenses or permits.

22 (a) No person, except those expressly exempted by Section  
23 6-102, shall drive any motor vehicle upon a highway in this  
24 State unless such person has a valid license or permit, or a  
25 restricted driving permit, issued under the provisions of this

1 Act.

2 (b) No person shall drive a motor vehicle unless he holds a  
3 valid license or permit, or a restricted driving permit issued  
4 under the provisions of Section 6-205, 6-206, or 6-113 of this  
5 Act. Any person to whom a license is issued under the  
6 provisions of this Act must surrender to the Secretary of State  
7 all valid licenses or permits. No drivers license or  
8 instruction permit shall be issued to any person who holds a  
9 valid Foreign State license, identification card, or permit  
10 unless such person first surrenders to the Secretary of State  
11 any such valid Foreign State license, identification card, or  
12 permit.

13 (b-5) Any person who commits a violation of subsection (a)  
14 or (b) of this Section is guilty of a Class A misdemeanor, if  
15 at the time of the violation the person's driver's license or  
16 permit was cancelled under clause (a)9 of Section 6-201 of this  
17 Code.

18 (c) Any person licensed as a driver hereunder shall not be  
19 required by any city, village, incorporated town or other  
20 municipal corporation to obtain any other license to exercise  
21 the privilege thereby granted.

22 (d) In addition to other penalties imposed under this  
23 Section, any person in violation of this Section who is also in  
24 violation of Section 7-601 of this Code relating to mandatory  
25 insurance requirements shall have his or her motor vehicle  
26 immediately impounded by the arresting law enforcement



1 officer. The motor vehicle may be released to any licensed  
2 driver upon a showing of proof of insurance for the motor  
3 vehicle that was impounded and the notarized written consent  
4 for the release by the vehicle owner.

5 (e) In addition to other penalties imposed under this  
6 Section, the vehicle of any person in violation of this Section  
7 who is also in violation of Section 7-601 of this Code relating  
8 to mandatory insurance requirements and who, in violating this  
9 Section, has caused death or personal injury to another person  
10 is subject to forfeiture under Sections 36-1 and 36-2 of the  
11 Criminal Code of 2012 ~~1961~~. For the purposes of this Section, a  
12 personal injury shall include any type A injury as indicated on  
13 the traffic accident report completed by a law enforcement  
14 officer that requires immediate professional attention in  
15 either a doctor's office or a medical facility. A type A injury  
16 shall include severely bleeding wounds, distorted extremities,  
17 and injuries that require the injured party to be carried from  
18 the scene.

19 (Source: P.A. 97-229, eff. 7-28-11.)

20 (625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)

21 Sec. 6-103. What persons shall not be licensed as drivers  
22 or granted permits. The Secretary of State shall not issue,  
23 renew, or allow the retention of any driver's license nor issue  
24 any permit under this Code:

25 1. To any person, as a driver, who is under the age of

1 18 years except as provided in Section 6-107, and except  
2 that an instruction permit may be issued under Section  
3 6-107.1 to a child who is not less than 15 years of age if  
4 the child is enrolled in an approved driver education  
5 course as defined in Section 1-103 of this Code and  
6 requires an instruction permit to participate therein,  
7 except that an instruction permit may be issued under the  
8 provisions of Section 6-107.1 to a child who is 17 years  
9 and 3 months of age without the child having enrolled in an  
10 approved driver education course and except that an  
11 instruction permit may be issued to a child who is at least  
12 15 years and 3 months of age, is enrolled in school, meets  
13 the educational requirements of the Driver Education Act,  
14 and has passed examinations the Secretary of State in his  
15 or her discretion may prescribe;

16 2. To any person who is under the age of 18 as an  
17 operator of a motorcycle other than a motor driven cycle  
18 unless the person has, in addition to meeting the  
19 provisions of Section 6-107 of this Code, successfully  
20 completed a motorcycle training course approved by the  
21 Illinois Department of Transportation and successfully  
22 completes the required Secretary of State's motorcycle  
23 driver's examination;

24 3. To any person, as a driver, whose driver's license  
25 or permit has been suspended, during the suspension, nor to  
26 any person whose driver's license or permit has been

1           revoked, except as provided in Sections 6-205, 6-206, and  
2           6-208;

3           4. To any person, as a driver, who is a user of alcohol  
4           or any other drug to a degree that renders the person  
5           incapable of safely driving a motor vehicle;

6           5. To any person, as a driver, who has previously been  
7           adjudged to be afflicted with or suffering from any mental  
8           or physical disability or disease and who has not at the  
9           time of application been restored to competency by the  
10          methods provided by law;

11          6. To any person, as a driver, who is required by the  
12          Secretary of State to submit an alcohol and drug evaluation  
13          or take an examination provided for in this Code unless the  
14          person has successfully passed the examination and  
15          submitted any required evaluation;

16          7. To any person who is required under the provisions  
17          of the laws of this State to deposit security or proof of  
18          financial responsibility and who has not deposited the  
19          security or proof;

20          8. To any person when the Secretary of State has good  
21          cause to believe that the person by reason of physical or  
22          mental disability would not be able to safely operate a  
23          motor vehicle upon the highways, unless the person shall  
24          furnish to the Secretary of State a verified written  
25          statement, acceptable to the Secretary of State, from a  
26          competent medical specialist, a licensed physician

1 assistant who has been delegated the performance of medical  
2 examinations by his or her supervising physician, or a  
3 licensed advanced practice nurse who has a written  
4 collaborative agreement with a collaborating physician  
5 which authorizes him or her to perform medical  
6 examinations, to the effect that the operation of a motor  
7 vehicle by the person would not be inimical to the public  
8 safety;

9 9. To any person, as a driver, who is 69 years of age  
10 or older, unless the person has successfully complied with  
11 the provisions of Section 6-109;

12 10. To any person convicted, within 12 months of  
13 application for a license, of any of the sexual offenses  
14 enumerated in paragraph 2 of subsection (b) of Section  
15 6-205;

16 11. To any person who is under the age of 21 years with  
17 a classification prohibited in paragraph (b) of Section  
18 6-104 and to any person who is under the age of 18 years  
19 with a classification prohibited in paragraph (c) of  
20 Section 6-104;

21 12. To any person who has been either convicted of or  
22 adjudicated under the Juvenile Court Act of 1987 based upon  
23 a violation of the Cannabis Control Act, the Illinois  
24 Controlled Substances Act, or the Methamphetamine Control  
25 and Community Protection Act while that person was in  
26 actual physical control of a motor vehicle. For purposes of

1       this Section, any person placed on probation under Section  
2       10 of the Cannabis Control Act, Section 410 of the Illinois  
3       Controlled Substances Act, or Section 70 of the  
4       Methamphetamine Control and Community Protection Act shall  
5       not be considered convicted. Any person found guilty of  
6       this offense, while in actual physical control of a motor  
7       vehicle, shall have an entry made in the court record by  
8       the judge that this offense did occur while the person was  
9       in actual physical control of a motor vehicle and order the  
10      clerk of the court to report the violation to the Secretary  
11      of State as such. The Secretary of State shall not issue a  
12      new license or permit for a period of one year;

13           13. To any person who is under the age of 18 years and  
14      who has committed the offense of operating a motor vehicle  
15      without a valid license or permit in violation of Section  
16      6-101 or a similar out of state offense;

17           14. To any person who is 90 days or more delinquent in  
18      court ordered child support payments or has been  
19      adjudicated in arrears in an amount equal to 90 days'  
20      obligation or more and who has been found in contempt of  
21      court for failure to pay the support, subject to the  
22      requirements and procedures of Article VII of Chapter 7 of  
23      the Illinois Vehicle Code;

24           14.5. To any person certified by the Illinois  
25      Department of Healthcare and Family Services as being 90  
26      days or more delinquent in payment of support under an

1 order of support entered by a court or administrative body  
2 of this or any other State, subject to the requirements and  
3 procedures of Article VII of Chapter 7 of this Code  
4 regarding those certifications;

5 15. To any person released from a term of imprisonment  
6 for violating Section 9-3 of the Criminal Code of 1961 or  
7 the Criminal Code of 2012, or a similar provision of a law  
8 of another state relating to reckless homicide or for  
9 violating subparagraph (F) of paragraph (1) of subsection  
10 (d) of Section 11-501 of this Code relating to aggravated  
11 driving under the influence of alcohol, other drug or  
12 drugs, intoxicating compound or compounds, or any  
13 combination thereof, if the violation was the proximate  
14 cause of a death, within 24 months of release from a term  
15 of imprisonment;

16 16. To any person who, with intent to influence any act  
17 related to the issuance of any driver's license or permit,  
18 by an employee of the Secretary of State's Office, or the  
19 owner or employee of any commercial driver training school  
20 licensed by the Secretary of State, or any other individual  
21 authorized by the laws of this State to give driving  
22 instructions or administer all or part of a driver's  
23 license examination, promises or tenders to that person any  
24 property or personal advantage which that person is not  
25 authorized by law to accept. Any persons promising or  
26 tendering such property or personal advantage shall be

1           disqualified from holding any class of driver's license or  
2           permit for 120 consecutive days. The Secretary of State  
3           shall establish by rule the procedures for implementing  
4           this period of disqualification and the procedures by which  
5           persons so disqualified may obtain administrative review  
6           of the decision to disqualify;

7           17. To any person for whom the Secretary of State  
8           cannot verify the accuracy of any information or  
9           documentation submitted in application for a driver's  
10          license; or

11          18. To any person who has been adjudicated under the  
12          Juvenile Court Act of 1987 based upon an offense that is  
13          determined by the court to have been committed in  
14          furtherance of the criminal activities of an organized  
15          gang, as provided in Section 5-710 of that Act, and that  
16          involved the operation or use of a motor vehicle or the use  
17          of a driver's license or permit. The person shall be denied  
18          a license or permit for the period determined by the court.

19          The Secretary of State shall retain all conviction  
20          information, if the information is required to be held  
21          confidential under the Juvenile Court Act of 1987.

22          (Source: P.A. 96-607, eff. 8-24-09; 96-740, eff. 1-1-10;  
23          96-962, eff. 7-2-10; 96-1000, eff. 7-2-10; 97-185, eff.  
24          7-22-11.)

1           Sec. 6-106.1. School bus driver permit.

2           (a) The Secretary of State shall issue a school bus driver  
3 permit to those applicants who have met all the requirements of  
4 the application and screening process under this Section to  
5 insure the welfare and safety of children who are transported  
6 on school buses throughout the State of Illinois. Applicants  
7 shall obtain the proper application required by the Secretary  
8 of State from their prospective or current employer and submit  
9 the completed application to the prospective or current  
10 employer along with the necessary fingerprint submission as  
11 required by the Department of State Police to conduct  
12 fingerprint based criminal background checks on current and  
13 future information available in the state system and current  
14 information available through the Federal Bureau of  
15 Investigation's system. Applicants who have completed the  
16 fingerprinting requirements shall not be subjected to the  
17 fingerprinting process when applying for subsequent permits or  
18 submitting proof of successful completion of the annual  
19 refresher course. Individuals who on the effective date of this  
20 Act possess a valid school bus driver permit that has been  
21 previously issued by the appropriate Regional School  
22 Superintendent are not subject to the fingerprinting  
23 provisions of this Section as long as the permit remains valid  
24 and does not lapse. The applicant shall be required to pay all  
25 related application and fingerprinting fees as established by  
26 rule including, but not limited to, the amounts established by



1 the Department of State Police and the Federal Bureau of  
2 Investigation to process fingerprint based criminal background  
3 investigations. All fees paid for fingerprint processing  
4 services under this Section shall be deposited into the State  
5 Police Services Fund for the cost incurred in processing the  
6 fingerprint based criminal background investigations. All  
7 other fees paid under this Section shall be deposited into the  
8 Road Fund for the purpose of defraying the costs of the  
9 Secretary of State in administering this Section. All  
10 applicants must:

11 1. be 21 years of age or older;

12 2. possess a valid and properly classified driver's  
13 license issued by the Secretary of State;

14 3. possess a valid driver's license, which has not been  
15 revoked, suspended, or canceled for 3 years immediately  
16 prior to the date of application, or have not had his or  
17 her commercial motor vehicle driving privileges  
18 disqualified within the 3 years immediately prior to the  
19 date of application;

20 4. successfully pass a written test, administered by  
21 the Secretary of State, on school bus operation, school bus  
22 safety, and special traffic laws relating to school buses  
23 and submit to a review of the applicant's driving habits by  
24 the Secretary of State at the time the written test is  
25 given;

26 5. demonstrate ability to exercise reasonable care in

1 the operation of school buses in accordance with rules  
2 promulgated by the Secretary of State;

3 6. demonstrate physical fitness to operate school  
4 buses by submitting the results of a medical examination,  
5 including tests for drug use for each applicant not subject  
6 to such testing pursuant to federal law, conducted by a  
7 licensed physician, an advanced practice nurse who has a  
8 written collaborative agreement with a collaborating  
9 physician which authorizes him or her to perform medical  
10 examinations, or a physician assistant who has been  
11 delegated the performance of medical examinations by his or  
12 her supervising physician within 90 days of the date of  
13 application according to standards promulgated by the  
14 Secretary of State;

15 7. affirm under penalties of perjury that he or she has  
16 not made a false statement or knowingly concealed a  
17 material fact in any application for permit;

18 8. have completed an initial classroom course,  
19 including first aid procedures, in school bus driver safety  
20 as promulgated by the Secretary of State; and after  
21 satisfactory completion of said initial course an annual  
22 refresher course; such courses and the agency or  
23 organization conducting such courses shall be approved by  
24 the Secretary of State; failure to complete the annual  
25 refresher course, shall result in cancellation of the  
26 permit until such course is completed;

1           9. not have been under an order of court supervision  
2           for or convicted of 2 or more serious traffic offenses, as  
3           defined by rule, within one year prior to the date of  
4           application that may endanger the life or safety of any of  
5           the driver's passengers within the duration of the permit  
6           period;

7           10. not have been under an order of court supervision  
8           for or convicted of reckless driving, aggravated reckless  
9           driving, driving while under the influence of alcohol,  
10          other drug or drugs, intoxicating compound or compounds or  
11          any combination thereof, or reckless homicide resulting  
12          from the operation of a motor vehicle within 3 years of the  
13          date of application;

14          11. not have been convicted of committing or attempting  
15          to commit any one or more of the following offenses: (i)  
16          those offenses defined in Sections 8-1.2, 9-1, 9-1.2, 9-2,  
17          9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5,  
18          10-5.1, 10-6, 10-7, 10-9, 11-1.20, 11-1.30, 11-1.40,  
19          11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6, 11-9, 11-9.1,  
20          11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15,  
21          11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19,  
22          11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B, 11-20.3,  
23          11-21, 11-22, 11-23, 11-24, 11-25, 11-26, 11-30, 12-2.6,  
24          12-3.1, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4,  
25          12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-5.01, 12-6, 12-6.2,  
26          12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14,

1 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33,  
2 12C-5, 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1,  
3 18-1, 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2,  
4 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6,  
5 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1,  
6 31A-1.1, 33A-2, and 33D-1, and in subsection (b) of Section  
7 8-1, and in subdivisions (a)(1), (a)(2), (b)(1), (e)(1),  
8 (e)(2), (e)(3), (e)(4), and (f)(1) of Section 12-3.05, and  
9 in subsection (a) and subsection (b), clause (1), of  
10 Section 12-4, and in subsection (A), clauses (a) and (b),  
11 of Section 24-3, and those offenses contained in Article  
12 29D of the Criminal Code of 1961 or the Criminal Code of  
13 2012; (ii) those offenses defined in the Cannabis Control  
14 Act except those offenses defined in subsections (a) and  
15 (b) of Section 4, and subsection (a) of Section 5 of the  
16 Cannabis Control Act; (iii) those offenses defined in the  
17 Illinois Controlled Substances Act; (iv) those offenses  
18 defined in the Methamphetamine Control and Community  
19 Protection Act; (v) any offense committed or attempted in  
20 any other state or against the laws of the United States,  
21 which if committed or attempted in this State would be  
22 punishable as one or more of the foregoing offenses; (vi)  
23 the offenses defined in Section 4.1 and 5.1 of the Wrongs  
24 to Children Act or Section 11-9.1A of the Criminal Code of  
25 1961 or the Criminal Code of 2012; (vii) those offenses  
26 defined in Section 6-16 of the Liquor Control Act of 1934;

1 and (viii) those offenses defined in the Methamphetamine  
2 Precursor Control Act;

3 12. not have been repeatedly involved as a driver in  
4 motor vehicle collisions or been repeatedly convicted of  
5 offenses against laws and ordinances regulating the  
6 movement of traffic, to a degree which indicates lack of  
7 ability to exercise ordinary and reasonable care in the  
8 safe operation of a motor vehicle or disrespect for the  
9 traffic laws and the safety of other persons upon the  
10 highway;

11 13. not have, through the unlawful operation of a motor  
12 vehicle, caused an accident resulting in the death of any  
13 person;

14 14. not have, within the last 5 years, been adjudged to  
15 be afflicted with or suffering from any mental disability  
16 or disease; and

17 15. consent, in writing, to the release of results of  
18 reasonable suspicion drug and alcohol testing under  
19 Section 6-106.1c of this Code by the employer of the  
20 applicant to the Secretary of State.

21 (b) A school bus driver permit shall be valid for a period  
22 specified by the Secretary of State as set forth by rule. It  
23 shall be renewable upon compliance with subsection (a) of this  
24 Section.

25 (c) A school bus driver permit shall contain the holder's  
26 driver's license number, legal name, residence address, zip

1 code, and date of birth, a brief description of the holder and  
2 a space for signature. The Secretary of State may require a  
3 suitable photograph of the holder.

4 (d) The employer shall be responsible for conducting a  
5 pre-employment interview with prospective school bus driver  
6 candidates, distributing school bus driver applications and  
7 medical forms to be completed by the applicant, and submitting  
8 the applicant's fingerprint cards to the Department of State  
9 Police that are required for the criminal background  
10 investigations. The employer shall certify in writing to the  
11 Secretary of State that all pre-employment conditions have been  
12 successfully completed including the successful completion of  
13 an Illinois specific criminal background investigation through  
14 the Department of State Police and the submission of necessary  
15 fingerprints to the Federal Bureau of Investigation for  
16 criminal history information available through the Federal  
17 Bureau of Investigation system. The applicant shall present the  
18 certification to the Secretary of State at the time of  
19 submitting the school bus driver permit application.

20 (e) Permits shall initially be provisional upon receiving  
21 certification from the employer that all pre-employment  
22 conditions have been successfully completed, and upon  
23 successful completion of all training and examination  
24 requirements for the classification of the vehicle to be  
25 operated, the Secretary of State shall provisionally issue a  
26 School Bus Driver Permit. The permit shall remain in a

1 provisional status pending the completion of the Federal Bureau  
2 of Investigation's criminal background investigation based  
3 upon fingerprinting specimens submitted to the Federal Bureau  
4 of Investigation by the Department of State Police. The Federal  
5 Bureau of Investigation shall report the findings directly to  
6 the Secretary of State. The Secretary of State shall remove the  
7 bus driver permit from provisional status upon the applicant's  
8 successful completion of the Federal Bureau of Investigation's  
9 criminal background investigation.

10 (f) A school bus driver permit holder shall notify the  
11 employer and the Secretary of State if he or she is issued an  
12 order of court supervision for or convicted in another state of  
13 an offense that would make him or her ineligible for a permit  
14 under subsection (a) of this Section. The written notification  
15 shall be made within 5 days of the entry of the order of court  
16 supervision or conviction. Failure of the permit holder to  
17 provide the notification is punishable as a petty offense for a  
18 first violation and a Class B misdemeanor for a second or  
19 subsequent violation.

20 (g) Cancellation; suspension; notice and procedure.

21 (1) The Secretary of State shall cancel a school bus  
22 driver permit of an applicant whose criminal background  
23 investigation discloses that he or she is not in compliance  
24 with the provisions of subsection (a) of this Section.

25 (2) The Secretary of State shall cancel a school bus  
26 driver permit when he or she receives notice that the

1 permit holder fails to comply with any provision of this  
2 Section or any rule promulgated for the administration of  
3 this Section.

4 (3) The Secretary of State shall cancel a school bus  
5 driver permit if the permit holder's restricted commercial  
6 or commercial driving privileges are withdrawn or  
7 otherwise invalidated.

8 (4) The Secretary of State may not issue a school bus  
9 driver permit for a period of 3 years to an applicant who  
10 fails to obtain a negative result on a drug test as  
11 required in item 6 of subsection (a) of this Section or  
12 under federal law.

13 (5) The Secretary of State shall forthwith suspend a  
14 school bus driver permit for a period of 3 years upon  
15 receiving notice that the holder has failed to obtain a  
16 negative result on a drug test as required in item 6 of  
17 subsection (a) of this Section or under federal law.

18 (6) The Secretary of State shall suspend a school bus  
19 driver permit for a period of 3 years upon receiving notice  
20 from the employer that the holder failed to perform the  
21 inspection procedure set forth in subsection (a) or (b) of  
22 Section 12-816 of this Code.

23 (7) The Secretary of State shall suspend a school bus  
24 driver permit for a period of 3 years upon receiving notice  
25 from the employer that the holder refused to submit to an  
26 alcohol or drug test as required by Section 6-106.1c or has



1 submitted to a test required by that Section which  
2 disclosed an alcohol concentration of more than 0.00 or  
3 disclosed a positive result on a National Institute on Drug  
4 Abuse five-drug panel, utilizing federal standards set  
5 forth in 49 CFR 40.87.

6 The Secretary of State shall notify the State  
7 Superintendent of Education and the permit holder's  
8 prospective or current employer that the applicant has (1) has  
9 failed a criminal background investigation or (2) is no longer  
10 eligible for a school bus driver permit; and of the related  
11 cancellation of the applicant's provisional school bus driver  
12 permit. The cancellation shall remain in effect pending the  
13 outcome of a hearing pursuant to Section 2-118 of this Code.  
14 The scope of the hearing shall be limited to the issuance  
15 criteria contained in subsection (a) of this Section. A  
16 petition requesting a hearing shall be submitted to the  
17 Secretary of State and shall contain the reason the individual  
18 feels he or she is entitled to a school bus driver permit. The  
19 permit holder's employer shall notify in writing to the  
20 Secretary of State that the employer has certified the removal  
21 of the offending school bus driver from service prior to the  
22 start of that school bus driver's next workshift. An employing  
23 school board that fails to remove the offending school bus  
24 driver from service is subject to the penalties defined in  
25 Section 3-14.23 of the School Code. A school bus contractor who  
26 violates a provision of this Section is subject to the

1 penalties defined in Section 6-106.11.

2 All valid school bus driver permits issued under this  
3 Section prior to January 1, 1995, shall remain effective until  
4 their expiration date unless otherwise invalidated.

5 (h) When a school bus driver permit holder who is a service  
6 member is called to active duty, the employer of the permit  
7 holder shall notify the Secretary of State, within 30 days of  
8 notification from the permit holder, that the permit holder has  
9 been called to active duty. Upon notification pursuant to this  
10 subsection, (i) the Secretary of State shall characterize the  
11 permit as inactive until a permit holder renews the permit as  
12 provided in subsection (i) of this Section, and (ii) if a  
13 permit holder fails to comply with the requirements of this  
14 Section while called to active duty, the Secretary of State  
15 shall not characterize the permit as invalid.

16 (i) A school bus driver permit holder who is a service  
17 member returning from active duty must, within 90 days, renew a  
18 permit characterized as inactive pursuant to subsection (h) of  
19 this Section by complying with the renewal requirements of  
20 subsection (b) of this Section.

21 (j) For purposes of subsections (h) and (i) of this  
22 Section:

23 "Active duty" means active duty pursuant to an executive  
24 order of the President of the United States, an act of the  
25 Congress of the United States, or an order of the Governor.

26 "Service member" means a member of the Armed Services or

1 reserve forces of the United States or a member of the Illinois  
2 National Guard.

3 (Source: P.A. 96-89, eff. 7-27-09; 96-818, eff. 11-17-09;  
4 96-962, eff. 7-2-10; 96-1000, eff. 7-2-10; 96-1182, eff.  
5 7-22-10; 96-1551, Article 1, Section 950, eff. 7-1-11; 96-1551,  
6 Article 2, Section 1025, eff. 7-1-11; 97-224, eff. 7-28-11;  
7 97-229, eff. 7-28-11; 97-333, eff. 8-12-11; 97-466, eff.  
8 1-1-12; 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; revised  
9 9-20-12.)

10 (625 ILCS 5/6-106.2) (from Ch. 95 1/2, par. 6-106.2)

11 Sec. 6-106.2. Religious organization bus driver. A  
12 religious organization bus driver shall meet the following  
13 requirements:

14 1. is 21 years of age or older;

15 2. has a valid and properly classified driver's license  
16 issued by the Secretary of State;

17 3. has held a valid driver's license, not necessarily  
18 of the same classification, for 3 years prior to the date  
19 of application;

20 4. has demonstrated an ability to exercise reasonable  
21 care in the safe operation of religious organization buses  
22 in accordance with such standards as the Secretary of State  
23 prescribes including a driving test in a religious  
24 organization bus; and

25 5. has not been convicted of any of the following

1 offenses within 3 years of the date of application:  
2 Sections 11-401 (leaving the scene of a traffic accident  
3 involving death or personal injury), 11-501 (driving under  
4 the influence), 11-503 (reckless driving), 11-504 (drag  
5 racing), and 11-506 (street racing) of this Code, or  
6 Sections 9-3 (manslaughter or reckless homicide) and 12-5  
7 (reckless conduct arising from the use of a motor vehicle)  
8 of the Criminal Code of 1961 or the Criminal Code of 2012.  
9 (Source: P.A. 95-310, eff. 1-1-08.)

10 (625 ILCS 5/6-106.3) (from Ch. 95 1/2, par. 6-106.3)

11 Sec. 6-106.3. Senior citizen transportation - driver. A  
12 driver of a vehicle operated solely for the purpose of  
13 providing transportation for the elderly in connection with the  
14 activities of any public or private organization shall meet the  
15 following requirements:

16 (1) is 21 years of age or older;

17 (2) has a valid and properly classified driver's  
18 license issued by the Secretary of State;

19 (3) has had a valid driver's license, not necessarily  
20 of the same classification, for 3 years prior to the date  
21 of application;

22 (4) has demonstrated his ability to exercise  
23 reasonable care in the safe operation of a motor vehicle  
24 which will be utilized to transport persons in accordance  
25 with such standards as the Secretary of State prescribes

1 including a driving test in such motor vehicle; and

2 (5) has not been convicted of any of the following  
3 offenses within 3 years of the date of application:  
4 Sections 11-401 (leaving the scene of a traffic accident  
5 involving death or personal injury), 11-501 (driving under  
6 the influence), 11-503 (reckless driving), 11-504 (drag  
7 racing), and 11-506 (street racing) of this Code, or  
8 Sections 9-3 (manslaughter or reckless homicide) and 12-5  
9 (reckless conduct arising from the use of a motor vehicle)  
10 of the Criminal Code of 1961 or the Criminal Code of 2012.

11 (Source: P.A. 95-310, eff. 1-1-08.)

12 (625 ILCS 5/6-106.4) (from Ch. 95 1/2, par. 6-106.4)

13 Sec. 6-106.4. For-profit ridesharing arrangement - driver.  
14 No person may drive a commuter van while it is being used for a  
15 for-profit ridesharing arrangement unless such person:

16 (1) is 21 years of age or older;

17 (2) has a valid and properly classified driver's  
18 license issued by the Secretary of State;

19 (3) has held a valid driver's license, not necessarily  
20 of the same classification, for 3 years prior to the date  
21 of application;

22 (4) has demonstrated his ability to exercise  
23 reasonable care in the safe operation of commuter vans used  
24 in for-profit ridesharing arrangements in accordance with  
25 such standards as the Secretary of State may prescribe,

1 which standards may require a driving test in a commuter  
2 van; and

3 (5) has not been convicted of any of the following  
4 offenses within 3 years of the date of application:  
5 Sections 11-401 (leaving the scene of a traffic accident  
6 involving death or personal injury), 11-501 (driving under  
7 the influence), 11-503 (reckless driving), 11-504 (drag  
8 racing), and 11-506 (street racing) of this Code, or  
9 Sections 9-3 (manslaughter or reckless homicide) and 12-5  
10 (reckless conduct arising from the use of a motor vehicle)  
11 of the Criminal Code of 1961 or the Criminal Code of 2012.

12 (Source: P.A. 95-310, eff. 1-1-08.)

13 (625 ILCS 5/6-108.1)

14 Sec. 6-108.1. Notice to Secretary; denial of license;  
15 persons under 18.

16 (a) The State's Attorney must notify the Secretary of the  
17 charges pending against any person younger than 18 years of age  
18 who has been charged with a violation of this Code , the  
19 Criminal Code of 2012, or the Criminal Code of 1961 arising out  
20 of an accident in which the person was involved as a driver and  
21 that caused the death of or a type A injury to another person.  
22 A "type A injury" includes severely bleeding wounds, distorted  
23 extremities, and injuries that require the injured party to be  
24 carried from the scene. The State's Attorney must notify the  
25 Secretary on a form prescribed by the Secretary.

1 (b) The Secretary, upon receiving notification from the  
 2 State's Attorney, may deny any driver's license to any person  
 3 younger than 18 years of age against whom the charges are  
 4 pending.

5 (c) The State's Attorney must notify the Secretary of the  
 6 final disposition of the case of any person who has been denied  
 7 a driver's license under subsection (b).

8 (d) The Secretary must adopt rules for implementing this  
 9 Section.

10 (Source: P.A. 92-137, eff. 7-24-01.)

11 (625 ILCS 5/6-118)  
 12 Sec. 6-118. Fees.

13 (a) The fee for licenses and permits under this Article is  
 14 as follows:

15	Original driver's license .....	\$30
16	Original or renewal driver's license	
17	issued to 18, 19 and 20 year olds .....	5
18	All driver's licenses for persons	
19	age 69 through age 80 .....	5
20	All driver's licenses for persons	
21	age 81 through age 86 .....	2
22	All driver's licenses for persons	
23	age 87 or older .....	0
24	Renewal driver's license (except for	
25	applicants ages 18, 19 and 20 or	

1           age 69 and older) ..... 30

2   Original instruction permit issued to

3           persons (except those age 69 and older)

4           who do not hold or have not previously

5           held an Illinois instruction permit or

6           driver's license ..... 20

7   Instruction permit issued to any person

8           holding an Illinois driver's license

9           who wishes a change in classifications,

10          other than at the time of renewal ..... 5

11   Any instruction permit issued to a person

12          age 69 and older ..... 5

13   Instruction permit issued to any person,

14          under age 69, not currently holding a

15          valid Illinois driver's license or

16          instruction permit but who has

17          previously been issued either document

18          in Illinois ..... 10

19   Restricted driving permit ..... 8

20   Monitoring device driving permit ..... 8

21   Duplicate or corrected driver's license

22          or permit ..... 5

23   Duplicate or corrected restricted

24          driving permit ..... 5

25   Duplicate or corrected monitoring

26          device driving permit ..... 5



1 Duplicate driver's license or permit issued to  
 2 an active-duty member of the  
 3 United States Armed Forces,  
 4 the member's spouse, or  
 5 the dependent children living  
 6 with the member ..... 0  
 7 Original or renewal M or L endorsement..... 5

8 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

9 The fees for commercial driver licenses and permits  
10 under Article V shall be as follows:

11 Commercial driver's license:

12 \$6 for the CDLIS/AAMVAnet Trust Fund  
 13 (Commercial Driver's License Information  
 14 System/American Association of Motor Vehicle  
 15 Administrators network Trust Fund);  
 16 \$20 for the Motor Carrier Safety Inspection Fund;  
 17 \$10 for the driver's license;  
 18 and \$24 for the CDL: ..... \$60

19 Renewal commercial driver's license:

20 \$6 for the CDLIS/AAMVAnet Trust Fund;  
 21 \$20 for the Motor Carrier Safety Inspection Fund;  
 22 \$10 for the driver's license; and  
 23 \$24 for the CDL: ..... \$60

24 Commercial driver instruction permit  
 25 issued to any person holding a valid  
 26 Illinois driver's license for the

1           purpose of changing to a  
2           CDL classification: \$6 for the  
3           CDLIS/AAMVAnet Trust Fund;  
4           \$20 for the Motor Carrier  
5           Safety Inspection Fund; and  
6           \$24 for the CDL classification ..... \$50  
7        Commercial driver instruction permit  
8           issued to any person holding a valid  
9           Illinois CDL for the purpose of  
10          making a change in a classification,  
11          endorsement or restriction ..... \$5  
12        CDL duplicate or corrected license ..... \$5

13        In order to ensure the proper implementation of the Uniform  
14        Commercial Driver License Act, Article V of this Chapter, the  
15        Secretary of State is empowered to pro-rate the \$24 fee for the  
16        commercial driver's license proportionate to the expiration  
17        date of the applicant's Illinois driver's license.

18        The fee for any duplicate license or permit shall be waived  
19        for any person who presents the Secretary of State's office  
20        with a police report showing that his license or permit was  
21        stolen.

22        The fee for any duplicate license or permit shall be waived  
23        for any person age 60 or older whose driver's license or permit  
24        has been lost or stolen.

25        No additional fee shall be charged for a driver's license,  
26        or for a commercial driver's license, when issued to the holder

1 of an instruction permit for the same classification or type of  
2 license who becomes eligible for such license.

3 (b) Any person whose license or privilege to operate a  
4 motor vehicle in this State has been suspended or revoked under  
5 Section 3-707, any provision of Chapter 6, Chapter 11, or  
6 Section 7-205, 7-303, or 7-702 of the Family Financial  
7 Responsibility Law of this Code, shall in addition to any other  
8 fees required by this Code, pay a reinstatement fee as follows:

9	Suspension under Section 3-707 .....	\$100
10	Summary suspension under Section 11-501.1 .....	\$250
11	Summary revocation under Section 11-501.1 .....	\$500
12	Other suspension .....	\$70
13	Revocation .....	\$500

14 However, any person whose license or privilege to operate a  
15 motor vehicle in this State has been suspended or revoked for a  
16 second or subsequent time for a violation of Section 11-501 or  
17 11-501.1 of this Code or a similar provision of a local  
18 ordinance or a similar out-of-state offense or Section 9-3 of  
19 the Criminal Code of 1961 or the Criminal Code of 2012 and each  
20 suspension or revocation was for a violation of Section 11-501  
21 or 11-501.1 of this Code or a similar provision of a local  
22 ordinance or a similar out-of-state offense or Section 9-3 of  
23 the Criminal Code of 1961 or the Criminal Code of 2012 shall  
24 pay, in addition to any other fees required by this Code, a  
25 reinstatement fee as follows:

26	Summary suspension under Section 11-501.1 .....	\$500
----	---	-------

1           Summary revocation under Section 11-501.1 ..... \$500  
 2           Revocation ..... \$500

3           (c) All fees collected under the provisions of this Chapter  
 4           6 shall be paid into the Road Fund in the State Treasury except  
 5           as follows:

6           1. The following amounts shall be paid into the Driver  
 7           Education Fund:

8                   (A) \$16 of the \$20 fee for an original driver's  
 9                   instruction permit;

10                   (B) \$5 of the \$30 fee for an original driver's  
 11                   license;

12                   (C) \$5 of the \$30 fee for a 4 year renewal driver's  
 13                   license;

14                   (D) \$4 of the \$8 fee for a restricted driving  
 15                   permit; and

16                   (E) \$4 of the \$8 fee for a monitoring device  
 17                   driving permit.

18           2. \$30 of the \$250 fee for reinstatement of a license  
 19           summarily suspended under Section 11-501.1 shall be  
 20           deposited into the Drunk and Drugged Driving Prevention  
 21           Fund. However, for a person whose license or privilege to  
 22           operate a motor vehicle in this State has been suspended or  
 23           revoked for a second or subsequent time for a violation of  
 24           Section 11-501 or 11-501.1 of this Code or Section 9-3 of  
 25           the Criminal Code of 1961 or the Criminal Code of 2012,  
 26           \$190 of the \$500 fee for reinstatement of a license

1           summarily suspended under Section 11-501.1, and \$190 of the  
2           \$500 fee for reinstatement of a revoked license shall be  
3           deposited into the Drunk and Drugged Driving Prevention  
4           Fund. \$190 of the \$500 fee for reinstatement of a license  
5           summarily revoked pursuant to Section 11-501.1 shall be  
6           deposited into the Drunk and Drugged Driving Prevention  
7           Fund.

8           3. \$6 of such original or renewal fee for a commercial  
9           driver's license and \$6 of the commercial driver  
10          instruction permit fee when such permit is issued to any  
11          person holding a valid Illinois driver's license, shall be  
12          paid into the CDLIS/AAMVAnet Trust Fund.

13          4. \$30 of the \$70 fee for reinstatement of a license  
14          suspended under the Family Financial Responsibility Law  
15          shall be paid into the Family Responsibility Fund.

16          5. The \$5 fee for each original or renewal M or L  
17          endorsement shall be deposited into the Cycle Rider Safety  
18          Training Fund.

19          6. \$20 of any original or renewal fee for a commercial  
20          driver's license or commercial driver instruction permit  
21          shall be paid into the Motor Carrier Safety Inspection  
22          Fund.

23          7. The following amounts shall be paid into the General  
24          Revenue Fund:

25                 (A) \$190 of the \$250 reinstatement fee for a  
26                 summary suspension under Section 11-501.1;

1           (B) \$40 of the \$70 reinstatement fee for any other  
2           suspension provided in subsection (b) of this Section;  
3           and

4           (C) \$440 of the \$500 reinstatement fee for a first  
5           offense revocation and \$310 of the \$500 reinstatement  
6           fee for a second or subsequent revocation.

7           (d) All of the proceeds of the additional fees imposed by  
8           this amendatory Act of the 96th General Assembly shall be  
9           deposited into the Capital Projects Fund.

10          (e) The additional fees imposed by this amendatory Act of  
11          the 96th General Assembly shall become effective 90 days after  
12          becoming law.

13          (f) As used in this Section, "active-duty member of the  
14          United States Armed Forces" means a member of the Armed  
15          Services or Reserve Forces of the United States or a member of  
16          the Illinois National Guard who is called to active duty  
17          pursuant to an executive order of the President of the United  
18          States, an act of the Congress of the United States, or an  
19          order of the Governor.

20          (Source: P.A. 96-34, eff. 7-13-09; 96-38, eff. 7-13-09;  
21          96-1231, eff. 7-23-10; 96-1344, eff. 7-1-11; 97-333, eff.  
22          8-12-11.)

23           (625 ILCS 5/6-204) (from Ch. 95 1/2, par. 6-204)  
24           Sec. 6-204. When Court to forward License and Reports.

25           (a) For the purpose of providing to the Secretary of State

1 the records essential to the performance of the Secretary's  
2 duties under this Code to cancel, revoke or suspend the  
3 driver's license and privilege to drive motor vehicles of  
4 certain minors adjudicated truant minors in need of  
5 supervision, addicted, or delinquent and of persons found  
6 guilty of the criminal offenses or traffic violations which  
7 this Code recognizes as evidence relating to unfitness to  
8 safely operate motor vehicles, the following duties are imposed  
9 upon public officials:

10 (1) Whenever any person is convicted of any offense for  
11 which this Code makes mandatory the cancellation or  
12 revocation of the driver's license or permit of such person  
13 by the Secretary of State, the judge of the court in which  
14 such conviction is had shall require the surrender to the  
15 clerk of the court of all driver's licenses or permits then  
16 held by the person so convicted, and the clerk of the court  
17 shall, within 5 days thereafter, forward the same, together  
18 with a report of such conviction, to the Secretary.

19 (2) Whenever any person is convicted of any offense  
20 under this Code or similar offenses under a municipal  
21 ordinance, other than regulations governing standing,  
22 parking or weights of vehicles, and excepting the following  
23 enumerated Sections of this Code: Sections 11-1406  
24 (obstruction to driver's view or control), 11-1407  
25 (improper opening of door into traffic), 11-1410 (coasting  
26 on downgrade), 11-1411 (following fire apparatus),

1 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving  
2 vehicle which is in unsafe condition or improperly  
3 equipped), 12-201(a) (daytime lights on motorcycles),  
4 12-202 (clearance, identification and side marker lamps),  
5 12-204 (lamp or flag on projecting load), 12-205 (failure  
6 to display the safety lights required), 12-401  
7 (restrictions as to tire equipment), 12-502 (mirrors),  
8 12-503 (windshields must be unobstructed and equipped with  
9 wipers), 12-601 (horns and warning devices), 12-602  
10 (mufflers, prevention of noise or smoke), 12-603 (seat  
11 safety belts), 12-702 (certain vehicles to carry flares or  
12 other warning devices), 12-703 (vehicles for oiling roads  
13 operated on highways), 12-710 (splash guards and  
14 replacements), 13-101 (safety tests), 15-101 (size, weight  
15 and load), 15-102 (width), 15-103 (height), 15-104 (name  
16 and address on second division vehicles), 15-107 (length of  
17 vehicle), 15-109.1 (cover or tarpaulin), 15-111 (weights),  
18 15-112 (weights), 15-301 (weights), 15-316 (weights),  
19 15-318 (weights), and also excepting the following  
20 enumerated Sections of the Chicago Municipal Code:  
21 Sections 27-245 (following fire apparatus), 27-254  
22 (obstruction of traffic), 27-258 (driving vehicle which is  
23 in unsafe condition), 27-259 (coasting on downgrade),  
24 27-264 (use of horns and signal devices), 27-265  
25 (obstruction to driver's view or driver mechanism), 27-267  
26 (dimming of headlights), 27-268 (unattended motor



1 vehicle), 27-272 (illegal funeral procession), 27-273  
2 (funeral procession on boulevard), 27-275 (driving freight  
3 hauling vehicles on boulevard), 27-276 (stopping and  
4 standing of buses or taxicabs), 27-277 (cruising of public  
5 passenger vehicles), 27-305 (parallel parking), 27-306  
6 (diagonal parking), 27-307 (parking not to obstruct  
7 traffic), 27-308 (stopping, standing or parking  
8 regulated), 27-311 (parking regulations), 27-312 (parking  
9 regulations), 27-313 (parking regulations), 27-314  
10 (parking regulations), 27-315 (parking regulations),  
11 27-316 (parking regulations), 27-317 (parking  
12 regulations), 27-318 (parking regulations), 27-319  
13 (parking regulations), 27-320 (parking regulations),  
14 27-321 (parking regulations), 27-322 (parking  
15 regulations), 27-324 (loading and unloading at an angle),  
16 27-333 (wheel and axle loads), 27-334 (load restrictions in  
17 the downtown district), 27-335 (load restrictions in  
18 residential areas), 27-338 (width of vehicles), 27-339  
19 (height of vehicles), 27-340 (length of vehicles), 27-352  
20 (reflectors on trailers), 27-353 (mufflers), 27-354  
21 (display of plates), 27-355 (display of city vehicle tax  
22 sticker), 27-357 (identification of vehicles), 27-358  
23 (projecting of loads), and also excepting the following  
24 enumerated paragraphs of Section 2-201 of the Rules and  
25 Regulations of the Illinois State Toll Highway Authority:  
26 (l) (driving unsafe vehicle on tollway), (m) (vehicles

1 transporting dangerous cargo not properly indicated), it  
2 shall be the duty of the clerk of the court in which such  
3 conviction is had within 5 days thereafter to forward to  
4 the Secretary of State a report of the conviction and the  
5 court may recommend the suspension of the driver's license  
6 or permit of the person so convicted.

7 The reporting requirements of this subsection shall apply  
8 to all violations stated in paragraphs (1) and (2) of this  
9 subsection when the individual has been adjudicated under the  
10 Juvenile Court Act or the Juvenile Court Act of 1987. Such  
11 reporting requirements shall also apply to individuals  
12 adjudicated under the Juvenile Court Act or the Juvenile Court  
13 Act of 1987 who have committed a violation of Section 11-501 of  
14 this Code, or similar provision of a local ordinance, or  
15 Section 9-3 of the Criminal Code of 1961 or the Criminal Code  
16 of 2012, ~~as amended,~~ relating to the offense of reckless  
17 homicide. These reporting requirements also apply to  
18 individuals adjudicated under the Juvenile Court Act of 1987  
19 based on any offense determined to have been committed in  
20 furtherance of the criminal activities of an organized gang, as  
21 provided in Section 5-710 of that Act, and that involved the  
22 operation or use of a motor vehicle or the use of a driver's  
23 license or permit. The reporting requirements of this  
24 subsection shall also apply to a truant minor in need of  
25 supervision, an addicted minor, or a delinquent minor and whose  
26 driver's license and privilege to drive a motor vehicle has

1 been ordered suspended for such times as determined by the  
2 Court, but only until he or she attains 18 years of age. It  
3 shall be the duty of the clerk of the court in which  
4 adjudication is had within 5 days thereafter to forward to the  
5 Secretary of State a report of the adjudication and the court  
6 order requiring the Secretary of State to suspend the minor's  
7 driver's license and driving privilege for such time as  
8 determined by the Court, but only until he or she attains the  
9 age of 18 years. All juvenile court dispositions reported to  
10 the Secretary of State under this provision shall be processed  
11 by the Secretary of State as if the cases had been adjudicated  
12 in traffic or criminal court. However, information reported  
13 relative to the offense of reckless homicide, or Section 11-501  
14 of this Code, or a similar provision of a local ordinance,  
15 shall be privileged and available only to the Secretary of  
16 State, courts, and police officers.

17 The reporting requirements of this subsection (a)  
18 apply to all violations listed in paragraphs (1) and (2) of  
19 this subsection (a), excluding parking violations, when  
20 the driver holds a CDL, regardless of the type of vehicle  
21 in which the violation occurred, or when any driver  
22 committed the violation in a commercial motor vehicle as  
23 defined in Section 6-500 of this Code.

24 (3) Whenever an order is entered vacating the  
25 forfeiture of any bail, security or bond given to secure  
26 appearance for any offense under this Code or similar

1 offenses under municipal ordinance, it shall be the duty of  
2 the clerk of the court in which such vacation was had or  
3 the judge of such court if such court has no clerk, within  
4 5 days thereafter to forward to the Secretary of State a  
5 report of the vacation.

6 (4) A report of any disposition of court supervision  
7 for a violation of Sections 6-303, 11-401, 11-501 or a  
8 similar provision of a local ordinance, 11-503, 11-504, and  
9 11-506 shall be forwarded to the Secretary of State. A  
10 report of any disposition of court supervision for a  
11 violation of an offense defined as a serious traffic  
12 violation in this Code or a similar provision of a local  
13 ordinance committed by a person under the age of 21 years  
14 shall be forwarded to the Secretary of State.

15 (5) Reports of conviction under this Code and  
16 sentencing hearings under the Juvenile Court Act of 1987 in  
17 an electronic format or a computer processible medium shall  
18 be forwarded to the Secretary of State via the Supreme  
19 Court in the form and format required by the Illinois  
20 Supreme Court and established by a written agreement  
21 between the Supreme Court and the Secretary of State. In  
22 counties with a population over 300,000, instead of  
23 forwarding reports to the Supreme Court, reports of  
24 conviction under this Code and sentencing hearings under  
25 the Juvenile Court Act of 1987 in an electronic format or a  
26 computer processible medium may be forwarded to the

1 Secretary of State by the Circuit Court Clerk in a form and  
2 format required by the Secretary of State and established  
3 by written agreement between the Circuit Court Clerk and  
4 the Secretary of State. Failure to forward the reports of  
5 conviction or sentencing hearing under the Juvenile Court  
6 Act of 1987 as required by this Section shall be deemed an  
7 omission of duty and it shall be the duty of the several  
8 State's Attorneys to enforce the requirements of this  
9 Section.

10 (b) Whenever a restricted driving permit is forwarded to a  
11 court, as a result of confiscation by a police officer pursuant  
12 to the authority in Section 6-113(f), it shall be the duty of  
13 the clerk, or judge, if the court has no clerk, to forward such  
14 restricted driving permit and a facsimile of the officer's  
15 citation to the Secretary of State as expeditiously as  
16 practicable.

17 (c) For the purposes of this Code, a forfeiture of bail or  
18 collateral deposited to secure a defendant's appearance in  
19 court when forfeiture has not been vacated, or the failure of a  
20 defendant to appear for trial after depositing his driver's  
21 license in lieu of other bail, shall be equivalent to a  
22 conviction.

23 (d) For the purpose of providing the Secretary of State  
24 with records necessary to properly monitor and assess driver  
25 performance and assist the courts in the proper disposition of  
26 repeat traffic law offenders, the clerk of the court shall

1 forward to the Secretary of State, on a form prescribed by the  
2 Secretary, records of a driver's participation in a driver  
3 remedial or rehabilitative program which was required, through  
4 a court order or court supervision, in relation to the driver's  
5 arrest for a violation of Section 11-501 of this Code or a  
6 similar provision of a local ordinance. The clerk of the court  
7 shall also forward to the Secretary, either on paper or in an  
8 electronic format or a computer processible medium as required  
9 under paragraph (5) of subsection (a) of this Section, any  
10 disposition of court supervision for any traffic violation,  
11 excluding those offenses listed in paragraph (2) of subsection  
12 (a) of this Section. These reports shall be sent within 5 days  
13 after disposition, or, if the driver is referred to a driver  
14 remedial or rehabilitative program, within 5 days of the  
15 driver's referral to that program. These reports received by  
16 the Secretary of State, including those required to be  
17 forwarded under paragraph (a)(4), shall be privileged  
18 information, available only (i) to the affected driver, (ii) to  
19 the parent or guardian of a person under the age of 18 years  
20 holding an instruction permit or a graduated driver's license,  
21 and (iii) for use by the courts, police officers, prosecuting  
22 authorities, the Secretary of State, and the driver licensing  
23 administrator of any other state. In accordance with 49 C.F.R.  
24 Part 384, all reports of court supervision, except violations  
25 related to parking, shall be forwarded to the Secretary of  
26 State for all holders of a CDL or any driver who commits an

1 offense while driving a commercial motor vehicle. These reports  
2 shall be recorded to the driver's record as a conviction for  
3 use in the disqualification of the driver's commercial motor  
4 vehicle privileges and shall not be privileged information.

5 (Source: P.A. 94-307, eff. 9-30-05; 94-930, eff. 6-26-06;  
6 95-201, eff. 1-1-08; 95-310, eff. 1-1-08; 95-337, eff. 6-1-08;  
7 95-382, eff. 8-23-07; 95-876, eff. 8-21-08.)

8 (625 ILCS 5/6-205)

9 Sec. 6-205. Mandatory revocation of license or permit;  
10 Hardship cases.

11 (a) Except as provided in this Section, the Secretary of  
12 State shall immediately revoke the license, permit, or driving  
13 privileges of any driver upon receiving a report of the  
14 driver's conviction of any of the following offenses:

15 1. Reckless homicide resulting from the operation of a  
16 motor vehicle;

17 2. 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, other drug or  
21 drugs, intoxicating compound or compounds, or any  
22 combination thereof;

23 3. Any felony under the laws of any State or the  
24 federal government in the commission of which a motor  
25 vehicle was used;

1           4. Violation of Section 11-401 of this Code relating to  
2 the offense of leaving the scene of a traffic accident  
3 involving death or personal injury;

4           5. Perjury or the making of a false affidavit or  
5 statement under oath to the Secretary of State under this  
6 Code or under any other law relating to the ownership or  
7 operation of motor vehicles;

8           6. Conviction upon 3 charges of violation of Section  
9 11-503 of this Code relating to the offense of reckless  
10 driving committed within a period of 12 months;

11           7. Conviction of any offense defined in Section 4-102  
12 of this Code;

13           8. Violation of Section 11-504 of this Code relating to  
14 the offense of drag racing;

15           9. Violation of Chapters 8 and 9 of this Code;

16           10. Violation of Section 12-5 of the Criminal Code of  
17 1961 or the Criminal Code of 2012 arising from the use of a  
18 motor vehicle;

19           11. Violation of Section 11-204.1 of this Code relating  
20 to aggravated fleeing or attempting to elude a peace  
21 officer;

22           12. Violation of paragraph (1) of subsection (b) of  
23 Section 6-507, or a similar law of any other state,  
24 relating to the unlawful operation of a commercial motor  
25 vehicle;

26           13. Violation of paragraph (a) of Section 11-502 of



1 this Code or a similar provision of a local ordinance if  
2 the driver has been previously convicted of a violation of  
3 that Section or a similar provision of a local ordinance  
4 and the driver was less than 21 years of age at the time of  
5 the offense;

6 14. Violation of paragraph (a) of Section 11-506 of  
7 this Code or a similar provision of a local ordinance  
8 relating to the offense of street racing;

9 15. A second or subsequent conviction of driving while  
10 the person's driver's license, permit or privileges was  
11 revoked for reckless homicide or a similar out-of-state  
12 offense;

13 16. Any offense against any provision in this Code, or  
14 any local ordinance, regulating the movement of traffic  
15 when that offense was the proximate cause of the death of  
16 any person. Any person whose driving privileges have been  
17 revoked pursuant to this paragraph may seek to have the  
18 revocation terminated or to have the length of revocation  
19 reduced by requesting an administrative hearing with the  
20 Secretary of State prior to the projected driver's license  
21 application eligibility date;

22 17. Violation of subsection (a-2) of Section 11-1301.3  
23 of this Code or a similar provision of a local ordinance;~~;~~

24 18 ~~17~~. A second or subsequent conviction of illegal  
25 possession, while operating or in actual physical control,  
26 as a driver, of a motor vehicle, of any controlled

1 substance prohibited under the Illinois Controlled  
2 Substances Act, any cannabis prohibited under the Cannabis  
3 Control Act, or any methamphetamine prohibited under the  
4 Methamphetamine Control and Community Protection Act. A  
5 defendant found guilty of this offense while operating a  
6 motor vehicle shall have an entry made in the court record  
7 by the presiding judge that this offense did occur while  
8 the defendant was operating a motor vehicle and order the  
9 clerk of the court to report the violation to the Secretary  
10 of State.

11 (b) The Secretary of State shall also immediately revoke  
12 the license or permit of any driver in the following  
13 situations:

14 1. Of any minor upon receiving the notice provided for  
15 in Section 5-901 of the Juvenile Court Act of 1987 that the  
16 minor has been adjudicated under that Act as having  
17 committed an offense relating to motor vehicles prescribed  
18 in Section 4-103 of this Code;

19 2. Of any person when any other law of this State  
20 requires either the revocation or suspension of a license  
21 or permit;

22 3. Of any person adjudicated under the Juvenile Court  
23 Act of 1987 based on an offense determined to have been  
24 committed in furtherance of the criminal activities of an  
25 organized gang as provided in Section 5-710 of that Act,  
26 and that involved the operation or use of a motor vehicle

1 or the use of a driver's license or permit. The revocation  
2 shall remain in effect for the period determined by the  
3 court. Upon the direction of the court, the Secretary shall  
4 issue the person a judicial driving permit, also known as a  
5 JDP. The JDP shall be subject to the same terms as a JDP  
6 issued under Section 6-206.1, except that the court may  
7 direct that a JDP issued under this subdivision (b) (3) be  
8 effective immediately.

9 (c) (1) Whenever a person is convicted of any of the  
10 offenses enumerated in this Section, the court may recommend  
11 and the Secretary of State in his discretion, without regard to  
12 whether the recommendation is made by the court may, upon  
13 application, issue to the person a restricted driving permit  
14 granting the privilege of driving a motor vehicle between the  
15 petitioner's residence and petitioner's place of employment or  
16 within the scope of the petitioner's employment related duties,  
17 or to allow the petitioner to transport himself or herself or a  
18 family member of the petitioner's household to a medical  
19 facility for the receipt of necessary medical care or to allow  
20 the petitioner to transport himself or herself to and from  
21 alcohol or drug remedial or rehabilitative activity  
22 recommended by a licensed service provider, or to allow the  
23 petitioner to transport himself or herself or a family member  
24 of the petitioner's household to classes, as a student, at an  
25 accredited educational institution, or to allow the petitioner  
26 to transport children, elderly persons, or disabled persons who

1 do not hold driving privileges and are living in the  
2 petitioner's household to and from daycare; if the petitioner  
3 is able to demonstrate that no alternative means of  
4 transportation is reasonably available and that the petitioner  
5 will not endanger the public safety or welfare; provided that  
6 the Secretary's discretion shall be limited to cases where  
7 undue hardship, as defined by the rules of the Secretary of  
8 State, would result from a failure to issue the restricted  
9 driving permit. Those multiple offenders identified in  
10 subdivision (b)4 of Section 6-208 of this Code, however, shall  
11 not be eligible for the issuance of a restricted driving  
12 permit.

13 (2) If a person's license or permit is revoked or  
14 suspended due to 2 or more convictions of violating Section  
15 11-501 of this Code or a similar provision of a local  
16 ordinance or a similar out-of-state offense, or Section 9-3  
17 of the Criminal Code of 1961 or the Criminal Code of 2012,  
18 where the use of alcohol or other drugs is recited as an  
19 element of the offense, or a similar out-of-state offense,  
20 or a combination of these offenses, arising out of separate  
21 occurrences, that person, if issued a restricted driving  
22 permit, may not operate a vehicle unless it has been  
23 equipped with an ignition interlock device as defined in  
24 Section 1-129.1.

25 (3) If:

26 (A) a person's license or permit is revoked or

1           suspended 2 or more times within a 10 year period due  
2           to any combination of:

3                   (i) a single conviction of violating Section  
4                   11-501 of this Code or a similar provision of a  
5                   local ordinance or a similar out-of-state offense,  
6                   or Section 9-3 of the Criminal Code of 1961 or the  
7                   Criminal Code of 2012, where the use of alcohol or  
8                   other drugs is recited as an element of the  
9                   offense, or a similar out-of-state offense; or

10                   (ii) a statutory summary suspension or  
11                   revocation under Section 11-501.1; or

12                   (iii) a suspension pursuant to Section  
13                   6-203.1;

14           arising out of separate occurrences; or

15                   (B) a person has been convicted of one violation of  
16                   Section 6-303 of this Code committed while his or her  
17                   driver's license, permit, or privilege was revoked  
18                   because of a violation of Section 9-3 of the Criminal  
19                   Code of 1961 or the Criminal Code of 2012, relating to  
20                   the offense of reckless homicide where the use of  
21                   alcohol or other drugs was recited as an element of the  
22                   offense, or a similar provision of a law of another  
23                   state;

24           that person, if issued a restricted driving permit, may not  
25           operate a vehicle unless it has been equipped with an  
26           ignition interlock device as defined in Section 1-129.1.

1           (4) The person issued a permit conditioned on the use  
2 of an ignition interlock device must pay to the Secretary  
3 of State DUI Administration Fund an amount not to exceed  
4 \$30 per month. The Secretary shall establish by rule the  
5 amount and the procedures, terms, and conditions relating  
6 to these fees.

7           (5) If the restricted driving permit is issued for  
8 employment purposes, then the prohibition against  
9 operating a motor vehicle that is not equipped with an  
10 ignition interlock device does not apply to the operation  
11 of an occupational vehicle owned or leased by that person's  
12 employer when used solely for employment purposes.

13           (6) In each case the Secretary of State may issue a  
14 restricted driving permit for a period he deems  
15 appropriate, except that the permit shall expire within one  
16 year from the date of issuance. The Secretary may not,  
17 however, issue a restricted driving permit to any person  
18 whose current revocation is the result of a second or  
19 subsequent conviction for a violation of Section 11-501 of  
20 this Code or a similar provision of a local ordinance or  
21 any similar out-of-state offense, or Section 9-3 of the  
22 Criminal Code of 1961 or the Criminal Code of 2012, where  
23 the use of alcohol or other drugs is recited as an element  
24 of the offense, or any similar out-of-state offense, or any  
25 combination of these offenses, until the expiration of at  
26 least one year from the date of the revocation. A

1 restricted driving permit issued under this Section shall  
2 be subject to cancellation, revocation, and suspension by  
3 the Secretary of State in like manner and for like cause as  
4 a driver's license issued under this Code may be cancelled,  
5 revoked, or suspended; except that a conviction upon one or  
6 more offenses against laws or ordinances regulating the  
7 movement of traffic shall be deemed sufficient cause for  
8 the revocation, suspension, or cancellation of a  
9 restricted driving permit. The Secretary of State may, as a  
10 condition to the issuance of a restricted driving permit,  
11 require the petitioner to participate in a designated  
12 driver remedial or rehabilitative program. The Secretary  
13 of State is authorized to cancel a restricted driving  
14 permit if the permit holder does not successfully complete  
15 the program. However, if an individual's driving  
16 privileges have been revoked in accordance with paragraph  
17 13 of subsection (a) of this Section, no restricted driving  
18 permit shall be issued until the individual has served 6  
19 months of the revocation period.

20 (c-5) (Blank).

21 (c-6) If a person is convicted of a second violation of  
22 operating a motor vehicle while the person's driver's license,  
23 permit or privilege was revoked, where the revocation was for a  
24 violation of Section 9-3 of the Criminal Code of 1961 or the  
25 Criminal Code of 2012 relating to the offense of reckless  
26 homicide or a similar out-of-state offense, the person's

1 driving privileges shall be revoked pursuant to subdivision  
2 (a) (15) of this Section. The person may not make application  
3 for a license or permit until the expiration of five years from  
4 the effective date of the revocation or the expiration of five  
5 years from the date of release from a term of imprisonment,  
6 whichever is later.

7 (c-7) If a person is convicted of a third or subsequent  
8 violation of operating a motor vehicle while the person's  
9 driver's license, permit or privilege was revoked, where the  
10 revocation was for a violation of Section 9-3 of the Criminal  
11 Code of 1961 or the Criminal Code of 2012 relating to the  
12 offense of reckless homicide or a similar out-of-state offense,  
13 the person may never apply for a license or permit.

14 (d) (1) Whenever a person under the age of 21 is convicted  
15 under Section 11-501 of this Code or a similar provision of a  
16 local ordinance or a similar out-of-state offense, the  
17 Secretary of State shall revoke the driving privileges of that  
18 person. One year after the date of revocation, and upon  
19 application, the Secretary of State may, if satisfied that the  
20 person applying will not endanger the public safety or welfare,  
21 issue a restricted driving permit granting the privilege of  
22 driving a motor vehicle only between the hours of 5 a.m. and 9  
23 p.m. or as otherwise provided by this Section for a period of  
24 one year. After this one year period, and upon reapplication  
25 for a license as provided in Section 6-106, upon payment of the  
26 appropriate reinstatement fee provided under paragraph (b) of



1 Section 6-118, the Secretary of State, in his discretion, may  
2 reinstate the petitioner's driver's license and driving  
3 privileges, or extend the restricted driving permit as many  
4 times as the Secretary of State deems appropriate, by  
5 additional periods of not more than 12 months each.

6 (2) If a person's license or permit is revoked or  
7 suspended due to 2 or more convictions of violating Section  
8 11-501 of this Code or a similar provision of a local  
9 ordinance or a similar out-of-state offense, or Section 9-3  
10 of the Criminal Code of 1961 or the Criminal Code of 2012,  
11 where the use of alcohol or other drugs is recited as an  
12 element of the offense, or a similar out-of-state offense,  
13 or a combination of these offenses, arising out of separate  
14 occurrences, that person, if issued a restricted driving  
15 permit, may not operate a vehicle unless it has been  
16 equipped with an ignition interlock device as defined in  
17 Section 1-129.1.

18 (3) If a person's license or permit is revoked or  
19 suspended 2 or more times within a 10 year period due to  
20 any combination of:

21 (A) a single conviction of violating Section  
22 11-501 of this Code or a similar provision of a local  
23 ordinance or a similar out-of-state offense, or  
24 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 offense, or

1 a similar out-of-state offense; or

2 (B) a statutory summary suspension or revocation  
3 under Section 11-501.1; or

4 (C) a suspension pursuant to Section 6-203.1;  
5 arising out of separate occurrences, that person, if issued  
6 a restricted driving permit, may not operate a vehicle  
7 unless it has been equipped with an ignition interlock  
8 device as defined in Section 1-129.1.

9 (4) The person issued a permit conditioned upon the use  
10 of an interlock device must pay to the Secretary of State  
11 DUI Administration Fund an amount not to exceed \$30 per  
12 month. The Secretary shall establish by rule the amount and  
13 the procedures, terms, and conditions relating to these  
14 fees.

15 (5) If the restricted driving permit is issued for  
16 employment purposes, then the prohibition against driving  
17 a vehicle that is not equipped with an ignition interlock  
18 device does not apply to the operation of an occupational  
19 vehicle owned or leased by that person's employer when used  
20 solely for employment purposes.

21 (6) A restricted driving permit issued under this  
22 Section shall be subject to cancellation, revocation, and  
23 suspension by the Secretary of State in like manner and for  
24 like cause as a driver's license issued under this Code may  
25 be cancelled, revoked, or suspended; except that a  
26 conviction upon one or more offenses against laws or

1           ordinances regulating the movement of traffic shall be  
2           deemed sufficient cause for the revocation, suspension, or  
3           cancellation of a restricted driving permit.

4           (d-5) The revocation of the license, permit, or driving  
5           privileges of a person convicted of a third or subsequent  
6           violation of Section 6-303 of this Code committed while his or  
7           her driver's license, permit, or privilege was revoked because  
8           of a violation of Section 9-3 of the Criminal Code of 1961 or  
9           the Criminal Code of 2012, relating to the offense of reckless  
10          homicide, or a similar provision of a law of another state, is  
11          permanent. The Secretary may not, at any time, issue a license  
12          or permit to that person.

13          (e) This Section is subject to the provisions of the Driver  
14          License Compact.

15          (f) Any revocation imposed upon any person under  
16          subsections 2 and 3 of paragraph (b) that is in effect on  
17          December 31, 1988 shall be converted to a suspension for a like  
18          period of time.

19          (g) The Secretary of State shall not issue a restricted  
20          driving permit to a person under the age of 16 years whose  
21          driving privileges have been revoked under any provisions of  
22          this Code.

23          (h) The Secretary of State shall require the use of  
24          ignition interlock devices on all vehicles owned by a person  
25          who has been convicted of a second or subsequent offense under  
26          Section 11-501 of this Code or a similar provision of a local

1 ordinance. The person must pay to the Secretary of State DUI  
2 Administration Fund an amount not to exceed \$30 for each month  
3 that he or she uses the device. The Secretary shall establish  
4 by rule and regulation the procedures for certification and use  
5 of the interlock system, the amount of the fee, and the  
6 procedures, terms, and conditions relating to these fees.

7 (i) (Blank).

8 (j) In accordance with 49 C.F.R. 384, the Secretary of  
9 State may not issue a restricted driving permit for the  
10 operation of a commercial motor vehicle to a person holding a  
11 CDL whose driving privileges have been revoked, suspended,  
12 cancelled, or disqualified under any provisions of this Code.

13 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;  
14 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.  
15 7-1-11; 97-333, eff. 8-12-11; 97-838, eff. 1-1-13; 97-844, eff.  
16 1-1-13; revised 8-3-12.)

17 (625 ILCS 5/6-205.2)

18 Sec. 6-205.2. Suspension of driver's license of person  
19 convicted of theft of motor fuel. The driver's license of a  
20 person convicted of theft of motor fuel under Section 16-25 or  
21 16K-15 of the Criminal Code of 1961 or the Criminal Code of  
22 2012 shall be suspended by the Secretary for a period not to  
23 exceed 6 months for a first offense. Upon a second or  
24 subsequent conviction for theft of motor fuel, the suspension  
25 shall be for a period not to exceed one year. Upon conviction

1 of a person for theft of motor fuel, the court shall order the  
2 person to surrender his or her driver's license to the clerk of  
3 the court who shall forward the suspended license to the  
4 Secretary.

5 (Source: P.A. 97-597, eff. 1-1-12.)

6 (625 ILCS 5/6-206)

7 Sec. 6-206. Discretionary authority to suspend or revoke  
8 license or permit; Right to a hearing.

9 (a) The Secretary of State is authorized to suspend or  
10 revoke the driving privileges of any person without preliminary  
11 hearing upon a showing of the person's records or other  
12 sufficient evidence that the person:

13 1. Has committed an offense for which mandatory  
14 revocation of a driver's license or permit is required upon  
15 conviction;

16 2. Has been convicted of not less than 3 offenses  
17 against traffic regulations governing the movement of  
18 vehicles committed within any 12 month period. No  
19 revocation or suspension shall be entered more than 6  
20 months after the date of last conviction;

21 3. Has been repeatedly involved as a driver in motor  
22 vehicle collisions or has been repeatedly convicted of  
23 offenses against laws and ordinances regulating the  
24 movement of traffic, to a degree that indicates lack of  
25 ability to exercise ordinary and reasonable care in the

1 safe operation of a motor vehicle or disrespect for the  
2 traffic laws and the safety of other persons upon the  
3 highway;

4 4. Has by the unlawful operation of a motor vehicle  
5 caused or contributed to an accident resulting in injury  
6 requiring immediate professional treatment in a medical  
7 facility or doctor's office to any person, except that any  
8 suspension or revocation imposed by the Secretary of State  
9 under the provisions of this subsection shall start no  
10 later than 6 months after being convicted of violating a  
11 law or ordinance regulating the movement of traffic, which  
12 violation is related to the accident, or shall start not  
13 more than one year after the date of the accident,  
14 whichever date occurs later;

15 5. Has permitted an unlawful or fraudulent use of a  
16 driver's license, identification card, or permit;

17 6. Has been lawfully convicted of an offense or  
18 offenses in another state, including the authorization  
19 contained in Section 6-203.1, which if committed within  
20 this State would be grounds for suspension or revocation;

21 7. Has refused or failed to submit to an examination  
22 provided for by Section 6-207 or has failed to pass the  
23 examination;

24 8. Is ineligible for a driver's license or permit under  
25 the provisions of Section 6-103;

26 9. Has made a false statement or knowingly concealed a

1 material fact or has used false information or  
2 identification in any application for a license,  
3 identification card, or permit;

4 10. Has possessed, displayed, or attempted to  
5 fraudulently use any license, identification card, or  
6 permit not issued to the person;

7 11. Has operated a motor vehicle upon a highway of this  
8 State when the person's driving privilege or privilege to  
9 obtain a driver's license or permit was revoked or  
10 suspended unless the operation was authorized by a  
11 monitoring device driving permit, judicial driving permit  
12 issued prior to January 1, 2009, probationary license to  
13 drive, or a restricted driving permit issued under this  
14 Code;

15 12. Has submitted to any portion of the application  
16 process for another person or has obtained the services of  
17 another person to submit to any portion of the application  
18 process for the purpose of obtaining a license,  
19 identification card, or permit for some other person;

20 13. Has operated a motor vehicle upon a highway of this  
21 State when the person's driver's license or permit was  
22 invalid under the provisions of Sections 6-107.1 and 6-110;

23 14. Has committed a violation of Section 6-301,  
24 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B  
25 of the Illinois Identification Card Act;

26 15. Has been convicted of violating Section 21-2 of the

1 Criminal Code of 1961 or the Criminal Code of 2012 relating  
2 to criminal trespass to vehicles in which case, the  
3 suspension shall be for one year;

4 16. Has been convicted of violating Section 11-204 of  
5 this Code relating to fleeing from a peace officer;

6 17. Has refused to submit to a test, or tests, as  
7 required under Section 11-501.1 of this Code and the person  
8 has not sought a hearing as provided for in Section  
9 11-501.1;

10 18. Has, since issuance of a driver's license or  
11 permit, been adjudged to be afflicted with or suffering  
12 from any mental disability or disease;

13 19. Has committed a violation of paragraph (a) or (b)  
14 of Section 6-101 relating to driving without a driver's  
15 license;

16 20. Has been convicted of violating Section 6-104  
17 relating to classification of driver's license;

18 21. Has been convicted of violating Section 11-402 of  
19 this Code relating to leaving the scene of an accident  
20 resulting in damage to a vehicle in excess of \$1,000, in  
21 which case the suspension shall be for one year;

22 22. Has used a motor vehicle in violating paragraph  
23 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of  
24 the Criminal Code of 1961 or the Criminal Code of 2012  
25 relating to unlawful use of weapons, in which case the  
26 suspension shall be for one year;



1           23. Has, as a driver, been convicted of committing a  
2 violation of paragraph (a) of Section 11-502 of this Code  
3 for a second or subsequent time within one year of a  
4 similar violation;

5           24. Has been convicted by a court-martial or punished  
6 by non-judicial punishment by military authorities of the  
7 United States at a military installation in Illinois of or  
8 for a traffic related offense that is the same as or  
9 similar to an offense specified under Section 6-205 or  
10 6-206 of this Code;

11           25. Has permitted any form of identification to be used  
12 by another in the application process in order to obtain or  
13 attempt to obtain a license, identification card, or  
14 permit;

15           26. Has altered or attempted to alter a license or has  
16 possessed an altered license, identification card, or  
17 permit;

18           27. Has violated Section 6-16 of the Liquor Control Act  
19 of 1934;

20           28. Has been convicted for a first time of the illegal  
21 possession, while operating or in actual physical control,  
22 as a driver, of a motor vehicle, of any controlled  
23 substance prohibited under the Illinois Controlled  
24 Substances Act, any cannabis prohibited under the Cannabis  
25 Control Act, or any methamphetamine prohibited under the  
26 Methamphetamine Control and Community Protection Act, in

1       which case the person's driving privileges shall be  
2       suspended for one year. Any defendant found guilty of this  
3       offense while operating a motor vehicle, shall have an  
4       entry made in the court record by the presiding judge that  
5       this offense did occur while the defendant was operating a  
6       motor vehicle and order the clerk of the court to report  
7       the violation to the Secretary of State;

8             29. Has been convicted of the following offenses that  
9       were committed while the person was operating or in actual  
10      physical control, as a driver, of a motor vehicle: criminal  
11      sexual assault, predatory criminal sexual assault of a  
12      child, aggravated criminal sexual assault, criminal sexual  
13      abuse, aggravated criminal sexual abuse, juvenile pimping,  
14      soliciting for a juvenile prostitute, promoting juvenile  
15      prostitution as described in subdivision (a)(1), (a)(2),  
16      or (a)(3) of Section 11-14.4 of the Criminal Code of 1961  
17      or the Criminal Code of 2012, and the manufacture, sale or  
18      delivery of controlled substances or instruments used for  
19      illegal drug use or abuse in which case the driver's  
20      driving privileges shall be suspended for one year;

21            30. Has been convicted a second or subsequent time for  
22      any combination of the offenses named in paragraph 29 of  
23      this subsection, in which case the person's driving  
24      privileges shall be suspended for 5 years;

25            31. Has refused to submit to a test as required by  
26      Section 11-501.6 or has submitted to a test resulting in an

1 alcohol concentration of 0.08 or more or any amount of a  
2 drug, substance, or compound resulting from the unlawful  
3 use or consumption of cannabis as listed in the Cannabis  
4 Control Act, a controlled substance as listed in the  
5 Illinois Controlled Substances Act, an intoxicating  
6 compound as listed in the Use of Intoxicating Compounds  
7 Act, or methamphetamine as listed in the Methamphetamine  
8 Control and Community Protection Act, in which case the  
9 penalty shall be as prescribed in Section 6-208.1;

10 32. Has been convicted of Section 24-1.2 of the  
11 Criminal Code of 1961 or the Criminal Code of 2012 relating  
12 to the aggravated discharge of a firearm if the offender  
13 was located in a motor vehicle at the time the firearm was  
14 discharged, in which case the suspension shall be for 3  
15 years;

16 33. Has as a driver, who was less than 21 years of age  
17 on the date of the offense, been convicted a first time of  
18 a violation of paragraph (a) of Section 11-502 of this Code  
19 or a similar provision of a local ordinance;

20 34. Has committed a violation of Section 11-1301.5 of  
21 this Code or a similar provision of a local ordinance;

22 35. Has committed a violation of Section 11-1301.6 of  
23 this Code or a similar provision of a local ordinance;

24 36. Is under the age of 21 years at the time of arrest  
25 and has been convicted of not less than 2 offenses against  
26 traffic regulations governing the movement of vehicles

1 committed within any 24 month period. No revocation or  
2 suspension shall be entered more than 6 months after the  
3 date of last conviction;

4 37. Has committed a violation of subsection (c) of  
5 Section 11-907 of this Code that resulted in damage to the  
6 property of another or the death or injury of another;

7 38. Has been convicted of a violation of Section 6-20  
8 of the Liquor Control Act of 1934 or a similar provision of  
9 a local ordinance;

10 39. Has committed a second or subsequent violation of  
11 Section 11-1201 of this Code;

12 40. Has committed a violation of subsection (a-1) of  
13 Section 11-908 of this Code;

14 41. Has committed a second or subsequent violation of  
15 Section 11-605.1 of this Code, a similar provision of a  
16 local ordinance, or a similar violation in any other state  
17 within 2 years of the date of the previous violation, in  
18 which case the suspension shall be for 90 days;

19 42. Has committed a violation of subsection (a-1) of  
20 Section 11-1301.3 of this Code or a similar provision of a  
21 local ordinance;

22 43. Has received a disposition of court supervision for  
23 a violation of subsection (a), (d), or (e) of Section 6-20  
24 of the Liquor Control Act of 1934 or a similar provision of  
25 a local ordinance, in which case the suspension shall be  
26 for a period of 3 months;

1           44. Is under the age of 21 years at the time of arrest  
2           and has been convicted of an offense against traffic  
3           regulations governing the movement of vehicles after  
4           having previously had his or her driving privileges  
5           suspended or revoked pursuant to subparagraph 36 of this  
6           Section;

7           45. Has, in connection with or during the course of a  
8           formal hearing conducted under Section 2-118 of this Code:  
9           (i) committed perjury; (ii) submitted fraudulent or  
10          falsified documents; (iii) submitted documents that have  
11          been materially altered; or (iv) submitted, as his or her  
12          own, documents that were in fact prepared or composed for  
13          another person; or

14          46. Has committed a violation of subsection (j) of  
15          Section 3-413 of this Code.

16          For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,  
17          and 27 of this subsection, license means any driver's license,  
18          any traffic ticket issued when the person's driver's license is  
19          deposited in lieu of bail, a suspension notice issued by the  
20          Secretary of State, a duplicate or corrected driver's license,  
21          a probationary driver's license or a temporary driver's  
22          license.

23          (b) If any conviction forming the basis of a suspension or  
24          revocation authorized under this Section is appealed, the  
25          Secretary of State may rescind or withhold the entry of the  
26          order of suspension or revocation, as the case may be, provided

1 that a certified copy of a stay order of a court is filed with  
2 the Secretary of State. If the conviction is affirmed on  
3 appeal, the date of the conviction shall relate back to the  
4 time the original judgment of conviction was entered and the 6  
5 month limitation prescribed shall not apply.

6 (c) 1. Upon suspending or revoking the driver's license or  
7 permit of any person as authorized in this Section, the  
8 Secretary of State shall immediately notify the person in  
9 writing of the revocation or suspension. The notice to be  
10 deposited in the United States mail, postage prepaid, to the  
11 last known address of the person.

12 2. If the Secretary of State suspends the driver's  
13 license of a person under subsection 2 of paragraph (a) of  
14 this Section, a person's privilege to operate a vehicle as  
15 an occupation shall not be suspended, provided an affidavit  
16 is properly completed, the appropriate fee received, and a  
17 permit issued prior to the effective date of the  
18 suspension, unless 5 offenses were committed, at least 2 of  
19 which occurred while operating a commercial vehicle in  
20 connection with the driver's regular occupation. All other  
21 driving privileges shall be suspended by the Secretary of  
22 State. Any driver prior to operating a vehicle for  
23 occupational purposes only must submit the affidavit on  
24 forms to be provided by the Secretary of State setting  
25 forth the facts of the person's occupation. The affidavit  
26 shall also state the number of offenses committed while

1 operating a vehicle in connection with the driver's regular  
2 occupation. The affidavit shall be accompanied by the  
3 driver's license. Upon receipt of a properly completed  
4 affidavit, the Secretary of State shall issue the driver a  
5 permit to operate a vehicle in connection with the driver's  
6 regular occupation only. Unless the permit is issued by the  
7 Secretary of State prior to the date of suspension, the  
8 privilege to drive any motor vehicle shall be suspended as  
9 set forth in the notice that was mailed under this Section.  
10 If an affidavit is received subsequent to the effective  
11 date of this suspension, a permit may be issued for the  
12 remainder of the suspension period.

13 The provisions of this subparagraph shall not apply to  
14 any driver required to possess a CDL for the purpose of  
15 operating a commercial motor vehicle.

16 Any person who falsely states any fact in the affidavit  
17 required herein shall be guilty of perjury under Section  
18 6-302 and upon conviction thereof shall have all driving  
19 privileges revoked without further rights.

20 3. At the conclusion of a hearing under Section 2-118  
21 of this Code, the Secretary of State shall either rescind  
22 or continue an order of revocation or shall substitute an  
23 order of suspension; or, good cause appearing therefor,  
24 rescind, continue, change, or extend the order of  
25 suspension. If the Secretary of State does not rescind the  
26 order, the Secretary may upon application, to relieve undue

1 hardship (as defined by the rules of the Secretary of  
2 State), issue a restricted driving permit granting the  
3 privilege of driving a motor vehicle between the  
4 petitioner's residence and petitioner's place of  
5 employment or within the scope of the petitioner's  
6 employment related duties, or to allow the petitioner to  
7 transport himself or herself, or a family member of the  
8 petitioner's household to a medical facility, to receive  
9 necessary medical care, to allow the petitioner to  
10 transport himself or herself to and from alcohol or drug  
11 remedial or rehabilitative activity recommended by a  
12 licensed service provider, or to allow the petitioner to  
13 transport himself or herself or a family member of the  
14 petitioner's household to classes, as a student, at an  
15 accredited educational institution, or to allow the  
16 petitioner to transport children, elderly persons, or  
17 disabled persons who do not hold driving privileges and are  
18 living in the petitioner's household to and from daycare.  
19 The petitioner must demonstrate that no alternative means  
20 of transportation is reasonably available and that the  
21 petitioner will not endanger the public safety or welfare.  
22 Those multiple offenders identified in subdivision (b)4 of  
23 Section 6-208 of this Code, however, shall not be eligible  
24 for the issuance of a restricted driving permit.

25 (A) If a person's license or permit is revoked or  
26 suspended due to 2 or more convictions of violating



1 Section 11-501 of this Code or a similar provision of a  
2 local ordinance or a similar out-of-state offense, or  
3 Section 9-3 of the Criminal Code of 1961 or the  
4 Criminal Code of 2012, where the use of alcohol or  
5 other drugs is recited as an element of the offense, or  
6 a similar out-of-state offense, or a combination of  
7 these offenses, arising out of separate occurrences,  
8 that person, if issued a restricted driving permit, may  
9 not operate a vehicle unless it has been equipped with  
10 an ignition interlock device as defined in Section  
11 1-129.1.

12 (B) If a person's license or permit is revoked or  
13 suspended 2 or more times within a 10 year period due  
14 to any combination of:

15 (i) a single conviction of violating Section  
16 11-501 of this Code or a similar provision of a  
17 local ordinance or a similar out-of-state offense  
18 or Section 9-3 of the Criminal Code of 1961 or the  
19 Criminal Code of 2012, where the use of alcohol or  
20 other drugs is recited as an element of the  
21 offense, or a similar out-of-state offense; or

22 (ii) a statutory summary suspension or  
23 revocation under Section 11-501.1; or

24 (iii) a suspension under Section 6-203.1;  
25 arising out of separate occurrences; that person, if  
26 issued a restricted driving permit, may not operate a

1 vehicle unless it has been equipped with an ignition  
2 interlock device as defined in Section 1-129.1.

3 (C) The person issued a permit conditioned upon the  
4 use of an ignition interlock device must pay to the  
5 Secretary of State DUI Administration Fund an amount  
6 not to exceed \$30 per month. The Secretary shall  
7 establish by rule the amount and the procedures, terms,  
8 and conditions relating to these fees.

9 (D) If the restricted driving permit is issued for  
10 employment purposes, then the prohibition against  
11 operating a motor vehicle that is not equipped with an  
12 ignition interlock device does not apply to the  
13 operation of an occupational vehicle owned or leased by  
14 that person's employer when used solely for employment  
15 purposes.

16 (E) In each case the Secretary may issue a  
17 restricted driving permit for a period deemed  
18 appropriate, except that all permits shall expire  
19 within one year from the date of issuance. The  
20 Secretary may not, however, issue a restricted driving  
21 permit to any person whose current revocation is the  
22 result of a second or subsequent conviction for a  
23 violation of Section 11-501 of this Code or a similar  
24 provision of a local ordinance or any similar  
25 out-of-state offense, or Section 9-3 of the Criminal  
26 Code of 1961 or the Criminal Code of 2012, where the

1 use of alcohol or other drugs is recited as an element  
2 of the offense, or any similar out-of-state offense, or  
3 any combination of those offenses, until the  
4 expiration of at least one year from the date of the  
5 revocation. A restricted driving permit issued under  
6 this Section shall be subject to cancellation,  
7 revocation, and suspension by the Secretary of State in  
8 like manner and for like cause as a driver's license  
9 issued under this Code may be cancelled, revoked, or  
10 suspended; except that a conviction upon one or more  
11 offenses against laws or ordinances regulating the  
12 movement of traffic shall be deemed sufficient cause  
13 for the revocation, suspension, or cancellation of a  
14 restricted driving permit. The Secretary of State may,  
15 as a condition to the issuance of a restricted driving  
16 permit, require the applicant to participate in a  
17 designated driver remedial or rehabilitative program.  
18 The Secretary of State is authorized to cancel a  
19 restricted driving permit if the permit holder does not  
20 successfully complete the program.

21 (c-3) In the case of a suspension under paragraph 43 of  
22 subsection (a), reports received by the Secretary of State  
23 under this Section shall, except during the actual time the  
24 suspension is in effect, be privileged information and for use  
25 only by the courts, police officers, prosecuting authorities,  
26 the driver licensing administrator of any other state, the

1 Secretary of State, or the parent or legal guardian of a driver  
2 under the age of 18. However, beginning January 1, 2008, if the  
3 person is a CDL holder, the suspension shall also be made  
4 available to the driver licensing administrator of any other  
5 state, the U.S. Department of Transportation, and the affected  
6 driver or motor carrier or prospective motor carrier upon  
7 request.

8 (c-4) In the case of a suspension under paragraph 43 of  
9 subsection (a), the Secretary of State shall notify the person  
10 by mail that his or her driving privileges and driver's license  
11 will be suspended one month after the date of the mailing of  
12 the notice.

13 (c-5) The Secretary of State may, as a condition of the  
14 reissuance of a driver's license or permit to an applicant  
15 whose driver's license or permit has been suspended before he  
16 or she reached the age of 21 years pursuant to any of the  
17 provisions of this Section, require the applicant to  
18 participate in a driver remedial education course and be  
19 retested under Section 6-109 of this Code.

20 (d) This Section is subject to the provisions of the  
21 Drivers License Compact.

22 (e) The Secretary of State shall not issue a restricted  
23 driving permit to a person under the age of 16 years whose  
24 driving privileges have been suspended or revoked under any  
25 provisions of this Code.

26 (f) 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 suspended, revoked,  
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; 96-1551, eff. 7-1-11; 97-229, eff. 7-28-11; 97-333,  
8 eff. 8-12-11; 97-743, eff. 1-1-13; 97-838, eff. 1-1-13; 97-844,  
9 eff. 1-1-13; 97-1109, eff. 1-1-13; revised 9-20-12.)

10 (625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

11 Sec. 6-206.1. Monitoring Device Driving Permit.  
12 Declaration of Policy. It is hereby declared a policy of the  
13 State of Illinois that the driver who is impaired by alcohol,  
14 other drug or drugs, or intoxicating compound or compounds is a  
15 threat to the public safety and welfare. Therefore, to provide  
16 a deterrent to such practice, a statutory summary driver's  
17 license suspension is appropriate. It is also recognized that  
18 driving is a privilege and therefore, that the granting of  
19 driving privileges, in a manner consistent with public safety,  
20 is warranted during the period of suspension in the form of a  
21 monitoring device driving permit. A person who drives and fails  
22 to comply with the requirements of the monitoring device  
23 driving permit commits a violation of Section 6-303 of this  
24 Code.

25 The following procedures shall apply whenever a first

1 offender, as defined in Section 11-500 of this Code, is  
2 arrested for any offense as defined in Section 11-501 or a  
3 similar provision of a local ordinance and is subject to the  
4 provisions of Section 11-501.1:

5 (a) Upon mailing of the notice of suspension of driving  
6 privileges as provided in subsection (h) of Section 11-501.1 of  
7 this Code, the Secretary shall also send written notice  
8 informing the person that he or she will be issued a monitoring  
9 device driving permit (MDDP). The notice shall include, at  
10 minimum, information summarizing the procedure to be followed  
11 for issuance of the MDDP, installation of the breath alcohol  
12 ignition installation device (BAIID), as provided in this  
13 Section, exemption from BAIID installation requirements, and  
14 procedures to be followed by those seeking indigent status, as  
15 provided in this Section. The notice shall also include  
16 information summarizing the procedure to be followed if the  
17 person wishes to decline issuance of the MDDP. A copy of the  
18 notice shall also be sent to the court of venue together with  
19 the notice of suspension of driving privileges, as provided in  
20 subsection (h) of Section 11-501. However, a MDDP shall not be  
21 issued if the Secretary finds that:

22 (1) The offender's driver's license is otherwise  
23 invalid;

24 (2) Death or great bodily harm resulted from the arrest  
25 for Section 11-501;

26 (3) The offender has been previously convicted of

1 reckless homicide or aggravated driving under the  
2 influence involving death; or

3 (4) The offender is less than 18 years of age.

4 Any offender participating in the MDDP program must pay the  
5 Secretary a MDDP Administration Fee in an amount not to exceed  
6 \$30 per month, to be deposited into the Monitoring Device  
7 Driving Permit Administration Fee Fund. The Secretary shall  
8 establish by rule the amount and the procedures, terms, and  
9 conditions relating to these fees. The offender must have an  
10 ignition interlock device installed within 14 days of the date  
11 the Secretary issues the MDDP. The ignition interlock device  
12 provider must notify the Secretary, in a manner and form  
13 prescribed by the Secretary, of the installation. If the  
14 Secretary does not receive notice of installation, the  
15 Secretary shall cancel the MDDP.

16 A MDDP shall not become effective prior to the 31st day of  
17 the original statutory summary suspension.

18 Upon receipt of the notice, as provided in paragraph (a) of  
19 this Section, the person may file a petition to decline  
20 issuance of the MDDP with the court of venue. The court shall  
21 admonish the offender of all consequences of declining issuance  
22 of the MDDP including, but not limited to, the enhanced  
23 penalties for driving while suspended. After being so  
24 admonished, the offender shall be permitted, in writing, to  
25 execute a notice declining issuance of the MDDP. This notice  
26 shall be filed with the court and forwarded by the clerk of the

1 court to the Secretary. The offender may, at any time  
2 thereafter, apply to the Secretary for issuance of a MDDP.

3 (a-1) A person issued a MDDP may drive for any purpose and  
4 at any time, subject to the rules adopted by the Secretary  
5 under subsection (g). The person must, at his or her own  
6 expense, drive only vehicles equipped with an ignition  
7 interlock device as defined in Section 1-129.1, but in no event  
8 shall such person drive a commercial motor vehicle.

9 (a-2) Persons who are issued a MDDP and must drive  
10 employer-owned vehicles in the course of their employment  
11 duties may seek permission to drive an employer-owned vehicle  
12 that does not have an ignition interlock device. The employer  
13 shall provide to the Secretary a form, as prescribed by the  
14 Secretary, completed by the employer verifying that the  
15 employee must drive an employer-owned vehicle in the course of  
16 employment. If approved by the Secretary, the form must be in  
17 the driver's possession while operating an employer-owner  
18 vehicle not equipped with an ignition interlock device. No  
19 person may use this exemption to drive a school bus, school  
20 vehicle, or a vehicle designed to transport more than 15  
21 passengers. No person may use this exemption to drive an  
22 employer-owned motor vehicle that is owned by an entity that is  
23 wholly or partially owned by the person holding the MDDP, or by  
24 a family member of the person holding the MDDP. No person may  
25 use this exemption to drive an employer-owned vehicle that is  
26 made available to the employee for personal use. No person may



1 drive the exempted vehicle more than 12 hours per day, 6 days  
2 per week.

3 (a-3) Persons who are issued a MDDP and who must drive a  
4 farm tractor to and from a farm, within 50 air miles from the  
5 originating farm are exempt from installation of a BAIID on the  
6 farm tractor, so long as the farm tractor is being used for the  
7 exclusive purpose of conducting farm operations.

8 (b) (Blank).

9 (c) (Blank).

10 (c-1) If the holder of the MDDP is convicted of or receives  
11 court supervision for a violation of Section 6-206.2, 6-303,  
12 11-204, 11-204.1, 11-401, 11-501, 11-503, 11-506 or a similar  
13 provision of a local ordinance or a similar out-of-state  
14 offense or is convicted of or receives court supervision for  
15 any offense for which alcohol or drugs is an element of the  
16 offense and in which a motor vehicle was involved (for an  
17 arrest other than the one for which the MDDP is issued), or  
18 de-installs the BAIID without prior authorization from the  
19 Secretary, the MDDP shall be cancelled.

20 (c-5) If the Secretary determines that the person seeking  
21 the MDDP is indigent, the Secretary shall provide the person  
22 with a written document as evidence of that determination, and  
23 the person shall provide that written document to an ignition  
24 interlock device provider. The provider shall install an  
25 ignition interlock device on that person's vehicle without  
26 charge to the person, and seek reimbursement from the Indigent

1 BAIID Fund. If the Secretary has deemed an offender indigent,  
2 the BAIID provider shall also provide the normal monthly  
3 monitoring services and the de-installation without charge to  
4 the offender and seek reimbursement from the Indigent BAIID  
5 Fund. Any other monetary charges, such as a lockout fee or  
6 reset fee, shall be the responsibility of the MDDP holder. A  
7 BAIID provider may not seek a security deposit from the  
8 Indigent BAIID Fund.

9 (d) MDDP information shall be available only to the courts,  
10 police officers, and the Secretary, except during the actual  
11 period the MDDP is valid, during which time it shall be a  
12 public record.

13 (e) (Blank).

14 (f) (Blank).

15 (g) The Secretary shall adopt rules for implementing this  
16 Section. The rules adopted shall address issues including, but  
17 not limited to: compliance with the requirements of the MDDP;  
18 methods for determining compliance with those requirements;  
19 the consequences of noncompliance with those requirements;  
20 what constitutes a violation of the MDDP; methods for  
21 determining indigency; and the duties of a person or entity  
22 that supplies the ignition interlock device.

23 (h) The rules adopted under subsection (g) shall provide,  
24 at a minimum, that the person is not in compliance with the  
25 requirements of the MDDP if he or she:

26 (1) tampers or attempts to tamper with or circumvent

1 the proper operation of the ignition interlock device;

2 (2) provides valid breath samples that register blood  
3 alcohol levels in excess of the number of times allowed  
4 under the rules;

5 (3) fails to provide evidence sufficient to satisfy the  
6 Secretary that the ignition interlock device has been  
7 installed in the designated vehicle or vehicles; or

8 (4) fails to follow any other applicable rules adopted  
9 by the Secretary.

10 (i) Any person or entity that supplies an ignition  
11 interlock device as provided under this Section shall, in  
12 addition to supplying only those devices which fully comply  
13 with all the rules adopted under subsection (g), provide the  
14 Secretary, within 7 days of inspection, all monitoring reports  
15 of each person who has had an ignition interlock device  
16 installed. These reports shall be furnished in a manner or form  
17 as prescribed by the Secretary.

18 (j) Upon making a determination that a violation of the  
19 requirements of the MDDP has occurred, the Secretary shall  
20 extend the summary suspension period for an additional 3 months  
21 beyond the originally imposed summary suspension period,  
22 during which time the person shall only be allowed to drive  
23 vehicles equipped with an ignition interlock device; provided  
24 further there are no limitations on the total number of times  
25 the summary suspension may be extended. The Secretary may,  
26 however, limit the number of extensions imposed for violations

1 occurring during any one monitoring period, as set forth by  
2 rule. Any person whose summary suspension is extended pursuant  
3 to this Section shall have the right to contest the extension  
4 through a hearing with the Secretary, pursuant to Section 2-118  
5 of this Code. If the summary suspension has already terminated  
6 prior to the Secretary receiving the monitoring report that  
7 shows a violation, the Secretary shall be authorized to suspend  
8 the person's driving privileges for 3 months, provided that the  
9 Secretary may, by rule, limit the number of suspensions to be  
10 entered pursuant to this paragraph for violations occurring  
11 during any one monitoring period. Any person whose license is  
12 suspended pursuant to this paragraph, after the summary  
13 suspension had already terminated, shall have the right to  
14 contest the suspension through a hearing with the Secretary,  
15 pursuant to Section 2-118 of this Code. The only permit the  
16 person shall be eligible for during this new suspension period  
17 is a MDDP.

18 (k) A person who has had his or her summary suspension  
19 extended for the third time, or has any combination of 3  
20 extensions and new suspensions, entered as a result of a  
21 violation that occurred while holding the MDDP, so long as the  
22 extensions and new suspensions relate to the same summary  
23 suspension, shall have his or her vehicle impounded for a  
24 period of 30 days, at the person's own expense. A person who  
25 has his or her summary suspension extended for the fourth time,  
26 or has any combination of 4 extensions and new suspensions,

1 entered as a result of a violation that occurred while holding  
2 the MDDP, so long as the extensions and new suspensions relate  
3 to the same summary suspension, shall have his or her vehicle  
4 subject to seizure and forfeiture. The Secretary shall notify  
5 the prosecuting authority of any third or fourth extensions or  
6 new suspension entered as a result of a violation that occurred  
7 while the person held a MDDP. Upon receipt of the notification,  
8 the prosecuting authority shall impound or forfeit the vehicle.  
9 The impoundment or forfeiture of a vehicle shall be conducted  
10 pursuant to the procedure specified in Article 36 of the  
11 Criminal Code of 2012 ~~1961~~.

12 (1) A person whose driving privileges have been suspended  
13 under Section 11-501.1 of this Code and who had a MDDP that was  
14 cancelled, or would have been cancelled had notification of a  
15 violation been received prior to expiration of the MDDP,  
16 pursuant to subsection (c-1) of this Section, shall not be  
17 eligible for reinstatement when the summary suspension is  
18 scheduled to terminate. Instead, the person's driving  
19 privileges shall be suspended for a period of not less than  
20 twice the original summary suspension period, or for the length  
21 of any extensions entered under subsection (j), whichever is  
22 longer. During the period of suspension, the person shall be  
23 eligible only to apply for a restricted driving permit. If a  
24 restricted driving permit is granted, the offender may only  
25 operate vehicles equipped with a BAIID in accordance with this  
26 Section.

1 (m) Any person or entity that supplies an ignition  
2 interlock device under this Section shall, for each ignition  
3 interlock device installed, pay 5% of the total gross revenue  
4 received for the device, including monthly monitoring fees,  
5 into the Indigent BAIID Fund. This 5% shall be clearly  
6 indicated as a separate surcharge on each invoice that is  
7 issued. The Secretary shall conduct an annual review of the  
8 fund to determine whether the surcharge is sufficient to  
9 provide for indigent users. The Secretary may increase or  
10 decrease this surcharge requirement as needed.

11 (n) Any person or entity that supplies an ignition  
12 interlock device under this Section that is requested to  
13 provide an ignition interlock device to a person who presents  
14 written documentation of indigency from the Secretary, as  
15 provided in subsection (c-5) of this Section, shall install the  
16 device on the person's vehicle without charge to the person and  
17 shall seek reimbursement from the Indigent BAIID Fund.

18 (o) The Indigent BAIID Fund is created as a special fund in  
19 the State treasury. The Secretary shall, subject to  
20 appropriation by the General Assembly, use all money in the  
21 Indigent BAIID Fund to reimburse ignition interlock device  
22 providers who have installed devices in vehicles of indigent  
23 persons. The Secretary shall make payments to such providers  
24 every 3 months. If the amount of money in the fund at the time  
25 payments are made is not sufficient to pay all requests for  
26 reimbursement submitted during that 3 month period, the

1 Secretary shall make payments on a pro-rata basis, and those  
2 payments shall be considered payment in full for the requests  
3 submitted.

4 (p) The Monitoring Device Driving Permit Administration  
5 Fee Fund is created as a special fund in the State treasury.  
6 The Secretary shall, subject to appropriation by the General  
7 Assembly, use the money paid into this fund to offset its  
8 administrative costs for administering MDDPs.

9 (q) The Secretary is authorized to prescribe such forms as  
10 it deems necessary to carry out the provisions of this Section.  
11 (Source: P.A. 96-184, eff. 8-10-09; 96-1526, eff. 2-14-11;  
12 97-229; 97-813, eff. 7-13-12.)

13 (625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)

14 Sec. 6-208. Period of Suspension - Application After  
15 Revocation.

16 (a) Except as otherwise provided by this Code or any other  
17 law of this State, the Secretary of State shall not suspend a  
18 driver's license, permit, or privilege to drive a motor vehicle  
19 on the highways for a period of more than one year.

20 (b) Any person whose license, permit, or privilege to drive  
21 a motor vehicle on the highways has been revoked shall not be  
22 entitled to have such license, permit, or privilege renewed or  
23 restored. However, such person may, except as provided under  
24 subsections (d) and (d-5) of Section 6-205, make application  
25 for a license pursuant to Section 6-106 (i) if the revocation

1 was for a cause that has been removed or (ii) as provided in  
2 the following subparagraphs:

3 1. Except as provided in subparagraphs 1.5, 2, 3, 4,  
4 and 5, the person may make application for a license (A)  
5 after the expiration of one year from the effective date of  
6 the revocation, (B) in the case of a violation of paragraph  
7 (b) of Section 11-401 of this Code or a similar provision  
8 of a local ordinance, after the expiration of 3 years from  
9 the effective date of the revocation, or (C) in the case of  
10 a violation of Section 9-3 of the Criminal Code of 1961 or  
11 the Criminal Code of 2012 or a similar provision of a law  
12 of another state relating to the offense of reckless  
13 homicide or a violation of subparagraph (F) of paragraph 1  
14 of subsection (d) of Section 11-501 of this Code relating  
15 to aggravated driving under the influence of alcohol, other  
16 drug or drugs, intoxicating compound or compounds, or any  
17 combination thereof, if the violation was the proximate  
18 cause of a death, after the expiration of 2 years from the  
19 effective date of the revocation or after the expiration of  
20 24 months from the date of release from a period of  
21 imprisonment as provided in Section 6-103 of this Code,  
22 whichever is later.

23 1.5. If the person is convicted of a violation of  
24 Section 6-303 of this Code committed while his or her  
25 driver's license, permit, or privilege was revoked because  
26 of a violation of Section 9-3 of the Criminal Code of 1961



1        or the Criminal Code of 2012, relating to the offense of  
2        reckless homicide, or a similar provision of a law of  
3        another state, the person may not make application for a  
4        license or permit until the expiration of 3 years from the  
5        date of the conviction.

6            2. If such person is convicted of committing a second  
7        violation within a 20-year period of:

8            (A) Section 11-501 of this Code or a similar  
9        provision of a local ordinance;

10           (B) Paragraph (b) of Section 11-401 of this Code or  
11        a similar provision of a local ordinance;

12           (C) Section 9-3 of the Criminal Code of 1961 or the  
13        Criminal Code of 2012, relating to the offense of  
14        reckless homicide; or

15           (D) any combination of the above offenses  
16        committed at different instances;

17        then such person may not make application for a license  
18        until after the expiration of 5 years from the effective  
19        date of the most recent revocation. The 20-year period  
20        shall be computed by using the dates the offenses were  
21        committed and shall also include similar out-of-state  
22        offenses and similar offenses committed on a military  
23        installation.

24           2.5. If a person is convicted of a second violation of  
25        Section 6-303 of this Code committed while the person's  
26        driver's license, permit, or privilege was revoked because

1 of a violation of Section 9-3 of the Criminal Code of 1961  
2 or the Criminal Code of 2012, relating to the offense of  
3 reckless homicide, or a similar provision of a law of  
4 another state, the person may not make application for a  
5 license or permit until the expiration of 5 years from the  
6 date of release from a term of imprisonment.

7 3. However, except as provided in subparagraph 4, if  
8 such person is convicted of committing a third or  
9 subsequent violation or any combination of the above  
10 offenses, including similar out-of-state offenses and  
11 similar offenses committed on a military installation,  
12 contained in subparagraph 2, then such person may not make  
13 application for a license until after the expiration of 10  
14 years from the effective date of the most recent  
15 revocation.

16 4. The person may not make application for a license if  
17 the person is convicted of committing a fourth or  
18 subsequent violation of Section 11-501 of this Code or a  
19 similar provision of a local ordinance, Section 11-401 of  
20 this Code, Section 9-3 of the Criminal Code of 1961 or the  
21 Criminal Code of 2012, or a combination of these offenses,  
22 similar provisions of local ordinances, similar  
23 out-of-state offenses, or similar offenses committed on a  
24 military installation.

25 5. The person may not make application for a license or  
26 permit if the person is convicted of a third or subsequent

1 violation of Section 6-303 of this Code committed while his  
2 or her driver's license, permit, or privilege was revoked  
3 because of a violation of Section 9-3 of the Criminal Code  
4 of 1961 or the Criminal Code of 2012, relating to the  
5 offense of reckless homicide, or a similar provision of a  
6 law of another state.

7 Notwithstanding any other provision of this Code, all  
8 persons referred to in this paragraph (b) may not have their  
9 privileges restored until the Secretary receives payment of the  
10 required reinstatement fee pursuant to subsection (b) of  
11 Section 6-118.

12 In no event shall the Secretary issue such license unless  
13 and until such person has had a hearing pursuant to this Code  
14 and the appropriate administrative rules and the Secretary is  
15 satisfied, after a review or investigation of such person, that  
16 to grant the privilege of driving a motor vehicle on the  
17 highways will not endanger the public safety or welfare.

18 (c) (Blank).

19 (Source: P.A. 95-331, eff. 8-21-07; 95-355, eff. 1-1-08;  
20 95-377, eff. 1-1-08; 95-876, eff. 8-21-08; 96-607, eff.  
21 8-24-09.)

22 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

23 Sec. 6-303. Driving while driver's license, permit or  
24 privilege to operate a motor vehicle is suspended or revoked.

25 (a) Except as otherwise provided in subsection (a-5), any

1 person who drives or is in actual physical control of a motor  
2 vehicle on any highway of this State at a time when such  
3 person's driver's license, permit or privilege to do so or the  
4 privilege to obtain a driver's license or permit is revoked or  
5 suspended as provided by this Code or the law of another state,  
6 except as may be specifically allowed by a judicial driving  
7 permit issued prior to January 1, 2009, monitoring device  
8 driving permit, family financial responsibility driving  
9 permit, probationary license to drive, or a restricted driving  
10 permit issued pursuant to this Code or under the law of another  
11 state, shall be guilty of a Class A misdemeanor.

12 (a-5) Any person who violates this Section as provided in  
13 subsection (a) while his or her driver's license, permit or  
14 privilege is revoked because of a violation of Section 9-3 of  
15 the Criminal Code of 1961 or the Criminal Code of 2012,  
16 relating to the offense of reckless homicide or a similar  
17 provision of a law of another state, is guilty of a Class 4  
18 felony. The person shall be required to undergo a professional  
19 evaluation, as provided in Section 11-501 of this Code, to  
20 determine if an alcohol, drug, or intoxicating compound problem  
21 exists and the extent of the problem, and to undergo the  
22 imposition of treatment as appropriate.

23 (b) (Blank).

24 (b-1) Upon receiving a report of the conviction of any  
25 violation indicating a person was operating a motor vehicle  
26 during the time when the person's driver's license, permit or

1 privilege was suspended by the Secretary of State or the  
2 driver's licensing administrator of another state, except as  
3 specifically allowed by a probationary license, judicial  
4 driving permit, restricted driving permit or monitoring device  
5 driving permit the Secretary shall extend the suspension for  
6 the same period of time as the originally imposed suspension  
7 unless the suspension has already expired, in which case the  
8 Secretary shall be authorized to suspend the person's driving  
9 privileges for the same period of time as the originally  
10 imposed suspension.

11 (b-2) Except as provided in subsection (b-6), upon  
12 receiving a report of the conviction of any violation  
13 indicating a person was operating a motor vehicle when the  
14 person's driver's license, permit or privilege was revoked by  
15 the Secretary of State or the driver's license administrator of  
16 any other state, except as specifically allowed by a restricted  
17 driving permit issued pursuant to this Code or the law of  
18 another state, the Secretary shall not issue a driver's license  
19 for an additional period of one year from the date of such  
20 conviction indicating such person was operating a vehicle  
21 during such period of revocation.

22 (b-3) (Blank).

23 (b-4) When the Secretary of State receives a report of a  
24 conviction of any violation indicating a person was operating a  
25 motor vehicle that was not equipped with an ignition interlock  
26 device during a time when the person was prohibited from

1 operating a motor vehicle not equipped with such a device, the  
2 Secretary shall not issue a driver's license to that person for  
3 an additional period of one year from the date of the  
4 conviction.

5 (b-5) Any person convicted of violating this Section shall  
6 serve a minimum term of imprisonment of 30 consecutive days or  
7 300 hours of community service when the person's driving  
8 privilege was revoked or suspended as a result of a violation  
9 of Section 9-3 of the Criminal Code of 1961 or the Criminal  
10 Code of 2012, ~~as amended~~, relating to the offense of reckless  
11 homicide, or a similar provision of a law of another state.

12 (b-6) Upon receiving a report of a first conviction of  
13 operating a motor vehicle while the person's driver's license,  
14 permit or privilege was revoked where the revocation was for a  
15 violation of Section 9-3 of the Criminal Code of 1961 or the  
16 Criminal Code of 2012 relating to the offense of reckless  
17 homicide or a similar out-of-state offense, the Secretary shall  
18 not issue a driver's license for an additional period of three  
19 years from the date of such conviction.

20 (c) Except as provided in subsections (c-3) and (c-4), any  
21 person convicted of violating this Section shall serve a  
22 minimum term of imprisonment of 10 consecutive days or 30 days  
23 of community service when the person's driving privilege was  
24 revoked or suspended as a result of:

25 (1) a violation of Section 11-501 of this Code or a  
26 similar provision of a local ordinance relating to the

1 offense of operating or being in physical control of a  
2 vehicle while under the influence of alcohol, any other  
3 drug or any combination thereof; or

4 (2) a violation of paragraph (b) of Section 11-401 of  
5 this Code or a similar provision of a local ordinance  
6 relating to the offense of leaving the scene of a motor  
7 vehicle accident involving personal injury or death; or

8 (3) a statutory summary suspension or revocation under  
9 Section 11-501.1 of this Code.

10 Such sentence of imprisonment or community service shall  
11 not be subject to suspension in order to reduce such sentence.

12 (c-1) Except as provided in subsections (c-5) and (d), any  
13 person convicted of a second violation of this Section shall be  
14 ordered by the court to serve a minimum of 100 hours of  
15 community service.

16 (c-2) In addition to other penalties imposed under this  
17 Section, the court may impose on any person convicted a fourth  
18 time of violating this Section any of the following:

19 (1) Seizure of the license plates of the person's  
20 vehicle.

21 (2) Immobilization of the person's vehicle for a period  
22 of time to be determined by the court.

23 (c-3) Any person convicted of a violation of this Section  
24 during a period of summary suspension imposed pursuant to  
25 Section 11-501.1 when the person was eligible for a MDDP shall  
26 be guilty of a Class 4 felony and shall serve a minimum term of

1 imprisonment of 30 days.

2 (c-4) Any person who has been issued a MDDP and who is  
3 convicted of a violation of this Section as a result of  
4 operating or being in actual physical control of a motor  
5 vehicle not equipped with an ignition interlock device at the  
6 time of the offense shall be guilty of a Class 4 felony and  
7 shall serve a minimum term of imprisonment of 30 days.

8 (c-5) Any person convicted of a second violation of this  
9 Section is guilty of a Class 2 felony, is not eligible for  
10 probation or conditional discharge, and shall serve a mandatory  
11 term of imprisonment, if the revocation or suspension was for a  
12 violation of Section 9-3 of the Criminal Code of 1961 or the  
13 Criminal Code of 2012, relating to the offense of reckless  
14 homicide, or a similar out-of-state offense.

15 (d) Any person convicted of a second violation of this  
16 Section shall be guilty of a Class 4 felony and shall serve a  
17 minimum term of imprisonment of 30 days or 300 hours of  
18 community service, as determined by the court, if the original  
19 revocation or suspension was for a violation of Section 11-401  
20 or 11-501 of this Code, or a similar out-of-state offense, or a  
21 similar provision of a local ordinance, or a statutory summary  
22 suspension or revocation under Section 11-501.1 of this Code.

23 (d-1) Except as provided in subsections (d-2), (d-2.5), and  
24 (d-3), any person convicted of a third or subsequent violation  
25 of this Section shall serve a minimum term of imprisonment of  
26 30 days or 300 hours of community service, as determined by the



1 court.

2 (d-2) Any person convicted of a third violation of this  
3 Section is guilty of a Class 4 felony and must serve a minimum  
4 term of imprisonment of 30 days if the revocation or suspension  
5 was for a violation of Section 11-401 or 11-501 of this Code,  
6 or a similar out-of-state offense, or a similar provision of a  
7 local ordinance, or a statutory summary suspension or  
8 revocation under Section 11-501.1 of this Code.

9 (d-2.5) Any person convicted of a third violation of this  
10 Section is guilty of a Class 1 felony, is not eligible for  
11 probation or conditional discharge, and must serve a mandatory  
12 term of imprisonment if the revocation or suspension was for a  
13 violation of Section 9-3 of the Criminal Code of 1961 or the  
14 Criminal Code of 2012, relating to the offense of reckless  
15 homicide, or a similar out-of-state offense. The person's  
16 driving privileges shall be revoked for the remainder of the  
17 person's life.

18 (d-3) Any person convicted of a fourth, fifth, sixth,  
19 seventh, eighth, or ninth violation of this Section is guilty  
20 of a Class 4 felony and must serve a minimum term of  
21 imprisonment of 180 days if the revocation or suspension was  
22 for a violation of Section 11-401 or 11-501 of this Code, or a  
23 similar out-of-state offense, or a similar provision of a local  
24 ordinance, or a statutory summary suspension or revocation  
25 under Section 11-501.1 of this Code.

26 (d-3.5) Any person convicted of a fourth or subsequent

1 violation of this Section is guilty of a Class 1 felony, is not  
2 eligible for probation or conditional discharge, and must serve  
3 a mandatory term of imprisonment, and is eligible for an  
4 extended term, 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.

8 (d-4) Any person convicted of a tenth, eleventh, twelfth,  
9 thirteenth, or fourteenth violation of this Section is guilty  
10 of a Class 3 felony, and is not eligible for probation or  
11 conditional discharge, if the revocation or suspension was for  
12 a violation of Section 11-401 or 11-501 of this Code, or a  
13 similar out-of-state offense, or a similar provision of a local  
14 ordinance, or a statutory summary suspension or revocation  
15 under Section 11-501.1 of this Code.

16 (d-5) Any person convicted of a fifteenth or subsequent  
17 violation of this Section is guilty of a Class 2 felony, and is  
18 not eligible for probation or conditional discharge, if the  
19 revocation or suspension was for a violation of Section 11-401  
20 or 11-501 of this Code, or a similar out-of-state offense, or a  
21 similar provision of a local ordinance, or a statutory summary  
22 suspension or revocation under Section 11-501.1 of this Code.

23 (e) Any person in violation of this Section who is also in  
24 violation of Section 7-601 of this Code relating to mandatory  
25 insurance requirements, in addition to other penalties imposed  
26 under this Section, shall have his or her motor vehicle

1 immediately impounded by the arresting law enforcement  
2 officer. The motor vehicle may be released to any licensed  
3 driver upon a showing of proof of insurance for the vehicle  
4 that was impounded and the notarized written consent for the  
5 release by the vehicle owner.

6 (f) For any prosecution under this Section, a certified  
7 copy of the driving abstract of the defendant shall be admitted  
8 as proof of any prior conviction.

9 (g) The motor vehicle used in a violation of this Section  
10 is subject to seizure and forfeiture as provided in Sections  
11 36-1 and 36-2 of the Criminal Code of 2012 ~~1961~~ if the person's  
12 driving privilege was revoked or suspended as a result of:

13 (1) a violation of Section 11-501 of this Code, a  
14 similar provision of a local ordinance, or a similar  
15 provision of a law of another state;

16 (2) a violation of paragraph (b) of Section 11-401 of  
17 this Code, a similar provision of a local ordinance, or a  
18 similar provision of a law of another state;

19 (3) a statutory summary suspension or revocation under  
20 Section 11-501.1 of this Code or a similar provision of a  
21 law of another state; or

22 (4) a violation of Section 9-3 of the Criminal Code of  
23 1961 or the Criminal Code of 2012 relating to the offense  
24 of reckless homicide, or a similar provision of a law of  
25 another state.

26 (Source: P.A. 96-502, eff. 1-1-10; 96-607, eff. 8-24-09;

1 96-1000, eff. 7-2-10; 96-1344, eff. 7-1-11; 97-984, eff.  
2 1-1-13.)

3 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)  
4 Sec. 6-508. Commercial Driver's License (CDL) -  
5 qualification standards.

6 (a) Testing.

7 (1) General. No person shall be issued an original or  
8 renewal CDL unless that person is domiciled in this State.  
9 The Secretary shall cause to be administered such tests as  
10 the Secretary deems necessary to meet the requirements of  
11 49 C.F.R. Part 383, subparts F, G, H, and J.

12 (2) Third party testing. The Secretary of state may  
13 authorize a "third party tester", pursuant to 49 C.F.R.  
14 Part 383.75, to administer the skills test or tests  
15 specified by Federal Motor Carrier Safety Administration  
16 pursuant to the Commercial Motor Vehicle Safety Act of 1986  
17 and any appropriate federal rule.

18 (b) Waiver of Skills Test. The Secretary of State may waive  
19 the skills test specified in this Section for a driver  
20 applicant for a commercial driver license who meets the  
21 requirements of 49 C.F.R. Part 383.77 and Part 383.123.

22 (b-1) No person shall be issued a commercial driver  
23 instruction permit or CDL unless the person certifies to the  
24 Secretary one of the following types of driving operations in  
25 which he or she will be engaged:

- 1 (1) non-excepted interstate;
- 2 (2) non-excepted intrastate;
- 3 (3) excepted interstate; or
- 4 (4) excepted intrastate.

5 (b-2) Persons who hold a commercial driver instruction  
6 permit or CDL on January 30, 2012 must certify to the Secretary  
7 no later than January 30, 2014 one of the following applicable  
8 self-certifications:

- 9 (1) non-excepted interstate;
- 10 (2) non-excepted intrastate;
- 11 (3) excepted interstate; or
- 12 (4) excepted intrastate.

13 (c) Limitations on issuance of a CDL. A CDL, or a  
14 commercial driver instruction permit, shall not be issued to a  
15 person while the person is subject to a disqualification from  
16 driving a commercial motor vehicle, or unless otherwise  
17 permitted by this Code, while the person's driver's license is  
18 suspended, revoked or cancelled in any state, or any territory  
19 or province of Canada; nor may a CDL be issued to a person who  
20 has a CDL issued by any other state, or foreign jurisdiction,  
21 unless the person first surrenders all such licenses. No CDL  
22 shall be issued to or renewed for a person who does not meet  
23 the requirement of 49 CFR 391.41(b)(11). The requirement may be  
24 met with the aid of a hearing aid.

25 (c-1) The Secretary may issue a CDL with a school bus  
26 driver endorsement to allow a person to drive the type of bus

1 described in subsection (d-5) of Section 6-104 of this Code.  
2 The CDL with a school bus driver endorsement may be issued only  
3 to a person meeting the following requirements:

4 (1) the person has submitted his or her fingerprints to  
5 the Department of State Police in the form and manner  
6 prescribed by the Department of State Police. These  
7 fingerprints shall be checked against the fingerprint  
8 records now and hereafter filed in the Department of State  
9 Police and Federal Bureau of Investigation criminal  
10 history records databases;

11 (2) the person has passed a written test, administered  
12 by the Secretary of State, on charter bus operation,  
13 charter bus safety, and certain special traffic laws  
14 relating to school buses determined by the Secretary of  
15 State to be relevant to charter buses, and submitted to a  
16 review of the driver applicant's driving habits by the  
17 Secretary of State at the time the written test is given;

18 (3) the person has demonstrated physical fitness to  
19 operate school buses by submitting the results of a medical  
20 examination, including tests for drug use; and

21 (4) the person has not been convicted of committing or  
22 attempting to commit any one or more of the following  
23 offenses: (i) those offenses defined in Sections 8-1.2,  
24 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2,  
25 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20,  
26 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6,

1 11-9, 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3,  
2 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18,  
3 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,  
4 11-20.1B, 11-20.3, 11-21, 11-22, 11-23, 11-24, 11-25,  
5 11-26, 11-30, 12-2.6, 12-3.1, 12-4, 12-4.1, 12-4.2,  
6 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9,  
7 12-5.01, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5,  
8 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2,  
9 12-21.5, 12-21.6, 12-33, 12C-5, 12C-10, 12C-20, 12C-30,  
10 12C-45, 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4, 18-5, 19-6,  
11 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2,  
12 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8,  
13 24-3.9, 31A-1, 31A-1.1, 33A-2, and 33D-1, and in subsection  
14 (b) of Section 8-1, and in subdivisions (a)(1), (a)(2),  
15 (b)(1), (e)(1), (e)(2), (e)(3), (e)(4), and (f)(1) of  
16 Section 12-3.05, and in subsection (a) and subsection (b),  
17 clause (1), of Section 12-4, and in subsection (A), clauses  
18 (a) and (b), of Section 24-3, and those offenses contained  
19 in Article 29D of the Criminal Code of 1961 or the Criminal  
20 Code of 2012; (ii) those offenses defined in the Cannabis  
21 Control Act except those offenses defined in subsections  
22 (a) and (b) of Section 4, and subsection (a) of Section 5  
23 of the Cannabis Control Act; (iii) those offenses defined  
24 in the Illinois Controlled Substances Act; (iv) those  
25 offenses defined in the Methamphetamine Control and  
26 Community Protection Act; (v) any offense committed or

1 attempted in any other state or against the laws of the  
2 United States, which if committed or attempted in this  
3 State would be punishable as one or more of the foregoing  
4 offenses; (vi) the offenses defined in Sections 4.1 and 5.1  
5 of the Wrongs to Children Act or Section 11-9.1A of the  
6 Criminal Code of 1961 or the Criminal Code of 2012; (vii)  
7 those offenses defined in Section 6-16 of the Liquor  
8 Control Act of 1934; and (viii) those offenses defined in  
9 the Methamphetamine Precursor Control Act.

10 The Department of State Police shall charge a fee for  
11 conducting the criminal history records check, which shall be  
12 deposited into the State Police Services Fund and may not  
13 exceed the actual cost of the records check.

14 (c-2) The Secretary shall issue a CDL with a school bus  
15 endorsement to allow a person to drive a school bus as defined  
16 in this Section. The CDL shall be issued according to the  
17 requirements outlined in 49 C.F.R. 383. A person may not  
18 operate a school bus as defined in this Section without a  
19 school bus endorsement. The Secretary of State may adopt rules  
20 consistent with Federal guidelines to implement this  
21 subsection (c-2).

22 (d) Commercial driver instruction permit. A commercial  
23 driver instruction permit may be issued to any person holding a  
24 valid Illinois driver's license if such person successfully  
25 passes such tests as the Secretary determines to be necessary.  
26 A commercial driver instruction permit shall not be issued to a



1 person who does not meet the requirements of 49 CFR 391.41  
2 (b)(11), except for the renewal of a commercial driver  
3 instruction permit for a person who possesses a commercial  
4 instruction permit prior to the effective date of this  
5 amendatory Act of 1999.

6 (Source: P.A. 96-1182, eff. 7-22-10; 96-1551, Article 1,  
7 Section 95, eff. 7-1-11; 96-1551, Article 2, Section 1025, eff.  
8 7-1-11; 97-208, eff. 1-1-12; 97-1108, eff. 1-1-13; 97-1109,  
9 eff. 1-1-13; revised 9-20-12.)

10 (625 ILCS 5/6-514) (from Ch. 95 1/2, par. 6-514)

11 Sec. 6-514. Commercial Driver's License (CDL) -  
12 Disqualifications.

13 (a) A person shall be disqualified from driving a  
14 commercial motor vehicle for a period of not less than 12  
15 months for the first violation of:

16 (1) Refusing to submit to or failure to complete a test  
17 or tests to determine the driver's blood concentration of  
18 alcohol, other drug, or both, while driving a commercial  
19 motor vehicle or, if the driver is a CDL holder, while  
20 driving a non-CMV; or

21 (2) Operating a commercial motor vehicle while the  
22 alcohol concentration of the person's blood, breath or  
23 urine is at least 0.04, or any amount of a drug, substance,  
24 or compound in the person's blood or urine resulting from  
25 the unlawful use or consumption of cannabis listed in the

1 Cannabis Control Act, a controlled substance listed in the  
2 Illinois Controlled Substances Act, or methamphetamine as  
3 listed in the Methamphetamine Control and Community  
4 Protection Act as indicated by a police officer's sworn  
5 report or other verified evidence; or operating a  
6 non-commercial motor vehicle while the alcohol  
7 concentration of the person's blood, breath, or urine was  
8 above the legal limit defined in Section 11-501.1 or  
9 11-501.8 or any amount of a drug, substance, or compound in  
10 the person's blood or urine resulting from the unlawful use  
11 or consumption of cannabis listed in the Cannabis Control  
12 Act, a controlled substance listed in the Illinois  
13 Controlled Substances Act, or methamphetamine as listed in  
14 the Methamphetamine Control and Community Protection Act  
15 as indicated by a police officer's sworn report or other  
16 verified evidence while holding a commercial driver's  
17 license; or

18 (3) Conviction for a first violation of:

19 (i) Driving a commercial motor vehicle or, if the  
20 driver is a CDL holder, driving a non-CMV while under  
21 the influence of alcohol, or any other drug, or  
22 combination of drugs to a degree which renders such  
23 person incapable of safely driving; or

24 (ii) Knowingly leaving the scene of an accident  
25 while operating a commercial motor vehicle or, if the  
26 driver is a CDL holder, while driving a non-CMV; or

1 (iii) Driving a commercial motor vehicle or, if the  
2 driver is a CDL holder, driving a non-CMV while  
3 committing any felony; or

4 (iv) Driving a commercial motor vehicle while the  
5 person's driving privileges or driver's license or  
6 permit is revoked, suspended, or cancelled or the  
7 driver is disqualified from operating a commercial  
8 motor vehicle; or

9 (v) Causing a fatality through the negligent  
10 operation of a commercial motor vehicle, including but  
11 not limited to the crimes of motor vehicle  
12 manslaughter, homicide by a motor vehicle, and  
13 negligent homicide.

14 As used in this subdivision (a)(3)(v), "motor  
15 vehicle manslaughter" means the offense of involuntary  
16 manslaughter if committed by means of a vehicle;  
17 "homicide by a motor vehicle" means the offense of  
18 first degree murder or second degree murder, if either  
19 offense is committed by means of a vehicle; and  
20 "negligent homicide" means reckless homicide under  
21 Section 9-3 of the Criminal Code of 1961 or the  
22 Criminal Code of 2012 and aggravated driving under the  
23 influence of alcohol, other drug or drugs,  
24 intoxicating compound or compounds, or any combination  
25 thereof under subdivision (d)(1)(F) of Section 11-501  
26 of this Code.

1           If any of the above violations or refusals occurred  
2           while transporting hazardous material(s) required to be  
3           placarded, the person shall be disqualified for a period of  
4           not less than 3 years.

5           (b) A person is disqualified for life for a second  
6           conviction of any of the offenses specified in paragraph (a),  
7           or any combination of those offenses, arising from 2 or more  
8           separate incidents.

9           (c) A person is disqualified from driving a commercial  
10          motor vehicle for life if the person either (i) uses a  
11          commercial motor vehicle in the commission of any felony  
12          involving the manufacture, distribution, or dispensing of a  
13          controlled substance, or possession with intent to  
14          manufacture, distribute or dispense a controlled substance or  
15          (ii) if the person is a CDL holder, uses a non-CMV in the  
16          commission of a felony involving any of those activities.

17          (d) The Secretary of State may, when the United States  
18          Secretary of Transportation so authorizes, issue regulations  
19          in which a disqualification for life under paragraph (b) may be  
20          reduced to a period of not less than 10 years. If a reinstated  
21          driver is subsequently convicted of another disqualifying  
22          offense, as specified in subsection (a) of this Section, he or  
23          she shall be permanently disqualified for life and shall be  
24          ineligible to again apply for a reduction of the lifetime  
25          disqualification.

26          (e) A person is disqualified from driving a commercial

1 motor vehicle for a period of not less than 2 months if  
2 convicted of 2 serious traffic violations, committed in a  
3 commercial motor vehicle, non-CMV while holding a CDL, or any  
4 combination thereof, arising from separate incidents,  
5 occurring within a 3 year period, provided the serious traffic  
6 violation committed in a non-CMV would result in the suspension  
7 or revocation of the CDL holder's non-CMV privileges. However,  
8 a person will be disqualified from driving a commercial motor  
9 vehicle for a period of not less than 4 months if convicted of  
10 3 serious traffic violations, committed in a commercial motor  
11 vehicle, non-CMV while holding a CDL, or any combination  
12 thereof, arising from separate incidents, occurring within a 3  
13 year period, provided the serious traffic violation committed  
14 in a non-CMV would result in the suspension or revocation of  
15 the CDL holder's non-CMV privileges. If all the convictions  
16 occurred in a non-CMV, the disqualification shall be entered  
17 only if the convictions would result in the suspension or  
18 revocation of the CDL holder's non-CMV privileges.

19 (e-1) (Blank).

20 (f) Notwithstanding any other provision of this Code, any  
21 driver disqualified from operating a commercial motor vehicle,  
22 pursuant to this UCDLA, shall not be eligible for restoration  
23 of commercial driving privileges during any such period of  
24 disqualification.

25 (g) After suspending, revoking, or cancelling a commercial  
26 driver's license, the Secretary of State must update the

1 driver's records to reflect such action within 10 days. After  
2 suspending or revoking the driving privilege of any person who  
3 has been issued a CDL or commercial driver instruction permit  
4 from another jurisdiction, the Secretary shall originate  
5 notification to such issuing jurisdiction within 10 days.

6 (h) The "disqualifications" referred to in this Section  
7 shall not be imposed upon any commercial motor vehicle driver,  
8 by the Secretary of State, unless the prohibited action(s)  
9 occurred after March 31, 1992.

10 (i) A person is disqualified from driving a commercial  
11 motor vehicle in accordance with the following:

12 (1) For 6 months upon a first conviction of paragraph  
13 (2) of subsection (b) or subsection (b-3) of Section 6-507  
14 of this Code.

15 (2) For 2 years upon a second conviction of paragraph  
16 (2) of subsection (b) or subsection (b-3) or any  
17 combination of paragraphs (2) or (3) of subsection (b) or  
18 subsections (b-3) or (b-5) of Section 6-507 of this Code  
19 within a 10-year period if the second conviction is a  
20 violation of paragraph (2) of subsection (b) or subsection  
21 (b-3).

22 (3) For 3 years upon a third or subsequent conviction  
23 of paragraph (2) of subsection (b) or subsection (b-3) or  
24 any combination of paragraphs (2) or (3) of subsection (b)  
25 or subsections (b-3) or (b-5) of Section 6-507 of this Code  
26 within a 10-year period if the third or subsequent

1 conviction is a violation of paragraph (2) of subsection  
2 (b) or subsection (b-3).

3 (4) For one year upon a first conviction of paragraph  
4 (3) of subsection (b) or subsection (b-5) of Section 6-507  
5 of this Code.

6 (5) For 3 years upon a second conviction of paragraph  
7 (3) of subsection (b) or subsection (b-5) or any  
8 combination of paragraphs (2) or (3) of subsection (b) or  
9 subsections (b-3) or (b-5) of Section 6-507 of this Code  
10 within a 10-year period if the second conviction is a  
11 violation of paragraph (3) of subsection (b) or (b-5).

12 (6) For 5 years upon a third or subsequent conviction  
13 of paragraph (3) of subsection (b) or subsection (b-5) or  
14 any combination of paragraphs (2) or (3) of subsection (b)  
15 or subsections (b-3) or (b-5) of Section 6-507 of this Code  
16 within a 10-year period if the third or subsequent  
17 conviction is a violation of paragraph (3) of subsection  
18 (b) or (b-5).

19 (j) Disqualification for railroad-highway grade crossing  
20 violation.

21 (1) General rule. A driver who is convicted of a  
22 violation of a federal, State, or local law or regulation  
23 pertaining to one of the following 6 offenses at a  
24 railroad-highway grade crossing must be disqualified from  
25 operating a commercial motor vehicle for the period of time  
26 specified in paragraph (2) of this subsection (j) if the

1 offense was committed while operating a commercial motor  
2 vehicle:

3 (i) For drivers who are not required to always  
4 stop, failing to slow down and check that the tracks  
5 are clear of an approaching train or railroad track  
6 equipment, as described in subsection (a-5) of Section  
7 11-1201 of this Code;

8 (ii) For drivers who are not required to always  
9 stop, failing to stop before reaching the crossing, if  
10 the tracks are not clear, as described in subsection  
11 (a) of Section 11-1201 of this Code;

12 (iii) For drivers who are always required to stop,  
13 failing to stop before driving onto the crossing, as  
14 described in Section 11-1202 of this Code;

15 (iv) For all drivers, failing to have sufficient  
16 space to drive completely through the crossing without  
17 stopping, as described in subsection (b) of Section  
18 11-1425 of this Code;

19 (v) For all drivers, failing to obey a traffic  
20 control device or the directions of an enforcement  
21 official at the crossing, as described in subdivision  
22 (a)2 of Section 11-1201 of this Code;

23 (vi) For all drivers, failing to negotiate a  
24 crossing because of insufficient undercarriage  
25 clearance, as described in subsection (d-1) of Section  
26 11-1201 of this Code.



1           (2) Duration of disqualification for railroad-highway  
2 grade crossing violation.

3           (i) First violation. A driver must be disqualified  
4 from operating a commercial motor vehicle for not less  
5 than 60 days if the driver is convicted of a violation  
6 described in paragraph (1) of this subsection (j) and,  
7 in the three-year period preceding the conviction, the  
8 driver had no convictions for a violation described in  
9 paragraph (1) of this subsection (j).

10          (ii) Second violation. A driver must be  
11 disqualified from operating a commercial motor vehicle  
12 for not less than 120 days if the driver is convicted  
13 of a violation described in paragraph (1) of this  
14 subsection (j) and, in the three-year period preceding  
15 the conviction, the driver had one other conviction for  
16 a violation described in paragraph (1) of this  
17 subsection (j) that was committed in a separate  
18 incident.

19          (iii) Third or subsequent violation. A driver must  
20 be disqualified from operating a commercial motor  
21 vehicle for not less than one year if the driver is  
22 convicted of a violation described in paragraph (1) of  
23 this subsection (j) and, in the three-year period  
24 preceding the conviction, the driver had 2 or more  
25 other convictions for violations described in  
26 paragraph (1) of this subsection (j) that were

1 committed in separate incidents.

2 (k) Upon notification of a disqualification of a driver's  
3 commercial motor vehicle privileges imposed by the U.S.  
4 Department of Transportation, Federal Motor Carrier Safety  
5 Administration, in accordance with 49 C.F.R. 383.52, the  
6 Secretary of State shall immediately record to the driving  
7 record the notice of disqualification and confirm to the driver  
8 the action that has been taken.

9 (Source: P.A. 96-544, eff. 1-1-10; 96-1080, eff. 7-16-10;  
10 96-1244, eff. 1-1-11; 97-333, eff. 8-12-11.)

11 (625 ILCS 5/6-708) (from Ch. 95 1/2, par. 6-708)

12 Sec. 6-708. Construction and Severability. (a) This  
13 compact shall be liberally construed so as to effectuate the  
14 purposes thereof. The provisions of this compact shall be  
15 severable and if any phrase, clause, sentence or provision of  
16 this compact is declared to be contrary to the constitution of  
17 any party state or of the United States or the applicability  
18 thereof to any government, agency, person or circumstance is  
19 held invalid, the validity of the remainder of this compact and  
20 the applicability thereof to any government, agency, person or  
21 circumstance shall not be affected thereby. If this compact  
22 shall be held contrary to the constitution of any state party  
23 thereto, the compact shall remain in full force and effect as  
24 to the remaining states and in full force and effect as to the  
25 state affected as to all severable matters.

1 (b) As used in the compact, the term "licensing authority"  
2 with reference to this state, means the Secretary of State. The  
3 Secretary of State shall furnish to the appropriate authorities  
4 of any other party state any information or documents  
5 reasonably necessary to facilitate the administration of  
6 Sections 6-702, 6-703 and 6-704 of the compact.

7 (c) The compact administrator provided for in Section 6-706  
8 of the compact shall not be entitled to any additional  
9 compensation on account of his service as such administrator,  
10 but shall be entitled to expenses incurred in connection with  
11 his duties and responsibilities as such administrator, in the  
12 same manner as for expenses incurred in connection with any  
13 other duties or responsibilities of his office or employment.

14 (d) As used in the compact, with reference to this state,  
15 the term "executive head" shall mean the Governor.

16 (e) The phrase "manslaughter or negligent homicide," as  
17 used in subparagraph (1) of paragraph (a) of Section 6-703 of  
18 the compact includes the offense of reckless homicide as  
19 defined in Section 9-3 of the "Criminal Code of 1961 or the  
20 Criminal Code of 2012," ~~as heretofore or hereafter amended,~~ or  
21 in any predecessor statute, as well as the offenses of second  
22 degree murder and involuntary manslaughter.

23 The offense described in subparagraph (2) of paragraph (a)  
24 of Section 6-703 of the compact includes any violation of  
25 Section 11-501 of this Code or any similar provision of a local  
26 ordinance.

1           The offense described in subparagraph (4) of paragraph (a)  
2 of Section 6-703 of the compact includes any violation of  
3 paragraph (a) of Section 11-401 of this Code.

4           (Source: P.A. 85-951.)

5           (625 ILCS 5/11-204.1) (from Ch. 95 1/2, par. 11-204.1)

6           Sec. 11-204.1. Aggravated fleeing or attempting to elude a  
7 peace officer.

8           (a) The offense of aggravated fleeing or attempting to  
9 elude a peace officer is committed by any driver or operator of  
10 a motor vehicle who flees or attempts to elude a peace officer,  
11 after being given a visual or audible signal by a peace officer  
12 in the manner prescribed in subsection (a) of Section 11-204 of  
13 this Code, and such flight or attempt to elude:

14           (1) is at a rate of speed at least 21 miles per hour  
15 over the legal speed limit;

16           (2) causes bodily injury to any individual;

17           (3) causes damage in excess of \$300 to property;

18           (4) involves disobedience of 2 or more official traffic  
19 control devices; or

20           (5) involves the concealing or altering of the  
21 vehicle's registration plate.

22           (b) Any person convicted of a first violation of this  
23 Section shall be guilty of a Class 4 felony. Upon notice of  
24 such a conviction the Secretary of State shall forthwith revoke  
25 the driver's license of the person so convicted, as provided in

1 Section 6-205 of this Code. Any person convicted of a second or  
2 subsequent violation of this Section shall be guilty of a Class  
3 3 felony, and upon notice of such a conviction the Secretary of  
4 State shall forthwith revoke the driver's license of the person  
5 convicted, as provided in Section 6-205 of the Code.

6 (c) The motor vehicle used in a violation of this Section  
7 is subject to seizure and forfeiture as provided in Sections  
8 36-1 and 36-2 of the Criminal Code of 2012 ~~1961~~.

9 (Source: P.A. 96-328, eff. 8-11-09; 97-743, eff. 1-1-13.)

10 (625 ILCS 5/11-208.7)

11 Sec. 11-208.7. Administrative fees and procedures for  
12 impounding vehicles for specified violations.

13 (a) Any municipality may, consistent with this Section,  
14 provide by ordinance procedures for the release of properly  
15 impounded vehicles and for the imposition of a reasonable  
16 administrative fee related to its administrative and  
17 processing costs associated with the investigation, arrest,  
18 and detention of an offender, or the removal, impoundment,  
19 storage, and release of the vehicle. The administrative fee  
20 imposed by the municipality may be in addition to any fees  
21 charged for the towing and storage of an impounded vehicle. The  
22 administrative fee shall be waived by the municipality upon  
23 verifiable proof that the vehicle was stolen at the time the  
24 vehicle was impounded.

25 (b) Any ordinance establishing procedures for the release

1 of properly impounded vehicles under this Section may impose  
2 fees for the following violations:

3 (1) operation or use of a motor vehicle in the  
4 commission of, or in the attempt to commit, an offense for  
5 which a motor vehicle may be seized and forfeited pursuant  
6 to Section 36-1 of the Criminal Code of 2012 ~~1961~~; or

7 (2) driving under the influence of alcohol, another  
8 drug or drugs, an intoxicating compound or compounds, or  
9 any combination thereof, in violation of Section 11-501 of  
10 this Code; or

11 (3) operation or use of a motor vehicle in the  
12 commission of, or in the attempt to commit, a felony or in  
13 violation of the Cannabis Control Act; or

14 (4) operation or use of a motor vehicle in the  
15 commission of, or in the attempt to commit, an offense in  
16 violation of the Illinois Controlled Substances Act; or

17 (5) operation or use of a motor vehicle in the  
18 commission of, or in the attempt to commit, an offense in  
19 violation of Section 24-1, 24-1.5, or 24-3.1 of the  
20 Criminal Code of 1961 or the Criminal Code of 2012; or

21 (6) driving while a driver's license, permit, or  
22 privilege to operate a motor vehicle is suspended or  
23 revoked pursuant to Section 6-303 of this Code; except that  
24 vehicles shall not be subjected to seizure or impoundment  
25 if the suspension is for an unpaid citation (parking or  
26 moving) or due to failure to comply with emission testing;

1 or

2 (7) operation or use of a motor vehicle while  
3 soliciting, possessing, or attempting to solicit or  
4 possess cannabis or a controlled substance, as defined by  
5 the Cannabis Control Act or the Illinois Controlled  
6 Substances Act; or

7 (8) operation or use of a motor vehicle with an expired  
8 driver's license, in violation of Section 6-101 of this  
9 Code, if the period of expiration is greater than one year;  
10 or

11 (9) operation or use of a motor vehicle without ever  
12 having been issued a driver's license or permit, in  
13 violation of Section 6-101 of this Code, or operating a  
14 motor vehicle without ever having been issued a driver's  
15 license or permit due to a person's age; or

16 (10) operation or use of a motor vehicle by a person  
17 against whom a warrant has been issued by a circuit clerk  
18 in Illinois for failing to answer charges that the driver  
19 violated Section 6-101, 6-303, or 11-501 of this Code; or

20 (11) operation or use of a motor vehicle in the  
21 commission of, or in the attempt to commit, an offense in  
22 violation of Article 16 or 16A of the Criminal Code of 1961  
23 or the Criminal Code of 2012; or

24 (12) operation or use of a motor vehicle in the  
25 commission of, or in the attempt to commit, any other  
26 misdemeanor or felony offense in violation of the Criminal

1 Code of 1961 or the Criminal Code of 2012, when so provided  
2 by local ordinance.

3 (c) The following shall apply to any fees imposed for  
4 administrative and processing costs pursuant to subsection  
5 (b):

6 (1) All administrative fees and towing and storage  
7 charges shall be imposed on the registered owner of the  
8 motor vehicle or the agents of that owner.

9 (2) The fees shall be in addition to (i) any other  
10 penalties that may be assessed by a court of law for the  
11 underlying violations; and (ii) any towing or storage fees,  
12 or both, charged by the towing company.

13 (3) The fees shall be uniform for all similarly  
14 situated vehicles.

15 (4) The fees shall be collected by and paid to the  
16 municipality imposing the fees.

17 (5) The towing or storage fees, or both, shall be  
18 collected by and paid to the person, firm, or entity that  
19 tows and stores the impounded vehicle.

20 (d) Any ordinance establishing procedures for the release  
21 of properly impounded vehicles under this Section shall provide  
22 for an opportunity for a hearing, as provided in subdivision  
23 (b) (4) of Section 11-208.3 of this Code, and for the release of  
24 the vehicle to the owner of record, lessee, or a lienholder of  
25 record upon payment of all administrative fees and towing and  
26 storage fees.



1           (e) Any ordinance establishing procedures for the  
2 impoundment and release of vehicles under this Section shall  
3 include the following provisions concerning notice of  
4 impoundment:

5           (1) Whenever a police officer has cause to believe that  
6 a motor vehicle is subject to impoundment, the officer  
7 shall provide for the towing of the vehicle to a facility  
8 authorized by the municipality.

9           (2) At the time the vehicle is towed, the municipality  
10 shall notify or make a reasonable attempt to notify the  
11 owner, lessee, or person identifying himself or herself as  
12 the owner or lessee of the vehicle, or any person who is  
13 found to be in control of the vehicle at the time of the  
14 alleged offense, of the fact of the seizure, and of the  
15 vehicle owner's or lessee's right to an administrative  
16 hearing.

17           (3) The municipality shall also provide notice that the  
18 motor vehicle will remain impounded pending the completion  
19 of an administrative hearing, unless the owner or lessee of  
20 the vehicle or a lienholder posts with the municipality a  
21 bond equal to the administrative fee as provided by  
22 ordinance and pays for all towing and storage charges.

23           (f) Any ordinance establishing procedures for the  
24 impoundment and release of vehicles under this Section shall  
25 include a provision providing that the registered owner or  
26 lessee of the vehicle and any lienholder of record shall be

1 provided with a notice of hearing. The notice shall:

2 (1) be served upon the owner, lessee, and any  
3 lienholder of record either by personal service or by first  
4 class mail to the interested party's address as registered  
5 with the Secretary of State;

6 (2) be served upon interested parties within 10 days  
7 after a vehicle is impounded by the municipality; and

8 (3) contain the date, time, and location of the  
9 administrative hearing. An initial hearing shall be  
10 scheduled and convened no later than 45 days after the date  
11 of the mailing of the notice of hearing.

12 (g) In addition to the requirements contained in  
13 subdivision (b) (4) of Section 11-208.3 of this Code relating to  
14 administrative hearings, any ordinance providing for the  
15 impoundment and release of vehicles under this Section shall  
16 include the following requirements concerning administrative  
17 hearings:

18 (1) administrative hearings shall be conducted by a  
19 hearing officer who is an attorney licensed to practice law  
20 in this State for a minimum of 3 years;

21 (2) at the conclusion of the administrative hearing,  
22 the hearing officer shall issue a written decision either  
23 sustaining or overruling the vehicle impoundment;

24 (3) if the basis for the vehicle impoundment is  
25 sustained by the administrative hearing officer, any  
26 administrative fee posted to secure the release of the

1 vehicle shall be forfeited to the municipality;

2 (4) all final decisions of the administrative hearing  
3 officer shall be subject to review under the provisions of  
4 the Administrative Review Law; and

5 (5) unless the administrative hearing officer  
6 overturns the basis for the vehicle impoundment, no vehicle  
7 shall be released to the owner, lessee, or lienholder of  
8 record until all administrative fees and towing and storage  
9 charges are paid.

10 (h) Vehicles not retrieved from the towing facility or  
11 storage facility within 35 days after the administrative  
12 hearing officer issues a written decision shall be deemed  
13 abandoned and disposed of in accordance with the provisions of  
14 Article II of Chapter 4 of this Code.

15 (i) Unless stayed by a court of competent jurisdiction, any  
16 fine, penalty, or administrative fee imposed under this Section  
17 which remains unpaid in whole or in part after the expiration  
18 of the deadline for seeking judicial review under the  
19 Administrative Review Law may be enforced in the same manner as  
20 a judgment entered by a court of competent jurisdiction.

21 (Source: P.A. 97-109, eff. 1-1-12.)

22 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

23 Sec. 11-501. Driving while under the influence of alcohol,  
24 other drug or drugs, intoxicating compound or compounds or any  
25 combination thereof.

1 (a) A person shall not drive or be in actual physical  
2 control of any vehicle within this State while:

3 (1) the alcohol concentration in the person's blood or  
4 breath is 0.08 or more based on the definition of blood and  
5 breath units in Section 11-501.2;

6 (2) under the influence of alcohol;

7 (3) under the influence of any intoxicating compound or  
8 combination of intoxicating compounds to a degree that  
9 renders the person incapable of driving safely;

10 (4) under the influence of any other drug or  
11 combination of drugs to a degree that renders the person  
12 incapable of safely driving;

13 (5) under the combined influence of alcohol, other drug  
14 or drugs, or intoxicating compound or compounds to a degree  
15 that renders the person incapable of safely driving; or

16 (6) there is any amount of a drug, substance, or  
17 compound in the person's breath, blood, or urine resulting  
18 from the unlawful use or consumption of cannabis listed in  
19 the Cannabis Control Act, a controlled substance listed in  
20 the Illinois Controlled Substances Act, an intoxicating  
21 compound listed in the Use of Intoxicating Compounds Act,  
22 or methamphetamine as listed in the Methamphetamine  
23 Control and Community Protection Act.

24 (b) The fact that any person charged with violating this  
25 Section is or has been legally entitled to use alcohol, other  
26 drug or drugs, or intoxicating compound or compounds, or any

1 combination thereof, shall not constitute a defense against any  
2 charge of violating this Section.

3 (c) Penalties.

4 (1) Except as otherwise provided in this Section, any  
5 person convicted of violating subsection (a) of this  
6 Section is guilty of a Class A misdemeanor.

7 (2) A person who violates subsection (a) or a similar  
8 provision a second time shall be sentenced to a mandatory  
9 minimum term of either 5 days of imprisonment or 240 hours  
10 of community service in addition to any other criminal or  
11 administrative sanction.

12 (3) A person who violates subsection (a) is subject to  
13 6 months of imprisonment, an additional mandatory minimum  
14 fine of \$1,000, and 25 days of community service in a  
15 program benefiting children if the person was transporting  
16 a person under the age of 16 at the time of the violation.

17 (4) A person who violates subsection (a) a first time,  
18 if the alcohol concentration in his or her blood, breath,  
19 or urine was 0.16 or more based on the definition of blood,  
20 breath, or urine units in Section 11-501.2, shall be  
21 subject, in addition to any other penalty that may be  
22 imposed, to a mandatory minimum of 100 hours of community  
23 service and a mandatory minimum fine of \$500.

24 (5) A person who violates subsection (a) a second time,  
25 if at the time of the second violation the alcohol  
26 concentration in his or her blood, breath, or urine was

1           0.16 or more based on the definition of blood, breath, or  
2           urine units in Section 11-501.2, shall be subject, in  
3           addition to any other penalty that may be imposed, to a  
4           mandatory minimum of 2 days of imprisonment and a mandatory  
5           minimum fine of \$1,250.

6           (d) Aggravated driving under the influence of alcohol,  
7           other drug or drugs, or intoxicating compound or compounds, or  
8           any combination thereof.

9           (1) Every person convicted of committing a violation of  
10          this Section shall be guilty of aggravated driving under  
11          the influence of alcohol, other drug or drugs, or  
12          intoxicating compound or compounds, or any combination  
13          thereof if:

14               (A) the person committed a violation of subsection  
15               (a) or a similar provision for the third or subsequent  
16               time;

17               (B) the person committed a violation of subsection  
18               (a) while driving a school bus with persons 18 years of  
19               age or younger on board;

20               (C) the person in committing a violation of  
21               subsection (a) was involved in a motor vehicle accident  
22               that resulted in great bodily harm or permanent  
23               disability or disfigurement to another, when the  
24               violation was a proximate cause of the injuries;

25               (D) the person committed a violation of subsection  
26               (a) and has been previously convicted of violating

1 Section 9-3 of the Criminal Code of 1961 or the  
2 Criminal Code of 2012 or a similar provision of a law  
3 of another state relating to reckless homicide in which  
4 the person was determined to have been under the  
5 influence of alcohol, other drug or drugs, or  
6 intoxicating compound or compounds as an element of the  
7 offense or the person has previously been convicted  
8 under subparagraph (C) or subparagraph (F) of this  
9 paragraph (1);

10 (E) the person, in committing a violation of  
11 subsection (a) while driving at any speed in a school  
12 speed zone at a time when a speed limit of 20 miles per  
13 hour was in effect under subsection (a) of Section  
14 11-605 of this Code, was involved in a motor vehicle  
15 accident that resulted in bodily harm, other than great  
16 bodily harm or permanent disability or disfigurement,  
17 to another person, when the violation of subsection (a)  
18 was a proximate cause of the bodily harm;

19 (F) the person, in committing a violation of  
20 subsection (a), was involved in a motor vehicle,  
21 snowmobile, all-terrain vehicle, or watercraft  
22 accident that resulted in the death of another person,  
23 when the violation of subsection (a) was a proximate  
24 cause of the death;

25 (G) the person committed a violation of subsection  
26 (a) during a period in which the defendant's driving

1           privileges are revoked or suspended, where the  
2           revocation or suspension was for a violation of  
3           subsection (a) or a similar provision, Section  
4           11-501.1, paragraph (b) of Section 11-401, or for  
5           reckless homicide as defined in Section 9-3 of the  
6           Criminal Code of 1961 or the Criminal Code of 2012;

7           (H) the person committed the violation while he or  
8           she did not possess a driver's license or permit or a  
9           restricted driving permit or a judicial driving permit  
10          or a monitoring device driving permit;

11          (I) the person committed the violation while he or  
12          she knew or should have known that the vehicle he or  
13          she was driving was not covered by a liability  
14          insurance policy;

15          (J) the person in committing a violation of  
16          subsection (a) was involved in a motor vehicle accident  
17          that resulted in bodily harm, but not great bodily  
18          harm, to the child under the age of 16 being  
19          transported by the person, if the violation was the  
20          proximate cause of the injury; or

21          (K) the person in committing a second violation of  
22          subsection (a) or a similar provision was transporting  
23          a person under the age of 16.

24          (2) (A) Except as provided otherwise, a person  
25          convicted of aggravated driving under the influence of  
26          alcohol, other drug or drugs, or intoxicating compound or



1 compounds, or any combination thereof is guilty of a Class  
2 4 felony.

3 (B) A third violation of this Section or a similar  
4 provision is a Class 2 felony. If at the time of the third  
5 violation the alcohol concentration in his or her blood,  
6 breath, or urine was 0.16 or more based on the definition  
7 of blood, breath, or urine units in Section 11-501.2, a  
8 mandatory minimum of 90 days of imprisonment and a  
9 mandatory minimum fine of \$2,500 shall be imposed in  
10 addition to any other criminal or administrative sanction.  
11 If at the time of the third violation, the defendant was  
12 transporting a person under the age of 16, a mandatory fine  
13 of \$25,000 and 25 days of community service in a program  
14 benefiting children shall be imposed in addition to any  
15 other criminal or administrative sanction.

16 (C) A fourth violation of this Section or a similar  
17 provision is a Class 2 felony, for which a sentence of  
18 probation or conditional discharge may not be imposed. If  
19 at the time of the violation, the alcohol concentration in  
20 the defendant's blood, breath, or urine was 0.16 or more  
21 based on the definition of blood, breath, or urine units in  
22 Section 11-501.2, a mandatory minimum fine of \$5,000 shall  
23 be imposed in addition to any other criminal or  
24 administrative sanction. If at the time of the fourth  
25 violation, the defendant was transporting a person under  
26 the age of 16 a mandatory fine of \$25,000 and 25 days of

1 community service in a program benefiting children shall be  
2 imposed in addition to any other criminal or administrative  
3 sanction.

4 (D) A fifth violation of this Section or a similar  
5 provision is a Class 1 felony, for which a sentence of  
6 probation or conditional discharge may not be imposed. If  
7 at the time of the violation, the alcohol concentration in  
8 the defendant's blood, breath, or urine was 0.16 or more  
9 based on the definition of blood, breath, or urine units in  
10 Section 11-501.2, a mandatory minimum fine of \$5,000 shall  
11 be imposed in addition to any other criminal or  
12 administrative sanction. If at the time of the fifth  
13 violation, the defendant was transporting a person under  
14 the age of 16, a mandatory fine of \$25,000, and 25 days of  
15 community service in a program benefiting children shall be  
16 imposed in addition to any other criminal or administrative  
17 sanction.

18 (E) A sixth or subsequent violation of this Section or  
19 similar provision is a Class X felony. If at the time of  
20 the violation, the alcohol concentration in the  
21 defendant's blood, breath, or urine was 0.16 or more based  
22 on the definition of blood, breath, or urine units in  
23 Section 11-501.2, a mandatory minimum fine of \$5,000 shall  
24 be imposed in addition to any other criminal or  
25 administrative sanction. If at the time of the violation,  
26 the defendant was transporting a person under the age of

1 16, a mandatory fine of \$25,000 and 25 days of community  
2 service in a program benefiting children shall be imposed  
3 in addition to any other criminal or administrative  
4 sanction.

5 (F) For a violation of subparagraph (C) of paragraph  
6 (1) of this subsection (d), the defendant, if sentenced to  
7 a term of imprisonment, shall be sentenced to not less than  
8 one year nor more than 12 years.

9 (G) A violation of subparagraph (F) of paragraph (1) of  
10 this subsection (d) is a Class 2 felony, for which the  
11 defendant, unless the court determines that extraordinary  
12 circumstances exist and require probation, shall be  
13 sentenced to: (i) a term of imprisonment of not less than 3  
14 years and not more than 14 years if the violation resulted  
15 in the death of one person; or (ii) a term of imprisonment  
16 of not less than 6 years and not more than 28 years if the  
17 violation resulted in the deaths of 2 or more persons.

18 (H) For a violation of subparagraph (J) of paragraph  
19 (1) of this subsection (d), a mandatory fine of \$2,500, and  
20 25 days of community service in a program benefiting  
21 children shall be imposed in addition to any other criminal  
22 or administrative sanction.

23 (I) A violation of subparagraph (K) of paragraph (1) of  
24 this subsection (d), is a Class 2 felony and a mandatory  
25 fine of \$2,500, and 25 days of community service in a  
26 program benefiting children shall be imposed in addition to

1 any other criminal or administrative sanction. If the child  
2 being transported suffered bodily harm, but not great  
3 bodily harm, in a motor vehicle accident, and the violation  
4 was the proximate cause of that injury, a mandatory fine of  
5 \$5,000 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 (J) A violation of subparagraph (D) of paragraph (1) of  
9 this subsection (d) is a Class 3 felony, for which a  
10 sentence of probation or conditional discharge may not be  
11 imposed.

12 (3) Any person sentenced under this subsection (d) who  
13 receives a term of probation or conditional discharge must  
14 serve a minimum term of either 480 hours of community  
15 service or 10 days of imprisonment as a condition of the  
16 probation or conditional discharge in addition to any other  
17 criminal or administrative sanction.

18 (e) Any reference to a prior violation of subsection (a) or  
19 a similar provision includes any violation of a provision of a  
20 local ordinance or a provision of a law of another state or an  
21 offense committed on a military installation that is similar to  
22 a violation of subsection (a) of this Section.

23 (f) The imposition of a mandatory term of imprisonment or  
24 assignment of community service for a violation of this Section  
25 shall not be suspended or reduced by the court.

26 (g) Any penalty imposed for driving with a license that has

1 been revoked for a previous violation of subsection (a) of this  
2 Section shall be in addition to the penalty imposed for any  
3 subsequent violation of subsection (a).

4 (h) For any prosecution under this Section, a certified  
5 copy of the driving abstract of the defendant shall be admitted  
6 as proof of any prior conviction.

7 (Source: P.A. 95-149, eff. 8-14-07; 95-355, eff. 1-1-08;  
8 95-400, eff. 1-1-09; 95-578, eff. 6-1-08; 95-778, eff. 8-4-08;  
9 95-876, eff. 8-21-08; 96-289, eff. 8-11-09.)

10 (625 ILCS 5/11-501.1)

11 Sec. 11-501.1. Suspension of drivers license; statutory  
12 summary alcohol, other drug or drugs, or intoxicating compound  
13 or compounds related suspension or revocation; implied  
14 consent.

15 (a) Any person who drives or is in actual physical control  
16 of a motor vehicle upon the public highways of this State shall  
17 be deemed to have given consent, subject to the provisions of  
18 Section 11-501.2, to a chemical test or tests of blood, breath,  
19 or urine for the purpose of determining the content of alcohol,  
20 other drug or drugs, or intoxicating compound or compounds or  
21 any combination thereof in the person's blood if arrested, as  
22 evidenced by the issuance of a Uniform Traffic Ticket, for any  
23 offense as defined in Section 11-501 or a similar provision of  
24 a local ordinance, or if arrested for violating Section 11-401.  
25 If a law enforcement officer has probable cause to believe the

1 person was under the influence of alcohol, other drug or drugs,  
2 intoxicating compound or compounds, or any combination  
3 thereof, the law enforcement officer shall request a chemical  
4 test or tests which shall be administered at the direction of  
5 the arresting officer. The law enforcement agency employing the  
6 officer shall designate which of the aforesaid tests shall be  
7 administered. A urine test may be administered even after a  
8 blood or breath test or both has been administered. For  
9 purposes of this Section, an Illinois law enforcement officer  
10 of this State who is investigating the person for any offense  
11 defined in Section 11-501 may travel into an adjoining state,  
12 where the person has been transported for medical care, to  
13 complete an investigation and to request that the person submit  
14 to the test or tests set forth in this Section. The  
15 requirements of this Section that the person be arrested are  
16 inapplicable, but the officer shall issue the person a Uniform  
17 Traffic Ticket for an offense as defined in Section 11-501 or a  
18 similar provision of a local ordinance prior to requesting that  
19 the person submit to the test or tests. The issuance of the  
20 Uniform Traffic Ticket shall not constitute an arrest, but  
21 shall be for the purpose of notifying the person that he or she  
22 is subject to the provisions of this Section and of the  
23 officer's belief of the existence of probable cause to arrest.  
24 Upon returning to this State, the officer shall file the  
25 Uniform Traffic Ticket with the Circuit Clerk of the county  
26 where the offense was committed, and shall seek the issuance of

1 an arrest warrant or a summons for the person.

2 (b) Any person who is dead, unconscious, or who is  
3 otherwise in a condition rendering the person incapable of  
4 refusal, shall be deemed not to have withdrawn the consent  
5 provided by paragraph (a) of this Section and the test or tests  
6 may be administered, subject to the provisions of Section  
7 11-501.2.

8 (c) A person requested to submit to a test as provided  
9 above shall be warned by the law enforcement officer requesting  
10 the test that a refusal to submit to the test will result in  
11 the statutory summary suspension of the person's privilege to  
12 operate a motor vehicle, as provided in Section 6-208.1 of this  
13 Code, and will also result in the disqualification of the  
14 person's privilege to operate a commercial motor vehicle, as  
15 provided in Section 6-514 of this Code, if the person is a CDL  
16 holder. The person shall also be warned that a refusal to  
17 submit to the test, when the person was involved in a motor  
18 vehicle accident that caused personal injury or death to  
19 another, will result in the statutory summary revocation of the  
20 person's privilege to operate a motor vehicle, as provided in  
21 Section 6-208.1, and will also result in the disqualification  
22 of the person's privilege to operate a commercial motor  
23 vehicle, as provided in Section 6-514 of this Code, if the  
24 person is a CDL holder. The person shall also be warned by the  
25 law enforcement officer that if the person submits to the test  
26 or tests provided in paragraph (a) of this Section and the

1 alcohol concentration in the person's blood or breath is 0.08  
2 or greater, or any amount of a drug, substance, or compound  
3 resulting from the unlawful use or consumption of cannabis as  
4 covered by the Cannabis Control Act, a controlled substance  
5 listed in the Illinois Controlled Substances Act, an  
6 intoxicating compound listed in the Use of Intoxicating  
7 Compounds Act, or methamphetamine as listed in the  
8 Methamphetamine Control and Community Protection Act is  
9 detected in the person's blood or urine, a statutory summary  
10 suspension of the person's privilege to operate a motor  
11 vehicle, as provided in Sections 6-208.1 and 11-501.1 of this  
12 Code, and a disqualification of the person's privilege to  
13 operate a commercial motor vehicle, as provided in Section  
14 6-514 of this Code, if the person is a CDL holder, will be  
15 imposed.

16 A person who is under the age of 21 at the time the person  
17 is requested to submit to a test as provided above shall, in  
18 addition to the warnings provided for in this Section, be  
19 further warned by the law enforcement officer requesting the  
20 test that if the person submits to the test or tests provided  
21 in paragraph (a) of this Section and the alcohol concentration  
22 in the person's blood or breath is greater than 0.00 and less  
23 than 0.08, a suspension of the person's privilege to operate a  
24 motor vehicle, as provided under Sections 6-208.2 and 11-501.8  
25 of this Code, will be imposed. The results of this test shall  
26 be admissible in a civil or criminal action or proceeding



1 arising from an arrest for an offense as defined in Section  
2 11-501 of this Code or a similar provision of a local ordinance  
3 or pursuant to Section 11-501.4 in prosecutions for reckless  
4 homicide brought under the Criminal Code of 1961 or the  
5 Criminal Code of 2012. These test results, however, shall be  
6 admissible only in actions or proceedings directly related to  
7 the incident upon which the test request was made.

8 (d) If the person refuses testing or submits to a test that  
9 discloses an alcohol concentration of 0.08 or more, or any  
10 amount of a drug, substance, or intoxicating compound in the  
11 person's breath, blood, or urine resulting from the unlawful  
12 use or consumption of cannabis listed in the Cannabis Control  
13 Act, a controlled substance listed in the Illinois Controlled  
14 Substances Act, an intoxicating compound listed in the Use of  
15 Intoxicating Compounds Act, or methamphetamine as listed in the  
16 Methamphetamine Control and Community Protection Act, the law  
17 enforcement officer shall immediately submit a sworn report to  
18 the circuit court of venue and the Secretary of State,  
19 certifying that the test or tests was or were requested under  
20 paragraph (a) and the person refused to submit to a test, or  
21 tests, or submitted to testing that disclosed an alcohol  
22 concentration of 0.08 or more.

23 (e) Upon receipt of the sworn report of a law enforcement  
24 officer submitted under paragraph (d), the Secretary of State  
25 shall enter the statutory summary suspension or revocation and  
26 disqualification for the periods specified in Sections 6-208.1

1 and 6-514, respectively, and effective as provided in paragraph  
2 (g).

3 If the person is a first offender as defined in Section  
4 11-500 of this Code, and is not convicted of a violation of  
5 Section 11-501 of this Code or a similar provision of a local  
6 ordinance, then reports received by the Secretary of State  
7 under this Section shall, except during the actual time the  
8 Statutory Summary Suspension is in effect, be privileged  
9 information and for use only by the courts, police officers,  
10 prosecuting authorities or the Secretary of State, unless the  
11 person is a CDL holder, is operating a commercial motor vehicle  
12 or vehicle required to be placarded for hazardous materials, in  
13 which case the suspension shall not be privileged. Reports  
14 received by the Secretary of State under this Section shall  
15 also be made available to the parent or guardian of a person  
16 under the age of 18 years that holds an instruction permit or a  
17 graduated driver's license, regardless of whether the  
18 statutory summary suspension is in effect. A statutory summary  
19 revocation shall not be privileged information.

20 (f) The law enforcement officer submitting the sworn report  
21 under paragraph (d) shall serve immediate notice of the  
22 statutory summary suspension or revocation on the person and  
23 the suspension or revocation and disqualification shall be  
24 effective as provided in paragraph (g). In cases where the  
25 blood alcohol concentration of 0.08 or greater or any amount of  
26 a drug, substance, or compound resulting from the unlawful use

1 or consumption of cannabis as covered by the Cannabis Control  
2 Act, a controlled substance listed in the Illinois Controlled  
3 Substances Act, an intoxicating compound listed in the Use of  
4 Intoxicating Compounds Act, or methamphetamine as listed in the  
5 Methamphetamine Control and Community Protection Act is  
6 established by a subsequent analysis of blood or urine  
7 collected at the time of arrest, the arresting officer or  
8 arresting agency shall give notice as provided in this Section  
9 or by deposit in the United States mail of the notice in an  
10 envelope with postage prepaid and addressed to the person at  
11 his address as shown on the Uniform Traffic Ticket and the  
12 statutory summary suspension and disqualification shall begin  
13 as provided in paragraph (g). The officer shall confiscate any  
14 Illinois driver's license or permit on the person at the time  
15 of arrest. If the person has a valid driver's license or  
16 permit, the officer shall issue the person a receipt, in a form  
17 prescribed by the Secretary of State, that will allow that  
18 person to drive during the periods provided for in paragraph  
19 (g). The officer shall immediately forward the driver's license  
20 or permit to the circuit court of venue along with the sworn  
21 report provided for in paragraph (d).

22 (g) The statutory summary suspension or revocation and  
23 disqualification referred to in this Section shall take effect  
24 on the 46th day following the date the notice of the statutory  
25 summary suspension or revocation was given to the person.

26 (h) The following procedure shall apply whenever a person

1 is arrested for any offense as defined in Section 11-501 or a  
2 similar provision of a local ordinance:

3       Upon receipt of the sworn report from the law enforcement  
4 officer, the Secretary of State shall confirm the statutory  
5 summary suspension or revocation by mailing a notice of the  
6 effective date of the suspension or revocation to the person  
7 and the court of venue. The Secretary of State shall also mail  
8 notice of the effective date of the disqualification to the  
9 person. However, should the sworn report be defective by not  
10 containing sufficient information or be completed in error, the  
11 confirmation of the statutory summary suspension or revocation  
12 shall not be mailed to the person or entered to the record;  
13 instead, the sworn report shall be forwarded to the court of  
14 venue with a copy returned to the issuing agency identifying  
15 any defect.

16       (i) As used in this Section, "personal injury" includes any  
17 Type A injury as indicated on the traffic accident report  
18 completed by a law enforcement officer that requires immediate  
19 professional attention in either a doctor's office or a medical  
20 facility. A Type A injury includes severely bleeding wounds,  
21 distorted extremities, and injuries that require the injured  
22 party to be carried from the scene.

23       (Source: P.A. 96-1080, eff. 7-16-10; 96-1344, eff. 7-1-11;  
24 97-333, eff. 8-12-11; 97-471, eff. 8-22-11.)

1           Sec. 11-501.4. Admissibility of chemical tests of blood or  
2 urine conducted in the regular course of providing emergency  
3 medical treatment.

4           (a) Notwithstanding any other provision of law, the results  
5 of blood or urine tests performed for the purpose of  
6 determining the content of alcohol, other drug or drugs, or  
7 intoxicating compound or compounds, or any combination  
8 thereof, of an individual's blood or urine conducted upon  
9 persons receiving medical treatment in a hospital emergency  
10 room are admissible in evidence as a business record exception  
11 to the hearsay rule only in prosecutions for any violation of  
12 Section 11-501 of this Code or a similar provision of a local  
13 ordinance, or in prosecutions for reckless homicide brought  
14 under the Criminal Code of 1961 or the Criminal Code of 2012,  
15 when each of the following criteria are met:

16           (1) the chemical tests performed upon an individual's  
17 blood or urine were ordered in the regular course of  
18 providing emergency medical treatment and not at the  
19 request of law enforcement authorities;

20           (2) the chemical tests performed upon an individual's  
21 blood or urine were performed by the laboratory routinely  
22 used by the hospital; and

23           (3) results of chemical tests performed upon an  
24 individual's blood or urine are admissible into evidence  
25 regardless of the time that the records were prepared.

26           (b) The confidentiality provisions of law pertaining to

1 medical records and medical treatment shall not be applicable  
2 with regard to chemical tests performed upon an individual's  
3 blood or urine under the provisions of this Section in  
4 prosecutions as specified in subsection (a) of this Section. No  
5 person shall be liable for civil damages as a result of the  
6 evidentiary use of chemical testing of an individual's blood or  
7 urine test results under this Section, or as a result of that  
8 person's testimony made available under this Section.

9 (Source: P.A. 96-289, eff. 8-11-09.)

10 (625 ILCS 5/11-501.4-1)

11 Sec. 11-501.4-1. Reporting of test results of blood or  
12 urine conducted in the regular course of providing emergency  
13 medical treatment.

14 (a) Notwithstanding any other provision of law, the results  
15 of blood or urine tests performed for the purpose of  
16 determining the content of alcohol, other drug or drugs, or  
17 intoxicating compound or compounds, or any combination  
18 thereof, in an individual's blood or urine conducted upon  
19 persons receiving medical treatment in a hospital emergency  
20 room for injuries resulting from a motor vehicle accident shall  
21 be disclosed to the Department of State Police or local law  
22 enforcement agencies of jurisdiction, upon request. Such blood  
23 or urine tests are admissible in evidence as a business record  
24 exception to the hearsay rule only in prosecutions for any  
25 violation of Section 11-501 of this Code or a similar provision

1 of a local ordinance, or in prosecutions for reckless homicide  
2 brought under the Criminal Code of 1961 or the Criminal Code of  
3 2012.

4 (b) The confidentiality provisions of law pertaining to  
5 medical records and medical treatment shall not be applicable  
6 with regard to tests performed upon an individual's blood or  
7 urine under the provisions of subsection (a) of this Section.  
8 No person shall be liable for civil damages or professional  
9 discipline as a result of the disclosure or reporting of the  
10 tests or the evidentiary use of an individual's blood or urine  
11 test results under this Section or Section 11-501.4 or as a  
12 result of that person's testimony made available under this  
13 Section or Section 11-501.4, except for willful or wanton  
14 misconduct.

15 (Source: P.A. 90-779, eff. 1-1-99; 91-125, eff. 1-1-00.)

16 (625 ILCS 5/12-612)

17 Sec. 12-612. False or secret compartment in a vehicle.

18 (a) Offenses. It is unlawful for any person:

19 (1) to own or operate with criminal intent any vehicle  
20 he or she knows to contain a false or secret compartment  
21 that is used or has been used to conceal a firearm as  
22 prohibited by paragraph (a) (4) of Section 24-1 or paragraph  
23 (a) (1) of Section 24-1.6 of the Criminal Code of 2012 ~~1961~~,  
24 or controlled substance as prohibited by the Illinois  
25 Controlled Substances Act or the Methamphetamine Control

1 and Community Protection Act; or

2 (2) to install, create, build, or fabricate in any  
3 vehicle a false or secret compartment knowing that another  
4 person intends to use the compartment to conceal a firearm  
5 as prohibited by paragraph (a)(4) of Section 24-1 of the  
6 Criminal Code of 2012 ~~1961~~, or controlled substance as  
7 prohibited by the Illinois Controlled Substances Act or the  
8 Methamphetamine Control and Community Protection Act.

9 (b) Definitions. For purposes of this Section:

10 (1) "False or secret compartment" means an enclosure  
11 integrated into a vehicle that is a modification of the  
12 vehicle as built by the original manufacturer.

13 (2) "Vehicle" means any of the following vehicles  
14 without regard to whether the vehicles are private or  
15 commercial, including, but not limited to, cars, trucks,  
16 buses, aircraft, and watercraft.

17 (c) Forfeiture. Any vehicle containing a false or secret  
18 compartment used in violation of this Section, as well as any  
19 items within that compartment, shall be subject to seizure by  
20 the Department of State Police or by any municipal or other  
21 local law enforcement agency within whose jurisdiction that  
22 property is found as provided in Sections 36-1 and 36-2 of the  
23 Criminal Code of 2012 ~~1961~~ (720 ILCS 5/36-1 and 5/36-2). The  
24 removal of the false or secret compartment from the vehicle, or  
25 the promise to do so, shall not be the basis for a defense to  
26 forfeiture of the motor vehicle under Section 36-2 of the



1 Criminal Code of 2012 ~~1961~~ and shall not be the basis for the  
2 court to release the vehicle to the owner.

3 (d) Sentence. A violation of this Section is a Class 4  
4 felony. The sentence imposed for violation of this Section  
5 shall be served consecutively to any other sentence imposed in  
6 connection with the firearm, controlled substance, or other  
7 contraband concealed in the false or secret compartment.

8 (e) For purposes of this Section, a new owner is not  
9 responsible for any conduct that occurred or knowledge of  
10 conduct that occurred prior to transfer of title.

11 (Source: P.A. 96-202, eff. 1-1-10.)

12 (625 ILCS 5/16-108)

13 Sec. 16-108. Claims of diplomatic immunity.

14 (a) This Section applies only to an individual that  
15 displays to a police officer a driver's license issued by the  
16 U.S. Department of State or that otherwise claims immunities or  
17 privileges under Title 22, Chapter 6 of the United States Code  
18 with respect to the individual's violation of Section 9-3 or  
19 Section 9-3.2 of the Criminal Code of 2012 ~~1961~~ or his or her  
20 violation of a traffic regulation governing the movement of  
21 vehicles under this Code or a similar provision of a local  
22 ordinance.

23 (b) If a driver subject to this Section is stopped by a  
24 police officer that has probable cause to believe that the  
25 driver has committed a violation described in subsection (a) of

1 this Section, the police officer shall:

2 (1) as soon as practicable contact the U.S. Department  
3 of State office in order to verify the driver's status and  
4 immunity, if any;

5 (2) record all relevant information from any driver's  
6 license or identification card, including a driver's  
7 license or identification card issued by the U.S.  
8 Department of State; and

9 (3) within 5 workdays after the date of the stop,  
10 forward the following to the Secretary of State of  
11 Illinois:

12 (A) a vehicle accident report, if the driver was  
13 involved in a vehicle accident;

14 (B) if a citation or charge was issued to the  
15 driver, a copy of the citation or charge; and

16 (C) if a citation or charge was not issued to the  
17 driver, a written report of the incident.

18 (c) Upon receiving material submitted under paragraph (3)  
19 of subsection (b) of this Section, the Secretary of State  
20 shall:

21 (1) file each vehicle accident report, citation or  
22 charge, and incident report received;

23 (2) keep convenient records or make suitable notations  
24 showing each:

25 (A) conviction;

26 (B) disposition of court supervision for any

1 violation of Section 11-501 of this Code; and

2 (C) vehicle accident; and

3 (3) send a copy of each document and record described  
4 in paragraph (2) of this subsection (c) to the Bureau of  
5 Diplomatic Security, Office of Foreign Missions, of the  
6 U.S. Department of State.

7 (d) This Section does not prohibit or limit the application  
8 of any law to a criminal or motor vehicle violation by an  
9 individual who has or claims immunities or privileges under  
10 Title 22, Chapter 6 of the United States Code.

11 (Source: P.A. 92-160, eff. 7-25-01.)

12 Section 580. The Snowmobile Registration and Safety Act is  
13 amended by changing Sections 5-7.4 and 5-7.6 as follows:

14 (625 ILCS 40/5-7.4)

15 Sec. 5-7.4. Admissibility of chemical tests of blood or  
16 urine conducted in the regular course of providing emergency  
17 medical treatment.

18 (a) Notwithstanding any other provision of law, the results  
19 of blood or urine tests performed for the purpose of  
20 determining the content of alcohol, other drug or drugs,  
21 intoxicating compound or compounds, or any combination of them  
22 in an individual's blood or urine conducted upon persons  
23 receiving medical treatment in a hospital emergency room, are  
24 admissible in evidence as a business record exception to the

1 hearsay rule only in prosecutions for a violation of Section  
2 5-7 of this Act or a similar provision of a local ordinance or  
3 in prosecutions for reckless homicide brought under the  
4 Criminal Code of 1961 or the Criminal Code of 2012.

5 The results of the tests are admissible only when each of  
6 the following criteria are met:

7 1. The chemical tests performed upon an individual's  
8 blood or urine were ordered in the regular course of  
9 providing emergency treatment and not at the request of law  
10 enforcement authorities; and

11 2. The chemical tests performed upon an individual's  
12 blood or urine were performed by the laboratory routinely  
13 used by the hospital.

14 3. (Blank).

15 Results of chemical tests performed upon an individual's  
16 blood or urine are admissible into evidence regardless of the  
17 time that the records were prepared.

18 (b) The confidentiality provisions of law pertaining to  
19 medical records and medical treatment are not applicable with  
20 regard to chemical tests performed upon a person's blood or  
21 urine under the provisions of this Section in prosecutions as  
22 specified in subsection (a) of this Section. No person shall be  
23 liable for civil damages as a result of the evidentiary use of  
24 the results of chemical testing of the individual's blood or  
25 urine under this Section or as a result of that person's  
26 testimony made available under this Section.

1 (Source: P.A. 96-289, eff. 8-11-09.)

2 (625 ILCS 40/5-7.6)

3 Sec. 5-7.6. Reporting of test results of blood or urine  
4 conducted in the regular course of providing emergency medical  
5 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,  
9 intoxicating compound or compounds, or any combination of them  
10 in an individual's blood or urine, conducted upon persons  
11 receiving medical treatment in a hospital emergency room for  
12 injuries resulting from a snowmobile accident, shall be  
13 disclosed to the Department of Natural Resources, or local law  
14 enforcement agencies of jurisdiction, upon request. The blood  
15 or urine tests are admissible in evidence as a business record  
16 exception to the hearsay rule only in prosecutions for  
17 violations of Section 5-7 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 the 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 disclosure or reporting of the tests  
2 or the evidentiary use of an individual's blood or urine test  
3 results under this Section or Section 5-7.4 or as a result of  
4 that person's testimony made available under this Section or  
5 Section 5-7.4, except for willful or wanton misconduct.

6 (Source: P.A. 93-156, eff. 1-1-04.)

7 Section 585. The Boat Registration and Safety Act is  
8 amended by changing Sections 5-16a and 5-16a.1 as follows:

9 (625 ILCS 45/5-16a) (from Ch. 95 1/2, par. 315-11a)

10 Sec. 5-16a. Admissibility of chemical tests of blood or  
11 urine conducted in the regular course of providing emergency  
12 medical treatment.

13 (a) Notwithstanding any other provision of law, the written  
14 results of blood or urine alcohol tests 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 any violation of Section  
18 5-16 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, when:

21 (1) the chemical tests performed upon an individual's  
22 blood or urine were ordered in the regular course of  
23 providing emergency treatment and not at the request of law  
24 enforcement authorities; and

1           (2) the chemical tests performed upon an individual's  
2           blood or urine were performed by the laboratory routinely  
3           used by the hospital.

4           Results of chemical tests performed upon an individual's  
5           blood or urine are admissible into evidence regardless of the  
6           time that the records were prepared.

7           (b) The confidentiality provisions of law pertaining to  
8           medical records and medical treatment shall not be applicable  
9           with regard to chemical tests performed upon an individual's  
10          blood or urine under the provisions of this Section in  
11          prosecutions as specified in subsection (a) of this Section. No  
12          person shall be liable for civil damages as a result of the  
13          evidentiary use of the results of chemical testing of an  
14          individual's blood or urine under this Section or as a result  
15          of that person's testimony made available under this Section.

16          (Source: P.A. 96-289, eff. 8-11-09.)

17                 (625 ILCS 45/5-16a.1)

18                 Sec. 5-16a.1. Reporting of test results of blood or urine  
19                 conducted in the regular course of providing emergency medical  
20                 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,  
24                 intoxicating compound or compounds, or any combination of them  
25                 in an individual's blood or urine, conducted upon persons

1 receiving medical treatment in a hospital emergency room for  
2 injuries resulting from a boating accident, shall be disclosed  
3 to the Department of Natural Resources or local law enforcement  
4 agencies of jurisdiction, upon request. The blood or urine  
5 tests are admissible in evidence as a business record exception  
6 to the hearsay rule only in prosecutions for violations of  
7 Section 5-16 of this Code or a similar provision of a local  
8 ordinance, or in prosecutions for reckless homicide brought  
9 under the Criminal Code of 1961 or the Criminal Code of 2012.

10 (b) The confidentiality provisions of the law pertaining to  
11 medical records and medical treatment shall not be applicable  
12 with regard to tests performed upon an individual's blood or  
13 urine under the provisions of subsection (a) of this Section.  
14 No person is liable for civil damages or professional  
15 discipline as a result of disclosure or reporting of the tests  
16 or the evidentiary use of an individual's blood or urine test  
17 results under this Section or Section 5-16a, or as a result of  
18 that person's testimony made available under this Section or  
19 Section 5-16a, except for willful or wanton misconduct.

20 (Source: P.A. 93-156, eff. 1-1-04.)

21 Section 590. The Clerks of Courts Act is amended by  
22 changing Sections 27.3a, 27.5, and 27.6 as follows:

23 (705 ILCS 105/27.3a)

24 Sec. 27.3a. Fees for automated record keeping, probation



1 and court services operations, and State and Conservation  
2 Police operations.

3 1. The expense of establishing and maintaining automated  
4 record keeping systems in the offices of the clerks of the  
5 circuit court shall be borne by the county. To defray such  
6 expense in any county having established such an automated  
7 system or which elects to establish such a system, the county  
8 board may require the clerk of the circuit court in their  
9 county to charge and collect a court automation fee of not less  
10 than \$1 nor more than \$15 to be charged and collected by the  
11 clerk of the court. Such fee shall be paid at the time of  
12 filing the first pleading, paper or other appearance filed by  
13 each party in all civil cases or by the defendant in any  
14 felony, traffic, misdemeanor, municipal ordinance, or  
15 conservation case upon a judgment of guilty or grant of  
16 supervision, provided that the record keeping system which  
17 processes the case category for which the fee is charged is  
18 automated or has been approved for automation by the county  
19 board, and provided further that no additional fee shall be  
20 required if more than one party is presented in a single  
21 pleading, paper or other appearance. Such fee shall be  
22 collected in the manner in which all other fees or costs are  
23 collected.

24 1.1. Starting on July 6, 2012 (the effective date of Public  
25 Act 97-761) ~~this amendatory Act of the 97th General Assembly~~  
26 and pursuant to an administrative order from the chief judge of

1 the circuit or the presiding judge of the county authorizing  
2 such collection, a clerk of the circuit court in any county  
3 that imposes a fee pursuant to subsection 1 of this Section  
4 shall also charge and collect an additional \$10 operations fee  
5 for probation and court services department operations.

6 This additional fee shall be paid by the defendant in any  
7 felony, traffic, misdemeanor, local ordinance, or conservation  
8 case upon a judgment of guilty or grant of supervision, except  
9 such \$10 operations fee shall not be charged and collected in  
10 cases governed by Supreme Court Rule 529 in which the bail  
11 amount is \$120 or less.

12 1.2. With respect to the fee imposed and collected under  
13 subsection 1.1 of this Section, each clerk shall transfer all  
14 fees monthly to the county treasurer for deposit into the  
15 probation and court services fund created under Section 15.1 of  
16 the Probation and Probation Officers Act, and such monies shall  
17 be disbursed from the fund only at the direction of the chief  
18 judge of the circuit or another judge designated by the Chief  
19 Circuit Judge in accordance with the policies and guidelines  
20 approved by the Supreme Court.

21 1.5. Starting on the effective date of this amendatory Act  
22 of the 96th General Assembly, a clerk of the circuit court in  
23 any county that imposes a fee pursuant to subsection 1 of this  
24 Section, shall charge and collect an additional fee in an  
25 amount equal to the amount of the fee imposed pursuant to  
26 subsection 1 of this Section. This additional fee shall be paid

1 by the defendant in any felony, traffic, misdemeanor, or local  
2 ordinance case upon a judgment of guilty or grant of  
3 supervision. This fee shall not be paid by the defendant for  
4 any conservation violation listed in subsection 1.6 of this  
5 Section.

6 1.6. Starting on July 1, 2012 (the effective date of Public  
7 Act 97-46), a clerk of the circuit court in any county that  
8 imposes a fee pursuant to subsection 1 of this Section shall  
9 charge and collect an additional fee in an amount equal to the  
10 amount of the fee imposed pursuant to subsection 1 of this  
11 Section. This additional fee shall be paid by the defendant  
12 upon a judgment of guilty or grant of supervision for a  
13 conservation violation under the State Parks Act, the  
14 Recreational Trails of Illinois Act, the Illinois Explosives  
15 Act, the Timber Buyers Licensing Act, the Forest Products  
16 Transportation Act, the Firearm Owners Identification Card  
17 Act, the Environmental Protection Act, the Fish and Aquatic  
18 Life Code, the Wildlife Code, the Cave Protection Act, the  
19 Illinois Exotic Weed Act, the Illinois Forestry Development  
20 Act, the Ginseng Harvesting Act, the Illinois Lake Management  
21 Program Act, the Illinois Natural Areas Preservation Act, the  
22 Illinois Open Land Trust Act, the Open Space Lands Acquisition  
23 and Development Act, the Illinois Prescribed Burning Act, the  
24 State Forest Act, the Water Use Act of 1983, the Illinois  
25 Veteran, Youth, and Young Adult Conservation Jobs Act, the  
26 Snowmobile Registration and Safety Act, the Boat Registration

1 and Safety Act, the Illinois Dangerous Animals Act, the Hunter  
2 and Fishermen Interference Prohibition Act, the Wrongful Tree  
3 Cutting Act, or Section 11-1426.1, 11-1426.2, 11-1427,  
4 11-1427.1, 11-1427.2, 11-1427.3, 11-1427.4, or 11-1427.5 of  
5 the Illinois Vehicle Code, or Section 48-3 or 48-10 of the  
6 Criminal Code of 2012 ~~1961~~.

7 2. With respect to the fee imposed under subsection 1 of  
8 this Section, each clerk shall commence such charges and  
9 collections upon receipt of written notice from the chairman of  
10 the county board together with a certified copy of the board's  
11 resolution, which the clerk shall file of record in his office.

12 3. With respect to the fee imposed under subsection 1 of  
13 this Section, such fees shall be in addition to all other fees  
14 and charges of such clerks, and assessable as costs, and may be  
15 waived only if the judge specifically provides for the waiver  
16 of the court automation fee. The fees shall be remitted monthly  
17 by such clerk to the county treasurer, to be retained by him in  
18 a special fund designated as the court automation fund. The  
19 fund shall be audited by the county auditor, and the board  
20 shall make expenditure from the fund in payment of any cost  
21 related to the automation of court records, including hardware,  
22 software, research and development costs and personnel related  
23 thereto, provided that the expenditure is approved by the clerk  
24 of the court and by the chief judge of the circuit court or his  
25 designate.

26 4. With respect to the fee imposed under subsection 1 of

1 this Section, such fees shall not be charged in any matter  
2 coming to any such clerk on change of venue, nor in any  
3 proceeding to review the decision of any administrative  
4 officer, agency or body.

5 5. With respect to the additional fee imposed under  
6 subsection 1.5 of this Section, the fee shall be remitted by  
7 the circuit clerk to the State Treasurer within one month after  
8 receipt for deposit into the State Police Operations Assistance  
9 Fund.

10 6. With respect to the additional fees imposed under  
11 subsection 1.5 of this Section, the Director of State Police  
12 may direct the use of these fees for homeland security purposes  
13 by transferring these fees on a quarterly basis from the State  
14 Police Operations Assistance Fund into the Illinois Law  
15 Enforcement Alarm Systems (ILEAS) Fund for homeland security  
16 initiatives programs. The transferred fees shall be allocated,  
17 subject to the approval of the ILEAS Executive Board, as  
18 follows: (i) 66.6% shall be used for homeland security  
19 initiatives and (ii) 33.3% shall be used for airborne  
20 operations. The ILEAS Executive Board shall annually supply the  
21 Director of State Police with a report of the use of these  
22 fees.

23 7. With respect to the additional fee imposed under  
24 subsection 1.6 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 Conservation Police Operations

1 Assistance Fund.

2 (Source: P.A. 96-1029, eff. 7-13-10; 97-46, eff. 7-1-12;  
3 97-453, eff. 8-19-11; 97-738, eff. 7-5-12; 97-761, eff. 7-6-12;  
4 97-813, eff. 7-13-12; 97-1108, eff. 1-1-13; revised 9-20-12.)

5 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

6 Sec. 27.5. (a) All fees, fines, costs, additional  
7 penalties, bail balances assessed or forfeited, and any other  
8 amount paid by a person to the circuit clerk that equals an  
9 amount less than \$55, except restitution under Section 5-5-6 of  
10 the Unified Code of Corrections, reimbursement for the costs of  
11 an emergency response as provided under Section 11-501 of the  
12 Illinois Vehicle Code, any fees collected for attending a  
13 traffic safety program under paragraph (c) of Supreme Court  
14 Rule 529, any fee collected on behalf of a State's Attorney  
15 under Section 4-2002 of the Counties Code or a sheriff under  
16 Section 4-5001 of the Counties Code, or any cost imposed under  
17 Section 124A-5 of the Code of Criminal Procedure of 1963, for  
18 convictions, orders of supervision, or any other disposition  
19 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois  
20 Vehicle Code, or a similar provision of a local ordinance, and  
21 any violation of the Child Passenger Protection Act, or a  
22 similar provision of a local ordinance, and except as otherwise  
23 provided in this Section, shall be disbursed within 60 days  
24 after receipt by the circuit clerk as follows: 47% shall be  
25 disbursed to the entity authorized by law to receive the fine

1 imposed in the case; 12% shall be disbursed to the State  
2 Treasurer; and 41% shall be disbursed to the county's general  
3 corporate fund. Of the 12% disbursed to the State Treasurer,  
4 1/6 shall be deposited by the State Treasurer into the Violent  
5 Crime Victims Assistance Fund, 1/2 shall be deposited into the  
6 Traffic and Criminal Conviction Surcharge Fund, and 1/3 shall  
7 be deposited into the Drivers Education Fund. For fiscal years  
8 1992 and 1993, amounts deposited into the Violent Crime Victims  
9 Assistance Fund, the Traffic and Criminal Conviction Surcharge  
10 Fund, or the Drivers Education Fund shall not exceed 110% of  
11 the amounts deposited into those funds in fiscal year 1991. Any  
12 amount that exceeds the 110% limit shall be distributed as  
13 follows: 50% shall be disbursed to the county's general  
14 corporate fund and 50% shall be disbursed to the entity  
15 authorized by law to receive the fine imposed in the case. Not  
16 later than March 1 of each year the circuit clerk shall submit  
17 a report of the amount of funds remitted to the State Treasurer  
18 under this Section during the preceding year based upon  
19 independent verification of fines and fees. All counties shall  
20 be subject to this Section, except that counties with a  
21 population under 2,000,000 may, by ordinance, elect not to be  
22 subject to this Section. For offenses subject to this Section,  
23 judges shall impose one total sum of money payable for  
24 violations. The circuit clerk may add on no additional amounts  
25 except for amounts that are required by Sections 27.3a and  
26 27.3c of this Act, Section 16-104c of the Illinois Vehicle

1 Code, and subsection (a) of Section 5-1101 of the Counties  
2 Code, unless those amounts are specifically waived by the  
3 judge. With respect to money collected by the circuit clerk as  
4 a result of forfeiture of bail, ex parte judgment or guilty  
5 plea pursuant to Supreme Court Rule 529, the circuit clerk  
6 shall first deduct and pay amounts required by Sections 27.3a  
7 and 27.3c of this Act. Unless a court ordered payment schedule  
8 is implemented or fee requirements are waived pursuant to a  
9 court order, the circuit clerk may add to any unpaid fees and  
10 costs a delinquency amount equal to 5% of the unpaid fees that  
11 remain unpaid after 30 days, 10% of the unpaid fees that remain  
12 unpaid after 60 days, and 15% of the unpaid fees that remain  
13 unpaid after 90 days. Notice to those parties may be made by  
14 signage posting or publication. The additional delinquency  
15 amounts collected under this Section shall be deposited in the  
16 Circuit Court Clerk Operation and Administrative Fund to be  
17 used to defray administrative costs incurred by the circuit  
18 clerk in performing the duties required to collect and disburse  
19 funds. This Section is a denial and limitation of home rule  
20 powers and functions under subsection (h) of Section 6 of  
21 Article VII of the Illinois Constitution.

22 (b) 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 (c) 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 (d) Any person convicted of, pleading guilty to, or placed  
25 on supervision for a serious traffic violation, as defined in  
26 Section 1-187.001 of the Illinois Vehicle Code, a violation of

1 Section 11-501 of the Illinois Vehicle Code, or a violation of  
2 a similar provision of a local ordinance shall pay an  
3 additional fee of \$35, to be disbursed as provided in Section  
4 16-104d of that Code.

5 This subsection (d) becomes inoperative 7 years after the  
6 effective date of Public Act 95-154.

7 (e) In all counties having a population of 3,000,000 or  
8 more inhabitants:

9 (1) A person who is found guilty of or pleads guilty to  
10 violating subsection (a) of Section 11-501 of the Illinois  
11 Vehicle Code, including any person placed on court  
12 supervision for violating subsection (a), shall be fined  
13 \$750 as provided for by subsection (f) of Section 11-501.01  
14 of the Illinois Vehicle Code, payable to the circuit clerk,  
15 who shall distribute the money pursuant to subsection (f)  
16 of Section 11-501.01 of the Illinois Vehicle Code.

17 (2) When a crime laboratory DUI analysis fee of \$150,  
18 provided for by Section 5-9-1.9 of the Unified Code of  
19 Corrections is assessed, it shall be disbursed by the  
20 circuit clerk as provided by subsection (f) of Section  
21 5-9-1.9 of the Unified Code of Corrections.

22 (3) When a fine for a violation of subsection (a) of  
23 Section 11-605 of the Illinois Vehicle Code is \$150 or  
24 greater, the additional \$50 which is charged as provided  
25 for by subsection (f) of Section 11-605 of the Illinois  
26 Vehicle Code shall be disbursed by the circuit clerk to a

1 school district or districts for school safety purposes as  
2 provided by subsection (f) of Section 11-605.

3 (4) When a fine for a violation of subsection (a) of  
4 Section 11-1002.5 of the Illinois Vehicle Code is \$150 or  
5 greater, the additional \$50 which is charged as provided  
6 for by subsection (c) of Section 11-1002.5 of the Illinois  
7 Vehicle Code shall be disbursed by the circuit clerk to a  
8 school district or districts for school safety purposes as  
9 provided by subsection (c) of Section 11-1002.5 of the  
10 Illinois Vehicle Code.

11 (5) When a mandatory drug court fee of up to \$5 is  
12 assessed as provided in subsection (f) of Section 5-1101 of  
13 the Counties Code, it shall be disbursed by the circuit  
14 clerk as provided in subsection (f) of Section 5-1101 of  
15 the Counties Code.

16 (6) When a mandatory teen court, peer jury, youth  
17 court, or other youth diversion program fee is assessed as  
18 provided in subsection (e) of Section 5-1101 of the  
19 Counties Code, it shall be disbursed by the circuit clerk  
20 as provided in subsection (e) of Section 5-1101 of the  
21 Counties Code.

22 (7) When a Children's Advocacy Center fee is assessed  
23 pursuant to subsection (f-5) of Section 5-1101 of the  
24 Counties Code, it shall be disbursed by the circuit clerk  
25 as provided in subsection (f-5) of Section 5-1101 of the  
26 Counties Code.

1           (8) When a victim impact panel fee is assessed pursuant  
2 to subsection (b) of Section 11-501.01 of the Illinois  
3 Vehicle Code, it shall be disbursed by the circuit clerk to  
4 the victim impact panel to be attended by the defendant.

5           (9) When a new fee collected in traffic cases is  
6 enacted after January 1, 2010 (the effective date of Public  
7 Act 96-735), it shall be excluded from the percentage  
8 disbursement provisions of this Section unless otherwise  
9 indicated by law.

10          (f) Any person who receives a disposition of court  
11 supervision for a violation of Section 11-501 of the Illinois  
12 Vehicle Code shall, in addition to any other fines, fees, and  
13 court costs, pay an additional fee of \$50, which shall be  
14 collected by the circuit clerk and then remitted to the State  
15 Treasurer for deposit into the Roadside Memorial Fund, a  
16 special fund in the State treasury. However, the court may  
17 waive the fee if full restitution is complied with. Subject to  
18 appropriation, all moneys in the Roadside Memorial Fund shall  
19 be used by the Department of Transportation to pay fees imposed  
20 under subsection (f) of Section 20 of the Roadside Memorial  
21 Act. The fee shall be remitted by the circuit clerk within one  
22 month after receipt to the State Treasurer for deposit into the  
23 Roadside Memorial Fund.

24          (g) For any conviction or disposition of court supervision  
25 for a violation of Section 11-1429 of the Illinois Vehicle  
26 Code, the circuit clerk shall distribute the fines paid by the

1 person as specified by subsection (h) of Section 11-1429 of the  
2 Illinois Vehicle Code.

3 (Source: P.A. 96-286, eff. 8-11-09; 96-576, eff. 8-18-09;  
4 96-625, eff. 1-1-10; 96-667, eff. 8-25-09; 96-735, eff. 1-1-10;  
5 96-1000, eff. 7-2-10; 96-1175, eff. 9-20-10; 96-1342, eff.  
6 1-1-11; 97-333, eff. 8-12-11; 97-1108, eff. 1-1-13.)

7 (705 ILCS 105/27.6)

8 (Section as amended by P.A. 96-286, 96-576, 96-578, 96-625,  
9 96-667, 96-1175, 96-1342, 97-434, 97-1051, and 97-1108)

10 Sec. 27.6. (a) All fees, fines, costs, additional  
11 penalties, bail balances assessed or forfeited, and any other  
12 amount paid by a person to the circuit clerk equalling an  
13 amount of \$55 or more, except the fine imposed by Section  
14 5-9-1.15 of the Unified Code of Corrections, the additional fee  
15 required by subsections (b) and (c), restitution under Section  
16 5-5-6 of the Unified Code of Corrections, contributions to a  
17 local anti-crime program ordered pursuant to Section  
18 5-6-3(b)(13) or Section 5-6-3.1(c)(13) of the Unified Code of  
19 Corrections, reimbursement for the costs of an emergency  
20 response as provided under Section 11-501 of the Illinois  
21 Vehicle Code, any fees collected for attending a traffic safety  
22 program under paragraph (c) of Supreme Court Rule 529, any fee  
23 collected on behalf of a State's Attorney under Section 4-2002  
24 of the Counties Code or a sheriff under Section 4-5001 of the  
25 Counties Code, or any cost imposed under Section 124A-5 of the

1 Code of Criminal Procedure of 1963, for convictions, orders of  
2 supervision, or any other disposition for a violation of  
3 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a  
4 similar provision of a local ordinance, and any violation of  
5 the Child Passenger Protection Act, or a similar provision of a  
6 local ordinance, and except as otherwise provided in this  
7 Section shall be disbursed within 60 days after receipt by the  
8 circuit clerk as follows: 44.5% shall be disbursed to the  
9 entity authorized by law to receive the fine imposed in the  
10 case; 16.825% shall be disbursed to the State Treasurer; and  
11 38.675% shall be disbursed to the county's general corporate  
12 fund. Of the 16.825% disbursed to the State Treasurer, 2/17  
13 shall be deposited by the State Treasurer into the Violent  
14 Crime Victims Assistance Fund, 5.052/17 shall be deposited into  
15 the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall  
16 be deposited into the Drivers Education Fund, and 6.948/17  
17 shall be deposited into the Trauma Center Fund. Of the 6.948/17  
18 deposited into the Trauma Center Fund from the 16.825%  
19 disbursed to the State Treasurer, 50% shall be disbursed to the  
20 Department of Public Health and 50% shall be disbursed to the  
21 Department of Healthcare and Family Services. For fiscal year  
22 1993, amounts deposited into the Violent Crime Victims  
23 Assistance Fund, the Traffic and Criminal Conviction Surcharge  
24 Fund, or the Drivers Education Fund shall not exceed 110% of  
25 the amounts deposited into those funds in fiscal year 1991. Any  
26 amount that exceeds the 110% limit shall be distributed as

1 follows: 50% shall be disbursed to the county's general  
2 corporate fund and 50% shall be disbursed to the entity  
3 authorized by law to receive the fine imposed in the case. Not  
4 later than March 1 of each year the circuit clerk shall submit  
5 a report of the amount of funds remitted to the State Treasurer  
6 under this Section during the preceding year based upon  
7 independent verification of fines and fees. All counties shall  
8 be subject to this Section, except that counties with a  
9 population under 2,000,000 may, by ordinance, elect not to be  
10 subject to this Section. For offenses subject to this Section,  
11 judges shall impose one total sum of money payable for  
12 violations. The circuit clerk may add on no additional amounts  
13 except for amounts that are required by Sections 27.3a and  
14 27.3c of this Act, unless those amounts are specifically waived  
15 by the judge. With respect to money collected by the circuit  
16 clerk as a result of forfeiture of bail, ex parte judgment or  
17 guilty plea pursuant to Supreme Court Rule 529, the circuit  
18 clerk shall first deduct and pay amounts required by Sections  
19 27.3a and 27.3c of this Act. This Section is a denial and  
20 limitation of home rule powers and functions under subsection  
21 (h) of Section 6 of Article VII of the Illinois Constitution.

22 (b) In addition to any other fines and court costs assessed  
23 by the courts, any person convicted or receiving an order of  
24 supervision for driving under the influence of alcohol or drugs  
25 shall pay an additional fee of \$100 to the clerk of the circuit  
26 court. This amount, less 2 1/2% that shall be used to defray

1 administrative costs incurred by the clerk, shall be remitted  
2 by the clerk to the Treasurer within 60 days after receipt for  
3 deposit into the Trauma Center Fund. This additional fee of  
4 \$100 shall not be considered a part of the fine for purposes of  
5 any reduction in the fine for time served either before or  
6 after sentencing. Not later than March 1 of each year the  
7 Circuit Clerk shall submit a report of the amount of funds  
8 remitted to the State Treasurer under this subsection during  
9 the preceding calendar year.

10 (b-1) In addition to any other fines and court costs  
11 assessed by the courts, any person convicted or receiving an  
12 order of supervision for driving under the influence of alcohol  
13 or drugs shall pay an additional fee of \$5 to the clerk of the  
14 circuit court. This amount, less 2 1/2% that shall be used to  
15 defray administrative costs incurred by the clerk, shall be  
16 remitted by the clerk to the Treasurer within 60 days after  
17 receipt for deposit into the Spinal Cord Injury Paralysis Cure  
18 Research Trust Fund. This additional fee of \$5 shall not be  
19 considered a part of the fine for purposes of any reduction in  
20 the fine for time served either before or after sentencing. Not  
21 later than March 1 of each year the Circuit Clerk shall submit  
22 a report of the amount of funds remitted to the State Treasurer  
23 under this subsection during the preceding calendar year.

24 (c) In addition to any other fines and court costs assessed  
25 by the courts, any person convicted for a violation of Sections  
26 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or the



1 Criminal Code of 2012 or a person sentenced for a violation of  
2 the Cannabis Control Act, the Illinois Controlled Substances  
3 Act, or the Methamphetamine Control and Community Protection  
4 Act shall pay an additional fee of \$100 to the clerk of the  
5 circuit court. This amount, less 2 1/2% that shall be used to  
6 defray administrative costs incurred by the clerk, shall be  
7 remitted by the clerk to the Treasurer within 60 days after  
8 receipt for deposit into the Trauma Center Fund. This  
9 additional fee of \$100 shall not be considered a part of the  
10 fine for purposes of any reduction in the fine for time served  
11 either before or after sentencing. Not later than March 1 of  
12 each year the Circuit Clerk shall submit a report of the amount  
13 of funds remitted to the State Treasurer under this subsection  
14 during the preceding calendar year.

15 (c-1) In addition to any other fines and court costs  
16 assessed by the courts, any person sentenced for a violation of  
17 the Cannabis Control Act, the Illinois Controlled Substances  
18 Act, or the Methamphetamine Control and Community Protection  
19 Act shall pay an additional fee of \$5 to the clerk of the  
20 circuit court. This amount, less 2 1/2% that shall be used to  
21 defray administrative costs incurred by the clerk, shall be  
22 remitted by the clerk to the Treasurer within 60 days after  
23 receipt for deposit into the Spinal Cord Injury Paralysis Cure  
24 Research Trust Fund. This additional fee of \$5 shall not be  
25 considered a part of the fine for purposes of any reduction in  
26 the fine for time served either before or after sentencing. Not

1 later than March 1 of each year the Circuit Clerk shall submit  
2 a report of the amount of funds remitted to the State Treasurer  
3 under this subsection during the preceding calendar year.

4 (d) The following amounts must be remitted to the State  
5 Treasurer for deposit into the Illinois Animal Abuse Fund:

6 (1) 50% of the amounts collected for felony offenses  
7 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,  
8 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for  
9 Animals Act and Section 26-5 or 48-1 of the Criminal Code  
10 of 1961 or the Criminal Code of 2012;

11 (2) 20% of the amounts collected for Class A and Class  
12 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,  
13 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care  
14 for Animals Act and Section 26-5 or 48-1 of the Criminal  
15 Code of 1961 or the Criminal Code of 2012; and

16 (3) 50% of the amounts collected for Class C  
17 misdemeanors under Sections 4.01 and 7.1 of the Humane Care  
18 for Animals Act and Section 26-5 or 48-1 of the Criminal  
19 Code of 1961 or the Criminal Code of 2012.

20 (e) Any person who receives a disposition of court  
21 supervision for a violation of the Illinois Vehicle Code or a  
22 similar provision of a local ordinance shall, in addition to  
23 any other fines, fees, and court costs, pay an additional fee  
24 of \$29, to be disbursed as provided in Section 16-104c of the  
25 Illinois Vehicle Code. In addition to the fee of \$29, the  
26 person shall also pay a fee of \$6, if not waived by the court.

1 If this \$6 fee is collected, \$5.50 of the fee shall be  
2 deposited into the Circuit Court Clerk Operation and  
3 Administrative Fund created by the Clerk of the Circuit Court  
4 and 50 cents of the fee shall be deposited into the Prisoner  
5 Review Board Vehicle and Equipment Fund in the State treasury.

6 (f) This Section does not apply to the additional child  
7 pornography fines assessed and collected under Section  
8 5-9-1.14 of the Unified Code of Corrections.

9 (g) (Blank).

10 (h) (Blank).

11 (i) Of the amounts collected as fines under subsection (b)  
12 of Section 3-712 of the Illinois Vehicle Code, 99% shall be  
13 deposited into the Illinois Military Family Relief Fund and 1%  
14 shall be deposited into the Circuit Court Clerk Operation and  
15 Administrative Fund created by the Clerk of the Circuit Court  
16 to be used to offset the costs incurred by the Circuit Court  
17 Clerk in performing the additional duties required to collect  
18 and disburse funds to entities of State and local government as  
19 provided by law.

20 (j) Any person convicted of, pleading guilty to, or placed  
21 on supervision for a serious traffic violation, as defined in  
22 Section 1-187.001 of the Illinois Vehicle Code, a violation of  
23 Section 11-501 of the Illinois Vehicle Code, or a violation of  
24 a similar provision of a local ordinance shall pay an  
25 additional fee of \$35, to be disbursed as provided in Section  
26 16-104d of that Code.

1           This subsection (j) becomes inoperative 7 years after the  
2 effective date of Public Act 95-154.

3           (k) For any conviction or disposition of court supervision  
4 for a violation of Section 11-1429 of the Illinois Vehicle  
5 Code, the circuit clerk shall distribute the fines paid by the  
6 person as specified by subsection (h) of Section 11-1429 of the  
7 Illinois Vehicle Code.

8           (l) Any person who receives a disposition of court  
9 supervision for a violation of Section 11-501 of the Illinois  
10 Vehicle Code or a similar provision of a local ordinance shall,  
11 in addition to any other fines, fees, and court costs, pay an  
12 additional fee of \$50, which shall be collected by the circuit  
13 clerk and then remitted to the State Treasurer for deposit into  
14 the Roadside Memorial Fund, a special fund in the State  
15 treasury. However, the court may waive the fee if full  
16 restitution is complied with. Subject to appropriation, all  
17 moneys in the Roadside Memorial Fund shall be used by the  
18 Department of Transportation to pay fees imposed under  
19 subsection (f) of Section 20 of the Roadside Memorial Act. The  
20 fee shall be remitted by the circuit clerk within one month  
21 after receipt to the State Treasurer for deposit into the  
22 Roadside Memorial Fund.

23           (m) Of the amounts collected as fines under subsection (c)  
24 of Section 411.4 of the Illinois Controlled Substances Act or  
25 subsection (c) of Section 90 of the Methamphetamine Control and  
26 Community Protection Act, 99% shall be deposited to the law

1 enforcement agency or fund specified and 1% shall be deposited  
2 into the Circuit Court Clerk Operation and Administrative Fund  
3 to be used to offset the costs incurred by the Circuit Court  
4 Clerk in performing the additional duties required to collect  
5 and disburse funds to entities of State and local government as  
6 provided by law.

7 (n) In addition to any other fines and court costs assessed  
8 by the courts, any person who is convicted of or pleads guilty  
9 to a violation of the Criminal Code of 1961 or the Criminal  
10 Code of 2012, or a similar provision of a local ordinance, or  
11 who is convicted of, pleads guilty to, or receives a  
12 disposition of court supervision for a violation of the  
13 Illinois Vehicle Code, or a similar provision of a local  
14 ordinance, shall pay an additional fee of \$15 to the clerk of  
15 the circuit court. This additional fee of \$15 shall not be  
16 considered a part of the fine for purposes of any reduction in  
17 the fine for time served either before or after sentencing.  
18 This amount, less 2.5% that shall be used to defray  
19 administrative costs incurred by the clerk, shall be remitted  
20 by the clerk to the State Treasurer within 60 days after  
21 receipt for deposit into the State Police Merit Board Public  
22 Safety Fund.

23 (Source: P.A. 95-191, eff. 1-1-08; 95-291, eff. 1-1-08; 95-428,  
24 eff. 8-24-07; 95-600, eff. 6-1-08; 95-876, eff. 8-21-08;  
25 96-286, eff. 8-11-09; 96-576, eff. 8-18-09; 96-578, eff.  
26 8-18-09; 96-625, eff. 1-1-10; 96-667, eff. 8-25-09; 96-1175,

1 eff. 9-20-10; 96-1342, eff. 1-1-11; 97-1051, eff. 1-1-13;  
2 97-1108, eff. 1-1-13; revised 9-20-12.)

3 (Section as amended by P.A. 96-576, 96-578, 96-625, 96-667,  
4 96-735, 96-1175, 96-1342, 97-434, 97-1051, and 97-1108)

5 Sec. 27.6. (a) All fees, fines, costs, additional  
6 penalties, bail balances assessed or forfeited, and any other  
7 amount paid by a person to the circuit clerk equalling an  
8 amount of \$55 or more, except the fine imposed by Section  
9 5-9-1.15 of the Unified Code of Corrections, the additional fee  
10 required by subsections (b) and (c), restitution under Section  
11 5-5-6 of the Unified Code of Corrections, contributions to a  
12 local anti-crime program ordered pursuant to Section  
13 5-6-3(b)(13) or Section 5-6-3.1(c)(13) of the Unified Code of  
14 Corrections, reimbursement for the costs of an emergency  
15 response as provided under Section 11-501 of the Illinois  
16 Vehicle Code, any fees collected for attending a traffic safety  
17 program under paragraph (c) of Supreme Court Rule 529, any fee  
18 collected on behalf of a State's Attorney under Section 4-2002  
19 of the Counties Code or a sheriff under Section 4-5001 of the  
20 Counties Code, or any cost imposed under Section 124A-5 of the  
21 Code of Criminal Procedure of 1963, for convictions, orders of  
22 supervision, or any other disposition for a violation of  
23 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a  
24 similar provision of a local ordinance, and any violation of  
25 the Child Passenger Protection Act, or a similar provision of a

1 local ordinance, and except as otherwise provided in this  
2 Section shall be disbursed within 60 days after receipt by the  
3 circuit clerk as follows: 44.5% shall be disbursed to the  
4 entity authorized by law to receive the fine imposed in the  
5 case; 16.825% shall be disbursed to the State Treasurer; and  
6 38.675% shall be disbursed to the county's general corporate  
7 fund. Of the 16.825% disbursed to the State Treasurer, 2/17  
8 shall be deposited by the State Treasurer into the Violent  
9 Crime Victims Assistance Fund, 5.052/17 shall be deposited into  
10 the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall  
11 be deposited into the Drivers Education Fund, and 6.948/17  
12 shall be deposited into the Trauma Center Fund. Of the 6.948/17  
13 deposited into the Trauma Center Fund from the 16.825%  
14 disbursed to the State Treasurer, 50% shall be disbursed to the  
15 Department of Public Health and 50% shall be disbursed to the  
16 Department of Healthcare and Family Services. For fiscal year  
17 1993, amounts deposited into the Violent Crime Victims  
18 Assistance Fund, the Traffic and Criminal Conviction Surcharge  
19 Fund, or the Drivers Education Fund shall not exceed 110% of  
20 the amounts deposited into those funds in fiscal year 1991. Any  
21 amount that exceeds the 110% limit shall be distributed as  
22 follows: 50% shall be disbursed to the county's general  
23 corporate fund and 50% shall be disbursed to the entity  
24 authorized by law to receive the fine imposed in the case. Not  
25 later than March 1 of each year the circuit clerk shall submit  
26 a report of the amount of funds remitted to the State Treasurer

1 under this Section during the preceding year based upon  
2 independent verification of fines and fees. All counties shall  
3 be subject to this Section, except that counties with a  
4 population under 2,000,000 may, by ordinance, elect not to be  
5 subject to this Section. For offenses subject to this Section,  
6 judges shall impose one total sum of money payable for  
7 violations. The circuit clerk may add on no additional amounts  
8 except for amounts that are required by Sections 27.3a and  
9 27.3c of this Act, Section 16-104c of the Illinois Vehicle  
10 Code, and subsection (a) of Section 5-1101 of the Counties  
11 Code, unless those amounts are specifically waived by the  
12 judge. With respect to money collected by the circuit clerk as  
13 a result of forfeiture of bail, ex parte judgment or guilty  
14 plea pursuant to Supreme Court Rule 529, the circuit clerk  
15 shall first deduct and pay amounts required by Sections 27.3a  
16 and 27.3c of this Act. Unless a court ordered payment schedule  
17 is implemented or fee requirements are waived pursuant to court  
18 order, the clerk of the court may add to any unpaid fees and  
19 costs a delinquency amount equal to 5% of the unpaid fees that  
20 remain unpaid after 30 days, 10% of the unpaid fees that remain  
21 unpaid after 60 days, and 15% of the unpaid fees that remain  
22 unpaid after 90 days. Notice to those parties may be made by  
23 signage posting or publication. The additional delinquency  
24 amounts collected under this Section shall be deposited in the  
25 Circuit Court Clerk Operation and Administrative Fund to be  
26 used to defray administrative costs incurred by the circuit



1 clerk in performing the duties required to collect and disburse  
2 funds. This Section is a denial and limitation of home rule  
3 powers and functions under subsection (h) of Section 6 of  
4 Article VII of the Illinois Constitution.

5 (b) In addition to any other fines and court costs assessed  
6 by the courts, any person convicted or receiving an order of  
7 supervision for driving under the influence of alcohol or drugs  
8 shall pay an additional fee of \$100 to the clerk of the circuit  
9 court. This amount, less 2 1/2% that shall be used to defray  
10 administrative costs incurred by the clerk, shall be remitted  
11 by the clerk to the Treasurer within 60 days after receipt for  
12 deposit into the Trauma Center Fund. This additional fee of  
13 \$100 shall not be considered a part of the fine for purposes of  
14 any reduction in the fine for time served either before or  
15 after sentencing. Not later than March 1 of each year the  
16 Circuit Clerk shall submit a report of the amount of funds  
17 remitted to the State Treasurer under this subsection during  
18 the preceding calendar year.

19 (b-1) In addition to any other fines and court costs  
20 assessed by the courts, any person convicted or receiving an  
21 order of supervision for driving under the influence of alcohol  
22 or drugs shall pay an additional fee of \$5 to the clerk of the  
23 circuit court. This amount, less 2 1/2% that shall be used to  
24 defray administrative costs incurred by the clerk, shall be  
25 remitted by the clerk to the Treasurer within 60 days after  
26 receipt for deposit into the Spinal Cord Injury Paralysis Cure

1 Research Trust Fund. This additional fee of \$5 shall not be  
2 considered a part of the fine for purposes of any reduction in  
3 the fine for time served either before or after sentencing. Not  
4 later than March 1 of each year the Circuit Clerk shall submit  
5 a report of the amount of funds remitted to the State Treasurer  
6 under this subsection during the preceding calendar year.

7 (c) In addition to any other fines and court costs assessed  
8 by the courts, any person convicted for a violation of Sections  
9 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or the  
10 Criminal Code of 2012 or a person sentenced for a violation of  
11 the Cannabis Control Act, the Illinois Controlled Substances  
12 Act, or the Methamphetamine Control and Community Protection  
13 Act shall pay an additional fee of \$100 to the clerk of the  
14 circuit court. This amount, less 2 1/2% that shall be used to  
15 defray administrative costs incurred by the clerk, shall be  
16 remitted by the clerk to the Treasurer within 60 days after  
17 receipt for deposit into the Trauma Center Fund. This  
18 additional fee of \$100 shall not be considered a part of the  
19 fine for purposes of any reduction in the fine for time served  
20 either before or after sentencing. Not later than March 1 of  
21 each year the Circuit Clerk shall submit a report of the amount  
22 of funds remitted to the State Treasurer under this subsection  
23 during the preceding calendar year.

24 (c-1) In addition to any other fines and court costs  
25 assessed by the courts, any person sentenced for a violation of  
26 the Cannabis Control Act, the Illinois Controlled Substances

1 Act, or the Methamphetamine Control and Community Protection  
2 Act shall pay an additional fee of \$5 to the clerk of the  
3 circuit court. This amount, less 2 1/2% that shall be used to  
4 defray administrative costs incurred by the clerk, shall be  
5 remitted by the clerk to the Treasurer within 60 days after  
6 receipt for deposit into the Spinal Cord Injury Paralysis Cure  
7 Research Trust Fund. This additional fee of \$5 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. Not  
10 later than March 1 of each year the Circuit Clerk shall submit  
11 a report of the amount of funds remitted to the State Treasurer  
12 under this subsection during the preceding calendar year.

13 (d) The following amounts must be remitted to the State  
14 Treasurer for deposit into the Illinois Animal Abuse Fund:

15 (1) 50% of the amounts collected for felony offenses  
16 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,  
17 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for  
18 Animals Act and Section 26-5 or 48-1 of the Criminal Code  
19 of 1961 or the Criminal Code of 2012;

20 (2) 20% of the amounts collected for Class A and Class  
21 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,  
22 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care  
23 for Animals Act and Section 26-5 or 48-1 of the Criminal  
24 Code of 1961 or the Criminal Code of 2012; and

25 (3) 50% of the amounts collected for Class C  
26 misdemeanors under Sections 4.01 and 7.1 of the Humane Care

1 for Animals Act and Section 26-5 or 48-1 of the Criminal  
2 Code of 1961 or the Criminal Code of 2012.

3 (e) Any person who receives a disposition of court  
4 supervision for a violation of the Illinois Vehicle Code or a  
5 similar provision of a local ordinance shall, in addition to  
6 any other fines, fees, and court costs, pay an additional fee  
7 of \$29, to be disbursed as provided in Section 16-104c of the  
8 Illinois Vehicle Code. In addition to the fee of \$29, the  
9 person shall also pay a fee of \$6, if not waived by the court.  
10 If this \$6 fee is collected, \$5.50 of the fee shall be  
11 deposited into the Circuit Court Clerk Operation and  
12 Administrative Fund created by the Clerk of the Circuit Court  
13 and 50 cents of the fee shall be deposited into the Prisoner  
14 Review Board Vehicle and Equipment Fund in the State treasury.

15 (f) This Section does not apply to the additional child  
16 pornography fines assessed and collected under Section  
17 5-9-1.14 of the Unified Code of Corrections.

18 (g) Any person convicted of or pleading guilty to a serious  
19 traffic violation, as defined in Section 1-187.001 of the  
20 Illinois Vehicle Code, shall pay an additional fee of \$35, to  
21 be disbursed as provided in Section 16-104d of that Code. This  
22 subsection (g) becomes inoperative 7 years after the effective  
23 date of Public Act 95-154.

24 (h) In all counties having a population of 3,000,000 or  
25 more inhabitants,

26 (1) A person who is found guilty of or pleads guilty to

1           violating subsection (a) of Section 11-501 of the Illinois  
2           Vehicle Code, including any person placed on court  
3           supervision for violating subsection (a), shall be fined  
4           \$750 as provided for by subsection (f) of Section 11-501.01  
5           of the Illinois Vehicle Code, payable to the circuit clerk,  
6           who shall distribute the money pursuant to subsection (f)  
7           of Section 11-501.01 of the Illinois Vehicle Code.

8           (2) When a crime laboratory DUI analysis fee of \$150,  
9           provided for by Section 5-9-1.9 of the Unified Code of  
10          Corrections is assessed, it shall be disbursed by the  
11          circuit clerk as provided by subsection (f) of Section  
12          5-9-1.9 of the Unified Code of Corrections.

13          (3) When a fine for a violation of Section 11-605.1 of  
14          the Illinois Vehicle Code is \$250 or greater, the person  
15          who violated that Section shall be charged an additional  
16          \$125 as provided for by subsection (e) of Section 11-605.1  
17          of the Illinois Vehicle Code, which shall be disbursed by  
18          the circuit clerk to a State or county Transportation  
19          Safety Highway Hire-back Fund as provided by subsection (e)  
20          of Section 11-605.1 of the Illinois Vehicle Code.

21          (4) When a fine for a violation of subsection (a) of  
22          Section 11-605 of the Illinois Vehicle Code is \$150 or  
23          greater, the additional \$50 which is charged as provided  
24          for by subsection (f) of Section 11-605 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 (f) of Section 11-605.

2 (5) When a fine for a violation of subsection (a) of  
3 Section 11-1002.5 of the Illinois Vehicle Code is \$150 or  
4 greater, the additional \$50 which is charged as provided  
5 for by subsection (c) of Section 11-1002.5 of the Illinois  
6 Vehicle Code shall be disbursed by the circuit clerk to a  
7 school district or districts for school safety purposes as  
8 provided by subsection (c) of Section 11-1002.5 of the  
9 Illinois Vehicle Code.

10 (6) When a mandatory drug court fee of up to \$5 is  
11 assessed as provided in subsection (f) of Section 5-1101 of  
12 the Counties Code, it shall be disbursed by the circuit  
13 clerk as provided in subsection (f) of Section 5-1101 of  
14 the Counties Code.

15 (7) When a mandatory teen court, peer jury, youth  
16 court, or other youth diversion program fee is assessed as  
17 provided in subsection (e) of Section 5-1101 of the  
18 Counties Code, it shall be disbursed by the circuit clerk  
19 as provided in subsection (e) of Section 5-1101 of the  
20 Counties Code.

21 (8) When a Children's Advocacy Center fee is assessed  
22 pursuant to subsection (f-5) of Section 5-1101 of the  
23 Counties Code, it shall be disbursed by the circuit clerk  
24 as provided in subsection (f-5) of Section 5-1101 of the  
25 Counties Code.

26 (9) When a victim impact panel fee is assessed pursuant

1 to subsection (b) of Section 11-501.01 of the Vehicle Code,  
2 it shall be disbursed by the circuit clerk to the victim  
3 impact panel to be attended by the defendant.

4 (10) When a new fee collected in traffic cases is  
5 enacted after the effective date of this subsection (h), it  
6 shall be excluded from the percentage disbursement  
7 provisions of this Section unless otherwise indicated by  
8 law.

9 (i) Of the amounts collected as fines under subsection (b)  
10 of Section 3-712 of the Illinois Vehicle Code, 99% shall be  
11 deposited into the Illinois Military Family Relief Fund and 1%  
12 shall be deposited into the Circuit Court Clerk Operation and  
13 Administrative Fund created by the Clerk of the Circuit Court  
14 to be used to offset the costs incurred by the Circuit Court  
15 Clerk in performing the additional duties required to collect  
16 and disburse funds to entities of State and local government as  
17 provided by law.

18 (j) (Blank).

19 (k) For any conviction or disposition of court supervision  
20 for a violation of Section 11-1429 of the Illinois Vehicle  
21 Code, the circuit clerk shall distribute the fines paid by the  
22 person as specified by subsection (h) of Section 11-1429 of the  
23 Illinois Vehicle Code.

24 (l) Any person who receives a disposition of court  
25 supervision for a violation of Section 11-501 of the Illinois  
26 Vehicle Code or a similar provision of a local ordinance shall,

1 in addition to any other fines, fees, and court costs, pay an  
2 additional fee of \$50, which shall be collected by the circuit  
3 clerk and then remitted to the State Treasurer for deposit into  
4 the Roadside Memorial Fund, a special fund in the State  
5 treasury. However, the court may waive the fee if full  
6 restitution is complied with. Subject to appropriation, all  
7 moneys in the Roadside Memorial Fund shall be used by the  
8 Department of Transportation to pay fees imposed under  
9 subsection (f) of Section 20 of the Roadside Memorial Act. The  
10 fee shall be remitted by the circuit clerk within one month  
11 after receipt to the State Treasurer for deposit into the  
12 Roadside Memorial Fund.

13 (m) Of the amounts collected as fines under subsection (c)  
14 of Section 411.4 of the Illinois Controlled Substances Act or  
15 subsection (c) of Section 90 of the Methamphetamine Control and  
16 Community Protection Act, 99% shall be deposited to the law  
17 enforcement agency or fund specified and 1% shall be deposited  
18 into the Circuit Court Clerk Operation and Administrative Fund  
19 to be used to offset the costs incurred by the Circuit Court  
20 Clerk in performing the additional duties required to collect  
21 and disburse funds to entities of State and local government as  
22 provided by law.

23 (n) In addition to any other fines and court costs assessed  
24 by the courts, any person who is convicted of or pleads guilty  
25 to a violation of the Criminal Code of 1961 or the Criminal  
26 Code of 2012, or a similar provision of a local ordinance, or



1 who is convicted of, pleads guilty to, or receives a  
2 disposition of court supervision for a violation of the  
3 Illinois Vehicle Code, or a similar provision of a local  
4 ordinance, shall pay an additional fee of \$15 to the clerk of  
5 the circuit court. This additional fee of \$15 shall not be  
6 considered a part of the fine for purposes of any reduction in  
7 the fine for time served either before or after sentencing.  
8 This amount, less 2.5% that shall be used to defray  
9 administrative costs incurred by the clerk, shall be remitted  
10 by the clerk to the State Treasurer within 60 days after  
11 receipt for deposit into the State Police Merit Board Public  
12 Safety Fund.

13 (Source: P.A. 96-576, eff. 8-18-09; 96-578, eff. 8-18-09;  
14 96-625, eff. 1-1-10; 96-667, eff. 8-25-09; 96-735, eff. 1-1-10;  
15 96-1175, eff. 9-20-10; 96-1342, eff. 1-1-11; 97-434, eff.  
16 1-1-12; 97-1051, eff. 1-1-13; 97-1108, eff. 1-1-13; revised  
17 9-20-12.)

18 Section 595. The Juror Protection Act is amended by  
19 changing Section 15 as follows:

20 (705 ILCS 320/15)

21 Sec. 15. Violation. Any attempt to contact a member of the  
22 jury panel following that member's refusal to speak as outlined  
23 in subsection (e) of Section 10 shall be deemed a violation of  
24 Section 32-4 of the Criminal Code of 2012 ~~1961~~.

1 (Source: P.A. 94-186, eff. 1-1-06.)

2 Section 600. The Juvenile Court Act of 1987 is amended by  
3 changing Sections 1-2, 1-3, 1-7, 1-8, 2-3, 2-10, 2-13, 2-17,  
4 2-18, 2-25, 2-27, 3-19, 3-26, 3-40, 4-16, 4-23, 5-125, 5-130,  
5 5-155, 5-170, 5-401.5, 5-407, 5-415, 5-605, 5-615, 5-710,  
6 5-715, 5-730, 5-805, 5-901, and 5-905 as follows:

7 (705 ILCS 405/1-2) (from Ch. 37, par. 801-2)

8 Sec. 1-2. Purpose and policy.

9 (1) The purpose of this Act is to secure for each minor  
10 subject hereto such care and guidance, preferably in his or her  
11 own home, as will serve the safety and moral, emotional,  
12 mental, and physical welfare of the minor and the best  
13 interests of the community; to preserve and strengthen the  
14 minor's family ties whenever possible, removing him or her from  
15 the custody of his or her parents only when his or her safety  
16 or welfare or the protection of the public cannot be adequately  
17 safeguarded without removal; if the child is removed from the  
18 custody of his or her parent, the Department of Children and  
19 Family Services immediately shall consider concurrent  
20 planning, as described in Section 5 of the Children and Family  
21 Services Act so that permanency may occur at the earliest  
22 opportunity; consideration should be given so that if  
23 reunification fails or is delayed, the placement made is the  
24 best available placement to provide permanency for the child;

1 and, when the minor is removed from his or her own family, to  
2 secure for him or her custody, care and discipline as nearly as  
3 possible equivalent to that which should be given by his or her  
4 parents, and in cases where it should and can properly be done  
5 to place the minor in a family home so that he or she may become  
6 a member of the family by legal adoption or otherwise. Provided  
7 that a ground for unfitness under the Adoption Act can be met,  
8 it may be appropriate to expedite termination of parental  
9 rights:

10 (a) when reasonable efforts are inappropriate, or have  
11 been provided and were unsuccessful, and there are  
12 aggravating circumstances including, but not limited to,  
13 those cases in which (i) the child or another child of that  
14 child's parent was (A) abandoned, (B) tortured, or (C)  
15 chronically abused or (ii) the parent is criminally  
16 convicted of (A) first degree murder or second degree  
17 murder of any child, (B) attempt or conspiracy to commit  
18 first degree murder or second degree murder of any child,  
19 (C) solicitation to commit murder, solicitation to commit  
20 murder for hire, solicitation to commit second degree  
21 murder of any child, or aggravated assault in violation of  
22 subdivision (a)(13) of Section 12-2 of the Criminal Code of  
23 1961 or the Criminal Code of 2012, or (D) aggravated  
24 criminal sexual assault in violation of Section 11-1.40  
25 (a)(1) or 12-14.1 (a)(1) ~~12-14(b)(1)~~ of the Criminal Code  
26 of 1961 or the Criminal Code of 2012; or

1           (b) when the parental rights of a parent with respect  
2 to another child of the parent have been involuntarily  
3 terminated; or

4           (c) in those extreme cases in which the parent's  
5 incapacity to care for the child, combined with an  
6 extremely poor prognosis for treatment or rehabilitation,  
7 justifies expedited termination of parental rights.

8           (2) In all proceedings under this Act the court may direct  
9 the course thereof so as promptly to ascertain the  
10 jurisdictional facts and fully to gather information bearing  
11 upon the current condition and future welfare of persons  
12 subject to this Act. This Act shall be administered in a spirit  
13 of humane concern, not only for the rights of the parties, but  
14 also for the fears and the limits of understanding of all who  
15 appear before the court.

16           (3) In all procedures under this Act, the following shall  
17 apply:

18           (a) The procedural rights assured to the minor shall be  
19 the rights of adults unless specifically precluded by laws  
20 which enhance the protection of such minors.

21           (b) Every child has a right to services necessary to  
22 his or her safety and proper development, including health,  
23 education and social services.

24           (c) The parents' right to the custody of their child  
25 shall not prevail when the court determines that it is  
26 contrary to the health, safety, and best interests of the

1 child.

2 (4) This Act shall be liberally construed to carry out the  
3 foregoing purpose and policy.

4 (Source: P.A. 89-704, eff. 8-16-97 (changed from 1-1-98 by P.A.  
5 90-443); 90-27, eff. 1-1-98; 90-28, eff. 1-1-98; 90-443, eff.  
6 8-16-97; 90-608, eff. 6-30-98.)

7 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

8 Sec. 1-3. Definitions. Terms used in this Act, unless the  
9 context otherwise requires, have the following meanings  
10 ascribed to them:

11 (1) "Adjudicatory hearing" means a hearing to determine  
12 whether the allegations of a petition under Section 2-13, 3-15  
13 or 4-12 that a minor under 18 years of age is abused, neglected  
14 or dependent, or requires authoritative intervention, or  
15 addicted, respectively, are supported by a preponderance of the  
16 evidence or whether the allegations of a petition under Section  
17 5-520 that a minor is delinquent are proved beyond a reasonable  
18 doubt.

19 (2) "Adult" means a person 21 years of age or older.

20 (3) "Agency" means a public or private child care facility  
21 legally authorized or licensed by this State for placement or  
22 institutional care or for both placement and institutional  
23 care.

24 (4) "Association" means any organization, public or  
25 private, engaged in welfare functions which include services to

1 or on behalf of children but does not include "agency" as  
2 herein defined.

3 (4.05) Whenever a "best interest" determination is  
4 required, the following factors shall be considered in the  
5 context of the child's age and developmental needs:

6 (a) the physical safety and welfare of the child,  
7 including food, shelter, health, and clothing;

8 (b) the development of the child's identity;

9 (c) the child's background and ties, including  
10 familial, cultural, and religious;

11 (d) the child's sense of attachments, including:

12 (i) where the child actually feels love,  
13 attachment, and a sense of being valued (as opposed to  
14 where adults believe the child should feel such love,  
15 attachment, and a sense of being valued);

16 (ii) the child's sense of security;

17 (iii) the child's sense of familiarity;

18 (iv) continuity of affection for the child;

19 (v) the least disruptive placement alternative for  
20 the child;

21 (e) the child's wishes and long-term goals;

22 (f) the child's community ties, including church,  
23 school, and friends;

24 (g) the child's need for permanence which includes the  
25 child's need for stability and continuity of relationships  
26 with parent figures and with siblings and other relatives;

1 (h) the uniqueness of every family and child;

2 (i) the risks attendant to entering and being in  
3 substitute care; and

4 (j) the preferences of the persons available to care  
5 for the child.

6 (4.1) "Chronic truant" shall have the definition ascribed  
7 to it in Section 26-2a of the School Code.

8 (5) "Court" means the circuit court in a session or  
9 division assigned to hear proceedings under this Act.

10 (6) "Dispositional hearing" means a hearing to determine  
11 whether a minor should be adjudged to be a ward of the court,  
12 and to determine what order of disposition should be made in  
13 respect to a minor adjudged to be a ward of the court.

14 (7) "Emancipated minor" means any minor 16 years of age or  
15 over who has been completely or partially emancipated under the  
16 Emancipation of Minors Act or under this Act.

17 (8) "Guardianship of the person" of a minor means the duty  
18 and authority to act in the best interests of the minor,  
19 subject to residual parental rights and responsibilities, to  
20 make important decisions in matters having a permanent effect  
21 on the life and development of the minor and to be concerned  
22 with his or her general welfare. It includes but is not  
23 necessarily limited to:

24 (a) the authority to consent to marriage, to enlistment  
25 in the armed forces of the United States, or to a major  
26 medical, psychiatric, and surgical treatment; to represent

1 the minor in legal actions; and to make other decisions of  
2 substantial legal significance concerning the minor;

3 (b) the authority and duty of reasonable visitation,  
4 except to the extent that these have been limited in the  
5 best interests of the minor by court order;

6 (c) the rights and responsibilities of legal custody  
7 except where legal custody has been vested in another  
8 person or agency; and

9 (d) the power to consent to the adoption of the minor,  
10 but only if expressly conferred on the guardian in  
11 accordance with Section 2-29, 3-30, or 4-27.

12 (9) "Legal custody" means the relationship created by an  
13 order of court in the best interests of the minor which imposes  
14 on the custodian the responsibility of physical possession of a  
15 minor and the duty to protect, train and discipline him and to  
16 provide him with food, shelter, education and ordinary medical  
17 care, except as these are limited by residual parental rights  
18 and responsibilities and the rights and responsibilities of the  
19 guardian of the person, if any.

20 (9.1) "Mentally capable adult relative" means a person 21  
21 years of age or older who is not suffering from a mental  
22 illness that prevents him or her from providing the care  
23 necessary to safeguard the physical safety and welfare of a  
24 minor who is left in that person's care by the parent or  
25 parents or other person responsible for the minor's welfare.

26 (10) "Minor" means a person under the age of 21 years



1 subject to this Act.

2 (11) "Parent" means the father or mother of a child and  
3 includes any adoptive parent. It also includes a man (i) whose  
4 paternity is presumed or has been established under the law of  
5 this or another jurisdiction or (ii) who has registered with  
6 the Putative Father Registry in accordance with Section 12.1 of  
7 the Adoption Act and whose paternity has not been ruled out  
8 under the law of this or another jurisdiction. It does not  
9 include a parent whose rights in respect to the minor have been  
10 terminated in any manner provided by law. It does not include a  
11 person who has been or could be determined to be a parent under  
12 the Illinois Parentage Act of 1984, or similar parentage law in  
13 any other state, if that person has been convicted of or pled  
14 nolo contendere to a crime that resulted in the conception of  
15 the child under Section 11-1.20, 11-1.30, 11-1.40, 11-11,  
16 12-13, 12-14, 12-14.1, subsection (a) or (b) (but not  
17 subsection (c)) of Section 11-1.50 or 12-15, or subsection (a),  
18 (b), (c), (e), or (f) (but not subsection (d)) of Section  
19 11-1.60 or 12-16 of the Criminal Code of 1961 or the Criminal  
20 Code of 2012, or similar statute in another jurisdiction unless  
21 upon motion of any party, other than the offender, to the  
22 juvenile court proceedings the court finds it is in the child's  
23 best interest to deem the offender a parent for purposes of the  
24 juvenile court proceedings.

25 (11.1) "Permanency goal" means a goal set by the court as  
26 defined in subdivision (2) of Section 2-28.

1           (11.2) "Permanency hearing" means a hearing to set the  
2 permanency goal and to review and determine (i) the  
3 appropriateness of the services contained in the plan and  
4 whether those services have been provided, (ii) whether  
5 reasonable efforts have been made by all the parties to the  
6 service plan to achieve the goal, and (iii) whether the plan  
7 and goal have been achieved.

8           (12) "Petition" means the petition provided for in Section  
9 2-13, 3-15, 4-12 or 5-520, including any supplemental petitions  
10 thereunder in Section 3-15, 4-12 or 5-520.

11           (12.1) "Physically capable adult relative" means a person  
12 21 years of age or older who does not have a severe physical  
13 disability or medical condition, or is not suffering from  
14 alcoholism or drug addiction, that prevents him or her from  
15 providing the care necessary to safeguard the physical safety  
16 and welfare of a minor who is left in that person's care by the  
17 parent or parents or other person responsible for the minor's  
18 welfare.

19           (12.2) "Post Permanency Sibling Contact Agreement" has the  
20 meaning ascribed to the term in Section 7.4 of the Children and  
21 Family Services Act.

22           (13) "Residual parental rights and responsibilities" means  
23 those rights and responsibilities remaining with the parent  
24 after the transfer of legal custody or guardianship of the  
25 person, including, but not necessarily limited to, the right to  
26 reasonable visitation (which may be limited by the court in the

1 best interests of the minor as provided in subsection (8) (b) of  
2 this Section), the right to consent to adoption, the right to  
3 determine the minor's religious affiliation, and the  
4 responsibility for his support.

5 (14) "Shelter" means the temporary care of a minor in  
6 physically unrestricting facilities pending court disposition  
7 or execution of court order for placement.

8 (14.1) "Sibling Contact Support Plan" has the meaning  
9 ascribed to the term in Section 7.4 of the Children and Family  
10 Services Act.

11 (15) "Station adjustment" means the informal handling of an  
12 alleged offender by a juvenile police officer.

13 (16) "Ward of the court" means a minor who is so adjudged  
14 under Section 2-22, 3-23, 4-20 or 5-705, after a finding of the  
15 requisite jurisdictional facts, and thus is subject to the  
16 dispositional powers of the court under this Act.

17 (17) "Juvenile police officer" means a sworn police officer  
18 who has completed a Basic Recruit Training Course, has been  
19 assigned to the position of juvenile police officer by his or  
20 her chief law enforcement officer and has completed the  
21 necessary juvenile officers training as prescribed by the  
22 Illinois Law Enforcement Training Standards Board, or in the  
23 case of a State police officer, juvenile officer training  
24 approved by the Director of the Department of State Police.

25 (18) "Secure child care facility" means any child care  
26 facility licensed by the Department of Children and Family

1 Services to provide secure living arrangements for children  
2 under 18 years of age who are subject to placement in  
3 facilities under the Children and Family Services Act and who  
4 are not subject to placement in facilities for whom standards  
5 are established by the Department of Corrections under Section  
6 3-15-2 of the Unified Code of Corrections. "Secure child care  
7 facility" also means a facility that is designed and operated  
8 to ensure that all entrances and exits from the facility, a  
9 building, or a distinct part of the building are under the  
10 exclusive control of the staff of the facility, whether or not  
11 the child has the freedom of movement within the perimeter of  
12 the facility, building, or distinct part of the building.

13 (Source: P.A. 96-168, eff. 8-10-09; 97-568, eff. 8-25-11;  
14 97-1076, eff. 8-24-12.)

15 (705 ILCS 405/1-7) (from Ch. 37, par. 801-7)

16 Sec. 1-7. Confidentiality of law enforcement records.

17 (A) Inspection and copying of law enforcement records  
18 maintained by law enforcement agencies that relate to a minor  
19 who has been arrested or taken into custody before his or her  
20 17th birthday shall be restricted to the following:

21 (1) Any local, State or federal law enforcement  
22 officers of any jurisdiction or agency when necessary for  
23 the discharge of their official duties during the  
24 investigation or prosecution of a crime or relating to a  
25 minor who has been adjudicated delinquent and there has

1           been a previous finding that the act which constitutes the  
2           previous offense was committed in furtherance of criminal  
3           activities by a criminal street gang, or, when necessary  
4           for the discharge of its official duties in connection with  
5           a particular investigation of the conduct of a law  
6           enforcement officer, an independent agency or its staff  
7           created by ordinance and charged by a unit of local  
8           government with the duty of investigating the conduct of  
9           law enforcement officers. For purposes of this Section,  
10          "criminal street gang" has the meaning ascribed to it in  
11          Section 10 of the Illinois Streetgang Terrorism Omnibus  
12          Prevention Act.

13           (2) Prosecutors, probation officers, social workers,  
14           or other individuals assigned by the court to conduct a  
15           pre-adjudication or pre-disposition investigation, and  
16           individuals responsible for supervising or providing  
17           temporary or permanent care and custody for minors pursuant  
18           to the order of the juvenile court, when essential to  
19           performing their responsibilities.

20           (3) Prosecutors and probation officers:

21           (a) in the course of a trial when institution of  
22           criminal proceedings has been permitted or required  
23           under Section 5-805; or

24           (b) when institution of criminal proceedings has  
25           been permitted or required under Section 5-805 and such  
26           minor is the subject of a proceeding to determine the

1 amount of bail; or

2 (c) when criminal proceedings have been permitted  
3 or required under Section 5-805 and such minor is the  
4 subject of a pre-trial investigation, pre-sentence  
5 investigation, fitness hearing, or proceedings on an  
6 application for probation.

7 (4) Adult and Juvenile Prisoner Review Board.

8 (5) Authorized military personnel.

9 (6) Persons engaged in bona fide research, with the  
10 permission of the Presiding Judge of the Juvenile Court and  
11 the chief executive of the respective law enforcement  
12 agency; provided that publication of such research results  
13 in no disclosure of a minor's identity and protects the  
14 confidentiality of the minor's record.

15 (7) Department of Children and Family Services child  
16 protection investigators acting in their official  
17 capacity.

18 (8) The appropriate school official only if the agency  
19 or officer believes that there is an imminent threat of  
20 physical harm to students, school personnel, or others who  
21 are present in the school or on school grounds.

22 (A) Inspection and copying shall be limited to law  
23 enforcement records transmitted to the appropriate  
24 school official or officials whom the school has  
25 determined to have a legitimate educational or safety  
26 interest by a local law enforcement agency under a

1 reciprocal reporting system established and maintained  
2 between the school district and the local law  
3 enforcement agency under Section 10-20.14 of the  
4 School Code concerning a minor enrolled in a school  
5 within the school district who has been arrested or  
6 taken into custody for any of the following offenses:

7 (i) any violation of Article 24 of the Criminal  
8 Code of 1961 or the Criminal Code of 2012;

9 (ii) a violation of the Illinois Controlled  
10 Substances Act;

11 (iii) a violation of the Cannabis Control Act;

12 (iv) a forcible felony as defined in Section 2-8 of  
13 the Criminal Code of 1961 or the Criminal Code of 2012;

14 (v) a violation of the Methamphetamine Control and  
15 Community Protection Act;

16 (vi) a violation of Section 1-2 of the Harassing  
17 and Obscene Communications Act;

18 (vii) a violation of the Hazing Act; or

19 (viii) a violation of Section 12-1, 12-2, 12-3,  
20 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5, 12-5, 12-7.3,  
21 12-7.4, 12-7.5, 25-1, or 25-5 of the Criminal Code of  
22 1961 or the Criminal Code of 2012.

23 The information derived from the law enforcement  
24 records shall be kept separate from and shall not  
25 become a part of the official school record of that  
26 child and shall not be a public record. The information

1 shall be used solely by the appropriate school official  
2 or officials whom the school has determined to have a  
3 legitimate educational or safety interest to aid in the  
4 proper rehabilitation of the child and to protect the  
5 safety of students and employees in the school. If the  
6 designated law enforcement and school officials deem  
7 it to be in the best interest of the minor, the student  
8 may be referred to in-school or community based social  
9 services if those services are available.  
10 "Rehabilitation services" may include interventions by  
11 school support personnel, evaluation for eligibility  
12 for special education, referrals to community-based  
13 agencies such as youth services, behavioral healthcare  
14 service providers, drug and alcohol prevention or  
15 treatment programs, and other interventions as deemed  
16 appropriate for the student.

17 (B) Any information provided to appropriate school  
18 officials whom the school has determined to have a  
19 legitimate educational or safety interest by local law  
20 enforcement officials about a minor who is the subject  
21 of a current police investigation that is directly  
22 related to school safety shall consist of oral  
23 information only, and not written law enforcement  
24 records, and shall be used solely by the appropriate  
25 school official or officials to protect the safety of  
26 students and employees in the school and aid in the



1           proper rehabilitation of the child. The information  
2           derived orally from the local law enforcement  
3           officials shall be kept separate from and shall not  
4           become a part of the official school record of the  
5           child and shall not be a public record. This limitation  
6           on the use of information about a minor who is the  
7           subject of a current police investigation shall in no  
8           way limit the use of this information by prosecutors in  
9           pursuing criminal charges arising out of the  
10          information disclosed during a police investigation of  
11          the minor. For purposes of this paragraph,  
12          "investigation" means an official systematic inquiry  
13          by a law enforcement agency into actual or suspected  
14          criminal activity.

15          (9) Mental health professionals on behalf of the  
16          Illinois Department of Corrections or the Department of  
17          Human Services or prosecutors who are evaluating,  
18          prosecuting, or investigating a potential or actual  
19          petition brought under the Sexually Violent Persons  
20          Commitment Act relating to a person who is the subject of  
21          juvenile law enforcement records or the respondent to a  
22          petition brought under the Sexually Violent Persons  
23          Commitment Act who is the subject of the juvenile law  
24          enforcement records sought. Any records and any  
25          information obtained from those records under this  
26          paragraph (9) may be used only in sexually violent persons

1 commitment proceedings.

2 (10) 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 (B) (1) Except as provided in paragraph (2), no law  
13 enforcement officer or other person or agency may knowingly  
14 transmit to the Department of Corrections or the Department  
15 of State Police or to the Federal Bureau of Investigation  
16 any fingerprint or photograph relating to a minor who has  
17 been arrested or taken into custody before his or her 17th  
18 birthday, unless the court in proceedings under this Act  
19 authorizes the transmission or enters an order under  
20 Section 5-805 permitting or requiring the institution of  
21 criminal proceedings.

22 (2) Law enforcement officers or other persons or  
23 agencies shall transmit to the Department of State Police  
24 copies of fingerprints and descriptions of all minors who  
25 have been arrested or taken into custody before their 17th  
26 birthday for the offense of unlawful use of weapons under

1 Article 24 of the Criminal Code of 1961 or the Criminal  
2 Code of 2012, a Class X or Class 1 felony, a forcible  
3 felony as defined in Section 2-8 of the Criminal Code of  
4 1961 or the Criminal Code of 2012, or a Class 2 or greater  
5 felony under the Cannabis Control Act, the Illinois  
6 Controlled Substances Act, the Methamphetamine Control and  
7 Community Protection Act, or Chapter 4 of the Illinois  
8 Vehicle Code, pursuant to Section 5 of the Criminal  
9 Identification Act. Information reported to the Department  
10 pursuant to this Section may be maintained with records  
11 that the Department files pursuant to Section 2.1 of the  
12 Criminal Identification Act. Nothing in this Act prohibits  
13 a law enforcement agency from fingerprinting a minor taken  
14 into custody or arrested before his or her 17th birthday  
15 for an offense other than those listed in this paragraph  
16 (2).

17 (C) The records of law enforcement officers, or of an  
18 independent agency created by ordinance and charged by a unit  
19 of local government with the duty of investigating the conduct  
20 of law enforcement officers, concerning all minors under 17  
21 years of age must be maintained separate from the records of  
22 arrests and may not be open to public inspection or their  
23 contents disclosed to the public except by order of the court  
24 presiding over matters pursuant to this Act or when the  
25 institution of criminal proceedings has been permitted or  
26 required under Section 5-805 or such a person has been

1 convicted of a crime and is the subject of pre-sentence  
2 investigation or proceedings on an application for probation or  
3 when provided by law. For purposes of obtaining documents  
4 pursuant to this Section, a civil subpoena is not an order of  
5 the court.

6 (1) In cases where the law enforcement, or independent  
7 agency, records concern a pending juvenile court case, the  
8 party seeking to inspect the records shall provide actual  
9 notice to the attorney or guardian ad litem of the minor  
10 whose records are sought.

11 (2) In cases where the records concern a juvenile court  
12 case that is no longer pending, the party seeking to  
13 inspect the records shall provide actual notice to the  
14 minor or the minor's parent or legal guardian, and the  
15 matter shall be referred to the chief judge presiding over  
16 matters pursuant to this Act.

17 (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. Any records obtained in violation of this  
22 subsection (C) shall not be admissible in any criminal or  
23 civil proceeding, or operate to disqualify a minor from  
24 subsequently holding public office or securing employment,  
25 or operate as a forfeiture of any public benefit, right,  
26 privilege, or right to receive any license granted by

1 public authority.

2 (D) Nothing contained in subsection (C) of this Section  
3 shall prohibit the inspection or disclosure to victims and  
4 witnesses of photographs contained in the records of law  
5 enforcement agencies when the inspection and disclosure is  
6 conducted in the presence of a law enforcement officer for the  
7 purpose of the identification or apprehension of any person  
8 subject to the provisions of this Act or for the investigation  
9 or prosecution of any crime.

10 (E) Law enforcement officers, and personnel of an  
11 independent agency created by ordinance and charged by a unit  
12 of local government with the duty of investigating the conduct  
13 of law enforcement officers, may not disclose the identity of  
14 any minor in releasing information to the general public as to  
15 the arrest, investigation or disposition of any case involving  
16 a minor.

17 (F) Nothing contained in this Section shall prohibit law  
18 enforcement agencies from communicating with each other by  
19 letter, memorandum, teletype or intelligence alert bulletin or  
20 other means the identity or other relevant information  
21 pertaining to a person under 17 years of age if there are  
22 reasonable grounds to believe that the person poses a real and  
23 present danger to the safety of the public or law enforcement  
24 officers. The information provided under this subsection (F)  
25 shall remain confidential and shall not be publicly disclosed,  
26 except as otherwise allowed by law.

1 (G) Nothing in this Section shall prohibit the right of a  
2 Civil Service Commission or appointing authority of any state,  
3 county or municipality examining the character and fitness of  
4 an applicant for employment with a law enforcement agency,  
5 correctional institution, or fire department from obtaining  
6 and examining the records of any law enforcement agency  
7 relating to any record of the applicant having been arrested or  
8 taken into custody before the applicant's 17th birthday.

9 (Source: P.A. 96-419, eff. 8-13-09; 97-700, eff. 6-22-12;  
10 97-1083, eff. 8-24-12; 97-1104, eff. 1-1-13; revised 9-20-12.)

11 (705 ILCS 405/1-8) (from Ch. 37, par. 801-8)

12 Sec. 1-8. Confidentiality and accessibility of juvenile  
13 court records.

14 (A) Inspection and copying of juvenile court records  
15 relating to a minor who is the subject of a proceeding under  
16 this Act shall be restricted to the following:

17 (1) The minor who is the subject of record, his  
18 parents, guardian and counsel.

19 (2) Law enforcement officers and law enforcement  
20 agencies when such information is essential to executing an  
21 arrest or search warrant or other compulsory process, or to  
22 conducting an ongoing investigation or relating to a minor  
23 who has been adjudicated delinquent and there has been a  
24 previous finding that the act which constitutes the  
25 previous offense was committed in furtherance of criminal

1 activities by a criminal street gang.

2 Before July 1, 1994, for the purposes of this Section,  
3 "criminal street gang" means any ongoing organization,  
4 association, or group of 3 or more persons, whether formal  
5 or informal, having as one of its primary activities the  
6 commission of one or more criminal acts and that has a  
7 common name or common identifying sign, symbol or specific  
8 color apparel displayed, and whose members individually or  
9 collectively engage in or have engaged in a pattern of  
10 criminal activity.

11 Beginning July 1, 1994, for purposes of this Section,  
12 "criminal street gang" has the meaning ascribed to it in  
13 Section 10 of the Illinois Streetgang Terrorism Omnibus  
14 Prevention Act.

15 (3) Judges, hearing officers, prosecutors, probation  
16 officers, social workers or other individuals assigned by  
17 the court to conduct a pre-adjudication or predisposition  
18 investigation, and individuals responsible for supervising  
19 or providing temporary or permanent care and custody for  
20 minors pursuant to the order of the juvenile court when  
21 essential to performing their responsibilities.

22 (4) Judges, prosecutors and probation officers:

23 (a) in the course of a trial when institution of  
24 criminal proceedings has been permitted or required  
25 under Section 5-805; or

26 (b) when criminal proceedings have been permitted

1 or required under Section 5-805 and a minor is the  
2 subject of a proceeding to determine the amount of  
3 bail; or

4 (c) when criminal proceedings have been permitted  
5 or required under Section 5-805 and a minor is the  
6 subject of a pre-trial investigation, pre-sentence  
7 investigation or fitness hearing, or proceedings on an  
8 application for probation; or

9 (d) when a minor becomes 17 years of age or older,  
10 and is the subject of criminal proceedings, including a  
11 hearing to determine the amount of bail, a pre-trial  
12 investigation, a pre-sentence investigation, a fitness  
13 hearing, or proceedings on an application for  
14 probation.

15 (5) Adult and Juvenile Prisoner Review Boards.

16 (6) Authorized military personnel.

17 (7) Victims, their subrogees and legal  
18 representatives; however, such persons shall have access  
19 only to the name and address of the minor and information  
20 pertaining to the disposition or alternative adjustment  
21 plan of the juvenile court.

22 (8) Persons engaged in bona fide research, with the  
23 permission of the presiding judge of the juvenile court and  
24 the chief executive of the agency that prepared the  
25 particular records; provided that publication of such  
26 research results in no disclosure of a minor's identity and



1 protects the confidentiality of the record.

2 (9) The Secretary of State to whom the Clerk of the  
3 Court shall report the disposition of all cases, as  
4 required in Section 6-204 of the Illinois Vehicle Code.  
5 However, information reported relative to these offenses  
6 shall be privileged and available only to the Secretary of  
7 State, courts, and police officers.

8 (10) The administrator of a bonafide substance abuse  
9 student assistance program with the permission of the  
10 presiding judge of the juvenile court.

11 (11) Mental health professionals on behalf of the  
12 Illinois Department of Corrections or the Department of  
13 Human Services or prosecutors who are evaluating,  
14 prosecuting, or investigating a potential or actual  
15 petition brought under the Sexually Violent Persons  
16 Commitment Act relating to a person who is the subject of  
17 juvenile court records or the respondent to a petition  
18 brought under the Sexually Violent Persons Commitment Act,  
19 who is the subject of juvenile court records sought. Any  
20 records and any information obtained from those records  
21 under this paragraph (11) may be used only in sexually  
22 violent persons commitment proceedings.

23 (A-1) Findings and exclusions of paternity entered in  
24 proceedings occurring under Article II of this Act shall be  
25 disclosed, in a manner and form approved by the Presiding Judge  
26 of the Juvenile Court, to the Department of Healthcare and

1 Family Services when necessary to discharge the duties of the  
2 Department of Healthcare and Family Services under Article X of  
3 the Illinois Public Aid Code.

4 (B) A minor who is the victim in a juvenile proceeding  
5 shall be provided the same confidentiality regarding  
6 disclosure of identity as the minor who is the subject of  
7 record.

8 (C) Except as otherwise provided in this subsection (C),  
9 juvenile court records shall not be made available to the  
10 general public but may be inspected by representatives of  
11 agencies, associations and news media or other properly  
12 interested persons by general or special order of the court  
13 presiding over matters pursuant to this Act.

14 (0.1) In cases where the records concern a pending  
15 juvenile court case, the party seeking to inspect the  
16 juvenile court records shall provide actual notice to the  
17 attorney or guardian ad litem of the minor whose records  
18 are sought.

19 (0.2) In cases where the records concern a juvenile  
20 court case that is no longer pending, the party seeking to  
21 inspect the juvenile court records shall provide actual  
22 notice to the minor or the minor's parent or legal  
23 guardian, and the matter shall be referred to the chief  
24 judge presiding over matters pursuant to this Act.

25 (0.3) In determining whether the records should be  
26 available for inspection, the court shall consider the

1 minor's interest in confidentiality and rehabilitation  
2 over the moving party's interest in obtaining the  
3 information. The State's Attorney, the minor, and the  
4 minor's parents, guardian, and counsel shall at all times  
5 have the right to examine court files and records. For  
6 purposes of obtaining documents pursuant to this Section, a  
7 civil subpoena is not an order of the court.

8 (0.4) Any records obtained in violation of this  
9 subsection (C) shall not be admissible in any criminal or  
10 civil proceeding, or operate to disqualify a minor from  
11 subsequently holding public office, or operate as a  
12 forfeiture of any public benefit, right, privilege, or  
13 right to receive any license granted by public authority.

14 (1) The court shall allow the general public to have  
15 access to the name, address, and offense of a minor who is  
16 adjudicated a delinquent minor under this Act under either  
17 of the following circumstances:

18 (A) The adjudication of delinquency was based upon  
19 the minor's commission of first degree murder, attempt  
20 to commit first degree murder, aggravated criminal  
21 sexual assault, or criminal sexual assault; or

22 (B) The court has made a finding that the minor was  
23 at least 13 years of age at the time the act was  
24 committed and the adjudication of delinquency was  
25 based upon the minor's commission of: (i) an act in  
26 furtherance of the commission of a felony as a member

1 of or on behalf of a criminal street gang, (ii) an act  
2 involving the use of a firearm in the commission of a  
3 felony, (iii) an act that would be a Class X felony  
4 offense under or the minor's second or subsequent Class  
5 2 or greater felony offense under the Cannabis Control  
6 Act if committed by an adult, (iv) an act that would be  
7 a second or subsequent offense under Section 402 of the  
8 Illinois Controlled Substances Act if committed by an  
9 adult, (v) an act that would be an offense under  
10 Section 401 of the Illinois Controlled Substances Act  
11 if committed by an adult, (vi) an act that would be a  
12 second or subsequent offense under Section 60 of the  
13 Methamphetamine Control and Community Protection Act,  
14 or (vii) an act that would be an offense under another  
15 Section of the Methamphetamine Control and Community  
16 Protection Act.

17 (2) The court shall allow the general public to have  
18 access to the name, address, and offense of a minor who is  
19 at least 13 years of age at the time the offense is  
20 committed and who is convicted, in criminal proceedings  
21 permitted or required under Section 5-4, under either of  
22 the following circumstances:

23 (A) The minor has been convicted of first degree  
24 murder, attempt to commit first degree murder,  
25 aggravated criminal sexual assault, or criminal sexual  
26 assault,

1 (B) The court has made a finding that the minor was  
2 at least 13 years of age at the time the offense was  
3 committed and the conviction was based upon the minor's  
4 commission of: (i) an offense in furtherance of the  
5 commission of a felony as a member of or on behalf of a  
6 criminal street gang, (ii) an offense involving the use  
7 of a firearm in the commission of a felony, (iii) a  
8 Class X felony offense under or a second or subsequent  
9 Class 2 or greater felony offense under the Cannabis  
10 Control Act, (iv) a second or subsequent offense under  
11 Section 402 of the Illinois Controlled Substances Act,  
12 (v) an offense under Section 401 of the Illinois  
13 Controlled Substances Act, (vi) an act that would be a  
14 second or subsequent offense under Section 60 of the  
15 Methamphetamine Control and Community Protection Act,  
16 or (vii) an act that would be an offense under another  
17 Section of the Methamphetamine Control and Community  
18 Protection Act.

19 (D) Pending or following any adjudication of delinquency  
20 for any offense defined in Sections 11-1.20 through 11-1.60 or  
21 12-13 through 12-16 of the Criminal Code of 1961 or the  
22 Criminal Code of 2012, the victim of any such offense shall  
23 receive the rights set out in Sections 4 and 6 of the Bill of  
24 Rights for Victims and Witnesses of Violent Crime Act; and the  
25 juvenile who is the subject of the adjudication,  
26 notwithstanding any other provision of this Act, shall be

1 treated as an adult for the purpose of affording such rights to  
2 the victim.

3 (E) Nothing in this Section shall affect the right of a  
4 Civil Service Commission or appointing authority of any state,  
5 county or municipality examining the character and fitness of  
6 an applicant for employment with a law enforcement agency,  
7 correctional institution, or fire department to ascertain  
8 whether that applicant was ever adjudicated to be a delinquent  
9 minor and, if so, to examine the records of disposition or  
10 evidence which were made in proceedings under this Act.

11 (F) Following any adjudication of delinquency for a crime  
12 which would be a felony if committed by an adult, or following  
13 any adjudication of delinquency for a violation of Section  
14 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the  
15 Criminal Code of 2012, the State's Attorney shall ascertain  
16 whether the minor respondent is enrolled in school and, if so,  
17 shall provide a copy of the dispositional order to the  
18 principal or chief administrative officer of the school. Access  
19 to such juvenile records shall be limited to the principal or  
20 chief administrative officer of the school and any guidance  
21 counselor designated by him.

22 (G) Nothing contained in this Act prevents the sharing or  
23 disclosure of information or records relating or pertaining to  
24 juveniles subject to the provisions of the Serious Habitual  
25 Offender Comprehensive Action Program when that information is  
26 used to assist in the early identification and treatment of

1 habitual juvenile offenders.

2 (H) When a Court hearing a proceeding under Article II of  
3 this Act becomes aware that an earlier proceeding under Article  
4 II had been heard in a different county, that Court shall  
5 request, and the Court in which the earlier proceedings were  
6 initiated shall transmit, an authenticated copy of the Court  
7 record, including all documents, petitions, and orders filed  
8 therein and the minute orders, transcript of proceedings, and  
9 docket entries of the Court.

10 (I) The Clerk of the Circuit Court shall report to the  
11 Department of State Police, in the form and manner required by  
12 the Department of State Police, the final disposition of each  
13 minor who has been arrested or taken into custody before his or  
14 her 17th birthday for those offenses required to be reported  
15 under Section 5 of the Criminal Identification Act. Information  
16 reported to the Department under this Section may be maintained  
17 with records that the Department files under Section 2.1 of the  
18 Criminal Identification Act.

19 (Source: P.A. 96-212, eff. 8-10-09; 96-1551, eff. 7-1-11;  
20 97-813, eff. 7-13-12.)

21 (705 ILCS 405/2-3) (from Ch. 37, par. 802-3)

22 Sec. 2-3. Neglected or abused minor.

23 (1) Those who are neglected include:

24 (a) any minor under 18 years of age who is not  
25 receiving the proper or necessary support, education as

1 required by law, or medical or other remedial care  
2 recognized under State law as necessary for a minor's  
3 well-being, or other care necessary for his or her  
4 well-being, including adequate food, clothing and shelter,  
5 or who is abandoned by his or her parent or parents or  
6 other person or persons responsible for the minor's  
7 welfare, except that a minor shall not be considered  
8 neglected for the sole reason that the minor's parent or  
9 parents or other person or persons responsible for the  
10 minor's welfare have left the minor in the care of an adult  
11 relative for any period of time, who the parent or parents  
12 or other person responsible for the minor's welfare know is  
13 both a mentally capable adult relative and physically  
14 capable adult relative, as defined by this Act; or

15 (b) any minor under 18 years of age whose environment  
16 is injurious to his or her welfare; or

17 (c) any newborn infant whose blood, urine, or meconium  
18 contains any amount of a controlled substance as defined in  
19 subsection (f) of Section 102 of the Illinois Controlled  
20 Substances Act, as now or hereafter amended, or a  
21 metabolite of a controlled substance, with the exception of  
22 controlled substances or metabolites of such substances,  
23 the presence of which in the newborn infant is the result  
24 of medical treatment administered to the mother or the  
25 newborn infant; or

26 (d) any minor under the age of 14 years whose parent or



1 other person responsible for the minor's welfare leaves the  
2 minor without supervision for an unreasonable period of  
3 time without regard for the mental or physical health,  
4 safety, or welfare of that minor; or

5 (e) any minor who has been provided with interim crisis  
6 intervention services under Section 3-5 of this Act and  
7 whose parent, guardian, or custodian refuses to permit the  
8 minor to return home unless the minor is an immediate  
9 physical danger to himself, herself, or others living in  
10 the home.

11 Whether the minor was left without regard for the mental or  
12 physical health, safety, or welfare of that minor or the period  
13 of time was unreasonable shall be determined by considering the  
14 following factors, including but not limited to:

15 (1) the age of the minor;

16 (2) the number of minors left at the location;

17 (3) special needs of the minor, including whether the  
18 minor is physically or mentally handicapped, or otherwise  
19 in need of ongoing prescribed medical treatment such as  
20 periodic doses of insulin or other medications;

21 (4) the duration of time in which the minor was left  
22 without supervision;

23 (5) the condition and location of the place where the  
24 minor was left without supervision;

25 (6) the time of day or night when the minor was left  
26 without supervision;

1           (7) the weather conditions, including whether the  
2 minor was left in a location with adequate protection from  
3 the natural elements such as adequate heat or light;

4           (8) the location of the parent or guardian at the time  
5 the minor was left without supervision, the physical  
6 distance the minor was from the parent or guardian at the  
7 time the minor was without supervision;

8           (9) whether the minor's movement was restricted, or the  
9 minor was otherwise locked within a room or other  
10 structure;

11           (10) whether the minor was given a phone number of a  
12 person or location to call in the event of an emergency and  
13 whether the minor was capable of making an emergency call;

14           (11) whether there was food and other provision left  
15 for the minor;

16           (12) whether any of the conduct is attributable to  
17 economic hardship or illness and the parent, guardian or  
18 other person having physical custody or control of the  
19 child made a good faith effort to provide for the health  
20 and safety of the minor;

21           (13) the age and physical and mental capabilities of  
22 the person or persons who provided supervision for the  
23 minor;

24           (14) whether the minor was left under the supervision  
25 of another person;

26           (15) any other factor that would endanger the health

1 and safety of that particular minor.

2 A minor shall not be considered neglected for the sole  
3 reason that the minor has been relinquished in accordance with  
4 the Abandoned Newborn Infant Protection Act.

5 (2) Those who are abused include any minor under 18 years  
6 of age whose parent or immediate family member, or any person  
7 responsible for the minor's welfare, or any person who is in  
8 the same family or household as the minor, or any individual  
9 residing in the same home as the minor, or a paramour of the  
10 minor's parent:

11 (i) inflicts, causes to be inflicted, or allows to be  
12 inflicted upon such minor physical injury, by other than  
13 accidental means, which causes death, disfigurement,  
14 impairment of physical or emotional health, or loss or  
15 impairment of any bodily function;

16 (ii) creates a substantial risk of physical injury to  
17 such minor by other than accidental means which would be  
18 likely to cause death, disfigurement, impairment of  
19 emotional health, or loss or impairment of any bodily  
20 function;

21 (iii) commits or allows to be committed any sex offense  
22 against such minor, as such sex offenses are defined in the  
23 Criminal Code of 1961 or the Criminal Code of 2012, as  
24 ~~amended,~~ or in the Wrongs to Children Act, and extending  
25 those definitions of sex offenses to include minors under  
26 18 years of age;

1 (iv) commits or allows to be committed an act or acts  
2 of torture upon such minor;

3 (v) inflicts excessive corporal punishment;

4 (vi) commits or allows to be committed the offense of  
5 involuntary servitude, involuntary sexual servitude of a  
6 minor, or trafficking in persons as defined in Section 10-9  
7 of the Criminal Code of 1961 or the Criminal Code of 2012,  
8 upon such minor; or

9 (vii) allows, encourages or requires a minor to commit  
10 any act of prostitution, as defined in the Criminal Code of  
11 1961 or the Criminal Code of 2012, and extending those  
12 definitions to include minors under 18 years of age.

13 A minor shall not be considered abused for the sole reason  
14 that the minor has been relinquished in accordance with the  
15 Abandoned Newborn Infant Protection Act.

16 (3) This Section does not apply to a minor who would be  
17 included herein solely for the purpose of qualifying for  
18 financial assistance for himself, his parents, guardian or  
19 custodian.

20 (Source: P.A. 96-168, eff. 8-10-09; 96-1464, eff. 8-20-10;  
21 97-897, eff. 1-1-13.)

22 (705 ILCS 405/2-10) (from Ch. 37, par. 802-10)

23 Sec. 2-10. Temporary custody hearing. At the appearance of  
24 the minor before the court at the temporary custody hearing,  
25 all witnesses present shall be examined before the court in

1 relation to any matter connected with the allegations made in  
2 the petition.

3 (1) If the court finds that there is not probable cause to  
4 believe that the minor is abused, neglected or dependent it  
5 shall release the minor and dismiss the petition.

6 (2) If the court finds that there is probable cause to  
7 believe that the minor is abused, neglected or dependent, the  
8 court shall state in writing the factual basis supporting its  
9 finding and the minor, his or her parent, guardian, custodian  
10 and other persons able to give relevant testimony shall be  
11 examined before the court. The Department of Children and  
12 Family Services shall give testimony concerning indicated  
13 reports of abuse and neglect, of which they are aware of  
14 through the central registry, involving the minor's parent,  
15 guardian or custodian. After such testimony, the court may,  
16 consistent with the health, safety and best interests of the  
17 minor, enter an order that the minor shall be released upon the  
18 request of parent, guardian or custodian if the parent,  
19 guardian or custodian appears to take custody. If it is  
20 determined that a parent's, guardian's, or custodian's  
21 compliance with critical services mitigates the necessity for  
22 removal of the minor from his or her home, the court may enter  
23 an Order of Protection setting forth reasonable conditions of  
24 behavior that a parent, guardian, or custodian must observe for  
25 a specified period of time, not to exceed 12 months, without a  
26 violation; provided, however, that the 12-month period shall

1 begin anew after any violation. Custodian shall include any  
2 agency of the State which has been given custody or wardship of  
3 the child. If it is consistent with the health, safety and best  
4 interests of the minor, the court may also prescribe shelter  
5 care and order that the minor be kept in a suitable place  
6 designated by the court or in a shelter care facility  
7 designated by the Department of Children and Family Services or  
8 a licensed child welfare agency; however, a minor charged with  
9 a criminal offense under the Criminal Code of 1961 or the  
10 Criminal Code of 2012 or adjudicated delinquent shall not be  
11 placed in the custody of or committed to the Department of  
12 Children and Family Services by any court, except a minor less  
13 than 15 years of age and committed to the Department of  
14 Children and Family Services under Section 5-710 of this Act or  
15 a minor for whom an independent basis of abuse, neglect, or  
16 dependency exists. An independent basis exists when the  
17 allegations or adjudication of abuse, neglect, or dependency do  
18 not arise from the same facts, incident, or circumstances which  
19 give rise to a charge or adjudication of delinquency.

20 In placing the minor, the Department or other agency shall,  
21 to the extent compatible with the court's order, comply with  
22 Section 7 of the Children and Family Services Act. In  
23 determining the health, safety and best interests of the minor  
24 to prescribe shelter care, the court must find that it is a  
25 matter of immediate and urgent necessity for the safety and  
26 protection of the minor or of the person or property of another

1 that the minor be placed in a shelter care facility or that he  
2 or she is likely to flee the jurisdiction of the court, and  
3 must further find that reasonable efforts have been made or  
4 that, consistent with the health, safety and best interests of  
5 the minor, no efforts reasonably can be made to prevent or  
6 eliminate the necessity of removal of the minor from his or her  
7 home. The court shall require documentation from the Department  
8 of Children and Family Services as to the reasonable efforts  
9 that were made to prevent or eliminate the necessity of removal  
10 of the minor from his or her home or the reasons why no efforts  
11 reasonably could be made to prevent or eliminate the necessity  
12 of removal. When a minor is placed in the home of a relative,  
13 the Department of Children and Family Services shall complete a  
14 preliminary background review of the members of the minor's  
15 custodian's household in accordance with Section 4.3 of the  
16 Child Care Act of 1969 within 90 days of that placement. If the  
17 minor is ordered placed in a shelter care facility of the  
18 Department of Children and Family Services or a licensed child  
19 welfare agency, the court shall, upon request of the  
20 appropriate Department or other agency, appoint the Department  
21 of Children and Family Services Guardianship Administrator or  
22 other appropriate agency executive temporary custodian of the  
23 minor and the court may enter such other orders related to the  
24 temporary custody as it deems fit and proper, including the  
25 provision of services to the minor or his family to ameliorate  
26 the causes contributing to the finding of probable cause or to

1 the finding of the existence of immediate and urgent necessity.

2 Where the Department of Children and Family Services  
3 Guardianship Administrator is appointed as the executive  
4 temporary custodian, the Department of Children and Family  
5 Services shall file with the court and serve on the parties a  
6 parent-child visiting plan, within 10 days, excluding weekends  
7 and holidays, after the appointment. The parent-child visiting  
8 plan shall set out the time and place of visits, the frequency  
9 of visits, the length of visits, who shall be present at the  
10 visits, and where appropriate, the minor's opportunities to  
11 have telephone and mail communication with the parents.

12 Where the Department of Children and Family Services  
13 Guardianship Administrator is appointed as the executive  
14 temporary custodian, and when the child has siblings in care,  
15 the Department of Children and Family Services shall file with  
16 the court and serve on the parties a sibling placement and  
17 contact plan within 10 days, excluding weekends and holidays,  
18 after the appointment. The sibling placement and contact plan  
19 shall set forth whether the siblings are placed together, and  
20 if they are not placed together, what, if any, efforts are  
21 being made to place them together. If the Department has  
22 determined that it is not in a child's best interest to be  
23 placed with a sibling, the Department shall document in the  
24 sibling placement and contact plan the basis for its  
25 determination. For siblings placed separately, the sibling  
26 placement and contact plan shall set the time and place for



1 visits, the frequency of the visits, the length of visits, who  
2 shall be present for the visits, and where appropriate, the  
3 child's opportunities to have contact with their siblings in  
4 addition to in person contact. If the Department determines it  
5 is not in the best interest of a sibling to have contact with a  
6 sibling, the Department shall document in the sibling placement  
7 and contact plan the basis for its determination. The sibling  
8 placement and contact plan shall specify a date for development  
9 of the Sibling Contact Support Plan, under subsection (f) of  
10 Section 7.4 of the Children and Family Services Act, and shall  
11 remain in effect until the Sibling Contact Support Plan is  
12 developed.

13 For good cause, the court may waive the requirement to  
14 file the parent-child visiting plan or the sibling placement  
15 and contact plan, or extend the time for filing either plan.  
16 Any party may, by motion, request the court to review the  
17 parent-child visiting plan to determine whether it is  
18 reasonably calculated to expeditiously facilitate the  
19 achievement of the permanency goal. A party may, by motion,  
20 request the court to review the parent-child visiting plan or  
21 the sibling placement and contact plan to determine whether it  
22 is consistent with the minor's best interest. The court may  
23 refer the parties to mediation where available. The frequency,  
24 duration, and locations of visitation shall be measured by the  
25 needs of the child and family, and not by the convenience of  
26 Department personnel. Child development principles shall be

1 considered by the court in its analysis of how frequent  
2 visitation should be, how long it should last, where it should  
3 take place, and who should be present. If upon motion of the  
4 party to review either plan and after receiving evidence, the  
5 court determines that the parent-child visiting plan is not  
6 reasonably calculated to expeditiously facilitate the  
7 achievement of the permanency goal or that the restrictions  
8 placed on parent-child contact or sibling placement or contact  
9 are contrary to the child's best interests, the court shall put  
10 in writing the factual basis supporting the determination and  
11 enter specific findings based on the evidence. The court shall  
12 enter an order for the Department to implement changes to the  
13 parent-child visiting plan or sibling placement or contact  
14 plan, consistent with the court's findings. At any stage of  
15 proceeding, any party may by motion request the court to enter  
16 any orders necessary to implement the parent-child visiting  
17 plan, sibling placement or contact plan or subsequently  
18 developed Sibling Contact Support Plan. Nothing under this  
19 subsection (2) shall restrict the court from granting  
20 discretionary authority to the Department to increase  
21 opportunities for additional parent-child contacts or sibling  
22 contacts, without further court orders. Nothing in this  
23 subsection (2) shall restrict the Department from immediately  
24 restricting or terminating parent-child contact or sibling  
25 contacts, without either amending the parent-child visiting  
26 plan or the sibling contact plan or obtaining a court order,

1 where the Department or its assigns reasonably believe that  
2 continuation of the contact, as set out in the plan, would be  
3 contrary to the child's health, safety, and welfare. The  
4 Department shall file with the court and serve on the parties  
5 any amendments to the plan within 10 days, excluding weekends  
6 and holidays, of the change of the visitation.

7 Acceptance of services shall not be considered an admission  
8 of any allegation in a petition made pursuant to this Act, nor  
9 may a referral of services be considered as evidence in any  
10 proceeding pursuant to this Act, except where the issue is  
11 whether the Department has made reasonable efforts to reunite  
12 the family. In making its findings that it is consistent with  
13 the health, safety and best interests of the minor to prescribe  
14 shelter care, the court shall state in writing (i) the factual  
15 basis supporting its findings concerning the immediate and  
16 urgent necessity for the protection of the minor or of the  
17 person or property of another and (ii) the factual basis  
18 supporting its findings that reasonable efforts were made to  
19 prevent or eliminate the removal of the minor from his or her  
20 home or that no efforts reasonably could be made to prevent or  
21 eliminate the removal of the minor from his or her home. The  
22 parents, guardian, custodian, temporary custodian and minor  
23 shall each be furnished a copy of such written findings. The  
24 temporary custodian shall maintain a copy of the court order  
25 and written findings in the case record for the child. The  
26 order together with the court's findings of fact in support

1       thereof shall be entered of record in the court.

2               Once the court finds that it is a matter of immediate and  
3       urgent necessity for the protection of the minor that the minor  
4       be placed in a shelter care facility, the minor shall not be  
5       returned to the parent, custodian or guardian until the court  
6       finds that such placement is no longer necessary for the  
7       protection of the minor.

8               If the child is placed in the temporary custody of the  
9       Department of Children and Family Services for his or her  
10      protection, the court shall admonish the parents, guardian,  
11      custodian or responsible relative that the parents must  
12      cooperate with the Department of Children and Family Services,  
13      comply with the terms of the service plans, and correct the  
14      conditions which require the child to be in care, or risk  
15      termination of their parental rights.

16              (3) If prior to the shelter care hearing for a minor  
17      described in Sections 2-3, 2-4, 3-3 and 4-3 the moving party is  
18      unable to serve notice on the party respondent, the shelter  
19      care hearing may proceed ex-parte. A shelter care order from an  
20      ex-parte hearing shall be endorsed with the date and hour of  
21      issuance and shall be filed with the clerk's office and entered  
22      of record. The order shall expire after 10 days from the time  
23      it is issued unless before its expiration it is renewed, at a  
24      hearing upon appearance of the party respondent, or upon an  
25      affidavit of the moving party as to all diligent efforts to  
26      notify the party respondent by notice as herein prescribed. The

1 notice prescribed shall be in writing and shall be personally  
 2 delivered to the minor or the minor's attorney and to the last  
 3 known address of the other person or persons entitled to  
 4 notice. The notice shall also state the nature of the  
 5 allegations, the nature of the order sought by the State,  
 6 including whether temporary custody is sought, and the  
 7 consequences of failure to appear and shall contain a notice  
 8 that the parties will not be entitled to further written  
 9 notices or publication notices of proceedings in this case,  
 10 including the filing of an amended petition or a motion to  
 11 terminate parental rights, except as required by Supreme Court  
 12 Rule 11; and shall explain the right of the parties and the  
 13 procedures to vacate or modify a shelter care order as provided  
 14 in this Section. The notice for a shelter care hearing shall be  
 15 substantially as follows:

16 NOTICE TO PARENTS AND CHILDREN  
 17 OF SHELTER CARE HEARING

18 On ..... at ....., before the Honorable  
 19 ....., (address:) ....., the State  
 20 of Illinois will present evidence (1) that (name of child  
 21 or children) ..... are abused, neglected  
 22 or dependent for the following reasons:  
 23 ..... and (2)  
 24 whether there is "immediate and urgent necessity" to remove  
 25 the child or children from the responsible relative.

26 YOUR FAILURE TO APPEAR AT THE HEARING MAY RESULT IN

1 PLACEMENT of the child or children in foster care until a  
2 trial can be held. A trial may not be held for up to 90  
3 days. You will not be entitled to further notices of  
4 proceedings in this case, including the filing of an  
5 amended petition or a motion to terminate parental rights.

6 At the shelter care hearing, parents have the following  
7 rights:

8 1. To ask the court to appoint a lawyer if they  
9 cannot afford one.

10 2. To ask the court to continue the hearing to  
11 allow them time to prepare.

12 3. To present evidence concerning:

13 a. Whether or not the child or children were  
14 abused, neglected or dependent.

15 b. Whether or not there is "immediate and  
16 urgent necessity" to remove the child from home  
17 (including: their ability to care for the child,  
18 conditions in the home, alternative means of  
19 protecting the child other than removal).

20 c. The best interests of the child.

21 4. To cross examine the State's witnesses.

22 The Notice for rehearings shall be substantially as  
23 follows:

24 NOTICE OF PARENT'S AND CHILDREN'S RIGHTS  
25 TO REHEARING ON TEMPORARY CUSTODY

1           If you were not present at and did not have adequate  
2 notice of the Shelter Care Hearing at which temporary  
3 custody of ..... was awarded to  
4 ....., you have the right to request a full  
5 rehearing on whether the State should have temporary  
6 custody of ..... To request this rehearing,  
7 you must file with the Clerk of the Juvenile Court  
8 (address): ....., in person or by  
9 mailing a statement (affidavit) setting forth the  
10 following:

11           1. That you were not present at the shelter care  
12 hearing.

13           2. That you did not get adequate notice (explaining  
14 how the notice was inadequate).

15           3. Your signature.

16           4. Signature must be notarized.

17           The rehearing should be scheduled within 48 hours of  
18 your filing this affidavit.

19           At the rehearing, your rights are the same as at the  
20 initial shelter care hearing. The enclosed notice explains  
21 those rights.

22           At the Shelter Care Hearing, children have the  
23 following rights:

24           1. To have a guardian ad litem appointed.

25           2. To be declared competent as a witness and to  
26 present testimony concerning:

1           a. Whether they are abused, neglected or  
2           dependent.

3           b. Whether there is "immediate and urgent  
4           necessity" to be removed from home.

5           c. Their best interests.

6           3. To cross examine witnesses for other parties.

7           4. To obtain an explanation of any proceedings and  
8           orders of the court.

9           (4) If the parent, guardian, legal custodian, responsible  
10          relative, minor age 8 or over, or counsel of the minor did not  
11          have actual notice of or was not present at the shelter care  
12          hearing, he or she may file an affidavit setting forth these  
13          facts, and the clerk shall set the matter for rehearing not  
14          later than 48 hours, excluding Sundays and legal holidays,  
15          after the filing of the affidavit. At the rehearing, the court  
16          shall proceed in the same manner as upon the original hearing.

17          (5) Only when there is reasonable cause to believe that the  
18          minor taken into custody is a person described in subsection  
19          (3) of Section 5-105 may the minor be kept or detained in a  
20          detention home or county or municipal jail. This Section shall  
21          in no way be construed to limit subsection (6).

22          (6) No minor under 16 years of age may be confined in a  
23          jail or place ordinarily used for the confinement of prisoners  
24          in a police station. Minors under 17 years of age must be kept  
25          separate from confined adults and may not at any time be kept  
26          in the same cell, room, or yard with adults confined pursuant



1 to the criminal law.

2 (7) If the minor is not brought before a judicial officer  
3 within the time period as specified in Section 2-9, the minor  
4 must immediately be released from custody.

5 (8) If neither the parent, guardian or custodian appears  
6 within 24 hours to take custody of a minor released upon  
7 request pursuant to subsection (2) of this Section, then the  
8 clerk of the court shall set the matter for rehearing not later  
9 than 7 days after the original order and shall issue a summons  
10 directed to the parent, guardian or custodian to appear. At the  
11 same time the probation department shall prepare a report on  
12 the minor. If a parent, guardian or custodian does not appear  
13 at such rehearing, the judge may enter an order prescribing  
14 that the minor be kept in a suitable place designated by the  
15 Department of Children and Family Services or a licensed child  
16 welfare agency.

17 (9) Notwithstanding any other provision of this Section any  
18 interested party, including the State, the temporary  
19 custodian, an agency providing services to the minor or family  
20 under a service plan pursuant to Section 8.2 of the Abused and  
21 Neglected Child Reporting Act, foster parent, or any of their  
22 representatives, on notice to all parties entitled to notice,  
23 may file a motion that it is in the best interests of the minor  
24 to modify or vacate a temporary custody order on any of the  
25 following grounds:

26 (a) It is no longer a matter of immediate and urgent

1 necessity that the minor remain in shelter care; or

2 (b) There is a material change in the circumstances of  
3 the natural family from which the minor was removed and the  
4 child can be cared for at home without endangering the  
5 child's health or safety; or

6 (c) A person not a party to the alleged abuse, neglect  
7 or dependency, including a parent, relative or legal  
8 guardian, is capable of assuming temporary custody of the  
9 minor; or

10 (d) Services provided by the Department of Children and  
11 Family Services or a child welfare agency or other service  
12 provider have been successful in eliminating the need for  
13 temporary custody and the child can be cared for at home  
14 without endangering the child's health or safety.

15 In ruling on the motion, the court shall determine whether  
16 it is consistent with the health, safety and best interests of  
17 the minor to modify or vacate a temporary custody order.

18 The clerk shall set the matter for hearing not later than  
19 14 days after such motion is filed. In the event that the court  
20 modifies or vacates a temporary custody order but does not  
21 vacate its finding of probable cause, the court may order that  
22 appropriate services be continued or initiated in behalf of the  
23 minor and his or her family.

24 (10) When the court finds or has found that there is  
25 probable cause to believe a minor is an abused minor as  
26 described in subsection (2) of Section 2-3 and that there is an

1 immediate and urgent necessity for the abused minor to be  
2 placed in shelter care, immediate and urgent necessity shall be  
3 presumed for any other minor residing in the same household as  
4 the abused minor provided:

5 (a) Such other minor is the subject of an abuse or  
6 neglect petition pending before the court; and

7 (b) A party to the petition is seeking shelter care for  
8 such other minor.

9 Once the presumption of immediate and urgent necessity has  
10 been raised, the burden of demonstrating the lack of immediate  
11 and urgent necessity shall be on any party that is opposing  
12 shelter care for the other minor.

13 (Source: P.A. 97-1076, eff. 8-24-12.)

14 (705 ILCS 405/2-13) (from Ch. 37, par. 802-13)

15 Sec. 2-13. Petition.

16 (1) Any adult person, any agency or association by its  
17 representative may file, or the court on its own motion,  
18 consistent with the health, safety and best interests of the  
19 minor may direct the filing through the State's Attorney of a  
20 petition in respect of a minor under this Act. The petition and  
21 all subsequent court documents shall be entitled "In the  
22 interest of ....., a minor".

23 (2) The petition shall be verified but the statements may  
24 be made upon information and belief. It shall allege that the  
25 minor is abused, neglected, or dependent, with citations to the

1 appropriate provisions of this Act, and set forth (a) facts  
2 sufficient to bring the minor under Section 2-3 or 2-4 and to  
3 inform respondents of the cause of action, including, but not  
4 limited to, a plain and concise statement of the factual  
5 allegations that form the basis for the filing of the petition;  
6 (b) the name, age and residence of the minor; (c) the names and  
7 residences of his parents; (d) the name and residence of his  
8 legal guardian or the person or persons having custody or  
9 control of the minor, or of the nearest known relative if no  
10 parent or guardian can be found; and (e) if the minor upon  
11 whose behalf the petition is brought is sheltered in custody,  
12 the date on which such temporary custody was ordered by the  
13 court or the date set for a temporary custody hearing. If any  
14 of the facts herein required are not known by the petitioner,  
15 the petition shall so state.

16 (3) The petition must allege that it is in the best  
17 interests of the minor and of the public that he be adjudged a  
18 ward of the court and may pray generally for relief available  
19 under this Act. The petition need not specify any proposed  
20 disposition following adjudication of wardship. The petition  
21 may request that the minor remain in the custody of the parent,  
22 guardian, or custodian under an Order of Protection.

23 (4) If termination of parental rights and appointment of a  
24 guardian of the person with power to consent to adoption of the  
25 minor under Section 2-29 is sought, the petition shall so  
26 state. If the petition includes this request, the prayer for

1 relief shall clearly and obviously state that the parents could  
2 permanently lose their rights as a parent at this hearing.

3 In addition to the foregoing, the petitioner, by motion,  
4 may request the termination of parental rights and appointment  
5 of a guardian of the person with power to consent to adoption  
6 of the minor under Section 2-29 at any time after the entry of  
7 a dispositional order under Section 2-22.

8 (4.5) (a) With respect to any minors committed to its care  
9 pursuant to this Act, the Department of Children and Family  
10 Services shall request the State's Attorney to file a petition  
11 or motion for termination of parental rights and appointment of  
12 guardian of the person with power to consent to adoption of the  
13 minor under Section 2-29 if:

14 (i) a minor has been in foster care, as described in  
15 subsection (b), for 15 months of the most recent 22 months;  
16 or

17 (ii) a minor under the age of 2 years has been  
18 previously determined to be abandoned at an adjudicatory  
19 hearing; or

20 (iii) the parent is criminally convicted of (A) first  
21 degree murder or second degree murder of any child, (B)  
22 attempt or conspiracy to commit first degree murder or  
23 second degree murder of any child, (C) solicitation to  
24 commit murder of any child, solicitation to commit murder  
25 for hire of any child, or solicitation to commit second  
26 degree murder of any child, (D) aggravated battery,

1 aggravated battery of a child, or felony domestic battery,  
2 any of which has resulted in serious injury to the minor or  
3 a sibling of the minor, (E) aggravated criminal sexual  
4 assault in violation of subdivision (a)(1) of Section  
5 11-1.40 or subdivision (a)(1) ~~(b)(1)~~ of Section 12-14.1  
6 ~~12-14~~ of the Criminal Code of 1961 or the Criminal Code of  
7 2012, or (F) an offense in any other state the elements of  
8 which are similar and bear a substantial relationship to  
9 any of the foregoing offenses

10 unless:

11 (i) the child is being cared for by a relative,

12 (ii) the Department has documented in the case plan a  
13 compelling reason for determining that filing such  
14 petition would not be in the best interests of the child,

15 (iii) the court has found within the preceding 12  
16 months that the Department has failed to make reasonable  
17 efforts to reunify the child and family, or

18 (iv) paragraph (c) of this subsection (4.5) provides  
19 otherwise.

20 (b) For purposes of this subsection, the date of entering  
21 foster care is defined as the earlier of:

22 (1) The date of a judicial finding at an adjudicatory  
23 hearing that the child is an abused, neglected, or  
24 dependent minor; or

25 (2) 60 days after the date on which the child is  
26 removed from his or her parent, guardian, or legal

1           custodian.

2           (c) With respect to paragraph (a)(i), the following  
3 transition rules shall apply:

4           (1) If the child entered foster care after November 19,  
5 1997 and this amendatory Act of 1998 takes effect before  
6 the child has been in foster care for 15 months of the  
7 preceding 22 months, then the Department shall comply with  
8 the requirements of paragraph (a) of this subsection (4.5)  
9 for that child as soon as the child has been in foster care  
10 for 15 of the preceding 22 months.

11           (2) If the child entered foster care after November 19,  
12 1997 and this amendatory Act of 1998 takes effect after the  
13 child has been in foster care for 15 of the preceding 22  
14 months, then the Department shall comply with the  
15 requirements of paragraph (a) of this subsection (4.5) for  
16 that child within 3 months after the end of the next  
17 regular session of the General Assembly.

18           (3) If the child entered foster care prior to November  
19 19, 1997, then the Department shall comply with the  
20 requirements of paragraph (a) of this subsection (4.5) for  
21 that child in accordance with Department policy or rule.

22           (d) If the State's Attorney determines that the  
23 Department's request for filing of a petition or motion  
24 conforms to the requirements set forth in subdivisions (a),  
25 (b), and (c) of this subsection (4.5), then the State's  
26 Attorney shall file the petition or motion as requested.

1           (5) The court shall liberally allow the petitioner to amend  
2 the petition to set forth a cause of action or to add, amend,  
3 or supplement factual allegations that form the basis for a  
4 cause of action up until 14 days before the adjudicatory  
5 hearing. The petitioner may amend the petition after that date  
6 and prior to the adjudicatory hearing if the court grants leave  
7 to amend upon a showing of good cause. The court may allow  
8 amendment of the petition to conform with the evidence at any  
9 time prior to ruling. In all cases in which the court has  
10 granted leave to amend based on new evidence or new  
11 allegations, the court shall permit the respondent an adequate  
12 opportunity to prepare a defense to the amended petition.

13           (6) At any time before dismissal of the petition or before  
14 final closing and discharge under Section 2-31, one or more  
15 motions in the best interests of the minor may be filed. The  
16 motion shall specify sufficient facts in support of the relief  
17 requested.

18           (Source: P.A. 95-405, eff. 6-1-08.)

19           (705 ILCS 405/2-17) (from Ch. 37, par. 802-17)

20           Sec. 2-17. Guardian ad litem.

21           (1) Immediately upon the filing of a petition alleging that  
22 the minor is a person described in Sections 2-3 or 2-4 of this  
23 Article, the court shall appoint a guardian ad litem for the  
24 minor if:

25           (a) such petition alleges that the minor is an abused



1 or neglected child; or

2 (b) such petition alleges that charges alleging the  
3 commission of any of the sex offenses defined in Article 11  
4 or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,  
5 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,~~as~~  
7 ~~amended~~, have been filed against a defendant in any court  
8 and that such minor is the alleged victim of the acts of  
9 defendant in the commission of such offense.

10 Unless the guardian ad litem appointed pursuant to this  
11 paragraph (1) is an attorney at law he shall be represented in  
12 the performance of his duties by counsel. The guardian ad litem  
13 shall represent the best interests of the minor and shall  
14 present recommendations to the court consistent with that duty.

15 (2) Before proceeding with the hearing, the court shall  
16 appoint a guardian ad litem for the minor if

17 (a) no parent, guardian, custodian or relative of the  
18 minor appears at the first or any subsequent hearing of the  
19 case;

20 (b) the petition prays for the appointment of a  
21 guardian with power to consent to adoption; or

22 (c) the petition for which the minor is before the  
23 court resulted from a report made pursuant to the Abused  
24 and Neglected Child Reporting Act.

25 (3) The court may appoint a guardian ad litem for the minor  
26 whenever it finds that there may be a conflict of interest

1 between the minor and his parents or other custodian or that it  
2 is otherwise in the minor's best interest to do so.

3 (4) Unless the guardian ad litem is an attorney, he shall  
4 be represented by counsel.

5 (5) The reasonable fees of a guardian ad litem appointed  
6 under this Section shall be fixed by the court and charged to  
7 the parents of the minor, to the extent they are able to pay.  
8 If the parents are unable to pay those fees, they shall be paid  
9 from the general fund of the county.

10 (6) A guardian ad litem appointed under this Section, shall  
11 receive copies of any and all classified reports of child abuse  
12 and neglect made under the Abused and Neglected Child Reporting  
13 Act in which the minor who is the subject of a report under the  
14 Abused and Neglected Child Reporting Act, is also the minor for  
15 whom the guardian ad litem is appointed under this Section.

16 (7) The appointed guardian ad litem shall remain the  
17 child's guardian ad litem throughout the entire juvenile trial  
18 court proceedings, including permanency hearings and  
19 termination of parental rights proceedings, unless there is a  
20 substitution entered by order of the court.

21 (8) The guardian ad litem or an agent of the guardian ad  
22 litem shall have a minimum of one in-person contact with the  
23 minor and one contact with one of the current foster parents or  
24 caregivers prior to the adjudicatory hearing, and at least one  
25 additional in-person contact with the child and one contact  
26 with one of the current foster parents or caregivers after the

1 adjudicatory hearing but prior to the first permanency hearing  
2 and one additional in-person contact with the child and one  
3 contact with one of the current foster parents or caregivers  
4 each subsequent year. For good cause shown, the judge may  
5 excuse face-to-face interviews required in this subsection.

6 (9) In counties with a population of 100,000 or more but  
7 less than 3,000,000, each guardian ad litem must successfully  
8 complete a training program approved by the Department of  
9 Children and Family Services. The Department of Children and  
10 Family Services shall provide training materials and documents  
11 to guardians ad litem who are not mandated to attend the  
12 training program. The Department of Children and Family  
13 Services shall develop and distribute to all guardians ad litem  
14 a bibliography containing information including but not  
15 limited to the juvenile court process, termination of parental  
16 rights, child development, medical aspects of child abuse, and  
17 the child's need for safety and permanence.

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

19 (705 ILCS 405/2-18) (from Ch. 37, par. 802-18)

20 Sec. 2-18. Evidence.

21 (1) At the adjudicatory hearing, the court shall first  
22 consider only the question whether the minor is abused,  
23 neglected or dependent. The standard of proof and the rules of  
24 evidence in the nature of civil proceedings in this State are  
25 applicable to proceedings under this Article. If the petition

1 also seeks the appointment of a guardian of the person with  
2 power to consent to adoption of the minor under Section 2-29,  
3 the court may also consider legally admissible evidence at the  
4 adjudicatory hearing that one or more grounds of unfitness  
5 exists under subdivision D of Section 1 of the Adoption Act.

6 (2) In any hearing under this Act, the following shall  
7 constitute prima facie evidence of abuse or neglect, as the  
8 case may be:

9 (a) proof that a minor has a medical diagnosis of  
10 battered child syndrome is prima facie evidence of abuse;

11 (b) proof that a minor has a medical diagnosis of  
12 failure to thrive syndrome is prima facie evidence of  
13 neglect;

14 (c) proof that a minor has a medical diagnosis of fetal  
15 alcohol syndrome is prima facie evidence of neglect;

16 (d) proof that a minor has a medical diagnosis at birth  
17 of withdrawal symptoms from narcotics or barbiturates is  
18 prima facie evidence of neglect;

19 (e) proof of injuries sustained by a minor or of the  
20 condition of a minor of such a nature as would ordinarily  
21 not be sustained or exist except by reason of the acts or  
22 omissions of the parent, custodian or guardian of such  
23 minor shall be prima facie evidence of abuse or neglect, as  
24 the case may be;

25 (f) proof that a parent, custodian or guardian of a  
26 minor repeatedly used a drug, to the extent that it has or

1 would ordinarily have the effect of producing in the user a  
2 substantial state of stupor, unconsciousness,  
3 intoxication, hallucination, disorientation or  
4 incompetence, or a substantial impairment of judgment, or a  
5 substantial manifestation of irrationality, shall be prima  
6 facie evidence of neglect;

7 (g) proof that a parent, custodian, or guardian of a  
8 minor repeatedly used a controlled substance, as defined in  
9 subsection (f) of Section 102 of the Illinois Controlled  
10 Substances Act, in the presence of the minor or a sibling  
11 of the minor is prima facie evidence of neglect. "Repeated  
12 use", for the purpose of this subsection, means more than  
13 one use of a controlled substance as defined in subsection  
14 (f) of Section 102 of the Illinois Controlled Substances  
15 Act;

16 (h) proof that a newborn infant's blood, urine, or  
17 meconium contains any amount of a controlled substance as  
18 defined in subsection (f) of Section 102 of the Illinois  
19 Controlled Substances Act, or a metabolite of a controlled  
20 substance, with the exception of controlled substances or  
21 metabolites of those substances, the presence of which is  
22 the result of medical treatment administered to the mother  
23 or the newborn, is prime facie evidence of neglect;

24 (i) proof that a minor was present in a structure or  
25 vehicle in which the minor's parent, custodian, or guardian  
26 was involved in the manufacture of methamphetamine

1 constitutes prima facie evidence of abuse and neglect;

2 (j) proof that a parent, custodian, or guardian of a  
3 minor allows, encourages, or requires a minor to perform,  
4 offer, or agree to perform any act of sexual penetration as  
5 defined in Section 11-0.1 ~~12-12~~ of the Criminal Code of  
6 2012 ~~1961~~ for any money, property, token, object, or  
7 article or anything of value, or any touching or fondling  
8 of the sex organs of one person by another person, for any  
9 money, property, token, object, or article or anything of  
10 value, for the purpose of sexual arousal or gratification,  
11 constitutes prima facie evidence of abuse and neglect;

12 (k) proof that a parent, custodian, or guardian of a  
13 minor commits or allows to be committed the offense of  
14 involuntary servitude, involuntary sexual servitude of a  
15 minor, or trafficking in persons as defined in Section 10-9  
16 of the Criminal Code of 1961 or the Criminal Code of 2012,  
17 upon such minor, constitutes prima facie evidence of abuse  
18 and neglect.

19 (3) In any hearing under this Act, proof of the abuse,  
20 neglect or dependency of one minor shall be admissible evidence  
21 on the issue of the abuse, neglect or dependency of any other  
22 minor for whom the respondent is responsible.

23 (4) (a) Any writing, record, photograph or x-ray of any  
24 hospital or public or private agency, whether in the form of an  
25 entry in a book or otherwise, made as a memorandum or record of  
26 any condition, act, transaction, occurrence or event relating

1 to a minor in an abuse, neglect or dependency proceeding, shall  
2 be admissible in evidence as proof of that condition, act,  
3 transaction, occurrence or event, if the court finds that the  
4 document was made in the regular course of the business of the  
5 hospital or agency and that it was in the regular course of  
6 such business to make it, at the time of the act, transaction,  
7 occurrence or event, or within a reasonable time thereafter. A  
8 certification by the head or responsible employee of the  
9 hospital or agency that the writing, record, photograph or  
10 x-ray is the full and complete record of the condition, act,  
11 transaction, occurrence or event and that it satisfies the  
12 conditions of this paragraph shall be prima facie evidence of  
13 the facts contained in such certification. A certification by  
14 someone other than the head of the hospital or agency shall be  
15 accompanied by a photocopy of a delegation of authority signed  
16 by both the head of the hospital or agency and by such other  
17 employee. All other circumstances of the making of the  
18 memorandum, record, photograph or x-ray, including lack of  
19 personal knowledge of the maker, may be proved to affect the  
20 weight to be accorded such evidence, but shall not affect its  
21 admissibility.

22 (b) Any indicated report filed pursuant to the Abused and  
23 Neglected Child Reporting Act shall be admissible in evidence.

24 (c) Previous statements made by the minor relating to any  
25 allegations of abuse or neglect shall be admissible in  
26 evidence. However, no such statement, if uncorroborated and not

1 subject to cross-examination, shall be sufficient in itself to  
2 support a finding of abuse or neglect.

3 (d) There shall be a rebuttable presumption that a minor is  
4 competent to testify in abuse or neglect proceedings. The court  
5 shall determine how much weight to give to the minor's  
6 testimony, and may allow the minor to testify in chambers with  
7 only the court, the court reporter and attorneys for the  
8 parties present.

9 (e) The privileged character of communication between any  
10 professional person and patient or client, except privilege  
11 between attorney and client, shall not apply to proceedings  
12 subject to this Article.

13 (f) Proof of the impairment of emotional health or  
14 impairment of mental or emotional condition as a result of the  
15 failure of the respondent to exercise a minimum degree of care  
16 toward a minor may include competent opinion or expert  
17 testimony, and may include proof that such impairment lessened  
18 during a period when the minor was in the care, custody or  
19 supervision of a person or agency other than the respondent.

20 (5) In any hearing under this Act alleging neglect for  
21 failure to provide education as required by law under  
22 subsection (1) of Section 2-3, proof that a minor under 13  
23 years of age who is subject to compulsory school attendance  
24 under the School Code is a chronic truant as defined under the  
25 School Code shall be prima facie evidence of neglect by the  
26 parent or guardian in any hearing under this Act and proof that



1 a minor who is 13 years of age or older who is subject to  
2 compulsory school attendance under the School Code is a chronic  
3 truant shall raise a rebuttable presumption of neglect by the  
4 parent or guardian. This subsection (5) shall not apply in  
5 counties with 2,000,000 or more inhabitants.

6 (6) In any hearing under this Act, the court may take  
7 judicial notice of prior sworn testimony or evidence admitted  
8 in prior proceedings involving the same minor if (a) the  
9 parties were either represented by counsel at such prior  
10 proceedings or the right to counsel was knowingly waived and  
11 (b) the taking of judicial notice would not result in admitting  
12 hearsay evidence at a hearing where it would otherwise be  
13 prohibited.

14 (Source: P.A. 96-1464, eff. 8-20-10; 97-897, eff. 1-1-13.)

15 (705 ILCS 405/2-25) (from Ch. 37, par. 802-25)

16 Sec. 2-25. Order of protection.

17 (1) The court may make an order of protection in assistance  
18 of or as a condition of any other order authorized by this Act.  
19 The order of protection shall be based on the health, safety  
20 and best interests of the minor and may set forth reasonable  
21 conditions of behavior to be observed for a specified period.  
22 Such an order may require a person:

23 (a) to stay away from the home or the minor;

24 (b) to permit a parent to visit the minor at stated  
25 periods;

1 (c) to abstain from offensive conduct against the  
2 minor, his parent or any person to whom custody of the  
3 minor is awarded;

4 (d) to give proper attention to the care of the home;

5 (e) to cooperate in good faith with an agency to which  
6 custody of a minor is entrusted by the court or with an  
7 agency or association to which the minor is referred by the  
8 court;

9 (f) to prohibit and prevent any contact whatsoever with  
10 the respondent minor by a specified individual or  
11 individuals who are alleged in either a criminal or  
12 juvenile proceeding to have caused injury to a respondent  
13 minor or a sibling of a respondent minor;

14 (g) to refrain from acts of commission or omission that  
15 tend to make the home not a proper place for the minor;

16 (h) to refrain from contacting the minor and the foster  
17 parents in any manner that is not specified in writing in  
18 the case plan.

19 (2) The court shall enter an order of protection to  
20 prohibit and prevent any contact between a respondent minor or  
21 a sibling of a respondent minor and any person named in a  
22 petition seeking an order of protection who has been convicted  
23 of heinous battery or aggravated battery under subdivision  
24 (a)(2) of Section 12-3.05, aggravated battery of a child or  
25 aggravated battery under subdivision (b)(1) of Section  
26 12-3.05, criminal sexual assault, aggravated criminal sexual

1 assault, predatory criminal sexual assault of a child, criminal  
2 sexual abuse, or aggravated criminal sexual abuse as described  
3 in the Criminal Code of 1961 or the Criminal Code of 2012, or  
4 has been convicted of an offense that resulted in the death of  
5 a child, or has violated a previous order of protection under  
6 this Section.

7 (3) When the court issues an order of protection against  
8 any person as provided by this Section, the court shall direct  
9 a copy of such order to the Sheriff of that county. The Sheriff  
10 shall furnish a copy of the order of protection to the  
11 Department of State Police within 24 hours of receipt, in the  
12 form and manner required by the Department. The Department of  
13 State Police shall maintain a complete record and index of such  
14 orders of protection and make this data available to all local  
15 law enforcement agencies.

16 (4) After notice and opportunity for hearing afforded to a  
17 person subject to an order of protection, the order may be  
18 modified or extended for a further specified period or both or  
19 may be terminated if the court finds that the health, safety,  
20 and best interests of the minor and the public will be served  
21 thereby.

22 (5) An order of protection may be sought at any time during  
23 the course of any proceeding conducted pursuant to this Act if  
24 such an order is consistent with the health, safety, and best  
25 interests of the minor. Any person against whom an order of  
26 protection is sought may retain counsel to represent him at a

1 hearing, and has rights to be present at the hearing, to be  
2 informed prior to the hearing in writing of the contents of the  
3 petition seeking a protective order and of the date, place and  
4 time of such hearing, and to cross examine witnesses called by  
5 the petitioner and to present witnesses and argument in  
6 opposition to the relief sought in the petition.

7 (6) Diligent efforts shall be made by the petitioner to  
8 serve any person or persons against whom any order of  
9 protection is sought with written notice of the contents of the  
10 petition seeking a protective order and of the date, place and  
11 time at which the hearing on the petition is to be held. When a  
12 protective order is being sought in conjunction with a  
13 temporary custody hearing, if the court finds that the person  
14 against whom the protective order is being sought has been  
15 notified of the hearing or that diligent efforts have been made  
16 to notify such person, the court may conduct a hearing. If a  
17 protective order is sought at any time other than in  
18 conjunction with a temporary custody hearing, the court may not  
19 conduct a hearing on the petition in the absence of the person  
20 against whom the order is sought unless the petitioner has  
21 notified such person by personal service at least 3 days before  
22 the hearing or has sent written notice by first class mail to  
23 such person's last known address at least 5 days before the  
24 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 Any modification of the order granted by the court must be  
20 determined to be consistent with the best interests of the  
21 minor.

22 (9) If a petition is filed charging a violation of a  
23 condition contained in the protective order and if the court  
24 determines that this violation is of a critical service  
25 necessary to the safety and welfare of the minor, the court may  
26 proceed to findings and an order for temporary custody.

1 (Source: P.A. 96-1551, Article 1, Section 955, eff. 7-1-11;  
2 96-1551, Article 2, Section 1030, eff. 7-1-11; 97-1109, eff.  
3 1-1-13.)

4 (705 ILCS 405/2-27) (from Ch. 37, par. 802-27)  
5 Sec. 2-27. Placement; legal custody or guardianship.

6 (1) If the court determines and puts in writing the factual  
7 basis supporting the determination of whether the parents,  
8 guardian, or legal custodian of a minor adjudged a ward of the  
9 court are unfit or are unable, for some reason other than  
10 financial circumstances alone, to care for, protect, train or  
11 discipline the minor or are unwilling to do so, and that the  
12 health, safety, and best interest of the minor will be  
13 jeopardized if the minor remains in the custody of his or her  
14 parents, guardian or custodian, the court may at this hearing  
15 and at any later point:

16 (a) place the minor in the custody of a suitable  
17 relative or other person as legal custodian or guardian;

18 (a-5) with the approval of the Department of Children  
19 and Family Services, place the minor in the subsidized  
20 guardianship of a suitable relative or other person as  
21 legal guardian; "subsidized guardianship" means a private  
22 guardianship arrangement for children for whom the  
23 permanency goals of return home and adoption have been  
24 ruled out and who meet the qualifications for subsidized  
25 guardianship as defined by the Department of Children and

1 Family Services in administrative rules;

2 (b) place the minor under the guardianship of a  
3 probation officer;

4 (c) commit the minor to an agency for care or  
5 placement, except an institution under the authority of the  
6 Department of Corrections or of the Department of Children  
7 and Family Services;

8 (d) commit the minor to the Department of Children and  
9 Family Services for care and service; however, a minor  
10 charged with a criminal offense under the Criminal Code of  
11 1961 or the Criminal Code of 2012 or adjudicated delinquent  
12 shall not be placed in the custody of or committed to the  
13 Department of Children and Family Services by any court,  
14 except (i) a minor less than 15 years of age and committed  
15 to the Department of Children and Family Services under  
16 Section 5-710 of this Act, (ii) a minor for whom an  
17 independent basis of abuse, neglect, or dependency exists,  
18 or (iii) a minor for whom the court has granted a  
19 supplemental petition to reinstate wardship pursuant to  
20 subsection (2) of Section 2-33 of this Act. An independent  
21 basis exists when the allegations or adjudication of abuse,  
22 neglect, or dependency do not arise from the same facts,  
23 incident, or circumstances which give rise to a charge or  
24 adjudication of delinquency. The Department shall be given  
25 due notice of the pendency of the action and the  
26 Guardianship Administrator of the Department of Children

1 and Family Services shall be appointed guardian of the  
2 person of the minor. Whenever the Department seeks to  
3 discharge a minor from its care and service, the  
4 Guardianship Administrator shall petition the court for an  
5 order terminating guardianship. The Guardianship  
6 Administrator may designate one or more other officers of  
7 the Department, appointed as Department officers by  
8 administrative order of the Department Director,  
9 authorized to affix the signature of the Guardianship  
10 Administrator to documents affecting the guardian-ward  
11 relationship of children for whom he or she has been  
12 appointed guardian at such times as he or she is unable to  
13 perform the duties of his or her office. The signature  
14 authorization shall include but not be limited to matters  
15 of consent of marriage, enlistment in the armed forces,  
16 legal proceedings, adoption, major medical and surgical  
17 treatment and application for driver's license. Signature  
18 authorizations made pursuant to the provisions of this  
19 paragraph shall be filed with the Secretary of State and  
20 the Secretary of State shall provide upon payment of the  
21 customary fee, certified copies of the authorization to any  
22 court or individual who requests a copy.

23 (1.5) In making a determination under this Section, the  
24 court shall also consider whether, based on health, safety, and  
25 the best interests of the minor,

26 (a) appropriate services aimed at family preservation



1 and family reunification have been unsuccessful in  
2 rectifying the conditions that have led to a finding of  
3 unfitness or inability to care for, protect, train, or  
4 discipline the minor, or

5 (b) no family preservation or family reunification  
6 services would be appropriate,  
7 and if the petition or amended petition contained an allegation  
8 that the parent is an unfit person as defined in subdivision  
9 (D) of Section 1 of the Adoption Act, and the order of  
10 adjudication recites that parental unfitness was established  
11 by clear and convincing evidence, the court shall, when  
12 appropriate and in the best interest of the minor, enter an  
13 order terminating parental rights and appointing a guardian  
14 with power to consent to adoption in accordance with Section  
15 2-29.

16 When making a placement, the court, wherever possible,  
17 shall require the Department of Children and Family Services to  
18 select a person holding the same religious belief as that of  
19 the minor or a private agency controlled by persons of like  
20 religious faith of the minor and shall require the Department  
21 to otherwise comply with Section 7 of the Children and Family  
22 Services Act in placing the child. In addition, whenever  
23 alternative plans for placement are available, the court shall  
24 ascertain and consider, to the extent appropriate in the  
25 particular case, the views and preferences of the minor.

26 (2) When a minor is placed with a suitable relative or

1 other person pursuant to item (a) of subsection (1), the court  
2 shall appoint him or her the legal custodian or guardian of the  
3 person of the minor. When a minor is committed to any agency,  
4 the court shall appoint the proper officer or representative  
5 thereof as legal custodian or guardian of the person of the  
6 minor. Legal custodians and guardians of the person of the  
7 minor have the respective rights and duties set forth in  
8 subsection (9) of Section 1-3 except as otherwise provided by  
9 order of court; but no guardian of the person may consent to  
10 adoption of the minor unless that authority is conferred upon  
11 him or her in accordance with Section 2-29. An agency whose  
12 representative is appointed guardian of the person or legal  
13 custodian of the minor may place the minor in any child care  
14 facility, but the facility must be licensed under the Child  
15 Care Act of 1969 or have been approved by the Department of  
16 Children and Family Services as meeting the standards  
17 established for such licensing. No agency may place a minor  
18 adjudicated under Sections 2-3 or 2-4 in a child care facility  
19 unless the placement is in compliance with the rules and  
20 regulations for placement under this Section promulgated by the  
21 Department of Children and Family Services under Section 5 of  
22 the Children and Family Services Act. Like authority and  
23 restrictions shall be conferred by the court upon any probation  
24 officer who has been appointed guardian of the person of a  
25 minor.

26 (3) No placement by any probation officer or agency whose

1 representative is appointed guardian of the person or legal  
2 custodian of a minor may be made in any out of State child care  
3 facility unless it complies with the Interstate Compact on the  
4 Placement of Children. Placement with a parent, however, is not  
5 subject to that Interstate Compact.

6 (4) The clerk of the court shall issue to the legal  
7 custodian or guardian of the person a certified copy of the  
8 order of court, as proof of his authority. No other process is  
9 necessary as authority for the keeping of the minor.

10 (5) Custody or guardianship granted under this Section  
11 continues until the court otherwise directs, but not after the  
12 minor reaches the age of 19 years except as set forth in  
13 Section 2-31, or if the minor was previously committed to the  
14 Department of Children and Family Services for care and service  
15 and the court has granted a supplemental petition to reinstate  
16 wardship pursuant to subsection (2) of Section 2-33.

17 (6) (Blank).

18 (Source: P.A. 95-642, eff. 6-1-08; 96-581, eff. 1-1-10.)

19 (705 ILCS 405/3-19) (from Ch. 37, par. 803-19)

20 Sec. 3-19. Guardian ad litem.

21 (1) Immediately upon the filing of a petition alleging that  
22 the minor requires authoritative intervention, the court may  
23 appoint a guardian ad litem for the minor if

24 (a) such petition alleges that the minor is the victim  
25 of sexual abuse or misconduct; or

1           (b) such petition alleges that charges alleging the  
2           commission of any of the sex offenses defined in Article 11  
3           or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,  
4           11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the  
5           Criminal Code of 1961 or the Criminal Code of 2012, ~~as~~  
6           ~~amended~~, have been filed against a defendant in any court  
7           and that such minor is the alleged victim of the acts of  
8           the defendant in the commission of such offense.

9           (2) Unless the guardian ad litem appointed pursuant to  
10          paragraph (1) is an attorney at law he shall be represented in  
11          the performance of his duties by counsel.

12          (3) Before proceeding with the hearing, the court shall  
13          appoint a guardian ad litem for the minor if

14               (a) no parent, guardian, custodian or relative of the  
15               minor appears at the first or any subsequent hearing of the  
16               case;

17               (b) the petition prays for the appointment of a  
18               guardian with power to consent to adoption; or

19               (c) the petition for which the minor is before the  
20               court resulted from a report made pursuant to the Abused  
21               and Neglected Child Reporting Act.

22          (4) The court may appoint a guardian ad litem for the minor  
23          whenever it finds that there may be a conflict of interest  
24          between the minor and his parents or other custodian or that it  
25          is otherwise in the minor's interest to do so.

26          (5) The reasonable fees of a guardian ad litem appointed

1 under this Section shall be fixed by the court and charged to  
2 the parents of the minor, to the extent they are able to pay.  
3 If the parents are unable to pay those fees, they shall be paid  
4 from the general fund of the county.

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

6 (705 ILCS 405/3-26) (from Ch. 37, par. 803-26)

7 Sec. 3-26. Order of protection.

8 (1) The court may make an order of protection in assistance  
9 of or as a condition of any other order authorized by this Act.  
10 The order of protection may set forth reasonable conditions of  
11 behavior to be observed for a specified period. Such an order  
12 may require a person:

13 (a) To stay away from the home or the minor;

14 (b) To permit a parent to visit the minor at stated  
15 periods;

16 (c) To abstain from offensive conduct against the  
17 minor, his parent or any person to whom custody of the  
18 minor is awarded;

19 (d) To give proper attention to the care of the home;

20 (e) To cooperate in good faith with an agency to which  
21 custody of a minor is entrusted by the court or with an  
22 agency or association to which the minor is referred by the  
23 court;

24 (f) To prohibit and prevent any contact whatsoever with  
25 the respondent minor by a specified individual or

1 individuals who are alleged in either a criminal or  
2 juvenile proceeding to have caused injury to a respondent  
3 minor or a sibling of a respondent minor;

4 (g) To refrain from acts of commission or omission that  
5 tend to make the home not a proper place for the minor.

6 (2) The court shall enter an order of protection to  
7 prohibit and prevent any contact between a respondent minor or  
8 a sibling of a respondent minor and any person named in a  
9 petition seeking an order of protection who has been convicted  
10 of heinous battery or aggravated battery under subdivision  
11 (a)(2) of Section 12-3.05, aggravated battery of a child or  
12 aggravated battery under subdivision (b)(1) of Section  
13 12-3.05, criminal sexual assault, aggravated criminal sexual  
14 assault, predatory criminal sexual assault of a child, criminal  
15 sexual abuse, or aggravated criminal sexual abuse as described  
16 in the Criminal Code of 1961 or the Criminal Code of 2012, or  
17 has been convicted of an offense that resulted in the death of  
18 a child, or has violated a previous order of protection under  
19 this Section.

20 (3) When the court issues an order of protection against  
21 any person as provided by this Section, the court shall direct  
22 a copy of such order to the Sheriff of that county. The Sheriff  
23 shall furnish a copy of the order of protection to the  
24 Department of State Police within 24 hours of receipt, in the  
25 form and manner required by the Department. The Department of  
26 State Police shall maintain a complete record and index of such

1 orders of protection and make this data available to all local  
2 law enforcement agencies.

3 (4) After notice and opportunity for hearing afforded to a  
4 person subject to an order of protection, the order may be  
5 modified or extended for a further specified period or both or  
6 may be terminated if the court finds that the best interests of  
7 the minor and the public will be served thereby.

8 (5) An order of protection may be sought at any time during  
9 the course of any proceeding conducted pursuant to this Act.  
10 Any person against whom an order of protection is sought may  
11 retain counsel to represent him at a hearing, and has rights to  
12 be present at the hearing, to be informed prior to the hearing  
13 in writing of the contents of the petition seeking a protective  
14 order and of the date, place and time of such hearing, and to  
15 cross examine witnesses called by the petitioner and to present  
16 witnesses and argument in opposition to the relief sought in  
17 the petition.

18 (6) Diligent efforts shall be made by the petitioner to  
19 serve any person or persons against whom any order of  
20 protection is sought with written notice of the contents of the  
21 petition seeking a protective order and of the date, place and  
22 time at which the hearing on the petition is to be held. When a  
23 protective order is being sought in conjunction with a shelter  
24 care hearing, if the court finds that the person against whom  
25 the protective order is being sought has been notified of the  
26 hearing or that diligent efforts have been made to notify such

1 person, the court may conduct a hearing. If a protective order  
2 is sought at any time other than in conjunction with a shelter  
3 care hearing, the court may not conduct a hearing on the  
4 petition in the absence of the person against whom the order is  
5 sought unless the petitioner has notified such person by  
6 personal service at least 3 days before the hearing or has sent  
7 written notice by first class mail to such person's last known  
8 address at least 5 days before the hearing.

9 (7) A person against whom an order of protection is being  
10 sought who is neither a parent, guardian, legal custodian or  
11 responsible relative as described in Section 1-5 is not a party  
12 or respondent as defined in that Section and shall not be  
13 entitled to the rights provided therein. Such person does not  
14 have a right to appointed counsel or to be present at any  
15 hearing other than the hearing in which the order of protection  
16 is being sought or a hearing directly pertaining to that order.  
17 Unless the court orders otherwise, such person does not have a  
18 right to inspect the court file.

19 (8) All protective orders entered under this Section shall  
20 be in writing. Unless the person against whom the order was  
21 obtained was present in court when the order was issued, the  
22 sheriff, other law enforcement official or special process  
23 server shall promptly serve that order upon that person and  
24 file proof of such service, in the manner provided for service  
25 of process in civil proceedings. The person against whom the  
26 protective order was obtained may seek a modification of the



1 order by filing a written motion to modify the order within 7  
2 days after actual receipt by the person of a copy of the order.  
3 (Source: P.A. 96-1551, Article 1, Section 995, eff. 7-1-11;  
4 96-1551, Article 2, Section 1030, eff. 7-1-11; 97-1109, eff.  
5 1-1-13.)

6 (705 ILCS 405/3-40)

7 Sec. 3-40. Minors involved in electronic dissemination of  
8 indecent visual depictions in need of supervision.

9 (a) For the purposes of this Section:

10 "Computer" has the meaning ascribed to it in Section 17-0.5  
11 of the Criminal Code of 2012 ~~1961~~.

12 "Electronic communication device" means an electronic  
13 device, including but not limited to a wireless telephone,  
14 personal digital assistant, or a portable or mobile computer,  
15 that is capable of transmitting images or pictures.

16 "Indecent visual depiction" means a depiction or portrayal  
17 in any pose, posture, or setting involving a lewd exhibition of  
18 the unclothed or transparently clothed genitals, pubic area,  
19 buttocks, or, if such person is female, a fully or partially  
20 developed breast of the person.

21 "Minor" means a person under 18 years of age.

22 (b) A minor shall not distribute or disseminate an indecent  
23 visual depiction of another minor through the use of a computer  
24 or electronic communication device.

25 (c) Adjudication. A minor who violates subsection (b) of

1 this Section may be subject to a petition for adjudication and  
2 adjudged a minor in need of supervision.

3 (d) Kinds of dispositional orders. A minor found to be in  
4 need of supervision under this Section may be:

5 (1) ordered to obtain counseling or other supportive  
6 services to address the acts that led to the need for  
7 supervision; or

8 (2) ordered to perform community service.

9 (e) Nothing in this Section shall be construed to prohibit  
10 a prosecution for disorderly conduct, public indecency, child  
11 pornography, a violation of Article 26.5 Harassing and Obscene  
12 Communications of the Criminal Code of 2012 ~~1961~~, or any other  
13 applicable provision of law.

14 (Source: P.A. 96-1087, eff. 1-1-11; 97-1108, eff. 1-1-13.)

15 (705 ILCS 405/4-16) (from Ch. 37, par. 804-16)

16 Sec. 4-16. Guardian ad litem.

17 (1) Immediately upon the filing of a petition alleging that  
18 the minor is a person described in Section 4-3 of this Act, the  
19 court may appoint a guardian ad litem for the minor if:

20 (a) such petition alleges that the minor is the victim  
21 of sexual abuse or misconduct; or

22 (b) such petition alleges that charges alleging the  
23 commission of any of the sex offenses defined in Article 11  
24 or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,  
25 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the

1 Criminal Code of 1961 or the Criminal Code of 2012, ~~as~~  
2 ~~amended,~~ have been filed against a defendant in any court  
3 and that such minor is the alleged victim of the acts of  
4 the defendant in the commission of such offense.

5 Unless the guardian ad litem appointed pursuant to this  
6 paragraph (1) is an attorney at law he shall be represented in  
7 the performance of his duties by counsel.

8 (2) Before proceeding with the hearing, the court shall  
9 appoint a guardian ad litem for the minor if

10 (a) no parent, guardian, custodian or relative of the  
11 minor appears at the first or any subsequent hearing of the  
12 case;

13 (b) the petition prays for the appointment of a  
14 guardian with power to consent to adoption; or

15 (c) the petition for which the minor is before the  
16 court resulted from a report made pursuant to the Abused  
17 and Neglected Child Reporting Act.

18 (3) The court may appoint a guardian ad litem for the minor  
19 whenever it finds that there may be a conflict of interest  
20 between the minor and his parents or other custodian or that it  
21 is otherwise in the minor's interest to do so.

22 (4) Unless the guardian ad litem is an attorney, he shall  
23 be represented by counsel.

24 (5) The reasonable fees of a guardian ad litem appointed  
25 under this Section shall be fixed by the court and charged to  
26 the parents of the minor, to the extent they are able to pay.

1 If the parents are unable to pay those fees, they shall be paid  
2 from the general fund of the county.

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

4 (705 ILCS 405/4-23) (from Ch. 37, par. 804-23)

5 Sec. 4-23. Order of protection.

6 (1) The court may make an order of protection in assistance  
7 of or as a condition of any other order authorized by this Act.  
8 The order of protection may set forth reasonable conditions of  
9 behavior to be observed for a specified period. Such an order  
10 may require a person:

11 (a) To stay away from the home or the minor;

12 (b) To permit a parent to visit the minor at stated  
13 periods;

14 (c) To abstain from offensive conduct against the  
15 minor, his parent or any person to whom custody of the  
16 minor is awarded;

17 (d) To give proper attention to the care of the home;

18 (e) To cooperate in good faith with an agency to which  
19 custody of a minor is entrusted by the court or with an  
20 agency or association to which the minor is referred by the  
21 court;

22 (f) To prohibit and prevent any contact whatsoever with  
23 the respondent minor by a specified individual or  
24 individuals who are alleged in either a criminal or  
25 juvenile proceeding to have caused injury to a respondent

1 minor or a sibling of a respondent minor;

2 (g) To refrain from acts of commission or omission that  
3 tend to make the home not a proper place for the minor.

4 (2) The court shall enter an order of protection to  
5 prohibit and prevent any contact between a respondent minor or  
6 a sibling of a respondent minor and any person named in a  
7 petition seeking an order of protection who has been convicted  
8 of heinous battery or aggravated battery under subdivision  
9 (a) (2) of Section 12-3.05, aggravated battery of a child or  
10 aggravated battery under subdivision (b) (1) of Section  
11 12-3.05, criminal sexual assault, aggravated criminal sexual  
12 assault, predatory criminal sexual assault of a child, criminal  
13 sexual abuse, or aggravated criminal sexual abuse as described  
14 in the Criminal Code of 1961 or the Criminal Code of 2012, or  
15 has been convicted of an offense that resulted in the death of  
16 a child, or has violated a previous order of protection under  
17 this Section.

18 (3) When the court issues an order of protection against  
19 any person as provided by this Section, the court shall direct  
20 a copy of such order to the Sheriff of that county. The Sheriff  
21 shall furnish a copy of the order of protection to the  
22 Department of State Police within 24 hours of receipt, in the  
23 form and manner required by the Department. The Department of  
24 State Police shall maintain a complete record and index of such  
25 orders of protection and make this data available to all local  
26 law enforcement agencies.

1           (4) After notice and opportunity for hearing afforded to a  
2 person subject to an order of protection, the order may be  
3 modified or extended for a further specified period or both or  
4 may be terminated if the court finds that the best interests of  
5 the minor and the public will be served thereby.

6           (5) An order of protection may be sought at any time during  
7 the course of any proceeding conducted pursuant to this Act.  
8 Any person against whom an order of protection is sought may  
9 retain counsel to represent him at a hearing, and has rights to  
10 be present at the hearing, to be informed prior to the hearing  
11 in writing of the contents of the petition seeking a protective  
12 order and of the date, place and time of such hearing, and to  
13 cross examine witnesses called by the petitioner and to present  
14 witnesses and argument in opposition to the relief sought in  
15 the petition.

16           (6) Diligent efforts shall be made by the petitioner to  
17 serve any person or persons against whom any order of  
18 protection is sought with written notice of the contents of the  
19 petition seeking a protective order and of the date, place and  
20 time at which the hearing on the petition is to be held. When a  
21 protective order is being sought in conjunction with a shelter  
22 care hearing, if the court finds that the person against whom  
23 the protective order is being sought has been notified of the  
24 hearing or that diligent efforts have been made to notify such  
25 person, the court may conduct a hearing. If a protective order  
26 is sought at any time other than in conjunction with a shelter

1 care hearing, the court may not conduct a hearing on the  
2 petition in the absence of the person against whom the order is  
3 sought unless the petitioner has notified such person by  
4 personal service at least 3 days before the hearing or has sent  
5 written notice by first class mail to such person's last known  
6 address at least 5 days before the hearing.

7 (7) A person against whom an order of protection is being  
8 sought who is neither a parent, guardian, legal custodian or  
9 responsible relative as described in Section 1-5 is not a party  
10 or respondent as defined in that Section and shall not be  
11 entitled to the rights provided therein. Such person does not  
12 have a right to appointed counsel or to be present at any  
13 hearing other than the hearing in which the order of protection  
14 is being sought or a hearing directly pertaining to that order.  
15 Unless the court orders otherwise, such person does not have a  
16 right to inspect the court file.

17 (8) All protective orders entered under this Section shall  
18 be in writing. Unless the person against whom the order was  
19 obtained was present in court when the order was issued, the  
20 sheriff, other law enforcement official or special process  
21 server shall promptly serve that order upon that person and  
22 file proof of such service, in the manner provided for service  
23 of process in civil proceedings. The person against whom the  
24 protective order was obtained may seek a modification of the  
25 order by filing a written motion to modify the order within 7  
26 days after actual receipt by the person of a copy of the order.

1 (Source: P.A. 96-1551, Article 1, Section 955, eff. 7-1-11;  
2 96-1551, Article 2, Section 1030, eff. 7-1-11; 97-1109, eff.  
3 1-1-13.)

4 (705 ILCS 405/5-125)

5 Sec. 5-125. Concurrent jurisdiction. Any minor alleged to  
6 have violated a traffic, boating, or fish and game law, or a  
7 municipal or county ordinance, may be prosecuted for the  
8 violation and if found guilty punished under any statute or  
9 ordinance relating to the violation, without reference to the  
10 procedures set out in this Article, except that any detention,  
11 must be in compliance with this Article.

12 For the purpose of this Section, "traffic violation" shall  
13 include a violation of Section 9-3 of the Criminal Code of 1961  
14 or the Criminal Code of 2012 relating to the offense of  
15 reckless homicide, Section 11-501 of the Illinois Vehicle Code,  
16 or any similar county or municipal ordinance.

17 (Source: P.A. 90-590, eff. 1-1-99.)

18 (705 ILCS 405/5-130)

19 Sec. 5-130. Excluded jurisdiction.

20 (1) (a) The definition of delinquent minor under Section  
21 5-120 of this Article shall not apply to any minor who at the  
22 time of an offense was at least 15 years of age and who is  
23 charged with: (i) first degree murder, (ii) aggravated criminal  
24 sexual assault, (iii) aggravated battery with a firearm as



1 described in Section 12-4.2 or subdivision (e) (1), (e) (2),  
2 (e) (3), or (e) (4) of Section 12-3.05 where the minor personally  
3 discharged a firearm as defined in Section 2-15.5 of the  
4 Criminal Code of 1961 or the Criminal Code of 2012, (iv) armed  
5 robbery when the armed robbery was committed with a firearm, or  
6 (v) aggravated vehicular hijacking when the hijacking was  
7 committed with a firearm.

8 These charges and all other charges arising out of the same  
9 incident shall be prosecuted under the criminal laws of this  
10 State.

11 (b) (i) If before trial or plea an information or  
12 indictment is filed that does not charge an offense specified  
13 in paragraph (a) of this subsection (1) the State's Attorney  
14 may proceed on any lesser charge or charges, but only in  
15 Juvenile Court under the provisions of this Article. The  
16 State's Attorney may proceed ~~under the Criminal Code of 1961~~ on  
17 a lesser charge if before trial the minor defendant knowingly  
18 and with advice of counsel waives, in writing, his or her right  
19 to have the matter proceed in Juvenile Court.

20 (ii) If before trial or plea an information or indictment  
21 is filed that includes one or more charges specified in  
22 paragraph (a) of this subsection (1) and additional charges  
23 that are not specified in that paragraph, all of the charges  
24 arising out of the same incident shall be prosecuted under the  
25 Criminal Code of 1961 or the Criminal Code of 2012.

26 (c) (i) If after trial or plea the minor is convicted of

1 any offense covered by paragraph (a) of this subsection (1),  
2 then, in sentencing the minor, the court shall have available  
3 any or all dispositions prescribed for that offense under  
4 Chapter V of the Unified Code of Corrections.

5 (ii) If after trial or plea the court finds that the minor  
6 committed an offense not covered by paragraph (a) of this  
7 subsection (1), that finding shall not invalidate the verdict  
8 or the prosecution of the minor under the criminal laws of the  
9 State; however, unless the State requests a hearing for the  
10 purpose of sentencing the minor under Chapter V of the Unified  
11 Code of Corrections, the Court must proceed under Sections  
12 5-705 and 5-710 of this Article. To request a hearing, the  
13 State must file a written motion within 10 days following the  
14 entry of a finding or the return of a verdict. Reasonable  
15 notice of the motion shall be given to the minor or his or her  
16 counsel. If the motion is made by the State, the court shall  
17 conduct a hearing to determine if the minor should be sentenced  
18 under Chapter V of the Unified Code of Corrections. In making  
19 its determination, the court shall consider among other  
20 matters: (a) whether there is evidence that the offense was  
21 committed in an aggressive and premeditated manner; (b) the age  
22 of the minor; (c) the previous history of the minor; (d)  
23 whether there are facilities particularly available to the  
24 Juvenile Court or the Department of Juvenile Justice for the  
25 treatment and rehabilitation of the minor; (e) whether the  
26 security of the public requires sentencing under Chapter V of

1 the Unified Code of Corrections; and (f) whether the minor  
2 possessed a deadly weapon when committing the offense. The  
3 rules of evidence shall be the same as if at trial. If after  
4 the hearing the court finds that the minor should be sentenced  
5 under Chapter V of the Unified Code of Corrections, then the  
6 court shall sentence the minor accordingly having available to  
7 it any or all dispositions so prescribed.

8 (2) (Blank).

9 (3) (a) The definition of delinquent minor under Section  
10 5-120 of this Article shall not apply to any minor who at the  
11 time of the offense was at least 15 years of age and who is  
12 charged with a violation of the provisions of paragraph (1),  
13 (3), (4), or (10) of subsection (a) of Section 24-1 of the  
14 Criminal Code of 1961 or the Criminal Code of 2012 while in  
15 school, regardless of the time of day or the time of year, or  
16 on the real property comprising any school, regardless of the  
17 time of day or the time of year. School is defined, for  
18 purposes of this Section as any public or private elementary or  
19 secondary school, community college, college, or university.  
20 These charges and all other charges arising out of the same  
21 incident shall be prosecuted under the criminal laws of this  
22 State.

23 (b) (i) If before trial or plea an information or  
24 indictment is filed that does not charge an offense specified  
25 in paragraph (a) of this subsection (3) the State's Attorney  
26 may proceed on any lesser charge or charges, but only in

1 Juvenile Court under the provisions of this Article. The  
2 State's Attorney may proceed under the criminal laws of this  
3 State on a lesser charge if before trial the minor defendant  
4 knowingly and with advice of counsel waives, in writing, his or  
5 her right to have the matter proceed in Juvenile Court.

6 (ii) If before trial or plea an information or indictment  
7 is filed that includes one or more charges specified in  
8 paragraph (a) of this subsection (3) and additional charges  
9 that are not specified in that paragraph, all of the charges  
10 arising out of the same incident shall be prosecuted under the  
11 criminal laws of this State.

12 (c) (i) If after trial or plea the minor is convicted of  
13 any offense covered by paragraph (a) of this subsection (3),  
14 then, in sentencing the minor, the court shall have available  
15 any or all dispositions prescribed for that offense under  
16 Chapter V of the Unified Code of Corrections.

17 (ii) If after trial or plea the court finds that the minor  
18 committed an offense not covered by paragraph (a) of this  
19 subsection (3), that finding shall not invalidate the verdict  
20 or the prosecution of the minor under the criminal laws of the  
21 State; however, unless the State requests a hearing for the  
22 purpose of sentencing the minor under Chapter V of the Unified  
23 Code of Corrections, the Court must proceed under Sections  
24 5-705 and 5-710 of this Article. To request a hearing, the  
25 State must file a written motion within 10 days following the  
26 entry of a finding or the return of a verdict. Reasonable

1 notice of the motion shall be given to the minor or his or her  
2 counsel. If the motion is made by the State, the court shall  
3 conduct a hearing to determine if the minor should be sentenced  
4 under Chapter V of the Unified Code of Corrections. In making  
5 its determination, the court shall consider among other  
6 matters: (a) whether there is evidence that the offense was  
7 committed in an aggressive and premeditated manner; (b) the age  
8 of the minor; (c) the previous history of the minor; (d)  
9 whether there are facilities particularly available to the  
10 Juvenile Court or the Department of Juvenile Justice for the  
11 treatment and rehabilitation of the minor; (e) whether the  
12 security of the public requires sentencing under Chapter V of  
13 the Unified Code of Corrections; and (f) whether the minor  
14 possessed a deadly weapon when committing the offense. The  
15 rules of evidence shall be the same as if at trial. If after  
16 the hearing the court finds that the minor should be sentenced  
17 under Chapter V of the Unified Code of Corrections, then the  
18 court shall sentence the minor accordingly having available to  
19 it any or all dispositions so prescribed.

20 (4) (a) The definition of delinquent minor under Section  
21 5-120 of this Article shall not apply to any minor who at the  
22 time of an offense was at least 13 years of age and who is  
23 charged with first degree murder committed during the course of  
24 either aggravated criminal sexual assault, criminal sexual  
25 assault, or aggravated kidnaping. However, this subsection (4)  
26 does not include a minor charged with first degree murder based

1 exclusively upon the accountability provisions of the Criminal  
2 Code of 1961 or the Criminal Code of 2012.

3 (b) (i) If before trial or plea an information or  
4 indictment is filed that does not charge first degree murder  
5 committed during the course of aggravated criminal sexual  
6 assault, criminal sexual assault, or aggravated kidnaping, the  
7 State's Attorney may proceed on any lesser charge or charges,  
8 but only in Juvenile Court under the provisions of this  
9 Article. The State's Attorney may proceed under the criminal  
10 laws of this State on a lesser charge if before trial the minor  
11 defendant knowingly and with advice of counsel waives, in  
12 writing, his or her right to have the matter proceed in  
13 Juvenile Court.

14 (ii) If before trial or plea an information or indictment  
15 is filed that includes first degree murder committed during the  
16 course of aggravated criminal sexual assault, criminal sexual  
17 assault, or aggravated kidnaping, and additional charges that  
18 are not specified in paragraph (a) of this subsection, all of  
19 the charges arising out of the same incident shall be  
20 prosecuted under the criminal laws of this State.

21 (c) (i) If after trial or plea the minor is convicted of  
22 first degree murder committed during the course of aggravated  
23 criminal sexual assault, criminal sexual assault, or  
24 aggravated kidnaping, in sentencing the minor, the court shall  
25 have available any or all dispositions prescribed for that  
26 offense under Chapter V of the Unified Code of Corrections.

1           (ii) If the minor was not yet 15 years of age at the time of  
2 the offense, and if after trial or plea the court finds that  
3 the minor committed an offense other than first degree murder  
4 committed during the course of either aggravated criminal  
5 sexual assault, criminal sexual assault, or aggravated  
6 kidnapping, the finding shall not invalidate the verdict or the  
7 prosecution of the minor under the criminal laws of the State;  
8 however, unless the State requests a hearing for the purpose of  
9 sentencing the minor under Chapter V of the Unified Code of  
10 Corrections, the Court must proceed under Sections 5-705 and  
11 5-710 of this Article. To request a hearing, the State must  
12 file a written motion within 10 days following the entry of a  
13 finding or the return of a verdict. Reasonable notice of the  
14 motion shall be given to the minor or his or her counsel. If  
15 the motion is made by the State, the court shall conduct a  
16 hearing to determine whether the minor should be sentenced  
17 under Chapter V of the Unified Code of Corrections. In making  
18 its determination, the court shall consider among other  
19 matters: (a) whether there is evidence that the offense was  
20 committed in an aggressive and premeditated manner; (b) the age  
21 of the minor; (c) the previous delinquent history of the minor;  
22 (d) whether there are facilities particularly available to the  
23 Juvenile Court or the Department of Juvenile Justice for the  
24 treatment and rehabilitation of the minor; (e) whether the best  
25 interest of the minor and the security of the public require  
26 sentencing under Chapter V of the Unified Code of Corrections;

1 and (f) whether the minor possessed a deadly weapon when  
2 committing the offense. The rules of evidence shall be the same  
3 as if at trial. If after the hearing the court finds that the  
4 minor should be sentenced under Chapter V of the Unified Code  
5 of Corrections, then the court shall sentence the minor  
6 accordingly having available to it any or all dispositions so  
7 prescribed.

8 (5) (a) The definition of delinquent minor under Section  
9 5-120 of this Article shall not apply to any minor who is  
10 charged with a violation of subsection (a) of Section 31-6 or  
11 Section 32-10 of the Criminal Code of 1961 or the Criminal Code  
12 of 2012 when the minor is subject to prosecution under the  
13 criminal laws of this State as a result of the application of  
14 the provisions of Section 5-125, or subsection (1) or (2) of  
15 this Section. These charges and all other charges arising out  
16 of the same incident shall be prosecuted under the criminal  
17 laws of this State.

18 (b) (i) If before trial or plea an information or  
19 indictment is filed that does not charge an offense specified  
20 in paragraph (a) of this subsection (5), the State's Attorney  
21 may proceed on any lesser charge or charges, but only in  
22 Juvenile Court under the provisions of this Article. The  
23 State's Attorney may proceed under the criminal laws of this  
24 State on a lesser charge if before trial the minor defendant  
25 knowingly and with advice of counsel waives, in writing, his or  
26 her right to have the matter proceed in Juvenile Court.



1           (ii) If before trial or plea an information or indictment  
2 is filed that includes one or more charges specified in  
3 paragraph (a) of this subsection (5) and additional charges  
4 that are not specified in that paragraph, all of the charges  
5 arising out of the same incident shall be prosecuted under the  
6 criminal laws of this State.

7           (c) (i) If after trial or plea the minor is convicted of  
8 any offense covered by paragraph (a) of this subsection (5),  
9 then, in sentencing the minor, the court shall have available  
10 any or all dispositions prescribed for that offense under  
11 Chapter V of the Unified Code of Corrections.

12           (ii) If after trial or plea the court finds that the minor  
13 committed an offense not covered by paragraph (a) of this  
14 subsection (5), the conviction shall not invalidate the verdict  
15 or the prosecution of the minor under the criminal laws of this  
16 State; however, unless the State requests a hearing for the  
17 purpose of sentencing the minor under Chapter V of the Unified  
18 Code of Corrections, the Court must proceed under Sections  
19 5-705 and 5-710 of this Article. To request a hearing, the  
20 State must file a written motion within 10 days following the  
21 entry of a finding or the return of a verdict. Reasonable  
22 notice of the motion shall be given to the minor or his or her  
23 counsel. If the motion is made by the State, the court shall  
24 conduct a hearing to determine if whether the minor should be  
25 sentenced under Chapter V of the Unified Code of Corrections.  
26 In making its determination, the court shall consider among

1 other matters: (a) whether there is evidence that the offense  
2 was committed in an aggressive and premeditated manner; (b) the  
3 age of the minor; (c) the previous delinquent history of the  
4 minor; (d) whether there are facilities particularly available  
5 to the Juvenile Court or the Department of Juvenile Justice for  
6 the treatment and rehabilitation of the minor; (e) whether the  
7 security of the public requires sentencing under Chapter V of  
8 the Unified Code of Corrections; and (f) whether the minor  
9 possessed a deadly weapon when committing the offense. The  
10 rules of evidence shall be the same as if at trial. If after  
11 the hearing the court finds that the minor should be sentenced  
12 under Chapter V of the Unified Code of Corrections, then the  
13 court shall sentence the minor accordingly having available to  
14 it any or all dispositions so prescribed.

15 (6) The definition of delinquent minor under Section 5-120  
16 of this Article shall not apply to any minor who, pursuant to  
17 subsection (1) or (3) or Section 5-805 or 5-810, has previously  
18 been placed under the jurisdiction of the criminal court and  
19 has been convicted of a crime under an adult criminal or penal  
20 statute. Such a minor shall be subject to prosecution under the  
21 criminal laws of this State.

22 (7) The procedures set out in this Article for the  
23 investigation, arrest and prosecution of juvenile offenders  
24 shall not apply to minors who are excluded from jurisdiction of  
25 the Juvenile Court, except that minors under 17 years of age  
26 shall be kept separate from confined adults.

1           (8) Nothing in this Act prohibits or limits the prosecution  
2 of any minor for an offense committed on or after his or her  
3 17th birthday even though he or she is at the time of the  
4 offense a ward of the court.

5           (9) If an original petition for adjudication of wardship  
6 alleges the commission by a minor 13 years of age or over of an  
7 act that constitutes a crime under the laws of this State, the  
8 minor, with the consent of his or her counsel, may, at any time  
9 before commencement of the adjudicatory hearing, file with the  
10 court a motion that criminal prosecution be ordered and that  
11 the petition be dismissed insofar as the act or acts involved  
12 in the criminal proceedings are concerned. If such a motion is  
13 filed as herein provided, the court shall enter its order  
14 accordingly.

15           (10) If, prior to August 12, 2005 (the effective date of  
16 Public Act 94-574), a minor is charged with a violation of  
17 Section 401 of the Illinois Controlled Substances Act under the  
18 criminal laws of this State, other than a minor charged with a  
19 Class X felony violation of the Illinois Controlled Substances  
20 Act or the Methamphetamine Control and Community Protection  
21 Act, any party including the minor or the court sua sponte may,  
22 before trial, move for a hearing for the purpose of trying and  
23 sentencing the minor as a delinquent minor. To request a  
24 hearing, the party must file a motion prior to trial.  
25 Reasonable notice of the motion shall be given to all parties.  
26 On its own motion or upon the filing of a motion by one of the

1 parties including the minor, the court shall conduct a hearing  
2 to determine whether the minor should be tried and sentenced as  
3 a delinquent minor under this Article. In making its  
4 determination, the court shall consider among other matters:

5 (a) The age of the minor;

6 (b) Any previous delinquent or criminal history of the  
7 minor;

8 (c) Any previous abuse or neglect history of the minor;

9 (d) Any mental health or educational history of the minor,  
10 or both; and

11 (e) Whether there is probable cause to support the charge,  
12 whether the minor is charged through accountability, and  
13 whether there is evidence the minor possessed a deadly weapon  
14 or caused serious bodily harm during the offense.

15 Any material that is relevant and reliable shall be  
16 admissible at the hearing. In all cases, the judge shall enter  
17 an order permitting prosecution under the criminal laws of  
18 Illinois unless the judge makes a finding based on a  
19 preponderance of the evidence that the minor would be amenable  
20 to the care, treatment, and training programs available through  
21 the facilities of the juvenile court based on an evaluation of  
22 the factors listed in this subsection (10).

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

24 (705 ILCS 405/5-155)

25 Sec. 5-155. Any weapon in possession of a minor found to be

1 a delinquent under Section 5-105 for an offense involving the  
2 use of a weapon or for being in possession of a weapon during  
3 the commission of an offense shall be confiscated and disposed  
4 of by the juvenile court whether the weapon is the property of  
5 the minor or his or her parent or guardian. Disposition of the  
6 weapon by the court shall be in accordance with Section 24-6 of  
7 the Criminal Code of 2012 ~~1961~~.

8 (Source: P.A. 90-590, eff. 1-1-99.)

9 (705 ILCS 405/5-170)

10 Sec. 5-170. Representation by counsel.

11 (a) In a proceeding under this Article, a minor who was  
12 under 13 years of age at the time of the commission of an act  
13 that if committed by an adult would be a violation of Section  
14 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 11-1.20, 11-1.30,  
15 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or  
16 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012  
17 must be represented by counsel during the entire custodial  
18 interrogation of the minor.

19 (b) In a judicial proceeding under this Article, a minor  
20 may not waive the right to the assistance of counsel in his or  
21 her defense.

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

23 (705 ILCS 405/5-401.5)

24 Sec. 5-401.5. When statements by minor may be used.

1 (a) In this Section, "custodial interrogation" means any  
2 interrogation (i) during which a reasonable person in the  
3 subject's position would consider himself or herself to be in  
4 custody and (ii) during which a question is asked that is  
5 reasonably likely to elicit an incriminating response.

6 In this Section, "electronic recording" includes motion  
7 picture, audiotape, videotape, or digital recording.

8 In this Section, "place of detention" means a building or a  
9 police station that is a place of operation for a municipal  
10 police department or county sheriff department or other law  
11 enforcement agency at which persons are or may be held in  
12 detention in connection with criminal charges against those  
13 persons or allegations that those persons are delinquent  
14 minors.

15 (b) An oral, written, or sign language statement of a minor  
16 who, at the time of the commission of the offense was under the  
17 age of 17 years, made as a result of a custodial interrogation  
18 conducted at a police station or other place of detention on or  
19 after the effective date of this amendatory Act of the 93rd  
20 General Assembly shall be presumed to be inadmissible as  
21 evidence against the minor in any criminal proceeding or  
22 juvenile court proceeding, for an act that if committed by an  
23 adult would be brought under Section 9-1, 9-1.2, 9-2, 9-2.1,  
24 9-3, 9-3.2, or 9-3.3, of the Criminal Code of 1961 or the  
25 Criminal Code of 2012, or under clause (d)(1)(F) of Section  
26 11-501 of the Illinois Vehicle Code unless:

1           (1) an electronic recording is made of the custodial  
2           interrogation; and

3           (2) the recording is substantially accurate and not  
4           intentionally altered.

5           (c) Every electronic recording required under this Section  
6           must be preserved until such time as the minor's adjudication  
7           for any offense relating to the statement is final and all  
8           direct and habeas corpus appeals are exhausted, or the  
9           prosecution of such offenses is barred by law.

10          (d) If the court finds, by a preponderance of the evidence,  
11          that the minor was subjected to a custodial interrogation in  
12          violation of this Section, then any statements made by the  
13          minor during or following that non-recorded custodial  
14          interrogation, even if otherwise in compliance with this  
15          Section, are presumed to be inadmissible in any criminal  
16          proceeding or juvenile court proceeding against the minor  
17          except for the purposes of impeachment.

18          (e) Nothing in this Section precludes the admission (i) of  
19          a statement made by the minor in open court in any criminal  
20          proceeding or juvenile court proceeding, before a grand jury,  
21          or at a preliminary hearing, (ii) of a statement made during a  
22          custodial interrogation that was not recorded as required by  
23          this Section because electronic recording was not feasible,  
24          (iii) of a voluntary statement, whether or not the result of a  
25          custodial interrogation, that has a bearing on the credibility  
26          of the accused as a witness, (iv) of a spontaneous statement

1 that is not made in response to a question, (v) of a statement  
2 made after questioning that is routinely asked during the  
3 processing of the arrest of the suspect, (vi) of a statement  
4 made during a custodial interrogation by a suspect who  
5 requests, prior to making the statement, to respond to the  
6 interrogator's questions only if an electronic recording is not  
7 made of the statement, provided that an electronic recording is  
8 made of the statement of agreeing to respond to the  
9 interrogator's question, only if a recording is not made of the  
10 statement, (vii) of a statement made during a custodial  
11 interrogation that is conducted out-of-state, (viii) of a  
12 statement given at a time when the interrogators are unaware  
13 that a death has in fact occurred, or (ix) of any other  
14 statement that may be admissible under law. The State shall  
15 bear the burden of proving, by a preponderance of the evidence,  
16 that one of the exceptions described in this subsection (e) is  
17 applicable. Nothing in this Section precludes the admission of  
18 a statement, otherwise inadmissible under this Section, that is  
19 used only for impeachment and not as substantive evidence.

20 (f) The presumption of inadmissibility of a statement made  
21 by a suspect at a custodial interrogation at a police station  
22 or other place of detention may be overcome by a preponderance  
23 of the evidence that the statement was voluntarily given and is  
24 reliable, based on the totality of the circumstances.

25 (g) Any electronic recording of any statement made by a  
26 minor during a custodial interrogation that is compiled by any



1 law enforcement agency as required by this Section for the  
2 purposes of fulfilling the requirements of this Section shall  
3 be confidential and exempt from public inspection and copying,  
4 as provided under Section 7 of the Freedom of Information Act,  
5 and the information shall not be transmitted to anyone except  
6 as needed to comply with this Section.

7 (h) A statement, admission, confession, or incriminating  
8 information made by or obtained from a minor related to the  
9 instant offense, as part of any behavioral health screening,  
10 assessment, evaluation, or treatment, whether or not  
11 court-ordered, shall not be admissible as evidence against the  
12 minor on the issue of guilt only in the instant juvenile court  
13 proceeding. The provisions of this subsection (h) are in  
14 addition to and do not override any existing statutory and  
15 constitutional prohibition on the admission into evidence in  
16 delinquency proceedings of information obtained during  
17 screening, assessment, or treatment.

18 (Source: P.A. 96-1251, eff. 1-1-11.)

19 (705 ILCS 405/5-407)

20 Sec. 5-407. Processing of juvenile in possession of a  
21 firearm.

22 (a) If a law enforcement officer detains a minor pursuant  
23 to Section 10-27.1A of the School Code, the officer shall  
24 deliver the minor to the nearest juvenile officer, in the  
25 manner prescribed by subsection (2) of Section 5-405 of this

1 Act. The juvenile officer shall deliver the minor without  
2 unnecessary delay to the court or to the place designated by  
3 rule or order of court for the reception of minors. In no event  
4 shall the minor be eligible for any other disposition by the  
5 juvenile police officer, notwithstanding the provisions of  
6 subsection (3) of Section 5-405 of this Act.

7 (b) Minors not excluded from this Act's jurisdiction under  
8 subsection (3) (a) of Section 5-130 of this Act shall be brought  
9 before a judicial officer within 40 hours, exclusive of  
10 Saturdays, Sundays, and court-designated holidays, for a  
11 detention hearing to determine whether he or she shall be  
12 further held in custody. If the court finds that there is  
13 probable cause to believe that the minor is a delinquent minor  
14 by virtue of his or her violation of item (4) of subsection (a)  
15 of Section 24-1 of the Criminal Code of 1961 or the Criminal  
16 Code of 2012 while on school grounds, that finding shall create  
17 a presumption that immediate and urgent necessity exists under  
18 subdivision (2) of Section 5-501 of this Act. Once the  
19 presumption of immediate and urgent necessity has been raised,  
20 the burden of demonstrating the lack of immediate and urgent  
21 necessity shall be on any party that is opposing detention for  
22 the minor. Should the court order detention pursuant to this  
23 Section, the minor shall be detained, pending the results of a  
24 court-ordered psychological evaluation to determine if the  
25 minor is a risk to himself, herself, or others. Upon receipt of  
26 the psychological evaluation, the court shall review the

1 determination regarding the existence of urgent and immediate  
2 necessity. The court shall consider the psychological  
3 evaluation in conjunction with the other factors identified in  
4 subdivision (2) of Section 5-501 of this Act in order to make a  
5 de novo determination regarding whether it is a matter of  
6 immediate and urgent necessity for the protection of the minor  
7 or of the person or property of another that the minor be  
8 detained or placed in a shelter care facility. In addition to  
9 the pre-trial conditions found in Section 5-505 of this Act,  
10 the court may order the minor to receive counseling and any  
11 other services recommended by the psychological evaluation as a  
12 condition for release of the minor.

13 (c) Upon making a determination that the student presents a  
14 risk to himself, herself, or others, the court shall issue an  
15 order restraining the student from entering the property of the  
16 school if he or she has been suspended or expelled from the  
17 school as a result of possessing a firearm. The order shall  
18 restrain the student from entering the school and school owned  
19 or leased property, including any conveyance owned, leased, or  
20 contracted by the school to transport students to or from  
21 school or a school-related activity. The order shall remain in  
22 effect until such time as the court determines that the student  
23 no longer presents a risk to himself, herself, or others.

24 (d) Psychological evaluations ordered pursuant to  
25 subsection (b) of this Section and statements made by the minor  
26 during the course of these evaluations, shall not be admissible

1 on the issue of delinquency during the course of any  
2 adjudicatory hearing held under this Act.

3 (e) In this Section:

4 "School" means any public or private elementary or  
5 secondary school.

6 "School grounds" includes the real property comprising any  
7 school, any conveyance owned, leased, or contracted by a school  
8 to transport students to or from school or a school-related  
9 activity, or any public way within 1,000 feet of the real  
10 property comprising any school.

11 (Source: P.A. 91-11, eff. 6-4-99.)

12 (705 ILCS 405/5-415)

13 Sec. 5-415. Setting of detention or shelter care hearing;  
14 release.

15 (1) Unless sooner released, a minor alleged to be a  
16 delinquent minor taken into temporary custody must be brought  
17 before a judicial officer within 40 hours for a detention or  
18 shelter care hearing to determine whether he or she shall be  
19 further held in custody. If a minor alleged to be a delinquent  
20 minor taken into custody is hospitalized or is receiving  
21 treatment for a physical or mental condition, and is unable to  
22 be brought before a judicial officer for a detention or shelter  
23 care hearing, the 40 hour period will not commence until the  
24 minor is released from the hospital or place of treatment. If  
25 the minor gives false information to law enforcement officials

1 regarding the minor's identity or age, the 40 hour period will  
2 not commence until the court rules that the minor is subject to  
3 this Act and not subject to prosecution under the Criminal Code  
4 of 1961 or the Criminal Code of 2012. Any other delay  
5 attributable to a minor alleged to be a delinquent minor who is  
6 taken into temporary custody shall act to toll the 40 hour time  
7 period. The 40 hour time period shall be tolled to allow  
8 counsel for the minor to prepare for the detention or shelter  
9 care hearing, upon a motion filed by such counsel and granted  
10 by the court. In all cases, the 40 hour time period is  
11 exclusive of Saturdays, Sundays and court-designated holidays.

12 (2) If the State's Attorney or probation officer (or other  
13 public officer designated by the court in a county having more  
14 than 3,000,000 inhabitants) determines that the minor should be  
15 retained in custody, he or she shall cause a petition to be  
16 filed as provided in Section 5-520 of this Article, and the  
17 clerk of the court shall set the matter for hearing on the  
18 detention or shelter care hearing calendar. Immediately upon  
19 the filing of a petition in the case of a minor retained in  
20 custody, the court shall cause counsel to be appointed to  
21 represent the minor. When a parent, legal guardian, custodian,  
22 or responsible relative is present and so requests, the  
23 detention or shelter care hearing shall be held immediately if  
24 the court is in session and the State is ready to proceed,  
25 otherwise at the earliest feasible time. In no event shall a  
26 detention or shelter care hearing be held until the minor has

1 had adequate opportunity to consult with counsel. The probation  
2 officer or such other public officer designated by the court in  
3 a county having more than 3,000,000 inhabitants shall notify  
4 the minor's parent, legal guardian, custodian, or responsible  
5 relative of the time and place of the hearing. The notice may  
6 be given orally.

7 (3) The minor must be released from custody at the  
8 expiration of the 40 hour period specified by this Section if  
9 not brought before a judicial officer within that period.

10 (4) After the initial 40 hour period has lapsed, the court  
11 may review the minor's custodial status at any time prior to  
12 the trial or sentencing hearing. If during this time period new  
13 or additional information becomes available concerning the  
14 minor's conduct, the court may conduct a hearing to determine  
15 whether the minor should be placed in a detention or shelter  
16 care facility. If the court finds that there is probable cause  
17 that the minor is a delinquent minor and that it is a matter of  
18 immediate and urgent necessity for the protection of the minor  
19 or of the person or property of another, or that he or she is  
20 likely to flee the jurisdiction of the court, the court may  
21 order that the minor be placed in detention or shelter care.

22 (Source: P.A. 95-846, eff. 1-1-09.)

23 (705 ILCS 405/5-605)

24 Sec. 5-605. Trials, pleas, guilty but mentally ill and not  
25 guilty by reason of insanity.

1           (1) Method of trial. All delinquency proceedings shall be  
2 heard by the court except those proceedings under this Act  
3 where the right to trial by jury is specifically set forth. At  
4 any time a minor may waive his or her right to trial by jury.

5           (2) Pleas of guilty and guilty but mentally ill.

6           (a) Before or during trial, a plea of guilty may be  
7 accepted when the court has informed the minor of the  
8 consequences of his or her plea and of the maximum penalty  
9 provided by law which may be imposed upon acceptance of the  
10 plea. Upon acceptance of a plea of guilty, the court shall  
11 determine the factual basis of a plea.

12           (b) Before or during trial, a plea of guilty but  
13 mentally ill may be accepted by the court when:

14           (i) the minor has undergone an examination by a  
15 clinical psychologist or psychiatrist and has waived  
16 his or her right to trial; and

17           (ii) the judge has examined the psychiatric or  
18 psychological report or reports; and

19           (iii) the judge has held a hearing, at which either  
20 party may present evidence, on the issue of the minor's  
21 mental health and, at the conclusion of the hearing, is  
22 satisfied that there is a factual basis that the minor  
23 was mentally ill at the time of the offense to which  
24 the plea is entered.

25           (3) Trial by the court.

26           (a) A trial shall be conducted in the presence of the

1 minor unless he or she waives the right to be present. At  
2 the trial, the court shall consider the question whether  
3 the minor is delinquent. The standard of proof and the  
4 rules of evidence in the nature of criminal proceedings in  
5 this State are applicable to that consideration.

6 (b) Upon conclusion of the trial the court shall enter  
7 a general finding, except that, when the affirmative  
8 defense of insanity has been presented during the trial and  
9 acquittal is based solely upon the defense of insanity, the  
10 court shall enter a finding of not guilty by reason of  
11 insanity. In the event of a finding of not guilty by reason  
12 of insanity, a hearing shall be held pursuant to the Mental  
13 Health and Developmental Disabilities Code to determine  
14 whether the minor is subject to involuntary admission.

15 (c) When the minor has asserted a defense of insanity,  
16 the court may find the minor guilty but mentally ill if,  
17 after hearing all of the evidence, the court finds that:

18 (i) the State has proven beyond a reasonable doubt  
19 that the minor is guilty of the offense charged; and

20 (ii) the minor has failed to prove his or her  
21 insanity as required in subsection (b) of Section 3-2  
22 of the Criminal Code of 2012 ~~1961~~, and subsections (a),  
23 (b) and (e) of Section 6-2 of the Criminal Code of 2012  
24 ~~1961~~; and

25 (iii) the minor has proven by a preponderance of  
26 the evidence that he was mentally ill, as defined in



1 subsections (c) and (d) of Section 6-2 of the Criminal  
2 Code of 2012 ~~1961~~ at the time of the offense.

3 (4) Trial by court and jury.

4 (a) Questions of law shall be decided by the court and  
5 questions of fact by the jury.

6 (b) The jury shall consist of 12 members.

7 (c) Upon request the parties shall be furnished with a  
8 list of prospective jurors with their addresses if known.

9 (d) Each party may challenge jurors for cause. If a  
10 prospective juror has a physical impairment, the court  
11 shall consider the prospective juror's ability to perceive  
12 and appreciate the evidence when considering a challenge  
13 for cause.

14 (e) A minor tried alone shall be allowed 7 peremptory  
15 challenges; except that, in a single trial of more than one  
16 minor, each minor shall be allowed 5 peremptory challenges.  
17 If several charges against a minor or minors are  
18 consolidated for trial, each minor shall be allowed  
19 peremptory challenges upon one charge only, which single  
20 charge shall be the charge against that minor authorizing  
21 the greatest maximum penalty. The State shall be allowed  
22 the same number of peremptory challenges as all of the  
23 minors.

24 (f) After examination by the court, the jurors may be  
25 examined, passed upon, accepted and tendered by opposing  
26 counsel as provided by Supreme Court Rules.

1           (g) After the jury is impaneled and sworn, the court  
2 may direct the selection of 2 alternate jurors who shall  
3 take the same oath as the regular jurors. Each party shall  
4 have one additional peremptory challenge for each  
5 alternate juror. If before the final submission of a cause  
6 a member of the jury dies or is discharged, he or she shall  
7 be replaced by an alternate juror in the order of  
8 selection.

9           (h) A trial by the court and jury shall be conducted in  
10 the presence of the minor unless he or she waives the right  
11 to be present.

12           (i) After arguments of counsel the court shall instruct  
13 the jury as to the law.

14           (j) Unless the affirmative defense of insanity has been  
15 presented during the trial, the jury shall return a general  
16 verdict as to each offense charged. When the affirmative  
17 defense of insanity has been presented during the trial,  
18 the court shall provide the jury not only with general  
19 verdict forms but also with a special verdict form of not  
20 guilty by reason of insanity, as to each offense charged,  
21 and in the event the court shall separately instruct the  
22 jury that a special verdict of not guilty by reason of  
23 insanity may be returned instead of a general verdict but  
24 the special verdict requires a unanimous finding by the  
25 jury that the minor committed the acts charged but at the  
26 time of the commission of those acts the minor was insane.

1 In the event of a verdict of not guilty by reason of  
2 insanity, a hearing shall be held pursuant to the Mental  
3 Health and Developmental Disabilities Code to determine  
4 whether the minor is subject to involuntary admission. When  
5 the affirmative defense of insanity has been presented  
6 during the trial, the court, where warranted by the  
7 evidence, shall also provide the jury with a special  
8 verdict form of guilty but mentally ill, as to each offense  
9 charged and shall separately instruct the jury that a  
10 special verdict of guilty but mentally ill may be returned  
11 instead of a general verdict, but that the special verdict  
12 requires a unanimous finding by the jury that: (i) the  
13 State has proven beyond a reasonable doubt that the minor  
14 is guilty of the offense charged; and (ii) the minor has  
15 failed to prove his or her insanity as required in  
16 subsection (b) of Section 3-2 of the Criminal Code of 2012  
17 ~~1961~~ and subsections (a), (b) and (e) of Section 6-2 of the  
18 Criminal Code of 2012 ~~1961~~; and (iii) the minor has proven  
19 by a preponderance of the evidence that he or she was  
20 mentally ill, as defined in subsections (c) and (d) of  
21 Section 6-2 of the Criminal Code of 2012 ~~1961~~ at the time  
22 of the offense.

23 (k) When, at the close of the State's evidence or at  
24 the close of all of the evidence, the evidence is  
25 insufficient to support a finding or verdict of guilty the  
26 court may and on motion of the minor shall make a finding

1 or direct the jury to return a verdict of not guilty, enter  
2 a judgment of acquittal and discharge the minor.

3 (l) When the jury retires to consider its verdict, an  
4 officer of the court shall be appointed to keep them  
5 together and to prevent conversation between the jurors and  
6 others; however, if any juror is deaf, the jury may be  
7 accompanied by and may communicate with a court-appointed  
8 interpreter during its deliberations. Upon agreement  
9 between the State and minor or his or her counsel, and the  
10 parties waive polling of the jury, the jury may seal and  
11 deliver its verdict to the clerk of the court, separate,  
12 and then return the verdict in open court at its next  
13 session.

14 (m) In a trial, any juror who is a member of a panel or  
15 jury which has been impaneled and sworn as a panel or as a  
16 jury shall be permitted to separate from other jurors  
17 during every period of adjournment to a later day, until  
18 final submission of the cause to the jury for  
19 determination, except that no such separation shall be  
20 permitted in any trial after the court, upon motion by the  
21 minor or the State or upon its own motion, finds a  
22 probability that prejudice to the minor or to the State  
23 will result from the separation.

24 (n) The members of the jury shall be entitled to take  
25 notes during the trial, and the sheriff of the county in  
26 which the jury is sitting shall provide them with writing

1 materials for this purpose. The notes shall remain  
2 confidential, and shall be destroyed by the sheriff after  
3 the verdict has been returned or a mistrial declared.

4 (o) A minor tried by the court and jury shall only be  
5 found guilty, guilty but mentally ill, not guilty or not  
6 guilty by reason of insanity, upon the unanimous verdict of  
7 the jury.

8 (Source: P.A. 90-590, eff. 1-1-99.)

9 (705 ILCS 405/5-615)

10 Sec. 5-615. Continuance under supervision.

11 (1) The court may enter an order of continuance under  
12 supervision for an offense other than first degree murder, a  
13 Class X felony or a forcible felony (a) upon an admission or  
14 stipulation by the appropriate respondent or minor respondent  
15 of the facts supporting the petition and before proceeding to  
16 adjudication, or after hearing the evidence at the trial, and  
17 (b) in the absence of objection made in open court by the  
18 minor, his or her parent, guardian, or legal custodian, the  
19 minor's attorney or the State's Attorney.

20 (2) If the minor, his or her parent, guardian, or legal  
21 custodian, the minor's attorney or State's Attorney objects in  
22 open court to any continuance and insists upon proceeding to  
23 findings and adjudication, the court shall so proceed.

24 (3) Nothing in this Section limits the power of the court  
25 to order a continuance of the hearing for the production of

1 additional evidence or for any other proper reason.

2 (4) When a hearing where a minor is alleged to be a  
3 delinquent is continued pursuant to this Section, the period of  
4 continuance under supervision may not exceed 24 months. The  
5 court may terminate a continuance under supervision at any time  
6 if warranted by the conduct of the minor and the ends of  
7 justice.

8 (5) When a hearing where a minor is alleged to be  
9 delinquent is continued pursuant to this Section, the court  
10 may, as conditions of the continuance under supervision,  
11 require the minor to do any of the following:

12 (a) not violate any criminal statute of any  
13 jurisdiction;

14 (b) make a report to and appear in person before any  
15 person or agency as directed by the court;

16 (c) work or pursue a course of study or vocational  
17 training;

18 (d) undergo medical or psychotherapeutic treatment  
19 rendered by a therapist licensed under the provisions of  
20 the Medical Practice Act of 1987, the Clinical Psychologist  
21 Licensing Act, or the Clinical Social Work and Social Work  
22 Practice Act, or an entity licensed by the Department of  
23 Human Services as a successor to the Department of  
24 Alcoholism and Substance Abuse, for the provision of drug  
25 addiction and alcoholism treatment;

26 (e) attend or reside in a facility established for the

1 instruction or residence of persons on probation;

2 (f) support his or her dependents, if any;

3 (g) pay costs;

4 (h) refrain from possessing a firearm or other  
5 dangerous weapon, or an automobile;

6 (i) permit the probation officer to visit him or her at  
7 his or her home or elsewhere;

8 (j) reside with his or her parents or in a foster home;

9 (k) attend school;

10 (k-5) with the consent of the superintendent of the  
11 facility, attend an educational program at a facility other  
12 than the school in which the offense was committed if he or  
13 she committed a crime of violence as defined in Section 2  
14 of the Crime Victims Compensation Act in a school, on the  
15 real property comprising a school, or within 1,000 feet of  
16 the real property comprising a school;

17 (l) attend a non-residential program for youth;

18 (m) contribute to his or her own support at home or in  
19 a foster home;

20 (n) perform some reasonable public or community  
21 service;

22 (o) make restitution to the victim, in the same manner  
23 and under the same conditions as provided in subsection (4)  
24 of Section 5-710, except that the "sentencing hearing"  
25 referred to in that Section shall be the adjudicatory  
26 hearing for purposes of this Section;

1           (p) comply with curfew requirements as designated by  
2 the court;

3           (q) refrain from entering into a designated geographic  
4 area except upon terms as the court finds appropriate. The  
5 terms may include consideration of the purpose of the  
6 entry, the time of day, other persons accompanying the  
7 minor, and advance approval by a probation officer;

8           (r) refrain from having any contact, directly or  
9 indirectly, with certain specified persons or particular  
10 types of persons, including but not limited to members of  
11 street gangs and drug users or dealers;

12           (r-5) undergo a medical or other procedure to have a  
13 tattoo symbolizing allegiance to a street gang removed from  
14 his or her body;

15           (s) refrain from having in his or her body the presence  
16 of any illicit drug prohibited by the Cannabis Control Act,  
17 the Illinois Controlled Substances Act, or the  
18 Methamphetamine Control and Community Protection Act,  
19 unless prescribed by a physician, and submit samples of his  
20 or her blood or urine or both for tests to determine the  
21 presence of any illicit drug; or

22           (t) comply with any other conditions as may be ordered  
23 by the court.

24           (6) A minor whose case is continued under supervision under  
25 subsection (5) shall be given a certificate setting forth the  
26 conditions imposed by the court. Those conditions may be



1 reduced, enlarged, or modified by the court on motion of the  
2 probation officer or on its own motion, or that of the State's  
3 Attorney, or, at the request of the minor after notice and  
4 hearing.

5 (7) If a petition is filed charging a violation of a  
6 condition of the continuance under supervision, the court shall  
7 conduct a hearing. If the court finds that a condition of  
8 supervision has not been fulfilled, the court may proceed to  
9 findings and adjudication and disposition. The filing of a  
10 petition for violation of a condition of the continuance under  
11 supervision shall toll the period of continuance under  
12 supervision until the final determination of the charge, and  
13 the term of the continuance under supervision shall not run  
14 until the hearing and disposition of the petition for  
15 violation; provided where the petition alleges conduct that  
16 does not constitute a criminal offense, the hearing must be  
17 held within 30 days of the filing of the petition unless a  
18 delay shall continue the tolling of the period of continuance  
19 under supervision for the period of the delay.

20 (8) When a hearing in which a minor is alleged to be a  
21 delinquent for reasons that include a violation of Section  
22 21-1.3 of the Criminal Code of 1961 or the Criminal Code of  
23 2012 is continued under this Section, the court shall, as a  
24 condition of the continuance under supervision, require the  
25 minor to perform community service for not less than 30 and not  
26 more than 120 hours, if community service is available in the

1 jurisdiction. The community service shall include, but need not  
2 be limited to, the cleanup and repair of the damage that was  
3 caused by the alleged violation or similar damage to property  
4 located in the municipality or county in which the alleged  
5 violation occurred. The condition may be in addition to any  
6 other condition.

7 (8.5) When a hearing in which a minor is alleged to be a  
8 delinquent for reasons that include a violation of Section 3.02  
9 or Section 3.03 of the Humane Care for Animals Act or paragraph  
10 (d) of subsection (1) of Section 21-1 of the Criminal Code of  
11 1961 or paragraph (4) of subsection (a) of Section 21-1 of the  
12 Criminal Code of 2012 is continued under this Section, the  
13 court shall, as a condition of the continuance under  
14 supervision, require the minor to undergo medical or  
15 psychiatric treatment rendered by a psychiatrist or  
16 psychological treatment rendered by a clinical psychologist.  
17 The condition may be in addition to any other condition.

18 (9) When a hearing in which a minor is alleged to be a  
19 delinquent is continued under this Section, the court, before  
20 continuing the case, shall make a finding whether the offense  
21 alleged to have been committed either: (i) was related to or in  
22 furtherance of the activities of an organized gang or was  
23 motivated by the minor's membership in or allegiance to an  
24 organized gang, or (ii) is a violation of paragraph (13) of  
25 subsection (a) of Section 12-2 or paragraph (2) of subsection  
26 (c) of Section 12-2 of the Criminal Code of 1961 or the

1 Criminal Code of 2012, a violation of any Section of Article 24  
2 of the Criminal Code of 1961 or the Criminal Code of 2012, or a  
3 violation of any statute that involved the unlawful use of a  
4 firearm. If the court determines the question in the  
5 affirmative the court shall, as a condition of the continuance  
6 under supervision and as part of or in addition to any other  
7 condition of the supervision, require the minor to perform  
8 community service for not less than 30 hours, provided that  
9 community service is available in the jurisdiction and is  
10 funded and approved by the county board of the county where the  
11 offense was committed. The community service shall include, but  
12 need not be limited to, the cleanup and repair of any damage  
13 caused by an alleged violation of Section 21-1.3 of the  
14 Criminal Code of 1961 or the Criminal Code of 2012 and similar  
15 damage to property located in the municipality or county in  
16 which the alleged violation occurred. When possible and  
17 reasonable, the community service shall be performed in the  
18 minor's neighborhood. For the purposes of this Section,  
19 "organized gang" has the meaning ascribed to it in Section 10  
20 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

21 (10) The court shall impose upon a minor placed on  
22 supervision, as a condition of the supervision, a fee of \$50  
23 for each month of supervision ordered by the court, unless  
24 after determining the inability of the minor placed on  
25 supervision to pay the fee, the court assesses a lesser amount.  
26 The court may not impose the fee on a minor who is made a ward

1 of the State under this Act while the minor is in placement.  
2 The fee shall be imposed only upon a minor who is actively  
3 supervised by the probation and court services department. A  
4 court may order the parent, guardian, or legal custodian of the  
5 minor to pay some or all of the fee on the minor's behalf.

6 (11) If a minor is placed on supervision for a violation of  
7 subsection (a-7) of Section 1 of the Prevention of Tobacco Use  
8 by Minors Act, the court may, in its discretion, and upon  
9 recommendation by the State's Attorney, order that minor and  
10 his or her parents or legal guardian to attend a smoker's  
11 education or youth diversion program as defined in that Act if  
12 that program is available in the jurisdiction where the  
13 offender resides. Attendance at a smoker's education or youth  
14 diversion program shall be time-credited against any community  
15 service time imposed for any first violation of subsection  
16 (a-7) of Section 1 of that Act. In addition to any other  
17 penalty that the court may impose for a violation of subsection  
18 (a-7) of Section 1 of that Act, the court, upon request by the  
19 State's Attorney, may in its discretion require the offender to  
20 remit a fee for his or her attendance at a smoker's education  
21 or youth diversion program.

22 For purposes of this Section, "smoker's education program"  
23 or "youth diversion program" includes, but is not limited to, a  
24 seminar designed to educate a person on the physical and  
25 psychological effects of smoking tobacco products and the  
26 health consequences of smoking tobacco products that can be

1 conducted with a locality's youth diversion program.

2 In addition to any other penalty that the court may impose  
3 under this subsection (11):

4 (a) If a minor violates subsection (a-7) of Section 1  
5 of the Prevention of Tobacco Use by Minors Act, the court  
6 may impose a sentence of 15 hours of community service or a  
7 fine of \$25 for a first violation.

8 (b) A second violation by a minor of subsection (a-7)  
9 of Section 1 of that Act that occurs within 12 months after  
10 the first violation is punishable by a fine of \$50 and 25  
11 hours of community service.

12 (c) A third or subsequent violation by a minor of  
13 subsection (a-7) of Section 1 of that Act that occurs  
14 within 12 months after the first violation is punishable by  
15 a \$100 fine and 30 hours of community service.

16 (d) Any second or subsequent violation not within the  
17 12-month time period after the first violation is  
18 punishable as provided for a first violation.

19 (Source: P.A. 96-179, eff. 8-10-09; 96-1414, eff. 1-1-11.)

20 (705 ILCS 405/5-710)

21 Sec. 5-710. Kinds of sentencing orders.

22 (1) The following kinds of sentencing orders may be made in  
23 respect of wards of the court:

24 (a) Except as provided in Sections 5-805, 5-810, 5-815,  
25 a minor who is found guilty under Section 5-620 may be:

1           (i) put on probation or conditional discharge and  
2 released to his or her parents, guardian or legal  
3 custodian, provided, however, that any such minor who  
4 is not committed to the Department of Juvenile Justice  
5 under this subsection and who is found to be a  
6 delinquent for an offense which is first degree murder,  
7 a Class X felony, or a forcible felony shall be placed  
8 on probation;

9           (ii) placed in accordance with Section 5-740, with  
10 or without also being put on probation or conditional  
11 discharge;

12           (iii) required to undergo a substance abuse  
13 assessment conducted by a licensed provider and  
14 participate in the indicated clinical level of care;

15           (iv) placed in the guardianship of the Department  
16 of Children and Family Services, but only if the  
17 delinquent minor is under 15 years of age or, pursuant  
18 to Article II of this Act, a minor for whom an  
19 independent basis of abuse, neglect, or dependency  
20 exists. An independent basis exists when the  
21 allegations or adjudication of abuse, neglect, or  
22 dependency do not arise from the same facts, incident,  
23 or circumstances which give rise to a charge or  
24 adjudication of delinquency;

25           (v) placed in detention for a period not to exceed  
26 30 days, either as the exclusive order of disposition

1 or, where appropriate, in conjunction with any other  
2 order of disposition issued under this paragraph,  
3 provided that any such detention shall be in a juvenile  
4 detention home and the minor so detained shall be 10  
5 years of age or older. However, the 30-day limitation  
6 may be extended by further order of the court for a  
7 minor under age 15 committed to the Department of  
8 Children and Family Services if the court finds that  
9 the minor is a danger to himself or others. The minor  
10 shall be given credit on the sentencing order of  
11 detention for time spent in detention under Sections  
12 5-501, 5-601, 5-710, or 5-720 of this Article as a  
13 result of the offense for which the sentencing order  
14 was imposed. The court may grant credit on a sentencing  
15 order of detention entered under a violation of  
16 probation or violation of conditional discharge under  
17 Section 5-720 of this Article for time spent in  
18 detention before the filing of the petition alleging  
19 the violation. A minor shall not be deprived of credit  
20 for time spent in detention before the filing of a  
21 violation of probation or conditional discharge  
22 alleging the same or related act or acts;

23 (vi) ordered partially or completely emancipated  
24 in accordance with the provisions of the Emancipation  
25 of Minors Act;

26 (vii) subject to having his or her driver's license

1 or driving privileges suspended for such time as  
2 determined by the court but only until he or she  
3 attains 18 years of age;

4 (viii) put on probation or conditional discharge  
5 and placed in detention under Section 3-6039 of the  
6 Counties Code for a period not to exceed the period of  
7 incarceration permitted by law for adults found guilty  
8 of the same offense or offenses for which the minor was  
9 adjudicated delinquent, and in any event no longer than  
10 upon attainment of age 21; this subdivision (viii)  
11 notwithstanding any contrary provision of the law;

12 (ix) ordered to undergo a medical or other  
13 procedure to have a tattoo symbolizing allegiance to a  
14 street gang removed from his or her body; or

15 (x) placed in electronic home detention under Part  
16 7A of this Article.

17 (b) A minor found to be guilty may be committed to the  
18 Department of Juvenile Justice under Section 5-750 if the  
19 minor is 13 years of age or older, provided that the  
20 commitment to the Department of Juvenile Justice shall be  
21 made only if a term of incarceration is permitted by law  
22 for adults found guilty of the offense for which the minor  
23 was adjudicated delinquent. The time during which a minor  
24 is in custody before being released upon the request of a  
25 parent, guardian or legal custodian shall be considered as  
26 time spent in detention.



1           (c) When a minor is found to be guilty for an offense  
2           which is a violation of the Illinois Controlled Substances  
3           Act, the Cannabis Control Act, or the Methamphetamine  
4           Control and Community Protection Act and made a ward of the  
5           court, the court may enter a disposition order requiring  
6           the minor to undergo assessment, counseling or treatment in  
7           a substance abuse program approved by the Department of  
8           Human Services.

9           (2) Any sentencing order other than commitment to the  
10          Department of Juvenile Justice may provide for protective  
11          supervision under Section 5-725 and may include an order of  
12          protection under Section 5-730.

13          (3) Unless the sentencing order expressly so provides, it  
14          does not operate to close proceedings on the pending petition,  
15          but is subject to modification until final closing and  
16          discharge of the proceedings under Section 5-750.

17          (4) In addition to any other sentence, the court may order  
18          any minor found to be delinquent to make restitution, in  
19          monetary or non-monetary form, under the terms and conditions  
20          of Section 5-5-6 of the Unified Code of Corrections, except  
21          that the "presentencing hearing" referred to in that Section  
22          shall be the sentencing hearing for purposes of this Section.  
23          The parent, guardian or legal custodian of the minor may be  
24          ordered by the court to pay some or all of the restitution on  
25          the minor's behalf, pursuant to the Parental Responsibility  
26          Law. The State's Attorney is authorized to act on behalf of any

1 victim in seeking restitution in proceedings under this  
2 Section, up to the maximum amount allowed in Section 5 of the  
3 Parental Responsibility Law.

4 (5) Any sentencing order where the minor is committed or  
5 placed in accordance with Section 5-740 shall provide for the  
6 parents or guardian of the estate of the minor to pay to the  
7 legal custodian or guardian of the person of the minor such  
8 sums as are determined by the custodian or guardian of the  
9 person of the minor as necessary for the minor's needs. The  
10 payments may not exceed the maximum amounts provided for by  
11 Section 9.1 of the Children and Family Services Act.

12 (6) Whenever the sentencing order requires the minor to  
13 attend school or participate in a program of training, the  
14 truant officer or designated school official shall regularly  
15 report to the court if the minor is a chronic or habitual  
16 truant under Section 26-2a of the School Code. Notwithstanding  
17 any other provision of this Act, in instances in which  
18 educational services are to be provided to a minor in a  
19 residential facility where the minor has been placed by the  
20 court, costs incurred in the provision of those educational  
21 services must be allocated based on the requirements of the  
22 School Code.

23 (7) In no event shall a guilty minor be committed to the  
24 Department of Juvenile Justice for a period of time in excess  
25 of that period for which an adult could be committed for the  
26 same act.

1           (8) A minor found to be guilty for reasons that include a  
2 violation of Section 21-1.3 of the Criminal Code of 1961 or the  
3 Criminal Code of 2012 shall be ordered to perform community  
4 service for not less than 30 and not more than 120 hours, if  
5 community service is available in the jurisdiction. The  
6 community service shall include, but need not be limited to,  
7 the cleanup and repair of the damage that was caused by the  
8 violation or similar damage to property located in the  
9 municipality or county in which the violation occurred. The  
10 order may be in addition to any other order authorized by this  
11 Section.

12           (8.5) A minor found to be guilty for reasons that include a  
13 violation of Section 3.02 or Section 3.03 of the Humane Care  
14 for Animals Act or paragraph (d) of subsection (1) of Section  
15 21-1 of the Criminal Code of 1961 or paragraph (4) of  
16 subsection (a) of Section 21-1 of the Criminal Code of 2012  
17 shall be ordered to undergo medical or psychiatric treatment  
18 rendered by a psychiatrist or psychological treatment rendered  
19 by a clinical psychologist. The order may be in addition to any  
20 other order authorized by this Section.

21           (9) In addition to any other sentencing order, the court  
22 shall order any minor found to be guilty for an act which would  
23 constitute, predatory criminal sexual assault of a child,  
24 aggravated criminal sexual assault, criminal sexual assault,  
25 aggravated criminal sexual abuse, or criminal sexual abuse if  
26 committed by an adult to undergo medical testing to determine

1 whether the defendant has any sexually transmissible disease  
2 including a test for infection with human immunodeficiency  
3 virus (HIV) or any other identified causative agency of  
4 acquired immunodeficiency syndrome (AIDS). Any medical test  
5 shall be performed only by appropriately licensed medical  
6 practitioners and may include an analysis of any bodily fluids  
7 as well as an examination of the minor's person. Except as  
8 otherwise provided by law, the results of the test shall be  
9 kept strictly confidential by all medical personnel involved in  
10 the testing and must be personally delivered in a sealed  
11 envelope to the judge of the court in which the sentencing  
12 order was entered for the judge's inspection in camera. Acting  
13 in accordance with the best interests of the victim and the  
14 public, the judge shall have the discretion to determine to  
15 whom the results of the testing may be revealed. The court  
16 shall notify the minor of the results of the test for infection  
17 with the human immunodeficiency virus (HIV). The court shall  
18 also notify the victim if requested by the victim, and if the  
19 victim is under the age of 15 and if requested by the victim's  
20 parents or legal guardian, the court shall notify the victim's  
21 parents or the legal guardian, of the results of the test for  
22 infection with the human immunodeficiency virus (HIV). The  
23 court shall provide information on the availability of HIV  
24 testing and counseling at the Department of Public Health  
25 facilities to all parties to whom the results of the testing  
26 are revealed. The court shall order that the cost of any test

1 shall be paid by the county and may be taxed as costs against  
2 the minor.

3 (10) When a court finds a minor to be guilty the court  
4 shall, before entering a sentencing order under this Section,  
5 make a finding whether the offense committed either: (a) was  
6 related to or in furtherance of the criminal activities of an  
7 organized gang or was motivated by the minor's membership in or  
8 allegiance to an organized gang, or (b) involved a violation of  
9 subsection (a) of Section 12-7.1 of the Criminal Code of 1961  
10 or the Criminal Code of 2012, a violation of any Section of  
11 Article 24 of the Criminal Code of 1961 or the Criminal Code of  
12 2012, or a violation of any statute that involved the wrongful  
13 use of a firearm. If the court determines the question in the  
14 affirmative, and the court does not commit the minor to the  
15 Department of Juvenile Justice, the court shall order the minor  
16 to perform community service for not less than 30 hours nor  
17 more than 120 hours, provided that community service is  
18 available in the jurisdiction and is funded and approved by the  
19 county board of the county where the offense was committed. The  
20 community service shall include, but need not be limited to,  
21 the cleanup and repair of any damage caused by a violation of  
22 Section 21-1.3 of the Criminal Code of 1961 or the Criminal  
23 Code of 2012 and similar damage to property located in the  
24 municipality or county in which the violation occurred. When  
25 possible and reasonable, the community service shall be  
26 performed in the minor's neighborhood. This order shall be in

1 addition to any other order authorized by this Section except  
2 for an order to place the minor in the custody of the  
3 Department of Juvenile Justice. For the purposes of this  
4 Section, "organized gang" has the meaning ascribed to it in  
5 Section 10 of the Illinois Streetgang Terrorism Omnibus  
6 Prevention Act.

7 (11) If the court determines that the offense was committed  
8 in furtherance of the criminal activities of an organized gang,  
9 as provided in subsection (10), and that the offense involved  
10 the operation or use of a motor vehicle or the use of a  
11 driver's license or permit, the court shall notify the  
12 Secretary of State of that determination and of the period for  
13 which the minor shall be denied driving privileges. If, at the  
14 time of the determination, the minor does not hold a driver's  
15 license or permit, the court shall provide that the minor shall  
16 not be issued a driver's license or permit until his or her  
17 18th birthday. If the minor holds a driver's license or permit  
18 at the time of the determination, the court shall provide that  
19 the minor's driver's license or permit shall be revoked until  
20 his or her 21st birthday, or until a later date or occurrence  
21 determined by the court. If the minor holds a driver's license  
22 at the time of the determination, the court may direct the  
23 Secretary of State to issue the minor a judicial driving  
24 permit, also known as a JDP. The JDP shall be subject to the  
25 same terms as a JDP issued under Section 6-206.1 of the  
26 Illinois Vehicle Code, except that the court may direct that

1 the JDP be effective immediately.

2 (12) If a minor is found to be guilty of a violation of  
3 subsection (a-7) of Section 1 of the Prevention of Tobacco Use  
4 by Minors Act, the court may, in its discretion, and upon  
5 recommendation by the State's Attorney, order that minor and  
6 his or her parents or legal guardian to attend a smoker's  
7 education or youth diversion program as defined in that Act if  
8 that program is available in the jurisdiction where the  
9 offender resides. Attendance at a smoker's education or youth  
10 diversion program shall be time-credited against any community  
11 service time imposed for any first violation of subsection  
12 (a-7) of Section 1 of that Act. In addition to any other  
13 penalty that the court may impose for a violation of subsection  
14 (a-7) of Section 1 of that Act, the court, upon request by the  
15 State's Attorney, may in its discretion require the offender to  
16 remit a fee for his or her attendance at a smoker's education  
17 or youth diversion program.

18 For purposes of this Section, "smoker's education program"  
19 or "youth diversion program" includes, but is not limited to, a  
20 seminar designed to educate a person on the physical and  
21 psychological effects of smoking tobacco products and the  
22 health consequences of smoking tobacco products that can be  
23 conducted with a locality's youth diversion program.

24 In addition to any other penalty that the court may impose  
25 under this subsection (12):

26 (a) If a minor violates subsection (a-7) of Section 1

1 of the Prevention of Tobacco Use by Minors Act, the court  
2 may impose a sentence of 15 hours of community service or a  
3 fine of \$25 for a first violation.

4 (b) A second violation by a minor of subsection (a-7)  
5 of Section 1 of that Act that occurs within 12 months after  
6 the first violation is punishable by a fine of \$50 and 25  
7 hours of community service.

8 (c) A third or subsequent violation by a minor of  
9 subsection (a-7) of Section 1 of that Act that occurs  
10 within 12 months after the first violation is punishable by  
11 a \$100 fine and 30 hours of community service.

12 (d) Any second or subsequent violation not within the  
13 12-month time period after the first violation is  
14 punishable as provided for a first violation.

15 (Source: P.A. 95-337, eff. 6-1-08; 95-642, eff. 6-1-08; 95-844,  
16 eff. 8-15-08; 95-876, eff. 8-21-08; 96-179, eff. 8-10-09;  
17 96-293, eff. 1-1-10; 96-1000, eff. 7-2-10.)

18 (705 ILCS 405/5-715)

19 Sec. 5-715. Probation.

20 (1) The period of probation or conditional discharge shall  
21 not exceed 5 years or until the minor has attained the age of  
22 21 years, whichever is less, except as provided in this Section  
23 for a minor who is found to be guilty for an offense which is  
24 first degree murder, a Class X felony or a forcible felony. The  
25 juvenile court may terminate probation or conditional



1 discharge and discharge the minor at any time if warranted by  
2 the conduct of the minor and the ends of justice; provided,  
3 however, that the period of probation for a minor who is found  
4 to be guilty for an offense which is first degree murder, a  
5 Class X felony, or a forcible felony shall be at least 5 years.

6 (2) The court may as a condition of probation or of  
7 conditional discharge require that the minor:

8 (a) not violate any criminal statute of any  
9 jurisdiction;

10 (b) make a report to and appear in person before any  
11 person or agency as directed by the court;

12 (c) work or pursue a course of study or vocational  
13 training;

14 (d) undergo medical or psychiatric treatment, rendered  
15 by a psychiatrist or psychological treatment rendered by a  
16 clinical psychologist or social work services rendered by a  
17 clinical social worker, or treatment for drug addiction or  
18 alcoholism;

19 (e) attend or reside in a facility established for the  
20 instruction or residence of persons on probation;

21 (f) support his or her dependents, if any;

22 (g) refrain from possessing a firearm or other  
23 dangerous weapon, or an automobile;

24 (h) permit the probation officer to visit him or her at  
25 his or her home or elsewhere;

26 (i) reside with his or her parents or in a foster home;

1 (j) attend school;

2 (j-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 (k) attend a non-residential program for youth;

10 (l) make restitution under the terms of subsection (4)  
11 of Section 5-710;

12 (m) contribute to his or her own support at home or in  
13 a foster home;

14 (n) perform some reasonable public or community  
15 service;

16 (o) participate with community corrections programs  
17 including unified delinquency intervention services  
18 administered by the Department of Human Services subject to  
19 Section 5 of the Children and Family Services Act;

20 (p) pay costs;

21 (q) serve a term of home confinement. In addition to  
22 any other applicable condition of probation or conditional  
23 discharge, the conditions of home confinement shall be that  
24 the minor:

25 (i) remain within the interior premises of the  
26 place designated for his or her confinement during the

1 hours designated by the court;

2 (ii) admit any person or agent designated by the  
3 court into the minor's place of confinement at any time  
4 for purposes of verifying the minor's compliance with  
5 the conditions of his or her confinement; and

6 (iii) use an approved electronic monitoring device  
7 if ordered by the court subject to Article 8A of  
8 Chapter V of the Unified Code of Corrections;

9 (r) refrain from entering into a designated geographic  
10 area except upon terms as the court finds appropriate. The  
11 terms may include consideration of the purpose of the  
12 entry, the time of day, other persons accompanying the  
13 minor, and advance approval by a probation officer, if the  
14 minor has been placed on probation, or advance approval by  
15 the court, if the minor has been placed on conditional  
16 discharge;

17 (s) refrain from having any contact, directly or  
18 indirectly, with certain specified persons or particular  
19 types of persons, including but not limited to members of  
20 street gangs and drug users or dealers;

21 (s-5) undergo a medical or other procedure to have a  
22 tattoo symbolizing allegiance to a street gang removed from  
23 his or her body;

24 (t) refrain from having in his or her body the presence  
25 of any illicit drug prohibited by the Cannabis Control Act,  
26 the Illinois Controlled Substances Act, or the

1 Methamphetamine Control and Community Protection Act,  
2 unless prescribed by a physician, and shall submit samples  
3 of his or her blood or urine or both for tests to determine  
4 the presence of any illicit drug; or

5 (u) comply with other conditions as may be ordered by  
6 the court.

7 (3) The court may as a condition of probation or of  
8 conditional discharge require that a minor found guilty on any  
9 alcohol, cannabis, methamphetamine, or controlled substance  
10 violation, refrain from acquiring a driver's license during the  
11 period of probation or conditional discharge. If the minor is  
12 in possession of a permit or license, the court may require  
13 that the minor refrain from driving or operating any motor  
14 vehicle during the period of probation or conditional  
15 discharge, except as may be necessary in the course of the  
16 minor's lawful employment.

17 (3.5) The court shall, as a condition of probation or of  
18 conditional discharge, require that a minor found to be guilty  
19 and placed on probation for reasons that include a violation of  
20 Section 3.02 or Section 3.03 of the Humane Care for Animals Act  
21 or paragraph (4) of subsection (a) of Section 21-1 of the  
22 Criminal Code of 2012 ~~1961~~ undergo medical or psychiatric  
23 treatment rendered by a psychiatrist or psychological  
24 treatment rendered by a clinical psychologist. The condition  
25 may be in addition to any other condition.

26 (3.10) The court shall order that a minor placed on

1 probation or conditional discharge for a sex offense as defined  
2 in the Sex Offender Management Board Act undergo and  
3 successfully complete sex offender treatment. The treatment  
4 shall be in conformance with the standards developed under the  
5 Sex Offender Management Board Act and conducted by a treatment  
6 provider approved by the Board. The treatment shall be at the  
7 expense of the person evaluated based upon that person's  
8 ability to pay for the treatment.

9 (4) A minor on probation or conditional discharge shall be  
10 given a certificate setting forth the conditions upon which he  
11 or she is being released.

12 (5) The court shall impose upon a minor placed on probation  
13 or conditional discharge, as a condition of the probation or  
14 conditional discharge, a fee of \$50 for each month of probation  
15 or conditional discharge supervision ordered by the court,  
16 unless after determining the inability of the minor placed on  
17 probation or conditional discharge to pay the fee, the court  
18 assesses a lesser amount. The court may not impose the fee on a  
19 minor who is made a ward of the State under this Act while the  
20 minor is in placement. The fee shall be imposed only upon a  
21 minor who is actively supervised by the probation and court  
22 services department. The court may order the parent, guardian,  
23 or legal custodian of the minor to pay some or all of the fee on  
24 the minor's behalf.

25 (6) The General Assembly finds that in order to protect the  
26 public, the juvenile justice system must compel compliance with

1 the conditions of probation by responding to violations with  
2 swift, certain, and fair punishments and intermediate  
3 sanctions. The Chief Judge of each circuit shall adopt a system  
4 of structured, intermediate sanctions for violations of the  
5 terms and conditions of a sentence of supervision, probation or  
6 conditional discharge, under this Act.

7 The court shall provide as a condition of a disposition of  
8 probation, conditional discharge, or supervision, that the  
9 probation agency may invoke any sanction from the list of  
10 intermediate sanctions adopted by the chief judge of the  
11 circuit court for violations of the terms and conditions of the  
12 sentence of probation, conditional discharge, or supervision,  
13 subject to the provisions of Section 5-720 of this Act.

14 (Source: P.A. 96-1414, eff. 1-1-11; 97-1108, eff. 1-1-13.)

15 (705 ILCS 405/5-730)

16 Sec. 5-730. Order of protection.

17 (1) The court may make an order of protection in assistance  
18 of or as a condition of any other order authorized by this Act.  
19 The order of protection may set forth reasonable conditions of  
20 behavior to be observed for a specified period. The order may  
21 require a person:

22 (a) to stay away from the home or the minor;

23 (b) to permit a parent to visit the minor at stated  
24 periods;

25 (c) to abstain from offensive conduct against the

1 minor, his or her parent or any person to whom custody of  
2 the minor is awarded;

3 (d) to give proper attention to the care of the home;

4 (e) to cooperate in good faith with an agency to which  
5 custody of a minor is entrusted by the court or with an  
6 agency or association to which the minor is referred by the  
7 court;

8 (f) to prohibit and prevent any contact whatsoever with  
9 the respondent minor by a specified individual or  
10 individuals who are alleged in either a criminal or  
11 juvenile proceeding to have caused injury to a respondent  
12 minor or a sibling of a respondent minor;

13 (g) to refrain from acts of commission or omission that  
14 tend to make the home not a proper place for the minor.

15 (2) The court shall enter an order of protection to  
16 prohibit and prevent any contact between a respondent minor or  
17 a sibling of a respondent minor and any person named in a  
18 petition seeking an order of protection who has been convicted  
19 of heinous battery or aggravated battery under subdivision  
20 (a)(2) of Section 12-3.05, aggravated battery of a child or  
21 aggravated battery under subdivision (b)(1) of Section  
22 12-3.05, criminal sexual assault, aggravated criminal sexual  
23 assault, predatory criminal sexual assault of a child, criminal  
24 sexual abuse, or aggravated criminal sexual abuse as described  
25 in the Criminal Code of 1961 or the Criminal Code of 2012, or  
26 has been convicted of an offense that resulted in the death of

1 a child, or has violated a previous order of protection under  
2 this Section.

3 (3) When the court issues an order of protection against  
4 any person as provided by this Section, the court shall direct  
5 a copy of such order to the sheriff of that county. The sheriff  
6 shall furnish a copy of the order of protection to the  
7 Department of State Police within 24 hours of receipt, in the  
8 form and manner required by the Department. The Department of  
9 State Police shall maintain a complete record and index of the  
10 orders of protection and make this data available to all local  
11 law enforcement agencies.

12 (4) After notice and opportunity for hearing afforded to a  
13 person subject to an order of protection, the order may be  
14 modified or extended for a further specified period or both or  
15 may be terminated if the court finds that the best interests of  
16 the minor and the public will be served by the modification,  
17 extension, or termination.

18 (5) An order of protection may be sought at any time during  
19 the course of any proceeding conducted under this Act. Any  
20 person against whom an order of protection is sought may retain  
21 counsel to represent him or her at a hearing, and has rights to  
22 be present at the hearing, to be informed prior to the hearing  
23 in writing of the contents of the petition seeking a protective  
24 order and of the date, place, and time of the hearing, and to  
25 cross-examine witnesses called by the petitioner and to present  
26 witnesses and argument in opposition to the relief sought in



1 the petition.

2 (6) Diligent efforts shall be made by the petitioner to  
3 serve any person or persons against whom any order of  
4 protection is sought with written notice of the contents of the  
5 petition seeking a protective order and of the date, place and  
6 time at which the hearing on the petition is to be held. When a  
7 protective order is being sought in conjunction with a shelter  
8 care or detention hearing, if the court finds that the person  
9 against whom the protective order is being sought has been  
10 notified of the hearing or that diligent efforts have been made  
11 to notify the person, the court may conduct a hearing. If a  
12 protective order is sought at any time other than in  
13 conjunction with a shelter care or detention hearing, the court  
14 may not conduct a hearing on the petition in the absence of the  
15 person against whom the order is sought unless the petitioner  
16 has notified the person by personal service at least 3 days  
17 before the hearing or has sent written notice by first class  
18 mail to the person's last known address at least 5 days before  
19 the hearing.

20 (7) A person against whom an order of protection is being  
21 sought who is neither a parent, guardian, or legal custodian or  
22 responsible relative as described in Section 1-5 of this Act or  
23 is not a party or respondent as defined in that Section shall  
24 not be entitled to the rights provided in that Section. The  
25 person does not have a right to appointed counsel or to be  
26 present at any hearing other than the hearing in which the

1 order of protection is being sought or a hearing directly  
2 pertaining to that order. Unless the court orders otherwise,  
3 the person does not have a right to inspect the court file.

4 (8) All protective orders entered under this Section shall  
5 be in writing. Unless the person against whom the order was  
6 obtained was present in court when the order was issued, the  
7 sheriff, other law enforcement official, or special process  
8 server shall promptly serve that order upon that person and  
9 file proof of that service, in the manner provided for service  
10 of process in civil proceedings. The person against whom the  
11 protective order was obtained may seek a modification of the  
12 order by filing a written motion to modify the order within 7  
13 days after actual receipt by the person of a copy of the order.

14 (Source: P.A. 96-1551, Article 1, Section 955, eff. 7-1-11;  
15 96-1551, Article 2, Section 1030, eff. 7-1-11; 97-1109, eff.  
16 1-1-13.)

17 (705 ILCS 405/5-805)

18 Sec. 5-805. Transfer of jurisdiction.

19 (1) Mandatory transfers.

20 (a) If a petition alleges commission by a minor 15  
21 years of age or older of an act that constitutes a forcible  
22 felony under the laws of this State, and if a motion by the  
23 State's Attorney to prosecute the minor under the criminal  
24 laws of Illinois for the alleged forcible felony alleges  
25 that (i) the minor has previously been adjudicated

1 delinquent or found guilty for commission of an act that  
2 constitutes a felony under the laws of this State or any  
3 other state and (ii) the act that constitutes the offense  
4 was committed in furtherance of criminal activity by an  
5 organized gang, the Juvenile Judge assigned to hear and  
6 determine those motions shall, upon determining that there  
7 is probable cause that both allegations are true, enter an  
8 order permitting prosecution under the criminal laws of  
9 Illinois.

10 (b) If a petition alleges commission by a minor 15  
11 years of age or older of an act that constitutes a felony  
12 under the laws of this State, and if a motion by a State's  
13 Attorney to prosecute the minor under the criminal laws of  
14 Illinois for the alleged felony alleges that (i) the minor  
15 has previously been adjudicated delinquent or found guilty  
16 for commission of an act that constitutes a forcible felony  
17 under the laws of this State or any other state and (ii)  
18 the act that constitutes the offense was committed in  
19 furtherance of criminal activities by an organized gang,  
20 the Juvenile Judge assigned to hear and determine those  
21 motions shall, upon determining that there is probable  
22 cause that both allegations are true, enter an order  
23 permitting prosecution under the criminal laws of  
24 Illinois.

25 (c) If a petition alleges commission by a minor 15  
26 years of age or older of: (i) an act that constitutes an

1 offense enumerated in the presumptive transfer provisions  
2 of subsection (2); and (ii) the minor has previously been  
3 adjudicated delinquent or found guilty of a forcible  
4 felony, the Juvenile Judge designated to hear and determine  
5 those motions shall, upon determining that there is  
6 probable cause that both allegations are true, enter an  
7 order permitting prosecution under the criminal laws of  
8 Illinois.

9 (d) If a petition alleges commission by a minor 15  
10 years of age or older of an act that constitutes the  
11 offense of aggravated discharge of a firearm committed in a  
12 school, on the real property comprising a school, within  
13 1,000 feet of the real property comprising a school, at a  
14 school related activity, or on, boarding, or departing from  
15 any conveyance owned, leased, or contracted by a school or  
16 school district to transport students to or from school or  
17 a school related activity, regardless of the time of day or  
18 the time of year, the juvenile judge designated to hear and  
19 determine those motions shall, upon determining that there  
20 is probable cause that the allegations are true, enter an  
21 order permitting prosecution under the criminal laws of  
22 Illinois.

23 For purposes of this paragraph (d) of subsection (1):

24 "School" means a public or private elementary or  
25 secondary school, community college, college, or  
26 university.

1 "School related activity" means any sporting, social,  
2 academic, or other activity for which students' attendance  
3 or participation is sponsored, organized, or funded in  
4 whole or in part by a school or school district.

5 (2) Presumptive transfer.

6 (a) If the State's Attorney files a petition, at any  
7 time prior to commencement of the minor's trial, to permit  
8 prosecution under the criminal laws and the petition  
9 alleges the commission by a minor 15 years of age or older  
10 of: (i) a Class X felony other than armed violence; (ii)  
11 aggravated discharge of a firearm; (iii) armed violence  
12 with a firearm when the predicate offense is a Class 1 or  
13 Class 2 felony and the State's Attorney's motion to  
14 transfer the case alleges that the offense committed is in  
15 furtherance of the criminal activities of an organized  
16 gang; (iv) armed violence with a firearm when the predicate  
17 offense is a violation of the Illinois Controlled  
18 Substances Act, a violation of the Cannabis Control Act, or  
19 a violation of the Methamphetamine Control and Community  
20 Protection Act; (v) armed violence when the weapon involved  
21 was a machine gun or other weapon described in subsection  
22 (a) (7) of Section 24-1 of the Criminal Code of 1961 or the  
23 Criminal Code of 2012; (vi) an act in violation of Section  
24 401 of the Illinois Controlled Substances Act which is a  
25 Class X felony, while in a school, regardless of the time  
26 of day or the time of year, or on any conveyance owned,

1 leased, or contracted by a school to transport students to  
2 or from school or a school related activity, or on  
3 residential property owned, operated, or managed by a  
4 public housing agency or leased by a public housing agency  
5 as part of a scattered site or mixed-income development; or  
6 (vii) an act in violation of Section 401 of the Illinois  
7 Controlled Substances Act and the offense is alleged to  
8 have occurred while in a school or on a public way within  
9 1,000 feet of the real property comprising any school,  
10 regardless of the time of day or the time of year when the  
11 delivery or intended delivery of any amount of the  
12 controlled substance is to a person under 17 years of age,  
13 (to qualify for a presumptive transfer under paragraph (vi)  
14 or (vii) of this clause (2)(a), the violation cannot be  
15 based upon subsection (b) of Section 407 of the Illinois  
16 Controlled Substances Act) and, if the juvenile judge  
17 assigned to hear and determine motions to transfer a case  
18 for prosecution in the criminal court determines that there  
19 is probable cause to believe that the allegations in the  
20 petition and motion are true, there is a rebuttable  
21 presumption that the minor is not a fit and proper subject  
22 to be dealt with under the Juvenile Justice Reform  
23 Provisions of 1998 (Public Act 90-590), and that, except as  
24 provided in paragraph (b), the case should be transferred  
25 to the criminal court.

26 (b) The judge shall enter an order permitting

1 prosecution under the criminal laws of Illinois unless the  
2 judge makes a finding based on clear and convincing  
3 evidence that the minor would be amenable to the care,  
4 treatment, and training programs available through the  
5 facilities of the juvenile court based on an evaluation of  
6 the following:

7 (i) the age of the minor;

8 (ii) the history of the minor, including:

9 (A) any previous delinquent or criminal  
10 history of the minor,

11 (B) any previous abuse or neglect history of  
12 the minor, and

13 (C) any mental health, physical or educational  
14 history of the minor or combination of these  
15 factors;

16 (iii) the circumstances of the offense, including:

17 (A) the seriousness of the offense,

18 (B) whether the minor is charged through  
19 accountability,

20 (C) whether there is evidence the offense was  
21 committed in an aggressive and premeditated  
22 manner,

23 (D) whether there is evidence the offense  
24 caused serious bodily harm,

25 (E) whether there is evidence the minor  
26 possessed a deadly weapon;

1 (iv) the advantages of treatment within the  
2 juvenile justice system including whether there are  
3 facilities or programs, or both, particularly  
4 available in the juvenile system;

5 (v) whether the security of the public requires  
6 sentencing under Chapter V of the Unified Code of  
7 Corrections:

8 (A) the minor's history of services, including  
9 the minor's willingness to participate  
10 meaningfully in available services;

11 (B) whether there is a reasonable likelihood  
12 that the minor can be rehabilitated before the  
13 expiration of the juvenile court's jurisdiction;

14 (C) the adequacy of the punishment or  
15 services.

16 In considering these factors, the court shall give  
17 greater weight to the seriousness of the alleged offense  
18 and the minor's prior record of delinquency than to the  
19 other factors listed in this subsection.

20 For purposes of clauses (2) (a) (vi) and (vii):

21 "School" means a public or private elementary or secondary  
22 school, community college, college, or university.

23 "School related activity" means any sporting, social,  
24 academic, or other activity for which students' attendance or  
25 participation is sponsored, organized, or funded in whole or in  
26 part by a school or school district.



1 (3) Discretionary transfer.

2 (a) If a petition alleges commission by a minor 13  
3 years of age or over of an act that constitutes a crime  
4 under the laws of this State and, on motion of the State's  
5 Attorney to permit prosecution of the minor under the  
6 criminal laws, a Juvenile Judge assigned by the Chief Judge  
7 of the Circuit to hear and determine those motions, after  
8 hearing but before commencement of the trial, finds that  
9 there is probable cause to believe that the allegations in  
10 the motion are true and that it is not in the best  
11 interests of the public to proceed under this Act, the  
12 court may enter an order permitting prosecution under the  
13 criminal laws.

14 (b) In making its determination on the motion to permit  
15 prosecution under the criminal laws, the court shall  
16 consider among other matters:

17 (i) the age of the minor;

18 (ii) the history of the minor, including:

19 (A) any previous delinquent or criminal  
20 history of the minor,

21 (B) any previous abuse or neglect history of  
22 the minor, and

23 (C) any mental health, physical, or  
24 educational history of the minor or combination of  
25 these factors;

26 (iii) the circumstances of the offense, including:

- 1 (A) the seriousness of the offense,
- 2 (B) whether the minor is charged through  
3 accountability,
- 4 (C) whether there is evidence the offense was  
5 committed in an aggressive and premeditated  
6 manner,
- 7 (D) whether there is evidence the offense  
8 caused serious bodily harm,
- 9 (E) whether there is evidence the minor  
10 possessed a deadly weapon;
- 11 (iv) the advantages of treatment within the  
12 juvenile justice system including whether there are  
13 facilities or programs, or both, particularly  
14 available in the juvenile system;
- 15 (v) whether the security of the public requires  
16 sentencing under Chapter V of the Unified Code of  
17 Corrections:
- 18 (A) the minor's history of services, including  
19 the minor's willingness to participate  
20 meaningfully in available services;
- 21 (B) whether there is a reasonable likelihood  
22 that the minor can be rehabilitated before the  
23 expiration of the juvenile court's jurisdiction;
- 24 (C) the adequacy of the punishment or  
25 services.

26 In considering these factors, the court shall give

1 greater weight to the seriousness of the alleged offense  
2 and the minor's prior record of delinquency than to the  
3 other factors listed in this subsection.

4 (4) The rules of evidence for this hearing shall be the  
5 same as under Section 5-705 of this Act. A minor must be  
6 represented in court by counsel before the hearing may be  
7 commenced.

8 (5) If criminal proceedings are instituted, the petition  
9 for adjudication of wardship shall be dismissed insofar as the  
10 act or acts involved in the criminal proceedings. Taking of  
11 evidence in a trial on petition for adjudication of wardship is  
12 a bar to criminal proceedings based upon the conduct alleged in  
13 the petition.

14 (Source: P.A. 94-556, eff. 9-11-05; 94-574, eff. 8-12-05;  
15 95-331, eff. 8-21-07.)

16 (705 ILCS 405/5-901)

17 Sec. 5-901. Court file.

18 (1) The Court file with respect to proceedings under this  
19 Article shall consist of the petitions, pleadings, victim  
20 impact statements, process, service of process, orders, writs  
21 and docket entries reflecting hearings held and judgments and  
22 decrees entered by the court. The court file shall be kept  
23 separate from other records of the court.

24 (a) The file, including information identifying the  
25 victim or alleged victim of any sex offense, shall be

1 disclosed only to the following parties when necessary for  
2 discharge of their official duties:

3 (i) A judge of the circuit court and members of the  
4 staff of the court designated by the judge;

5 (ii) Parties to the proceedings and their  
6 attorneys;

7 (iii) Victims and their attorneys, except in cases  
8 of multiple victims of sex offenses in which case the  
9 information identifying the nonrequesting victims  
10 shall be redacted;

11 (iv) Probation officers, law enforcement officers  
12 or prosecutors or their staff;

13 (v) Adult and juvenile Prisoner Review Boards.

14 (b) The Court file redacted to remove any information  
15 identifying the victim or alleged victim of any sex offense  
16 shall be disclosed only to the following parties when  
17 necessary for discharge of their official duties:

18 (i) Authorized military personnel;

19 (ii) Persons engaged in bona fide research, with  
20 the permission of the judge of the juvenile court and  
21 the chief executive of the agency that prepared the  
22 particular recording: provided that publication of  
23 such research results in no disclosure of a minor's  
24 identity and protects the confidentiality of the  
25 record;

26 (iii) The Secretary of State to whom the Clerk of

1 the Court shall report the disposition of all cases, as  
2 required in Section 6-204 or Section 6-205.1 of the  
3 Illinois Vehicle Code. However, information reported  
4 relative to these offenses shall be privileged and  
5 available only to the Secretary of State, courts, and  
6 police officers;

7 (iv) The administrator of a bonafide substance  
8 abuse student assistance program with the permission  
9 of the presiding judge of the juvenile court;

10 (v) Any individual, or any public or private agency  
11 or institution, having custody of the juvenile under  
12 court order or providing educational, medical or  
13 mental health services to the juvenile or a  
14 court-approved advocate for the juvenile or any  
15 placement provider or potential placement provider as  
16 determined by the court.

17 (3) A minor who is the victim or alleged victim in a  
18 juvenile proceeding shall be provided the same confidentiality  
19 regarding disclosure of identity as the minor who is the  
20 subject of record. Information identifying victims and alleged  
21 victims of sex offenses, shall not be disclosed or open to  
22 public inspection under any circumstances. Nothing in this  
23 Section shall prohibit the victim or alleged victim of any sex  
24 offense from voluntarily disclosing his or her identity.

25 (4) Relevant information, reports and records shall be made  
26 available to the Department of Juvenile Justice when a juvenile

1 offender has been placed in the custody of the Department of  
2 Juvenile Justice.

3 (5) Except as otherwise provided in this subsection (5),  
4 juvenile court records shall not be made available to the  
5 general public but may be inspected by representatives of  
6 agencies, associations and news media or other properly  
7 interested persons by general or special order of the court.  
8 The State's Attorney, the minor, his or her parents, guardian  
9 and counsel shall at all times have the right to examine court  
10 files and records.

11 (a) The court shall allow the general public to have  
12 access to the name, address, and offense of a minor who is  
13 adjudicated a delinquent minor under this Act under either  
14 of the following circumstances:

15 (i) The adjudication of delinquency was based upon  
16 the minor's commission of first degree murder, attempt  
17 to commit first degree murder, aggravated criminal  
18 sexual assault, or criminal sexual assault; or

19 (ii) The court has made a finding that the minor  
20 was at least 13 years of age at the time the act was  
21 committed and the adjudication of delinquency was  
22 based upon the minor's commission of: (A) an act in  
23 furtherance of the commission of a felony as a member  
24 of or on behalf of a criminal street gang, (B) an act  
25 involving the use of a firearm in the commission of a  
26 felony, (C) an act that would be a Class X felony

1 offense under or the minor's second or subsequent Class  
2 2 or greater felony offense under the Cannabis Control  
3 Act if committed by an adult, (D) an act that would be  
4 a second or subsequent offense under Section 402 of the  
5 Illinois Controlled Substances Act if committed by an  
6 adult, (E) an act that would be an offense under  
7 Section 401 of the Illinois Controlled Substances Act  
8 if committed by an adult, or (F) an act that would be  
9 an offense under the Methamphetamine Control and  
10 Community Protection Act if committed by an adult.

11 (b) The court shall allow the general public to have  
12 access to the name, address, and offense of a minor who is  
13 at least 13 years of age at the time the offense is  
14 committed and who is convicted, in criminal proceedings  
15 permitted or required under Section 5-805, under either of  
16 the following circumstances:

17 (i) The minor has been convicted of first degree  
18 murder, attempt to commit first degree murder,  
19 aggravated criminal sexual assault, or criminal sexual  
20 assault,

21 (ii) The court has made a finding that the minor  
22 was at least 13 years of age at the time the offense  
23 was committed and the conviction was based upon the  
24 minor's commission of: (A) an offense in furtherance of  
25 the commission of a felony as a member of or on behalf  
26 of a criminal street gang, (B) an offense involving the

1 use of a firearm in the commission of a felony, (C) a  
2 Class X felony offense under the Cannabis Control Act  
3 or a second or subsequent Class 2 or greater felony  
4 offense under the Cannabis Control Act, (D) a second or  
5 subsequent offense under Section 402 of the Illinois  
6 Controlled Substances Act, (E) an offense under  
7 Section 401 of the Illinois Controlled Substances Act,  
8 or (F) an offense under the Methamphetamine Control and  
9 Community Protection Act.

10 (6) Nothing in this Section shall be construed to limit the  
11 use of a adjudication of delinquency as evidence in any  
12 juvenile or criminal proceeding, where it would otherwise be  
13 admissible under the rules of evidence, including but not  
14 limited to, use as impeachment evidence against any witness,  
15 including the minor if he or she testifies.

16 (7) Nothing in this Section shall affect the right of a  
17 Civil Service Commission or appointing authority examining the  
18 character and fitness of an applicant for a position as a law  
19 enforcement officer to ascertain whether that applicant was  
20 ever adjudicated to be a delinquent minor and, if so, to  
21 examine the records or evidence which were made in proceedings  
22 under this Act.

23 (8) Following any adjudication of delinquency for a crime  
24 which would be a felony if committed by an adult, or following  
25 any adjudication of delinquency for a violation of Section  
26 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the



1 Criminal Code of 2012, the State's Attorney shall ascertain  
2 whether the minor respondent is enrolled in school and, if so,  
3 shall provide a copy of the sentencing order to the principal  
4 or chief administrative officer of the school. Access to such  
5 juvenile records shall be limited to the principal or chief  
6 administrative officer of the school and any guidance counselor  
7 designated by him or her.

8 (9) Nothing contained in this Act prevents the sharing or  
9 disclosure of information or records relating or pertaining to  
10 juveniles subject to the provisions of the Serious Habitual  
11 Offender Comprehensive Action Program when that information is  
12 used to assist in the early identification and treatment of  
13 habitual juvenile offenders.

14 (11) The Clerk of the Circuit Court shall report to the  
15 Department of State Police, in the form and manner required by  
16 the Department of State Police, the final disposition of each  
17 minor who has been arrested or taken into custody before his or  
18 her 17th birthday for those offenses required to be reported  
19 under Section 5 of the Criminal Identification Act. Information  
20 reported to the Department under this Section may be maintained  
21 with records that the Department files under Section 2.1 of the  
22 Criminal Identification Act.

23 (12) Information or records may be disclosed to the general  
24 public when the court is conducting hearings under Section  
25 5-805 or 5-810.

26 (Source: P.A. 94-556, eff. 9-11-05; 94-696, eff. 6-1-06.)

1 (705 ILCS 405/5-905)

2 Sec. 5-905. Law enforcement records.

3 (1) Law Enforcement Records. Inspection and copying of law  
4 enforcement records maintained by law enforcement agencies  
5 that relate to a minor who has been arrested or taken into  
6 custody before his or her 17th birthday shall be restricted to  
7 the following and when necessary for the discharge of their  
8 official duties:

9 (a) A judge of the circuit court and members of the  
10 staff of the court designated by the judge;

11 (b) Law enforcement officers, probation officers or  
12 prosecutors or their staff, or, when necessary for the  
13 discharge of its official duties in connection with a  
14 particular investigation of the conduct of a law  
15 enforcement officer, an independent agency or its staff  
16 created by ordinance and charged by a unit of local  
17 government with the duty of investigating the conduct of  
18 law enforcement officers;

19 (c) The minor, the minor's parents or legal guardian  
20 and their attorneys, but only when the juvenile has been  
21 charged with an offense;

22 (d) Adult and Juvenile Prisoner Review Boards;

23 (e) Authorized military personnel;

24 (f) Persons engaged in bona fide research, with the  
25 permission of the judge of juvenile court and the chief

1 executive of the agency that prepared the particular  
2 recording: provided that publication of such research  
3 results in no disclosure of a minor's identity and protects  
4 the confidentiality of the record;

5 (g) Individuals responsible for supervising or  
6 providing temporary or permanent care and custody of minors  
7 pursuant to orders of the juvenile court or directives from  
8 officials of the Department of Children and Family Services  
9 or the Department of Human Services who certify in writing  
10 that the information will not be disclosed to any other  
11 party except as provided under law or order of court;

12 (h) The appropriate school official only if the agency  
13 or officer believes that there is an imminent threat of  
14 physical harm to students, school personnel, or others who  
15 are present in the school or on school grounds.

16 (A) Inspection and copying shall be limited to law  
17 enforcement records transmitted to the appropriate  
18 school official or officials whom the school has  
19 determined to have a legitimate educational or safety  
20 interest by a local law enforcement agency under a  
21 reciprocal reporting system established and maintained  
22 between the school district and the local law  
23 enforcement agency under Section 10-20.14 of the  
24 School Code concerning a minor enrolled in a school  
25 within the school district who has been arrested or  
26 taken into custody for any of the following offenses:

1 (i) any violation of Article 24 of the Criminal  
2 Code of 1961 or the Criminal Code of 2012;

3 (ii) a violation of the Illinois Controlled  
4 Substances Act;

5 (iii) a violation of the Cannabis Control Act;

6 (iv) a forcible felony as defined in Section  
7 2-8 of the Criminal Code of 1961 or the Criminal  
8 Code of 2012;

9 (v) a violation of the Methamphetamine Control  
10 and Community Protection Act;

11 (vi) a violation of Section 1-2 of the  
12 Harassing and Obscene Communications Act;

13 (vii) a violation of the Hazing Act; or

14 (viii) a violation of Section 12-1, 12-2,  
15 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,  
16 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the  
17 Criminal Code of 1961 or the Criminal Code of 2012.

18 The information derived from the law enforcement  
19 records shall be kept separate from and shall not  
20 become a part of the official school record of that  
21 child and shall not be a public record. The information  
22 shall be used solely by the appropriate school official  
23 or officials whom the school has determined to have a  
24 legitimate educational or safety interest to aid in the  
25 proper rehabilitation of the child and to protect the  
26 safety of students and employees in the school. If the

1 designated law enforcement and school officials deem  
2 it to be in the best interest of the minor, the student  
3 may be referred to in-school or community based social  
4 services if those services are available.  
5 "Rehabilitation services" may include interventions by  
6 school support personnel, evaluation for eligibility  
7 for special education, referrals to community-based  
8 agencies such as youth services, behavioral healthcare  
9 service providers, drug and alcohol prevention or  
10 treatment programs, and other interventions as deemed  
11 appropriate for the student.

12 (B) Any information provided to appropriate school  
13 officials whom the school has determined to have a  
14 legitimate educational or safety interest by local law  
15 enforcement officials about a minor who is the subject  
16 of a current police investigation that is directly  
17 related to school safety shall consist of oral  
18 information only, and not written law enforcement  
19 records, and shall be used solely by the appropriate  
20 school official or officials to protect the safety of  
21 students and employees in the school and aid in the  
22 proper rehabilitation of the child. The information  
23 derived orally from the local law enforcement  
24 officials shall be kept separate from and shall not  
25 become a part of the official school record of the  
26 child and shall not be a public record. This limitation

1 on the use of information about a minor who is the  
2 subject of a current police investigation shall in no  
3 way limit the use of this information by prosecutors in  
4 pursuing criminal charges arising out of the  
5 information disclosed during a police investigation of  
6 the minor. For purposes of this paragraph,  
7 "investigation" means an official systematic inquiry  
8 by a law enforcement agency into actual or suspected  
9 criminal activity;~~;~~

10 (i) The president of a park district. Inspection and  
11 copying shall be limited to law enforcement records  
12 transmitted to the president of the park district by the  
13 Illinois State Police under Section 8-23 of the Park  
14 District Code or Section 16a-5 of the Chicago Park District  
15 Act concerning a person who is seeking employment with that  
16 park district and who has been adjudicated a juvenile  
17 delinquent for any of the offenses listed in subsection (c)  
18 of Section 8-23 of the Park District Code or subsection (c)  
19 of Section 16a-5 of the Chicago Park District Act.

20 (2) Information identifying victims and alleged victims of  
21 sex offenses, shall not be disclosed or open to public  
22 inspection under any circumstances. Nothing in this Section  
23 shall prohibit the victim or alleged victim of any sex offense  
24 from voluntarily disclosing his or her identity.

25 (2.5) If the minor is a victim of aggravated battery,  
26 battery, attempted first degree murder, or other non-sexual

1 violent offense, the identity of the victim may be disclosed to  
2 appropriate school officials, for the purpose of preventing  
3 foreseeable future violence involving minors, by a local law  
4 enforcement agency pursuant to an agreement established  
5 between the school district and a local law enforcement agency  
6 subject to the approval by the presiding judge of the juvenile  
7 court.

8 (3) Relevant information, reports and records shall be made  
9 available to the Department of Juvenile Justice when a juvenile  
10 offender has been placed in the custody of the Department of  
11 Juvenile Justice.

12 (4) Nothing in this Section shall prohibit the inspection  
13 or disclosure to victims and witnesses of photographs contained  
14 in the records of law enforcement agencies when the inspection  
15 or disclosure is conducted in the presence of a law enforcement  
16 officer for purposes of identification or apprehension of any  
17 person in the course of any criminal investigation or  
18 prosecution.

19 (5) The records of law enforcement officers, or of an  
20 independent agency created by ordinance and charged by a unit  
21 of local government with the duty of investigating the conduct  
22 of law enforcement officers, concerning all minors under 17  
23 years of age must be maintained separate from the records of  
24 adults and may not be open to public inspection or their  
25 contents disclosed to the public except by order of the court  
26 or when the institution of criminal proceedings has been

1 permitted under Section 5-130 or 5-805 or required under  
2 Section 5-130 or 5-805 or such a person has been convicted of a  
3 crime and is the subject of pre-sentence investigation or when  
4 provided by law.

5 (6) Except as otherwise provided in this subsection (6),  
6 law enforcement officers, and personnel of an independent  
7 agency created by ordinance and charged by a unit of local  
8 government with the duty of investigating the conduct of law  
9 enforcement officers, may not disclose the identity of any  
10 minor in releasing information to the general public as to the  
11 arrest, investigation or disposition of any case involving a  
12 minor. Any victim or parent or legal guardian of a victim may  
13 petition the court to disclose the name and address of the  
14 minor and the minor's parents or legal guardian, or both. Upon  
15 a finding by clear and convincing evidence that the disclosure  
16 is either necessary for the victim to pursue a civil remedy  
17 against the minor or the minor's parents or legal guardian, or  
18 both, or to protect the victim's person or property from the  
19 minor, then the court may order the disclosure of the  
20 information to the victim or to the parent or legal guardian of  
21 the victim only for the purpose of the victim pursuing a civil  
22 remedy against the minor or the minor's parents or legal  
23 guardian, or both, or to protect the victim's person or  
24 property from the minor.

25 (7) Nothing contained in this Section shall prohibit law  
26 enforcement agencies when acting in their official capacity



1 from communicating with each other by letter, memorandum,  
2 teletype or intelligence alert bulletin or other means the  
3 identity or other relevant information pertaining to a person  
4 under 17 years of age. The information provided under this  
5 subsection (7) shall remain confidential and shall not be  
6 publicly disclosed, except as otherwise allowed by law.

7 (8) No person shall disclose information under this Section  
8 except when acting in his or her official capacity and as  
9 provided by law or order of court.

10 (Source: P.A. 96-419, eff. 8-13-09; 96-1414, eff. 1-1-11;  
11 97-700, eff. 6-22-12; 97-1104, eff. 1-1-13; revised 9-20-12.)

12 Section 605. The Criminal Code of 2012 is amended by  
13 changing Sections 1-6, 2-13, 11-6, 11-6.5, 11-9.1, 11-9.1A,  
14 11-9.3, 11-23, 16-1, 17-10.5, 19-6, 26.5-5, 33G-3, 36-1, 37-1,  
15 and 48-8 as follows:

16 (720 ILCS 5/1-6) (from Ch. 38, par. 1-6)

17 Sec. 1-6. Place of trial.

18 (a) Generally.

19 Criminal actions shall be tried in the county where the  
20 offense was committed, except as otherwise provided by law. The  
21 State is not required to prove during trial that the alleged  
22 offense occurred in any particular county in this State. When a  
23 defendant contests the place of trial under this Section, all  
24 proceedings regarding this issue shall be conducted under

1 Section 114-1 of the Code of Criminal Procedure of 1963. All  
2 objections of improper place of trial are waived by a defendant  
3 unless made before trial.

4 (b) Assailant and Victim in Different Counties.

5 If a person committing an offense upon the person of  
6 another is located in one county and his victim is located in  
7 another county at the time of the commission of the offense,  
8 trial may be had in either of said counties.

9 (c) Death and Cause of Death in Different Places or  
10 Undetermined.

11 If cause of death is inflicted in one county and death  
12 ensues in another county, the offender may be tried in either  
13 county. If neither the county in which the cause of death was  
14 inflicted nor the county in which death ensued are known before  
15 trial, the offender may be tried in the county where the body  
16 was found.

17 (d) Offense Commenced Outside the State.

18 If the commission of an offense commenced outside the State  
19 is consummated within this State, the offender shall be tried  
20 in the county where the offense is consummated.

21 (e) Offenses Committed in Bordering Navigable Waters.

22 If an offense is committed on any of the navigable waters  
23 bordering on this State, the offender may be tried in any  
24 county adjacent to such navigable water.

25 (f) Offenses Committed while in Transit.

26 If an offense is committed upon any railroad car, vehicle,

1 watercraft or aircraft passing within this State, and it cannot  
2 readily be determined in which county the offense was  
3 committed, the offender may be tried in any county through  
4 which such railroad car, vehicle, watercraft or aircraft has  
5 passed.

6 (g) Theft.

7 A person who commits theft of property may be tried in any  
8 county in which he exerted control over such property.

9 (h) Bigamy.

10 A person who commits the offense of bigamy may be tried in  
11 any county where the bigamous marriage or bigamous cohabitation  
12 has occurred.

13 (i) Kidnaping.

14 A person who commits the offense of kidnaping may be tried  
15 in any county in which his victim has traveled or has been  
16 confined during the course of the offense.

17 (j) Pandering.

18 A person who commits the offense of pandering as set forth  
19 in subdivision (a) (2) (A) or (a) (2) (B) of Section 11-14.3 may be  
20 tried in any county in which the prostitution was practiced or  
21 in any county in which any act in furtherance of the offense  
22 shall have been committed.

23 (k) Treason.

24 A person who commits the offense of treason may be tried in  
25 any county.

26 (l) Criminal Defamation.

1           If criminal defamation is spoken, printed or written in one  
2 county and is received or circulated in another or other  
3 counties, the offender shall be tried in the county where the  
4 defamation is spoken, printed or written. If the defamation is  
5 spoken, printed or written outside this state, or the offender  
6 resides outside this state, the offender may be tried in any  
7 county in this state in which the defamation was circulated or  
8 received.

9           (m) Inchoate Offenses.

10          A person who commits an inchoate offense may be tried in  
11 any county in which any act which is an element of the offense,  
12 including the agreement in conspiracy, is committed.

13          (n) Accountability for Conduct of Another.

14          Where a person in one county solicits, aids, abets, agrees,  
15 or attempts to aid another in the planning or commission of an  
16 offense in another county, he may be tried for the offense in  
17 either county.

18          (o) Child Abduction.

19          A person who commits the offense of child abduction may be  
20 tried in any county in which his victim has traveled, been  
21 detained, concealed or removed to during the course of the  
22 offense. Notwithstanding the foregoing, unless for good cause  
23 shown, the preferred place of trial shall be the county of the  
24 residence of the lawful custodian.

25          (p) A person who commits the offense of narcotics  
26 racketeering may be tried in any county where cannabis or a

1 controlled substance which is the basis for the charge of  
2 narcotics racketeering was used; acquired; transferred or  
3 distributed to, from or through; or any county where any act  
4 was performed to further the use; acquisition, transfer or  
5 distribution of said cannabis or controlled substance; any  
6 money, property, property interest, or any other asset  
7 generated by narcotics activities was acquired, used, sold,  
8 transferred or distributed to, from or through; or, any  
9 enterprise interest obtained as a result of narcotics  
10 racketeering was acquired, used, transferred or distributed  
11 to, from or through, or where any activity was conducted by the  
12 enterprise or any conduct to further the interests of such an  
13 enterprise.

14 (q) A person who commits the offense of money laundering  
15 may be tried in any county where any part of a financial  
16 transaction in criminally derived property took place or in any  
17 county where any money or monetary instrument which is the  
18 basis for the offense was acquired, used, sold, transferred or  
19 distributed to, from or through.

20 (r) A person who commits the offense of cannabis  
21 trafficking or controlled substance trafficking may be tried in  
22 any county.

23 (s) A person who commits the offense of online sale of  
24 stolen property, online theft by deception, or electronic  
25 fencing may be tried in any county where any one or more  
26 elements of the offense took place, regardless of whether the

1 element of the offense was the result of acts by the accused,  
2 the victim or by another person, and regardless of whether the  
3 defendant was ever physically present within the boundaries of  
4 the county.

5 (t) A person who commits the offense of identity theft or  
6 aggravated identity theft may be tried in any one of the  
7 following counties in which: (1) the offense occurred; (2) the  
8 information used to commit the offense was illegally used; or  
9 (3) the victim resides.

10 If a person is charged with more than one violation of  
11 identity theft or aggravated identity theft and those  
12 violations may be tried in more than one county, any of those  
13 counties is a proper venue for all of the violations.

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

15 (720 ILCS 5/2-13) (from Ch. 38, par. 2-13)

16 Sec. 2-13. "Peace officer". "Peace officer" means (i) any  
17 person who by virtue of his office or public employment is  
18 vested by law with a duty to maintain public order or to make  
19 arrests for offenses, whether that duty extends to all offenses  
20 or is limited to specific offenses, or (ii) any person who, by  
21 statute, is granted and authorized to exercise powers similar  
22 to those conferred upon any peace officer employed by a law  
23 enforcement agency of this State.

24 For purposes of Sections concerning unlawful use of  
25 weapons, for the purposes of assisting an Illinois peace

1 officer in an arrest, or when the commission of any offense  
2 under Illinois law is directly observed by the person, and  
3 statutes involving the false personation of a peace officer,  
4 false personation of a peace officer while carrying a deadly  
5 weapon, false personation of a peace officer in attempting or  
6 committing a felony, and false personation of a peace officer  
7 in attempting or committing a forcible felony ~~aggravated false~~  
8 ~~personation of a peace officer,~~ then officers, agents, or  
9 employees of the federal government commissioned by federal  
10 statute to make arrests for violations of federal criminal laws  
11 shall be considered "peace officers" under this Code,  
12 including, but not limited to all criminal investigators of:

13 (1) the United States Department of Justice, the  
14 Federal Bureau of Investigation, the Drug Enforcement  
15 Agency and the Department of Immigration and  
16 Naturalization;

17 (2) the United States Department of the Treasury, the  
18 Secret Service, the Bureau of Alcohol, Tobacco and Firearms  
19 and the Customs Service;

20 (3) the United States Internal Revenue Service;

21 (4) the United States General Services Administration;

22 (5) the United States Postal Service;

23 (6) all United States Marshals or Deputy United States  
24 Marshals whose duties involve the enforcement of federal  
25 criminal laws; and

26 (7) the United States Department of Defense.

1 (Source: P.A. 94-730, eff. 4-17-06; 94-846, eff. 1-1-07; 95-24,  
2 eff. 1-1-08; 95-331, eff. 8-21-07; 95-750, eff. 7-23-08;  
3 95-1007, eff. 12-15-08.)

4 (720 ILCS 5/11-6) (from Ch. 38, par. 11-6)

5 Sec. 11-6. Indecent solicitation of a child.

6 (a) A person of the age of 17 years and upwards commits  
7 indecent solicitation of a child if the person, with the intent  
8 that the offense of aggravated criminal sexual assault,  
9 criminal sexual assault, predatory criminal sexual assault of a  
10 child, or aggravated criminal sexual abuse be committed,  
11 knowingly solicits a child or one whom he or she believes to be  
12 a child to perform an act of sexual penetration or sexual  
13 conduct as defined in Section 11-0.1 of this Code.

14 (a-5) A person of the age of 17 years and upwards commits  
15 indecent solicitation of a child if the person knowingly  
16 discusses an act of sexual conduct or sexual penetration with a  
17 child or with one whom he or she believes to be a child by means  
18 of the Internet with the intent that the offense of aggravated  
19 criminal sexual assault, predatory criminal sexual assault of a  
20 child, or aggravated criminal sexual abuse be committed.

21 (a-6) It is not a defense to subsection (a-5) that the  
22 person did not solicit the child to perform sexual conduct or  
23 sexual penetration with the person.

24 (b) Definitions. As used in this Section:

25 "Solicit" means to command, authorize, urge, incite,



1 request, or advise another to perform an act by any means  
2 including, but not limited to, in person, over the phone,  
3 in writing, by computer, or by advertisement of any kind.

4 "Child" means a person under 17 years of age.

5 "Internet" has the meaning set forth in Section 16-0.1  
6 ~~16-5~~ of this Code.

7 "Sexual penetration" or "sexual conduct" are defined  
8 in Section 11-0.1 of this Code.

9 (c) Sentence. Indecent solicitation of a child under  
10 subsection (a) is:

11 (1) a Class 1 felony when the act, if done, would be  
12 predatory criminal sexual assault of a child or aggravated  
13 criminal sexual assault;

14 (2) a Class 2 felony when the act, if done, would be  
15 criminal sexual assault;

16 (3) a Class 3 felony when the act, if done, would be  
17 aggravated criminal sexual abuse.

18 Indecent solicitation of a child under subsection (a-5) is  
19 a Class 4 felony.

20 (Source: P.A. 95-143, eff. 1-1-08; 96-1551, eff. 7-1-11.)

21 (720 ILCS 5/11-6.5)

22 Sec. 11-6.5. Indecent solicitation of an adult.

23 (a) A person commits indecent solicitation of an adult if  
24 the person knowingly:

25 (1) Arranges for a person 17 years of age or over to

1           commit an act of sexual penetration as defined in Section  
2           11-0.1 with a person:

3                   (i) Under the age of 13 years; or

4                   (ii) Thirteen years of age or over but under the  
5                   age of 17 years; or

6           (2) Arranges for a person 17 years of age or over to  
7           commit an act of sexual conduct as defined in Section  
8           11-0.1 with a person:

9                   (i) Under the age of 13 years; or

10                   (ii) Thirteen years of age or older but under the  
11                   age of 17 years.

12           (b) Sentence.

13                   (1) Violation of paragraph (a)(1)(i) is a Class X  
14                   felony.

15                   (2) Violation of paragraph (a)(1)(ii) is a Class 1  
16                   felony.

17                   (3) Violation of paragraph (a)(2)(i) is a Class 2  
18                   felony.

19                   (4) Violation of paragraph (a)(2)(ii) is a Class A  
20                   misdemeanor.

21           (c) For the purposes of this Section, "arranges" includes  
22           but is not limited to oral or written communication and  
23           communication by telephone, computer, or other electronic  
24           means. "Computer" has the meaning ascribed to it in Section  
25           17-0.5 ~~16D-2~~ of this Code.

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

1 (720 ILCS 5/11-9.1) (from Ch. 38, par. 11-9.1)

2 Sec. 11-9.1. Sexual exploitation of a child.

3 (a) A person commits sexual exploitation of a child if in  
4 the presence or virtual presence, or both, of a child and with  
5 knowledge that a child or one whom he or she believes to be a  
6 child would view his or her acts, that person:

7 (1) engages in a sexual act; or

8 (2) exposes his or her sex organs, anus or breast for  
9 the purpose of sexual arousal or gratification of such  
10 person or the child or one whom he or she believes to be a  
11 child.

12 (a-5) A person commits sexual exploitation of a child who  
13 knowingly entices, coerces, or persuades a child to remove the  
14 child's clothing for the purpose of sexual arousal or  
15 gratification of the person or the child, or both.

16 (b) Definitions. As used in this Section:

17 "Sexual act" means masturbation, sexual conduct or sexual  
18 penetration as defined in Section 11-0.1 of this Code.

19 "Sex offense" means any violation of Article 11 of this  
20 Code or Section 12-5.01 ~~12-16.2~~ of this Code.

21 "Child" means a person under 17 years of age.

22 "Virtual presence" means an environment that is created  
23 with software and presented to the user and or receiver via the  
24 Internet, in such a way that the user appears in front of the  
25 receiver on the computer monitor or screen or hand held

1 portable electronic device, usually through a web camming  
2 program. "Virtual presence" includes primarily experiencing  
3 through sight or sound, or both, a video image that can be  
4 explored interactively at a personal computer or hand held  
5 communication device, or both.

6 "Webcam" means a video capturing device connected to a  
7 computer or computer network that is designed to take digital  
8 photographs or live or recorded video which allows for the live  
9 transmission to an end user over the Internet.

10 (c) Sentence.

11 (1) Sexual exploitation of a child is a Class A  
12 misdemeanor. A second or subsequent violation of this  
13 Section or a substantially similar law of another state is  
14 a Class 4 felony.

15 (2) Sexual exploitation of a child is a Class 4 felony  
16 if the person has been previously convicted of a sex  
17 offense.

18 (3) Sexual exploitation of a child is a Class 4 felony  
19 if the victim was under 13 years of age at the time of the  
20 commission of the offense.

21 (4) Sexual exploitation of a child is a Class 4 felony  
22 if committed by a person 18 years of age or older who is on  
23 or within 500 feet of elementary or secondary school  
24 grounds when children are present on the grounds.

25 (Source: P.A. 96-1090, eff. 1-1-11; 96-1098, eff. 1-1-11;  
26 96-1551, eff. 7-1-11; 97-333, eff. 8-12-11.)

1 (720 ILCS 5/11-9.1A)

2 Sec. 11-9.1A. Permitting sexual abuse of a child.

3 (a) A person responsible for a child's welfare commits  
4 permitting sexual abuse of a child if the person has actual  
5 knowledge of and permits an act of sexual abuse upon the child,  
6 or permits the child to engage in prostitution as defined in  
7 Section 11-14 of this ~~the Criminal Code of 1961~~.

8 (b) In this Section:

9 "Actual knowledge" includes credible allegations made by  
10 the child.

11 "Child" means a minor under the age of 17 years.

12 "Person responsible for the child's welfare" means the  
13 child's parent, step-parent, legal guardian, or other person  
14 having custody of a child, who is responsible for the child's  
15 care at the time of the alleged sexual abuse.

16 "Prostitution" means prostitution as defined in Section  
17 11-14 of this ~~the Criminal Code of 1961~~.

18 "Sexual abuse" includes criminal sexual abuse or criminal  
19 sexual assault as defined in Section 11-1.20, 11-1.30, 11-1.40,  
20 11-1.50, or 11-1.60 of this ~~the Criminal Code of 1961~~.

21 (c) This Section does not apply to a person responsible for  
22 the child's welfare who, having reason to believe that sexual  
23 abuse has occurred, makes timely and reasonable efforts to stop  
24 the sexual abuse by reporting the sexual abuse in conformance  
25 with the Abused and Neglected Child Reporting Act or by

1 reporting the sexual abuse, or causing a report to be made, to  
2 medical or law enforcement authorities or anyone who is a  
3 mandated reporter under Section 4 of the Abused and Neglected  
4 Child Reporting Act.

5 (d) Whenever a law enforcement officer has reason to  
6 believe that the child or the person responsible for the  
7 child's welfare has been abused by a family or household member  
8 as defined by the Illinois Domestic Violence Act of 1986, the  
9 officer shall immediately use all reasonable means to prevent  
10 further abuse under Section 112A-30 of the Code of Criminal  
11 Procedure of 1963.

12 (e) An order of protection under Section 111-8 of the Code  
13 of Criminal Procedure of 1963 shall be sought in all cases  
14 where there is reason to believe that a child has been sexually  
15 abused by a family or household member. In considering  
16 appropriate available remedies, it shall be presumed that  
17 awarding physical care or custody to the abuser is not in the  
18 child's best interest.

19 (f) A person may not be charged with the offense of  
20 permitting sexual abuse of a child under this Section until the  
21 person who committed the offense is charged with criminal  
22 sexual assault, aggravated criminal sexual assault, predatory  
23 criminal sexual assault of a child, criminal sexual abuse,  
24 aggravated criminal sexual abuse, or prostitution.

25 (g) A person convicted of permitting the sexual abuse of a  
26 child is guilty of a Class 1 felony. As a condition of any

1 sentence of supervision, probation, conditional discharge, or  
2 mandatory supervised release, any person convicted under this  
3 Section shall be ordered to undergo child sexual abuse,  
4 domestic violence, or other appropriate counseling for a  
5 specified duration with a qualified social or mental health  
6 worker.

7 (h) It is an affirmative defense to a charge of permitting  
8 sexual abuse of a child under this Section that the person  
9 responsible for the child's welfare had a reasonable  
10 apprehension that timely action to stop the abuse or  
11 prostitution would result in the imminent infliction of death,  
12 great bodily harm, permanent disfigurement, or permanent  
13 disability to that person or another in retaliation for  
14 reporting.

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

16 (720 ILCS 5/11-9.3)

17 Sec. 11-9.3. Presence within school zone by child sex  
18 offenders prohibited; approaching, contacting, residing with,  
19 or communicating with a child within certain places by child  
20 sex offenders prohibited.

21 (a) It is unlawful for a child sex offender to knowingly be  
22 present in any school building, on real property comprising any  
23 school, or in any conveyance owned, leased, or contracted by a  
24 school to transport students to or from school or a school  
25 related activity when persons under the age of 18 are present

1 in the building, on the grounds or in the conveyance, unless  
2 the offender is a parent or guardian of a student attending the  
3 school and the parent or guardian is: (i) attending a  
4 conference at the school with school personnel to discuss the  
5 progress of his or her child academically or socially, (ii)  
6 participating in child review conferences in which evaluation  
7 and placement decisions may be made with respect to his or her  
8 child regarding special education services, or (iii) attending  
9 conferences to discuss other student issues concerning his or  
10 her child such as retention and promotion and notifies the  
11 principal of the school of his or her presence at the school or  
12 unless the offender has permission to be present from the  
13 superintendent or the school board or in the case of a private  
14 school from the principal. In the case of a public school, if  
15 permission is granted, the superintendent or school board  
16 president must inform the principal of the school where the sex  
17 offender will be present. Notification includes the nature of  
18 the sex offender's visit and the hours in which the sex  
19 offender will be present in the school. The sex offender is  
20 responsible for notifying the principal's office when he or she  
21 arrives on school property and when he or she departs from  
22 school property. If the sex offender is to be present in the  
23 vicinity of children, the sex offender has the duty to remain  
24 under the direct supervision of a school official.

25 (a-5) It is unlawful for a child sex offender to knowingly  
26 be present within 100 feet of a site posted as a pick-up or



1 discharge stop for a conveyance owned, leased, or contracted by  
2 a school to transport students to or from school or a school  
3 related activity when one or more persons under the age of 18  
4 are present at the site.

5 (a-10) It is unlawful for a child sex offender to knowingly  
6 be present in any public park building or on real property  
7 comprising any public park when persons under the age of 18 are  
8 present in the building or on the grounds and to approach,  
9 contact, or communicate with a child under 18 years of age,  
10 unless the offender is a parent or guardian of a person under  
11 18 years of age present in the building or on the grounds.

12 (b) It is unlawful for a child sex offender to knowingly  
13 loiter within 500 feet of a school building or real property  
14 comprising any school while persons under the age of 18 are  
15 present in the building or on the grounds, unless the offender  
16 is a parent or guardian of a student attending the school and  
17 the parent or guardian is: (i) attending a conference at the  
18 school with school personnel to discuss the progress of his or  
19 her child academically or socially, (ii) participating in child  
20 review conferences in which evaluation and placement decisions  
21 may be made with respect to his or her child regarding special  
22 education services, or (iii) attending conferences to discuss  
23 other student issues concerning his or her child such as  
24 retention and promotion and notifies the principal of the  
25 school of his or her presence at the school or has permission  
26 to be present from the superintendent or the school board or in

1 the case of a private school from the principal. In the case of  
2 a public school, if permission is granted, the superintendent  
3 or school board president must inform the principal of the  
4 school where the sex offender will be present. Notification  
5 includes the nature of the sex offender's visit and the hours  
6 in which the sex offender will be present in the school. The  
7 sex offender is responsible for notifying the principal's  
8 office when he or she arrives on school property and when he or  
9 she departs from school property. If the sex offender is to be  
10 present in the vicinity of children, the sex offender has the  
11 duty to remain under the direct supervision of a school  
12 official.

13 (b-2) It is unlawful for a child sex offender to knowingly  
14 loiter on a public way within 500 feet of a public park  
15 building or real property comprising any public park while  
16 persons under the age of 18 are present in the building or on  
17 the grounds and to approach, contact, or communicate with a  
18 child under 18 years of age, unless the offender is a parent or  
19 guardian of a person under 18 years of age present in the  
20 building or on the grounds.

21 (b-5) It is unlawful for a child sex offender to knowingly  
22 reside within 500 feet of a school building or the real  
23 property comprising any school that persons under the age of 18  
24 attend. Nothing in this subsection (b-5) prohibits a child sex  
25 offender from residing within 500 feet of a school building or  
26 the real property comprising any school that persons under 18

1 attend if the property is owned by the child sex offender and  
2 was purchased before July 7, 2000 (the effective date of Public  
3 Act 91-911).

4 (b-10) It is unlawful for a child sex offender to knowingly  
5 reside within 500 feet of a playground, child care institution,  
6 day care center, part day child care facility, day care home,  
7 group day care home, or a facility providing programs or  
8 services exclusively directed toward persons under 18 years of  
9 age. Nothing in this subsection (b-10) prohibits a child sex  
10 offender from residing within 500 feet of a playground or a  
11 facility providing programs or services exclusively directed  
12 toward persons under 18 years of age if the property is owned  
13 by the child sex offender and was purchased before July 7,  
14 2000. Nothing in this subsection (b-10) prohibits a child sex  
15 offender from residing within 500 feet of a child care  
16 institution, day care center, or part day child care facility  
17 if the property is owned by the child sex offender and was  
18 purchased before June 26, 2006. Nothing in this subsection  
19 (b-10) prohibits a child sex offender from residing within 500  
20 feet of a day care home or group day care home if the property  
21 is owned by the child sex offender and was purchased before  
22 August 14, 2008 (the effective date of Public Act 95-821).

23 (b-15) It is unlawful for a child sex offender to knowingly  
24 reside within 500 feet of the victim of the sex offense.  
25 Nothing in this subsection (b-15) prohibits a child sex  
26 offender from residing within 500 feet of the victim if the

1 property in which the child sex offender resides is owned by  
2 the child sex offender and was purchased before August 22,  
3 2002.

4 This subsection (b-15) does not apply if the victim of the  
5 sex offense is 21 years of age or older.

6 (b-20) It is unlawful for a child sex offender to knowingly  
7 communicate, other than for a lawful purpose under Illinois  
8 law, using the Internet or any other digital media, with a  
9 person under 18 years of age or with a person whom he or she  
10 believes to be a person under 18 years of age, unless the  
11 offender is a parent or guardian of the person under 18 years  
12 of age.

13 (c) It is unlawful for a child sex offender to knowingly  
14 operate, manage, be employed by, volunteer at, be associated  
15 with, or knowingly be present at any: (i) facility providing  
16 programs or services exclusively directed toward persons under  
17 the age of 18; (ii) day care center; (iii) part day child care  
18 facility; (iv) child care institution; (v) school providing  
19 before and after school programs for children under 18 years of  
20 age; (vi) day care home; or (vii) group day care home. This  
21 does not prohibit a child sex offender from owning the real  
22 property upon which the programs or services are offered or  
23 upon which the day care center, part day child care facility,  
24 child care institution, or school providing before and after  
25 school programs for children under 18 years of age is located,  
26 provided the child sex offender refrains from being present on

1 the premises for the hours during which: (1) the programs or  
2 services are being offered or (2) the day care center, part day  
3 child care facility, child care institution, or school  
4 providing before and after school programs for children under  
5 18 years of age, day care home, or group day care home is  
6 operated.

7 (c-2) It is unlawful for a child sex offender to  
8 participate in a holiday event involving children under 18  
9 years of age, including but not limited to distributing candy  
10 or other items to children on Halloween, wearing a Santa Claus  
11 costume on or preceding Christmas, being employed as a  
12 department store Santa Claus, or wearing an Easter Bunny  
13 costume on or preceding Easter. For the purposes of this  
14 subsection, child sex offender has the meaning as defined in  
15 this Section, but does not include as a sex offense under  
16 paragraph (2) of subsection (d) of this Section, the offense  
17 under subsection (c) of Section 11-1.50 of this Code. This  
18 subsection does not apply to a child sex offender who is a  
19 parent or guardian of children under 18 years of age that are  
20 present in the home and other non-familial minors are not  
21 present.

22 (c-5) It is unlawful for a child sex offender to knowingly  
23 operate, manage, be employed by, or be associated with any  
24 county fair when persons under the age of 18 are present.

25 (c-6) It is unlawful for a child sex offender who owns and  
26 resides at residential real estate to knowingly rent any

1 residential unit within the same building in which he or she  
2 resides to a person who is the parent or guardian of a child or  
3 children under 18 years of age. This subsection shall apply  
4 only to leases or other rental arrangements entered into after  
5 January 1, 2009 (the effective date of Public Act 95-820).

6 (c-7) It is unlawful for a child sex offender to knowingly  
7 offer or provide any programs or services to persons under 18  
8 years of age in his or her residence or the residence of  
9 another or in any facility for the purpose of offering or  
10 providing such programs or services, whether such programs or  
11 services are offered or provided by contract, agreement,  
12 arrangement, or on a volunteer basis.

13 (c-8) It is unlawful for a child sex offender to knowingly  
14 operate, whether authorized to do so or not, any of the  
15 following vehicles: (1) a vehicle which is specifically  
16 designed, constructed or modified and equipped to be used for  
17 the retail sale of food or beverages, including but not limited  
18 to an ice cream truck; (2) an authorized emergency vehicle; or  
19 (3) a rescue vehicle.

20 (d) Definitions. In this Section:

21 (1) "Child sex offender" means any person who:

22 (i) has been charged under Illinois law, or any  
23 substantially similar federal law or law of another  
24 state, with a sex offense set forth in paragraph (2) of  
25 this subsection (d) or the attempt to commit an  
26 included sex offense, and the victim is a person under

1 18 years of age at the time of the offense; and:

2 (A) is convicted of such offense or an attempt  
3 to commit such offense; or

4 (B) is found not guilty by reason of insanity  
5 of such offense or an attempt to commit such  
6 offense; or

7 (C) is found not guilty by reason of insanity  
8 pursuant to subsection (c) of Section 104-25 of the  
9 Code of Criminal Procedure of 1963 of such offense  
10 or an attempt to commit such offense; or

11 (D) is the subject of a finding not resulting  
12 in an acquittal at a hearing conducted pursuant to  
13 subsection (a) of Section 104-25 of the Code of  
14 Criminal Procedure of 1963 for the alleged  
15 commission or attempted commission of such  
16 offense; or

17 (E) is found not guilty by reason of insanity  
18 following a hearing conducted pursuant to a  
19 federal law or the law of another state  
20 substantially similar to subsection (c) of Section  
21 104-25 of the Code of Criminal Procedure of 1963 of  
22 such offense or of the attempted commission of such  
23 offense; or

24 (F) is the subject of a finding not resulting  
25 in an acquittal at a hearing conducted pursuant to  
26 a federal law or the law of another state

1 substantially similar to subsection (a) of Section  
2 104-25 of the Code of Criminal Procedure of 1963  
3 for the alleged violation or attempted commission  
4 of such offense; or

5 (ii) is certified as a sexually dangerous person  
6 pursuant to the Illinois Sexually Dangerous Persons  
7 Act, or any substantially similar federal law or the  
8 law of another state, when any conduct giving rise to  
9 such certification is committed or attempted against a  
10 person less than 18 years of age; or

11 (iii) is subject to the provisions of Section 2 of  
12 the Interstate Agreements on Sexually Dangerous  
13 Persons Act.

14 Convictions that result from or are connected with the  
15 same act, or result from offenses committed at the same  
16 time, shall be counted for the purpose of this Section as  
17 one conviction. Any conviction set aside pursuant to law is  
18 not a conviction for purposes of this Section.

19 (2) Except as otherwise provided in paragraph (2.5),  
20 "sex offense" means:

21 (i) A violation of any of the following Sections of  
22 the Criminal Code of 1961 or the Criminal Code of 2012:  
23 10-4 (forcible detention), 10-7 (aiding or abetting  
24 child abduction under Section 10-5(b)(10)),  
25 10-5(b)(10) (child luring), 11-1.40 (predatory  
26 criminal sexual assault of a child), 11-6 (indecent



1 solicitation of a child), 11-6.5 (indecent  
2 solicitation of an adult), 11-9.1 (sexual exploitation  
3 of a child), 11-9.2 (custodial sexual misconduct),  
4 11-9.5 (sexual misconduct with a person with a  
5 disability), 11-11 (sexual relations within families),  
6 11-14.3(a)(1) (promoting prostitution by advancing  
7 prostitution), 11-14.3(a)(2)(A) (promoting  
8 prostitution by profiting from prostitution by  
9 compelling a person to be a prostitute),  
10 11-14.3(a)(2)(C) (promoting prostitution by profiting  
11 from prostitution by means other than as described in  
12 subparagraphs (A) and (B) of paragraph (2) of  
13 subsection (a) of Section 11-14.3), 11-14.4 (promoting  
14 juvenile prostitution), 11-18.1 (patronizing a  
15 juvenile prostitute), 11-20.1 (child pornography),  
16 11-20.1B (aggravated child pornography), 11-21  
17 (harmful material), 11-25 (grooming), 11-26 (traveling  
18 to meet a minor), 12-33 (ritualized abuse of a child),  
19 11-20 (obscenity) (when that offense was committed in  
20 any school, on real property comprising any school, in  
21 any conveyance owned, leased, or contracted by a school  
22 to transport students to or from school or a school  
23 related activity, or in a public park), 11-30 (public  
24 indecency) (when committed in a school, on real  
25 property comprising a school, in any conveyance owned,  
26 leased, or contracted by a school to transport students

1 to or from school or a school related activity, or in a  
2 public park). An attempt to commit any of these  
3 offenses.

4 (ii) 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  
7 age: 11-1.20 (criminal sexual assault), 11-1.30  
8 (aggravated criminal sexual assault), 11-1.50  
9 (criminal sexual abuse), 11-1.60 (aggravated criminal  
10 sexual abuse). An attempt to commit any of these  
11 offenses.

12 (iii) A violation of any of the following Sections  
13 of the Criminal Code of 1961 or the Criminal Code of  
14 2012, when the victim is a person under 18 years of age  
15 and the defendant is not a parent of the victim:

16 10-1 (kidnapping),

17 10-2 (aggravated kidnapping),

18 10-3 (unlawful restraint),

19 10-3.1 (aggravated unlawful restraint),

20 11-9.1(A) (permitting sexual abuse of a child).

21 An attempt to commit any of these offenses.

22 (iv) A violation of any former law of this State  
23 substantially equivalent to any offense listed in  
24 clause (2)(i) or (2)(ii) of subsection (d) of this  
25 Section.

26 (2.5) For the purposes of subsections (b-5) and (b-10)

1           only, a sex offense means:

2                   (i) A violation of any of the following Sections of  
3           the Criminal Code of 1961 or the Criminal Code of 2012:

4                   10-5(b)(10) (child luring), 10-7 (aiding or  
5           abetting child abduction under Section 10-5(b)(10)),  
6           11-1.40 (predatory criminal sexual assault of a  
7           child), 11-6 (indecent solicitation of a child),  
8           11-6.5 (indecent solicitation of an adult), 11-9.2  
9           (custodial sexual misconduct), 11-9.5 (sexual  
10          misconduct with a person with a disability), 11-11  
11          (sexual relations within families), 11-14.3(a)(1)  
12          (promoting prostitution by advancing prostitution),  
13          11-14.3(a)(2)(A) (promoting prostitution by profiting  
14          from prostitution by compelling a person to be a  
15          prostitute), 11-14.3(a)(2)(C) (promoting prostitution  
16          by profiting from prostitution by means other than as  
17          described in subparagraphs (A) and (B) of paragraph (2)  
18          of subsection (a) of Section 11-14.3), 11-14.4  
19          (promoting juvenile prostitution), 11-18.1  
20          (patronizing a juvenile prostitute), 11-20.1 (child  
21          pornography), 11-20.1B (aggravated child pornography),  
22          11-25 (grooming), 11-26 (traveling to meet a minor), or  
23          12-33 (ritualized abuse of a child). An attempt to  
24          commit any of these offenses.

25                   (ii) 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  
2 age: 11-1.20 (criminal sexual assault), 11-1.30  
3 (aggravated criminal sexual assault), 11-1.60  
4 (aggravated criminal sexual abuse), and subsection (a)  
5 of Section 11-1.50 (criminal sexual abuse). An attempt  
6 to commit any of these offenses.

7           (iii) A violation of any of the following Sections  
8 of the Criminal Code of 1961 or the Criminal Code of  
9 2012, when the victim is a person under 18 years of age  
10 and the defendant is not a parent of the victim:

11           10-1 (kidnapping),  
12           10-2 (aggravated kidnapping),  
13           10-3 (unlawful restraint),  
14           10-3.1 (aggravated unlawful restraint),  
15           11-9.1(A) (permitting sexual abuse of a child).

16           An attempt to commit any of these offenses.

17           (iv) A violation of any former law of this State  
18 substantially equivalent to any offense listed in this  
19 paragraph (2.5) of this subsection.

20           (3) A conviction for an offense of federal law or the  
21 law of another state that is substantially equivalent to  
22 any offense listed in paragraph (2) of subsection (d) of  
23 this Section shall constitute a conviction for the purpose  
24 of this Section. A finding or adjudication as a sexually  
25 dangerous person under any federal law or law of another  
26 state that is substantially equivalent to the Sexually

1 Dangerous Persons Act shall constitute an adjudication for  
2 the purposes of this Section.

3 (4) "Authorized emergency vehicle", "rescue vehicle",  
4 and "vehicle" have the meanings ascribed to them in  
5 Sections 1-105, 1-171.8 and 1-217, respectively, of the  
6 Illinois Vehicle Code.

7 (5) "Child care institution" has the meaning ascribed  
8 to it in Section 2.06 of the Child Care Act of 1969.

9 (6) "Day care center" has the meaning ascribed to it in  
10 Section 2.09 of the Child Care Act of 1969.

11 (7) "Day care home" has the meaning ascribed to it in  
12 Section 2.18 of the Child Care Act of 1969.

13 (8) "Facility providing programs or services directed  
14 towards persons under the age of 18" means any facility  
15 providing programs or services exclusively directed  
16 towards persons under the age of 18.

17 (9) "Group day care home" has the meaning ascribed to  
18 it in Section 2.20 of the Child Care Act of 1969.

19 (10) "Internet" has the meaning set forth in Section  
20 16-0.1 ~~16J-5~~ of this Code.

21 (11) "Loiter" means:

22 (i) Standing, sitting idly, whether or not the  
23 person is in a vehicle, or remaining in or around  
24 school or public park property.

25 (ii) Standing, sitting idly, whether or not the  
26 person is in a vehicle, or remaining in or around

1 school or public park property, for the purpose of  
2 committing or attempting to commit a sex offense.

3 (iii) Entering or remaining in a building in or  
4 around school property, other than the offender's  
5 residence.

6 (12) "Part day child care facility" has the meaning  
7 ascribed to it in Section 2.10 of the Child Care Act of  
8 1969.

9 (13) "Playground" means a piece of land owned or  
10 controlled by a unit of local government that is designated  
11 by the unit of local government for use solely or primarily  
12 for children's recreation.

13 (14) "Public park" includes a park, forest preserve,  
14 bikeway, trail, or conservation area under the  
15 jurisdiction of the State or a unit of local government.

16 (15) "School" means a public or private preschool or  
17 elementary or secondary school.

18 (16) "School official" means the principal, a teacher,  
19 or any other certified employee of the school, the  
20 superintendent of schools or a member of the school board.

21 (e) For the purposes of this Section, the 500 feet distance  
22 shall be measured from: (1) the edge of the property of the  
23 school building or the real property comprising the school that  
24 is closest to the edge of the property of the child sex  
25 offender's residence or where he or she is loitering, and (2)  
26 the edge of the property comprising the public park building or

1 the real property comprising the public park, playground, child  
2 care institution, day care center, part day child care  
3 facility, or facility providing programs or services  
4 exclusively directed toward persons under 18 years of age, or a  
5 victim of the sex offense who is under 21 years of age, to the  
6 edge of the child sex offender's place of residence or place  
7 where he or she is loitering.

8 (f) Sentence. A person who violates this Section is guilty  
9 of a Class 4 felony.

10 (Source: P.A. 96-328, eff. 8-11-09; 96-710, eff. 1-1-10;  
11 96-1551, eff. 7-1-11; 97-698, eff. 1-1-13; 97-699, eff. 1-1-13;  
12 revised 7-10-12.)

13 (720 ILCS 5/11-23)

14 Sec. 11-23. Posting of identifying or graphic information  
15 on a pornographic Internet site or possessing graphic  
16 information with pornographic material.

17 (a) A person at least 17 years of age who knowingly  
18 discloses on an adult obscenity or child pornography Internet  
19 site the name, address, telephone number, or e-mail address of  
20 a person under 17 years of age at the time of the commission of  
21 the offense or of a person at least 17 years of age without the  
22 consent of the person at least 17 years of age is guilty of  
23 posting of identifying information on a pornographic Internet  
24 site.

25 (a-5) Any person who knowingly places, posts, reproduces,

1 or maintains on an adult obscenity or child pornography  
2 Internet site a photograph, video, or digital image of a person  
3 under 18 years of age that is not child pornography under  
4 Section 11-20.1, without the knowledge and consent of the  
5 person under 18 years of age, is guilty of posting of graphic  
6 information on a pornographic Internet site. This provision  
7 applies even if the person under 18 years of age is fully or  
8 properly clothed in the photograph, video, or digital image.

9 (a-10) Any person who knowingly places, posts, reproduces,  
10 or maintains on an adult obscenity or child pornography  
11 Internet site, or possesses with obscene or child pornographic  
12 material a photograph, video, or digital image of a person  
13 under 18 years of age in which the child is posed in a  
14 suggestive manner with the focus or concentration of the image  
15 on the child's clothed genitals, clothed pubic area, clothed  
16 buttocks area, or if the child is female, the breast exposed  
17 through transparent clothing, and the photograph, video, or  
18 digital image is not child pornography under Section 11-20.1,  
19 is guilty of posting of graphic information on a pornographic  
20 Internet site or possessing graphic information with  
21 pornographic material.

22 (b) Sentence. A person who violates subsection (a) of this  
23 Section is guilty of a Class 4 felony if the victim is at least  
24 17 years of age at the time of the offense and a Class 3 felony  
25 if the victim is under 17 years of age at the time of the  
26 offense. A person who violates subsection (a-5) of this Section



1 is guilty of a Class 4 felony. A person who violates subsection  
2 (a-10) of this Section is guilty of a Class 3 felony.

3 (c) Definitions. For purposes of this Section:

4 (1) "Adult obscenity or child pornography Internet  
5 site" means a site on the Internet that contains material  
6 that is obscene as defined in Section 11-20 of this Code or  
7 that is child pornography as defined in Section 11-20.1 of  
8 this Code.

9 (2) "Internet" has the meaning set forth in Section  
10 16-0.1 ~~16-5~~ of this Code.

11 (Source: P.A. 95-983, eff. 6-1-09; 96-1551, eff. 7-1-11.)

12 (720 ILCS 5/16-1) (from Ch. 38, par. 16-1)

13 Sec. 16-1. Theft.

14 (a) A person commits theft when he or she knowingly:

15 (1) Obtains or exerts unauthorized control over  
16 property of the owner; or

17 (2) Obtains by deception control over property of the  
18 owner; or

19 (3) Obtains by threat control over property of the  
20 owner; or

21 (4) Obtains control over stolen property knowing the  
22 property to have been stolen or under such circumstances as  
23 would reasonably induce him or her to believe that the  
24 property was stolen; or

25 (5) Obtains or exerts control over property in the

1 custody of any law enforcement agency which any law  
2 enforcement officer or any individual acting in behalf of a  
3 law enforcement agency explicitly represents to the person  
4 as being stolen or represents to the person such  
5 circumstances as would reasonably induce the person to  
6 believe that the property was stolen, and

7 (A) Intends to deprive the owner permanently of the  
8 use or benefit of the property; or

9 (B) Knowingly uses, conceals or abandons the  
10 property in such manner as to deprive the owner  
11 permanently of such use or benefit; or

12 (C) Uses, conceals, or abandons the property  
13 knowing such use, concealment or abandonment probably  
14 will deprive the owner permanently of such use or  
15 benefit.

16 (b) Sentence.

17 (1) Theft of property not from the person and not  
18 exceeding \$500 in value is a Class A misdemeanor.

19 (1.1) Theft of property not from the person and not  
20 exceeding \$500 in value is a Class 4 felony if the theft  
21 was committed in a school or place of worship or if the  
22 theft was of governmental property.

23 (2) A person who has been convicted of theft of  
24 property not from the person and not exceeding \$500 in  
25 value who has been previously convicted of any type of  
26 theft, robbery, armed robbery, burglary, residential

1 burglary, possession of burglary tools, home invasion,  
2 forgery, a violation of Section 4-103, 4-103.1, 4-103.2, or  
3 4-103.3 of the Illinois Vehicle Code relating to the  
4 possession of a stolen or converted motor vehicle, or a  
5 violation of Section 17-36 of the Criminal Code of 1961 or  
6 the Criminal Code of 2012, or Section 8 of the Illinois  
7 Credit Card and Debit Card Act is guilty of a Class 4  
8 felony.

9 (3) (Blank).

10 (4) Theft of property from the person not exceeding  
11 \$500 in value, or theft of property exceeding \$500 and not  
12 exceeding \$10,000 in value, is a Class 3 felony.

13 (4.1) Theft of property from the person not exceeding  
14 \$500 in value, or theft of property exceeding \$500 and not  
15 exceeding \$10,000 in value, is a Class 2 felony if the  
16 theft was committed in a school or place of worship or if  
17 the theft was of governmental property.

18 (5) Theft of property exceeding \$10,000 and not  
19 exceeding \$100,000 in value is a Class 2 felony.

20 (5.1) Theft of property exceeding \$10,000 and not  
21 exceeding \$100,000 in value is a Class 1 felony if the  
22 theft was committed in a school or place of worship or if  
23 the theft was of governmental property.

24 (6) Theft of property exceeding \$100,000 and not  
25 exceeding \$500,000 in value is a Class 1 felony.

26 (6.1) Theft of property exceeding \$100,000 in value is

1 a Class X felony if the theft was committed in a school or  
2 place of worship or if the theft was of governmental  
3 property.

4 (6.2) Theft of property exceeding \$500,000 and not  
5 exceeding \$1,000,000 in value is a Class 1  
6 non-probationable felony.

7 (6.3) Theft of property exceeding \$1,000,000 in value  
8 is a Class X felony.

9 (7) Theft by deception, as described by paragraph (2)  
10 of subsection (a) of this Section, in which the offender  
11 obtained money or property valued at \$5,000 or more from a  
12 victim 60 years of age or older is a Class 2 felony.

13 (8) Theft by deception, as described by paragraph (2)  
14 of subsection (a) of this Section, in which the offender  
15 falsely poses as a landlord or agent or employee of the  
16 landlord and obtains a rent payment or a security deposit  
17 from a tenant is a Class 3 felony if the rent payment or  
18 security deposit obtained does not exceed \$500.

19 (9) Theft by deception, as described by paragraph (2)  
20 of subsection (a) of this Section, in which the offender  
21 falsely poses as a landlord or agent or employee of the  
22 landlord and obtains a rent payment or a security deposit  
23 from a tenant is a Class 2 felony if the rent payment or  
24 security deposit obtained exceeds \$500 and does not exceed  
25 \$10,000.

26 (10) Theft by deception, as described by paragraph (2)

1 of subsection (a) of this Section, in which the offender  
2 falsely poses as a landlord or agent or employee of the  
3 landlord and obtains a rent payment or a security deposit  
4 from a tenant is a Class 1 felony if the rent payment or  
5 security deposit obtained exceeds \$10,000 and does not  
6 exceed \$100,000.

7 (11) Theft by deception, as described by paragraph (2)  
8 of subsection (a) of this Section, in which the offender  
9 falsely poses as a landlord or agent or employee of the  
10 landlord and obtains a rent payment or a security deposit  
11 from a tenant is a Class X felony if the rent payment or  
12 security deposit obtained exceeds \$100,000.

13 (c) When a charge of theft of property exceeding a  
14 specified value is brought, the value of the property involved  
15 is an element of the offense to be resolved by the trier of  
16 fact as either exceeding or not exceeding the specified value.

17 (d) Theft by lessee; permissive inference. The trier of  
18 fact may infer evidence that a person intends to deprive the  
19 owner permanently of the use or benefit of the property (1) if  
20 a lessee of the personal property of another fails to return it  
21 to the owner within 10 days after written demand from the owner  
22 for its return or (2) if a lessee of the personal property of  
23 another fails to return it to the owner within 24 hours after  
24 written demand from the owner for its return and the lessee had  
25 presented identification to the owner that contained a  
26 materially fictitious name, address, or telephone number. A

1 notice in writing, given after the expiration of the leasing  
2 agreement, addressed and mailed, by registered mail, to the  
3 lessee at the address given by him and shown on the leasing  
4 agreement shall constitute proper demand.

5 (e) Permissive inference; evidence of intent that a person  
6 obtains by deception control over property. The trier of fact  
7 may infer that a person "knowingly obtains by deception control  
8 over property of the owner" when he or she fails to return,  
9 within 45 days after written demand from the owner, the  
10 downpayment and any additional payments accepted under a  
11 promise, oral or in writing, to perform services for the owner  
12 for consideration of \$3,000 or more, and the promisor knowingly  
13 without good cause failed to substantially perform pursuant to  
14 the agreement after taking a down payment of 10% or more of the  
15 agreed upon consideration. This provision shall not apply where  
16 the owner initiated the suspension of performance under the  
17 agreement, or where the promisor responds to the notice within  
18 the 45-day notice period. A notice in writing, addressed and  
19 mailed, by registered mail, to the promisor at the last known  
20 address of the promisor, shall constitute proper demand.

21 (f) Offender's interest in the property.

22 (1) It is no defense to a charge of theft of property  
23 that the offender has an interest therein, when the owner  
24 also has an interest to which the offender is not entitled.

25 (2) Where the property involved is that of the  
26 offender's spouse, no prosecution for theft may be

1 maintained unless the parties were not living together as  
2 man and wife and were living in separate abodes at the time  
3 of the alleged theft.

4 (Source: P.A. 96-496, eff. 1-1-10; 96-534, eff. 8-14-09;  
5 96-1000, eff. 7-2-10; 96-1301, eff. 1-1-11; 96-1532, eff.  
6 1-1-12; 96-1551, eff. 7-1-11; 97-597, eff. 1-1-12.)

7 (720 ILCS 5/17-10.5)

8 Sec. 17-10.5. Insurance fraud.

9 (a) Insurance fraud.

10 (1) A person commits insurance fraud when he or she  
11 knowingly obtains, attempts to obtain, or causes to be  
12 obtained, by deception, control over the property of an  
13 insurance company or self-insured entity by the making of a  
14 false claim or by causing a false claim to be made on any  
15 policy of insurance issued by an insurance company or by  
16 the making of a false claim or by causing a false claim to  
17 be made to a self-insured entity, intending to deprive an  
18 insurance company or self-insured entity permanently of  
19 the use and benefit of that property.

20 (2) A person commits health care benefits fraud against  
21 a provider, other than a governmental unit or agency, when  
22 he or she knowingly obtains or attempts to obtain, by  
23 deception, health care benefits and that obtaining or  
24 attempt to obtain health care benefits does not involve  
25 control over property of the provider.

1 (b) Aggravated insurance fraud.

2 (1) A person commits aggravated insurance fraud on a  
3 private entity when he or she commits insurance fraud 3 or  
4 more times within an 18-month period arising out of  
5 separate incidents or transactions.

6 (2) A person commits being an organizer of an  
7 aggravated insurance fraud on a private entity conspiracy  
8 if aggravated insurance fraud on a private entity forms the  
9 basis for a charge of conspiracy under Section 8-2 of this  
10 Code and the person occupies a position of organizer,  
11 supervisor, financier, or other position of management  
12 within the conspiracy.

13 (c) Conspiracy to commit insurance fraud. If aggravated  
14 insurance fraud on a private entity forms the basis for charges  
15 of conspiracy under Section 8-2 of this Code, the person or  
16 persons with whom the accused is alleged to have agreed to  
17 commit the 3 or more violations of this Section need not be the  
18 same person or persons for each violation, as long as the  
19 accused was a part of the common scheme or plan to engage in  
20 each of the 3 or more alleged violations.

21 If aggravated insurance fraud on a private entity forms the  
22 basis for a charge of conspiracy under Section 8-2 of this  
23 Code, and the accused occupies a position of organizer,  
24 supervisor, financier, or other position of management within  
25 the conspiracy, the person or persons with whom the accused is  
26 alleged to have agreed to commit the 3 or more violations of



1 this Section need not be the same person or persons for each  
2 violation as long as the accused occupied a position of  
3 organizer, supervisor, financier, or other position of  
4 management in each of the 3 or more alleged violations.

5 (d) Sentence.

6 (1) 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 \$300 or less is a Class A  
9 misdemeanor.

10 (2) 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 \$300 but not more than  
13 \$10,000 is a Class 3 felony.

14 (3) A violation of paragraph (a)(1) in which the value  
15 of the property obtained, attempted to be obtained, or  
16 caused to be obtained is more than \$10,000 but not more  
17 than \$100,000 is a Class 2 felony.

18 (4) A violation of paragraph (a)(1) in which the value  
19 of the property obtained, attempted to be obtained, or  
20 caused to be obtained is more than \$100,000 is a Class 1  
21 felony.

22 (5) A violation of paragraph (a)(2) is a Class A  
23 misdemeanor.

24 (6) A violation of paragraph (b)(1) is a Class 1  
25 felony, regardless of the value of the property obtained,  
26 attempted to be obtained, or caused to be obtained.

1           (7) A violation of paragraph (b)(2) is a Class X  
2 felony.

3           (8) A person convicted of insurance fraud, vendor  
4 fraud, or a federal criminal violation associated with  
5 defrauding the Medicaid program shall be ordered to pay  
6 monetary restitution to the insurance company or  
7 self-insured entity or any other person for any financial  
8 loss sustained as a result of a violation of this Section,  
9 including any court costs and attorney's fees. An order of  
10 restitution shall include expenses incurred and paid by the  
11 State of Illinois or an insurance company or self-insured  
12 entity in connection with any medical evaluation or  
13 treatment services.

14           (9) Notwithstanding Section 8-5 of this Code, a person  
15 may be convicted and sentenced both for the offense of  
16 conspiracy to commit insurance fraud or the offense of  
17 being an organizer of an aggravated insurance fraud  
18 conspiracy and for any other offense that is the object of  
19 the conspiracy.

20 (e) Civil damages for insurance fraud.

21           (1) A person who knowingly obtains, attempts to obtain,  
22 or causes to be obtained, by deception, control over the  
23 property of any insurance company by the making of a false  
24 claim or by causing a false claim to be made on a policy of  
25 insurance issued by an insurance company, or by the making  
26 of a false claim or by causing a false claim to be made to a

1 self-insured entity, intending to deprive an insurance  
2 company or self-insured entity permanently of the use and  
3 benefit of that property, shall be civilly liable to the  
4 insurance company or self-insured entity that paid the  
5 claim or against whom the claim was made or to the subrogee  
6 of that insurance company or self-insured entity in an  
7 amount equal to either 3 times the value of the property  
8 wrongfully obtained or, if no property was wrongfully  
9 obtained, twice the value of the property attempted to be  
10 obtained, whichever amount is greater, plus reasonable  
11 attorney's fees.

12 (2) An insurance company or self-insured entity that  
13 brings an action against a person under paragraph (1) of  
14 this subsection in bad faith shall be liable to that person  
15 for twice the value of the property claimed, plus  
16 reasonable attorney's fees. In determining whether an  
17 insurance company or self-insured entity acted in bad  
18 faith, the court shall relax the rules of evidence to allow  
19 for the introduction of any facts or other information on  
20 which the insurance company or self-insured entity may have  
21 relied in bringing an action under paragraph (1) of this  
22 subsection.

23 (f) Determination of property value. For the purposes of  
24 this Section, if the exact value of the property attempted to  
25 be obtained is either not alleged by the claimant or not  
26 specifically set by the terms of a policy of insurance, the

1 value of the property shall be the fair market replacement  
2 value of the property claimed to be lost, the reasonable costs  
3 of reimbursing a vendor or other claimant for services to be  
4 rendered, or both.

5 (g) Actions by State licensing agencies.

6 (1) All State licensing agencies, the Illinois State  
7 Police, and the Department of Financial and Professional  
8 Regulation shall coordinate enforcement efforts relating  
9 to acts of insurance fraud.

10 (2) If a person who is licensed or registered under the  
11 laws of the State of Illinois to engage in a business or  
12 profession is convicted of or pleads guilty to engaging in  
13 an act of insurance fraud, the Illinois State Police must  
14 forward to each State agency by which the person is  
15 licensed or registered a copy of the conviction or plea and  
16 all supporting evidence.

17 (3) Any agency that receives information under this  
18 Section shall, not later than 6 months after the date on  
19 which it receives the information, publicly report the  
20 final action taken against the convicted person, including  
21 but not limited to the revocation or suspension of the  
22 license or any other disciplinary action taken.

23 (h) Definitions. For the purposes of this Section,  
24 "obtain", "obtains control", "deception", "property", and  
25 "permanent deprivation" have the meanings ascribed to those  
26 terms in Article 15 of this Code.

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

2 (720 ILCS 5/19-6) (was 720 ILCS 5/12-11)

3 Sec. 19-6. Home Invasion.

4 (a) A person who is not a peace officer acting in the line  
5 of duty commits home invasion when without authority he or she  
6 knowingly enters the dwelling place of another when he or she  
7 knows or has reason to know that one or more persons is present  
8 or he or she knowingly enters the dwelling place of another and  
9 remains in the dwelling place until he or she knows or has  
10 reason to know that one or more persons is present or who  
11 falsely represents himself or herself, including but not  
12 limited to, falsely representing himself or herself to be a  
13 representative of any unit of government or a construction,  
14 telecommunications, or utility company, for the purpose of  
15 gaining entry to the dwelling place of another when he or she  
16 knows or has reason to know that one or more persons are  
17 present and

18 (1) While armed with a dangerous weapon, other than a  
19 firearm, uses force or threatens the imminent use of force  
20 upon any person or persons within the dwelling place  
21 whether or not injury occurs, or

22 (2) Intentionally causes any injury, except as  
23 provided in subsection (a)(5), to any person or persons  
24 within the dwelling place, or

25 (3) While armed with a firearm uses force or threatens

1 the imminent use of force upon any person or persons within  
2 the dwelling place whether or not injury occurs, or

3 (4) Uses force or threatens the imminent use of force  
4 upon any person or persons within the dwelling place  
5 whether or not injury occurs and during the commission of  
6 the offense personally discharges a firearm, or

7 (5) Personally discharges a firearm that proximately  
8 causes great bodily harm, permanent disability, permanent  
9 disfigurement, or death to another person within the  
10 dwelling place, or

11 (6) Commits, against any person or persons within that  
12 dwelling place, a violation of Section 11-1.20, 11-1.30,  
13 11-1.40, 11-1.50, or 11-1.60, ~~12-13, 12-14, 12-14.1,~~  
14 ~~12-15, or 12-16~~ of this ~~the Criminal Code of 1961.~~

15 (b) It is an affirmative defense to a charge of home  
16 invasion that the accused who knowingly enters the dwelling  
17 place of another and remains in the dwelling place until he or  
18 she knows or has reason to know that one or more persons is  
19 present either immediately leaves the premises or surrenders to  
20 the person or persons lawfully present therein without either  
21 attempting to cause or causing serious bodily injury to any  
22 person present therein.

23 (c) Sentence. Home invasion in violation of subsection  
24 (a) (1), (a) (2) or (a) (6) is a Class X felony. A violation of  
25 subsection (a) (3) is a Class X felony for which 15 years shall  
26 be added to the term of imprisonment imposed by the court. A

1 violation of subsection (a) (4) is a Class X felony for which 20  
2 years shall be added to the term of imprisonment imposed by the  
3 court. A violation of subsection (a) (5) is a Class X felony for  
4 which 25 years or up to a term of natural life shall be added to  
5 the term of imprisonment imposed by the court.

6 (d) For purposes of this Section, "dwelling place of  
7 another" includes a dwelling place where the defendant  
8 maintains a tenancy interest but from which the defendant has  
9 been barred by a divorce decree, judgment of dissolution of  
10 marriage, order of protection, or other court order.

11 (Source: P.A. 96-1113, eff. 1-1-11; 96-1551, eff. 7-1-11;  
12 97-1108, eff. 1-1-13.)

13 (720 ILCS 5/26.5-5)

14 Sec. 26.5-5. Sentence.

15 (a) Except as provided in subsection (b), a person who  
16 violates any of the provisions of Section 26.5-1, 26.5-2, or  
17 26.5-3 of this Article is guilty of a Class B misdemeanor.  
18 Except as provided in subsection (b), a second or subsequent  
19 violation of Section 26.5-1, 26.5-2, or 26.5-3 of this Article  
20 is a Class A misdemeanor, for which the court shall impose a  
21 minimum of 14 days in jail or, if public or community service  
22 is established in the county in which the offender was  
23 convicted, 240 hours of public or community service.

24 (b) In any of the following circumstances, a person who  
25 violates Section 26.5-1, 26.5-2, or 26.5-3 of this Article

1 shall be guilty of a Class 4 felony:

2 (1) The person has 3 or more prior violations in the  
3 last 10 years of harassment by telephone, harassment  
4 through electronic communications, or any similar offense  
5 of any other state;

6 (2) The person has previously violated the harassment  
7 by telephone provisions, or the harassment through  
8 electronic communications provisions, or committed any  
9 similar offense in any other state with the same victim or  
10 a member of the victim's family or household;

11 (3) At the time of the offense, the offender was under  
12 conditions of bail, probation, conditional discharge,  
13 mandatory supervised release or was the subject of an order  
14 of protection, in this or any other state, prohibiting  
15 contact with the victim or any member of the victim's  
16 family or household;

17 (4) In the course of the offense, the offender  
18 threatened to kill the victim or any member of the victim's  
19 family or household;

20 (5) The person has been convicted in the last 10 years  
21 of a forcible felony as defined in Section 2-8 of the  
22 Criminal Code of 1961 or the Criminal Code of 2012;

23 (6) The person violates paragraph (5) of Section 26.5-2  
24 or paragraph (4) of Section 26.5-3; or

25 (7) The person was at least 18 years of age at the time  
26 of the commission of the offense and the victim was under



1 18 years of age at the time of the commission of the  
2 offense.

3 (c) The court may order any person convicted under this  
4 Article to submit to a psychiatric examination.

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

6 (720 ILCS 5/33G-3)

7 (Section scheduled to be repealed on June 11, 2017)

8 Sec. 33G-3. Definitions. As used in this Article:

9 (a) "Another state" means any State of the United States  
10 (other than the State of Illinois), or the District of  
11 Columbia, or the Commonwealth of Puerto Rico, or any territory  
12 or possession of the United States, or any political  
13 subdivision, or any department, agency, or instrumentality  
14 thereof.

15 (b) "Enterprise" includes:

16 (1) any partnership, corporation, association,  
17 business or charitable trust, or other legal entity; and

18 (2) any group of individuals or other legal entities,  
19 or any combination thereof, associated in fact although not  
20 itself a legal entity. An association in fact must be held  
21 together by a common purpose of engaging in a course of  
22 conduct, and it may be associated together for purposes  
23 that are both legal and illegal. An association in fact  
24 must:

25 (A) have an ongoing organization or structure,

1           either formal or informal;

2                   (B) the various members of the group must function  
3           as a continuing unit, even if the group changes  
4           membership by gaining or losing members over time; and

5                   (C) have an ascertainable structure distinct from  
6           that inherent in the conduct of a pattern of predicate  
7           activity.

8           As used in this Article, "enterprise" includes licit and  
9           illicit enterprises.

10           (c) "Labor organization" includes any organization, labor  
11           union, craft union, or any voluntary unincorporated  
12           association designed to further the cause of the rights of  
13           union labor that is constituted for the purpose, in whole or in  
14           part, of collective bargaining or of dealing with employers  
15           concerning grievances, terms or conditions of employment, or  
16           apprenticeships or applications for apprenticeships, or of  
17           other mutual aid or protection in connection with employment,  
18           including apprenticeships or applications for apprenticeships.

19           (d) "Operation or management" means directing or carrying  
20           out the enterprise's affairs and is limited to any person who  
21           knowingly serves as a leader, organizer, operator, manager,  
22           director, supervisor, financier, advisor, recruiter, supplier,  
23           or enforcer of an enterprise in violation of this Article.

24           (e) "Predicate activity" means any act that is a Class 2  
25           felony or higher and constitutes a violation or violations of  
26           any of the following provisions of the laws of the State of

1 Illinois (as amended or revised as of the date the activity  
2 occurred or, in the instance of a continuing offense, the date  
3 that charges under this Article are filed in a particular  
4 matter in the State of Illinois) or any act under the law of  
5 another jurisdiction for an offense that could be charged as a  
6 Class 2 felony or higher in this State:

7 (1) under the Criminal Code of 1961 or the Criminal  
8 Code of 2012: 8-1.2 (solicitation of murder for hire), 9-1  
9 (first degree murder), 9-3.3 (drug-induced homicide), 10-1  
10 (kidnapping), 10-2 (aggravated kidnapping), 10-3.1  
11 (aggravated unlawful restraint), 10-4 (forcible  
12 detention), 10-5(b)(10) (child abduction), 10-9  
13 (trafficking in persons, involuntary servitude, and  
14 related offenses), 11-1.20 (criminal sexual assault),  
15 11-1.30 (aggravated criminal sexual assault), 11-1.40  
16 (predatory criminal sexual assault of a child), 11-1.60  
17 (aggravated criminal sexual abuse), 11-6 (indecent  
18 solicitation of a child), 11-6.5 (indecent solicitation of  
19 an adult), 11-14.3(a)(2)(A) and (a)(2)(B) (promoting  
20 prostitution), 11-14.4 (promoting juvenile prostitution),  
21 11-18.1 (patronizing a minor engaged in prostitution;  
22 patronizing a juvenile prostitute), 12-3.05 (aggravated  
23 battery), 12-6.4 (criminal street gang recruitment),  
24 12-6.5 (compelling organization membership of persons),  
25 12-7.3 (stalking), 12-7.4 (aggravated stalking), 12-7.5  
26 (cyberstalking), 12-11 or 19-6 (home invasion), 12-11.1 or

1        18-6 (vehicular invasion), 18-1 (robbery; aggravated  
2        robbery), 18-2 (armed robbery), 18-3 (vehicular  
3        hijacking), 18-4 (aggravated vehicular hijacking), 18-5  
4        (aggravated robbery), 19-1 (burglary), 19-3 (residential  
5        burglary), 20-1 (arson; residential arson; place of  
6        worship arson), 20-1.1 (aggravated arson), 20-1.2  
7        (residential arson), 20-1.3 (place of worship arson),  
8        24-1.2 (aggravated discharge of a firearm), 24-1.2-5  
9        (aggravated discharge of a machine gun or silencer equipped  
10        firearm), 24-1.8 (unlawful possession of a firearm by a  
11        street gang member), 24-3.2 (unlawful discharge of firearm  
12        projectiles), 24-3.9 (aggravated possession of a stolen  
13        firearm), 24-3A (gunrunning), 26-5 or 48-1 (dog-fighting),  
14        29D-14.9 (terrorism), 29D-15 (soliciting support for  
15        terrorism), 29D-15.1 (causing a catastrophe), 29D-15.2  
16        (possession of a deadly substance), 29D-20 (making a  
17        terrorist threat), 29D-25 (falsely making a terrorist  
18        threat), 29D-29.9 (material support for terrorism), 29D-35  
19        (hindering prosecution of terrorism), 31A-1.2  
20        (unauthorized contraband in a penal institution), or 33A-3  
21        (armed violence);

22        (2) under the Cannabis Control Act: Sections 5  
23        (manufacture or delivery of cannabis), 5.1 (cannabis  
24        trafficking), or 8 (production or possession of cannabis  
25        plants), provided the offense either involves more than 500  
26        grams of any substance containing cannabis or involves more

1 than 50 cannabis sativa plants;

2 (3) under the Illinois Controlled Substances Act:  
3 Sections 401 (manufacture or delivery of a controlled  
4 substance), 401.1 (controlled substance trafficking), 405  
5 (calculated criminal drug conspiracy), or 405.2 (street  
6 gang criminal drug conspiracy); or

7 (4) under the Methamphetamine Control and Community  
8 Protection Act: Sections 15 (methamphetamine  
9 manufacturing), or 55 (methamphetamine delivery).

10 (f) "Pattern of predicate activity" means:

11 (1) at least 3 occurrences of predicate activity that  
12 are in some way related to each other and that have  
13 continuity between them, and that are separate acts. Acts  
14 are related to each other if they are not isolated events,  
15 including if they have similar purposes, or results, or  
16 participants, or victims, or are committed a similar way,  
17 or have other similar distinguishing characteristics, or  
18 are part of the affairs of the same enterprise. There is  
19 continuity between acts if they are ongoing over a  
20 substantial period, or if they are part of the regular way  
21 some entity does business or conducts its affairs; and

22 (2) which occurs after the effective date of this  
23 Article, and the last of which falls within 3 years  
24 (excluding any period of imprisonment) after the first  
25 occurrence of predicate activity.

26 (g) "Unlawful death" includes the following offenses:

1 under the ~~Criminal~~ Code of 1961 or the Criminal Code of 2012:  
2 Sections 9-1 (first degree murder) or 9-2 (second degree  
3 murder).  
4 (Source: P.A. 97-686, eff. 6-11-12.)

5 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

6 Sec. 36-1. Seizure. Any vessel, vehicle or aircraft used  
7 with the knowledge and consent of the owner in the commission  
8 of, or in the attempt to commit as defined in Section 8-4 of  
9 this Code, an offense prohibited by (a) Section 9-1, 9-3, 10-2,  
10 11-1.20, 11-1.30, 11-1.40, 11-6, 11-14.4 except for keeping a  
11 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,  
12 11-20.1, 11-20.1B, 11-20.3, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3,  
13 12-4.6, 12-7.3, 12-7.4, 12-13, 12-14, 16-1 if the theft is of  
14 precious metal or of scrap metal, 18-2, 19-1, 19-2, 19-3, 20-1,  
15 20-2, 24-1.2, 24-1.2-5, 24-1.5, 28-1, or 29D-15.2 of this Code,  
16 subdivision (a) (1), (a) (2), (a) (4), (b) (1), (e) (1), (e) (2),  
17 (e) (3), (e) (4), (e) (5), (e) (6), or (e) (7) of Section 12-3.05,  
18 paragraph (a) of Section 12-4 of this Code, paragraph (a) of  
19 Section 11-1.50, paragraph (a) of Section 12-15, paragraph (a),  
20 (c), or (d) of Section 11-1.60, or paragraphs (a), (c) or (d)  
21 of Section 12-16 of this Code, or paragraph (a) (6) or (a) (7) of  
22 Section 24-1 of this Code; (b) Section 21, 22, 23, 24 or 26 of  
23 the Cigarette Tax Act if the vessel, vehicle or aircraft  
24 contains more than 10 cartons of such cigarettes; (c) Section  
25 28, 29 or 30 of the Cigarette Use Tax Act if the vessel,

1 vehicle or aircraft contains more than 10 cartons of such  
2 cigarettes; (d) Section 44 of the Environmental Protection Act;  
3 (e) 11-204.1 of the Illinois Vehicle Code; (f) (1) driving  
4 under the influence of alcohol or other drug or drugs,  
5 intoxicating compound or compounds or any combination thereof  
6 under Section 11-501 of the Illinois Vehicle Code during a  
7 period in which his or her driving privileges are revoked or  
8 suspended where the revocation or suspension was for driving  
9 under the influence of alcohol or other drug or drugs,  
10 intoxicating compound or compounds or any combination thereof,  
11 Section 11-501.1, paragraph (b) of Section 11-401, or for  
12 reckless homicide as defined in Section 9-3 of the Criminal  
13 Code of 1961 or the Criminal Code of 2012; (2) driving while  
14 under the influence of alcohol, other drug or drugs,  
15 intoxicating compound or compounds or any combination thereof  
16 and has been previously convicted of reckless homicide or a  
17 similar provision of a law of another state relating to  
18 reckless homicide in which the person was determined to have  
19 been under the influence of alcohol, other drug or drugs, or  
20 intoxicating compound or compounds as an element of the offense  
21 or the person has previously been convicted of committing a  
22 violation of driving under the influence of alcohol or other  
23 drug or drugs, intoxicating compound or compounds or any  
24 combination thereof and was involved in a motor vehicle  
25 accident that resulted in death, great bodily harm, or  
26 permanent disability or disfigurement to another, when the

1 violation was a proximate cause of the death or injuries; (3)  
2 the person committed a violation of driving under the influence  
3 of alcohol or other drug or drugs, intoxicating compound or  
4 compounds or any combination thereof under Section 11-501 of  
5 the Illinois Vehicle Code or a similar provision for the third  
6 or subsequent time; (4) the person committed the violation  
7 while he or she did not possess a driver's license or permit or  
8 a restricted driving permit or a judicial driving permit or a  
9 monitoring device driving permit; or (5) the person committed  
10 the violation while he or she knew or should have known that  
11 the vehicle he or she was driving was not covered by a  
12 liability insurance policy; (g) an offense described in  
13 subsection (g) of Section 6-303 of the Illinois Vehicle Code;  
14 or (h) an offense described in subsection (e) of Section 6-101  
15 of the Illinois Vehicle Code; may be seized and delivered  
16 forthwith to the sheriff of the county of seizure.

17       Within 15 days after such delivery the sheriff shall give  
18 notice of seizure to each person according to the following  
19 method: Upon each such person whose right, title or interest is  
20 of record in the office of the Secretary of State, the  
21 Secretary of Transportation, the Administrator of the Federal  
22 Aviation Agency, or any other Department of this State, or any  
23 other state of the United States if such vessel, vehicle or  
24 aircraft is required to be so registered, as the case may be,  
25 by mailing a copy of the notice by certified mail to the  
26 address as given upon the records of the Secretary of State,



1 the Department of Aeronautics, Department of Public Works and  
2 Buildings or any other Department of this State or the United  
3 States if such vessel, vehicle or aircraft is required to be so  
4 registered. Within that 15 day period the sheriff shall also  
5 notify the State's Attorney of the county of seizure about the  
6 seizure.

7 In addition, any mobile or portable equipment used in the  
8 commission of an act which is in violation of Section 7g of the  
9 Metropolitan Water Reclamation District Act shall be subject to  
10 seizure and forfeiture under the same procedures provided in  
11 this Article for the seizure and forfeiture of vessels,  
12 vehicles and aircraft, and any such equipment shall be deemed a  
13 vessel, vehicle or aircraft for purposes of this Article.

14 When a person discharges a firearm at another individual  
15 from a vehicle with the knowledge and consent of the owner of  
16 the vehicle and with the intent to cause death or great bodily  
17 harm to that individual and as a result causes death or great  
18 bodily harm to that individual, the vehicle shall be subject to  
19 seizure and forfeiture under the same procedures provided in  
20 this Article for the seizure and forfeiture of vehicles used in  
21 violations of clauses (a), (b), (c), or (d) of this Section.

22 If the spouse of the owner of a vehicle seized for an  
23 offense described in subsection (g) of Section 6-303 of the  
24 Illinois Vehicle Code, a violation of subdivision (d)(1)(A),  
25 (d)(1)(D), (d)(1)(G), (d)(1)(H), or (d)(1)(I) of Section  
26 11-501 of the Illinois Vehicle Code, or Section 9-3 of this

1 Code makes a showing that the seized vehicle is the only source  
2 of transportation and it is determined that the financial  
3 hardship to the family as a result of the seizure outweighs the  
4 benefit to the State from the seizure, the vehicle may be  
5 forfeited to the spouse or family member and the title to the  
6 vehicle shall be transferred to the spouse or family member who  
7 is properly licensed and who requires the use of the vehicle  
8 for employment or family transportation purposes. A written  
9 declaration of forfeiture of a vehicle under this Section shall  
10 be sufficient cause for the title to be transferred to the  
11 spouse or family member. The provisions of this paragraph shall  
12 apply only to one forfeiture per vehicle. If the vehicle is the  
13 subject of a subsequent forfeiture proceeding by virtue of a  
14 subsequent conviction of either spouse or the family member,  
15 the spouse or family member to whom the vehicle was forfeited  
16 under the first forfeiture proceeding may not utilize the  
17 provisions of this paragraph in another forfeiture proceeding.  
18 If the owner of the vehicle seized owns more than one vehicle,  
19 the procedure set out in this paragraph may be used for only  
20 one vehicle.

21 Property declared contraband under Section 40 of the  
22 Illinois Streetgang Terrorism Omnibus Prevention Act may be  
23 seized and forfeited under this Article.

24 (Source: P.A. 96-313, eff. 1-1-10; 96-710, eff. 1-1-10;  
25 96-1000, eff. 7-2-10; 96-1267, eff. 7-26-10; 96-1289, eff.  
26 1-1-11; 96-1551, Article 1, Section 960, eff. 7-1-11; 96-1551,

1 Article 2, Section 1035, eff. 7-1-11; 97-333, eff. 8-12-11;  
2 97-1109, eff. 1-1-13.)

3 (720 ILCS 5/37-1) (from Ch. 38, par. 37-1)

4 Sec. 37-1. Maintaining Public Nuisance. Any building used  
5 in the commission of offenses prohibited by Sections 9-1, 10-1,  
6 10-2, 11-14, 11-15, 11-16, 11-17, 11-20, 11-20.1, 11-20.1B,  
7 11-20.3, 11-21, 11-22, 12-5.1, 16-1, 20-2, 23-1, 23-1(a)(1),  
8 24-1(a)(7), 24-3, 28-1, 28-3, 31-5 or 39A-1, or subdivision  
9 (a)(1), (a)(2)(A), or (a)(2)(B) of Section 11-14.3, of this ~~the~~  
10 ~~Criminal Code of 1961~~, or prohibited by the Illinois Controlled  
11 Substances Act, the Methamphetamine Control and Community  
12 Protection Act, or the Cannabis Control Act, or used in the  
13 commission of an inchoate offense relative to any of the  
14 aforesaid principal offenses, or any real property erected,  
15 established, maintained, owned, leased, or used by a streetgang  
16 for the purpose of conducting streetgang related activity as  
17 defined in Section 10 of the Illinois Streetgang Terrorism  
18 Omnibus Prevention Act is a public nuisance.

19 (b) Sentence. A person convicted of knowingly maintaining  
20 such a public nuisance commits a Class A misdemeanor. Each  
21 subsequent offense under this Section is a Class 4 felony.

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

23 (720 ILCS 5/48-8)

24 Sec. 48-8. Service animal ~~Guide dog~~ access.

1           (a) When a ~~blind, hearing impaired or physically~~  
2 ~~handicapped~~ person with a physical, mental, or intellectual  
3 disability requiring the use of a service animal ~~or a person~~  
4 ~~who is subject to epilepsy or other seizure disorders~~ is  
5 accompanied by a service animal ~~a dog which serves as a guide,~~  
6 ~~leader, seizure alert, or seizure response dog~~ for the person  
7 or when a trainer of a service animal ~~guide, leader,~~  
8 ~~seizure alert, or seizure response dog~~ is accompanied by a  
9 service animal ~~guide, leader, seizure alert, or~~  
10 ~~seizure response dog or a dog that is being trained to be a~~  
11 ~~guide, leader, seizure alert, or seizure response dog~~, neither  
12 the person nor the service animal ~~dog~~ shall be denied the right  
13 of entry and use of facilities of any public place of  
14 accommodation as defined in Section 5-101 of the Illinois Human  
15 Rights Act, ~~if the dog is wearing a harness and the person~~  
16 ~~presents credentials for inspection issued by a school for~~  
17 ~~training guide, leader, seizure alert, or seizure response~~  
18 ~~dogs.~~

19           For the purposes of this Section, "service animal" means a  
20 dog or miniature horse trained or being trained as a hearing  
21 animal, a guide animal, an assistance animal, a seizure alert  
22 animal, a mobility animal, a psychiatric service animal, an  
23 autism service animal, or an animal trained for any other  
24 physical, mental, or intellectual disability. "Service animal"  
25 includes a miniature horse that a public place of accommodation  
26 shall make reasonable accommodation so long as the public place

1 of accommodation takes into consideration: (1) the type, size,  
2 and weight of the miniature horse and whether the facility can  
3 accommodate its features; (2) whether the handler has  
4 sufficient control of the miniature horse; (3) whether the  
5 miniature horse is housebroken; and (4) whether the miniature  
6 horse's presence in the facility compromises legitimate safety  
7 requirements necessary for operation.

8 (b) A person who knowingly violates this Section commits a  
9 Class C misdemeanor.

10 (Source: P.A. 97-1108, eff. 1-1-13; incorporates 97-956, eff.  
11 8-14-12; revised 10-3-12.)

12 (720 ILCS 5/Art. 16C rep.)

13 (720 ILCS 5/Art. 16D rep.)

14 (720 ILCS 5/Art. 17B rep.)

15 Section 610. The Criminal Code of 2012 is amended by  
16 repealing Articles 16C, 16D, and 17B.

17 Section 620. The Cannabis Control Act is amended by  
18 changing Section 10 as follows:

19 (720 ILCS 550/10) (from Ch. 56 1/2, par. 710)

20 Sec. 10. (a) Whenever any person who has not previously  
21 been convicted of, or placed on probation or court supervision  
22 for, any offense under this Act or any law of the United States  
23 or of any State relating to cannabis, or controlled substances

1 as defined in the Illinois Controlled Substances Act, pleads  
2 guilty to or is found guilty of violating Sections 4(a), 4(b),  
3 4(c), 5(a), 5(b), 5(c) or 8 of this Act, the court may, without  
4 entering a judgment and with the consent of such person,  
5 sentence him to probation.

6 (b) When a person is placed on probation, the court shall  
7 enter an order specifying a period of probation of 24 months,  
8 and shall defer further proceedings in the case until the  
9 conclusion of the period or until the filing of a petition  
10 alleging violation of a term or condition of probation.

11 (c) The conditions of probation shall be that the person:  
12 (1) not violate any criminal statute of any jurisdiction; (2)  
13 refrain from possession of a firearm or other dangerous weapon;  
14 (3) submit to periodic drug testing at a time and in a manner  
15 as ordered by the court, but no less than 3 times during the  
16 period of the probation, with the cost of the testing to be  
17 paid by the probationer; and (4) perform no less than 30 hours  
18 of community service, provided community service is available  
19 in the jurisdiction and is funded and approved by the county  
20 board.

21 (d) The court may, in addition to other conditions, require  
22 that the person:

23 (1) make a report to and appear in person before or  
24 participate with the court or such courts, person, or  
25 social service agency as directed by the court in the order  
26 of probation;

1 (2) pay a fine and costs;

2 (3) work or pursue a course of study or vocational  
3 training;

4 (4) undergo medical or psychiatric treatment; or  
5 treatment for drug addiction or alcoholism;

6 (5) attend or reside in a facility established for the  
7 instruction or residence of defendants on probation;

8 (6) support his dependents;

9 (7) refrain from possessing a firearm or other  
10 dangerous weapon;

11 (7-5) 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 (8) and in addition, if a minor:

19 (i) reside with his parents or in a foster home;

20 (ii) attend school;

21 (iii) attend a non-residential program for youth;

22 (iv) contribute to his own support at home or in a  
23 foster home.

24 (e) Upon violation of a term or condition of probation, the  
25 court may enter a judgment on its original finding of guilt and  
26 proceed as otherwise provided.

1           (f) Upon fulfillment of the terms and conditions of  
2 probation, the court shall discharge such person and dismiss  
3 the proceedings against him.

4           (g) A disposition of probation is considered to be a  
5 conviction for the purposes of imposing the conditions of  
6 probation and for appeal, however, discharge and dismissal  
7 under this Section is not a conviction for purposes of  
8 disqualification or disabilities imposed by law upon  
9 conviction of a crime (including the additional penalty imposed  
10 for subsequent offenses under Section 4(c), 4(d), 5(c) or 5(d)  
11 of this Act).

12           (h) Discharge and dismissal under this Section, Section 410  
13 of the Illinois Controlled Substances Act, Section 70 of the  
14 Methamphetamine Control and Community Protection Act, Section  
15 5-6-3.3 of the Unified Code of Corrections, or subsection (c)  
16 of Section 11-14 of the Criminal Code of 1961 or the Criminal  
17 Code of 2012 may occur only once with respect to any person.

18           (i) If a person is convicted of an offense under this Act,  
19 the Illinois Controlled Substances Act, or the Methamphetamine  
20 Control and Community Protection Act within 5 years subsequent  
21 to a discharge and dismissal under this Section, the discharge  
22 and dismissal under this Section shall be admissible in the  
23 sentencing proceeding for that conviction as a factor in  
24 aggravation.

25           (Source: P.A. 97-1118, eff. 1-1-13.)



1 Section 625. The Illinois Controlled Substances Act is  
2 amended by changing Section 410 as follows:

3 (720 ILCS 570/410) (from Ch. 56 1/2, par. 1410)

4 Sec. 410. (a) Whenever any person who has not previously  
5 been convicted of, or placed on probation or court supervision  
6 for any offense under this Act or any law of the United States  
7 or of any State relating to cannabis or controlled substances,  
8 pleads guilty to or is found guilty of possession of a  
9 controlled or counterfeit substance under subsection (c) of  
10 Section 402 or of unauthorized possession of prescription form  
11 under Section 406.2, the court, without entering a judgment and  
12 with the consent of such person, may sentence him or her to  
13 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 jurisdiction; (2)  
21 refrain from possessing a firearm or other dangerous weapon;  
22 (3) submit to periodic drug testing at a time and in a manner  
23 as ordered by the court, but no less than 3 times during the  
24 period of the probation, with the cost of the testing to be  
25 paid by the probationer; and (4) perform no less than 30 hours

1 of community service, provided community service is available  
2 in the jurisdiction and is funded and approved by the county  
3 board.

4 (d) The court may, in addition to other conditions, require  
5 that 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 probation;

10 (2) pay a fine and costs;

11 (3) work or pursue a course of study or vocational  
12 training;

13 (4) undergo medical or psychiatric treatment; or  
14 treatment or rehabilitation approved by the Illinois  
15 Department of Human Services;

16 (5) attend or reside in a facility established for the  
17 instruction or residence of defendants on probation;

18 (6) support his or her dependents;

19 (6-5) refrain from having in his or her body the  
20 presence of any illicit drug prohibited by the Cannabis  
21 Control Act, the Illinois Controlled Substances Act, or the  
22 Methamphetamine Control and Community Protection Act,  
23 unless prescribed by a physician, and submit samples of his  
24 or her blood or urine or both for tests to determine the  
25 presence of any illicit drug;

26 (7) and in addition, if a minor:

1 (i) reside with his or her parents or in a foster  
2 home;

3 (ii) attend school;

4 (iii) attend a non-residential program for youth;

5 (iv) contribute to his or her own support at home  
6 or in a foster home.

7 (e) Upon violation of a term or condition of probation, the  
8 court may enter a judgment on its original finding of guilt and  
9 proceed as otherwise provided.

10 (f) Upon fulfillment of the terms and conditions of  
11 probation, the court shall discharge the person and dismiss the  
12 proceedings against him or her.

13 (g) A disposition of probation is considered to be a  
14 conviction for the purposes of imposing the conditions of  
15 probation and for appeal, however, discharge and dismissal  
16 under this Section is not a conviction for purposes of this Act  
17 or for purposes of disqualifications or disabilities imposed by  
18 law upon conviction of a crime.

19 (h) There may be only one discharge and dismissal under  
20 this Section, Section 10 of the Cannabis Control Act, Section  
21 70 of the Methamphetamine Control and Community Protection Act,  
22 Section 5-6-3.3 of the Unified Code of Corrections, or  
23 subsection (c) of Section 11-14 of the Criminal Code of 1961 or  
24 the Criminal Code of 2012 with respect to any person.

25 (i) If a person is convicted of an offense under this Act,  
26 the Cannabis Control Act, or the Methamphetamine Control and

1 Community Protection Act within 5 years subsequent to a  
2 discharge and dismissal under this Section, the discharge and  
3 dismissal under this Section shall be admissible in the  
4 sentencing proceeding for that conviction as evidence in  
5 aggravation.

6 (Source: P.A. 97-334, eff. 1-1-12; 97-1118, eff. 1-1-13.)

7 Section 630. The Methamphetamine Control and Community  
8 Protection Act is amended by changing Section 70 as follows:

9 (720 ILCS 646/70)

10 Sec. 70. Probation.

11 (a) Whenever any person who has not previously been  
12 convicted of, or placed on probation or court supervision for  
13 any offense under this Act, the Illinois Controlled Substances  
14 Act, the Cannabis Control Act, or any law of the United States  
15 or of any state relating to cannabis or controlled substances,  
16 pleads guilty to or is found guilty of possession of less than  
17 15 grams of methamphetamine under paragraph (1) or (2) of  
18 subsection (b) of Section 60 of this Act, the court, without  
19 entering a judgment and with the consent of the person, may  
20 sentence him or her 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  
24 conclusion of the period or until the filing of a petition

1 alleging violation of a term or condition of probation.

2 (c) The conditions of probation shall be that the person:

3 (1) not violate any criminal statute of any  
4 jurisdiction;

5 (2) refrain from possessing a firearm or other  
6 dangerous weapon;

7 (3) submit to periodic drug testing at a time and in a  
8 manner as ordered by the court, but no less than 3 times  
9 during the period of the probation, with the cost of the  
10 testing to be paid by the probationer; and

11 (4) perform no less than 30 hours of community service,  
12 if community service is available in the jurisdiction and  
13 is funded and approved by the county board.

14 (d) The court may, in addition to other conditions, require  
15 that the person take one or more of the following actions:

16 (1) make a report to and appear in person before or  
17 participate with the court or such courts, person, or  
18 social service agency as directed by the court in the order  
19 of probation;

20 (2) pay a fine and costs;

21 (3) work or pursue a course of study or vocational  
22 training;

23 (4) undergo medical or psychiatric treatment; or  
24 treatment or rehabilitation approved by the Illinois  
25 Department of Human Services;

26 (5) attend or reside in a facility established for the

1 instruction or residence of defendants on probation;

2 (6) support his or her dependents;

3 (7) refrain from having in his or her body the presence  
4 of any illicit drug prohibited by this Act, the Cannabis  
5 Control Act, or the Illinois Controlled Substances Act,  
6 unless prescribed by a physician, and submit samples of his  
7 or her blood or urine or both for tests to determine the  
8 presence of any illicit drug; or

9 (8) if a minor:

10 (i) reside with his or her parents or in a foster  
11 home;

12 (ii) attend school;

13 (iii) attend a non-residential program for youth;

14 or

15 (iv) contribute to his or her own support at home  
16 or in a foster home.

17 (e) Upon violation of a term or condition of probation, the  
18 court may enter a judgment on its original finding of guilt and  
19 proceed as otherwise provided.

20 (f) Upon fulfillment of the terms and conditions of  
21 probation, the court shall discharge the person and dismiss the  
22 proceedings against the person.

23 (g) A disposition of probation is considered to be a  
24 conviction for the purposes of imposing the conditions of  
25 probation and for appeal, however, discharge and dismissal  
26 under this Section is not a conviction for purposes of this Act

1 or for purposes of disqualifications or disabilities imposed by  
2 law upon conviction of a crime.

3 (h) There may be only one discharge and dismissal under  
4 this Section, Section 410 of the Illinois Controlled Substances  
5 Act, Section 10 of the Cannabis Control Act, Section 5-6-3.3 of  
6 the Unified Code of Corrections, or subsection (c) of Section  
7 11-14 of the Criminal Code of 1961 or the Criminal Code of 2012  
8 with respect to any person.

9 (i) If a person is convicted of an offense under this Act,  
10 the Cannabis Control Act, or the Illinois Controlled Substances  
11 Act within 5 years subsequent to a discharge and dismissal  
12 under this Section, the discharge and dismissal under this  
13 Section are admissible in the sentencing proceeding for that  
14 conviction as evidence in aggravation.

15 (Source: P.A. 97-1118, eff. 1-1-13.)

16 Section 635. The Code of Criminal Procedure of 1963 is  
17 amended by changing Sections 102-2, 103-2.1, 103-8, 108-4,  
18 108-12, 108B-3, 108B-7.5, 108B-8, 109-3, 110-2, 110-4, 110-5,  
19 110-5.1, 110-6, 110-6.3, 110-7, 110-10, 110-12, 111-1, 111-2,  
20 111-3, 111-4, 111-8, 112A-3, 112A-11.1, 112A-11.2, 112A-14,  
21 112A-16, 112A-23, 112A-26, 112A-30, 114-1, 114-4, 114-11,  
22 114-12, 115-3, 115-4, 115-6, 115-7, 115-7.2, 115-7.3, 115-10,  
23 115-10.2a, 115-10.3, 115-10.6, 115-11, 115-11.1, 115-13,  
24 115-15, 115-16, 115-17b, 116-2.1, 116-4, 124B-10, 124B-100,  
25 124B-300, 124B-405, 124B-415, 124B-420, 124B-500, 124B-600,

1 124B-610, 124B-700, 124B-710, 124B-800, 124B-905, and  
2 124B-1000 as follows:

3 (725 ILCS 5/102-2) (from Ch. 38, par. 102-2)

4 Sec. 102-2. Reference to criminal code for words and  
5 phrases not described.

6 A word or phrase not described in this Code but which is  
7 described in Article 2 of the "Criminal Code of 2012 ~~1961~~,  
8 ~~approved July 28, 1961, as heretofore and hereafter amended,~~  
9 shall have the meaning therein described, except when a  
10 particular context in this Code clearly requires a different  
11 meaning.

12 (Source: Laws 1963, p. 2836.)

13 (725 ILCS 5/103-2.1)

14 Sec. 103-2.1. When statements by accused may be used.

15 (a) In this Section, "custodial interrogation" means any  
16 interrogation during which (i) a reasonable person in the  
17 subject's position would consider himself or herself to be in  
18 custody and (ii) during which a question is asked that is  
19 reasonably likely to elicit an incriminating response.

20 In this Section, "place of detention" means a building or a  
21 police station that is a place of operation for a municipal  
22 police department or county sheriff department or other law  
23 enforcement agency, not a courthouse, that is owned or operated  
24 by a law enforcement agency at which persons are or may be held



1 in detention in connection with criminal charges against those  
2 persons.

3 In this Section, "electronic recording" includes motion  
4 picture, audiotape, or videotape, or digital recording.

5 (b) An oral, written, or sign language statement of an  
6 accused made as a result of a custodial interrogation at a  
7 police station or other place of detention shall be presumed to  
8 be inadmissible as evidence against the accused in any criminal  
9 proceeding brought under Section 9-1, 9-1.2, 9-2, 9-2.1, 9-3,  
10 9-3.2, or 9-3.3 of the Criminal Code of 1961 or the Criminal  
11 Code of 2012 or under clause (d) (1) (F) of Section 11-501 of the  
12 Illinois Vehicle Code unless:

13 (1) an electronic recording is made of the custodial  
14 interrogation; and

15 (2) the recording is substantially accurate and not  
16 intentionally altered.

17 (c) Every electronic recording required under this Section  
18 must be preserved until such time as the defendant's conviction  
19 for any offense relating to the statement is final and all  
20 direct and habeas corpus appeals are exhausted, or the  
21 prosecution of such offenses is barred by law.

22 (d) If the court finds, by a preponderance of the evidence,  
23 that the defendant was subjected to a custodial interrogation  
24 in violation of this Section, then any statements made by the  
25 defendant during or following that non-recorded custodial  
26 interrogation, even if otherwise in compliance with this

1 Section, are presumed to be inadmissible in any criminal  
2 proceeding against the defendant except for the purposes of  
3 impeachment.

4 (e) Nothing in this Section precludes the admission (i) of  
5 a statement made by the accused in open court at his or her  
6 trial, before a grand jury, or at a preliminary hearing, (ii)  
7 of a statement made during a custodial interrogation that was  
8 not recorded as required by this Section, because electronic  
9 recording was not feasible, (iii) of a voluntary statement,  
10 whether or not the result of a custodial interrogation, that  
11 has a bearing on the credibility of the accused as a witness,  
12 (iv) of a spontaneous statement that is not made in response to  
13 a question, (v) of a statement made after questioning that is  
14 routinely asked during the processing of the arrest of the  
15 suspect, (vi) of a statement made during a custodial  
16 interrogation by a suspect who requests, prior to making the  
17 statement, to respond to the interrogator's questions only if  
18 an electronic recording is not made of the statement, provided  
19 that an electronic recording is made of the statement of  
20 agreeing to respond to the interrogator's question, only if a  
21 recording is not made of the statement, (vii) of a statement  
22 made during a custodial interrogation that is conducted  
23 out-of-state, (viii) of a statement given at a time when the  
24 interrogators are unaware that a death has in fact occurred, or  
25 (ix) of any other statement that may be admissible under law.  
26 The State shall bear the burden of proving, by a preponderance

1 of the evidence, that one of the exceptions described in this  
2 subsection (e) is applicable. Nothing in this Section precludes  
3 the admission of a statement, otherwise inadmissible under this  
4 Section, that is used only for impeachment and not as  
5 substantive evidence.

6 (f) The presumption of inadmissibility of a statement made  
7 by a suspect at a custodial interrogation at a police station  
8 or other place of detention may be overcome by a preponderance  
9 of the evidence that the statement was voluntarily given and is  
10 reliable, based on the totality of the circumstances.

11 (g) Any electronic recording of any statement made by an  
12 accused during a custodial interrogation that is compiled by  
13 any law enforcement agency as required by this Section for the  
14 purposes of fulfilling the requirements of this Section shall  
15 be confidential and exempt from public inspection and copying,  
16 as provided under Section 7 of the Freedom of Information Act,  
17 and the information shall not be transmitted to anyone except  
18 as needed to comply with this Section.

19 (Source: P.A. 93-206, eff. 7-18-05; 93-517, eff. 8-6-05;  
20 94-117, eff. 7-5-05.)

21 (725 ILCS 5/103-8) (from Ch. 38, par. 103-8)

22 Sec. 103-8. Mandatory duty of officers.

23 Any peace officer who intentionally prevents the exercise  
24 by an accused of any right conferred by this Article or who  
25 intentionally fails to perform any act required of him by this

1 Article shall be guilty of official misconduct and may be  
2 punished in accordance with Section 33-3 of the "Criminal Code  
3 of 2012 ~~1961~~" ~~approved July 28, 1961, as heretofore and~~  
4 ~~hereafter amended.~~

5 (Source: Laws 1963, p. 2836.)

6 (725 ILCS 5/108-4) (from Ch. 38, par. 108-4)

7 Sec. 108-4. Issuance of search warrant.

8 (a) All warrants upon written complaint shall state the  
9 time and date of issuance and be the warrants of the judge  
10 issuing the same and not the warrants of the court in which he  
11 is then sitting and such warrants need not bear the seal of the  
12 court or clerk thereof. The complaint on which the warrant is  
13 issued need not be filed with the clerk of the court nor with  
14 the court if there is no clerk until the warrant has been  
15 executed or has been returned "not executed".

16 The search warrant upon written complaint may be issued  
17 electronically or electromagnetically by use of a facsimile  
18 transmission machine and any such warrant shall have the same  
19 validity as a written search warrant.

20 (b) Warrant upon oral testimony.

21 (1) General rule. When the offense in connection with  
22 which a search warrant is sought constitutes terrorism or  
23 any related offense as defined in Article 29D of the  
24 Criminal Code of 2012 ~~1961~~, and if the circumstances make  
25 it reasonable to dispense, in whole or in part, with a

1 written affidavit, a judge may issue a warrant based upon  
2 sworn testimony communicated by telephone or other  
3 appropriate means, including facsimile transmission.

4 (2) Application. The person who is requesting the  
5 warrant shall prepare a document to be known as a duplicate  
6 original warrant and shall read such duplicate original  
7 warrant, verbatim, to the judge. The judge shall enter,  
8 verbatim, what is so read to the judge on a document to be  
9 known as the original warrant. The judge may direct that  
10 the warrant be modified.

11 (3) Issuance. If the judge is satisfied that the  
12 offense in connection with which the search warrant is  
13 sought constitutes terrorism or any related offense as  
14 defined in Article 29D of the Criminal Code of 2012 ~~1961~~,  
15 that the circumstances are such as to make it reasonable to  
16 dispense with a written affidavit, and that grounds for the  
17 application exist or that there is probable cause to  
18 believe that they exist, the judge shall order the issuance  
19 of a warrant by directing the person requesting the warrant  
20 to sign the judge's name on the duplicate original warrant.  
21 The judge shall immediately sign the original warrant and  
22 enter on the face of the original warrant the exact time  
23 when the warrant was ordered to be issued. The finding of  
24 probable cause for a warrant upon oral testimony may be  
25 based on the same kind of evidence as is sufficient for a  
26 warrant upon affidavit.

1           (4) Recording and certification of testimony. When a  
2 caller informs the judge that the purpose of the call is to  
3 request a warrant, the judge shall immediately place under  
4 oath each person whose testimony forms a basis of the  
5 application and each person applying for that warrant. If a  
6 voice recording device is available, the judge shall record  
7 by means of the device all of the call after the caller  
8 informs the judge that the purpose of the call is to  
9 request a warrant, otherwise a stenographic or longhand  
10 verbatim record shall be made. If a voice recording device  
11 is used or a stenographic record made, the judge shall have  
12 the record transcribed, shall certify the accuracy of the  
13 transcription, and shall file a copy of the original record  
14 and the transcription with the court. If a longhand  
15 verbatim record is made, the judge shall file a signed copy  
16 with the court.

17           (5) Contents. The contents of a warrant upon oral  
18 testimony shall be the same as the contents of a warrant  
19 upon affidavit.

20           (6) Additional rule for execution. The person who  
21 executes the warrant shall enter the exact time of  
22 execution on the face of the duplicate original warrant.

23           (7) Motion to suppress based on failure to obtain a  
24 written affidavit. Evidence obtained pursuant to a warrant  
25 issued under this subsection (b) is not subject to a motion  
26 to suppress on the ground that the circumstances were not

1 such as to make it reasonable to dispense with a written  
2 affidavit, absent a finding of bad faith. All other grounds  
3 to move to suppress are preserved.

4 (8) This subsection (b) is inoperative on and after  
5 January 1, 2005.

6 (9) No evidence obtained pursuant to this subsection  
7 (b) shall be inadmissible in a court of law by virtue of  
8 subdivision (8).

9 (Source: P.A. 95-331, eff. 8-21-07.)

10 (725 ILCS 5/108-12) (from Ch. 38, par. 108-12)

11 Sec. 108-12. Disposition of obscene material. In the case  
12 of any material seized which is alleged to have been possessed  
13 or used or intended to be used contrary to, or is evidence of a  
14 violation of, Section 11-20 of the "Criminal Code of 1961 or  
15 the Criminal Code of 2012", ~~approved July 28, 1961, as~~  
16 ~~heretofore and hereafter amended~~, the court before which the  
17 material is returned shall, upon written request of any person  
18 from whom the material was seized or any person claiming  
19 ownership or other right to possession of such material, enter  
20 an order providing for a hearing to determine the obscene  
21 nature thereof not more than 10 days after such return. If the  
22 material is determined to be obscene it shall be held pending  
23 further proceedings as provided by Section 108-11 of this Code.  
24 If the material is determined not to be obscene it shall be  
25 returned to the person from whom or place from which it was

1 seized, or to the person claiming ownership or other right to  
2 possession of such material; provided that enough of the record  
3 material may be retained by the State for purposes of appellate  
4 proceedings. The decision of the court upon this hearing shall  
5 not be admissible as evidence in any other proceeding nor shall  
6 it be res judicata of any question in any other proceeding.

7 (Source: P.A. 83-334.)

8 (725 ILCS 5/108B-3) (from Ch. 38, par. 108B-3)

9 Sec. 108B-3. Authorization for the interception of private  
10 communication.

11 (a) The State's Attorney, or a person designated in writing  
12 or by law to act for him and to perform his duties during his  
13 absence or disability, may authorize, in writing, an ex parte  
14 application to the chief judge of a court of competent  
15 jurisdiction for an order authorizing the interception of a  
16 private communication when no party has consented to the  
17 interception and (i) the interception may provide evidence of,  
18 or may assist in the apprehension of a person who has  
19 committed, is committing or is about to commit, a violation of  
20 Section 8-1(b) (solicitation of murder), 8-1.2 (solicitation  
21 of murder for hire), 9-1 (first degree murder), 10-9  
22 (involuntary servitude, involuntary sexual servitude of a  
23 minor, or trafficking in persons), paragraph (1), (2), or (3)  
24 of subsection (a) of Section 11-14.4 (promoting juvenile  
25 prostitution), subdivision (a)(2)(A) or (a)(2)(B) of Section



1 11-14.3 (promoting prostitution), 11-15.1 (soliciting for a  
2 minor engaged in prostitution), 11-16 (pandering), 11-17.1  
3 (keeping a place of juvenile prostitution), 11-18.1  
4 (patronizing a minor engaged in prostitution), 11-19.1  
5 (juvenile pimping and aggravated juvenile pimping), or 29B-1  
6 (money laundering) of the Criminal Code of 1961 or the Criminal  
7 Code of 2012, Section 401, 401.1 (controlled substance  
8 trafficking), 405, 405.1 (criminal drug conspiracy) or 407 of  
9 the Illinois Controlled Substances Act or any Section of the  
10 Methamphetamine Control and Community Protection Act, a  
11 violation of Section 24-2.1, 24-2.2, 24-3, 24-3.1, 24-3.3,  
12 24-3.4, 24-4, or 24-5 or subsection 24-1(a)(4), 24-1(a)(6),  
13 24-1(a)(7), 24-1(a)(9), 24-1(a)(10), or 24-1(c) of the  
14 Criminal Code of 1961 or the Criminal Code of 2012 or  
15 conspiracy to commit money laundering or conspiracy to commit  
16 first degree murder; (ii) in response to a clear and present  
17 danger of imminent death or great bodily harm to persons  
18 resulting from: (1) a kidnapping or the holding of a hostage by  
19 force or the threat of the imminent use of force; or (2) the  
20 occupation by force or the threat of the imminent use of force  
21 of any premises, place, vehicle, vessel or aircraft; (iii) to  
22 aid an investigation or prosecution of a civil action brought  
23 under the Illinois Streetgang Terrorism Omnibus Prevention Act  
24 when there is probable cause to believe the interception of the  
25 private communication will provide evidence that a streetgang  
26 is committing, has committed, or will commit a second or

1 subsequent gang-related offense or that the interception of the  
2 private communication will aid in the collection of a judgment  
3 entered under that Act; or (iv) upon information and belief  
4 that a streetgang has committed, is committing, or is about to  
5 commit a felony.

6 (b) The State's Attorney or a person designated in writing  
7 or by law to act for the State's Attorney and to perform his or  
8 her duties during his or her absence or disability, may  
9 authorize, in writing, an ex parte application to the chief  
10 judge of a circuit court for an order authorizing the  
11 interception of a private communication when no party has  
12 consented to the interception and the interception may provide  
13 evidence of, or may assist in the apprehension of a person who  
14 has committed, is committing or is about to commit, a violation  
15 of an offense under Article 29D of the Criminal Code of 1961 or  
16 the Criminal Code of 2012.

17 (b-1) Subsection (b) is inoperative on and after January 1,  
18 2005.

19 (b-2) No conversations recorded or monitored pursuant to  
20 subsection (b) shall be made inadmissible in a court of law by  
21 virtue of subsection (b-1).

22 (c) As used in this Section, "streetgang" and  
23 "gang-related" have the meanings ascribed to them in Section 10  
24 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

25 (Source: P.A. 96-710, eff. 1-1-10; 96-1464, eff. 8-20-10;  
26 97-897, eff. 1-1-13.)

1 (725 ILCS 5/108B-7.5)

2 Sec. 108B-7.5. Applicability.

3 (a) The requirements of subdivisions (a)(3)(iv) and  
4 (a)(3)(v) of Section 108B-4, subdivision (1)(b) of Section  
5 108B-5, and subdivision (a)(3) of Section 108B-7 of this  
6 Article relating to the specification of the facilities from  
7 which, or the place where, the communication is to be  
8 intercepted do not apply if:

9 (1) in the case of an application with respect to the  
10 interception of an oral communication:

11 (A) the application is by the State's Attorney, or  
12 a person designated in writing or by law to act for the  
13 State's Attorney and to perform his or her duties  
14 during his or her absence or disability;

15 (B) the application contains a full and complete  
16 statement as to why such specification is not practical  
17 and identifies the person committing the offense and  
18 whose communications are to be intercepted;

19 (C) the judge finds that such specification is not  
20 practical; and

21 (D) the order sought is in connection with an  
22 investigation of a violation of Article 29D of the  
23 Criminal Code of 1961 or the Criminal Code of 2012.

24 (2) in the case of an application with respect to a  
25 wire or electronic communication:

1 (A) the application is by the State's Attorney, or  
2 a person designated in writing or by law to act for the  
3 State's Attorney and to perform his or her duties  
4 during his or her absence or disability;

5 (B) the application identifies the person believed  
6 to be committing the offense and whose communications  
7 are to be intercepted and the applicant makes a showing  
8 that there is probable cause to believe that the  
9 person's actions could have the effect of thwarting  
10 interception from a specified facility;

11 (C) the judge finds that such showing has been  
12 adequately made;

13 (D) the order authorizing or approving the  
14 interception is limited to interception only for such  
15 time as it is reasonable to presume that the person  
16 identified in the application is or was reasonably  
17 proximate to the instrument through which such  
18 communication will be or was transmitted; and

19 (E) the order sought is in connection with an  
20 investigation of a violation of Article 29D of the  
21 Criminal Code of 1961 or the Criminal Code of 2012.

22 (b) An interception of a communication under an order with  
23 respect to which the requirements of subdivisions (a) (3) (iv)  
24 and (a) (3) (v) of Section 108B-4, subdivision (1) (b) of Section  
25 108B-5, and subdivision (a) (3) of Section 108B-7 of this  
26 Article do not apply by reason of this Section shall not begin

1 until the place where the communication is to be intercepted is  
2 ascertained by the person implementing the interception order.  
3 A provider of wire or electronic communications service that  
4 has received an order as provided for in subdivision (a) (2) may  
5 upon notice to the People move the court to modify or quash the  
6 order on the ground that its assistance with respect to the  
7 interception cannot be performed in a timely or reasonable  
8 fashion. The court shall decide such a motion expeditiously.  
9 (Source: P.A. 92-854, eff. 12-5-02.)

10 (725 ILCS 5/108B-8) (from Ch. 38, par. 108B-8)

11 Sec. 108B-8. Emergency use of eavesdropping device.

12 (a) Whenever, upon informal application by the State's  
13 Attorney, a chief judge of competent jurisdiction determines  
14 that:

15 (1) there may be grounds upon which an order could be  
16 issued under this Article;

17 (2) there is probable cause to believe that an  
18 emergency situation exists with respect to the  
19 investigation of an offense enumerated in Section 108B-3;  
20 and

21 (3) there is probable cause to believe that a  
22 substantial danger to life or limb exists justifying the  
23 authorization for immediate interception of a private  
24 communication before formal application for an order could  
25 with due diligence be submitted to him and acted upon; the

1 chief judge may grant oral approval for an interception,  
2 without an order, conditioned upon the filing with him,  
3 within 48 hours, of an application for an order under  
4 Section 108B-4 which shall also recite the oral approval  
5 under this Section and be retroactive to the time of the  
6 oral approval.

7 (b) Interception under oral approval under this Section  
8 shall immediately terminate when the communication sought is  
9 obtained or when the application for an order is denied,  
10 whichever is earlier.

11 (c) In the event no formal application for an order is  
12 subsequently made under this Section, the content of any  
13 private communication intercepted under oral approval under  
14 this Section shall be treated as having been obtained in  
15 violation of this Article.

16 (d) In the event no application for an order is made under  
17 this Section or an application made under this Section is  
18 subsequently denied, the judge shall cause an inventory to be  
19 served under Section 108B-11 of this Article and shall require  
20 the tape or other recording of the intercepted communication to  
21 be delivered to, and sealed by, the judge. The evidence shall  
22 be retained by the court, and it shall not be used or disclosed  
23 in any legal proceeding, except a civil action brought by an  
24 aggrieved person under Section 14-6 of the Criminal Code of  
25 1961 or the Criminal Code of 2012, or as otherwise authorized  
26 by the order of a court of competent jurisdiction. In addition

1 to other remedies or penalties provided by law, failure to  
2 deliver any tape or other recording to the chief judge shall be  
3 punishable as contempt by the judge directing the delivery.

4 (Source: P.A. 92-854, eff. 12-5-02.)

5 (725 ILCS 5/109-3) (from Ch. 38, par. 109-3)

6 Sec. 109-3. Preliminary examination.) (a) The judge shall  
7 hold the defendant to answer to the court having jurisdiction  
8 of the offense if from the evidence it appears there is  
9 probable cause to believe an offense has been committed by the  
10 defendant, as provided in Section 109-3.1 of this Code, if the  
11 offense is a felony.

12 (b) If the defendant waives preliminary examination the  
13 judge shall hold him to answer and may, or on the demand of the  
14 prosecuting attorney shall, cause the witnesses for the State  
15 to be examined. After hearing the testimony if it appears that  
16 there is not probable cause to believe the defendant guilty of  
17 any offense the judge shall discharge him.

18 (c) During the examination of any witness or when the  
19 defendant is making a statement or testifying the judge may and  
20 on the request of the defendant or State shall exclude all  
21 other witnesses. He may also cause the witnesses to be kept  
22 separate and to be prevented from communicating with each other  
23 until all are examined.

24 (d) If the defendant is held to answer the judge may  
25 require any material witness for the State or defendant to

1 enter into a written undertaking to appear at the trial, and  
2 may provide for the forfeiture of a sum certain in the event  
3 the witness does not appear at the trial. Any witness who  
4 refuses to execute a recognizance may be committed by the judge  
5 to the custody of the sheriff until trial or further order of  
6 the court having jurisdiction of the cause. Any witness who  
7 executes a recognizance and fails to comply with its terms  
8 shall, in addition to any forfeiture provided in the  
9 recognizance, be subject to the penalty provided in Section  
10 32-10 of the "Criminal Code of 2012 ~~1961~~", ~~approved July 28,~~  
11 ~~1961, as heretofore and hereafter amended,~~ for violation of  
12 bail bond.

13 (e) During preliminary hearing or examination the  
14 defendant may move for an order of suppression of evidence  
15 pursuant to Section 114-11 or 114-12 of this Act or for other  
16 reasons, and may move for dismissal of the charge pursuant to  
17 Section 114-1 of this Act or for other reasons.

18 (Source: P.A. 83-644.)

19 (725 ILCS 5/110-2) (from Ch. 38, par. 110-2)

20 Sec. 110-2. Release on own recognizance. When from all the  
21 circumstances the court is of the opinion that the defendant  
22 will appear as required either before or after conviction and  
23 the defendant will not pose a danger to any person or the  
24 community and that the defendant will comply with all  
25 conditions of bond, which shall include the defendant's current



1 address with a written admonishment to the defendant that he or  
2 she must comply with the provisions of Section 110-12 of this  
3 Code regarding any change in his or her address, the defendant  
4 may be released on his or her own recognizance. The defendant's  
5 address shall at all times remain a matter of public record  
6 with the clerk of the court. A failure to appear as required by  
7 such recognizance shall constitute an offense subject to the  
8 penalty provided in Section 32-10 of the "Criminal Code of 2012  
9 ~~1961", approved July 28, 1961, as heretofore and hereafter~~  
10 ~~amended,~~ for violation of the bail bond, and any obligated sum  
11 fixed in the recognizance shall be forfeited and collected in  
12 accordance with subsection (g) of Section 110-7 of this Code.

13 This Section shall be liberally construed to effectuate the  
14 purpose of relying upon contempt of court proceedings or  
15 criminal sanctions instead of financial loss to assure the  
16 appearance of the defendant, and that the defendant will not  
17 pose a danger to any person or the community and that the  
18 defendant will comply with all conditions of bond. Monetary  
19 bail should be set only when it is determined that no other  
20 conditions of release will reasonably assure the defendant's  
21 appearance in court, that the defendant does not present a  
22 danger to any person or the community and that the defendant  
23 will comply with all conditions of bond.

24 The State may appeal any order permitting release by  
25 personal recognizance.

26 (Source: P.A. 89-377, eff. 8-18-95.)

1 (725 ILCS 5/110-4) (from Ch. 38, par. 110-4)

2 Sec. 110-4. Bailable Offenses.

3 (a) All persons shall be bailable before conviction, except  
4 the following offenses where the proof is evident or the  
5 presumption great that the defendant is guilty of the offense:  
6 capital offenses; offenses for which a sentence of life  
7 imprisonment may be imposed as a consequence of conviction;  
8 felony offenses for which a sentence of imprisonment, without  
9 conditional and revocable release, shall be imposed by law as a  
10 consequence of conviction, where the court after a hearing,  
11 determines that the release of the defendant would pose a real  
12 and present threat to the physical safety of any person or  
13 persons; stalking or aggravated stalking, where the court,  
14 after a hearing, determines that the release of the defendant  
15 would pose a real and present threat to the physical safety of  
16 the alleged victim of the offense and denial of bail is  
17 necessary to prevent fulfillment of the threat upon which the  
18 charge is based; or unlawful use of weapons in violation of  
19 item (4) of subsection (a) of Section 24-1 of the Criminal Code  
20 of 1961 or the Criminal Code of 2012 when that offense occurred  
21 in a school or in any conveyance owned, leased, or contracted  
22 by a school to transport students to or from school or a  
23 school-related activity, or on any public way within 1,000 feet  
24 of real property comprising any school, where the court, after  
25 a hearing, determines that the release of the defendant would

1 pose a real and present threat to the physical safety of any  
2 person and denial of bail is necessary to prevent fulfillment  
3 of that threat; or making a terrorist threat in violation of  
4 Section 29D-20 of the Criminal Code of 1961 or the Criminal  
5 Code of 2012 or an attempt to commit the offense of making a  
6 terrorist threat, where the court, after a hearing, determines  
7 that the release of the defendant would pose a real and present  
8 threat to the physical safety of any person and denial of bail  
9 is necessary to prevent fulfillment of that threat.

10 (b) A person seeking release on bail who is charged with a  
11 capital offense or an offense for which a sentence of life  
12 imprisonment may be imposed shall not be bailable until a  
13 hearing is held wherein such person has the burden of  
14 demonstrating that the proof of his guilt is not evident and  
15 the presumption is not great.

16 (c) Where it is alleged that bail should be denied to a  
17 person upon the grounds that the person presents a real and  
18 present threat to the physical safety of any person or persons,  
19 the burden of proof of such allegations shall be upon the  
20 State.

21 (d) When it is alleged that bail should be denied to a  
22 person charged with stalking or aggravated stalking upon the  
23 grounds set forth in Section 110-6.3 of this Code, the burden  
24 of proof of those allegations shall be upon the State.

25 (Source: P.A. 95-952, eff. 8-29-08.)

1 (725 ILCS 5/110-5) (from Ch. 38, par. 110-5)

2 Sec. 110-5. Determining the amount of bail and conditions  
3 of release.

4 (a) In determining the amount of monetary bail or  
5 conditions of release, if any, which will reasonably assure the  
6 appearance of a defendant as required or the safety of any  
7 other person or the community and the likelihood of compliance  
8 by the defendant with all the conditions of bail, the court  
9 shall, on the basis of available information, take into account  
10 such matters as the nature and circumstances of the offense  
11 charged, whether the evidence shows that as part of the offense  
12 there was a use of violence or threatened use of violence,  
13 whether the offense involved corruption of public officials or  
14 employees, whether there was physical harm or threats of  
15 physical harm to any public official, public employee, judge,  
16 prosecutor, juror or witness, senior citizen, child or  
17 handicapped person, whether evidence shows that during the  
18 offense or during the arrest the defendant possessed or used a  
19 firearm, machine gun, explosive or metal piercing ammunition or  
20 explosive bomb device or any military or paramilitary armament,  
21 whether the evidence shows that the offense committed was  
22 related to or in furtherance of the criminal activities of an  
23 organized gang or was motivated by the defendant's membership  
24 in or allegiance to an organized gang, the condition of the  
25 victim, any written statement submitted by the victim or  
26 proffer or representation by the State regarding the impact

1 which the alleged criminal conduct has had on the victim and  
2 the victim's concern, if any, with further contact with the  
3 defendant if released on bail, whether the offense was based on  
4 racial, religious, sexual orientation or ethnic hatred, the  
5 likelihood of the filing of a greater charge, the likelihood of  
6 conviction, the sentence applicable upon conviction, the  
7 weight of the evidence against such defendant, whether there  
8 exists motivation or ability to flee, whether there is any  
9 verification as to prior residence, education, or family ties  
10 in the local jurisdiction, in another county, state or foreign  
11 country, the defendant's employment, financial resources,  
12 character and mental condition, past conduct, prior use of  
13 alias names or dates of birth, and length of residence in the  
14 community, the consent of the defendant to periodic drug  
15 testing in accordance with Section 110-6.5, whether a foreign  
16 national defendant is lawfully admitted in the United States of  
17 America, whether the government of the foreign national  
18 maintains an extradition treaty with the United States by which  
19 the foreign government will extradite to the United States its  
20 national for a trial for a crime allegedly committed in the  
21 United States, whether the defendant is currently subject to  
22 deportation or exclusion under the immigration laws of the  
23 United States, whether the defendant, although a United States  
24 citizen, is considered under the law of any foreign state a  
25 national of that state for the purposes of extradition or  
26 non-extradition to the United States, the amount of unrecovered

1 proceeds lost as a result of the alleged offense, the source of  
2 bail funds tendered or sought to be tendered for bail, whether  
3 from the totality of the court's consideration, the loss of  
4 funds posted or sought to be posted for bail will not deter the  
5 defendant from flight, whether the evidence shows that the  
6 defendant is engaged in significant possession, manufacture,  
7 or delivery of a controlled substance or cannabis, either  
8 individually or in consort with others, whether at the time of  
9 the offense charged he was on bond or pre-trial release pending  
10 trial, probation, periodic imprisonment or conditional  
11 discharge pursuant to this Code or the comparable Code of any  
12 other state or federal jurisdiction, whether the defendant is  
13 on bond or pre-trial release pending the imposition or  
14 execution of sentence or appeal of sentence for any offense  
15 under the laws of Illinois or any other state or federal  
16 jurisdiction, whether the defendant is under parole or  
17 mandatory supervised release or work release from the Illinois  
18 Department of Corrections or any penal institution or  
19 corrections department of any state or federal jurisdiction,  
20 the defendant's record of convictions, whether the defendant  
21 has been convicted of a misdemeanor or ordinance offense in  
22 Illinois or similar offense in other state or federal  
23 jurisdiction within the 10 years preceding the current charge  
24 or convicted of a felony in Illinois, whether the defendant was  
25 convicted of an offense in another state or federal  
26 jurisdiction that would be a felony if committed in Illinois

1 within the 20 years preceding the current charge or has been  
2 convicted of such felony and released from the penitentiary  
3 within 20 years preceding the current charge if a penitentiary  
4 sentence was imposed in Illinois or other state or federal  
5 jurisdiction, the defendant's records of juvenile adjudication  
6 of delinquency in any jurisdiction, any record of appearance or  
7 failure to appear by the defendant at court proceedings,  
8 whether there was flight to avoid arrest or prosecution,  
9 whether the defendant escaped or attempted to escape to avoid  
10 arrest, whether the defendant refused to identify himself, or  
11 whether there was a refusal by the defendant to be  
12 fingerprinted as required by law. Information used by the court  
13 in its findings or stated in or offered in connection with this  
14 Section may be by way of proffer based upon reliable  
15 information offered by the State or defendant. All evidence  
16 shall be admissible if it is relevant and reliable regardless  
17 of whether it would be admissible under the rules of evidence  
18 applicable at criminal trials. If the State presents evidence  
19 that the offense committed by the defendant was related to or  
20 in furtherance of the criminal activities of an organized gang  
21 or was motivated by the defendant's membership in or allegiance  
22 to an organized gang, and if the court determines that the  
23 evidence may be substantiated, the court shall prohibit the  
24 defendant from associating with other members of the organized  
25 gang as a condition of bail or release. For the purposes of  
26 this Section, "organized gang" has the meaning ascribed to it

1 in Section 10 of the Illinois Streetgang Terrorism Omnibus  
2 Prevention Act.

3 (b) The amount of bail shall be:

4 (1) Sufficient to assure compliance with the  
5 conditions set forth in the bail bond, which shall include  
6 the defendant's current address with a written  
7 admonishment to the defendant that he or she must comply  
8 with the provisions of Section 110-12 regarding any change  
9 in his or her address. The defendant's address shall at all  
10 times remain a matter of public record with the clerk of  
11 the court.

12 (2) Not oppressive.

13 (3) Considerate of the financial ability of the  
14 accused.

15 (4) When a person is charged with a drug related  
16 offense involving possession or delivery of cannabis or  
17 possession or delivery of a controlled substance as defined  
18 in the Cannabis Control Act, the Illinois Controlled  
19 Substances Act, or the Methamphetamine Control and  
20 Community Protection Act, the full street value of the  
21 drugs seized shall be considered. "Street value" shall be  
22 determined by the court on the basis of a proffer by the  
23 State based upon reliable information of a law enforcement  
24 official contained in a written report as to the amount  
25 seized and such proffer may be used by the court as to the  
26 current street value of the smallest unit of the drug



1 seized.

2 (b-5) Upon the filing of a written request demonstrating  
3 reasonable cause, the State's Attorney may request a source of  
4 bail hearing either before or after the posting of any funds.  
5 If the hearing is granted, before the posting of any bail, the  
6 accused must file a written notice requesting that the court  
7 conduct a source of bail hearing. The notice must be  
8 accompanied by justifying affidavits stating the legitimate  
9 and lawful source of funds for bail. At the hearing, the court  
10 shall inquire into any matters stated in any justifying  
11 affidavits, and may also inquire into matters appropriate to  
12 the determination which shall include, but are not limited to,  
13 the following:

14 (1) the background, character, reputation, and  
15 relationship to the accused of any surety; and

16 (2) the source of any money or property deposited by  
17 any surety, and whether any such money or property  
18 constitutes the fruits of criminal or unlawful conduct; and

19 (3) the source of any money posted as cash bail, and  
20 whether any such money constitutes the fruits of criminal  
21 or unlawful conduct; and

22 (4) the background, character, reputation, and  
23 relationship to the accused of the person posting cash  
24 bail.

25 Upon setting the hearing, the court shall examine, under  
26 oath, any persons who may possess material information.

1           The State's Attorney has a right to attend the hearing, to  
2 call witnesses and to examine any witness in the proceeding.  
3 The court shall, upon request of the State's Attorney, continue  
4 the proceedings for a reasonable period to allow the State's  
5 Attorney to investigate the matter raised in any testimony or  
6 affidavit. If the hearing is granted after the accused has  
7 posted bail, the court shall conduct a hearing consistent with  
8 this subsection (b-5). At the conclusion of the hearing, the  
9 court must issue an order either approving or disapproving the  
10 bail.

11           (c) When a person is charged with an offense punishable by  
12 fine only the amount of the bail shall not exceed double the  
13 amount of the maximum penalty.

14           (d) When a person has been convicted of an offense and only  
15 a fine has been imposed the amount of the bail shall not exceed  
16 double the amount of the fine.

17           (e) The State may appeal any order granting bail or setting  
18 a given amount for bail.

19           (f) When a person is charged with a violation of an order  
20 of protection under Section 12-3.4 or 12-30 of the Criminal  
21 Code of 1961 or the Criminal Code of 2012,

22                 (1) whether the alleged incident involved harassment  
23 or abuse, as defined in the Illinois Domestic Violence Act  
24 of 1986;

25                 (2) whether the person has a history of domestic  
26 violence, as defined in the Illinois Domestic Violence Act,

1 or a history of other criminal acts;

2 (3) based on the mental health of the person;

3 (4) whether the person has a history of violating the  
4 orders of any court or governmental entity;

5 (5) whether the person has been, or is, potentially a  
6 threat to any other person;

7 (6) whether the person has access to deadly weapons or  
8 a history of using deadly weapons;

9 (7) whether the person has a history of abusing alcohol  
10 or any controlled substance;

11 (8) based on the severity of the alleged incident that  
12 is the basis of the alleged offense, including, but not  
13 limited to, the duration of the current incident, and  
14 whether the alleged incident involved physical injury,  
15 sexual assault, strangulation, abuse during the alleged  
16 victim's pregnancy, abuse of pets, or forcible entry to  
17 gain access to the alleged victim;

18 (9) whether a separation of the person from the alleged  
19 victim or a termination of the relationship between the  
20 person and the alleged victim has recently occurred or is  
21 pending;

22 (10) whether the person has exhibited obsessive or  
23 controlling behaviors toward the alleged victim,  
24 including, but not limited to, stalking, surveillance, or  
25 isolation of the alleged victim or victim's family member  
26 or members;

1           (11) whether the person has expressed suicidal or  
2           homicidal ideations;

3           (12) based on any information contained in the  
4           complaint and any police reports, affidavits, or other  
5           documents accompanying the complaint,  
6           the court may, in its discretion, order the respondent to  
7           undergo a risk assessment evaluation conducted by an Illinois  
8           Department of Human Services approved partner abuse  
9           intervention program provider, pretrial service, probation, or  
10          parole agency. These agencies shall have access to summaries of  
11          the defendant's criminal history, which shall not include  
12          victim interviews or information, for the risk evaluation.  
13          Based on the information collected from the 12 points to be  
14          considered at a bail hearing for a violation of an order of  
15          protection, the results of any risk evaluation conducted and  
16          the other circumstances of the violation, the court may order  
17          that the person, as a condition of bail, be placed under  
18          electronic surveillance as provided in Section 5-8A-7 of the  
19          Unified Code of Corrections.

20          (Source: P.A. 95-773, eff. 1-1-09; 96-688, eff. 8-25-09;  
21          96-1551, eff. 7-1-11.)

22                 (725 ILCS 5/110-5.1)

23                 Sec. 110-5.1. Bail; certain persons charged with violent  
24                 crimes against family or household members.

25                 (a) Subject to subsection (c), a person who is charged with

1 a violent crime shall appear before the court for the setting  
2 of bail if the alleged victim was a family or household member  
3 at the time of the alleged offense, and if any of the following  
4 applies:

5 (1) the person charged, at the time of the alleged  
6 offense, was subject to the terms of an order of protection  
7 issued under Section 112A-14 of this Code or Section 214 of  
8 the Illinois Domestic Violence Act of 1986 or previously  
9 was convicted of a violation of an order of protection  
10 under Section 12-3.4 or 12-30 of the Criminal Code of 1961  
11 or the Criminal Code of 2012 or a violent crime if the  
12 victim was a family or household member at the time of the  
13 offense or a violation of a substantially similar municipal  
14 ordinance or law of this or any other state or the United  
15 States if the victim was a family or household member at  
16 the time of the offense;

17 (2) the arresting officer indicates in a police report  
18 or other document accompanying the complaint any of the  
19 following:

20 (A) that the arresting officer observed on the  
21 alleged victim objective manifestations of physical  
22 harm that the arresting officer reasonably believes  
23 are a result of the alleged offense;

24 (B) that the arresting officer reasonably believes  
25 that the person had on the person's person at the time  
26 of the alleged offense a deadly weapon;

1           (C) that the arresting officer reasonably believes  
2           that the person presents a credible threat of serious  
3           physical harm to the alleged victim or to any other  
4           person if released on bail before trial.

5           (b) To the extent that information about any of the  
6           following is available to the court, the court shall consider  
7           all of the following, in addition to any other circumstances  
8           considered by the court, before setting bail for a person who  
9           appears before the court pursuant to subsection (a):

10           (1) whether the person has a history of domestic  
11           violence or a history of other violent acts;

12           (2) the mental health of the person;

13           (3) whether the person has a history of violating the  
14           orders of any court or governmental entity;

15           (4) whether the person is potentially a threat to any  
16           other person;

17           (5) whether the person has access to deadly weapons or  
18           a history of using deadly weapons;

19           (6) whether the person has a history of abusing alcohol  
20           or any controlled substance;

21           (7) the severity of the alleged violence that is the  
22           basis of the alleged offense, including, but not limited  
23           to, the duration of the alleged violent incident, and  
24           whether the alleged violent incident involved serious  
25           physical injury, sexual assault, strangulation, abuse  
26           during the alleged victim's pregnancy, abuse of pets, or

1 forcible entry to gain access to the alleged victim;

2 (8) whether a separation of the person from the alleged  
3 victim or a termination of the relationship between the  
4 person and the alleged victim has recently occurred or is  
5 pending;

6 (9) whether the person has exhibited obsessive or  
7 controlling behaviors toward the alleged victim,  
8 including, but not limited to, stalking, surveillance, or  
9 isolation of the alleged victim;

10 (10) whether the person has expressed suicidal or  
11 homicidal ideations;

12 (11) any information contained in the complaint and any  
13 police reports, affidavits, or other documents  
14 accompanying the complaint.

15 (c) Upon the court's own motion or the motion of a party  
16 and upon any terms that the court may direct, a court may  
17 permit a person who is required to appear before it by  
18 subsection (a) to appear by video conferencing equipment. If,  
19 in the opinion of the court, the appearance in person or by  
20 video conferencing equipment of a person who is charged with a  
21 misdemeanor and who is required to appear before the court by  
22 subsection (a) is not practicable, the court may waive the  
23 appearance and release the person on bail on one or both of the  
24 following types of bail in an amount set by the court:

25 (1) a bail bond secured by a deposit of 10% of the  
26 amount of the bond in cash;

1           (2) a surety bond, a bond secured by real estate or  
2 securities as allowed by law, or the deposit of cash, at  
3 the option of the person.

4           Subsection (a) does not create a right in a person to  
5 appear before the court for the setting of bail or prohibit a  
6 court from requiring any person charged with a violent crime  
7 who is not described in subsection (a) from appearing before  
8 the court for the setting of bail.

9           (d) As used in this Section:

10           (1) "Violent crime" has the meaning ascribed to it in  
11 Section 3 of the Rights of Crime Victims and Witnesses Act.

12           (2) "Family or household member" has the meaning  
13 ascribed to it in Section 112A-3 of this Code.

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

15           (725 ILCS 5/110-6) (from Ch. 38, par. 110-6)

16           Sec. 110-6. (a) Upon verified application by the State or  
17 the defendant or on its own motion the court before which the  
18 proceeding is pending may increase or reduce the amount of bail  
19 or may alter the conditions of the bail bond or grant bail  
20 where it has been previously revoked or denied. If bail has  
21 been previously revoked pursuant to subsection (f) of this  
22 Section or if bail has been denied to the defendant pursuant to  
23 subsection (e) of Section 110-6.1 or subsection (e) of Section  
24 110-6.3, the defendant shall be required to present a verified  
25 application setting forth in detail any new facts not known or



1 obtainable at the time of the previous revocation or denial of  
2 bail proceedings. If the court grants bail where it has been  
3 previously revoked or denied, the court shall state on the  
4 record of the proceedings the findings of facts and conclusion  
5 of law upon which such order is based.

6 (b) Violation of the conditions of Section 110-10 of this  
7 Code or any special conditions of bail as ordered by the court  
8 shall constitute grounds for the court to increase the amount  
9 of bail, or otherwise alter the conditions of bail, or, where  
10 the alleged offense committed on bail is a forcible felony in  
11 Illinois or a Class 2 or greater offense under the Illinois  
12 Controlled Substances Act, the Cannabis Control Act, or the  
13 Methamphetamine Control and Community Protection Act, revoke  
14 bail pursuant to the appropriate provisions of subsection (e)  
15 of this Section.

16 (c) Reasonable notice of such application by the defendant  
17 shall be given to the State.

18 (d) Reasonable notice of such application by the State  
19 shall be given to the defendant, except as provided in  
20 subsection (e).

21 (e) Upon verified application by the State stating facts or  
22 circumstances constituting a violation or a threatened  
23 violation of any of the conditions of the bail bond the court  
24 may issue a warrant commanding any peace officer to bring the  
25 defendant without unnecessary delay before the court for a  
26 hearing on the matters set forth in the application. If the

1 actual court before which the proceeding is pending is absent  
2 or otherwise unavailable another court may issue a warrant  
3 pursuant to this Section. When the defendant is charged with a  
4 felony offense and while free on bail is charged with a  
5 subsequent felony offense and is the subject of a proceeding  
6 set forth in Section 109-1 or 109-3 of this Code, upon the  
7 filing of a verified petition by the State alleging a violation  
8 of Section 110-10 (a) (4) of this Code, the court shall without  
9 prior notice to the defendant, grant leave to file such  
10 application and shall order the transfer of the defendant and  
11 the application without unnecessary delay to the court before  
12 which the previous felony matter is pending for a hearing as  
13 provided in subsection (b) or this subsection of this Section.  
14 The defendant shall be held without bond pending transfer to  
15 and a hearing before such court. At the conclusion of the  
16 hearing based on a violation of the conditions of Section  
17 110-10 of this Code or any special conditions of bail as  
18 ordered by the court the court may enter an order increasing  
19 the amount of bail or alter the conditions of bail as deemed  
20 appropriate.

21 (f) Where the alleged violation consists of the violation  
22 of one or more felony statutes of any jurisdiction which would  
23 be a forcible felony in Illinois or a Class 2 or greater  
24 offense under the Illinois Controlled Substances Act, the  
25 Cannabis Control Act, or the Methamphetamine Control and  
26 Community Protection Act and the defendant is on bail for the

1 alleged commission of a felony, or where the defendant is on  
2 bail for a felony domestic battery (enhanced pursuant to  
3 subsection (b) of Section 12-3.2 of the Criminal Code of 1961  
4 or the Criminal Code of 2012), aggravated domestic battery,  
5 aggravated battery, unlawful restraint, aggravated unlawful  
6 restraint or domestic battery in violation of item (1) of  
7 subsection (a) of Section 12-3.2 of the Criminal Code of 1961  
8 or the Criminal Code of 2012 against a family or household  
9 member as defined in Section 112A-3 of this Code and the  
10 violation is an offense of domestic battery against the same  
11 victim the court shall, on the motion of the State or its own  
12 motion, revoke bail in accordance with the following  
13 provisions:

14 (1) The court shall hold the defendant without bail  
15 pending the hearing on the alleged breach; however, if the  
16 defendant is not admitted to bail the hearing shall be  
17 commenced within 10 days from the date the defendant is  
18 taken into custody or the defendant may not be held any  
19 longer without bail, unless delay is occasioned by the  
20 defendant. Where defendant occasions the delay, the  
21 running of the 10 day period is temporarily suspended and  
22 resumes at the termination of the period of delay. Where  
23 defendant occasions the delay with 5 or fewer days  
24 remaining in the 10 day period, the court may grant a  
25 period of up to 5 additional days to the State for good  
26 cause shown. The State, however, shall retain the right to

1 proceed to hearing on the alleged violation at any time,  
2 upon reasonable notice to the defendant and the court.

3 (2) At a hearing on the alleged violation the State has  
4 the burden of going forward and proving the violation by  
5 clear and convincing evidence. The evidence shall be  
6 presented in open court with the opportunity to testify, to  
7 present witnesses in his behalf, and to cross-examine  
8 witnesses if any are called by the State, and  
9 representation by counsel and if the defendant is indigent  
10 to have counsel appointed for him. The rules of evidence  
11 applicable in criminal trials in this State shall not  
12 govern the admissibility of evidence at such hearing.  
13 Information used by the court in its findings or stated in  
14 or offered in connection with hearings for increase or  
15 revocation of bail may be by way of proffer based upon  
16 reliable information offered by the State or defendant. All  
17 evidence shall be admissible if it is relevant and reliable  
18 regardless of whether it would be admissible under the  
19 rules of evidence applicable at criminal trials. A motion  
20 by the defendant to suppress evidence or to suppress a  
21 confession shall not be entertained at such a hearing.  
22 Evidence that proof may have been obtained as a result of  
23 an unlawful search and seizure or through improper  
24 interrogation is not relevant to this hearing.

25 (3) Upon a finding by the court that the State has  
26 established by clear and convincing evidence that the

1 defendant has committed a forcible felony or a Class 2 or  
2 greater offense under the Illinois Controlled Substances  
3 Act, the Cannabis Control Act, or the Methamphetamine  
4 Control and Community Protection Act while admitted to  
5 bail, or where the defendant is on bail for a felony  
6 domestic battery (enhanced pursuant to subsection (b) of  
7 Section 12-3.2 of the Criminal Code of 1961 or the Criminal  
8 Code of 2012), aggravated domestic battery, aggravated  
9 battery, unlawful restraint, aggravated unlawful restraint  
10 or domestic battery in violation of item (1) of subsection  
11 (a) of Section 12-3.2 of the Criminal Code of 1961 or the  
12 Criminal Code of 2012 against a family or household member  
13 as defined in Section 112A-3 of this Code and the violation  
14 is an offense of domestic battery, against the same victim,  
15 the court shall revoke the bail of the defendant and hold  
16 the defendant for trial without bail. Neither the finding  
17 of the court nor any transcript or other record of the  
18 hearing shall be admissible in the State's case in chief,  
19 but shall be admissible for impeachment, or as provided in  
20 Section 115-10.1 of this Code or in a perjury proceeding.

21 (4) If the bail of any defendant is revoked pursuant to  
22 paragraph (f) (3) of this Section, the defendant may demand  
23 and shall be entitled to be brought to trial on the offense  
24 with respect to which he was formerly released on bail  
25 within 90 days after the date on which his bail was  
26 revoked. If the defendant is not brought to trial within

1 the 90 day period required by the preceding sentence, he  
2 shall not be held longer without bail. In computing the 90  
3 day period, the court shall omit any period of delay  
4 resulting from a continuance granted at the request of the  
5 defendant.

6 (5) If the defendant either is arrested on a warrant  
7 issued pursuant to this Code or is arrested for an  
8 unrelated offense and it is subsequently discovered that  
9 the defendant is a subject of another warrant or warrants  
10 issued pursuant to this Code, the defendant shall be  
11 transferred promptly to the court which issued such  
12 warrant. If, however, the defendant appears initially  
13 before a court other than the court which issued such  
14 warrant, the non-issuing court shall not alter the amount  
15 of bail heretofore set on such warrant unless the court  
16 sets forth on the record of proceedings the conclusions of  
17 law and facts which are the basis for such altering of  
18 another court's bond. The non-issuing court shall not alter  
19 another courts bail set on a warrant unless the interests  
20 of justice and public safety are served by such action.

21 (g) The State may appeal any order where the court has  
22 increased or reduced the amount of bail or altered the  
23 conditions of the bail bond or granted bail where it has  
24 previously been revoked.

25 (Source: P.A. 93-417, eff. 8-5-03; 94-556, eff. 9-11-05.)

1 (725 ILCS 5/110-6.3) (from Ch. 38, par. 110-6.3)

2 Sec. 110-6.3. Denial of bail in stalking and aggravated  
3 stalking offenses.

4 (a) Upon verified petition by the State, the court shall  
5 hold a hearing to determine whether bail should be denied to a  
6 defendant who is charged with stalking or aggravated stalking,  
7 when it is alleged that the defendant's admission to bail poses  
8 a real and present threat to the physical safety of the alleged  
9 victim of the offense, and denial of release on bail or  
10 personal recognizance is necessary to prevent fulfillment of  
11 the threat upon which the charge is based.

12 (1) A petition may be filed without prior notice to the  
13 defendant at the first appearance before a judge, or within  
14 21 calendar days, except as provided in Section 110-6,  
15 after arrest and release of the defendant upon reasonable  
16 notice to defendant; provided that while the petition is  
17 pending before the court, the defendant if previously  
18 released shall not be detained.

19 (2) The hearing shall be held immediately upon the  
20 defendant's appearance before the court, unless for good  
21 cause shown the defendant or the State seeks a continuance.  
22 A continuance on motion of the defendant may not exceed 5  
23 calendar days, and the defendant may be held in custody  
24 during the continuance. A continuance on the motion of the  
25 State may not exceed 3 calendar days; however, the  
26 defendant may be held in custody during the continuance

1 under this provision if the defendant has been previously  
2 found to have violated an order of protection or has been  
3 previously convicted of, or granted court supervision for,  
4 any of the offenses set forth in Sections 11-1.20, 11-1.30,  
5 11-1.40, 11-1.50, 11-1.60, 12-2, 12-3.05, 12-3.2, 12-3.3,  
6 12-4, 12-4.1, 12-7.3, 12-7.4, 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 the same person as the alleged victim of  
9 the stalking or aggravated stalking offense.

10 (b) The court may deny bail to the defendant when, after  
11 the hearing, it is determined that:

12 (1) the proof is evident or the presumption great that  
13 the defendant has committed the offense of stalking or  
14 aggravated stalking; and

15 (2) the defendant poses a real and present threat to  
16 the physical safety of the alleged victim of the offense;  
17 and

18 (3) the denial of release on bail or personal  
19 recognizance is necessary to prevent fulfillment of the  
20 threat upon which the charge is based; and

21 (4) the court finds that no condition or combination of  
22 conditions set forth in subsection (b) of Section 110-10 of  
23 this Code, including mental health treatment at a community  
24 mental health center, hospital, or facility of the  
25 Department of Human Services, can reasonably assure the  
26 physical safety of the alleged victim of the offense.



1 (c) Conduct of the hearings.

2 (1) The hearing on the defendant's culpability and  
3 threat to the alleged victim of the offense shall be  
4 conducted in accordance with the following provisions:

5 (A) Information used by the court in its findings  
6 or stated in or offered at the hearing may be by way of  
7 proffer based upon reliable information offered by the  
8 State or by defendant. Defendant has the right to be  
9 represented by counsel, and if he is indigent, to have  
10 counsel appointed for him. Defendant shall have the  
11 opportunity to testify, to present witnesses in his own  
12 behalf, and to cross-examine witnesses if any are  
13 called by the State. The defendant has the right to  
14 present witnesses in his favor. When the ends of  
15 justice so require, the court may exercise its  
16 discretion and compel the appearance of a complaining  
17 witness. The court shall state on the record reasons  
18 for granting a defense request to compel the presence  
19 of a complaining witness. Cross-examination of a  
20 complaining witness at the pretrial detention hearing  
21 for the purpose of impeaching the witness' credibility  
22 is insufficient reason to compel the presence of the  
23 witness. In deciding whether to compel the appearance  
24 of a complaining witness, the court shall be  
25 considerate of the emotional and physical well-being  
26 of the witness. The pretrial detention hearing is not

1 to be used for the purposes of discovery, and the post  
2 arraignment rules of discovery do not apply. The State  
3 shall tender to the defendant, prior to the hearing,  
4 copies of defendant's criminal history, if any, if  
5 available, and any written or recorded statements and  
6 the substance of any oral statements made by any  
7 person, if relied upon by the State. The rules  
8 concerning the admissibility of evidence in criminal  
9 trials do not apply to the presentation and  
10 consideration of information at the hearing. At the  
11 trial concerning the offense for which the hearing was  
12 conducted neither the finding of the court nor any  
13 transcript or other record of the hearing shall be  
14 admissible in the State's case in chief, but shall be  
15 admissible for impeachment, or as provided in Section  
16 115-10.1 of this Code, or in a perjury proceeding.

17 (B) A motion by the defendant to suppress evidence  
18 or to suppress a confession shall not be entertained.  
19 Evidence that proof may have been obtained as the  
20 result of an unlawful search and seizure or through  
21 improper interrogation is not relevant to this state of  
22 the prosecution.

23 (2) The facts relied upon by the court to support a  
24 finding that:

25 (A) the defendant poses a real and present threat  
26 to the physical safety of the alleged victim of the

1 offense; and

2 (B) the denial of release on bail or personal  
3 recognizance is necessary to prevent fulfillment of  
4 the threat upon which the charge is based;

5 shall be supported by clear and convincing evidence  
6 presented by the State.

7 (d) Factors to be considered in making a determination of  
8 the threat to the alleged victim of the offense. The court may,  
9 in determining whether the defendant poses, at the time of the  
10 hearing, a real and present threat to the physical safety of  
11 the alleged victim of the offense, consider but shall not be  
12 limited to evidence or testimony concerning:

13 (1) The nature and circumstances of the offense  
14 charged;

15 (2) The history and characteristics of the defendant  
16 including:

17 (A) Any evidence of the defendant's prior criminal  
18 history indicative of violent, abusive or assaultive  
19 behavior, or lack of that behavior. The evidence may  
20 include testimony or documents received in juvenile  
21 proceedings, criminal, quasi-criminal, civil  
22 commitment, domestic relations or other proceedings;

23 (B) Any evidence of the defendant's psychological,  
24 psychiatric or other similar social history that tends  
25 to indicate a violent, abusive, or assaultive nature,  
26 or lack of any such history.

1           (3) The nature of the threat which is the basis of the  
2 charge against the defendant;

3           (4) Any statements made by, or attributed to the  
4 defendant, together with the circumstances surrounding  
5 them;

6           (5) The age and physical condition of any person  
7 assaulted by the defendant;

8           (6) Whether the defendant is known to possess or have  
9 access to any weapon or weapons;

10           (7) Whether, at the time of the current offense or any  
11 other offense or arrest, the defendant was on probation,  
12 parole, mandatory supervised release or other release from  
13 custody pending trial, sentencing, appeal or completion of  
14 sentence for an offense under federal or state law;

15           (8) Any other factors, including those listed in  
16 Section 110-5 of this Code, deemed by the court to have a  
17 reasonable bearing upon the defendant's propensity or  
18 reputation for violent, abusive or assaultive behavior, or  
19 lack of that behavior.

20           (e) The court shall, in any order denying bail to a person  
21 charged with stalking or aggravated stalking:

22           (1) briefly summarize the evidence of the defendant's  
23 culpability and its reasons for concluding that the  
24 defendant should be held without bail;

25           (2) direct that the defendant be committed to the  
26 custody of the sheriff for confinement in the county jail

1 pending trial;

2 (3) direct that the defendant be given a reasonable  
3 opportunity for private consultation with counsel, and for  
4 communication with others of his choice by visitation, mail  
5 and telephone; and

6 (4) direct that the sheriff deliver the defendant as  
7 required for appearances in connection with court  
8 proceedings.

9 (f) If the court enters an order for the detention of the  
10 defendant under subsection (e) of this Section, the defendant  
11 shall be brought to trial on the offense for which he is  
12 detained within 90 days after the date on which the order for  
13 detention was entered. If the defendant is not brought to trial  
14 within the 90 day period required by this subsection (f), he  
15 shall not be held longer without bail. In computing the 90 day  
16 period, the court shall omit any period of delay resulting from  
17 a continuance granted at the request of the defendant. The  
18 court shall immediately notify the alleged victim of the  
19 offense that the defendant has been admitted to bail under this  
20 subsection.

21 (g) Any person shall be entitled to appeal any order  
22 entered under this Section denying bail to the defendant.

23 (h) The State may appeal any order entered under this  
24 Section denying any motion for denial of bail.

25 (i) Nothing in this Section shall be construed as modifying  
26 or limiting in any way the defendant's presumption of innocence

1 in further criminal proceedings.

2 (Source: P.A. 96-1551, Article 1, Section 965, eff. 7-1-11;  
3 96-1551, Article 2, Section 1040, eff. 7-1-11; 97-1109, eff.  
4 1-1-13.)

5 (725 ILCS 5/110-7) (from Ch. 38, par. 110-7)

6 Sec. 110-7. Deposit of Bail Security.

7 (a) The person for whom bail has been set shall execute the  
8 bail bond and deposit with the clerk of the court before which  
9 the proceeding is pending a sum of money equal to 10% of the  
10 bail, but in no event shall such deposit be less than \$25. The  
11 clerk of the court shall provide a space on each form for a  
12 person other than the accused who has provided the money for  
13 the posting of bail to so indicate and a space signed by an  
14 accused who has executed the bail bond indicating whether a  
15 person other than the accused has provided the money for the  
16 posting of bail. The form shall also include a written notice  
17 to such person who has provided the defendant with the money  
18 for the posting of bail indicating that the bail may be used to  
19 pay costs, attorney's fees, fines, or other purposes authorized  
20 by the court and if the defendant fails to comply with the  
21 conditions of the bail bond, the court shall enter an order  
22 declaring the bail to be forfeited. The written notice must be:  
23 (1) distinguishable from the surrounding text; (2) in bold type  
24 or underscored; and (3) in a type size at least 2 points larger  
25 than the surrounding type. When a person for whom bail has been

1 set is charged with an offense under the Illinois Controlled  
2 Substances Act or the Methamphetamine Control and Community  
3 Protection Act which is a Class X felony, or making a terrorist  
4 threat in violation of Section 29D-20 of the Criminal Code of  
5 1961 or the Criminal Code of 2012 or an attempt to commit the  
6 offense of making a terrorist threat, the court may require the  
7 defendant to deposit a sum equal to 100% of the bail. Where any  
8 person is charged with a forcible felony while free on bail and  
9 is the subject of proceedings under Section 109-3 of this Code  
10 the judge conducting the preliminary examination may also  
11 conduct a hearing upon the application of the State pursuant to  
12 the provisions of Section 110-6 of this Code to increase or  
13 revoke the bail for that person's prior alleged offense.

14 (b) Upon depositing this sum and any bond fee authorized by  
15 law, the person shall be released from custody subject to the  
16 conditions of the bail bond.

17 (c) Once bail has been given and a charge is pending or is  
18 thereafter filed in or transferred to a court of competent  
19 jurisdiction the latter court shall continue the original bail  
20 in that court subject to the provisions of Section 110-6 of  
21 this Code.

22 (d) After conviction the court may order that the original  
23 bail stand as bail pending appeal or deny, increase or reduce  
24 bail subject to the provisions of Section 110-6.2.

25 (e) After the entry of an order by the trial court allowing  
26 or denying bail pending appeal either party may apply to the

1 reviewing court having jurisdiction or to a justice thereof  
2 sitting in vacation for an order increasing or decreasing the  
3 amount of bail or allowing or denying bail pending appeal  
4 subject to the provisions of Section 110-6.2.

5 (f) When the conditions of the bail bond have been  
6 performed and the accused has been discharged from all  
7 obligations in the cause the clerk of the court shall return to  
8 the accused or to the defendant's designee by an assignment  
9 executed at the time the bail amount is deposited, unless the  
10 court orders otherwise, 90% of the sum which had been deposited  
11 and shall retain as bail bond costs 10% of the amount  
12 deposited. However, in no event shall the amount retained by  
13 the clerk as bail bond costs be less than \$5. Bail bond  
14 deposited by or on behalf of a defendant in one case may be  
15 used, in the court's discretion, to satisfy financial  
16 obligations of that same defendant incurred in a different case  
17 due to a fine, court costs, restitution or fees of the  
18 defendant's attorney of record. In counties with a population  
19 of 3,000,000 or more, the court shall not order bail bond  
20 deposited by or on behalf of a defendant in one case to be used  
21 to satisfy financial obligations of that same defendant in a  
22 different case until the bail bond is first used to satisfy  
23 court costs and attorney's fees in the case in which the bail  
24 bond has been deposited and any other unpaid child support  
25 obligations are satisfied. In counties with a population of  
26 less than 3,000,000, the court shall not order bail bond



1 deposited by or on behalf of a defendant in one case to be used  
2 to satisfy financial obligations of that same defendant in a  
3 different case until the bail bond is first used to satisfy  
4 court costs in the case in which the bail bond has been  
5 deposited.

6 At the request of the defendant the court may order such  
7 90% of defendant's bail deposit, or whatever amount is  
8 repayable to defendant from such deposit, to be paid to  
9 defendant's attorney of record.

10 (g) If the accused does not comply with the conditions of  
11 the bail bond the court having jurisdiction shall enter an  
12 order declaring the bail to be forfeited. Notice of such order  
13 of forfeiture shall be mailed forthwith to the accused at his  
14 last known address. If the accused does not appear and  
15 surrender to the court having jurisdiction within 30 days from  
16 the date of the forfeiture or within such period satisfy the  
17 court that appearance and surrender by the accused is  
18 impossible and without his fault the court shall enter judgment  
19 for the State if the charge for which the bond was given was a  
20 felony or misdemeanor, or if the charge was quasi-criminal or  
21 traffic, judgment for the political subdivision of the State  
22 which prosecuted the case, against the accused for the amount  
23 of the bail and costs of the court proceedings; however, in  
24 counties with a population of less than 3,000,000, instead of  
25 the court entering a judgment for the full amount of the bond  
26 the court may, in its discretion, enter judgment for the cash

1 deposit on the bond, less costs, retain the deposit for further  
2 disposition or, if a cash bond was posted for failure to appear  
3 in a matter involving enforcement of child support or  
4 maintenance, the amount of the cash deposit on the bond, less  
5 outstanding costs, may be awarded to the person or entity to  
6 whom the child support or maintenance is due. The deposit made  
7 in accordance with paragraph (a) shall be applied to the  
8 payment of costs. If judgment is entered and any amount of such  
9 deposit remains after the payment of costs it shall be applied  
10 to payment of the judgment and transferred to the treasury of  
11 the municipal corporation wherein the bond was taken if the  
12 offense was a violation of any penal ordinance of a political  
13 subdivision of this State, or to the treasury of the county  
14 wherein the bond was taken if the offense was a violation of  
15 any penal statute of this State. The balance of the judgment  
16 may be enforced and collected in the same manner as a judgment  
17 entered in a civil action.

18 (h) After a judgment for a fine and court costs or either  
19 is entered in the prosecution of a cause in which a deposit had  
20 been made in accordance with paragraph (a) the balance of such  
21 deposit, after deduction of bail bond costs, shall be applied  
22 to the payment of the judgment.

23 (i) When a court appearance is required for an alleged  
24 violation of the Criminal Code of 1961, the Criminal Code of  
25 2012, the Illinois Vehicle Code, the Wildlife Code, the Fish  
26 and Aquatic Life Code, the Child Passenger Protection Act, or a

1 comparable offense of a unit of local government as specified  
2 in Supreme Court Rule 551, and if the accused does not appear  
3 in court on the date set for appearance or any date to which  
4 the case may be continued and the court issues an arrest  
5 warrant for the accused, based upon his or her failure to  
6 appear when having so previously been ordered to appear by the  
7 court, the accused upon his or her admission to bail shall be  
8 assessed by the court a fee of \$75. Payment of the fee shall be  
9 a condition of release unless otherwise ordered by the court.  
10 The fee shall be in addition to any bail that the accused is  
11 required to deposit for the offense for which the accused has  
12 been charged and may not be used for the payment of court costs  
13 or fines assessed for the offense. The clerk of the court shall  
14 remit \$70 of the fee assessed to the arresting agency who  
15 brings the offender in on the arrest warrant. If the Department  
16 of State Police is the arresting agency, \$70 of the fee  
17 assessed shall be remitted by the clerk of the court to the  
18 State Treasurer within one month after receipt for deposit into  
19 the State Police Operations Assistance Fund. The clerk of the  
20 court shall remit \$5 of the fee assessed to the Circuit Court  
21 Clerk Operation and Administrative Fund as provided in Section  
22 27.3d of the Clerks of Courts Act.

23 (Source: P.A. 96-1431, eff. 1-1-11; 97-175, eff. 1-1-12.)

24 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

25 Sec. 110-10. Conditions of bail bond.

1 (a) If a person is released prior to conviction, either  
2 upon payment of bail security or on his or her own  
3 recognizance, the conditions of the bail bond shall be that he  
4 or she will:

5 (1) Appear to answer the charge in the court having  
6 jurisdiction on a day certain and thereafter as ordered by  
7 the court until discharged or final order of the court;

8 (2) Submit himself or herself to the orders and process  
9 of the court;

10 (3) Not depart this State without leave of the court;

11 (4) Not violate any criminal statute of any  
12 jurisdiction;

13 (5) At a time and place designated by the court,  
14 surrender all firearms in his or her possession to a law  
15 enforcement officer designated by the court to take custody  
16 of and impound the firearms and physically surrender his or  
17 her Firearm Owner's Identification Card to the clerk of the  
18 circuit court when the offense the person has been charged  
19 with is a forcible felony, stalking, aggravated stalking,  
20 domestic battery, any violation of the Illinois Controlled  
21 Substances Act, the Methamphetamine Control and Community  
22 Protection Act, or the Cannabis Control Act that is  
23 classified as a Class 2 or greater felony, or any felony  
24 violation of Article 24 of the Criminal Code of 1961 or the  
25 Criminal Code of 2012; the court may, however, forgo the  
26 imposition of this condition when the circumstances of the

1 case clearly do not warrant it or when its imposition would  
2 be impractical; if the Firearm Owner's Identification Card  
3 is confiscated, the clerk of the circuit court shall mail  
4 the confiscated card to the Illinois State Police; all  
5 legally possessed firearms shall be returned to the person  
6 upon the charges being dismissed, or if the person is found  
7 not guilty, unless the finding of not guilty is by reason  
8 of insanity; and

9 (6) At a time and place designated by the court, submit  
10 to a psychological evaluation when the person has been  
11 charged with a violation of item (4) of subsection (a) of  
12 Section 24-1 of the Criminal Code of 1961 or the Criminal  
13 Code of 2012 and that violation occurred in a school or in  
14 any conveyance owned, leased, or contracted by a school to  
15 transport students to or from school or a school-related  
16 activity, or on any public way within 1,000 feet of real  
17 property comprising any school.

18 Psychological evaluations ordered pursuant to this Section  
19 shall be completed promptly and made available to the State,  
20 the defendant, and the court. As a further condition of bail  
21 under these circumstances, the court shall order the defendant  
22 to refrain from entering upon the property of the school,  
23 including any conveyance owned, leased, or contracted by a  
24 school to transport students to or from school or a  
25 school-related activity, or on any public way within 1,000 feet  
26 of real property comprising any school. Upon receipt of the

1 psychological evaluation, either the State or the defendant may  
2 request a change in the conditions of bail, pursuant to Section  
3 110-6 of this Code. The court may change the conditions of bail  
4 to include a requirement that the defendant follow the  
5 recommendations of the psychological evaluation, including  
6 undergoing psychiatric treatment. The conclusions of the  
7 psychological evaluation and any statements elicited from the  
8 defendant during its administration are not admissible as  
9 evidence of guilt during the course of any trial on the charged  
10 offense, unless the defendant places his or her mental  
11 competency in issue.

12 (b) The court may impose other conditions, such as the  
13 following, if the court finds that such conditions are  
14 reasonably necessary to assure the defendant's appearance in  
15 court, protect the public from the defendant, or prevent the  
16 defendant's unlawful interference with the orderly  
17 administration of justice:

18 (1) Report to or appear in person before such person or  
19 agency as the court may direct;

20 (2) Refrain from possessing a firearm or other  
21 dangerous weapon;

22 (3) Refrain from approaching or communicating with  
23 particular persons or classes of persons;

24 (4) Refrain from going to certain described  
25 geographical areas or premises;

26 (5) Refrain from engaging in certain activities or

1 indulging in intoxicating liquors or in certain drugs;

2 (6) Undergo treatment for drug addiction or  
3 alcoholism;

4 (7) Undergo medical or psychiatric treatment;

5 (8) Work or pursue a course of study or vocational  
6 training;

7 (9) Attend or reside in a facility designated by the  
8 court;

9 (10) Support his or her dependents;

10 (11) If a minor resides with his or her parents or in a  
11 foster home, attend school, attend a non-residential  
12 program for youths, and contribute to his or her own  
13 support at home or in a foster home;

14 (12) Observe any curfew ordered by the court;

15 (13) Remain in the custody of such designated person or  
16 organization agreeing to supervise his release. Such third  
17 party custodian shall be responsible for notifying the  
18 court if the defendant fails to observe the conditions of  
19 release which the custodian has agreed to monitor, and  
20 shall be subject to contempt of court for failure so to  
21 notify the court;

22 (14) Be placed under direct supervision of the Pretrial  
23 Services Agency, Probation Department or Court Services  
24 Department in a pretrial bond home supervision capacity  
25 with or without the use of an approved electronic  
26 monitoring device subject to Article 8A of Chapter V of the

1 Unified Code of Corrections;

2 (14.1) The court shall impose upon a defendant who is  
3 charged with any alcohol, cannabis, methamphetamine, or  
4 controlled substance violation and is placed under direct  
5 supervision of the Pretrial Services Agency, Probation  
6 Department or Court Services Department in a pretrial bond  
7 home supervision capacity with the use of an approved  
8 monitoring device, as a condition of such bail bond, a fee  
9 that represents costs incidental to the electronic  
10 monitoring for each day of such bail supervision ordered by  
11 the court, unless after determining the inability of the  
12 defendant to pay the fee, the court assesses a lesser fee  
13 or no fee as the case may be. The fee shall be collected by  
14 the clerk of the circuit court. The clerk of the circuit  
15 court shall pay all monies collected from this fee to the  
16 county treasurer for deposit in the substance abuse  
17 services fund under Section 5-1086.1 of the Counties Code;

18 (14.2) The court shall impose upon all defendants,  
19 including those defendants subject to paragraph (14.1)  
20 above, placed under direct supervision of the Pretrial  
21 Services Agency, Probation Department or Court Services  
22 Department in a pretrial bond home supervision capacity  
23 with the use of an approved monitoring device, as a  
24 condition of such bail bond, a fee which shall represent  
25 costs incidental to such electronic monitoring for each day  
26 of such bail supervision ordered by the court, unless after



1 determining the inability of the defendant to pay the fee,  
2 the court assesses a lesser fee or no fee as the case may  
3 be. The fee shall be collected by the clerk of the circuit  
4 court. The clerk of the circuit court shall pay all monies  
5 collected from this fee to the county treasurer who shall  
6 use the monies collected to defray the costs of  
7 corrections. The county treasurer shall deposit the fee  
8 collected in the county working cash fund under Section  
9 6-27001 or Section 6-29002 of the Counties Code, as the  
10 case may be;

11 (14.3) The Chief Judge of the Judicial Circuit may  
12 establish reasonable fees to be paid by a person receiving  
13 pretrial services while under supervision of a pretrial  
14 services agency, probation department, or court services  
15 department. Reasonable fees may be charged for pretrial  
16 services including, but not limited to, pretrial  
17 supervision, diversion programs, electronic monitoring,  
18 victim impact services, drug and alcohol testing, DNA  
19 testing, GPS electronic monitoring, assessments and  
20 evaluations related to domestic violence and other  
21 victims, and victim mediation services. The person  
22 receiving pretrial services may be ordered to pay all costs  
23 incidental to pretrial services in accordance with his or  
24 her ability to pay those costs;

25 (14.4) For persons charged with violating Section  
26 11-501 of the Illinois Vehicle Code, refrain from operating

1 a motor vehicle not equipped with an ignition interlock  
2 device, as defined in Section 1-129.1 of the Illinois  
3 Vehicle Code, pursuant to the rules promulgated by the  
4 Secretary of State for the installation of ignition  
5 interlock devices. Under this condition the court may allow  
6 a defendant who is not self-employed to operate a vehicle  
7 owned by the defendant's employer that is not equipped with  
8 an ignition interlock device in the course and scope of the  
9 defendant's employment;

10 (15) Comply with the terms and conditions of an order  
11 of protection issued by the court under the Illinois  
12 Domestic Violence Act of 1986 or an order of protection  
13 issued by the court of another state, tribe, or United  
14 States territory;

15 (16) Under Section 110-6.5 comply with the conditions  
16 of the drug testing program; and

17 (17) Such other reasonable conditions as the court may  
18 impose.

19 (c) When a person is charged with an offense under Section  
20 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,  
21 12-14.1, 12-15 or 12-16 of the "Criminal Code of 1961" or the  
22 Criminal Code of 2012, involving a victim who is a minor under  
23 18 years of age living in the same household with the defendant  
24 at the time of the offense, in granting bail or releasing the  
25 defendant on his own recognizance, the judge shall impose  
26 conditions to restrict the defendant's access to the victim

1 which may include, but are not limited to conditions that he  
2 will:

- 3 1. Vacate the Household.
- 4 2. Make payment of temporary support to his dependents.
- 5 3. Refrain from contact or communication with the child  
6 victim, except as ordered by the court.

7 (d) When a person is charged with a criminal offense and  
8 the victim is a family or household member as defined in  
9 Article 112A, conditions shall be imposed at the time of the  
10 defendant's release on bond that restrict the defendant's  
11 access to the victim. Unless provided otherwise by the court,  
12 the restrictions shall include requirements that the defendant  
13 do the following:

14 (1) refrain from contact or communication with the  
15 victim for a minimum period of 72 hours following the  
16 defendant's release; and

17 (2) refrain from entering or remaining at the victim's  
18 residence for a minimum period of 72 hours following the  
19 defendant's release.

20 (e) Local law enforcement agencies shall develop  
21 standardized bond forms for use in cases involving family or  
22 household members as defined in Article 112A, including  
23 specific conditions of bond as provided in subsection (d).  
24 Failure of any law enforcement department to develop or use  
25 those forms shall in no way limit the applicability and  
26 enforcement of subsections (d) and (f).

1 (f) If the defendant is admitted to bail after conviction  
2 the conditions of the bail bond shall be that he will, in  
3 addition to the conditions set forth in subsections (a) and (b)  
4 hereof:

5 (1) Duly prosecute his appeal;

6 (2) Appear at such time and place as the court may  
7 direct;

8 (3) Not depart this State without leave of the court;

9 (4) Comply with such other reasonable conditions as the  
10 court may impose; and

11 (5) If the judgment is affirmed or the cause reversed  
12 and remanded for a new trial, forthwith surrender to the  
13 officer from whose custody he was bailed.

14 (g) Upon a finding of guilty for any felony offense, the  
15 defendant shall physically surrender, at a time and place  
16 designated by the court, any and all firearms in his or her  
17 possession and his or her Firearm Owner's Identification Card  
18 as a condition of remaining on bond pending sentencing.

19 (Source: P.A. 96-340, eff. 8-11-09; 96-1551, eff. 7-1-11;  
20 97-401, eff. 1-1-12; 97-1109, eff. 1-1-13.)

21 (725 ILCS 5/110-12) (from Ch. 38, par. 110-12)

22 Sec. 110-12. Notice of change of address.

23 A defendant who has been admitted to bail shall file a  
24 written notice with the clerk of the court before which the  
25 proceeding is pending of any change in his or her address

1 within 24 hours after such change, except that a defendant who  
2 has been admitted to bail for a forcible felony as defined in  
3 Section 2-8 of the Criminal Code of 2012 ~~1961~~ shall file a  
4 written notice with the clerk of the court before which the  
5 proceeding is pending and the clerk shall immediately deliver a  
6 time stamped copy of the written notice to the State's Attorney  
7 charged with the prosecution within 24 hours prior to such  
8 change. The address of a defendant who has been admitted to  
9 bail shall at all times remain a matter of public record with  
10 the clerk of the court.

11 (Source: P.A. 89-377, eff. 8-18-95.)

12 (725 ILCS 5/111-1) (from Ch. 38, par. 111-1)

13 Sec. 111-1. Methods of prosecution.

14 When authorized by law a prosecution may be commenced by:

- 15 (a) A complaint;  
16 (b) An information;  
17 (c) An indictment.

18 Upon commencement of a prosecution for a violation of  
19 Section 11-501 of the ~~The~~ Illinois Vehicle Code, or a similar  
20 provision of a local ordinance, or Section 9-3 of the Criminal  
21 Code of 1961 or the Criminal Code of 2012, ~~as amended~~, relating  
22 to the offense of reckless homicide, the victims of these  
23 offenses shall have all the rights under this Section as they  
24 do in Section 4 of the Bill of Rights for Victims and Witnesses  
25 of Violent Crime Act.

1 For the purposes of this Section "victim" shall mean an  
2 individual who has suffered personal injury as a result of the  
3 commission of a violation of Section 11-501 of the ~~The~~ Illinois  
4 Vehicle Code, or a similar provision of a local ordinance, or  
5 Section 9-3 of the Criminal Code of 1961 or the Criminal Code  
6 of 2012, ~~as amended,~~ relating to the offense of reckless  
7 homicide. In regard to a violation of Section 9-3 of the  
8 Criminal Code of 1961 or the Criminal Code of 2012, ~~as amended,~~  
9 relating to the offense of reckless homicide, "victim" shall  
10 also include, but not be limited to, spouse, guardian, parent,  
11 or other family member.

12 (Source: P.A. 84-272.)

13 (725 ILCS 5/111-2) (from Ch. 38, par. 111-2)

14 Sec. 111-2. Commencement of prosecutions.

15 (a) All prosecutions of felonies shall be by information or  
16 by indictment. No prosecution may be pursued by information  
17 unless a preliminary hearing has been held or waived in  
18 accordance with Section 109-3 and at that hearing probable  
19 cause to believe the defendant committed an offense was found,  
20 and the provisions of Section 109-3.1 of this Code have been  
21 complied with.

22 (b) All other prosecutions may be by indictment,  
23 information or complaint.

24 (c) Upon the filing of an information or indictment in open  
25 court charging the defendant with the commission of a sex

1 offense defined in any Section of Article 11 of the Criminal  
2 Code of 1961 or the Criminal Code of 2012, ~~as amended,~~ and a  
3 minor as defined in Section 1-3 of the Juvenile Court Act of  
4 1987, ~~as amended,~~ is alleged to be the victim of the commission  
5 of the acts of the defendant in the commission of such offense,  
6 the court may appoint a guardian ad litem for the minor as  
7 provided in Section 2-17, 3-19, 4-16 or 5-610 of the Juvenile  
8 Court Act of 1987.

9 (d) Upon the filing of an information or indictment in open  
10 court, the court shall immediately issue a warrant for the  
11 arrest of each person charged with an offense directed to a  
12 peace officer or some other person specifically named  
13 commanding him to arrest such person.

14 (e) When the offense is bailable, the judge shall endorse  
15 on the warrant the amount of bail required by the order of the  
16 court, and if the court orders the process returnable  
17 forthwith, the warrant shall require that the accused be  
18 arrested and brought immediately into court.

19 (f) Where the prosecution of a felony is by information or  
20 complaint after preliminary hearing, or after a waiver of  
21 preliminary hearing in accordance with paragraph (a) of this  
22 Section, such prosecution may be for all offenses, arising from  
23 the same transaction or conduct of a defendant even though the  
24 complaint or complaints filed at the preliminary hearing  
25 charged only one or some of the offenses arising from that  
26 transaction or conduct.

1 (Source: P.A. 90-590, eff. 1-1-99.)

2 (725 ILCS 5/111-3) (from Ch. 38, par. 111-3)

3 Sec. 111-3. Form of charge.

4 (a) A charge shall be in writing and allege the commission  
5 of an offense by:

6 (1) Stating the name of the offense;

7 (2) Citing the statutory provision alleged to have been  
8 violated;

9 (3) Setting forth the nature and elements of the  
10 offense charged;

11 (4) Stating the date and county of the offense as  
12 definitely as can be done; and

13 (5) Stating the name of the accused, if known, and if  
14 not known, designate the accused by any name or description  
15 by which he can be identified with reasonable certainty.

16 (b) An indictment shall be signed by the foreman of the  
17 Grand Jury and an information shall be signed by the State's  
18 Attorney and sworn to by him or another. A complaint shall be  
19 sworn to and signed by the complainant; provided, that when a  
20 peace officer observes the commission of a misdemeanor and is  
21 the complaining witness, the signing of the complaint by the  
22 peace officer is sufficient to charge the defendant with the  
23 commission of the offense, and the complaint need not be sworn  
24 to if the officer signing the complaint certifies that the  
25 statements set forth in the complaint are true and correct and



1 are subject to the penalties provided by law for false  
2 certification under Section 1-109 of the Code of Civil  
3 Procedure and perjury under Section 32-2 of the Criminal Code  
4 of 2012 ~~1961~~; and further provided , however, that when a  
5 citation is issued on a Uniform Traffic Ticket or Uniform  
6 Conservation Ticket (in a form prescribed by the Conference of  
7 Chief Circuit Judges and filed with the Supreme Court), the  
8 copy of such Uniform Ticket which is filed with the circuit  
9 court constitutes a complaint to which the defendant may plead,  
10 unless he specifically requests that a verified complaint be  
11 filed.

12 (c) When the State seeks an enhanced sentence because of a  
13 prior conviction, the charge shall also state the intention to  
14 seek an enhanced sentence and shall state such prior conviction  
15 so as to give notice to the defendant. However, the fact of  
16 such prior conviction and the State's intention to seek an  
17 enhanced sentence are not elements of the offense and may not  
18 be disclosed to the jury during trial unless otherwise  
19 permitted by issues properly raised during such trial. For the  
20 purposes of this Section, "enhanced sentence" means a sentence  
21 which is increased by a prior conviction from one  
22 classification of offense to another higher level  
23 classification of offense set forth in Section 5-4.5-10 of the  
24 Unified Code of Corrections (730 ILCS 5/5-4.5-10); it does not  
25 include an increase in the sentence applied within the same  
26 level of classification of offense.

1           (c-5) Notwithstanding any other provision of law, in all  
2 cases in which the imposition of the death penalty is not a  
3 possibility, if an alleged fact (other than the fact of a prior  
4 conviction) is not an element of an offense but is sought to be  
5 used to increase the range of penalties for the offense beyond  
6 the statutory maximum that could otherwise be imposed for the  
7 offense, the alleged fact must be included in the charging  
8 instrument or otherwise provided to the defendant through a  
9 written notification before trial, submitted to a trier of fact  
10 as an aggravating factor, and proved beyond a reasonable doubt.  
11 Failure to prove the fact beyond a reasonable doubt is not a  
12 bar to a conviction for commission of the offense, but is a bar  
13 to increasing, based on that fact, the range of penalties for  
14 the offense beyond the statutory maximum that could otherwise  
15 be imposed for that offense. Nothing in this subsection (c-5)  
16 requires the imposition of a sentence that increases the range  
17 of penalties for the offense beyond the statutory maximum that  
18 could otherwise be imposed for the offense if the imposition of  
19 that sentence is not required by law.

20           (d) At any time prior to trial, the State on motion shall  
21 be permitted to amend the charge, whether brought by  
22 indictment, information or complaint, to make the charge comply  
23 with subsection (c) or (c-5) of this Section. Nothing in  
24 Section 103-5 of this Code precludes such an amendment or a  
25 written notification made in accordance with subsection (c-5)  
26 of this Section.

1 (e) The provisions of subsection (a) of Section 5-4.5-95 of  
2 the Unified Code of Corrections (730 ILCS 5/5-4.5-95) shall not  
3 be affected by this Section.

4 (Source: P.A. 95-1052, eff. 7-1-09; 96-1206, eff. 1-1-11.)

5 (725 ILCS 5/111-4)

6 Sec. 111-4. Joinder of offenses and defendants.

7 (a) Two or more offenses may be charged in the same  
8 indictment, information or complaint in a separate count for  
9 each offense if the offenses charged, whether felonies or  
10 misdemeanors or both, are based on the same act or on 2 or more  
11 acts which are part of the same comprehensive transaction.

12 (b) Two or more defendants may be charged in the same  
13 indictment, information or complaint if they are alleged to  
14 have participated in the same act or in the same comprehensive  
15 transaction out of which the offense or offenses arose. Such  
16 defendants may be charged in one or more counts together or  
17 separately and all of the defendants need not be charged in  
18 each count.

19 (c) Two or more acts or transactions in violation of any  
20 provision or provisions of Sections 8A-2, 8A-3, 8A-4, 8A-4A and  
21 8A-5 of the Illinois Public Aid Code, Section 14 of the  
22 Illinois Wage Payment and Collection Act, Sections 16-1,  
23 16-1.3, 16-2, 16-3, 16-5, 16-7, 16-8, 16-10, 16-25, 16-30,  
24 16A-3, 16B-2, 16G-15, 16G-20, 16H-15, 16H-20, 16H-25, 16H-30,  
25 16H-45, 16H-50, 16H-55, 17-1, 17-3, 17-6, 17-30, 17-56, or

1 17-60, or item (ii) of subsection (a) or (b) of Section 17-9,  
2 or subdivision (a)(2) of Section 17-10.5, or subsection (a),  
3 (b), (c), (d), (g), (h), or (i) of Section 17-10.6, or  
4 subsection (a) of Section 17-32 of the Criminal Code of 1961 or  
5 the Criminal Code of 2012 and Section 118 of Division I of the  
6 Criminal Jurisprudence Act, may be charged as a single offense  
7 in a single count of the same indictment, information or  
8 complaint, if such acts or transactions by one or more  
9 defendants are in furtherance of a single intention and design  
10 or if the property, labor or services obtained are of the same  
11 person or are of several persons having a common interest in  
12 such property, labor or services. In such a charge, the period  
13 between the dates of the first and the final such acts or  
14 transactions may be alleged as the date of the offense and, if  
15 any such act or transaction by any defendant was committed in  
16 the county where the prosecution was commenced, such county may  
17 be alleged as the county of the offense.

18 (Source: P.A. 96-354, eff. 8-13-09; 96-1207, eff. 7-22-10;  
19 96-1407, eff. 1-1-11; 96-1551, eff. 7-1-11; 97-333, eff.  
20 8-12-11; 97-597, eff. 1-1-12.)

21 (725 ILCS 5/111-8) (from Ch. 38, par. 111-8)

22 Sec. 111-8. Orders of protection to prohibit domestic  
23 violence.

24 (a) Whenever a violation of Section 9-1, 9-2, 9-3, 10-3,  
25 10-3.1, 10-4, 10-5, 11-1.20, 11-1.30, 11-1.40, 11-1.50,

1 11-1.60, 11-14.3 that involves soliciting for a prostitute,  
2 11-14.4 that involves soliciting for a juvenile prostitute,  
3 11-15, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, 11-20a, 12-1,  
4 12-2, 12-3, 12-3.05, 12-3.2, 12-3.3, 12-3.5, 12-4, 12-4.1,  
5 12-4.3, 12-4.6, 12-5, 12-6, 12-6.3, 12-7.3, 12-7.4, 12-7.5,  
6 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 19-4, 19-6, 21-1,  
7 21-2, 21-3, or 26.5-2 of the Criminal Code of 1961 or the  
8 Criminal Code of 2012 or Section 1-1 of the Harassing and  
9 Obscene Communications Act is alleged in an information,  
10 complaint or indictment on file, and the alleged offender and  
11 victim are family or household members, as defined in the  
12 Illinois Domestic Violence Act, as now or hereafter amended,  
13 the People through the respective State's Attorneys may by  
14 separate petition and upon notice to the defendant, except as  
15 provided in subsection (c) herein, request the court to issue  
16 an order of protection.

17 (b) In addition to any other remedies specified in Section  
18 208 of the Illinois Domestic Violence Act, as now or hereafter  
19 amended, the order may direct the defendant to initiate no  
20 contact with the alleged victim or victims who are family or  
21 household members and to refrain from entering the residence,  
22 school or place of business of the alleged victim or victims.

23 (c) The court may grant emergency relief without notice  
24 upon a showing of immediate and present danger of abuse to the  
25 victim or minor children of the victim and may enter a  
26 temporary order pending notice and full hearing on the matter.

1 (Source: P.A. 96-1551, Article 1, Section 965, eff. 7-1-11;  
2 P.A. 96-1551, Article 2, Section 1040, eff. 7-1-11; 97-1108,  
3 eff. 1-1-13; 97-1109, eff. 1-1-13.)

4 (725 ILCS 5/112A-3) (from Ch. 38, par. 112A-3)

5 Sec. 112A-3. Definitions. For the purposes of this Article,  
6 the following terms shall have the following meanings:

7 (1) "Abuse" means physical abuse, harassment, intimidation  
8 of a dependent, interference with personal liberty or willful  
9 deprivation but does not include reasonable direction of a  
10 minor child by a parent or person in loco parentis.

11 (2) "Domestic violence" means abuse as described in  
12 paragraph (1).

13 (3) "Family or household members" include spouses, former  
14 spouses, parents, children, stepchildren and other persons  
15 related by blood or by present or prior marriage, persons who  
16 share or formerly shared a common dwelling, persons who have or  
17 allegedly have a child in common, persons who share or  
18 allegedly share a blood relationship through a child, persons  
19 who have or have had a dating or engagement relationship,  
20 persons with disabilities and their personal assistants, and  
21 caregivers as defined in ~~paragraph (3) of subsection (b) of~~  
22 ~~Section 12-21 or in~~ subsection (e) of Section 12-4.4a of the  
23 Criminal Code of 2012 ~~1961~~. For purposes of this paragraph,  
24 neither a casual acquaintanceship nor ordinary fraternization  
25 between 2 individuals in business or social contexts shall be

1 deemed to constitute a dating relationship.

2 (4) "Harassment" means knowing conduct which is not  
3 necessary to accomplish a purpose which is reasonable under the  
4 circumstances; would cause a reasonable person emotional  
5 distress; and does cause emotional distress to the petitioner.  
6 Unless the presumption is rebutted by a preponderance of the  
7 evidence, the following types of conduct shall be presumed to  
8 cause emotional distress:

9 (i) creating a disturbance at petitioner's place of  
10 employment or school;

11 (ii) repeatedly telephoning petitioner's place of  
12 employment, home or residence;

13 (iii) repeatedly following petitioner about in a  
14 public place or places;

15 (iv) repeatedly keeping petitioner under surveillance  
16 by remaining present outside his or her home, school, place  
17 of employment, vehicle or other place occupied by  
18 petitioner or by peering in petitioner's windows;

19 (v) improperly concealing a minor child from  
20 petitioner, repeatedly threatening to improperly remove a  
21 minor child of petitioner's from the jurisdiction or from  
22 the physical care of petitioner, repeatedly threatening to  
23 conceal a minor child from petitioner, or making a single  
24 such threat following an actual or attempted improper  
25 removal or concealment, unless respondent was fleeing from  
26 an incident or pattern of domestic violence; or

1           (vi) threatening physical force, confinement or  
2           restraint on one or more occasions.

3           (5) "Interference with personal liberty" means committing  
4           or threatening physical abuse, harassment, intimidation or  
5           willful deprivation so as to compel another to engage in  
6           conduct from which she or he has a right to abstain or to  
7           refrain from conduct in which she or he has a right to engage.

8           (6) "Intimidation of a dependent" means subjecting a person  
9           who is dependent because of age, health or disability to  
10          participation in or the witnessing of: physical force against  
11          another or physical confinement or restraint of another which  
12          constitutes physical abuse as defined in this Article,  
13          regardless of whether the abused person is a family or  
14          household member.

15          (7) "Order of protection" means an emergency order, interim  
16          order or plenary order, granted pursuant to this Article, which  
17          includes any or all of the remedies authorized by Section  
18          112A-14 of this Code.

19          (8) "Petitioner" may mean not only any named petitioner for  
20          the order of protection and any named victim of abuse on whose  
21          behalf the petition is brought, but also any other person  
22          protected by this Article.

23          (9) "Physical abuse" includes sexual abuse and means any of  
24          the following:

25                 (i) knowing or reckless use of physical force,  
26                 confinement or restraint;



1           (ii) knowing, repeated and unnecessary sleep  
2           deprivation; or

3           (iii) knowing or reckless conduct which creates an  
4           immediate risk of physical harm.

5           (9.5) "Stay away" means for the respondent to refrain from  
6           both physical presence and nonphysical contact with the  
7           petitioner whether direct, indirect (including, but not  
8           limited to, telephone calls, mail, email, faxes, and written  
9           notes), or through third parties who may or may not know about  
10          the order of protection.

11          (10) "Willful deprivation" means wilfully denying a person  
12          who because of age, health or disability requires medication,  
13          medical care, shelter, accessible shelter or services, food,  
14          therapeutic device, or other physical assistance, and thereby  
15          exposing that person to the risk of physical, mental or  
16          emotional harm, except with regard to medical care and  
17          treatment when such dependent person has expressed the intent  
18          to forgo such medical care or treatment. This paragraph does  
19          not create any new affirmative duty to provide support to  
20          dependent persons.

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

22                 (725 ILCS 5/112A-11.1)

23                 Sec. 112A-11.1. Procedure for determining whether certain  
24                 misdemeanor crimes are crimes of domestic violence for purposes  
25                 of federal law.

1 (a) When a defendant has been charged with a violation of  
2 Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or 12-3.5 of the  
3 Criminal Code of 1961 or the Criminal Code of 2012, the State  
4 may, at arraignment or no later than 45 days after arraignment,  
5 for the purpose of notification to the Department of State  
6 Police Firearm Owner's Identification Card Office, serve on the  
7 defendant and file with the court a notice alleging that  
8 conviction of the offense would subject the defendant to the  
9 prohibitions of 18 U.S.C. 922(g)(9) because of the relationship  
10 between the defendant and the alleged victim and the nature of  
11 the alleged offense.

12 (b) The notice shall include the name of the person alleged  
13 to be the victim of the crime and shall specify the nature of  
14 the alleged relationship as set forth in 18 U.S.C.  
15 921(a)(33)(A)(ii). It shall also specify the element of the  
16 charged offense which requires the use or attempted use of  
17 physical force, or the threatened use of a deadly weapon, as  
18 set forth 18 U.S.C. 921(a)(33)(A)(ii). It shall also include  
19 notice that the defendant is entitled to a hearing on the  
20 allegation contained in the notice and that if the allegation  
21 is sustained, that determination and conviction shall be  
22 reported to the Department of State Police Firearm Owner's  
23 Identification Card Office.

24 (c) After having been notified as provided in subsection  
25 (b) of this Section, the defendant may stipulate or admit,  
26 orally on the record or in writing, that conviction of the

1 offense would subject the defendant to the prohibitions of 18  
2 U.S.C. 922(g)(9). In that case, the applicability of 18 U.S.C.  
3 922(g)(9) shall be deemed established for purposes of Section  
4 112A-11.2. If the defendant denies the applicability of 18  
5 U.S.C. 922(g)(9) as alleged in the notice served by the State,  
6 or stands mute with respect to that allegation, then the State  
7 shall bear the burden to prove beyond a reasonable doubt that  
8 the offense is one to which the prohibitions of 18 U.S.C.  
9 922(g)(9) apply. The court may consider reliable hearsay  
10 evidence submitted by either party provided that it is relevant  
11 to the determination of the allegation. Facts previously proven  
12 at trial or elicited at the time of entry of a plea of guilty  
13 shall be deemed established beyond a reasonable doubt and shall  
14 not be relitigated. At the conclusion of the hearing, or upon a  
15 stipulation or admission, as applicable, the court shall make a  
16 specific written determination with respect to the allegation.  
17 (Source: P.A. 97-1131, eff. 1-1-13.)

18 (725 ILCS 5/112A-11.2)

19 Sec. 112A-11.2. Notification to the Department of State  
20 Police Firearm Owner's Identification Card Office of  
21 determinations in certain misdemeanor cases. Upon judgment of  
22 conviction of a violation of Section 12-1, 12-2, 12-3, 12-3.2,  
23 12-3.4, or 12-3.5 of the Criminal Code of 1961 or the Criminal  
24 Code of 2012 when the defendant has been determined, under  
25 Section 112A-11.1, to be subject to the prohibitions of 18

1 U.S.C. 922(g)(9), the circuit court clerk shall include  
2 notification and a copy of the written determination in a  
3 report of the conviction to the Department of State Police  
4 Firearm Owner's Identification Card Office to enable the office  
5 to report that determination to the Federal Bureau of  
6 Investigation and 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.

9 (Source: P.A. 97-1131, eff. 1-1-13.)

10 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

11 Sec. 112A-14. Order of protection; remedies.

12 (a) Issuance of order. If the court finds that petitioner  
13 has been abused by a family or household member, as defined in  
14 this Article, an order of protection prohibiting such abuse  
15 shall issue; provided that petitioner must also satisfy the  
16 requirements of one of the following Sections, as appropriate:  
17 Section 112A-17 on emergency orders, Section 112A-18 on interim  
18 orders, or Section 112A-19 on plenary orders. Petitioner shall  
19 not be denied an order of protection because petitioner or  
20 respondent is a minor. The court, when determining whether or  
21 not to issue an order of protection, shall not require physical  
22 manifestations of abuse on the person of the victim.  
23 Modification and extension of prior orders of protection shall  
24 be in accordance with this Article.

25 (b) Remedies and standards. The remedies to be included in

1 an order of protection shall be determined in accordance with  
2 this Section and one of the following Sections, as appropriate:  
3 Section 112A-17 on emergency orders, Section 112A-18 on interim  
4 orders, and Section 112A-19 on plenary orders. The remedies  
5 listed in this subsection shall be in addition to other civil  
6 or criminal remedies available to petitioner.

7 (1) Prohibition of abuse. Prohibit respondent's  
8 harassment, interference with personal liberty,  
9 intimidation of a dependent, physical abuse or willful  
10 deprivation, as defined in this Article, if such abuse has  
11 occurred or otherwise appears likely to occur if not  
12 prohibited.

13 (2) Grant of exclusive possession of residence.  
14 Prohibit respondent from entering or remaining in any  
15 residence, household, or premises of the petitioner,  
16 including one owned or leased by respondent, if petitioner  
17 has a right to occupancy thereof. The grant of exclusive  
18 possession of the residence, household, or premises shall  
19 not affect title to real property, nor shall the court be  
20 limited by the standard set forth in Section 701 of the  
21 Illinois Marriage and Dissolution of Marriage Act.

22 (A) Right to occupancy. A party has a right to  
23 occupancy of a residence or household if it is solely  
24 or jointly owned or leased by that party, that party's  
25 spouse, a person with a legal duty to support that  
26 party or a minor child in that party's care, or by any

1 person or entity other than the opposing party that  
2 authorizes that party's occupancy (e.g., a domestic  
3 violence shelter). Standards set forth in subparagraph  
4 (B) shall not preclude equitable relief.

5 (B) Presumption of hardships. If petitioner and  
6 respondent each has the right to occupancy of a  
7 residence or household, the court shall balance (i) the  
8 hardships to respondent and any minor child or  
9 dependent adult in respondent's care resulting from  
10 entry of this remedy with (ii) the hardships to  
11 petitioner and any minor child or dependent adult in  
12 petitioner's care resulting from continued exposure to  
13 the risk of abuse (should petitioner remain at the  
14 residence or household) or from loss of possession of  
15 the residence or household (should petitioner leave to  
16 avoid the risk of abuse). When determining the balance  
17 of hardships, the court shall also take into account  
18 the accessibility of the residence or household.  
19 Hardships need not be balanced if respondent does not  
20 have a right to occupancy.

21 The balance of hardships is presumed to favor  
22 possession by petitioner unless the presumption is  
23 rebutted by a preponderance of the evidence, showing  
24 that the hardships to respondent substantially  
25 outweigh the hardships to petitioner and any minor  
26 child or dependent adult in petitioner's care. The

1 court, on the request of petitioner or on its own  
2 motion, may order respondent to provide suitable,  
3 accessible, alternate housing for petitioner instead  
4 of excluding respondent from a mutual residence or  
5 household.

6 (3) Stay away order and additional prohibitions. Order  
7 respondent to stay away from petitioner or any other person  
8 protected by the order of protection, or prohibit  
9 respondent from entering or remaining present at  
10 petitioner's school, place of employment, or other  
11 specified places at times when petitioner is present, or  
12 both, if reasonable, given the balance of hardships.  
13 Hardships need not be balanced for the court to enter a  
14 stay away order or prohibit entry if respondent has no  
15 right to enter the premises.

16 If an order of protection grants petitioner exclusive  
17 possession of the residence, or prohibits respondent from  
18 entering the residence, or orders respondent to stay away  
19 from petitioner or other protected persons, then the court  
20 may allow respondent access to the residence to remove  
21 items of clothing and personal adornment used exclusively  
22 by respondent, medications, and other items as the court  
23 directs. The right to access shall be exercised on only one  
24 occasion as the court directs and in the presence of an  
25 agreed-upon adult third party or law enforcement officer.

26 (4) Counseling. Require or recommend the respondent to

1           undergo counseling for a specified duration with a social  
2           worker, psychologist, clinical psychologist, psychiatrist,  
3           family service agency, alcohol or substance abuse program,  
4           mental health center guidance counselor, agency providing  
5           services to elders, program designed for domestic violence  
6           abusers or any other guidance service the court deems  
7           appropriate. The court may order the respondent in any  
8           intimate partner relationship to report to an Illinois  
9           Department of Human Services protocol approved partner  
10          abuse intervention program for an assessment and to follow  
11          all recommended treatment.

12           (5) Physical care and possession of the minor child. In  
13          order to protect the minor child from abuse, neglect, or  
14          unwarranted separation from the person who has been the  
15          minor child's primary caretaker, or to otherwise protect  
16          the well-being of the minor child, the court may do either  
17          or both of the following: (i) grant petitioner physical  
18          care or possession of the minor child, or both, or (ii)  
19          order respondent to return a minor child to, or not remove  
20          a minor child from, the physical care of a parent or person  
21          in loco parentis.

22           If a court finds, after a hearing, that respondent has  
23          committed abuse (as defined in Section 112A-3) of a minor  
24          child, there shall be a rebuttable presumption that  
25          awarding physical care to respondent would not be in the  
26          minor child's best interest.



1           (6) Temporary legal custody. Award temporary legal  
2 custody to petitioner in accordance with this Section, the  
3 Illinois Marriage and Dissolution of Marriage Act, the  
4 Illinois Parentage Act of 1984, and this State's Uniform  
5 Child-Custody Jurisdiction and Enforcement Act.

6           If a court finds, after a hearing, that respondent has  
7 committed abuse (as defined in Section 112A-3) of a minor  
8 child, there shall be a rebuttable presumption that  
9 awarding temporary legal custody to respondent would not be  
10 in the child's best interest.

11           (7) Visitation. Determine the visitation rights, if  
12 any, of respondent in any case in which the court awards  
13 physical care or temporary legal custody of a minor child  
14 to petitioner. The court shall restrict or deny  
15 respondent's visitation with a minor child if the court  
16 finds that respondent has done or is likely to do any of  
17 the following: (i) abuse or endanger the minor child during  
18 visitation; (ii) use the visitation as an opportunity to  
19 abuse or harass petitioner or petitioner's family or  
20 household members; (iii) improperly conceal or detain the  
21 minor child; or (iv) otherwise act in a manner that is not  
22 in the best interests of the minor child. The court shall  
23 not be limited by the standards set forth in Section 607.1  
24 of the Illinois Marriage and Dissolution of Marriage Act.  
25 If the court grants visitation, the order shall specify  
26 dates and times for the visitation to take place or other

1 specific parameters or conditions that are appropriate. No  
2 order for visitation shall refer merely to the term  
3 "reasonable visitation".

4 Petitioner may deny respondent access to the minor  
5 child if, when respondent arrives for visitation,  
6 respondent is under the influence of drugs or alcohol and  
7 constitutes a threat to the safety and well-being of  
8 petitioner or petitioner's minor children or is behaving in  
9 a violent or abusive manner.

10 If necessary to protect any member of petitioner's  
11 family or household from future abuse, respondent shall be  
12 prohibited from coming to petitioner's residence to meet  
13 the minor child for visitation, and the parties shall  
14 submit to the court their recommendations for reasonable  
15 alternative arrangements for visitation. A person may be  
16 approved to supervise visitation only after filing an  
17 affidavit accepting that responsibility and acknowledging  
18 accountability to the court.

19 (8) Removal or concealment of minor child. Prohibit  
20 respondent from removing a minor child from the State or  
21 concealing the child within the State.

22 (9) Order to appear. Order the respondent to appear in  
23 court, alone or with a minor child, to prevent abuse,  
24 neglect, removal or concealment of the child, to return the  
25 child to the custody or care of the petitioner or to permit  
26 any court-ordered interview or examination of the child or

1 the respondent.

2 (10) Possession of personal property. Grant petitioner  
3 exclusive possession of personal property and, if  
4 respondent has possession or control, direct respondent to  
5 promptly make it available to petitioner, if:

6 (i) petitioner, but not respondent, owns the  
7 property; or

8 (ii) the parties own the property jointly; sharing  
9 it would risk abuse of petitioner by respondent or is  
10 impracticable; and the balance of hardships favors  
11 temporary possession by petitioner.

12 If petitioner's sole claim to ownership of the property  
13 is that it is marital property, the court may award  
14 petitioner temporary possession thereof under the  
15 standards of subparagraph (ii) of this paragraph only if a  
16 proper proceeding has been filed under the Illinois  
17 Marriage and Dissolution of Marriage Act, as now or  
18 hereafter amended.

19 No order under this provision shall affect title to  
20 property.

21 (11) Protection of property. Forbid the respondent  
22 from taking, transferring, encumbering, concealing,  
23 damaging or otherwise disposing of any real or personal  
24 property, except as explicitly authorized by the court, if:

25 (i) petitioner, but not respondent, owns the  
26 property; or

1           (ii) the parties own the property jointly, and the  
2           balance of hardships favors granting this remedy.

3           If petitioner's sole claim to ownership of the property  
4           is that it is marital property, the court may grant  
5           petitioner relief under subparagraph (ii) of this  
6           paragraph only if a proper proceeding has been filed under  
7           the Illinois Marriage and Dissolution of Marriage Act, as  
8           now or hereafter amended.

9           The court may further prohibit respondent from  
10          improperly using the financial or other resources of an  
11          aged member of the family or household for the profit or  
12          advantage of respondent or of any other person.

13          (11.5) Protection of animals. Grant the petitioner the  
14          exclusive care, custody, or control of any animal owned,  
15          possessed, leased, kept, or held by either the petitioner  
16          or the respondent or a minor child residing in the  
17          residence or household of either the petitioner or the  
18          respondent and order the respondent to stay away from the  
19          animal and forbid the respondent from taking,  
20          transferring, encumbering, concealing, harming, or  
21          otherwise disposing of the animal.

22          (12) Order for payment of support. Order respondent to  
23          pay temporary support for the petitioner or any child in  
24          the petitioner's care or custody, when the respondent has a  
25          legal obligation to support that person, in accordance with  
26          the Illinois Marriage and Dissolution of Marriage Act,

1       which shall govern, among other matters, the amount of  
2       support, payment through the clerk and withholding of  
3       income to secure payment. An order for child support may be  
4       granted to a petitioner with lawful physical care or  
5       custody of a child, or an order or agreement for physical  
6       care or custody, prior to entry of an order for legal  
7       custody. Such a support order shall expire upon entry of a  
8       valid order granting legal custody to another, unless  
9       otherwise provided in the custody order.

10       (13) Order for payment of losses. Order respondent to  
11       pay petitioner for losses suffered as a direct result of  
12       the abuse. Such losses shall include, but not be limited  
13       to, medical expenses, lost earnings or other support,  
14       repair or replacement of property damaged or taken,  
15       reasonable attorney's fees, court costs and moving or other  
16       travel expenses, including additional reasonable expenses  
17       for temporary shelter and restaurant meals.

18       (i) Losses affecting family needs. If a party is  
19       entitled to seek maintenance, child support or  
20       property distribution from the other party under the  
21       Illinois Marriage and Dissolution of Marriage Act, as  
22       now or hereafter amended, the court may order  
23       respondent to reimburse petitioner's actual losses, to  
24       the extent that such reimbursement would be  
25       "appropriate temporary relief", as authorized by  
26       subsection (a) (3) of Section 501 of that Act.

1           (ii) Recovery of expenses. In the case of an  
2           improper concealment or removal of a minor child, the  
3           court may order respondent to pay the reasonable  
4           expenses incurred or to be incurred in the search for  
5           and recovery of the minor child, including but not  
6           limited to legal fees, court costs, private  
7           investigator fees, and travel costs.

8           (14) Prohibition of entry. Prohibit the respondent  
9           from entering or remaining in the residence or household  
10          while the respondent is under the influence of alcohol or  
11          drugs and constitutes a threat to the safety and well-being  
12          of the petitioner or the petitioner's children.

13          (14.5) Prohibition of firearm possession.

14          (a) Prohibit a respondent against whom an order of  
15          protection was issued from possessing any firearms  
16          during the duration of the order if the order:

17               (1) was issued after a hearing of which such  
18               person received actual notice, and at which such  
19               person had an opportunity to participate;

20               (2) restrains such person from harassing,  
21               stalking, or threatening an intimate partner of  
22               such person or child of such intimate partner or  
23               person, or engaging in other conduct that would  
24               place an intimate partner in reasonable fear of  
25               bodily injury to the partner or child; and

26               (3) (i) includes a finding that such person

1 represents a credible threat to the physical  
2 safety of such intimate partner or child; or (ii)  
3 by its terms explicitly prohibits the use,  
4 attempted use, or threatened use of physical force  
5 against such intimate partner or child that would  
6 reasonably be expected to cause bodily injury.

7 Any firearms in the possession of the respondent,  
8 except as provided in subsection (b), shall be ordered  
9 by the court to be turned over to the local law  
10 enforcement agency for safekeeping. The court shall  
11 issue an order that the respondent's Firearm Owner's  
12 Identification Card be turned over to the local law  
13 enforcement agency, which in turn shall immediately  
14 mail the card to the Department of State Police Firearm  
15 Owner's Identification Card Office for safekeeping.  
16 The period of safekeeping shall be for the duration of  
17 the order of protection. The firearm or firearms and  
18 Firearm Owner's Identification Card, if unexpired,  
19 shall at the respondent's request be returned to the  
20 respondent at expiration of the order of protection.

21 (b) If the respondent is a peace officer as defined  
22 in Section 2-13 of the Criminal Code of 2012 ~~1961~~, the  
23 court shall order that any firearms used by the  
24 respondent in the performance of his or her duties as a  
25 peace officer be surrendered to the chief law  
26 enforcement executive of the agency in which the

1           respondent is employed, who shall retain the firearms  
2           for safekeeping for the duration of the order of  
3           protection.

4           (c) Upon expiration of the period of safekeeping,  
5           if the firearms or Firearm Owner's Identification Card  
6           cannot be returned to respondent because respondent  
7           cannot be located, fails to respond to requests to  
8           retrieve the firearms, or is not lawfully eligible to  
9           possess a firearm, upon petition from the local law  
10          enforcement agency, the court may order the local law  
11          enforcement agency to destroy the firearms, use the  
12          firearms for training purposes, or for any other  
13          application as deemed appropriate by the local law  
14          enforcement agency; or that the firearms be turned over  
15          to a third party who is lawfully eligible to possess  
16          firearms, and who does not reside with respondent.

17          (15) Prohibition of access to records. If an order of  
18          protection prohibits respondent from having contact with  
19          the minor child, or if petitioner's address is omitted  
20          under subsection (b) of Section 112A-5, or if necessary to  
21          prevent abuse or wrongful removal or concealment of a minor  
22          child, the order shall deny respondent access to, and  
23          prohibit respondent from inspecting, obtaining, or  
24          attempting to inspect or obtain, school or any other  
25          records of the minor child who is in the care of  
26          petitioner.



1           (16) Order for payment of shelter services. Order  
2           respondent to reimburse a shelter providing temporary  
3           housing and counseling services to the petitioner for the  
4           cost of the services, as certified by the shelter and  
5           deemed reasonable by the court.

6           (17) Order for injunctive relief. Enter injunctive  
7           relief necessary or appropriate to prevent further abuse of  
8           a family or household member or to effectuate one of the  
9           granted remedies, if supported by the balance of hardships.  
10          If the harm to be prevented by the injunction is abuse or  
11          any other harm that one of the remedies listed in  
12          paragraphs (1) through (16) of this subsection is designed  
13          to prevent, no further evidence is necessary to establish  
14          that the harm is an irreparable injury.

15          (c) Relevant factors; findings.

16          (1) In determining whether to grant a specific remedy,  
17          other than payment of support, the court shall consider  
18          relevant factors, including but not limited to the  
19          following:

20                  (i) the nature, frequency, severity, pattern and  
21                  consequences of the respondent's past abuse of the  
22                  petitioner or any family or household member,  
23                  including the concealment of his or her location in  
24                  order to evade service of process or notice, and the  
25                  likelihood of danger of future abuse to petitioner or  
26                  any member of petitioner's or respondent's family or

1 household; and

2 (ii) the danger that any minor child will be abused  
3 or neglected or improperly removed from the  
4 jurisdiction, improperly concealed within the State or  
5 improperly separated from the child's primary  
6 caretaker.

7 (2) In comparing relative hardships resulting to the  
8 parties from loss of possession of the family home, the  
9 court shall consider relevant factors, including but not  
10 limited to the following:

11 (i) availability, accessibility, cost, safety,  
12 adequacy, location and other characteristics of  
13 alternate housing for each party and any minor child or  
14 dependent adult in the party's care;

15 (ii) the effect on the party's employment; and

16 (iii) the effect on the relationship of the party,  
17 and any minor child or dependent adult in the party's  
18 care, to family, school, church and community.

19 (3) Subject to the exceptions set forth in paragraph  
20 (4) of this subsection, the court shall make its findings  
21 in an official record or in writing, and shall at a minimum  
22 set forth the following:

23 (i) That the court has considered the applicable  
24 relevant factors described in paragraphs (1) and (2) of  
25 this subsection.

26 (ii) Whether the conduct or actions of respondent,

1 unless prohibited, will likely cause irreparable harm  
2 or continued abuse.

3 (iii) Whether it is necessary to grant the  
4 requested relief in order to protect petitioner or  
5 other alleged abused persons.

6 (4) For purposes of issuing an ex parte emergency order  
7 of protection, the court, as an alternative to or as a  
8 supplement to making the findings described in paragraphs  
9 (c) (3) (i) through (c) (3) (iii) of this subsection, may use  
10 the following procedure:

11 When a verified petition for an emergency order of  
12 protection in accordance with the requirements of Sections  
13 112A-5 and 112A-17 is presented to the court, the court  
14 shall examine petitioner on oath or affirmation. An  
15 emergency order of protection shall be issued by the court  
16 if it appears from the contents of the petition and the  
17 examination of petitioner that the averments are  
18 sufficient to indicate abuse by respondent and to support  
19 the granting of relief under the issuance of the emergency  
20 order of protection.

21 (5) Never married parties. No rights or  
22 responsibilities for a minor child born outside of marriage  
23 attach to a putative father until a father and child  
24 relationship has been established under the Illinois  
25 Parentage Act of 1984. Absent such an adjudication, no  
26 putative father shall be granted temporary custody of the

1 minor child, visitation with the minor child, or physical  
2 care and possession of the minor child, nor shall an order  
3 of payment for support of the minor child be entered.

4 (d) Balance of hardships; findings. If the court finds that  
5 the balance of hardships does not support the granting of a  
6 remedy governed by paragraph (2), (3), (10), (11), or (16) of  
7 subsection (b) of this Section, which may require such  
8 balancing, the court's findings shall so indicate and shall  
9 include a finding as to whether granting the remedy will result  
10 in hardship to respondent that would substantially outweigh the  
11 hardship to petitioner from denial of the remedy. The findings  
12 shall be an official record or in writing.

13 (e) Denial of remedies. Denial of any remedy shall not be  
14 based, in whole or in part, on evidence that:

15 (1) Respondent has cause for any use of force, unless  
16 that cause satisfies the standards for justifiable use of  
17 force provided by Article 7 ~~VII~~ of the Criminal Code of  
18 2012 ~~1961~~;

19 (2) Respondent was voluntarily intoxicated;

20 (3) Petitioner acted in self-defense or defense of  
21 another, provided that, if petitioner utilized force, such  
22 force was justifiable under Article 7 ~~VII~~ of the Criminal  
23 Code of 2012 ~~1961~~;

24 (4) Petitioner did not act in self-defense or defense  
25 of another;

26 (5) Petitioner left the residence or household to avoid

1 further abuse by respondent;

2 (6) Petitioner did not leave the residence or household  
3 to avoid further abuse by respondent;

4 (7) Conduct by any family or household member excused  
5 the abuse by respondent, unless that same conduct would  
6 have excused such abuse if the parties had not been family  
7 or household members.

8 (Source: P.A. 96-701, eff. 1-1-10; 96-1239, eff. 1-1-11;  
9 97-158, eff. 1-1-12; 97-1131, eff. 1-1-13.)

10 (725 ILCS 5/112A-16) (from Ch. 38, par. 112A-16)

11 Sec. 112A-16. 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 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

19 Sec. 112A-23. Enforcement of orders of protection.

20 (a) When violation is crime. A violation of any order of  
21 protection, whether issued in a civil, quasi-criminal  
22 proceeding, 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  
5 112A-14,

6 (ii) a remedy, which is substantially similar to  
7 the remedies authorized under paragraphs (1), (2),  
8 (3), (14) or (14.5) of subsection (b) of Section 214 of  
9 the Illinois Domestic Violence Act of 1986, in a valid  
10 order of protection, which is authorized under the laws  
11 of another state, tribe or United States territory,

12 (iii) or any other remedy when the act constitutes  
13 a 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 shall  
16 not bar concurrent prosecution for any other crime, including  
17 any crime that may have been committed at the time of the  
18 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 112A-14, or

24 (ii) a remedy, which is substantially similar to  
25 the remedies authorized under paragraphs (1), (5),  
26 (6), or (8) of subsection (b) of Section 214 of the

1 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 (b) When violation is contempt of court. A violation of any  
5 valid order of protection, whether issued in a civil or  
6 criminal proceeding, may be enforced through civil or criminal  
7 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 Article. Nothing  
11 in this Article shall preclude any Illinois court from  
12 enforcing any valid order of protection issued in another  
13 state. Illinois courts may enforce orders of protection through  
14 both criminal prosecution and contempt proceedings, unless the  
15 action which is second in time is barred by collateral estoppel  
16 or the 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 (c) Violation of custody or support orders. A violation of  
4 remedies described in paragraphs (5), (6), (8), or (9) of  
5 subsection (b) of Section 112A-14 may be enforced by any remedy  
6 provided by Section 611 of the Illinois Marriage and  
7 Dissolution of Marriage Act. The court may enforce any order  
8 for support issued under paragraph (12) of subsection (b) of  
9 Section 112A-14 in the manner provided for under Parts V and  
10 VII of the Illinois Marriage and Dissolution of Marriage Act.

11 (d) Actual knowledge. An order of protection may be  
12 enforced pursuant to this Section if the respondent violates  
13 the order after respondent has actual knowledge of its contents  
14 as shown through one of the following means:

15 (1) By service, delivery, or notice under Section  
16 112A-10.

17 (2) By notice under Section 112A-11.

18 (3) By service of an order of protection under Section  
19 112A-22.

20 (4) By other means demonstrating actual knowledge of  
21 the contents of the order.

22 (e) The enforcement of an order of protection in civil or  
23 criminal court shall not be affected by either of the  
24 following:

25 (1) The existence of a separate, correlative order  
26 entered under Section 112A-15.



1           (2) Any finding or order entered in a conjoined  
2 criminal proceeding.

3           (f) Circumstances. The court, when determining whether or  
4 not a violation of an order of protection has occurred, shall  
5 not require physical manifestations of abuse on the person of  
6 the victim.

7           (g) Penalties.

8           (1) Except as provided in paragraph (3) of this  
9 subsection, where the court finds the commission of a crime  
10 or contempt of court under subsections (a) or (b) of this  
11 Section, the penalty shall be the penalty that generally  
12 applies in such criminal or contempt proceedings, and may  
13 include one or more of the following: incarceration,  
14 payment of restitution, a fine, payment of attorneys' fees  
15 and costs, or community service.

16           (2) The court shall hear and take into account evidence  
17 of any factors in aggravation or mitigation before deciding  
18 an appropriate penalty under paragraph (1) of this  
19 subsection.

20           (3) To the extent permitted by law, the court is  
21 encouraged to:

22           (i) increase the penalty for the knowing violation  
23 of any order of protection over any penalty previously  
24 imposed by any court for respondent's violation of any  
25 order of protection or penal statute involving  
26 petitioner as victim and respondent as defendant;

1           (ii) impose a minimum penalty of 24 hours  
2 imprisonment for respondent's first violation of any  
3 order of protection; and

4           (iii) impose a minimum penalty of 48 hours  
5 imprisonment for respondent's second or subsequent  
6 violation of an order of protection

7 unless the court explicitly finds that an increased penalty  
8 or that period of imprisonment would be manifestly unjust.

9           (4) In addition to any other penalties imposed for a  
10 violation of an order of protection, a criminal court may  
11 consider evidence of any violations of an order of  
12 protection:

13           (i) to increase, revoke or modify the bail bond on  
14 an underlying criminal charge pursuant to Section  
15 110-6;

16           (ii) to revoke or modify an order of probation,  
17 conditional discharge or supervision, pursuant to  
18 Section 5-6-4 of the Unified Code of Corrections;

19           (iii) to revoke or modify a sentence of periodic  
20 imprisonment, pursuant to Section 5-7-2 of the Unified  
21 Code of Corrections.

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

23 (725 ILCS 5/112A-26) (from Ch. 38, par. 112A-26)

24 Sec. 112A-26. Arrest without warrant.

25 (a) Any law enforcement officer may make an arrest without

1 warrant if the officer has probable cause to believe that the  
2 person has committed or is committing any crime, including but  
3 not limited to violation of an order of protection, under  
4 Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the  
5 Criminal Code of 2012, even if the crime was not committed in  
6 the presence of the officer.

7 (b) The law enforcement officer may verify the existence of  
8 an order of protection by telephone or radio communication with  
9 his or her law enforcement agency or by referring to the copy  
10 of the order provided by petitioner or respondent.

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

12 (725 ILCS 5/112A-30) (from Ch. 38, par. 112A-30)

13 Sec. 112A-30. Assistance by law enforcement officers.

14 (a) Whenever a law enforcement officer has reason to  
15 believe that a person has been abused by a family or household  
16 member, the officer shall immediately use all reasonable means  
17 to prevent further abuse, including:

18 (1) Arresting the abusing party, where appropriate;

19 (2) If there is probable cause to believe that  
20 particular weapons were used to commit the incident of  
21 abuse, subject to constitutional limitations, seizing and  
22 taking inventory of the weapons;

23 (3) Accompanying the victim of abuse to his or her  
24 place of residence for a reasonable period of time to  
25 remove necessary personal belongings and possessions;

1           (4) Offering the victim of abuse immediate and adequate  
2 information (written in a language appropriate for the  
3 victim or in Braille or communicated in appropriate sign  
4 language), which shall include a summary of the procedures  
5 and relief available to victims of abuse under subsection  
6 (c) of Section 112A-17 and the officer's name and badge  
7 number;

8           (5) Providing the victim with one referral to an  
9 accessible service agency;

10          (6) Advising the victim of abuse about seeking medical  
11 attention and preserving evidence (specifically including  
12 photographs of injury or damage and damaged clothing or  
13 other property); and

14          (7) Providing or arranging accessible transportation  
15 for the victim of abuse (and, at the victim's request, any  
16 minors or dependents in the victim's care) to a medical  
17 facility for treatment of injuries or to a nearby place of  
18 shelter or safety; or, after the close of court business  
19 hours, providing or arranging for transportation for the  
20 victim (and, at the victim's request, any minors or  
21 dependents in the victim's care) to the nearest available  
22 circuit judge or associate judge so the victim may file a  
23 petition for an emergency order of protection under  
24 subsection (c) of Section 112A-17. When a victim of abuse  
25 chooses to leave the scene of the offense, it shall be  
26 presumed that it is in the best interests of any minors or

1 dependents in the victim's care to remain with the victim  
2 or a person designated by the victim, rather than to remain  
3 with the abusing party.

4 (b) Whenever a law enforcement officer does not exercise  
5 arrest powers or otherwise initiate criminal proceedings, the  
6 officer shall:

7 (1) Make a police report of the investigation of any  
8 bona fide allegation of an incident of abuse and the  
9 disposition of the investigation, in accordance with  
10 subsection (a) of Section 112A-29;

11 (2) Inform the victim of abuse of the victim's right to  
12 request that a criminal proceeding be initiated where  
13 appropriate, including specific times and places for  
14 meeting with the State's Attorney's office, a warrant  
15 officer, or other official in accordance with local  
16 procedure; and

17 (3) Advise the victim of the importance of seeking  
18 medical attention and preserving evidence (specifically  
19 including photographs of injury or damage and damaged  
20 clothing or other property).

21 (c) Except as provided by Section 24-6 of the Criminal Code  
22 of 2012 ~~1961~~ or under a court order, any weapon seized under  
23 subsection (a) (2) shall be returned forthwith to the person  
24 from whom it was seized when it is no longer needed for  
25 evidentiary purposes.

26 (Source: P.A. 87-1186; 88-498.)

1 (725 ILCS 5/114-1) (from Ch. 38, par. 114-1)

2 Sec. 114-1. Motion to dismiss charge.

3 (a) Upon the written motion of the defendant made prior to  
4 trial before or after a plea has been entered the court may  
5 dismiss the indictment, information or complaint upon any of  
6 the following grounds:

7 (1) The defendant has not been placed on trial in  
8 compliance with Section 103-5 of this Code.

9 (2) The prosecution of the offense is barred by  
10 Sections 3-3 through 3-8 of the Criminal Code of 2012 ~~1961,~~  
11 ~~as heretofore and hereafter amended.~~

12 (3) The defendant has received immunity from  
13 prosecution for the offense charged.

14 (4) The indictment was returned by a Grand Jury which  
15 was improperly selected and which results in substantial  
16 injustice to the defendant.

17 (5) The indictment was returned by a Grand Jury which  
18 acted contrary to Article 112 of this Code and which  
19 results in substantial injustice to the defendant.

20 (6) The court in which the charge has been filed does  
21 not have jurisdiction.

22 (7) The county is an improper place of trial.

23 (8) The charge does not state an offense.

24 (9) The indictment is based solely upon the testimony  
25 of an incompetent witness.

1           (10) The defendant is misnamed in the charge and the  
2           misnomer results in substantial injustice to the  
3           defendant.

4           (11) The requirements of Section 109-3.1 have not been  
5           complied with.

6           (b) The court shall require any motion to dismiss to be  
7           filed within a reasonable time after the defendant has been  
8           arraigned. Any motion not filed within such time or an  
9           extension thereof shall not be considered by the court and the  
10          grounds therefor, except as to subsections (a) (6) and (a) (8) of  
11          this Section, are waived.

12          (c) If the motion presents only an issue of law the court  
13          shall determine it without the necessity of further pleadings.  
14          If the motion alleges facts not of record in the case the State  
15          shall file an answer admitting or denying each of the factual  
16          allegations of the motion.

17          (d) When an issue of fact is presented by a motion to  
18          dismiss and the answer of the State the court shall conduct a  
19          hearing and determine the issues.

20          (d-5) When a defendant seeks dismissal of the charge upon  
21          the ground set forth in subsection (a) (7) of this Section, the  
22          defendant shall make a prima facie showing that the county is  
23          an improper place of trial. Upon such showing, the State shall  
24          have the burden of proving, by a preponderance of the evidence,  
25          that the county is the proper place of trial.

26          (e) Dismissal of the charge upon the grounds set forth in

1 subsections (a) (4) through (a) (11) of this Section shall not  
2 prevent the return of a new indictment or the filing of a new  
3 charge, and upon such dismissal the court may order that the  
4 defendant be held in custody or, if the defendant had been  
5 previously released on bail, that the bail be continued for a  
6 specified time pending the return of a new indictment or the  
7 filing of a new charge.

8 (f) If the court determines that the motion to dismiss  
9 based upon the grounds set forth in subsections (a) (6) and  
10 (a) (7) is well founded it may, instead of dismissal, order the  
11 cause transferred to a court of competent jurisdiction or to a  
12 proper place of trial.

13 (Source: P.A. 92-16, eff. 6-28-01.)

14 (725 ILCS 5/114-4) (from Ch. 38, par. 114-4)

15 Sec. 114-4. Motion for continuance.

16 (a) The defendant or the State may move for a continuance.  
17 If the motion is made more than 30 days after arraignment the  
18 court shall require that it be in writing and supported by  
19 affidavit.

20 (b) A written motion for continuance made by defendant more  
21 than 30 days after arraignment may be granted when:

22 (1) Counsel for the defendant is ill, has died, or is  
23 held to trial in another cause; or

24 (2) Counsel for the defendant has been unable to  
25 prepare for trial because of illness or because he has been



1 held to trial in another cause; or

2 (3) A material witness is unavailable and the defense  
3 will be prejudiced by the absence of his testimony;  
4 however, this shall not be a ground for continuance if the  
5 State will stipulate that the testimony of the witness  
6 would be as alleged; or

7 (4) The defendant cannot stand trial because of  
8 physical or mental incompetency; or

9 (5) Pre-trial publicity concerning the case has caused  
10 a prejudice against defendant on the part of the community;  
11 or

12 (6) The amendment of a charge or a bill of particulars  
13 has taken the defendant by surprise and he cannot fairly  
14 defend against such an amendment without a continuance.

15 (c) A written motion for continuance made by the State more  
16 than 30 days after arraignment may be granted when:

17 (1) The prosecutor assigned to the case is ill, has  
18 died, or is held to trial in another cause; or

19 (2) A material witness is unavailable and the  
20 prosecution will be prejudiced by the absence of his  
21 testimony; however this shall not be a ground for  
22 continuance if the defendant will stipulate that the  
23 testimony of the witness would be as alleged; or

24 (3) Pre-trial publicity concerning the case has caused  
25 a prejudice against the prosecution on the part of the  
26 community.

1           (d) The court may upon the written motion of either party  
2 or upon the court's own motion order a continuance for grounds  
3 not stated in subsections (b) and (c) of this Section if he  
4 finds that the interests of justice so require.

5           (e) All motions for continuance are addressed to the  
6 discretion of the trial court and shall be considered in the  
7 light of the diligence shown on the part of the movant. Where 1  
8 year has expired since the filing of an information or  
9 indictments, filed after January 1, 1980, if the court finds  
10 that the State has failed to use due diligence in bringing the  
11 case to trial, the court may, after a hearing had on the cause,  
12 on its own motion, dismiss the information or indictment. Any  
13 demand that the defendant had made for a speedy trial under  
14 Section 103-5 of this code shall not abate if the State files a  
15 new information or the grand jury reindicts in the cause.

16           After a hearing has been held upon the issue of the State's  
17 diligence and the court has found that the State has failed to  
18 use due diligence in pursuing the prosecution, the court may  
19 not dismiss the indictment or information without granting the  
20 State one more court date upon which to proceed. Such date  
21 shall be not less than 14 nor more than 30 days from the date of  
22 the court's finding. If the State is not prepared to proceed  
23 upon that date, the court shall dismiss the indictment or  
24 information, as provided in this Section.

25           (f) After trial has begun a reasonably brief continuance  
26 may be granted to either side in the interests of justice.

1           (g) During the time the General Assembly is in session, the  
2 court shall, on motion of either party or on its own motion,  
3 grant a continuance where the party or his attorney is a member  
4 of either house of the General Assembly whose presence is  
5 necessary for the full, fair trial of the cause and, in the  
6 case of an attorney, where the attorney was retained by the  
7 party before the cause was set for trial.

8           (h) This Section shall be construed to the end that  
9 criminal cases are tried with due diligence consonant with the  
10 rights of the defendant and the State to a speedy, fair and  
11 impartial trial.

12           (i) Physical incapacity of a defendant may be grounds for a  
13 continuance at any time. If, upon written motion of the  
14 defendant or the State or upon the court's own motion, and  
15 after presentation of affidavits or evidence, the court  
16 determines that the defendant is physically unable to appear in  
17 court or to assist in his defense, or that such appearance  
18 would endanger his health or result in substantial prejudice, a  
19 continuance shall be granted. If such continuance precedes the  
20 appearance of counsel for such defendant the court shall  
21 simultaneously appoint counsel in the manner prescribed by  
22 Section 113-3 of this Act. Such continuance shall suspend the  
23 provisions of Section 103-5 of this Act, which periods of time  
24 limitation shall commence anew when the court, after  
25 presentation of additional affidavits or evidence, has  
26 determined that such physical incapacity has been

1 substantially removed.

2 (j) In actions arising out of building code violations or  
3 violations of municipal ordinances caused by the failure of a  
4 building or structure to conform to the minimum standards of  
5 health and safety, the court shall grant a continuance only  
6 upon a written motion by the party seeking the continuance  
7 specifying the reason why such continuance should be granted.

8 (k) In prosecutions for violations of Section 10-1, 10-2,  
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 or 12-16 of the "Criminal Code of 1961" or the  
11 Criminal Code of 2012 involving a victim or witness who is a  
12 minor under 18 years of age, the court shall, in ruling on any  
13 motion or other request for a delay or continuance of  
14 proceedings, consider and give weight to the adverse impact the  
15 delay or continuance may have on the well-being of a child or  
16 witness.

17 (l) The court shall consider the age of the victim and the  
18 condition of the victim's health when ruling on a motion for a  
19 continuance.

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

21 (725 ILCS 5/114-11) (from Ch. 38, par. 114-11)

22 Sec. 114-11. Motion to Suppress Confession.

23 (a) Prior to the trial of any criminal case a defendant may  
24 move to suppress as evidence any confession given by him on the  
25 ground that it was not voluntary.

1           (b) The motion shall be in writing and state facts showing  
2 wherein the confession is involuntary.

3           (c) If the allegations of the motion state facts which, if  
4 true, show that the confession was not voluntarily made the  
5 court shall conduct a hearing into the merits of the motion.

6           (d) The burden of going forward with the evidence and the  
7 burden of proving that a confession was voluntary shall be on  
8 the State. Objection to the failure of the State to call all  
9 material witnesses on the issue of whether the confession was  
10 voluntary must be made in the trial court.

11           (e) The motion shall be made only before a court with  
12 jurisdiction to try the offense.

13           (f) The issue of the admissibility of the confession shall  
14 not be submitted to the jury. The circumstances surrounding the  
15 making of the confession may be submitted to the jury as  
16 bearing upon the credibility or the weight to be given to the  
17 confession.

18           (g) The motion shall be made before trial unless  
19 opportunity therefor did not exist or the defendant was not  
20 aware of the grounds for the motion. If the motion is made  
21 during trial, and the court determines that the motion is not  
22 untimely, and the court conducts a hearing on the merits and  
23 enters an order suppressing the confession, the court shall  
24 terminate the trial with respect to every defendant who was a  
25 party to the hearing and who was within the scope of the order  
26 of suppression, without further proceedings, unless the State

1 files a written notice that there will be no interlocutory  
2 appeal from such order of suppression. In the event of such  
3 termination, the court shall proceed with the trial of other  
4 defendants not thus affected. Such termination of trial shall  
5 be proper and shall not bar subsequent prosecution of the  
6 identical charges and defendants; however, if after such  
7 termination the State fails to prosecute the interlocutory  
8 appeal until a determination of the merits of the appeal by the  
9 reviewing court, the termination shall be improper within the  
10 meaning of subparagraph (a) (3) of Section 3-4 of the "Criminal  
11 Code of 2012 1961", ~~approved July 28, 1961, as amended,~~ and  
12 subsequent prosecution of such defendants upon such charges  
13 shall be barred.

14 (Source: P.A. 76-1096.)

15 (725 ILCS 5/114-12) (from Ch. 38, par. 114-12)

16 Sec. 114-12. Motion to Suppress Evidence Illegally Seized.

17 (a) A defendant aggrieved by an unlawful search and seizure may  
18 move the court for the return of property and to suppress as  
19 evidence anything so obtained on the ground that:

20 (1) The search and seizure without a warrant was illegal;

21 or

22 (2) The search and seizure with a warrant was illegal  
23 because the warrant is insufficient on its face; the evidence  
24 seized is not that described in the warrant; there was not  
25 probable cause for the issuance of the warrant; or, the warrant

1 was illegally executed.

2 (b) The motion shall be in writing and state facts showing  
3 wherein the search and seizure were unlawful. The judge shall  
4 receive evidence on any issue of fact necessary to determine  
5 the motion and the burden of proving that the search and  
6 seizure were unlawful shall be on the defendant. If the motion  
7 is granted the property shall be restored, unless otherwise  
8 subject to lawful detention, and it shall not be admissible in  
9 evidence against the movant at any trial.

10 (1) If a defendant seeks to suppress evidence because of  
11 the conduct of a peace officer in obtaining the evidence, the  
12 State may urge that the peace officer's conduct was taken in a  
13 reasonable and objective good faith belief that the conduct was  
14 proper and that the evidence discovered should not be  
15 suppressed if otherwise admissible. The court shall not  
16 suppress evidence which is otherwise admissible in a criminal  
17 proceeding if the court determines that the evidence was seized  
18 by a peace officer who acted in good faith.

19 (2) "Good faith" means whenever a peace officer obtains  
20 evidence:

21 (i) pursuant to a search or an arrest warrant obtained from  
22 a neutral and detached judge, which warrant is free from  
23 obvious defects other than non-deliberate errors in  
24 preparation and contains no material misrepresentation by any  
25 agent of the State, and the officer reasonably believed the  
26 warrant to be valid; or

1           (ii) pursuant to a warrantless search incident to an arrest  
2 for violation of a statute or local ordinance which is later  
3 declared unconstitutional or otherwise invalidated.

4           (3) This amendatory Act of 1987 shall not be construed to  
5 limit the enforcement of any appropriate civil remedy or  
6 criminal sanction in actions pursuant to other provisions of  
7 law against any individual or government entity found to have  
8 conducted an unreasonable search or seizure.

9           (4) This amendatory Act of 1987 does not apply to unlawful  
10 electronic eavesdropping or wiretapping.

11           (c) The motion shall be made before trial unless  
12 opportunity therefor did not exist or the defendant was not  
13 aware of the grounds for the motion. If the motion is made  
14 during trial, and the court determines that the motion is not  
15 untimely, and the court conducts a hearing on the merits and  
16 enters an order suppressing the evidence, the court shall  
17 terminate the trial with respect to every defendant who was a  
18 party to the hearing and who was within the scope of the order  
19 of suppression, without further proceedings, unless the State  
20 files a written notice that there will be no interlocutory  
21 appeal from such order of suppression. In the event of such  
22 termination, the court shall proceed with the trial of other  
23 defendants not thus affected. Such termination of trial shall  
24 be proper and shall not bar subsequent prosecution of the  
25 identical charges and defendants; however, if after such  
26 termination the State fails to prosecute the interlocutory



1 appeal until a determination of the merits of the appeal by the  
2 reviewing court, the termination shall be improper within the  
3 meaning of subparagraph (a) (3) of Section 3-4 of the "Criminal  
4 Code of 2012 ~~1961~~", ~~approved July 28, 1961, as amended,~~ and  
5 subsequent prosecution of such defendants upon such charges  
6 shall be barred.

7 (d) The motion shall be made only before a court with  
8 jurisdiction to try the offense.

9 (e) The order or judgment granting or denying the motion  
10 shall state the findings of facts and conclusions of law upon  
11 which the order or judgment is based.

12 (Source: P.A. 85-388.)

13 (725 ILCS 5/115-3) (from Ch. 38, par. 115-3)

14 Sec. 115-3. Trial by the Court. (a) A trial shall be  
15 conducted in the presence of the defendant unless he waives the  
16 right to be present.

17 (b) Upon conclusion of the trial the court shall enter a  
18 general finding, except that, when the affirmative defense of  
19 insanity has been presented during the trial and acquittal is  
20 based solely upon the defense of insanity, the court shall  
21 enter a finding of not guilty by reason of insanity. In the  
22 event of a finding of not guilty by reason of insanity, a  
23 hearing shall be held pursuant to the Mental Health and  
24 Developmental Disabilities Code to determine whether the  
25 defendant is subject to involuntary admission.

1 (c) When the defendant has asserted a defense of insanity,  
2 the court may find the defendant guilty but mentally ill if,  
3 after hearing all of the evidence, the court finds that:

4 (1) the State has proven beyond a reasonable doubt that the  
5 defendant is guilty of the offense charged; and

6 (2) the defendant has failed to prove his insanity as  
7 required in subsection (b) of Section 3-2 of the Criminal Code  
8 of 2012 ~~1961, as amended~~, and subsections (a), (b) and (e) of  
9 Section 6-2 of the Criminal Code of 2012 ~~1961, as amended~~; and

10 (3) the defendant has proven by a preponderance of the  
11 evidence that he was mentally ill, as defined in subsections  
12 (c) and (d) of Section 6-2 of the Criminal Code of 2012 ~~1961,~~  
13 ~~as amended~~, at the time of the offense.

14 (Source: P.A. 86-392.)

15 (725 ILCS 5/115-4) (from Ch. 38, par. 115-4)

16 Sec. 115-4. Trial by Court and Jury.) (a) Questions of law  
17 shall be decided by the court and questions of fact by the  
18 jury.

19 (b) The jury shall consist of 12 members.

20 (c) Upon request the parties shall be furnished with a list  
21 of prospective jurors with their addresses if known.

22 (d) Each party may challenge jurors for cause. If a  
23 prospective juror has a physical impairment, the court shall  
24 consider such prospective juror's ability to perceive and  
25 appreciate the evidence when considering a challenge for cause.

1           (e) A defendant tried alone shall be allowed 20 peremptory  
2 challenges in a capital case, 10 in a case in which the  
3 punishment may be imprisonment in the penitentiary, and 5 in  
4 all other cases; except that, in a single trial of more than  
5 one defendant, each defendant shall be allowed 12 peremptory  
6 challenges in a capital case, 6 in a case in which the  
7 punishment may be imprisonment in the penitentiary, and 3 in  
8 all other cases. If several charges against a defendant or  
9 defendants are consolidated for trial, each defendant shall be  
10 allowed peremptory challenges upon one charge only, which  
11 single charge shall be the charge against that defendant  
12 authorizing the greatest maximum penalty. The State shall be  
13 allowed the same number of peremptory challenges as all of the  
14 defendants.

15           (f) After examination by the court the jurors may be  
16 examined, passed upon, accepted and tendered by opposing  
17 counsel as provided by Supreme Court rules.

18           (g) After the jury is impaneled and sworn the court may  
19 direct the selection of 2 alternate jurors who shall take the  
20 same oath as the regular jurors. Each party shall have one  
21 additional peremptory challenge for each alternate juror. If  
22 before the final submission of a cause a member of the jury  
23 dies or is discharged he shall be replaced by an alternate  
24 juror in the order of selection.

25           (h) A trial by the court and jury shall be conducted in the  
26 presence of the defendant unless he waives the right to be

1 present.

2 (i) After arguments of counsel the court shall instruct the  
3 jury as to the law.

4 (j) Unless the affirmative defense of insanity has been  
5 presented during the trial, the jury shall return a general  
6 verdict as to each offense charged. When the affirmative  
7 defense of insanity has been presented during the trial, the  
8 court shall provide the jury not only with general verdict  
9 forms but also with a special verdict form of not guilty by  
10 reason of insanity, as to each offense charged, and in such  
11 event the court shall separately instruct the jury that a  
12 special verdict of not guilty by reason of insanity may be  
13 returned instead of a general verdict but such special verdict  
14 requires a unanimous finding by the jury that the defendant  
15 committed the acts charged but at the time of the commission of  
16 those acts the defendant was insane. In the event of a verdict  
17 of not guilty by reason of insanity, a hearing shall be held  
18 pursuant to the Mental Health and Developmental Disabilities  
19 Code to determine whether the defendant is subject to  
20 involuntary admission. When the affirmative defense of  
21 insanity has been presented during the trial, the court, where  
22 warranted by the evidence, shall also provide the jury with a  
23 special verdict form of guilty but mentally ill, as to each  
24 offense charged and shall separately instruct the jury that a  
25 special verdict of guilty but mentally ill may be returned  
26 instead of a general verdict, but that such special verdict

1 requires a unanimous finding by the jury that: (1) the State  
2 has proven beyond a reasonable doubt that the defendant is  
3 guilty of the offense charged; and (2) the defendant has failed  
4 to prove his insanity as required in subsection (b) of Section  
5 3-2 of the Criminal Code of 2012 ~~1961, as amended,~~ and  
6 subsections (a), (b) and (e) of Section 6-2 of the Criminal  
7 Code of 2012 ~~1961, as amended;~~ and (3) the defendant has proven  
8 by a preponderance of the evidence that he was mentally ill, as  
9 defined in subsections (c) and (d) of Section 6-2 of the  
10 Criminal Code of 2012 ~~1961, as amended,~~ at the time of the  
11 offense.

12 (k) When, at the close of the State's evidence or at the  
13 close of all of the evidence, the evidence is insufficient to  
14 support a finding or verdict of guilty the court may and on  
15 motion of the defendant shall make a finding or direct the jury  
16 to return a verdict of not guilty, enter a judgment of  
17 acquittal and discharge the defendant.

18 (l) When the jury retires to consider its verdict an  
19 officer of the court shall be appointed to keep them together  
20 and to prevent conversation between the jurors and others;  
21 however, if any juror is deaf, the jury may be accompanied by  
22 and may communicate with a court-appointed interpreter during  
23 its deliberations. Upon agreement between the State and  
24 defendant or his counsel the jury may seal and deliver its  
25 verdict to the clerk of the court, separate, and then return  
26 such verdict in open court at its next session.

1 (m) In the trial of a capital or other offense, any juror  
2 who is a member of a panel or jury which has been impaneled and  
3 sworn as a panel or as a jury shall be permitted to separate  
4 from other such jurors during every period of adjournment to a  
5 later day, until final submission of the cause to the jury for  
6 determination, except that no such separation shall be  
7 permitted in any trial after the court, upon motion by the  
8 defendant or the State or upon its own motion, finds a  
9 probability that prejudice to the defendant or to the State  
10 will result from such separation.

11 (n) The members of the jury shall be entitled to take notes  
12 during the trial, and the sheriff of the county in which the  
13 jury is sitting shall provide them with writing materials for  
14 this purpose. Such notes shall remain confidential, and shall  
15 be destroyed by the sheriff after the verdict has been returned  
16 or a mistrial declared.

17 (o) A defendant tried by the court and jury shall only be  
18 found guilty, guilty but mentally ill, not guilty or not guilty  
19 by reason of insanity, upon the unanimous verdict of the jury.

20 (Source: P.A. 86-392.)

21 (725 ILCS 5/115-6) (from Ch. 38, par. 115-6)

22 Sec. 115-6. Appointment of Psychiatrist or Clinical  
23 Psychologist. If the defendant has given notice that he may  
24 rely upon the defense of insanity as defined in Section 6-2 of  
25 the Criminal Code of 2012 ~~1961~~ or the defendant indicates that

1 he intends to plead guilty but mentally ill or the defense of  
2 intoxicated or drugged condition as defined in Section 6-3 of  
3 the Criminal Code of 2012 ~~1961~~ or if the facts and  
4 circumstances of the case justify a reasonable belief that the  
5 aforesaid defenses may be raised, the Court shall, on motion of  
6 the State, order the defendant to submit to examination by at  
7 least one clinical psychologist or psychiatrist, to be named by  
8 the prosecuting attorney. The Court shall also order the  
9 defendant to submit to an examination by one neurologist, one  
10 clinical psychologist and one electroencephalographer to be  
11 named by the prosecuting attorney if the State asks for one or  
12 more of such additional examinations. The Court may order  
13 additional examinations if the Court finds that additional  
14 examinations by additional experts will be of substantial value  
15 in the determination of issues of insanity or drugged  
16 conditions. The reports of such experts shall be made available  
17 to the defense. Any statements made by defendant to such  
18 experts shall not be admissible against the defendant unless he  
19 raises the defense of insanity or the defense of drugged  
20 condition, in which case they shall be admissible only on the  
21 issue of whether he was insane or drugged. The refusal of the  
22 defendant to cooperate in such examinations shall not  
23 automatically preclude the raising of the aforesaid defenses  
24 but shall preclude the defendant from offering expert evidence  
25 or testimony tending to support such defenses if the expert  
26 evidence or testimony is based upon the expert's examination of

1 the defendant. If the Court, after a hearing, determines to its  
2 satisfaction that the defendant's refusal to cooperate was  
3 unreasonable it may, in its sound discretion, bar any or all  
4 evidence upon the defense asserted.

5 (Source: P.A. 82-553.)

6 (725 ILCS 5/115-7) (from Ch. 38, par. 115-7)

7 Sec. 115-7. a. In prosecutions for predatory criminal  
8 sexual assault of a child, aggravated criminal sexual assault,  
9 criminal sexual assault, aggravated criminal sexual abuse,  
10 criminal sexual abuse, or criminal transmission of HIV; and in  
11 prosecutions for battery and aggravated battery, when the  
12 commission of the offense involves sexual penetration or sexual  
13 conduct as defined in Section 11-0.1 of the Criminal Code of  
14 2012 ~~1961~~; and with the trial or retrial of the offenses  
15 formerly known as rape, deviate sexual assault, indecent  
16 liberties with a child, and aggravated indecent liberties with  
17 a child, the prior sexual activity or the reputation of the  
18 alleged victim or corroborating witness under Section 115-7.3  
19 of this Code is inadmissible except (1) as evidence concerning  
20 the past sexual conduct of the alleged victim or corroborating  
21 witness under Section 115-7.3 of this Code with the accused  
22 when this evidence is offered by the accused upon the issue of  
23 whether the alleged victim or corroborating witness under  
24 Section 115-7.3 of this Code consented to the sexual conduct  
25 with respect to which the offense is alleged; or (2) when



1 constitutionally required to be admitted.

2 b. No evidence admissible under this Section shall be  
3 introduced unless ruled admissible by the trial judge after an  
4 offer of proof has been made at a hearing to be held in camera  
5 in order to determine whether the defense has evidence to  
6 impeach the witness in the event that prior sexual activity  
7 with the defendant is denied. Such offer of proof shall include  
8 reasonably specific information as to the date, time and place  
9 of the past sexual conduct between the alleged victim or  
10 corroborating witness under Section 115-7.3 of this Code and  
11 the defendant. Unless the court finds that reasonably specific  
12 information as to date, time or place, or some combination  
13 thereof, has been offered as to prior sexual activity with the  
14 defendant, counsel for the defendant shall be ordered to  
15 refrain from inquiring into prior sexual activity between the  
16 alleged victim or corroborating witness under Section 115-7.3  
17 of this Code and the defendant. The court shall not admit  
18 evidence under this Section unless it determines at the hearing  
19 that the evidence is relevant and the probative value of the  
20 evidence outweighs the danger of unfair prejudice. The evidence  
21 shall be admissible at trial to the extent an order made by the  
22 court specifies the evidence that may be admitted and areas  
23 with respect to which the alleged victim or corroborating  
24 witness under Section 115-7.3 of this Code may be examined or  
25 cross examined.

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

1 (725 ILCS 5/115-7.2) (from Ch. 38, par. 115-7.2)

2 Sec. 115-7.2. In a prosecution for an illegal sexual act  
3 perpetrated upon a victim, including but not limited to  
4 prosecutions for violations of Sections 11-1.20 through  
5 11-1.60 or 12-13 through 12-16 of the Criminal Code of 1961 or  
6 the Criminal Code of 2012, or ritualized abuse of a child under  
7 Section 12-33 of the Criminal Code of 1961 or the Criminal Code  
8 of 2012, testimony by an expert, qualified by the court  
9 relating to any recognized and accepted form of post-traumatic  
10 stress syndrome shall be admissible as evidence.

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

12 (725 ILCS 5/115-7.3)

13 Sec. 115-7.3. Evidence in certain cases.

14 (a) This Section applies to criminal cases in which:

15 (1) the defendant is accused of predatory criminal  
16 sexual assault of a child, aggravated criminal sexual  
17 assault, criminal sexual assault, aggravated criminal  
18 sexual abuse, criminal sexual abuse, child pornography,  
19 aggravated child pornography, or criminal transmission of  
20 HIV;

21 (2) the defendant is accused of battery, aggravated  
22 battery, first degree murder, or second degree murder when  
23 the commission of the offense involves sexual penetration  
24 or sexual conduct as defined in Section 11-0.1 of the

1 Criminal Code of 2012 ~~1961~~; or

2 (3) the defendant is tried or retried for any of the  
3 offenses formerly known as rape, deviate sexual assault,  
4 indecent liberties with a child, or aggravated indecent  
5 liberties with a child.

6 (b) If the defendant is accused of an offense set forth in  
7 paragraph (1) or (2) of subsection (a) or the defendant is  
8 tried or retried for any of the offenses set forth in paragraph  
9 (3) of subsection (a), evidence of the defendant's commission  
10 of another offense or offenses set forth in paragraph (1), (2),  
11 or (3) of subsection (a), or evidence to rebut that proof or an  
12 inference from that proof, may be admissible (if that evidence  
13 is otherwise admissible under the rules of evidence) and may be  
14 considered for its bearing on any matter to which it is  
15 relevant.

16 (c) In weighing the probative value of the evidence against  
17 undue prejudice to the defendant, the court may consider:

18 (1) the proximity in time to the charged or predicate  
19 offense;

20 (2) the degree of factual similarity to the charged or  
21 predicate offense; or

22 (3) other relevant facts and circumstances.

23 (d) In a criminal case in which the prosecution intends to  
24 offer evidence under this Section, it must disclose the  
25 evidence, including statements of witnesses or a summary of the  
26 substance of any testimony, at a reasonable time in advance of

1 trial, or during trial if the court excuses pretrial notice on  
2 good cause shown.

3 (e) In a criminal case in which evidence is offered under  
4 this Section, proof may be made by specific instances of  
5 conduct, testimony as to reputation, or testimony in the form  
6 of an expert opinion, except that the prosecution may offer  
7 reputation testimony only after the opposing party has offered  
8 that testimony.

9 (f) In prosecutions for a violation of Section 10-2,  
10 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-3.05, 12-4,  
11 12-13, 12-14, 12-14.1, 12-15, 12-16, or 18-5 of the Criminal  
12 Code of 1961 or the Criminal Code of 2012, involving the  
13 involuntary delivery of a controlled substance to a victim, no  
14 inference may be made about the fact that a victim did not  
15 consent to a test for the presence of controlled substances.

16 (Source: P.A. 96-1551, eff. 7-1-11; 97-1109, eff. 1-1-13.)

17 (725 ILCS 5/115-10) (from Ch. 38, par. 115-10)

18 Sec. 115-10. Certain hearsay exceptions.

19 (a) In a prosecution for a physical or sexual act  
20 perpetrated upon or against a child under the age of 13, or a  
21 person who was a moderately, severely, or profoundly  
22 intellectually disabled person as defined in this Code and in  
23 Section 2-10.1 of the Criminal Code of 1961 or the Criminal  
24 Code of 2012 at the time the act was committed, including but  
25 not limited to prosecutions for violations of Sections 11-1.20

1 through 11-1.60 or 12-13 through 12-16 of the Criminal Code of  
2 1961 or the Criminal Code of 2012 and prosecutions for  
3 violations of Sections 10-1 (kidnapping), 10-2 (aggravated  
4 kidnapping), 10-3 (unlawful restraint), 10-3.1 (aggravated  
5 unlawful restraint), 10-4 (forcible detention), 10-5 (child  
6 abduction), 10-6 (harboring a runaway), 10-7 (aiding or  
7 abetting child abduction), 11-9 (public indecency), 11-11  
8 (sexual relations within families), 11-21 (harmful material),  
9 12-1 (assault), 12-2 (aggravated assault), 12-3 (battery),  
10 12-3.2 (domestic battery), 12-3.3 (aggravated domestic  
11 battery), 12-3.05 or 12-4 (aggravated battery), 12-4.1  
12 (heinous battery), 12-4.2 (aggravated battery with a firearm),  
13 12-4.3 (aggravated battery of a child), 12-4.7 (drug induced  
14 infliction of great bodily harm), 12-5 (reckless conduct), 12-6  
15 (intimidation), 12-6.1 or 12-6.5 (compelling organization  
16 membership of persons), 12-7.1 (hate crime), 12-7.3  
17 (stalking), 12-7.4 (aggravated stalking), 12-10 or 12C-35  
18 (tattooing the body of a minor), 12-11 or 19-6 (home invasion),  
19 12-21.5 or 12C-10 (child abandonment), 12-21.6 or 12C-5  
20 (endangering the life or health of a child) or 12-32 (ritual  
21 mutilation) of the Criminal Code of 1961 or the Criminal Code  
22 of 2012 or any sex offense as defined in subsection (B) of  
23 Section 2 of the Sex Offender Registration Act, the following  
24 evidence shall be admitted as an exception to the hearsay rule:  
25 (1) testimony by the victim of an out of court  
26 statement made by the victim that he or she complained of

1 such act to another; and

2 (2) testimony of an out of court statement made by the  
3 victim describing any complaint of such act or matter or  
4 detail pertaining to any act which is an element of an  
5 offense which is the subject of a prosecution for a sexual  
6 or physical act against that victim.

7 (b) Such testimony shall only be admitted if:

8 (1) The court finds in a hearing conducted outside the  
9 presence of the jury that the time, content, and  
10 circumstances of the statement provide sufficient  
11 safeguards of reliability; and

12 (2) The child or moderately, severely, or profoundly  
13 intellectually disabled person either:

14 (A) testifies at the proceeding; or

15 (B) is unavailable as a witness and there is  
16 corroborative evidence of the act which is the subject  
17 of the statement; and

18 (3) In a case involving an offense perpetrated against  
19 a child under the age of 13, the out of court statement was  
20 made before the victim attained 13 years of age or within 3  
21 months after the commission of the offense, whichever  
22 occurs later, but the statement may be admitted regardless  
23 of the age of the victim at the time of the proceeding.

24 (c) If a statement is admitted pursuant to this Section,  
25 the court shall instruct the jury that it is for the jury to  
26 determine the weight and credibility to be given the statement

1 and that, in making the determination, it shall consider the  
2 age and maturity of the child, or the intellectual capabilities  
3 of the moderately, severely, or profoundly intellectually  
4 disabled person, the nature of the statement, the circumstances  
5 under which the statement was made, and any other relevant  
6 factor.

7 (d) The proponent of the statement shall give the adverse  
8 party reasonable notice of his intention to offer the statement  
9 and the particulars of the statement.

10 (e) Statements described in paragraphs (1) and (2) of  
11 subsection (a) shall not be excluded on the basis that they  
12 were obtained as a result of interviews conducted pursuant to a  
13 protocol adopted by a Child Advocacy Advisory Board as set  
14 forth in subsections (c), (d), and (e) of Section 3 of the  
15 Children's Advocacy Center Act or that an interviewer or  
16 witness to the interview was or is an employee, agent, or  
17 investigator of a State's Attorney's office.

18 (Source: P.A. 96-710, eff. 1-1-10; 96-1551, Article 1, Section  
19 965, eff. 7-1-11; 96-1551, Article 2, Section 1040, eff.  
20 7-1-11; 97-227, eff. 1-1-12; 97-1108, eff. 1-1-13; 97-1109,  
21 eff. 1-1-13; revised 9-20-12.)

22 (725 ILCS 5/115-10.2a)

23 Sec. 115-10.2a. Admissibility of prior statements in  
24 domestic violence prosecutions when the witness is unavailable  
25 to testify.

1           (a) In a domestic violence prosecution, a statement, made  
2 by an individual identified in Section 201 of the Illinois  
3 Domestic Violence Act of 1986 as a person protected by that  
4 Act, that is not specifically covered by any other hearsay  
5 exception but having equivalent circumstantial guarantees of  
6 trustworthiness, is not excluded by the hearsay rule if the  
7 declarant is identified as unavailable as defined in subsection  
8 (c) and if the court determines that:

9           (1) the statement is offered as evidence of a material  
10 fact; and

11           (2) the statement is more probative on the point for  
12 which it is offered than any other evidence which the  
13 proponent can procure through reasonable efforts; and

14           (3) the general purposes of this Section and the  
15 interests of justice will best be served by admission of  
16 the statement into evidence.

17           (b) A statement may not be admitted under this exception  
18 unless the proponent of it makes known to the adverse party  
19 sufficiently in advance of the trial or hearing to provide the  
20 adverse party with a fair opportunity to prepare to meet it,  
21 the proponent's intention to offer the statement, and the  
22 particulars of the statement, including the name and address of  
23 the declarant.

24           (c) Unavailability as a witness includes circumstances in  
25 which the declarant:

26           (1) is exempted by ruling of the court on the ground of



1 privilege from testifying concerning the subject matter of  
2 the declarant's statement; or

3 (2) persists in refusing to testify concerning the  
4 subject matter of the declarant's statement despite an  
5 order of the court to do so; or

6 (3) testifies to a lack of memory of the subject matter  
7 of the declarant's statement; or

8 (4) is unable to be present or to testify at the  
9 hearing because of health or then existing physical or  
10 mental illness or infirmity; or

11 (5) is absent from the hearing and the proponent of the  
12 statement has been unable to procure the declarant's  
13 attendance by process or other reasonable means; or

14 (6) is a crime victim as defined in Section 3 of the  
15 Rights of Crime Victims and Witnesses Act and the failure  
16 of the declarant to testify is caused by the defendant's  
17 intimidation of the declarant as defined in Section 12-6 of  
18 the Criminal Code of 2012 ~~1961~~.

19 (d) A declarant is not unavailable as a witness if  
20 exemption, refusal, claim of lack of memory, inability, or  
21 absence is due to the procurement or wrongdoing of the  
22 proponent of a statement for purpose of preventing the witness  
23 from attending or testifying.

24 (e) Nothing in this Section shall render a prior statement  
25 inadmissible for purposes of impeachment because the statement  
26 was not recorded or otherwise fails to meet the criteria set

1       forth in this Section.

2       (Source: P.A. 93-443, eff. 8-5-03.)

3               (725 ILCS 5/115-10.3)

4       Sec. 115-10.3. Hearsay exception regarding elder adults.

5       (a) In a prosecution for a physical act, abuse, neglect, or  
6       financial exploitation perpetrated upon or against an eligible  
7       adult, as defined in the Elder Abuse and Neglect Act, who has  
8       been diagnosed by a physician to suffer from (i) any form of  
9       dementia, developmental disability, or other form of mental  
10      incapacity or (ii) any physical infirmity, including but not  
11      limited to prosecutions for violations of Sections 10-1, 10-2,  
12      10-3, 10-3.1, 10-4, 11-1.20, 11-1.30, 11-1.40, 11-1.50,  
13      11-1.60, 11-11, 12-1, 12-2, 12-3, 12-3.05, 12-3.2, 12-3.3,  
14      12-4, 12-4.1, 12-4.2, 12-4.5, 12-4.6, 12-4.7, 12-5, 12-6,  
15      12-7.3, 12-7.4, 12-11, 12-11.1, 12-13, 12-14, 12-15, 12-16,  
16      12-21, 16-1, 16-1.3, 17-1, 17-3, 17-56, 18-1, 18-2, 18-3, 18-4,  
17      18-5, 18-6, 19-6, 20-1.1, 24-1.2, and 33A-2, or subsection (b)  
18      of Section 12-4.4a, or subsection (a) of Section 17-32, of the  
19      Criminal Code of 1961 or the Criminal Code of 2012, the  
20      following evidence shall be admitted as an exception to the  
21      hearsay rule:

22               (1) testimony by an eligible adult, of an out of court  
23      statement made by the eligible adult, that he or she  
24      complained of such act to another; and

25               (2) testimony of an out of court statement made by the

1 eligible adult, describing any complaint of such act or  
2 matter or detail pertaining to any act which is an element  
3 of an offense which is the subject of a prosecution for a  
4 physical act, abuse, neglect, or financial exploitation  
5 perpetrated upon or against the eligible adult.

6 (b) Such testimony shall only be admitted if:

7 (1) The court finds in a hearing conducted outside the  
8 presence of the jury that the time, content, and  
9 circumstances of the statement provide sufficient  
10 safeguards of reliability; and

11 (2) The eligible adult either:

12 (A) testifies at the proceeding; or

13 (B) is unavailable as a witness and there is  
14 corroborative evidence of the act which is the subject  
15 of the statement.

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 condition of the eligible adult, the nature of the statement,  
21 the circumstances under which the statement was made, and any  
22 other relevant factor.

23 (d) The proponent of the statement shall give the adverse  
24 party reasonable notice of his or her intention to offer the  
25 statement and the particulars of the statement.

26 (Source: P.A. 96-1551, Article 1, Section 965, eff. 7-1-11;

1 96-1551, Article 2, Section 1040, eff. 7-1-11; 96-1551, Article  
2 10, Section 10-145, eff. 7-1-11; 97-1108, eff. 1-1-13; 97-1109,  
3 eff. 1-1-13.)

4 (725 ILCS 5/115-10.6)

5 Sec. 115-10.6. Hearsay exception for intentional murder of  
6 a witness.

7 (a) A statement is not rendered inadmissible by the hearsay  
8 rule if it is offered against a party that has killed the  
9 declarant in violation of clauses (a) (1) and (a) (2) of Section  
10 9-1 of the Criminal Code of 1961 or the Criminal Code of 2012  
11 intending to procure the unavailability of the declarant as a  
12 witness in a criminal or civil proceeding.

13 (b) While intent to procure the unavailability of the  
14 witness is a necessary element for the introduction of the  
15 statements, it need not be the sole motivation behind the  
16 murder which procured the unavailability of the declarant as a  
17 witness.

18 (c) The murder of the declarant may, but need not, be the  
19 subject of the trial at which the statement is being offered.  
20 If the murder of the declarant is not the subject of the trial  
21 at which the statement is being offered, the murder need not  
22 have ever been prosecuted.

23 (d) The proponent of the statements shall give the adverse  
24 party reasonable written notice of its intention to offer the  
25 statements and the substance of the particulars of each

1 statement of the declarant. For purposes of this Section,  
2 identifying the location of the statements in tendered  
3 discovery shall be sufficient to satisfy the substance of the  
4 particulars of the statement.

5 (e) The admissibility of the statements shall be determined  
6 by the court at a pretrial hearing. At the hearing, the  
7 proponent of the statement bears the burden of establishing 3  
8 criteria by a preponderance of the evidence:

9 (1) first, that the adverse party murdered the  
10 declarant and that the murder was intended to cause the  
11 unavailability of the declarant as a witness;

12 (2) second, that the time, content, and circumstances  
13 of the statements provide sufficient safeguards of  
14 reliability;

15 (3) third, the interests of justice will best be served  
16 by admission of the statement into evidence.

17 (f) The court shall make specific findings as to each of  
18 these criteria on the record before ruling on the admissibility  
19 of said statements.

20 (g) This Section in no way precludes or changes the  
21 application of the existing common law doctrine of forfeiture  
22 by wrongdoing.

23 (Source: P.A. 95-1004, eff. 12-8-08.)

24 (725 ILCS 5/115-11) (from Ch. 38, par. 115-11)

25 Sec. 115-11. In a prosecution for a criminal offense

1 defined in Article 11 or in Section 11-1.20, 11-1.30, 11-1.40,  
2 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the  
3 "Criminal Code of 1961 or the Criminal Code of 2012", where the  
4 alleged victim of the offense is a minor under 18 years of age,  
5 the court may exclude from the proceedings while the victim is  
6 testifying, all persons, who, in the opinion of the court, do  
7 not have a direct interest in the case, except the media.

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

9 (725 ILCS 5/115-11.1) (from Ch. 38, par. 115-11.1)

10 Sec. 115-11.1. Use of "Rape". The use of the word "rape",  
11 "rapist", or any derivative of "rape" by any victim, witness,  
12 State's Attorney, defense attorney, judge or other court  
13 personnel in any prosecutions of offenses in Sections 11-1.20  
14 through 11-1.60 or 12-13 through 12-16 of the Criminal Code of  
15 1961 or the Criminal Code of 2012, ~~as amended~~, is not  
16 inadmissible.

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

18 (725 ILCS 5/115-13) (from Ch. 38, par. 115-13)

19 Sec. 115-13. In a prosecution for violation of Section  
20 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,  
21 12-14.1, 12-15 or 12-16 of the "Criminal Code of 1961 or the  
22 Criminal Code of 2012", statements made by the victim to  
23 medical personnel for purposes of medical diagnosis or  
24 treatment including descriptions of the cause of symptom, pain

1 or sensations, or the inception or general character of the  
2 cause or external source thereof insofar as reasonably  
3 pertinent to diagnosis or treatment shall be admitted as an  
4 exception to the hearsay rule.

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

6 (725 ILCS 5/115-15)

7 Sec. 115-15. Laboratory reports.

8 (a) In any criminal prosecution for a violation of the  
9 Cannabis Control Act, the Illinois Controlled Substances Act,  
10 or the Methamphetamine Control and Community Protection Act, a  
11 laboratory report from the Department of State Police, Division  
12 of Forensic Services, that is signed and sworn to by the person  
13 performing an analysis and that states (1) that the substance  
14 that is the basis of the alleged violation has been weighed and  
15 analyzed, and (2) the person's findings as to the contents,  
16 weight and identity of the substance, and (3) that it contains  
17 any amount of a controlled substance or cannabis is prima facie  
18 evidence of the contents, identity and weight of the substance.  
19 Attached to the report shall be a copy of a notarized statement  
20 by the signer of the report giving the name of the signer and  
21 stating (i) that he or she is an employee of the Department of  
22 State Police, Division of Forensic Services, (ii) the name and  
23 location of the laboratory where the analysis was performed,  
24 (iii) that performing the analysis is a part of his or her  
25 regular duties, and (iv) that the signer is qualified by

1 education, training and experience to perform the analysis. The  
2 signer shall also allege that scientifically accepted tests  
3 were performed with due caution and that the evidence was  
4 handled in accordance with established and accepted procedures  
5 while in the custody of the laboratory.

6 (a-5) In any criminal prosecution for reckless homicide  
7 under Section 9-3 of the Criminal Code of 1961 or the Criminal  
8 Code of 2012, or driving under the influence of alcohol, other  
9 drug, or combination of both, in violation of Section 11-501 of  
10 the Illinois Vehicle Code or in any civil action held under a  
11 statutory summary suspension or revocation hearing under  
12 Section 2-118.1 of the Illinois Vehicle Code, a laboratory  
13 report from the Department of State Police, Division of  
14 Forensic Services, that is signed and sworn to by the person  
15 performing an analysis, and that states that the sample of  
16 blood or urine was tested for alcohol or drugs, and contains  
17 the person's findings as to the presence and amount of alcohol  
18 or drugs and type of drug is prima facie evidence of the  
19 presence, content, and amount of the alcohol or drugs analyzed  
20 in the blood or urine. Attached to the report must be a copy of  
21 a notarized statement by the signer of the report giving the  
22 name of the signer and stating (1) that he or she is an  
23 employee of the Department of State Police, Division of  
24 Forensic Services, (2) the name and location of the laboratory  
25 where the analysis was performed, (3) that performing the  
26 analysis is a part of his or her regular duties, (4) that the



1 signer is qualified by education, training, and experience to  
2 perform the analysis, and (5) that scientifically accepted  
3 tests were performed with due caution and that the evidence was  
4 handled in accordance with established and accepted procedures  
5 while in the custody of the laboratory.

6 (b) The State's Attorney shall serve a copy of the report  
7 on the attorney of record for the accused, or on the accused if  
8 he or she has no attorney, before any proceeding in which the  
9 report is to be used against the accused other than at a  
10 preliminary hearing or grand jury hearing when the report may  
11 be used without having been previously served upon the accused.

12 (c) The report shall not be prima facie evidence if the  
13 accused or his or her attorney demands the testimony of the  
14 person signing the report by serving the demand upon the  
15 State's Attorney within 7 days from the accused or his or her  
16 attorney's receipt of the report.

17 (Source: P.A. 96-1344, eff. 7-1-11.)

18 (725 ILCS 5/115-16)

19 Sec. 115-16. Witness disqualification. No person shall be  
20 disqualified as a witness in a criminal case or proceeding by  
21 reason of his or her interest in the event of the case or  
22 proceeding, as a party or otherwise, or by reason of his or her  
23 having been convicted of a crime; but the interest or  
24 conviction may be shown for the purpose of affecting the  
25 credibility of the witness. A defendant in a criminal case or

1 proceeding shall only at his or her own request be deemed a  
2 competent witness, and the person's neglect to testify shall  
3 not create a presumption against the person, nor shall the  
4 court permit a reference or comment to be made to or upon that  
5 neglect.

6 In criminal cases, husband and wife may testify for or  
7 against each other. Neither, however, may testify as to any  
8 communication or admission made by either of them to the other  
9 or as to any conversation between them during marriage, except  
10 in cases in which either is charged with an offense against the  
11 person or property of the other, in case of spouse abandonment,  
12 when the interests of their child or children or of any child  
13 or children in either spouse's care, custody, or control are  
14 directly involved, when either is charged with or under  
15 investigation for an offense under Section 11-1.20, 11-1.30,  
16 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or  
17 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012  
18 and the victim is a minor under 18 years of age in either  
19 spouse's care, custody, or control at the time of the offense,  
20 or as to matters in which either has acted as agent of the  
21 other.

22 (Source: P.A. 96-1242, eff. 7-23-10; 96-1551, eff. 7-1-11.)

23 (725 ILCS 5/115-17b)

24 Sec. 115-17b. Administrative subpoenas.

25 (a) Definitions. As used in this Section:

1           "Electronic communication services" and "remote  
2           computing services" have the same meaning as provided in  
3           the Electronic Communications Privacy Act in Chapter 121  
4           (commencing with Section 2701) of Part I of Title 18 of the  
5           United States Code Annotated.

6           "Offense involving the sexual exploitation of  
7           children" means an offense under Section 11-1.20, 11-1.30,  
8           11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6, 11-9.1,  
9           11-14.4, 11-15.1, 11-17.1, 11-18.1, 11-19.1, 11-19.2,  
10           11-20.1, 11-20.1B, 11-20.3, 11-21, 11-23, 11-25, 11-26,  
11           12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code  
12           of 1961 or the Criminal Code of 2012 or any attempt to  
13           commit any of these offenses when the victim is under 18  
14           years of age.

15           (b) Subpoenas duces tecum. In any criminal investigation of  
16           an offense involving the sexual exploitation of children, the  
17           Attorney General, or his or her designee, or a State's  
18           Attorney, or his or her designee, may issue in writing and  
19           cause to be served subpoenas duces tecum to providers of  
20           electronic communication services or remote computing services  
21           requiring the production of records relevant to the  
22           investigation. Any such request for records shall not extend  
23           beyond requiring the provider to disclose the information  
24           specified in 18 U.S.C. 2703(c)(2). Any subpoena duces tecum  
25           issued under this Section shall be made returnable to the Chief  
26           Judge of the Circuit Court for the Circuit in which the State's

1 Attorney resides, or his or her designee, or for subpoenas  
2 issued by the Attorney General, the subpoena shall be made  
3 returnable to the Chief Judge of the Circuit Court for the  
4 Circuit to which the investigation pertains, or his or her  
5 designee, to determine whether the documents are privileged and  
6 whether the subpoena is unreasonable or oppressive.

7 (c) Contents of subpoena. A subpoena under this Section  
8 shall describe the records or other things required to be  
9 produced and prescribe a return date within a reasonable period  
10 of time within which the objects or records can be assembled  
11 and made available.

12 (c-5) Contemporaneous notice to Chief Judge. Whenever a  
13 subpoena is issued under this Section, the Attorney General or  
14 his or her designee or the State's Attorney or his or her  
15 designee shall be required to provide a copy of the subpoena to  
16 the Chief Judge of the county in which the subpoena is  
17 returnable.

18 (d) Modifying or quashing subpoena. At any time before the  
19 return date specified in the subpoena, the person or entity to  
20 whom the subpoena is directed may petition for an order  
21 modifying or quashing the subpoena on the grounds that the  
22 subpoena is oppressive or unreasonable or that the subpoena  
23 seeks privileged documents or records.

24 (e) Ex parte order. An Illinois circuit court for the  
25 circuit in which the subpoena is or will be issued, upon  
26 application of the Attorney General, or his or her designee, or

1 State's Attorney, or his or her designee, may issue an ex parte  
2 order that no person or entity disclose to any other person or  
3 entity (other than persons necessary to comply with the  
4 subpoena) the existence of such subpoena for a period of up to  
5 90 days.

6 (1) Such order may be issued upon a showing that the  
7 things being sought may be relevant to the investigation  
8 and there is reason to believe that such disclosure may  
9 result in:

10 (A) endangerment to the life or physical safety of  
11 any person;

12 (B) flight to avoid prosecution;

13 (C) destruction of or tampering with evidence;

14 (D) intimidation of potential witnesses; or

15 (E) otherwise seriously jeopardizing an  
16 investigation or unduly delaying a trial.

17 (2) An order under this Section may be renewed for  
18 additional periods of up to 90 days upon a showing that the  
19 circumstances described in paragraph (1) of this  
20 subsection (e) continue to exist.

21 (f) Enforcement. A witness who is duly subpoenaed who  
22 neglects or refuses to comply with the subpoena shall be  
23 proceeded against and punished for contempt of the court. A  
24 subpoena duces tecum issued under this Section may be enforced  
25 pursuant to the Uniform Act to Secure the Attendance of  
26 Witnesses from Within or Without a State in Criminal

1 Proceedings.

2 (g) Immunity from civil liability. Notwithstanding any  
3 federal, State, or local law, any person, including officers,  
4 agents, and employees, receiving a subpoena under this Section,  
5 who complies in good faith with the subpoena and thus produces  
6 the materials sought, shall not be liable in any court of  
7 Illinois to any customer or other person for such production or  
8 for nondisclosure of that production to the customer.

9 (Source: P.A. 97-475, eff. 8-22-11.)

10 (725 ILCS 5/116-2.1)

11 Sec. 116-2.1. Motion to vacate prostitution convictions  
12 for sex trafficking victims.

13 (a) A motion under this Section may be filed at any time  
14 following the entry of a verdict or finding of guilty where the  
15 conviction was under Section 11-14 (prostitution) or Section  
16 11-14.2 (first offender; felony prostitution) of the Criminal  
17 Code of 1961 or the Criminal Code of 2012 or a similar local  
18 ordinance and the defendant's participation in the offense was  
19 a result of having been a trafficking victim under Section 10-9  
20 (involuntary servitude, involuntary sexual servitude of a  
21 minor, or trafficking in persons) of the Criminal Code of 1961  
22 or the Criminal Code of 2012; or a victim of a severe form of  
23 trafficking under the federal Trafficking Victims Protection  
24 Act (22 U.S.C. Section 7102(13)); provided that:

25 (1) a motion under this Section shall state why the

1 facts giving rise to this motion were not presented to the  
2 trial court, and shall be made with due diligence, after  
3 the defendant has ceased to be a victim of such trafficking  
4 or has sought services for victims of such trafficking,  
5 subject to reasonable concerns for the safety of the  
6 defendant, family members of the defendant, or other  
7 victims of such trafficking that may be jeopardized by the  
8 bringing of such motion, or for other reasons consistent  
9 with the purpose of this Section; and

10 (2) reasonable notice of the motion shall be served  
11 upon the State.

12 (b) The court may grant the motion if, in the discretion of  
13 the court, the violation was a result of the defendant having  
14 been a victim of human trafficking. Evidence of such may  
15 include, but is not limited to:

16 (1) certified records of federal or State court  
17 proceedings which demonstrate that the defendant was a  
18 victim of a trafficker charged with a trafficking offense  
19 under Section 10-9 of the Criminal Code of 1961 or the  
20 Criminal Code of 2012, or under 22 U.S.C. Chapter 78;

21 (2) certified records of "approval notices" or "law  
22 enforcement certifications" generated from federal  
23 immigration proceedings available to such victims; or

24 (3) a sworn statement from a trained professional staff  
25 of a victim services organization, an attorney, a member of  
26 the clergy, or a medical or other professional from whom

1 the defendant has sought assistance in addressing the  
2 trauma associated with being trafficked.

3 Alternatively, the court may consider such other evidence  
4 as it deems of sufficient credibility and probative value in  
5 determining whether the defendant is a trafficking victim or  
6 victim of a severe form of trafficking.

7 (c) If the court grants a motion under this Section, it  
8 must vacate the conviction and may take such additional action  
9 as is appropriate in the circumstances.

10 (Source: P.A. 97-267, eff. 1-1-12; 97-897, eff. 1-1-13.)

11 (725 ILCS 5/116-4)

12 Sec. 116-4. Preservation of evidence for forensic testing.

13 (a) Before or after the trial in a prosecution for a  
14 violation of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50,  
15 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal  
16 Code of 1961 or the Criminal Code of 2012 or in a prosecution  
17 for an offense defined in Article 9 of that Code, or in a  
18 prosecution for an attempt in violation of Section 8-4 of that  
19 Code of any of the above-enumerated offenses, unless otherwise  
20 provided herein under subsection (b) or (c), a law enforcement  
21 agency or an agent acting on behalf of the law enforcement  
22 agency shall preserve, subject to a continuous chain of  
23 custody, any physical evidence in their possession or control  
24 that is reasonably likely to contain forensic evidence,  
25 including, but not limited to, fingerprints or biological



1 material secured in relation to a trial and with sufficient  
2 documentation to locate that evidence.

3 (b) After a judgment of conviction is entered, the evidence  
4 shall either be impounded with the Clerk of the Circuit Court  
5 or shall be securely retained by a law enforcement agency.  
6 Retention shall be permanent in cases where a sentence of death  
7 is imposed. Retention shall be until the completion of the  
8 sentence, including the period of mandatory supervised release  
9 for the offense, or January 1, 2006, whichever is later, for  
10 any conviction for an offense or an attempt of an offense  
11 defined in Article 9 of the Criminal Code of 1961 or the  
12 Criminal Code of 2012 or in Section 11-1.20, 11-1.30, 11-1.40,  
13 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the  
14 Criminal Code of 1961 or the Criminal Code of 2012 or for 7  
15 years following any conviction for any other felony for which  
16 the defendant's genetic profile may be taken by a law  
17 enforcement agency and submitted for comparison in a forensic  
18 DNA database for unsolved offenses.

19 (c) After a judgment of conviction is entered, the law  
20 enforcement agency required to retain evidence described in  
21 subsection (a) may petition the court with notice to the  
22 defendant or, in cases where the defendant has died, his  
23 estate, his attorney of record, or an attorney appointed for  
24 that purpose by the court for entry of an order allowing it to  
25 dispose of evidence if, after a hearing, the court determines  
26 by a preponderance of the evidence that:

1           (1) it has no significant value for forensic science  
2 analysis and should be returned to its rightful owner,  
3 destroyed, used for training purposes, or as otherwise  
4 provided by law; or

5           (2) it has no significant value for forensic science  
6 analysis and is of a size, bulk, or physical character not  
7 usually retained by the law enforcement agency and cannot  
8 practicably be retained by the law enforcement agency; or

9           (3) there no longer exists a reasonable basis to  
10 require the preservation of the evidence because of the  
11 death of the defendant; however, this paragraph (3) does  
12 not apply if a sentence of death was imposed.

13           (d) The court may order the disposition of the evidence if  
14 the defendant is allowed the opportunity to take reasonable  
15 measures to remove or preserve portions of the evidence in  
16 question for future testing.

17           (d-5) Any order allowing the disposition of evidence  
18 pursuant to subsection (c) or (d) shall be a final and  
19 appealable order. No evidence shall be disposed of until 30  
20 days after the order is entered, and if a notice of appeal is  
21 filed, no evidence shall be disposed of until the mandate has  
22 been received by the circuit court from the appellate court.

23           (d-10) All records documenting the possession, control,  
24 storage, and destruction of evidence and all police reports,  
25 evidence control or inventory records, and other reports cited  
26 in this Section, including computer records, must be retained

1 for as long as the evidence exists and may not be disposed of  
2 without the approval of the Local Records Commission.

3 (e) In this Section, "law enforcement agency" includes any  
4 of the following or an agent acting on behalf of any of the  
5 following: a municipal police department, county sheriff's  
6 office, any prosecuting authority, the Department of State  
7 Police, or any other State, university, county, federal, or  
8 municipal police unit or police force.

9 "Biological material" includes, but is not limited to, any  
10 blood, hair, saliva, or semen from which genetic marker  
11 groupings may be obtained.

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

13 (725 ILCS 5/124B-10)

14 Sec. 124B-10. Applicability; offenses. This Article  
15 applies to forfeiture of property in connection with the  
16 following:

17 (1) A violation of Section 10-9 or 10A-10 of the  
18 Criminal Code of 1961 or the Criminal Code of 2012  
19 (involuntary servitude; involuntary servitude of a minor;  
20 or trafficking in persons).

21 (2) A violation of subdivision (a)(1) of Section  
22 11-14.4 of the Criminal Code of 1961 or the Criminal Code  
23 of 2012 (promoting juvenile prostitution) or a violation of  
24 Section 11-17.1 of the Criminal Code of 1961 (keeping a  
25 place of juvenile prostitution).

1           (3) A violation of subdivision (a)(4) of Section  
2 11-14.4 of the Criminal Code of 1961 or the Criminal Code  
3 of 2012 (promoting juvenile prostitution) or a violation of  
4 Section 11-19.2 of the Criminal Code of 1961 (exploitation  
5 of a child).

6           (4) A second or subsequent violation of Section 11-20  
7 of the Criminal Code of 1961 or the Criminal Code of 2012  
8 (obscenity).

9           (5) A ~~second or subsequent~~ violation of Section 11-20.1  
10 of the Criminal Code of 1961 or the Criminal Code of 2012  
11 (child pornography).

12           (6) A violation of Section 11-20.1B or 11-20.3 of the  
13 Criminal Code of 1961 (aggravated child pornography).

14           (7) A violation of Section 12C-65 of the Criminal Code  
15 of 2012 or Article 44 of the Criminal Code of 1961  
16 (unlawful transfer of a telecommunications device to a  
17 minor).

18           (8) A violation of Section 17-50 or Section 16D-5 of  
19 the Criminal Code of 2012 or the Criminal Code of 1961  
20 (computer fraud).

21           (9) A felony violation of Section 17-6.3 or Article 17B  
22 of the Criminal Code of 2012 or the Criminal Code of 1961  
23 (WIC fraud).

24           (10) A felony violation of Section 48-1 of the Criminal  
25 Code of 2012 or Section 26-5 of the Criminal Code of 1961  
26 (dog fighting).

1 (11) A violation of Article 29D of the Criminal Code of  
2 1961 or the Criminal Code of 2012 (terrorism).

3 (12) A felony violation of Section 4.01 of the Humane  
4 Care for Animals Act (animals in entertainment).

5 (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11;  
6 97-897, eff. 1-1-13; 97-1108, eff. 1-1-13; 97-1109, eff.  
7 1-1-13; revised 9-20-12.)

8 (725 ILCS 5/124B-100)

9 Sec. 124B-100. Definition; "offense". For purposes of this  
10 Article, "offense" is defined as follows:

11 (1) In the case of forfeiture authorized under Section  
12 10A-15 of the Criminal Code of 1961 or Section 10-9 of the  
13 Criminal Code of 2012, "offense" means the offense of  
14 involuntary servitude, involuntary servitude of a minor,  
15 or trafficking in persons in violation of Section 10-9 or  
16 10A-10 of those Codes ~~that Code~~.

17 (2) In the case of forfeiture authorized under  
18 subdivision (a)(1) of Section 11-14.4, or Section 11-17.1,  
19 of the Criminal Code of 1961 or the Criminal Code of 2012,  
20 "offense" means the offense of promoting juvenile  
21 prostitution or keeping a place of juvenile prostitution in  
22 violation of subdivision (a)(1) of Section 11-14.4, or  
23 Section 11-17.1, of those Codes ~~that Code~~.

24 (3) In the case of forfeiture authorized under  
25 subdivision (a)(4) of Section 11-14.4, or Section 11-19.2,

1 of the Criminal Code of 1961 or the Criminal Code of 2012,  
2 "offense" means the offense of promoting juvenile  
3 prostitution or exploitation of a child in violation of  
4 subdivision (a) (4) of Section 11-14.4, or Section 11-19.2,  
5 of those Codes ~~that Code~~.

6 (4) In the case of forfeiture authorized under Section  
7 11-20 of the Criminal Code of 1961 or the Criminal Code of  
8 2012, "offense" means the offense of obscenity in violation  
9 of that Section.

10 (5) In the case of forfeiture authorized under Section  
11 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
12 of 2012, "offense" means the offense of child pornography  
13 in violation of Section 11-20.1 of that Code.

14 (6) In the case of forfeiture authorized under Section  
15 11-20.1B or 11-20.3 of the Criminal Code of 1961, "offense"  
16 means the offense of aggravated child pornography in  
17 violation of Section 11-20.1B or 11-20.3 of that Code.

18 (7) In the case of forfeiture authorized under Section  
19 12C-65 of the Criminal Code of 2012 or Article 44 of the  
20 Criminal Code of 1961, "offense" means the offense of  
21 unlawful transfer of a telecommunications device to a minor  
22 in violation of Section 12C-65 or Article 44 of those Codes  
23 ~~that Code~~.

24 (8) In the case of forfeiture authorized under Section  
25 17-50 or 16D-5 of the Criminal Code of 1961 or the Criminal  
26 Code of 2012, "offense" means the offense of computer fraud

1 in violation of Section 17-50 or 16D-5 of those Codes ~~that~~  
2 ~~Code~~.

3 (9) In the case of forfeiture authorized under Section  
4 17-6.3 or Article 17B of the Criminal Code of 1961 or the  
5 Criminal Code of 2012, "offense" means any felony violation  
6 of Section 17-6.3 or Article 17B of those Codes ~~that Code~~.

7 (10) In the case of forfeiture authorized under Section  
8 29D-65 of the Criminal Code of 1961 or the Criminal Code of  
9 2012, "offense" means any offense under Article 29D of that  
10 Code.

11 (11) In the case of forfeiture authorized under Section  
12 4.01 of the Humane Care for Animals Act, Section 26-5 of  
13 the Criminal Code of 1961, or Section 48-1 of the Criminal  
14 Code of 2012 ~~1961~~, "offense" means any felony offense under  
15 either of those Sections.

16 (12) In the case of forfeiture authorized under Section  
17 124B-1000(b) of the Code of Criminal Procedure of 1963,  
18 "offense" means an offense in violation of ~~prohibited by~~  
19 the Criminal Code of 1961, the Criminal Code of 2012, the  
20 Illinois Controlled Substances Act, the Cannabis Control  
21 Act, or the Methamphetamine Control and Community  
22 Protection Act, or an offense involving a  
23 telecommunications device possessed by a person on the real  
24 property of any elementary or secondary school without  
25 authority of the school principal.

26 (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11;

1 97-897, eff. 1-1-13; 97-1108, eff. 1-1-13; 97-1109, eff.  
2 1-1-13; revised 9-20-12.)

3 (725 ILCS 5/124B-300)

4 Sec. 124B-300. Persons and property subject to forfeiture.  
5 A person who commits the offense of involuntary servitude,  
6 involuntary servitude of a minor, or trafficking of persons for  
7 forced labor or services under Section 10A-10 or Section 10-9  
8 of the Criminal Code of 1961 or the Criminal Code of 2012 shall  
9 forfeit to the State of Illinois any profits or proceeds and  
10 any property he or she has acquired or maintained in violation  
11 of Section 10A-10 or Section 10-9 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, to  
14 have been acquired or maintained as a result of maintaining a  
15 person in involuntary servitude or participating in  
16 trafficking of persons for forced labor or services.  
17 (Source: P.A. 96-712, eff. 1-1-10.)

18 (725 ILCS 5/124B-405)

19 Sec. 124B-405. Persons and property subject to forfeiture.  
20 A person who has been convicted previously of the offense of  
21 obscenity under Section 11-20 of the Criminal Code of 1961 or  
22 the Criminal Code of 2012 and who is convicted of a second or  
23 subsequent offense of obscenity under that Section shall  
24 forfeit the following to the State of Illinois:



1           (1) Any property constituting or derived from any  
2           proceeds that the person obtained, directly or indirectly,  
3           as a result of the offense.

4           (2) Any of the person's property used in any manner,  
5           wholly or in part, to commit the offense.

6           (Source: P.A. 96-712, eff. 1-1-10.)

7           (725 ILCS 5/124B-415)

8           Sec. 124B-415. Order to destroy property. If the Attorney  
9           General or State's Attorney believes any property forfeited and  
10          seized under this Part 400 describes, depicts, or portrays any  
11          of the acts or activities described in subsection (b) of  
12          Section 11-20 of the Criminal Code of 1961 or the Criminal Code  
13          of 2012, the Attorney General or State's Attorney shall apply  
14          to the court for an order to destroy that property. If the  
15          court determines that the property describes, depicts, or  
16          portrays such acts or activities it shall order the Attorney  
17          General or State's Attorney to destroy the property.

18          (Source: P.A. 96-712, eff. 1-1-10.)

19          (725 ILCS 5/124B-420)

20          Sec. 124B-420. Distribution of property and sale proceeds.

21          (a) All moneys and the sale proceeds of all other property  
22          forfeited and seized under this Part 400 shall be distributed  
23          as follows:

24                 (1) 50% shall be distributed to the unit of local

1 government whose officers or employees conducted the  
2 investigation into the offense and caused the arrest or  
3 arrests and prosecution leading to the forfeiture, except  
4 that if the investigation, arrest or arrests, and  
5 prosecution leading to the forfeiture were undertaken by  
6 the sheriff, this portion shall be distributed to the  
7 county for deposit into a special fund in the county  
8 treasury appropriated to the sheriff. Amounts distributed  
9 to the county for the sheriff or to units of local  
10 government under this paragraph shall be used for  
11 enforcement of laws or ordinances governing obscenity and  
12 child pornography. If the investigation, arrest or  
13 arrests, and prosecution leading to the forfeiture were  
14 undertaken solely by a State agency, however, the portion  
15 designated in this paragraph shall be paid into the State  
16 treasury to be used for enforcement of laws governing  
17 obscenity and child pornography.

18 (2) 25% shall be distributed to the county in which the  
19 prosecution resulting in the forfeiture was instituted,  
20 deposited into a special fund in the county treasury, and  
21 appropriated to the State's Attorney for use in the  
22 enforcement of laws governing obscenity and child  
23 pornography.

24 (3) 25% shall be distributed to the Office of the  
25 State's Attorneys Appellate Prosecutor and deposited into  
26 the Obscenity Profits Forfeiture Fund, which is hereby

1 created in the State treasury, to be used by the Office of  
2 the State's Attorneys Appellate Prosecutor for additional  
3 expenses incurred in prosecuting appeals arising under  
4 Sections 11-20, 11-20.1, 11-20.1B, and 11-20.3 of the  
5 Criminal Code of 1961 or the Criminal Code of 2012. Any  
6 amounts remaining in the Fund after all additional expenses  
7 have been paid shall be used by the Office to reduce the  
8 participating county contributions to the Office on a  
9 pro-rated basis as determined by the board of governors of  
10 the Office of the State's Attorneys Appellate Prosecutor  
11 based on the populations of the participating counties.

12 (b) Before any distribution under subsection (a), the  
13 Attorney General or State's Attorney shall retain from the  
14 forfeited moneys or sale proceeds, or both, sufficient moneys  
15 to cover expenses related to the administration and sale of the  
16 forfeited property.

17 (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11.)

18 (725 ILCS 5/124B-500)

19 Sec. 124B-500. Persons and property subject to forfeiture.  
20 A person who commits the offense of promoting juvenile  
21 prostitution, keeping a place of juvenile prostitution,  
22 exploitation of a child, child pornography, or aggravated child  
23 pornography under subdivision (a)(1) or (a)(4) of Section  
24 11-14.4 or under Section 11-17.1, 11-19.2, 11-20.1, 11-20.1B,  
25 or 11-20.3 of the Criminal Code of 1961 or the Criminal Code of

1 2012 shall forfeit the following property to the State of  
2 Illinois:

3 (1) Any profits or proceeds and any property the person  
4 has acquired or maintained in violation of subdivision  
5 (a)(1) or (a)(4) of Section 11-14.4 or in violation of  
6 Section 11-17.1, 11-19.2, 11-20.1, 11-20.1B, or 11-20.3 of  
7 the Criminal Code of 1961 or the Criminal Code of 2012 that  
8 the sentencing court determines, after a forfeiture  
9 hearing under this Article, to have been acquired or  
10 maintained as a result of keeping a place of juvenile  
11 prostitution, exploitation of a child, child pornography,  
12 or aggravated child pornography.

13 (2) Any interest in, securities of, claim against, or  
14 property or contractual right of any kind affording a  
15 source of influence over any enterprise that the person has  
16 established, operated, controlled, or conducted in  
17 violation of subdivision (a)(1) or (a)(4) of Section  
18 11-14.4 or in violation of Section 11-17.1, 11-19.2,  
19 11-20.1, 11-20.1B, or 11-20.3 of the Criminal Code of 1961  
20 or the Criminal Code of 2012 that the sentencing court  
21 determines, after a forfeiture hearing under this Article,  
22 to have been acquired or maintained as a result of keeping  
23 a place of juvenile prostitution, exploitation of a child,  
24 child pornography, or aggravated child pornography.

25 (3) Any computer that contains a depiction of child  
26 pornography in any encoded or decoded format in violation

1 of Section 11-20.1, 11-20.1B, or 11-20.3 of the Criminal  
2 Code of 1961 or the Criminal Code of 2012. For purposes of  
3 this paragraph (3), "computer" has the meaning ascribed to  
4 it in Section 17-0.5 ~~16D-2~~ of the Criminal Code of 2012  
5 ~~1961~~.

6 (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11.)

7 (725 ILCS 5/124B-600)

8 Sec. 124B-600. Persons and property subject to forfeiture.  
9 A person who commits the offense of computer fraud as set forth  
10 in Section 16D-5 or Section 17-50 of the Criminal Code of 1961  
11 or the Criminal Code of 2012 shall forfeit any property that  
12 the sentencing court determines, after a forfeiture hearing  
13 under this Article, the person has acquired or maintained,  
14 directly or indirectly, in whole or in part, as a result of  
15 that offense. The person shall also forfeit any interest in,  
16 securities of, claim against, or contractual right of any kind  
17 that affords the person a source of influence over any  
18 enterprise that the person has established, operated,  
19 controlled, conducted, or participated in conducting, if the  
20 person's relationship to or connection with any such thing or  
21 activity directly or indirectly, in whole or in part, is  
22 traceable to any item or benefit that the person has obtained  
23 or acquired through computer fraud.

24 (Source: P.A. 96-712, eff. 1-1-10; 97-1108, eff. 1-1-13.)

1 (725 ILCS 5/124B-610)

2 Sec. 124B-610. Computer used in commission of felony;  
3 forfeiture. If a person commits a felony under any provision of  
4 the Criminal Code of 1961 or the Criminal Code of 2012 or  
5 another statute and the instrumentality used in the commission  
6 of the offense, or in connection with or in furtherance of a  
7 scheme or design to commit the offense, is a computer owned by  
8 the defendant (or, if the defendant is a minor, owned by the  
9 minor's parent or legal guardian), the computer is subject to  
10 forfeiture under this Article. A computer, or any part of a  
11 computer, is not subject to forfeiture under this Article,  
12 however, under either of the following circumstances:

13 (1) The computer accessed in the commission of the  
14 offense was owned or leased by the victim or an innocent  
15 third party at the time the offense was committed.

16 (2) The rights of a creditor, lienholder, or person  
17 having a security interest in the computer at the time the  
18 offense was committed will be adversely affected.

19 (Source: P.A. 96-712, eff. 1-1-10.)

20 (725 ILCS 5/124B-700)

21 Sec. 124B-700. Persons and property subject to forfeiture.  
22 A person who commits a felony violation of Article 17B or  
23 Section 17-6.3 of the Criminal Code of 1961 or the Criminal  
24 Code of 2012 shall forfeit any property that the sentencing  
25 court determines, after a forfeiture hearing under this

1 Article, (i) the person has acquired, in whole or in part, as a  
2 result of committing the violation or (ii) the person has  
3 maintained or used, in whole or in part, to facilitate,  
4 directly or indirectly, the commission of the violation. The  
5 person shall also forfeit any interest in, securities of, claim  
6 against, or contractual right of any kind that affords the  
7 person a source of influence over any enterprise that the  
8 person has established, operated, controlled, conducted, or  
9 participated in conducting, if the person's relationship to or  
10 connection with any such thing or activity directly or  
11 indirectly, in whole or in part, is traceable to any item or  
12 benefit that the person has obtained or acquired as a result of  
13 a felony violation of Article 17B or Section 17-6.3 of the  
14 Criminal Code of 1961 or the Criminal Code of 2012. Property  
15 subject to forfeiture under this Part 700 includes the  
16 following:

17 (1) All moneys, things of value, books, records, and  
18 research products and materials that are used or intended  
19 to be used in committing a felony violation of Article 17B  
20 or Section 17-6.3 of the Criminal Code of 1961 or the  
21 Criminal Code of 2012.

22 (2) Everything of value furnished, or intended to be  
23 furnished, in exchange for a substance in violation of  
24 Article 17B or Section 17-6.3 of the Criminal Code of 1961  
25 or the Criminal Code of 2012; all proceeds traceable to  
26 that exchange; and all moneys, negotiable instruments, and

1 securities used or intended to be used to commit or in any  
2 manner to facilitate the commission of a felony violation  
3 of Article 17B or Section 17-6.3 of the Criminal Code of  
4 1961 or the Criminal Code of 2012.

5 (3) All real property, including any right, title, and  
6 interest (including, but not limited to, any leasehold  
7 interest or the beneficial interest in a land trust) in the  
8 whole of any lot or tract of land and any appurtenances or  
9 improvements, that is used or intended to be used, in any  
10 manner or part, to commit or in any manner to facilitate  
11 the commission of a felony violation of Article 17B or  
12 Section 17-6.3 of the Criminal Code of 1961 or the Criminal  
13 Code of 2012 or that is the proceeds of any act that  
14 constitutes a felony violation of Article 17B or Section  
15 17-6.3 of the Criminal Code of 1961 or the Criminal Code of  
16 2012.

17 (Source: P.A. 96-712, eff. 1-1-10; 97-1108, eff. 1-1-13.)

18 (725 ILCS 5/124B-710)

19 Sec. 124B-710. Sale of forfeited property by Director of  
20 State Police; return to seizing agency or prosecutor.

21 (a) The court shall authorize the Director of State Police  
22 to seize any property declared forfeited under this Article on  
23 terms and conditions the court deems proper.

24 (b) When property is forfeited under this Part 700, the  
25 Director of State Police shall sell the property unless the



1 property is required by law to be destroyed or is harmful to  
2 the public. The Director shall distribute the proceeds of the  
3 sale, together with any moneys forfeited or seized, in  
4 accordance with Section 124B-715.

5 (c) On the application of the seizing agency or prosecutor  
6 who was responsible for the investigation, arrest, and  
7 prosecution that lead to the forfeiture, however, the Director  
8 may return any item of forfeited property to the seizing agency  
9 or prosecutor for official use in the enforcement of laws  
10 relating to Article 17B or Section 17-6.3 of the Criminal Code  
11 of 1961 or the Criminal Code of 2012 if the agency or  
12 prosecutor can demonstrate that the item requested would be  
13 useful to the agency or prosecutor in their enforcement  
14 efforts. When any real property returned to the seizing agency  
15 is sold by the agency or its unit of government, the proceeds  
16 of the sale shall be delivered to the Director and distributed  
17 in accordance with Section 124B-715.

18 (Source: P.A. 96-712, eff. 1-1-10; 97-1108, eff. 1-1-13.)

19 (725 ILCS 5/124B-800)

20 Sec. 124B-800. Persons and property subject to forfeiture.

21 (a) A person who commits an offense under Article 29D of  
22 the Criminal Code of 1961 or the Criminal Code of 2012 shall  
23 forfeit any property that the sentencing court determines,  
24 after a forfeiture hearing under this Article, (i) the person  
25 has acquired or maintained, directly or indirectly, in whole or

1 in part, as a result of the offense or (ii) the person used,  
2 was about to use, or intended to use in connection with the  
3 offense. The person shall also forfeit any interest in,  
4 securities of, claim against, or contractual right of any kind  
5 that affords the person a source of influence over any  
6 enterprise that the person has established, operated,  
7 controlled, conducted, or participated in conducting, if the  
8 person's relationship to or connection with any such thing or  
9 activity directly or indirectly, in whole or in part, is  
10 traceable to any item or benefit that the person has obtained  
11 or acquired as a result of a violation of Article 29D of the  
12 Criminal Code of 1961 or the Criminal Code of 2012 or that the  
13 person used, was about to use, or intended to use in connection  
14 with a violation of Article 29D of the Criminal Code of 1961 or  
15 the Criminal Code of 2012.

16 (b) For purposes of this Part 800, "person" has the meaning  
17 given in Section 124B-115 of this Code and, in addition to that  
18 meaning, includes, without limitation, any charitable  
19 organization, whether incorporated or unincorporated, any  
20 professional fund raiser, professional solicitor, limited  
21 liability company, association, joint stock company,  
22 association, trust, trustee, or any group of people formally or  
23 informally affiliated or associated for a common purpose, and  
24 any officer, director, partner, member, or agent of any person.  
25 (Source: P.A. 96-712, eff. 1-1-10.)

1 (725 ILCS 5/124B-905)

2 Sec. 124B-905. Persons and property subject to forfeiture.  
3 A person who commits a felony violation of Section 4.01 of the  
4 Humane Care for Animals Act or a felony violation of Section  
5 48-1 or Section 26-5 of the Criminal Code of 2012 ~~or of~~ the  
6 Criminal Code of 1961 shall forfeit the following:

7 (1) Any moneys, profits, or proceeds the person  
8 acquired, in whole or in part, as a result of committing  
9 the violation.

10 (2) Any real property or interest in real property that  
11 the sentencing court determines, after a forfeiture  
12 hearing under this Article, (i) the person has acquired, in  
13 whole or in part, as a result of committing the violation  
14 or (ii) the person has maintained or used, in whole or in  
15 part, to facilitate, directly or indirectly, the  
16 commission of the violation. Real property subject to  
17 forfeiture under this Part 900 includes property that  
18 belongs to any of the following:

19 (A) The person organizing the show, exhibition,  
20 program, or other activity described in subsections  
21 (a) through (g) of Section 4.01 of the Humane Care for  
22 Animals Act, ~~or~~ Section 48-1 of the Criminal Code of  
23 2012, or Section 26-5 of the Criminal Code of 1961.

24 (B) Any other person participating in the activity  
25 described in subsections (a) through (g) of Section  
26 4.01 of the Humane Care for Animals Act, ~~or~~ Section

1           48-1 of the Criminal Code of 2012, or Section 26-5 of  
2           the Criminal Code of 1961 who is related to the  
3           organization and operation of the activity.

4           (C) Any person who knowingly allowed the  
5           activities to occur on his or her premises.

6           The person shall also forfeit any interest in, securities  
7           of, claim against, or contractual right of any kind that  
8           affords the person a source of influence over any enterprise  
9           that the person has established, operated, controlled,  
10          conducted, or participated in conducting, if the person's  
11          relationship to or connection with any such thing or activity  
12          directly or indirectly, in whole or in part, is traceable to  
13          any item or benefit that the person has obtained or acquired as  
14          a result of a felony violation of Section 4.01 of the Humane  
15          Care for Animals Act, ~~or~~ a felony violation of Section 48-1 of  
16          the Criminal Code of 2012 or Section 26-5 of the Criminal Code  
17          of 1961.

18          (Source: P.A. 96-712, eff. 1-1-10; 97-1108, eff. 1-1-13.)

19           (725 ILCS 5/124B-1000)

20          Sec. 124B-1000. Persons and property subject to  
21          forfeiture.

22          (a) A person who commits the offense of unlawful transfer  
23          of a telecommunications device to a minor in violation of  
24          Section 12C-65 or Article 44 of the Criminal Code of 2012 or ~~of~~  
25          the Criminal Code of 1961 shall forfeit any telecommunications

1 device used in the commission of the offense or which  
2 constitutes evidence of the commission of such offense.

3 (b) A person who commits an offense prohibited by the  
4 Criminal Code of 1961, the Criminal Code of 2012, the Illinois  
5 Controlled Substances Act, the Cannabis Control Act, or the  
6 Methamphetamine Control and Community Protection Act, or an  
7 offense involving a telecommunications device possessed by a  
8 person on the real property of any elementary or secondary  
9 school without authority of the school principal shall forfeit  
10 any telecommunications device used in the commission of the  
11 offense or which constitutes evidence of the commission of such  
12 offense. A person who is not a student of the particular  
13 elementary or secondary school, who is on school property as an  
14 invitee of the school, and who has possession of a  
15 telecommunications device for lawful and legitimate purposes,  
16 shall not need to obtain authority from the school principal to  
17 possess the telecommunications device on school property.

18 (Source: P.A. 97-1109, eff. 1-1-13.)

19 Section 640. The Bill of Rights for Children is amended by  
20 changing Section 3 as follows:

21 (725 ILCS 115/3) (from Ch. 38, par. 1353)

22 Sec. 3. Rights to present child impact statement.

23 (a) In any case where a defendant has been convicted of a  
24 violent crime involving a child or a juvenile has been

1 adjudicated a delinquent for any offense defined in Sections  
2 11-6, 11-20.1, 11-20.1B, and 11-20.3 and in Sections 11-1.20  
3 through 11-1.60 or 12-13 through 12-16 of the Criminal Code of  
4 1961 or the Criminal Code of 2012, except those in which both  
5 parties have agreed to the imposition of a specific sentence,  
6 and a parent or legal guardian of the child involved is present  
7 in the courtroom at the time of the sentencing or the  
8 disposition hearing, the parent or legal guardian upon his or  
9 her request shall have the right to address the court regarding  
10 the impact which the defendant's criminal conduct or the  
11 juvenile's delinquent conduct has had upon the child. If the  
12 parent or legal guardian chooses to exercise this right, the  
13 impact statement must have been prepared in writing in  
14 conjunction with the Office of the State's Attorney prior to  
15 the initial hearing or sentencing, before it can be presented  
16 orally at the sentencing hearing. The court shall consider any  
17 statements made by the parent or legal guardian, along with all  
18 other appropriate factors in determining the sentence of the  
19 defendant or disposition of such juvenile.

20 (b) The crime victim has the right to prepare a victim  
21 impact statement and present it to the office of the State's  
22 Attorney at any time during the proceedings.

23 (c) This Section shall apply to any child victims of any  
24 offense defined in Sections 11-1.20 through 11-1.60 or 12-13  
25 through 12-16 of the Criminal Code of 1961 or the Criminal Code  
26 of 2012 during any dispositional hearing under Section 5-705 of

1 the Juvenile Court Act of 1987 which takes place pursuant to an  
2 adjudication of delinquency for any such offense.

3 (Source: P.A. 96-292, eff. 1-1-10; 96-1551, eff. 7-1-11.)

4 Section 645. The Rights of Crime Victims and Witnesses Act  
5 is amended by changing Section 3 as follows:

6 (725 ILCS 120/3) (from Ch. 38, par. 1403)

7 Sec. 3. The terms used in this Act, unless the context  
8 clearly requires otherwise, shall have the following meanings:

9 (a) "Crime victim" and "victim" mean (1) a person  
10 physically injured in this State as a result of a violent crime  
11 perpetrated or attempted against that person or (2) a person  
12 who suffers injury to or loss of property as a result of a  
13 violent crime perpetrated or attempted against that person or  
14 (3) a single representative who may be the spouse, parent,  
15 child or sibling of a person killed as a result of a violent  
16 crime perpetrated against the person killed or the spouse,  
17 parent, child or sibling of any person granted rights under  
18 this Act who is physically or mentally incapable of exercising  
19 such rights, except where the spouse, parent, child or sibling  
20 is also the defendant or prisoner or (4) any person against  
21 whom a violent crime has been committed or (5) any person who  
22 has suffered personal injury as a result of a violation of  
23 Section 11-501 of the Illinois Vehicle Code, or of a similar  
24 provision of a local ordinance, or of Section 9-3 of the

1 Criminal Code of 1961 or the Criminal Code of 2012, ~~as amended~~  
2 or (6) in proceedings under the Juvenile Court Act of 1987,  
3 both parents, legal guardians, foster parents, or a single  
4 adult representative of a minor or disabled person who is a  
5 crime victim.

6 (b) "Witness" means any person who personally observed the  
7 commission of a violent crime and who will testify on behalf of  
8 the State of Illinois in the criminal prosecution of the  
9 violent crime.

10 (c) "Violent Crime" means any felony in which force or  
11 threat of force was used against the victim, or any offense  
12 involving sexual exploitation, sexual conduct or sexual  
13 penetration, or a violation of Section 11-20.1, 11-20.1B, or  
14 11-20.3 of the Criminal Code of 1961 or the Criminal Code of  
15 2012, domestic battery, violation of an order of protection,  
16 stalking, or any misdemeanor which results in death or great  
17 bodily harm to the victim or any violation of Section 9-3 of  
18 the Criminal Code of 1961 or the Criminal Code of 2012, or  
19 Section 11-501 of the Illinois Vehicle Code, or a similar  
20 provision of a local ordinance, if the violation resulted in  
21 personal injury or death, and includes any action committed by  
22 a juvenile that would be a violent crime if committed by an  
23 adult. For the purposes of this paragraph, "personal injury"  
24 shall include any Type A injury as indicated on the traffic  
25 accident report completed by a law enforcement officer that  
26 requires immediate professional attention in either a doctor's



1 office or medical facility. A type A injury shall include  
2 severely bleeding wounds, distorted extremities, and injuries  
3 that require the injured party to be carried from the scene.

4 (d) "Sentencing Hearing" means any hearing where a sentence  
5 is imposed by the court on a convicted defendant and includes  
6 hearings conducted pursuant to Sections 5-6-4, 5-6-4.1, 5-7-2  
7 and 5-7-7 of the Unified Code of Corrections.

8 (e) "Court proceedings" includes the preliminary hearing,  
9 any hearing the effect of which may be the release of the  
10 defendant from custody or to alter the conditions of bond, the  
11 trial, sentencing hearing, notice of appeal, any modification  
12 of sentence, probation revocation hearings or parole hearings.

13 (f) "Concerned citizen" includes relatives of the victim,  
14 friends of the victim, witnesses to the crime, or any other  
15 person associated with the victim or prisoner.

16 (Source: P.A. 96-292, eff. 1-1-10; 96-875, eff. 1-22-10;  
17 96-1551, eff. 7-1-11; 97-572, eff. 1-1-12.)

18 Section 650. The Narcotics Profit Forfeiture Act is amended  
19 by changing Section 4 as follows:

20 (725 ILCS 175/4) (from Ch. 56 1/2, par. 1654)

21 Sec. 4. A person commits narcotics racketeering when he:

22 (a) Receives income knowing such income to be derived,  
23 directly or indirectly, from a pattern of narcotics activity in  
24 which he participated, or for which he is accountable under

1 Section 5-2 of the Criminal Code of 2012 ~~1961~~; or

2 (b) Receives income, knowing such income to be derived,  
3 directly or indirectly, from a pattern of narcotics activity in  
4 which he participated, or for which he is accountable under  
5 Section 5-2 of the Criminal Code of 2012 ~~1961~~, and he uses or  
6 invests, directly or indirectly, any part of such income, or  
7 the proceeds of such income, in acquisition of any interest in,  
8 or the establishment or operation of, any enterprise doing  
9 business in the State of Illinois; or

10 (c) Knowingly, through a pattern of narcotics activity in  
11 which he participated, or for which he is accountable under  
12 Section 5-2 of the Criminal Code of 2012 ~~1961~~, acquires or  
13 maintains, directly or indirectly, any interest in or contract  
14 of any enterprise which is engaged in, or the activities of  
15 which affect, business in the State of Illinois; or

16 (d) Being a person employed by or associated with any  
17 enterprise doing business in the State of Illinois, he  
18 knowingly conducts or participates, directly or indirectly, in  
19 the conduct of such enterprise's affairs through a pattern of  
20 narcotics activity in which he participated, or for which he is  
21 accountable under Section 5-2 of the Criminal Code of 2012  
22 ~~1961~~.

23 (Source: P.A. 82-940.)

24 Section 655. The Sex Offense Victim Polygraph Act is  
25 amended by changing Section 1 as follows:

1 (725 ILCS 200/1) (from Ch. 38, par. 1551)

2 Sec. 1. Lie Detector Tests.

3 (a) No law enforcement officer, State's Attorney or other  
4 official shall ask or require an alleged victim of an offense  
5 described in Sections 11-1.20 through 11-1.60 or 12-13 through  
6 12-16 of the Criminal Code of 1961 or the Criminal Code of  
7 2012, ~~as amended,~~ to submit to a polygraph examination or any  
8 form of a mechanical or electrical lie detector test.

9 (b) A victim's refusal to submit to a polygraph or any form  
10 of a mechanical or electrical lie detector test shall not  
11 mitigate against the investigation, charging or prosecution of  
12 the pending case as originally charged.

13 (Source: P.A. 96-1273, eff. 1-1-11; 96-1551, eff. 7-1-11.)

14 Section 660. The Sexually Violent Persons Commitment Act is  
15 amended by changing Section 5 as follows:

16 (725 ILCS 207/5)

17 Sec. 5. Definitions. As used in this Act, the term:

18 (a) "Department" means the Department of Human Services.

19 (b) "Mental disorder" means a congenital or acquired  
20 condition affecting the emotional or volitional capacity that  
21 predisposes a person to engage in acts of sexual violence.

22 (c) "Secretary" means the Secretary of Human Services.

23 (d) "Sexually motivated" means that one of the purposes for

1 an act is for the actor's sexual arousal or gratification.

2 (e) "Sexually violent offense" means any of the following:

3 (1) Any crime specified in Section 11-1.20, 11-1.30,  
4 11-1.40, 11-1.60, 11-6, 11-20.1, 11-20.1B, 11-20.3, 12-13,  
5 12-14, 12-14.1, or 12-16 of the Criminal Code of 1961 or  
6 the Criminal Code of 2012; or

7 (1.5) Any former law of this State specified in Section  
8 11-1 (rape), 11-3 (deviate sexual assault), 11-4 (indecent  
9 liberties with a child) or 11-4.1 (aggravated indecent  
10 liberties with a child) of the Criminal Code of 1961; or

11 (2) First degree murder, if it is determined by the  
12 agency with jurisdiction to have been sexually motivated;  
13 or

14 (3) Any solicitation, conspiracy or attempt to commit a  
15 crime under paragraph (e) (1) or (e) (2) of this Section.

16 (f) "Sexually violent person" means a person who has been  
17 convicted of a sexually violent offense, has been adjudicated  
18 delinquent for a sexually violent offense, or has been found  
19 not guilty of a sexually violent offense by reason of insanity  
20 and who is dangerous because he or she suffers from a mental  
21 disorder that makes it substantially probable that the person  
22 will engage in acts of sexual violence.

23 (Source: P.A. 96-292, eff. 1-1-10; 96-328, eff. 8-11-09;  
24 96-1551, eff. 7-1-11.)

25 Section 665. The Statewide Grand Jury Act is amended by

1 changing Sections 2, 3, and 4 as follows:

2 (725 ILCS 215/2) (from Ch. 38, par. 1702)

3 Sec. 2. (a) County grand juries and State's Attorneys have  
4 always had and shall continue to have primary responsibility  
5 for investigating, indicting, and prosecuting persons who  
6 violate the criminal laws of the State of Illinois. However, in  
7 recent years organized terrorist activity directed against  
8 innocent civilians and certain criminal enterprises have  
9 developed that require investigation, indictment, and  
10 prosecution on a statewide or multicounty level. The criminal  
11 enterprises exist as a result of the allure of profitability  
12 present in narcotic activity, the unlawful sale and transfer of  
13 firearms, and streetgang related felonies and organized  
14 terrorist activity is supported by the contribution of money  
15 and expert assistance from geographically diverse sources. In  
16 order to shut off the life blood of terrorism and weaken or  
17 eliminate the criminal enterprises, assets, and property used  
18 to further these offenses must be frozen, and any profit must  
19 be removed. State statutes exist that can accomplish that goal.  
20 Among them are the offense of money laundering, the Cannabis  
21 and Controlled Substances Tax Act, violations of Article 29D of  
22 the Criminal Code of 1961 or the Criminal Code of 2012, the  
23 Narcotics Profit Forfeiture Act, and gunrunning. Local  
24 prosecutors need investigative personnel and specialized  
25 training to attack and eliminate these profits. In light of the

1 transitory and complex nature of conduct that constitutes these  
2 criminal activities, the many diverse property interests that  
3 may be used, acquired directly or indirectly as a result of  
4 these criminal activities, and the many places that illegally  
5 obtained property may be located, it is the purpose of this Act  
6 to create a limited, multicounty Statewide Grand Jury with  
7 authority to investigate, indict, and prosecute: narcotic  
8 activity, including cannabis and controlled substance  
9 trafficking, narcotics racketeering, money laundering,  
10 violations of the Cannabis and Controlled Substances Tax Act,  
11 and violations of Article 29D of the Criminal Code of 1961 or  
12 the Criminal Code of 2012; the unlawful sale and transfer of  
13 firearms; gunrunning; and streetgang related felonies.

14 (b) A Statewide Grand Jury may also investigate, indict,  
15 and prosecute violations facilitated by the use of a computer  
16 of any of the following offenses: indecent solicitation of a  
17 child, sexual exploitation of a child, soliciting for a  
18 juvenile prostitute, keeping a place of juvenile prostitution,  
19 juvenile pimping, child pornography, aggravated child  
20 pornography, or promoting juvenile prostitution except as  
21 described in subdivision (a)(4) of Section 11-14.4 of the  
22 Criminal Code of 1961 or the Criminal Code of 2012.

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

24 (725 ILCS 215/3) (from Ch. 38, par. 1703)

25 Sec. 3. Written application for the appointment of a

1 Circuit Judge to convene and preside over a Statewide Grand  
2 Jury, with jurisdiction extending throughout the State, shall  
3 be made to the Chief Justice of the Supreme Court. Upon such  
4 written application, the Chief Justice of the Supreme Court  
5 shall appoint a Circuit Judge from the circuit where the  
6 Statewide Grand Jury is being sought to be convened, who shall  
7 make a determination that the convening of a Statewide Grand  
8 Jury is necessary.

9 In such application the Attorney General shall state that  
10 the convening of a Statewide Grand Jury is necessary because of  
11 an alleged offense or offenses set forth in this Section  
12 involving more than one county of the State and identifying any  
13 such offense alleged; and

14 (a) that he or she believes that the grand jury  
15 function for the investigation and indictment of the  
16 offense or offenses cannot effectively be performed by a  
17 county grand jury together with the reasons for such  
18 belief, and

19 (b) (1) that each State's Attorney with jurisdiction  
20 over an offense or offenses to be investigated has  
21 consented to the impaneling of the Statewide Grand  
22 Jury, or

23 (2) if one or more of the State's Attorneys having  
24 jurisdiction over an offense or offenses to be  
25 investigated fails to consent to the impaneling of the  
26 Statewide Grand Jury, the Attorney General shall set

1           forth good cause for impaneling the Statewide Grand  
2           Jury.

3           If the Circuit Judge determines that the convening of a  
4           Statewide Grand Jury is necessary, he or she shall convene and  
5           impanel the Statewide Grand Jury with jurisdiction extending  
6           throughout the State to investigate and return indictments:

7           (a) For violations of any of the following or for any  
8           other criminal offense committed in the course of violating  
9           any of the following: Article 29D of the Criminal Code of  
10          1961 or the Criminal Code of 2012, the Illinois Controlled  
11          Substances Act, the Cannabis Control Act, the  
12          Methamphetamine Control and Community Protection Act, the  
13          Narcotics Profit Forfeiture Act, or the Cannabis and  
14          Controlled Substances Tax Act; a streetgang related felony  
15          offense; Section 24-2.1, 24-2.2, 24-3, 24-3A, 24-3.1,  
16          24-3.3, 24-3.4, 24-4, or 24-5 or subsection 24-1(a)(4),  
17          24-1(a)(6), 24-1(a)(7), 24-1(a)(9), 24-1(a)(10), or  
18          24-1(c) of the Criminal Code of 1961 or the Criminal Code  
19          of 2012; or a money laundering offense; provided that the  
20          violation or offense involves acts occurring in more than  
21          one county of this State; and

22          (a-5) For violations facilitated by the use of a  
23          computer, including the use of the Internet, the World Wide  
24          Web, electronic mail, message board, newsgroup, or any  
25          other commercial or noncommercial on-line service, of any  
26          of the following offenses: indecent solicitation of a



1 child, sexual exploitation of a child, soliciting for a  
2 juvenile prostitute, keeping a place of juvenile  
3 prostitution, juvenile pimping, child pornography,  
4 aggravated child pornography, or promoting juvenile  
5 prostitution except as described in subdivision (a)(4) of  
6 Section 11-14.4 of the Criminal Code of 1961 or the  
7 Criminal Code of 2012; and

8 (b) For the offenses of perjury, subornation of  
9 perjury, communicating with jurors and witnesses, and  
10 harassment of jurors and witnesses, as they relate to  
11 matters before the Statewide Grand Jury.

12 "Streetgang related" has the meaning ascribed to it in  
13 Section 10 of the Illinois Streetgang Terrorism Omnibus  
14 Prevention Act.

15 Upon written application by the Attorney General for the  
16 convening of an additional Statewide Grand Jury, the Chief  
17 Justice of the Supreme Court shall appoint a Circuit Judge from  
18 the circuit for which the additional Statewide Grand Jury is  
19 sought. The Circuit Judge shall determine the necessity for an  
20 additional Statewide Grand Jury in accordance with the  
21 provisions of this Section. No more than 2 Statewide Grand  
22 Juries may be empaneled at any time.

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

24 (725 ILCS 215/4) (from Ch. 38, par. 1704)

25 Sec. 4. (a) The presiding judge of the Statewide Grand Jury

1 will receive recommendations from the Attorney General as to  
2 the county in which the Grand Jury will sit. Prior to making  
3 the recommendations, the Attorney General shall obtain the  
4 permission of the local State's Attorney to use his or her  
5 county for the site of the Statewide Grand Jury. Upon receiving  
6 the Attorney General's recommendations, the presiding judge  
7 will choose one of those recommended locations as the site  
8 where the Grand Jury shall sit.

9 Any indictment by a Statewide Grand Jury shall be returned  
10 to the Circuit Judge presiding over the Statewide Grand Jury  
11 and shall include a finding as to the county or counties in  
12 which the alleged offense was committed. Thereupon, the judge  
13 shall, by order, designate the county of venue for the purpose  
14 of trial. The judge may also, by order, direct the  
15 consolidation of an indictment returned by a county grand jury  
16 with an indictment returned by the Statewide Grand Jury and set  
17 venue for trial.

18 (b) Venue for purposes of trial for the offense of  
19 narcotics racketeering shall be proper in any county where:

20 (1) Cannabis or a controlled substance which is the  
21 basis for the charge of narcotics racketeering was used;  
22 acquired; transferred or distributed to, from or through;  
23 or any county where any act was performed to further the  
24 use; acquisition, transfer or distribution of said  
25 cannabis or controlled substance; or

26 (2) Any money, property, property interest, or any

1 other asset generated by narcotics activities was  
2 acquired, used, sold, transferred or distributed to, from  
3 or through; or,

4 (3) Any enterprise interest obtained as a result of  
5 narcotics racketeering was acquired, used, transferred or  
6 distributed to, from or through, or where any activity was  
7 conducted by the enterprise or any conduct to further the  
8 interests of such an enterprise.

9 (c) Venue for purposes of trial for the offense of money  
10 laundering shall be proper in any county where any part of a  
11 financial transaction in criminally derived property took  
12 place, or in any county where any money or monetary interest  
13 which is the basis for the offense, was acquired, used, sold,  
14 transferred or distributed to, from, or through.

15 (d) A person who commits the offense of cannabis  
16 trafficking or controlled substance trafficking may be tried in  
17 any county.

18 (e) Venue for purposes of trial for any violation of  
19 Article 29D of the Criminal Code of 1961 or the Criminal Code  
20 of 2012 may be in the county in which an act of terrorism  
21 occurs, the county in which material support or resources are  
22 provided or solicited, the county in which criminal assistance  
23 is rendered, or any county in which any act in furtherance of  
24 any violation of Article 29D of the Criminal Code of 1961 or  
25 the Criminal Code of 2012 occurs.

26 (Source: P.A. 92-854, eff. 12-5-02.)

1 Section 670. The Unified Code of Corrections is amended by  
2 changing Sections 3-1-2, 3-3-2, 3-3-7, 3-6-3, 3-6-4, 3-10-7,  
3 3-14-1.5, 3-14-2, 5-3-2, 5-3-4, 5-4-1, 5-4-3, 5-4-3.1,  
4 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,  
5 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,  
6 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  
7 as follows:

8 (730 ILCS 5/3-1-2) (from Ch. 38, par. 1003-1-2)

9 Sec. 3-1-2. Definitions.

10 (a) "Chief Administrative Officer" means the person  
11 designated by the Director to exercise the powers and duties of  
12 the Department of Corrections in regard to committed persons  
13 within a correctional institution or facility, and includes the  
14 superintendent of any juvenile institution or facility.

15 (a-5) "Sex offense" for the purposes of paragraph (16) of  
16 subsection (a) of Section 3-3-7, paragraph (10) of subsection  
17 (a) of Section 5-6-3, and paragraph (18) of subsection (c) of  
18 Section 5-6-3.1 only means:

19 (i) A violation of any of the following Sections of the  
20 Criminal Code of 1961 or the Criminal Code of 2012: 10-7  
21 (aiding or abetting child abduction under Section  
22 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6 (indecent  
23 solicitation of a child), 11-6.5 (indecent solicitation of  
24 an adult), 11-14.4 (promoting juvenile prostitution),

1 11-15.1 (soliciting for a juvenile prostitute), 11-17.1  
2 (keeping a place of juvenile prostitution), 11-18.1  
3 (patronizing a juvenile prostitute), 11-19.1 (juvenile  
4 pimping), 11-19.2 (exploitation of a child), 11-20.1  
5 (child pornography), 11-20.1B or 11-20.3 (aggravated child  
6 pornography), 11-1.40 or 12-14.1 (predatory criminal  
7 sexual assault of a child), or 12-33 (ritualized abuse of a  
8 child). An attempt to commit any of these offenses.

9 (ii) A violation of any of the following Sections of  
10 the Criminal Code of 1961 or the Criminal Code of 2012:  
11 11-1.20 or 12-13 (criminal sexual assault), 11-1.30 or  
12 12-14 (aggravated criminal sexual assault), 11-1.60 or  
13 12-16 (aggravated criminal sexual abuse), and subsection  
14 (a) of Section 11-1.50 or subsection (a) of Section 12-15  
15 (criminal sexual abuse). An attempt to commit any of these  
16 offenses.

17 (iii) A violation of any of the following Sections of  
18 the Criminal Code of 1961 or the Criminal Code of 2012 when  
19 the defendant is not a parent of the victim:

20 10-1 (kidnapping),

21 10-2 (aggravated kidnapping),

22 10-3 (unlawful restraint),

23 10-3.1 (aggravated unlawful restraint).

24 An attempt to commit any of these offenses.

25 (iv) A violation of any former law of this State  
26 substantially equivalent to any offense listed in this

1 subsection (a-5).

2 An offense violating federal law or the law of another  
3 state that is substantially equivalent to any offense listed in  
4 this subsection (a-5) shall constitute a sex offense for the  
5 purpose of this subsection (a-5). A finding or adjudication as  
6 a sexually dangerous person under any federal law or law of  
7 another state that is substantially equivalent to the Sexually  
8 Dangerous Persons Act shall constitute an adjudication for a  
9 sex offense for the purposes of this subsection (a-5).

10 (b) "Commitment" means a judicially determined placement  
11 in the custody of the Department of Corrections on the basis of  
12 delinquency or conviction.

13 (c) "Committed Person" is a person committed to the  
14 Department, however a committed person shall not be considered  
15 to be an employee of the Department of Corrections for any  
16 purpose, including eligibility for a pension, benefits, or any  
17 other compensation or rights or privileges which may be  
18 provided to employees of the Department.

19 (c-5) "Computer scrub software" means any third-party  
20 added software, designed to delete information from the  
21 computer unit, the hard drive, or other software, which would  
22 eliminate and prevent discovery of browser activity, including  
23 but not limited to Internet history, address bar or bars, cache  
24 or caches, and/or cookies, and which would over-write files in  
25 a way so as to make previous computer activity, including but  
26 not limited to website access, more difficult to discover.

1           (d) "Correctional Institution or Facility" means any  
2 building or part of a building where committed persons are kept  
3 in a secured manner.

4           (e) In the case of functions performed before the effective  
5 date of this amendatory Act of the 94th General Assembly,  
6 "Department" means the Department of Corrections of this State.  
7 In the case of functions performed on or after the effective  
8 date of this amendatory Act of the 94th General Assembly,  
9 "Department" has the meaning ascribed to it in subsection  
10 (f-5).

11           (f) In the case of functions performed before the effective  
12 date of this amendatory Act of the 94th General Assembly,  
13 "Director" means the Director of the Department of Corrections.  
14 In the case of functions performed on or after the effective  
15 date of this amendatory Act of the 94th General Assembly,  
16 "Director" has the meaning ascribed to it in subsection (f-5).

17           (f-5) In the case of functions performed on or after the  
18 effective date of this amendatory Act of the 94th General  
19 Assembly, references to "Department" or "Director" refer to  
20 either the Department of Corrections or the Director of  
21 Corrections or to the Department of Juvenile Justice or the  
22 Director of Juvenile Justice unless the context is specific to  
23 the Department of Juvenile Justice or the Director of Juvenile  
24 Justice.

25           (g) "Discharge" means the final termination of a commitment  
26 to the Department of Corrections.

1           (h) "Discipline" means the rules and regulations for the  
2 maintenance of order and the protection of persons and property  
3 within the institutions and facilities of the Department and  
4 their enforcement.

5           (i) "Escape" means the intentional and unauthorized  
6 absence of a committed person from the custody of the  
7 Department.

8           (j) "Furlough" means an authorized leave of absence from  
9 the Department of Corrections for a designated purpose and  
10 period of time.

11           (k) "Parole" means the conditional and revocable release of  
12 a committed person under the supervision of a parole officer.

13           (l) "Prisoner Review Board" means the Board established in  
14 Section 3-3-1(a), independent of the Department, to review  
15 rules and regulations with respect to good time credits, to  
16 hear charges brought by the Department against certain  
17 prisoners alleged to have violated Department rules with  
18 respect to good time credits, to set release dates for certain  
19 prisoners sentenced under the law in effect prior to the  
20 effective date of this Amendatory Act of 1977, to hear requests  
21 and make recommendations to the Governor with respect to  
22 pardon, reprieve or commutation, to set conditions for parole  
23 and mandatory supervised release and determine whether  
24 violations of those conditions justify revocation of parole or  
25 release, and to assume all other functions previously exercised  
26 by the Illinois Parole and Pardon Board.



1 (m) Whenever medical treatment, service, counseling, or  
2 care is referred to in this Unified Code of Corrections, such  
3 term may be construed by the Department or Court, within its  
4 discretion, to include treatment, service or counseling by a  
5 Christian Science practitioner or nursing care appropriate  
6 therewith whenever request therefor is made by a person subject  
7 to the provisions of this Act.

8 (n) "Victim" shall have the meaning ascribed to it in  
9 subsection (a) of Section 3 of the Bill of Rights for Victims  
10 and Witnesses of Violent Crime Act.

11 (o) "Wrongfully imprisoned person" means a person who has  
12 been discharged from a prison of this State and has received:

13 (1) a pardon from the Governor stating that such pardon  
14 is issued on the ground of innocence of the crime for which  
15 he or she was imprisoned; or

16 (2) a certificate of innocence from the Circuit Court  
17 as provided in Section 2-702 of the Code of Civil  
18 Procedure.

19 (Source: P.A. 96-362, eff. 1-1-10; 96-710, eff. 1-1-10;  
20 96-1000, eff. 7-2-10; 96-1550, eff. 7-1-11; 96-1551, eff.  
21 7-1-11; 97-1109, eff. 1-1-13.)

22 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)  
23 Sec. 3-3-2. Powers and Duties.

24 (a) The Parole and Pardon Board is abolished and the term  
25 "Parole and Pardon Board" as used in any law of Illinois, shall

1 read "Prisoner Review Board." After the effective date of this  
2 amendatory Act of 1977, the Prisoner Review Board shall provide  
3 by rule for the orderly transition of all files, records, and  
4 documents of the Parole and Pardon Board and for such other  
5 steps as may be necessary to effect an orderly transition and  
6 shall:

7 (1) hear by at least one member and through a panel of  
8 at least 3 members decide, cases of prisoners who were  
9 sentenced under the law in effect prior to the effective  
10 date of this amendatory Act of 1977, and who are eligible  
11 for parole;

12 (2) hear by at least one member and through a panel of  
13 at least 3 members decide, the conditions of parole and the  
14 time of discharge from parole, impose sanctions for  
15 violations of parole, and revoke parole for those sentenced  
16 under the law in effect prior to this amendatory Act of  
17 1977; provided that the decision to parole and the  
18 conditions of parole for all prisoners who were sentenced  
19 for first degree murder or who received a minimum sentence  
20 of 20 years or more under the law in effect prior to  
21 February 1, 1978 shall be determined by a majority vote of  
22 the Prisoner Review Board. One representative supporting  
23 parole and one representative opposing parole will be  
24 allowed to speak. Their comments shall be limited to making  
25 corrections and filling in omissions to the Board's  
26 presentation and discussion;

1           (3) hear by at least one member and through a panel of  
2 at least 3 members decide, the conditions of mandatory  
3 supervised release and the time of discharge from mandatory  
4 supervised release, impose sanctions for violations of  
5 mandatory supervised release, and revoke mandatory  
6 supervised release for those sentenced under the law in  
7 effect after the effective date of this amendatory Act of  
8 1977;

9           (3.5) hear by at least one member and through a panel  
10 of at least 3 members decide, the conditions of mandatory  
11 supervised release and the time of discharge from mandatory  
12 supervised release, to impose sanctions for violations of  
13 mandatory supervised release and revoke mandatory  
14 supervised release for those serving extended supervised  
15 release terms pursuant to paragraph (4) of subsection (d)  
16 of Section 5-8-1;

17           (4) hear by at least one ± member and through a panel  
18 of at least 3 members, decide cases brought by the  
19 Department of Corrections against a prisoner in the custody  
20 of the Department for alleged violation of Department rules  
21 with respect to sentence credits under Section 3-6-3 of  
22 this Code in which the Department seeks to revoke sentence  
23 credits, if the amount of time at issue exceeds 30 days or  
24 when, during any 12 month period, the cumulative amount of  
25 credit revoked exceeds 30 days except where the infraction  
26 is committed or discovered within 60 days of scheduled

1 release. In such cases, the Department of Corrections may  
2 revoke up to 30 days of sentence credit. The Board may  
3 subsequently approve the revocation of additional sentence  
4 credit, if the Department seeks to revoke sentence credit  
5 in excess of thirty days. However, the Board shall not be  
6 empowered to review the Department's decision with respect  
7 to the loss of 30 days of sentence credit for any prisoner  
8 or to increase any penalty beyond the length requested by  
9 the Department;

10 (5) hear by at least one member and through a panel of  
11 at least 3 members decide, the release dates for certain  
12 prisoners sentenced under the law in existence prior to the  
13 effective date of this amendatory Act of 1977, in  
14 accordance with Section 3-3-2.1 of this Code;

15 (6) hear by at least one member and through a panel of  
16 at least 3 members decide, all requests for pardon,  
17 reprieve or commutation, and make confidential  
18 recommendations to the Governor;

19 (7) comply with the requirements of the Open Parole  
20 Hearings Act;

21 (8) hear by at least one member and, through a panel of  
22 at least 3 members, decide cases brought by the Department  
23 of Corrections against a prisoner in the custody of the  
24 Department for court dismissal of a frivolous lawsuit  
25 pursuant to Section 3-6-3(d) of this Code in which the  
26 Department seeks to revoke up to 180 days of sentence

1 credit, and if the prisoner has not accumulated 180 days of  
2 sentence credit at the time of the dismissal, then all  
3 sentence credit accumulated by the prisoner shall be  
4 revoked;

5 (9) hear by at least 3 members, and, through a panel of  
6 at least 3 members, decide whether to grant certificates of  
7 relief from disabilities or certificates of good conduct as  
8 provided in Article 5.5 of Chapter V; and

9 (10) upon a petition by a person who has been convicted  
10 of a Class 3 or Class 4 felony and who meets the  
11 requirements of this paragraph, hear by at least 3 members  
12 and, with the unanimous vote of a panel of 3 members, issue  
13 a certificate of eligibility for sealing recommending that  
14 the court order the sealing of all official records of the  
15 arresting authority, the circuit court clerk, and the  
16 Department of State Police concerning the arrest and  
17 conviction for the Class 3 or 4 felony. A person may not  
18 apply to the Board for a certificate of eligibility for  
19 sealing:

20 (A) until 5 years have elapsed since the expiration  
21 of his or her sentence;

22 (B) until 5 years have elapsed since any arrests or  
23 detentions by a law enforcement officer for an alleged  
24 violation of law, other than a petty offense, traffic  
25 offense, conservation offense, or local ordinance  
26 offense;

1 (C) if convicted of a violation of the Cannabis  
2 Control Act, Illinois Controlled Substances Act, the  
3 Methamphetamine Control and Community Protection Act,  
4 the Methamphetamine Precursor Control Act, or the  
5 Methamphetamine Precursor Tracking Act unless the  
6 petitioner has completed a drug abuse program for the  
7 offense on which sealing is sought and provides proof  
8 that he or she has completed the program successfully;

9 (D) if convicted of:

10 (i) a sex offense described in Article 11 or  
11 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of  
12 the Criminal Code of 1961 or the Criminal Code of  
13 2012;

14 (ii) aggravated assault;

15 (iii) aggravated battery;

16 (iv) domestic battery;

17 (v) aggravated domestic battery;

18 (vi) violation of an order of protection;

19 (vii) an offense under the Criminal Code of  
20 1961 or the Criminal Code of 2012 involving a  
21 firearm;

22 (viii) driving while under the influence of  
23 alcohol, other drug or drugs, intoxicating  
24 compound or compounds or any combination thereof;

25 (ix) aggravated driving while under the  
26 influence of alcohol, other drug or drugs,

1           intoxicating compound or compounds or any  
2           combination thereof; or

3                   (x) any crime defined as a crime of violence  
4           under Section 2 of the Crime Victims Compensation  
5           Act.

6           If a person has applied to the Board for a certificate of  
7           eligibility for sealing and the Board denies the certificate,  
8           the person must wait at least 4 years before filing again or  
9           filing for pardon from the Governor unless the Chairman of the  
10          Prisoner Review Board grants a waiver.

11          The decision to issue or refrain from issuing a certificate  
12          of eligibility for sealing shall be at the Board's sole  
13          discretion, and shall not give rise to any cause of action  
14          against either the Board or its members.

15          The Board may only authorize the sealing of Class 3 and 4  
16          felony convictions of the petitioner from one information or  
17          indictment under this paragraph (10). A petitioner may only  
18          receive one certificate of eligibility for sealing under this  
19          provision for life.

20          (a-5) The Prisoner Review Board, with the cooperation of  
21          and in coordination with the Department of Corrections and the  
22          Department of Central Management Services, shall implement a  
23          pilot project in 3 correctional institutions providing for the  
24          conduct of hearings under paragraphs (1) and (4) of subsection  
25          (a) of this Section through interactive video conferences. The  
26          project shall be implemented within 6 months after the

1 effective date of this amendatory Act of 1996. Within 6 months  
2 after the implementation of the pilot project, the Prisoner  
3 Review Board, with the cooperation of and in coordination with  
4 the Department of Corrections and the Department of Central  
5 Management Services, shall report to the Governor and the  
6 General Assembly regarding the use, costs, effectiveness, and  
7 future viability of interactive video conferences for Prisoner  
8 Review Board hearings.

9 (b) Upon recommendation of the Department the Board may  
10 restore sentence credit previously revoked.

11 (c) The Board shall cooperate with the Department in  
12 promoting an effective system of parole and mandatory  
13 supervised release.

14 (d) The Board shall promulgate rules for the conduct of its  
15 work, and the Chairman shall file a copy of such rules and any  
16 amendments thereto with the Director and with the Secretary of  
17 State.

18 (e) The Board shall keep records of all of its official  
19 actions and shall make them accessible in accordance with law  
20 and the rules of the Board.

21 (f) The Board or one who has allegedly violated the  
22 conditions of his parole or mandatory supervised release may  
23 require by subpoena the attendance and testimony of witnesses  
24 and the production of documentary evidence relating to any  
25 matter under investigation or hearing. The Chairman of the  
26 Board may sign subpoenas which shall be served by any agent or



1 public official authorized by the Chairman of the Board, or by  
2 any person lawfully authorized to serve a subpoena under the  
3 laws of the State of Illinois. The attendance of witnesses, and  
4 the production of documentary evidence, may be required from  
5 any place in the State to a hearing location in the State  
6 before the Chairman of the Board or his designated agent or  
7 agents or any duly constituted Committee or Subcommittee of the  
8 Board. Witnesses so summoned shall be paid the same fees and  
9 mileage that are paid witnesses in the circuit courts of the  
10 State, and witnesses whose depositions are taken and the  
11 persons taking those depositions are each entitled to the same  
12 fees as are paid for like services in actions in the circuit  
13 courts of the State. Fees and mileage shall be vouchered for  
14 payment when the witness is discharged from further attendance.

15 In case of disobedience to a subpoena, the Board may  
16 petition any circuit court of the State for an order requiring  
17 the attendance and testimony of witnesses or the production of  
18 documentary evidence or both. A copy of such petition shall be  
19 served by personal service or by registered or certified mail  
20 upon the person who has failed to obey the subpoena, and such  
21 person shall be advised in writing that a hearing upon the  
22 petition will be requested in a court room to be designated in  
23 such notice before the judge hearing motions or extraordinary  
24 remedies at a specified time, on a specified date, not less  
25 than 10 nor more than 15 days after the deposit of the copy of  
26 the written notice and petition in the U.S. mails addressed to

1 the person at his last known address or after the personal  
2 service of the copy of the notice and petition upon such  
3 person. The court upon the filing of such a petition, may order  
4 the person refusing to obey the subpoena to appear at an  
5 investigation or hearing, or to there produce documentary  
6 evidence, if so ordered, or to give evidence relative to the  
7 subject matter of that investigation or hearing. Any failure to  
8 obey such order of the circuit court may be punished by that  
9 court as a contempt of court.

10 Each member of the Board and any hearing officer designated  
11 by the Board shall have the power to administer oaths and to  
12 take the testimony of persons under oath.

13 (g) Except under subsection (a) of this Section, a majority  
14 of the members then appointed to the Prisoner Review Board  
15 shall constitute a quorum for the transaction of all business  
16 of the Board.

17 (h) The Prisoner Review Board shall annually transmit to  
18 the Director a detailed report of its work for the preceding  
19 calendar year. The annual report shall also be transmitted to  
20 the Governor for submission to the Legislature.

21 (Source: P.A. 96-875, eff. 1-22-10; 97-697, eff. 6-22-12;  
22 97-1120, eff. 1-1-13; revised 9-20-12.)

23 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

24 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised  
25 Release.

1           (a) The conditions of parole or mandatory supervised  
2 release shall be such as the Prisoner Review Board deems  
3 necessary to assist the subject in leading a law-abiding life.  
4 The conditions of every parole and mandatory supervised release  
5 are that the subject:

6           (1) not violate any criminal statute of any  
7 jurisdiction during the parole or release term;

8           (2) refrain from possessing a firearm or other  
9 dangerous weapon;

10          (3) report to an agent of the Department of  
11 Corrections;

12          (4) permit the agent to visit him or her at his or her  
13 home, employment, or elsewhere to the extent necessary for  
14 the agent to discharge his or her duties;

15          (5) attend or reside in a facility established for the  
16 instruction or residence of persons on parole or mandatory  
17 supervised release;

18          (6) secure permission before visiting or writing a  
19 committed person in an Illinois Department of Corrections  
20 facility;

21          (7) report all arrests to an agent of the Department of  
22 Corrections as soon as permitted by the arresting authority  
23 but in no event later than 24 hours after release from  
24 custody and immediately report service or notification of  
25 an order of protection, a civil no contact order, or a  
26 stalking no contact order to an agent of the Department of

1 Corrections;

2 (7.5) if convicted of a sex offense as defined in the  
3 Sex Offender Management Board Act, the individual shall  
4 undergo and successfully complete sex offender treatment  
5 conducted in conformance with the standards developed by  
6 the Sex Offender Management Board Act by a treatment  
7 provider approved by the Board;

8 (7.6) if convicted of a sex offense as defined in the  
9 Sex Offender Management Board Act, refrain from residing at  
10 the same address or in the same condominium unit or  
11 apartment unit or in the same condominium complex or  
12 apartment complex with another person he or she knows or  
13 reasonably should know is a convicted sex offender or has  
14 been placed on supervision for a sex offense; the  
15 provisions of this paragraph do not apply to a person  
16 convicted of a sex offense who is placed in a Department of  
17 Corrections licensed transitional housing facility for sex  
18 offenders, or is in any facility operated or licensed by  
19 the Department of Children and Family Services or by the  
20 Department of Human Services, or is in any licensed medical  
21 facility;

22 (7.7) if convicted for an offense that would qualify  
23 the accused as a sexual predator under the Sex Offender  
24 Registration Act on or after January 1, 2007 (the effective  
25 date of Public Act 94-988), wear an approved electronic  
26 monitoring device as defined in Section 5-8A-2 for the

1 duration of the person's parole, mandatory supervised  
2 release term, or extended mandatory supervised release  
3 term and if convicted for an offense of criminal sexual  
4 assault, aggravated criminal sexual assault, predatory  
5 criminal sexual assault of a child, criminal sexual abuse,  
6 aggravated criminal sexual abuse, or ritualized abuse of a  
7 child committed on or after August 11, 2009 (the effective  
8 date of Public Act 96-236) when the victim was under 18  
9 years of age at the time of the commission of the offense  
10 and the defendant used force or the threat of force in the  
11 commission of the offense wear an approved electronic  
12 monitoring device as defined in Section 5-8A-2 that has  
13 Global Positioning System (GPS) capability for the  
14 duration of the person's parole, mandatory supervised  
15 release term, or extended mandatory supervised release  
16 term;

17 (7.8) if convicted for an offense committed on or after  
18 June 1, 2008 (the effective date of Public Act 95-464) that  
19 would qualify the accused as a child sex offender as  
20 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
21 1961 or the Criminal Code of 2012, refrain from  
22 communicating with or contacting, by means of the Internet,  
23 a person who is not related to the accused and whom the  
24 accused reasonably believes to be under 18 years of age;  
25 for purposes of this paragraph (7.8), "Internet" has the  
26 meaning ascribed to it in Section 16-0.1 of the Criminal

1 Code of 2012 ~~1961~~; and a person is not related to the  
2 accused if the person is not: (i) the spouse, brother, or  
3 sister of the accused; (ii) a descendant of the accused;  
4 (iii) a first or second cousin of the accused; or (iv) a  
5 step-child or adopted child of the accused;

6 (7.9) if convicted under Section 11-6, 11-20.1,  
7 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or  
8 the Criminal Code of 2012, consent to search of computers,  
9 PDAs, cellular phones, and other devices under his or her  
10 control that are capable of accessing the Internet or  
11 storing electronic files, in order to confirm Internet  
12 protocol addresses reported in accordance with the Sex  
13 Offender Registration Act and compliance with conditions  
14 in this Act;

15 (7.10) if convicted for an offense that would qualify  
16 the accused as a sex offender or sexual predator under the  
17 Sex Offender Registration Act on or after June 1, 2008 (the  
18 effective date of Public Act 95-640), not possess  
19 prescription drugs for erectile dysfunction;

20 (7.11) if convicted for an offense under Section 11-6,  
21 11-9.1, 11-14.4 that involves soliciting for a juvenile  
22 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
23 of the Criminal Code of 1961 or the Criminal Code of 2012,  
24 or any attempt to commit any of these offenses, committed  
25 on or after June 1, 2009 (the effective date of Public Act  
26 95-983):

1           (i) not access or use a computer or any other  
2 device with Internet capability without the prior  
3 written approval of the Department;

4           (ii) submit to periodic unannounced examinations  
5 of the offender's computer or any other device with  
6 Internet capability by the offender's supervising  
7 agent, a law enforcement officer, or assigned computer  
8 or information technology specialist, including the  
9 retrieval and copying of all data from the computer or  
10 device and any internal or external peripherals and  
11 removal of such information, equipment, or device to  
12 conduct a more thorough inspection;

13           (iii) submit to the installation on the offender's  
14 computer or device with Internet capability, at the  
15 offender's expense, of one or more hardware or software  
16 systems to monitor the Internet use; and

17           (iv) submit to any other appropriate restrictions  
18 concerning the offender's use of or access to a  
19 computer or any other device with Internet capability  
20 imposed by the Board, the Department or the offender's  
21 supervising agent;

22           (7.12) if convicted of a sex offense as defined in the  
23 Sex Offender Registration Act committed on or after January  
24 1, 2010 (the effective date of Public Act 96-262), refrain  
25 from accessing or using a social networking website as  
26 defined in Section 17-0.5 of the Criminal Code of 2012

1 ~~1961;~~

2 (7.13) if convicted of a sex offense as defined in  
3 Section 2 of the Sex Offender Registration Act committed on  
4 or after January 1, 2010 (the effective date of Public Act  
5 96-362) that requires the person to register as a sex  
6 offender under that Act, may not knowingly use any computer  
7 scrub software on any computer that the sex offender uses;

8 (8) obtain permission of an agent of the Department of  
9 Corrections before leaving the State of Illinois;

10 (9) obtain permission of an agent of the Department of  
11 Corrections before changing his or her residence or  
12 employment;

13 (10) consent to a search of his or her person,  
14 property, or residence under his or her control;

15 (11) refrain from the use or possession of narcotics or  
16 other controlled substances in any form, or both, or any  
17 paraphernalia related to those substances and submit to a  
18 urinalysis test as instructed by a parole agent of the  
19 Department of Corrections;

20 (12) not frequent places where controlled substances  
21 are illegally sold, used, distributed, or administered;

22 (13) not knowingly associate with other persons on  
23 parole or mandatory supervised release without prior  
24 written permission of his or her parole agent and not  
25 associate with persons who are members of an organized gang  
26 as that term is defined in the Illinois Streetgang



1 Terrorism Omnibus Prevention Act;

2 (14) provide true and accurate information, as it  
3 relates to his or her adjustment in the community while on  
4 parole or mandatory supervised release or to his or her  
5 conduct while incarcerated, in response to inquiries by his  
6 or her parole agent or of the Department of Corrections;

7 (15) follow any specific instructions provided by the  
8 parole agent that are consistent with furthering  
9 conditions set and approved by the Prisoner Review Board or  
10 by law, exclusive of placement on electronic detention, to  
11 achieve the goals and objectives of his or her parole or  
12 mandatory supervised release or to protect the public.  
13 These instructions by the parole agent may be modified at  
14 any time, as the agent deems appropriate;

15 (16) 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 (17) if convicted of a violation of an order of  
26 protection under Section 12-3.4 or Section 12-30 of the

1 Criminal Code of 1961 or the Criminal Code of 2012, be  
2 placed under electronic surveillance as provided in  
3 Section 5-8A-7 of this Code;

4 (18) comply with the terms and conditions of an order  
5 of protection issued pursuant to the Illinois Domestic  
6 Violence Act of 1986; an order of protection issued by the  
7 court of another state, tribe, or United States territory;  
8 a no contact order issued pursuant to the Civil No Contact  
9 Order Act; or a no contact order issued pursuant to the  
10 Stalking No Contact Order Act; and

11 (19) if convicted of a violation of the Methamphetamine  
12 Control and Community Protection Act, the Methamphetamine  
13 Precursor Control Act, or a methamphetamine related  
14 offense, be:

15 (A) prohibited from purchasing, possessing, or  
16 having under his or her control any product containing  
17 pseudoephedrine unless prescribed by a physician; and

18 (B) prohibited from purchasing, possessing, or  
19 having under his or her control any product containing  
20 ammonium nitrate.

21 (b) The Board may in addition to other conditions require  
22 that the subject:

23 (1) work or pursue a course of study or vocational  
24 training;

25 (2) undergo medical or psychiatric treatment, or  
26 treatment for drug addiction or alcoholism;

1           (3) attend or reside in a facility established for the  
2 instruction or residence of persons on probation or parole;

3           (4) support his dependents;

4           (5) (blank);

5           (6) (blank);

6           (7) (blank);

7           (7.5) if convicted for an offense committed on or after  
8 the effective date of this amendatory Act of the 95th  
9 General Assembly that would qualify the accused as a child  
10 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
11 Criminal Code of 1961 or the Criminal Code of 2012, refrain  
12 from communicating with or contacting, by means of the  
13 Internet, a person who is related to the accused and whom  
14 the accused reasonably believes to be under 18 years of  
15 age; for purposes of this paragraph (7.5), "Internet" has  
16 the meaning ascribed to it in Section 16-0.1 of the  
17 Criminal Code of 2012 ~~1961~~; and a person is related to the  
18 accused if the person is: (i) the spouse, brother, or  
19 sister of the accused; (ii) a descendant of the accused;  
20 (iii) a first or second cousin of the accused; or (iv) a  
21 step-child or adopted child of the accused;

22           (7.6) if convicted for an offense committed on or after  
23 June 1, 2009 (the effective date of Public Act 95-983) that  
24 would qualify as a sex offense as defined in the Sex  
25 Offender Registration Act:

26           (i) not access or use a computer or any other

1 device with Internet capability without the prior  
2 written approval of the Department;

3 (ii) submit to periodic unannounced examinations  
4 of the offender's computer or any other device with  
5 Internet capability by the offender's supervising  
6 agent, a law enforcement officer, or assigned computer  
7 or information technology specialist, including the  
8 retrieval and copying of all data from the computer or  
9 device and any internal or external peripherals and  
10 removal of such information, equipment, or device to  
11 conduct a more thorough inspection;

12 (iii) submit to the installation on the offender's  
13 computer or device with Internet capability, at the  
14 offender's expense, of one or more hardware or software  
15 systems to monitor the Internet use; and

16 (iv) submit to any other appropriate restrictions  
17 concerning the offender's use of or access to a  
18 computer or any other device with Internet capability  
19 imposed by the Board, the Department or the offender's  
20 supervising agent; and

21 (8) in addition, if a minor:

22 (i) reside with his parents or in a foster home;

23 (ii) attend school;

24 (iii) attend a non-residential program for youth;

25 or

26 (iv) contribute to his own support at home or in a

1 foster home.

2 (b-1) In addition to the conditions set forth in  
3 subsections (a) and (b), persons required to register as sex  
4 offenders pursuant to the Sex Offender Registration Act, upon  
5 release from the custody of the Illinois Department of  
6 Corrections, may be required by the Board to comply with the  
7 following specific conditions of release:

8 (1) reside only at a Department approved location;

9 (2) comply with all requirements of the Sex Offender  
10 Registration Act;

11 (3) notify third parties of the risks that may be  
12 occasioned by his or her criminal record;

13 (4) obtain the approval of an agent of the Department  
14 of Corrections prior to accepting employment or pursuing a  
15 course of study or vocational training and notify the  
16 Department prior to any change in employment, study, or  
17 training;

18 (5) not be employed or participate in any volunteer  
19 activity that involves contact with children, except under  
20 circumstances approved in advance and in writing by an  
21 agent of the Department of Corrections;

22 (6) be electronically monitored for a minimum of 12  
23 months from the date of release as determined by the Board;

24 (7) refrain from entering into a designated geographic  
25 area except upon terms approved in advance by an agent of  
26 the Department of Corrections. The terms may include

1 consideration of the purpose of the entry, the time of day,  
2 and others accompanying the person;

3 (8) refrain from having any contact, including written  
4 or oral communications, directly or indirectly, personally  
5 or by telephone, letter, or through a third party with  
6 certain specified persons including, but not limited to,  
7 the victim or the victim's family without the prior written  
8 approval of an agent of the Department of Corrections;

9 (9) refrain from all contact, directly or indirectly,  
10 personally, by telephone, letter, or through a third party,  
11 with minor children without prior identification and  
12 approval of an agent of the Department of Corrections;

13 (10) neither possess or have under his or her control  
14 any material that is sexually oriented, sexually  
15 stimulating, or that shows male or female sex organs or any  
16 pictures depicting children under 18 years of age nude or  
17 any written or audio material describing sexual  
18 intercourse or that depicts or alludes to sexual activity,  
19 including but not limited to visual, auditory, telephonic,  
20 or electronic media, or any matter obtained through access  
21 to any computer or material linked to computer access use;

22 (11) not patronize any business providing sexually  
23 stimulating or sexually oriented entertainment nor utilize  
24 "900" or adult telephone numbers;

25 (12) not reside near, visit, or be in or about parks,  
26 schools, day care centers, swimming pools, beaches,

1 theaters, or any other places where minor children  
2 congregate without advance approval of an agent of the  
3 Department of Corrections and immediately report any  
4 incidental contact with minor children to the Department;

5 (13) not possess or have under his or her control  
6 certain specified items of contraband related to the  
7 incidence of sexually offending as determined by an agent  
8 of the Department of Corrections;

9 (14) may be required to provide a written daily log of  
10 activities if directed by an agent of the Department of  
11 Corrections;

12 (15) comply with all other special conditions that the  
13 Department may impose that restrict the person from  
14 high-risk situations and limit access to potential  
15 victims;

16 (16) take an annual polygraph exam;

17 (17) maintain a log of his or her travel; or

18 (18) obtain prior approval of his or her parole officer  
19 before driving alone in a motor vehicle.

20 (c) The conditions under which the parole or mandatory  
21 supervised release is to be served shall be communicated to the  
22 person in writing prior to his release, and he shall sign the  
23 same before release. A signed copy of these conditions,  
24 including a copy of an order of protection where one had been  
25 issued by the criminal court, shall be retained by the person  
26 and another copy forwarded to the officer in charge of his

1 supervision.

2 (d) After a hearing under Section 3-3-9, the Prisoner  
3 Review Board may modify or enlarge the conditions of parole or  
4 mandatory supervised release.

5 (e) The Department shall inform all offenders committed to  
6 the Department of the optional services available to them upon  
7 release and shall assist inmates in availing themselves of such  
8 optional services upon their release on a voluntary basis.

9 (f) (Blank).

10 (Source: P.A. 96-236, eff. 8-11-09; 96-262, eff. 1-1-10;  
11 96-328, eff. 8-11-09; 96-362, eff. 1-1-10; 96-1000, eff.  
12 7-2-10; 96-1539, eff. 3-4-11; 96-1551, Article 2, Section 1065,  
13 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;  
14 97-50, eff. 6-28-11; 97-531, eff. 1-1-12; 97-560, eff. 1-1-12;  
15 97-597, eff. 1-1-12; 97-1109, eff. 1-1-13.)

16 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)  
17 Sec. 3-6-3. Rules and Regulations for Sentence Credit.

18 (a) (1) The Department of Corrections shall prescribe  
19 rules and regulations for awarding and revoking sentence  
20 credit for persons committed to the Department which shall  
21 be subject to review by the Prisoner Review Board.

22 (1.5) As otherwise provided by law, sentence credit may  
23 be awarded for the following:

24 (A) successful completion of programming while in  
25 custody of the Department or while in custody prior to



1           sentencing;

2                   (B) compliance with the rules and regulations of  
3           the Department; or

4                   (C) service to the institution, service to a  
5           community, or service to the State.

6           (2) The rules and regulations on sentence credit shall  
7           provide, with respect to offenses listed in clause (i),  
8           (ii), or (iii) of this paragraph (2) committed on or after  
9           June 19, 1998 or with respect to the offense listed in  
10          clause (iv) of this paragraph (2) committed on or after  
11          June 23, 2005 (the effective date of Public Act 94-71) or  
12          with respect to offense listed in clause (vi) committed on  
13          or after June 1, 2008 (the effective date of Public Act  
14          95-625) or with respect to the offense of being an armed  
15          habitual criminal committed on or after August 2, 2005 (the  
16          effective date of Public Act 94-398) or with respect to the  
17          offenses listed in clause (v) of this paragraph (2)  
18          committed on or after August 13, 2007 (the effective date  
19          of Public Act 95-134) or with respect to the offense of  
20          aggravated domestic battery committed on or after July 23,  
21          2010 (the effective date of Public Act 96-1224) or with  
22          respect to the offense of attempt to commit terrorism  
23          committed on or after January 1, 2013 (the effective date  
24          of Public Act 97-990) ~~this amendatory Act of the 97th~~  
25          ~~General Assembly~~, the following:

26                   (i) that a prisoner who is serving a term of

1           imprisonment for first degree murder or for the offense  
2           of terrorism shall receive no sentence credit and shall  
3           serve the entire sentence imposed by the court;

4           (ii) that a prisoner serving a sentence for attempt  
5           to commit terrorism, attempt to commit first degree  
6           murder, solicitation of murder, solicitation of murder  
7           for hire, intentional homicide of an unborn child,  
8           predatory criminal sexual assault of a child,  
9           aggravated criminal sexual assault, criminal sexual  
10          assault, aggravated kidnapping, aggravated battery  
11          with a firearm as described in Section 12-4.2 or  
12          subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of  
13          Section 12-3.05, heinous battery as described in  
14          Section 12-4.1 or subdivision (a)(2) of Section  
15          12-3.05, being an armed habitual criminal, aggravated  
16          battery of a senior citizen as described in Section  
17          12-4.6 or subdivision (a)(4) of Section 12-3.05, or  
18          aggravated battery of a child as described in Section  
19          12-4.3 or subdivision (b)(1) of Section 12-3.05 shall  
20          receive no more than 4.5 days of sentence credit for  
21          each month of his or her sentence of imprisonment;

22          (iii) that a prisoner serving a sentence for home  
23          invasion, armed robbery, aggravated vehicular  
24          hijacking, aggravated discharge of a firearm, or armed  
25          violence with a category I weapon or category II  
26          weapon, when the court has made and entered a finding,

1           pursuant to subsection (c-1) of Section 5-4-1 of this  
2           Code, that the conduct leading to conviction for the  
3           enumerated offense resulted in great bodily harm to a  
4           victim, shall receive no more than 4.5 days of sentence  
5           credit for each month of his or her sentence of  
6           imprisonment;

7           (iv) that a prisoner serving a sentence for  
8           aggravated discharge of a firearm, whether or not the  
9           conduct leading to conviction for the offense resulted  
10          in great bodily harm to the victim, shall receive no  
11          more than 4.5 days of sentence credit for each month of  
12          his or her sentence of imprisonment;

13          (v) that a person serving a sentence for  
14          gunrunning, narcotics racketeering, controlled  
15          substance trafficking, methamphetamine trafficking,  
16          drug-induced homicide, aggravated  
17          methamphetamine-related child endangerment, money  
18          laundering pursuant to clause (c) (4) or (5) of Section  
19          29B-1 of the Criminal Code of 1961 or the Criminal Code  
20          of 2012, or a Class X felony conviction for delivery of  
21          a controlled substance, possession of a controlled  
22          substance with intent to manufacture or deliver,  
23          calculated criminal drug conspiracy, criminal drug  
24          conspiracy, street gang criminal drug conspiracy,  
25          participation in methamphetamine manufacturing,  
26          aggravated participation in methamphetamine

1 manufacturing, delivery of methamphetamine, possession  
2 with intent to deliver methamphetamine, aggravated  
3 delivery of methamphetamine, aggravated possession  
4 with intent to deliver methamphetamine,  
5 methamphetamine conspiracy when the substance  
6 containing the controlled substance or methamphetamine  
7 is 100 grams or more shall receive no more than 7.5  
8 days sentence credit for each month of his or her  
9 sentence of imprisonment;

10 (vi) that a prisoner serving a sentence for a  
11 second or subsequent offense of luring a minor shall  
12 receive no more than 4.5 days of sentence credit for  
13 each month of his or her sentence of imprisonment; and

14 (vii) that a prisoner serving a sentence for  
15 aggravated domestic battery shall receive no more than  
16 4.5 days of sentence credit for each month of his or  
17 her sentence of imprisonment.

18 (2.1) For all offenses, other than those enumerated in  
19 subdivision (a)(2)(i), (ii), or (iii) committed on or after  
20 June 19, 1998 or subdivision (a)(2)(iv) committed on or  
21 after June 23, 2005 (the effective date of Public Act  
22 94-71) or subdivision (a)(2)(v) committed on or after  
23 August 13, 2007 (the effective date of Public Act 95-134)  
24 or subdivision (a)(2)(vi) committed on or after June 1,  
25 2008 (the effective date of Public Act 95-625) or  
26 subdivision (a)(2)(vii) committed on or after July 23, 2010

1 (the effective date of Public Act 96-1224), and other than  
2 the offense of aggravated driving under the influence of  
3 alcohol, other drug or drugs, or intoxicating compound or  
4 compounds, or any combination thereof as defined in  
5 subparagraph (F) of paragraph (1) of subsection (d) of  
6 Section 11-501 of the Illinois Vehicle Code, and other than  
7 the offense 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 (C) of paragraph (1) of subsection (d) of  
11 Section 11-501 of the Illinois Vehicle Code committed on or  
12 after January 1, 2011 (the effective date of Public Act  
13 96-1230), the rules and regulations shall provide that a  
14 prisoner who is serving a term of imprisonment shall  
15 receive one day of sentence credit for each day of his or  
16 her sentence of imprisonment or recommitment under Section  
17 3-3-9. Each day of sentence credit shall reduce by one day  
18 the prisoner's period of imprisonment or recommitment  
19 under Section 3-3-9.

20 (2.2) A prisoner serving a term of natural life  
21 imprisonment or a prisoner who has been sentenced to death  
22 shall receive no sentence credit.

23 (2.3) The rules and regulations on sentence credit  
24 shall provide that a prisoner who is serving a sentence for  
25 aggravated driving under the influence of alcohol, other  
26 drug or drugs, or intoxicating compound or compounds, or

1 any combination thereof as defined in subparagraph (F) of  
2 paragraph (1) of subsection (d) of Section 11-501 of the  
3 Illinois Vehicle Code, shall receive no more than 4.5 days  
4 of sentence credit for each month of his or her sentence of  
5 imprisonment.

6 (2.4) The rules and regulations on sentence credit  
7 shall provide with respect to the offenses of aggravated  
8 battery with a machine gun or a firearm equipped with any  
9 device or attachment designed or used for silencing the  
10 report of a firearm or aggravated discharge of a machine  
11 gun or a firearm equipped with any device or attachment  
12 designed or used for silencing the report of a firearm,  
13 committed on or after July 15, 1999 (the effective date of  
14 Public Act 91-121), that a prisoner serving a sentence for  
15 any of these offenses shall receive no more than 4.5 days  
16 of sentence credit for each month of his or her sentence of  
17 imprisonment.

18 (2.5) The rules and regulations on sentence credit  
19 shall provide that a prisoner who is serving a sentence for  
20 aggravated arson committed on or after July 27, 2001 (the  
21 effective date of Public Act 92-176) shall receive no more  
22 than 4.5 days of sentence credit for each month of his or  
23 her sentence of imprisonment.

24 (2.6) The rules and regulations on sentence credit  
25 shall provide that a prisoner who is serving a sentence for  
26 aggravated driving under the influence of alcohol, other

1 drug or drugs, or intoxicating compound or compounds or any  
2 combination thereof as defined in subparagraph (C) of  
3 paragraph (1) of subsection (d) of Section 11-501 of the  
4 Illinois Vehicle Code committed on or after January 1, 2011  
5 (the effective date of Public Act 96-1230) shall receive no  
6 more than 4.5 days of sentence credit for each month of his  
7 or her sentence of imprisonment.

8 (3) The rules and regulations shall also provide that  
9 the Director may award up to 180 days additional sentence  
10 credit for good conduct in specific instances as the  
11 Director deems proper. The good conduct may include, but is  
12 not limited to, compliance with the rules and regulations  
13 of the Department, service to the Department, service to a  
14 community, or service to the State. However, the Director  
15 shall not award more than 90 days of sentence credit for  
16 good conduct to any prisoner who is serving a sentence for  
17 conviction of first degree murder, reckless homicide while  
18 under the influence of alcohol or any other drug, or  
19 aggravated driving under the influence of alcohol, other  
20 drug or drugs, or intoxicating compound or compounds, or  
21 any combination thereof as defined in subparagraph (F) of  
22 paragraph (1) of subsection (d) of Section 11-501 of the  
23 Illinois Vehicle Code, aggravated kidnapping, kidnapping,  
24 predatory criminal sexual assault of a child, aggravated  
25 criminal sexual assault, criminal sexual assault, deviate  
26 sexual assault, aggravated criminal sexual abuse,

1 aggravated indecent liberties with a child, indecent  
2 liberties with a child, child pornography, heinous battery  
3 as described in Section 12-4.1 or subdivision (a)(2) of  
4 Section 12-3.05, aggravated battery of a spouse,  
5 aggravated battery of a spouse with a firearm, stalking,  
6 aggravated stalking, aggravated battery of a child as  
7 described in Section 12-4.3 or subdivision (b)(1) of  
8 Section 12-3.05, endangering the life or health of a child,  
9 or cruelty to a child. Notwithstanding the foregoing,  
10 sentence credit for good conduct shall not be awarded on a  
11 sentence of imprisonment imposed for conviction of: (i) one  
12 of the offenses enumerated in subdivision (a)(2)(i), (ii),  
13 or (iii) when the offense is committed on or after June 19,  
14 1998 or subdivision (a)(2)(iv) when the offense is  
15 committed on or after June 23, 2005 (the effective date of  
16 Public Act 94-71) or subdivision (a)(2)(v) when the offense  
17 is committed on or after August 13, 2007 (the effective  
18 date of Public Act 95-134) or subdivision (a)(2)(vi) when  
19 the offense is committed on or after June 1, 2008 (the  
20 effective date of Public Act 95-625) or subdivision  
21 (a)(2)(vii) when the offense is committed on or after July  
22 23, 2010 (the effective date of Public Act 96-1224), (ii)  
23 aggravated driving under the influence of alcohol, other  
24 drug or drugs, or intoxicating compound or compounds, or  
25 any combination thereof as defined in subparagraph (F) of  
26 paragraph (1) of subsection (d) of Section 11-501 of the



1 Illinois Vehicle Code, (iii) one of the offenses enumerated  
2 in subdivision (a) (2.4) when the offense is committed on or  
3 after July 15, 1999 (the effective date of Public Act  
4 91-121), (iv) aggravated arson when the offense is  
5 committed on or after July 27, 2001 (the effective date of  
6 Public Act 92-176), (v) offenses that may subject the  
7 offender to commitment under the Sexually Violent Persons  
8 Commitment Act, or (vi) aggravated driving under the  
9 influence of alcohol, other drug or drugs, or intoxicating  
10 compound or compounds or any combination thereof as defined  
11 in subparagraph (C) of paragraph (1) of subsection (d) of  
12 Section 11-501 of the Illinois Vehicle Code committed on or  
13 after January 1, 2011 (the effective date of Public Act  
14 96-1230).

15 Eligible inmates for an award of sentence credit under this  
16 paragraph (3) may be selected to receive the credit at the  
17 Director's or his or her designee's sole discretion.  
18 Consideration may be based on, but not limited to, any  
19 available risk assessment analysis on the inmate, any history  
20 of conviction for violent crimes as defined by the Rights of  
21 Crime Victims and Witnesses Act, facts and circumstances of the  
22 inmate's holding offense or offenses, and the potential for  
23 rehabilitation.

24 The Director shall not award sentence credit under this  
25 paragraph (3) to an inmate unless the inmate has served a  
26 minimum of 60 days of the sentence; except nothing in this

1 paragraph shall be construed to permit the Director to extend  
2 an inmate's sentence beyond that which was imposed by the  
3 court. Prior to awarding credit under this paragraph (3), the  
4 Director shall make a written determination that the inmate:

5 (A) is eligible for the sentence credit;

6 (B) has served a minimum of 60 days, or as close to  
7 60 days as the sentence will allow; and

8 (C) has met the eligibility criteria established  
9 by rule.

10 The Director shall determine the form and content of  
11 the written determination required in this subsection.

12 (3.5) The Department shall provide annual written  
13 reports to the Governor and the General Assembly on the  
14 award of sentence credit for good conduct, with the first  
15 report due January 1, 2014. The Department must publish  
16 both reports on its website within 48 hours of transmitting  
17 the reports to the Governor and the General Assembly. The  
18 reports must include:

19 (A) the number of inmates awarded sentence credit  
20 for good conduct;

21 (B) the average amount of sentence credit for good  
22 conduct awarded;

23 (C) the holding offenses of inmates awarded  
24 sentence credit for good conduct; and

25 (D) the number of sentence credit for good conduct  
26 revocations.

1           (4) The rules and regulations shall also provide that  
2           the sentence credit accumulated and retained under  
3           paragraph (2.1) of subsection (a) of this Section by any  
4           inmate during specific periods of time in which such inmate  
5           is engaged full-time in substance abuse programs,  
6           correctional industry assignments, educational programs,  
7           behavior modification programs, life skills courses, or  
8           re-entry planning provided by the Department under this  
9           paragraph (4) and satisfactorily completes the assigned  
10          program as determined by the standards of the Department,  
11          shall be multiplied by a factor of 1.25 for program  
12          participation before August 11, 1993 and 1.50 for program  
13          participation on or after that date. The rules and  
14          regulations shall also provide that sentence credit,  
15          subject to the same offense limits and multiplier provided  
16          in this paragraph, may be provided to an inmate who was  
17          held in pre-trial detention prior to his or her current  
18          commitment to the Department of Corrections and  
19          successfully completed a full-time, 60-day or longer  
20          substance abuse program, educational program, behavior  
21          modification program, life skills course, or re-entry  
22          planning provided by the county department of corrections  
23          or county jail. Calculation of this county program credit  
24          shall be done at sentencing as provided in Section  
25          5-4.5-100 of this Code and shall be included in the  
26          sentencing order. However, no inmate shall be eligible for

1 the additional sentence credit under this paragraph (4) or  
2 (4.1) of this subsection (a) while assigned to a boot camp  
3 or electronic detention, or if convicted of an offense  
4 enumerated in subdivision (a)(2)(i), (ii), or (iii) of this  
5 Section that is committed on or after June 19, 1998 or  
6 subdivision (a)(2)(iv) of this Section that is committed on  
7 or after June 23, 2005 (the effective date of Public Act  
8 94-71) or subdivision (a)(2)(v) of this Section that is  
9 committed on or after August 13, 2007 (the effective date  
10 of Public Act 95-134) or subdivision (a)(2)(vi) when the  
11 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), or if  
15 convicted of aggravated driving under the influence of  
16 alcohol, other drug or drugs, or intoxicating compound or  
17 compounds or any combination thereof as defined in  
18 subparagraph (F) of paragraph (1) of subsection (d) of  
19 Section 11-501 of the Illinois Vehicle Code, or if  
20 convicted of aggravated driving under the influence of  
21 alcohol, other drug or drugs, or intoxicating compound or  
22 compounds or any combination thereof as defined in  
23 subparagraph (C) of paragraph (1) of subsection (d) of  
24 Section 11-501 of the Illinois Vehicle Code committed on or  
25 after January 1, 2011 (the effective date of Public Act  
26 96-1230), or if convicted of an offense enumerated in

1 paragraph (a) (2.4) of this Section that is committed on or  
2 after July 15, 1999 (the effective date of Public Act  
3 91-121), or first degree murder, a Class X felony, criminal  
4 sexual assault, felony criminal sexual abuse, aggravated  
5 criminal sexual abuse, aggravated battery with a firearm as  
6 described in Section 12-4.2 or subdivision (e) (1), (e) (2),  
7 (e) (3), or (e) (4) of Section 12-3.05, or any predecessor or  
8 successor offenses with the same or substantially the same  
9 elements, or any inchoate offenses relating to the  
10 foregoing offenses. No inmate shall be eligible for the  
11 additional good conduct credit under this paragraph (4) who  
12 (i) has previously received increased good conduct credit  
13 under this paragraph (4) and has subsequently been  
14 convicted of a felony, or (ii) has previously served more  
15 than one prior sentence of imprisonment for a felony in an  
16 adult correctional facility.

17 Educational, vocational, substance abuse, behavior  
18 modification programs, life skills courses, re-entry  
19 planning, and correctional industry programs under which  
20 sentence credit may be increased under this paragraph (4)  
21 and paragraph (4.1) of this subsection (a) shall be  
22 evaluated by the Department on the basis of documented  
23 standards. The Department shall report the results of these  
24 evaluations to the Governor and the General Assembly by  
25 September 30th of each year. The reports shall include data  
26 relating to the recidivism rate among program

1 participants.

2 Availability of these programs shall be subject to the  
3 limits of fiscal resources appropriated by the General  
4 Assembly for these purposes. Eligible inmates who are  
5 denied immediate admission shall be placed on a waiting  
6 list under criteria established by the Department. The  
7 inability of any inmate to become engaged in any such  
8 programs by reason of insufficient program resources or for  
9 any other reason established under the rules and  
10 regulations of the Department shall not be deemed a cause  
11 of action under which the Department or any employee or  
12 agent of the Department shall be liable for damages to the  
13 inmate.

14 (4.1) The rules and regulations shall also provide that  
15 an additional 60 days of sentence credit shall be awarded  
16 to any prisoner who passes the high school level Test of  
17 General Educational Development (GED) while the prisoner  
18 is committed to the Department of Corrections. The sentence  
19 credit awarded under this paragraph (4.1) shall be in  
20 addition to, and shall not affect, the award of sentence  
21 credit under any other paragraph of this Section, but shall  
22 also be pursuant to the guidelines and restrictions set  
23 forth in paragraph (4) of subsection (a) of this Section.  
24 The sentence credit provided for in this paragraph shall be  
25 available only to those prisoners who have not previously  
26 earned a high school diploma or a GED. If, after an award

1 of the GED sentence credit has been made and the Department  
2 determines that the prisoner was not eligible, then the  
3 award shall be revoked. The Department may also award 60  
4 days of sentence credit to any committed person who passed  
5 the high school level Test of General Educational  
6 Development (GED) while he or she was held in pre-trial  
7 detention prior to the current commitment to the Department  
8 of Corrections.

9 (4.5) The rules and regulations on sentence credit  
10 shall also provide that when the court's sentencing order  
11 recommends a prisoner for substance abuse treatment and the  
12 crime was committed on or after September 1, 2003 (the  
13 effective date of Public Act 93-354), the prisoner shall  
14 receive no sentence credit awarded under clause (3) of this  
15 subsection (a) unless he or she participates in and  
16 completes a substance abuse treatment program. The  
17 Director may waive the requirement to participate in or  
18 complete a substance abuse treatment program and award the  
19 sentence credit in specific instances if the prisoner is  
20 not a good candidate for a substance abuse treatment  
21 program for medical, programming, or operational reasons.  
22 Availability of substance abuse treatment shall be subject  
23 to the limits of fiscal resources appropriated by the  
24 General Assembly for these purposes. If treatment is not  
25 available and the requirement to participate and complete  
26 the treatment has not been waived by the Director, the

1 prisoner shall be placed on a waiting list under criteria  
2 established by the Department. The Director may allow a  
3 prisoner placed on a waiting list to participate in and  
4 complete a substance abuse education class or attend  
5 substance abuse self-help meetings in lieu of a substance  
6 abuse treatment program. A prisoner on a waiting list who  
7 is not placed in a substance abuse program prior to release  
8 may be eligible for a waiver and receive sentence credit  
9 under clause (3) of this subsection (a) at the discretion  
10 of the Director.

11 (4.6) The rules and regulations on sentence credit  
12 shall also provide that a prisoner who has been convicted  
13 of a sex offense as defined in Section 2 of the Sex  
14 Offender Registration Act shall receive no sentence credit  
15 unless he or she either has successfully completed or is  
16 participating in sex offender treatment as defined by the  
17 Sex Offender Management Board. However, prisoners who are  
18 waiting to receive treatment, but who are unable to do so  
19 due solely to the lack of resources on the part of the  
20 Department, may, at the Director's sole discretion, be  
21 awarded sentence credit at a rate as the Director shall  
22 determine.

23 (5) Whenever the Department is to release any inmate  
24 earlier than it otherwise would because of a grant of  
25 sentence credit for good conduct under paragraph (3) of  
26 subsection (a) of this Section given at any time during the



1 term, the Department shall give reasonable notice of the  
2 impending release not less than 14 days prior to the date  
3 of the release to the State's Attorney of the county where  
4 the prosecution of the inmate took place, and if  
5 applicable, the State's Attorney of the county into which  
6 the inmate will be released. The Department must also make  
7 identification information and a recent photo of the inmate  
8 being released accessible on the Internet by means of a  
9 hyperlink labeled "Community Notification of Inmate Early  
10 Release" on the Department's World Wide Web homepage. The  
11 identification information shall include the inmate's:  
12 name, any known alias, date of birth, physical  
13 characteristics, residence address, commitment offense and  
14 county where conviction was imposed. The identification  
15 information shall be placed on the website within 3 days of  
16 the inmate's release and the information may not be removed  
17 until either: completion of the first year of mandatory  
18 supervised release or return of the inmate to custody of  
19 the Department.

20 (b) Whenever a person is or has been committed under  
21 several convictions, with separate sentences, the sentences  
22 shall be construed under Section 5-8-4 in granting and  
23 forfeiting of sentence credit.

24 (c) The Department shall prescribe rules and regulations  
25 for revoking sentence credit, including revoking sentence  
26 credit awarded for good conduct under paragraph (3) of

1 subsection (a) of this Section. The Department shall prescribe  
2 rules and regulations for suspending or reducing the rate of  
3 accumulation of sentence credit for specific rule violations,  
4 during imprisonment. These rules and regulations shall provide  
5 that no inmate may be penalized more than one year of sentence  
6 credit for any one infraction.

7 When the Department seeks to revoke, suspend or reduce the  
8 rate of accumulation of any sentence credits for an alleged  
9 infraction of its rules, it shall bring charges therefor  
10 against the prisoner sought to be so deprived of sentence  
11 credits before the Prisoner Review Board as provided in  
12 subparagraph (a)(4) of Section 3-3-2 of this Code, if the  
13 amount of credit at issue exceeds 30 days or when during any 12  
14 month period, the cumulative amount of credit revoked exceeds  
15 30 days except where the infraction is committed or discovered  
16 within 60 days of scheduled release. In those cases, the  
17 Department of Corrections may revoke up to 30 days of sentence  
18 credit. The Board may subsequently approve the revocation of  
19 additional sentence credit, if the Department seeks to revoke  
20 sentence credit in excess of 30 days. However, the Board shall  
21 not be empowered to review the Department's decision with  
22 respect to the loss of 30 days of sentence credit within any  
23 calendar year for any prisoner or to increase any penalty  
24 beyond the length requested by the Department.

25 The Director of the Department of Corrections, in  
26 appropriate cases, may restore up to 30 days of sentence

1 credits which have been revoked, suspended or reduced. Any  
2 restoration of sentence credits in excess of 30 days shall be  
3 subject to review by the Prisoner Review Board. However, the  
4 Board may not restore sentence credit in excess of the amount  
5 requested by the Director.

6 Nothing contained in this Section shall prohibit the  
7 Prisoner Review Board from ordering, pursuant to Section  
8 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the  
9 sentence imposed by the court that was not served due to the  
10 accumulation of sentence credit.

11 (d) If a lawsuit is filed by a prisoner in an Illinois or  
12 federal court against the State, the Department of Corrections,  
13 or the Prisoner Review Board, or against any of their officers  
14 or employees, and the court makes a specific finding that a  
15 pleading, motion, or other paper filed by the prisoner is  
16 frivolous, the Department of Corrections shall conduct a  
17 hearing to revoke up to 180 days of sentence credit by bringing  
18 charges against the prisoner sought to be deprived of the  
19 sentence credits before the Prisoner Review Board as provided  
20 in subparagraph (a)(8) of Section 3-3-2 of this Code. If the  
21 prisoner has not accumulated 180 days of sentence credit at the  
22 time of the finding, then the Prisoner Review Board may revoke  
23 all sentence credit accumulated by the prisoner.

24 For purposes of this subsection (d):

25 (1) "Frivolous" means that a pleading, motion, or other  
26 filing which purports to be a legal document filed by a

1 prisoner in his or her lawsuit meets any or all of the  
2 following criteria:

3 (A) it lacks an arguable basis either in law or in  
4 fact;

5 (B) it is being presented for any improper purpose,  
6 such as to harass or to cause unnecessary delay or  
7 needless increase in the cost of litigation;

8 (C) the claims, defenses, and other legal  
9 contentions therein are not warranted by existing law  
10 or by a nonfrivolous argument for the extension,  
11 modification, or reversal of existing law or the  
12 establishment of new law;

13 (D) the allegations and other factual contentions  
14 do not have evidentiary support or, if specifically so  
15 identified, are not likely to have evidentiary support  
16 after a reasonable opportunity for further  
17 investigation or discovery; or

18 (E) the denials of factual contentions are not  
19 warranted on the evidence, or if specifically so  
20 identified, are not reasonably based on a lack of  
21 information or belief.

22 (2) "Lawsuit" means a motion pursuant to Section 116-3  
23 of the Code of Criminal Procedure of 1963, a habeas corpus  
24 action under Article X of the Code of Civil Procedure or  
25 under federal law (28 U.S.C. 2254), a petition for claim  
26 under the Court of Claims Act, an action under the federal

1 Civil Rights Act (42 U.S.C. 1983), or a second or  
2 subsequent petition for post-conviction relief under  
3 Article 122 of the Code of Criminal Procedure of 1963  
4 whether filed with or without leave of court or a second or  
5 subsequent petition for relief from judgment under Section  
6 2-1401 of the Code of Civil Procedure.

7 (e) Nothing in Public Act 90-592 or 90-593 affects the  
8 validity of Public Act 89-404.

9 (f) Whenever the Department is to release any inmate who  
10 has been convicted of a violation of an order of protection  
11 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or  
12 the Criminal Code of 2012, earlier than it otherwise would  
13 because of a grant of sentence credit, the Department, as a  
14 condition of release, shall require that the person, upon  
15 release, be placed under electronic surveillance as provided in  
16 Section 5-8A-7 of this Code.

17 (Source: P.A. 96-860, eff. 1-15-10; 96-1110, eff. 7-19-10;  
18 96-1128, eff. 1-1-11; 96-1200, eff. 7-22-10; 96-1224, eff.  
19 7-23-10; 96-1230, eff. 1-1-11; 96-1551, eff. 7-1-11; 97-333,  
20 eff. 8-12-11; 97-697, eff. 6-22-12; 97-990, eff. 1-1-13;  
21 revised 8-23-12.)

22 (730 ILCS 5/3-6-4) (from Ch. 38, par. 1003-6-4)

23 Sec. 3-6-4. Enforcement of Discipline - Escape.

24 (a) A committed person who escapes or attempts to escape  
25 from an institution or facility of the Department of

1 Corrections, or escapes or attempts to escape while in the  
2 custody of an employee of the Department of Corrections, or  
3 holds or participates in the holding of any person as a hostage  
4 by force, threat or violence, or while participating in any  
5 disturbance, demonstration or riot, causes, directs or  
6 participates in the destruction of any property is guilty of a  
7 Class 2 felony. A committed person who fails to return from  
8 furlough or from work and day release is guilty of a Class 3  
9 felony.

10 (b) If one or more committed persons injures or attempts to  
11 injure in a violent manner any employee, officer, guard, other  
12 peace officer or any other committed person or damages or  
13 attempts to damage any building or workshop, or any  
14 appurtenances thereof, or attempts to escape, or disobeys or  
15 resists any lawful command, the employees, officers, guards and  
16 other peace officers shall use all suitable means to defend  
17 themselves, to enforce the observance of discipline, to secure  
18 the persons of the offenders, and prevent such attempted  
19 violence or escape; and said employees, officers, guards, or  
20 other peace officers, or any of them, shall, in the attempt to  
21 prevent the escape of any such person, or in attempting to  
22 retake any such person who has escaped, or in attempting to  
23 prevent or suppress violence by a committed person against  
24 another person, a riot, revolt, mutiny or insurrection, be  
25 justified in the use of force, including force likely to cause  
26 death or great bodily harm under Section 7-8 of the Criminal

1 Code of 2012 ~~1961~~ which he reasonably believed necessary.

2 As used in this Section, "committed person" includes a  
3 person held in detention in a secure facility or committed as a  
4 sexually violent person and held in a secure facility under the  
5 Sexually Violent Persons Commitment Act; and "peace officer"  
6 means any officer or member of any duly organized State, county  
7 or municipal police unit or police force.

8 (c) The Department shall establish procedures to provide  
9 immediate notification of the escape of any person, as defined  
10 in subsection (a) of this Section, to the persons specified in  
11 subsection (c) of Section 3-14-1 of this Code.

12 (Source: P.A. 97-1083, eff. 8-24-12.)

13 (730 ILCS 5/3-10-7) (from Ch. 38, par. 1003-10-7)

14 Sec. 3-10-7. Interdivisional Transfers.

15 (a) In any case where a minor was originally prosecuted  
16 under the provisions of the Criminal Code of 1961 or the  
17 Criminal Code of 2012, ~~as amended~~, and sentenced under the  
18 provisions of this Act pursuant to Section 2-7 of the Juvenile  
19 Court Act or Section 5-805 of the Juvenile Court Act of 1987  
20 and committed to the Department of Juvenile Justice under  
21 Section 5-8-6, the Department of Juvenile Justice shall, within  
22 30 days of the date that the minor reaches the age of 17, send  
23 formal notification to the sentencing court and the State's  
24 Attorney of the county from which the minor was sentenced  
25 indicating the day upon which the minor offender will achieve

1 the age of 17. Within 90 days of receipt of that notice, the  
2 sentencing court shall conduct a hearing, pursuant to the  
3 provisions of subsection (c) of this Section to determine  
4 whether or not the minor shall continue to remain under the  
5 auspices of the Department of Juvenile Justice or be  
6 transferred to the Department of Corrections.

7 The minor shall be served with notice of the date of the  
8 hearing, shall be present at the hearing, and has the right to  
9 counsel at the hearing. The minor, with the consent of his or  
10 her counsel or guardian may waive his presence at hearing.

11 (b) Unless sooner paroled under Section 3-3-3, the  
12 confinement of a minor person committed for an indeterminate  
13 sentence in a criminal proceeding shall terminate at the  
14 expiration of the maximum term of imprisonment, and he shall  
15 thereupon be released to serve a period of parole under Section  
16 5-8-1, but if the maximum term of imprisonment does not expire  
17 until after his 21st birthday, he shall continue to be subject  
18 to the control and custody of the Department of Juvenile  
19 Justice, and on his 21st birthday, he shall be transferred to  
20 the Department of Corrections. If such person is on parole on  
21 his 21st birthday, his parole supervision may be transferred to  
22 the Department of Corrections.

23 (c) Any interdivisional transfer hearing conducted  
24 pursuant to subsection (a) of this Section shall consider all  
25 available information which may bear upon the issue of  
26 transfer. All evidence helpful to the court in determining the



1 question of transfer, including oral and written reports  
2 containing hearsay, may be relied upon to the extent of its  
3 probative value, even though not competent for the purposes of  
4 an adjudicatory hearing. The court shall consider, along with  
5 any other relevant matter, the following:

6 1. The nature of the offense for which the minor was  
7 found guilty and the length of the sentence the minor has  
8 to serve and the record and previous history of the minor.

9 2. The record of the minor's adjustment within the  
10 Department of Juvenile Justice, including, but not limited  
11 to, reports from the minor's counselor, any escapes,  
12 attempted escapes or violent or disruptive conduct on the  
13 part of the minor, any tickets received by the minor,  
14 summaries of classes attended by the minor, and any record  
15 of work performed by the minor while in the institution.

16 3. The relative maturity of the minor based upon the  
17 physical, psychological and emotional development of the  
18 minor.

19 4. The record of the rehabilitative progress of the  
20 minor and an assessment of the vocational potential of the  
21 minor.

22 5. An assessment of the necessity for transfer of the  
23 minor, including, but not limited to, the availability of  
24 space within the Department of Corrections, the  
25 disciplinary and security problem which the minor has  
26 presented to the Department of Juvenile Justice and the

1           practicability of maintaining the minor in a juvenile  
2           facility, whether resources have been exhausted within the  
3           Department of Juvenile Justice, the availability of  
4           rehabilitative and vocational programs within the  
5           Department of Corrections, and the anticipated ability of  
6           the minor to adjust to confinement within an adult  
7           institution based upon the minor's physical size and  
8           maturity.

9           All relevant factors considered under this subsection need  
10          not be resolved against the juvenile in order to justify such  
11          transfer. Access to social records, probation reports or any  
12          other reports which are considered by the court for the purpose  
13          of transfer shall be made available to counsel for the juvenile  
14          at least 30 days prior to the date of the transfer hearing. The  
15          Sentencing Court, upon granting a transfer order, shall  
16          accompany such order with a statement of reasons.

17          (d) Whenever the Director of Juvenile Justice or his  
18          designee determines that the interests of safety, security and  
19          discipline require the transfer to the Department of  
20          Corrections of a person 17 years or older who was prosecuted  
21          under the provisions of the Criminal Code of 1961 or the  
22          Criminal Code of 2012, ~~as amended,~~ and sentenced under the  
23          provisions of this Act pursuant to Section 2-7 of the Juvenile  
24          Court Act or Section 5-805 of the Juvenile Court Act of 1987  
25          and committed to the Department of Juvenile Justice under  
26          Section 5-8-6, the Director or his designee may authorize the

1 emergency transfer of such person, unless the transfer of the  
2 person is governed by subsection (e) of this Section. The  
3 sentencing court shall be provided notice of any emergency  
4 transfer no later than 3 days after the emergency transfer.  
5 Upon motion brought within 60 days of the emergency transfer by  
6 the sentencing court or any party, the sentencing court may  
7 conduct a hearing pursuant to the provisions of subsection (c)  
8 of this Section in order to determine whether the person shall  
9 remain confined in the Department of Corrections.

10 (e) The Director of Juvenile Justice or his designee may  
11 authorize the permanent transfer to the Department of  
12 Corrections of any person 18 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 of this Act. The Director of Juvenile Justice or  
19 his designee shall be governed by the following factors in  
20 determining whether to authorize the permanent transfer of the  
21 person to the Department of Corrections:

22 1. The nature of the offense for which the person was  
23 found guilty and the length of the sentence the person has  
24 to serve and the record and previous history of the person.

25 2. The record of the person's adjustment within the  
26 Department of Juvenile Justice, including, but not limited

1 to, reports from the person's counselor, any escapes,  
2 attempted escapes or violent or disruptive conduct on the  
3 part of the person, any tickets received by the person,  
4 summaries of classes attended by the person, and any record  
5 of work performed by the person while in the institution.

6 3. The relative maturity of the person based upon the  
7 physical, psychological and emotional development of the  
8 person.

9 4. The record of the rehabilitative progress of the  
10 person and an assessment of the vocational potential of the  
11 person.

12 5. An assessment of the necessity for transfer of the  
13 person, including, but not limited to, the availability of  
14 space within the Department of Corrections, the  
15 disciplinary and security problem which the person has  
16 presented to the Department of Juvenile Justice and the  
17 practicability of maintaining the person in a juvenile  
18 facility, whether resources have been exhausted within the  
19 Department of Juvenile Justice, the availability of  
20 rehabilitative and vocational programs within the  
21 Department of Corrections, and the anticipated ability of  
22 the person to adjust to confinement within an adult  
23 institution based upon the person's physical size and  
24 maturity.

25 (Source: P.A. 97-1083, eff. 8-24-12.)

1 (730 ILCS 5/3-14-1.5)

2 Sec. 3-14-1.5. Parole agents and parole supervisors;  
3 off-duty firearms. Subsections 24-1(a)(4) and 24-1(a)(10) and  
4 Section 24-1.6 of the Criminal Code of 2012 ~~1961~~ do not apply  
5 to parole agents and parole supervisors who meet the following  
6 conditions:

7 (1) The parole agent or parole supervisor must receive  
8 training in the use of firearms while off-duty conducted by the  
9 Illinois Law Enforcement Training Standards Board and be  
10 certified as having successfully completing such training by  
11 the Board. The Board shall determine the amount of such  
12 training and the course content for such training. The parole  
13 agent or parole supervisor shall requalify for the firearms  
14 training annually at a State range certified by the Illinois  
15 Law Enforcement Training Standards Board. The expenses of such  
16 retraining shall be paid by the parole agent or parole  
17 supervisor and moneys for such requalification shall be  
18 expended at the request of the Illinois Law Enforcement  
19 Training Standards Board.

20 (2) The parole agent or parole supervisor shall purchase  
21 such firearm at his or her own expense and shall register the  
22 firearm with the Illinois Department of State Police and with  
23 any other local law enforcement agencies that require such  
24 registration.

25 (3) The parole agent or parole supervisor may not carry any  
26 Illinois Department of Corrections State issued firearm while

1 off-duty. A person who violates this paragraph (3) is subject  
2 to disciplinary action by the Illinois Department of  
3 Corrections.

4 (4) Parole agents and supervisors who are discharged from  
5 employment of the Illinois Department of Corrections shall no  
6 longer be considered law enforcement officials and all their  
7 rights as law enforcement officials shall be revoked  
8 permanently.

9 (Source: P.A. 96-230, eff. 1-1-10; 97-333, eff. 8-12-11.)

10 (730 ILCS 5/3-14-2) (from Ch. 38, par. 1003-14-2)

11 Sec. 3-14-2. Supervision on Parole, Mandatory Supervised  
12 Release and Release by Statute.

13 (a) The Department shall retain custody of all persons  
14 placed on parole or mandatory supervised release or released  
15 pursuant to Section 3-3-10 of this Code and shall supervise  
16 such persons during their parole or release period in accord  
17 with the conditions set by the Prisoner Review Board. Such  
18 conditions shall include referral to an alcohol or drug abuse  
19 treatment program, as appropriate, if such person has  
20 previously been identified as having an alcohol or drug abuse  
21 problem. Such conditions may include that the person use an  
22 approved electronic monitoring device subject to Article 8A of  
23 Chapter V.

24 (b) The Department shall assign personnel to assist persons  
25 eligible for parole in preparing a parole plan. Such Department

1 personnel shall make a report of their efforts and findings to  
2 the Prisoner Review Board prior to its consideration of the  
3 case of such eligible person.

4 (c) A copy of the conditions of his parole or release shall  
5 be signed by the parolee or releasee and given to him and to  
6 his supervising officer who shall report on his progress under  
7 the rules and regulations of the Prisoner Review Board. The  
8 supervising officer shall report violations to the Prisoner  
9 Review Board and shall have the full power of peace officers in  
10 the arrest and retaking of any parolees or releasees or the  
11 officer may request the Department to issue a warrant for the  
12 arrest of any parolee or releasee who has allegedly violated  
13 his parole or release conditions.

14 (c-1) The supervising officer shall request the Department  
15 to issue a parole violation warrant, and the Department shall  
16 issue a parole violation warrant, under the following  
17 circumstances:

18 (1) if the parolee or releasee commits an act that  
19 constitutes a felony using a firearm or knife,

20 (2) if applicable, fails to comply with the  
21 requirements of the Sex Offender Registration Act,

22 (3) if the parolee or releasee is charged with:

23 (A) a felony offense of domestic battery under  
24 Section 12-3.2 of the Criminal Code of 1961 or the  
25 Criminal Code of 2012,

26 (B) aggravated domestic battery under Section

1 12-3.3 of the Criminal Code of 1961 or the Criminal  
2 Code of 2012,

3 (C) stalking under Section 12-7.3 of the Criminal  
4 Code of 1961 or the Criminal Code of 2012,

5 (D) aggravated stalking under Section 12-7.4 of  
6 the Criminal Code of 1961 or the Criminal Code of 2012,

7 (E) violation of an order of protection under  
8 Section 12-3.4 or 12-30 of the Criminal Code of 1961 or  
9 the Criminal Code of 2012, or

10 (F) any offense that would require registration as  
11 a sex offender under the Sex Offender Registration Act,  
12 or

13 (4) if the parolee or releasee is on parole or  
14 mandatory supervised release for a murder, a Class X felony  
15 or a Class 1 felony violation of the Criminal Code of 1961  
16 or the Criminal Code of 2012, or any felony that requires  
17 registration as a sex offender under the Sex Offender  
18 Registration Act and commits an act that constitutes first  
19 degree murder, a Class X felony, a Class 1 felony, a Class  
20 2 felony, or a Class 3 felony.

21 A sheriff or other peace officer may detain an alleged  
22 parole or release violator until a warrant for his return to  
23 the Department can be issued. The parolee or releasee may be  
24 delivered to any secure place until he can be transported to  
25 the Department. The officer or the Department shall file a  
26 violation report with notice of charges with the Prisoner



1 Review Board.

2 (d) The supervising officer shall regularly advise and  
3 consult with the parolee or releasee, assist him in adjusting  
4 to community life, inform him of the restoration of his rights  
5 on successful completion of sentence under Section 5-5-5. If  
6 the parolee or releasee has been convicted of a sex offense as  
7 defined in the Sex Offender Management Board Act, the  
8 supervising officer shall periodically, but not less than once  
9 a month, verify that the parolee or releasee is in compliance  
10 with paragraph (7.6) of subsection (a) of Section 3-3-7.

11 (e) Supervising officers shall receive specialized  
12 training in the special needs of female releasees or parolees  
13 including the family reunification process.

14 (f) The supervising officer shall keep such records as the  
15 Prisoner Review Board or Department may require. All records  
16 shall be entered in the master file of the individual.

17 (Source: P.A. 96-282, eff. 1-1-10; 96-1447, eff. 8-20-10;  
18 97-389, eff. 8-15-11.)

19 (730 ILCS 5/5-3-2) (from Ch. 38, par. 1005-3-2)

20 Sec. 5-3-2. Presentence Report.

21 (a) In felony cases, the presentence report shall set  
22 forth:

23 (1) the defendant's history of delinquency or  
24 criminality, physical and mental history and condition,  
25 family situation and background, economic status,

1 education, occupation and personal habits;

2 (2) information about special resources within the  
3 community which might be available to assist the  
4 defendant's rehabilitation, including treatment centers,  
5 residential facilities, vocational training services,  
6 correctional manpower programs, employment opportunities,  
7 special educational programs, alcohol and drug abuse  
8 programming, psychiatric and marriage counseling, and  
9 other programs and facilities which could aid the  
10 defendant's successful reintegration into society;

11 (3) the effect the offense committed has had upon the  
12 victim or victims thereof, and any compensatory benefit  
13 that various sentencing alternatives would confer on such  
14 victim or victims;

15 (4) information concerning the defendant's status  
16 since arrest, including his record if released on his own  
17 recognizance, or the defendant's achievement record if  
18 released on a conditional pre-trial supervision program;

19 (5) when appropriate, a plan, based upon the personal,  
20 economic and social adjustment needs of the defendant,  
21 utilizing public and private community resources as an  
22 alternative to institutional sentencing;

23 (6) any other matters that the investigatory officer  
24 deems relevant or the court directs to be included; and

25 (7) information concerning defendant's eligibility for  
26 a sentence to a county impact incarceration program under

1 Section 5-8-1.2 of this Code.

2 (b) The investigation shall include a physical and mental  
3 examination of the defendant when so ordered by the court. If  
4 the court determines that such an examination should be made,  
5 it shall issue an order that the defendant submit to  
6 examination at such time and place as designated by the court  
7 and that such examination be conducted by a physician,  
8 psychologist or psychiatrist designated by the court. Such an  
9 examination may be conducted in a court clinic if so ordered by  
10 the court. The cost of such examination shall be paid by the  
11 county in which the trial is held.

12 (b-5) In cases involving felony sex offenses in which the  
13 offender is being considered for probation only or any felony  
14 offense that is sexually motivated as defined in the Sex  
15 Offender Management Board Act in which the offender is being  
16 considered for probation only, the investigation shall include  
17 a sex offender evaluation by an evaluator approved by the Board  
18 and conducted in conformance with the standards developed under  
19 the Sex Offender Management Board Act. In cases in which the  
20 offender is being considered for any mandatory prison sentence,  
21 the investigation shall not include a sex offender evaluation.

22 (c) In misdemeanor, business offense or petty offense  
23 cases, except as specified in subsection (d) of this Section,  
24 when a presentence report has been ordered by the court, such  
25 presentence report shall contain information on the  
26 defendant's history of delinquency or criminality and shall

1 further contain only those matters listed in any of paragraphs  
2 (1) through (6) of subsection (a) or in subsection (b) of this  
3 Section as are specified by the court in its order for the  
4 report.

5 (d) In cases under Sections 11-1.50, 12-15, and 12-3.4 or  
6 12-30 of the Criminal Code of 1961 or the Criminal Code of  
7 2012, ~~as amended,~~ the presentence report shall set forth  
8 information about alcohol, drug abuse, psychiatric, and  
9 marriage counseling or other treatment programs and  
10 facilities, information on the defendant's history of  
11 delinquency or criminality, and shall contain those additional  
12 matters listed in any of paragraphs (1) through (6) of  
13 subsection (a) or in subsection (b) of this Section as are  
14 specified by the court.

15 (e) Nothing in this Section shall cause the defendant to be  
16 held without bail or to have his bail revoked for the purpose  
17 of preparing the presentence report or making an examination.

18 (Source: P.A. 96-322, eff. 1-1-10; 96-1551, Article 1, Section  
19 970, eff. 7-1-11; 96-1551, Article 2, Section 1065, eff.  
20 7-1-11; 97-1109, eff. 1-1-13.)

21 (730 ILCS 5/5-3-4) (from Ch. 38, par. 1005-3-4)

22 Sec. 5-3-4. Disclosure of Reports.

23 (a) Any report made pursuant to this Article or Section  
24 5-705 of the Juvenile Court Act of 1987 shall be filed of  
25 record with the court in a sealed envelope.

1 (b) Presentence reports shall be open for inspection only  
2 as follows:

3 (1) to the sentencing court;

4 (2) to the state's attorney and the defendant's  
5 attorney at least 3 days prior to the imposition of  
6 sentence, unless such 3 day requirement is waived;

7 (3) to an appellate court in which the conviction or  
8 sentence is subject to review;

9 (4) to any department, agency or institution to which  
10 the defendant is committed;

11 (5) to any probation department of whom courtesy  
12 probation is requested;

13 (6) to any probation department assigned by a court of  
14 lawful jurisdiction to conduct a presentence report;

15 (7) to any other person only as ordered by the court;  
16 and

17 (8) to any mental health professional on behalf of the  
18 Illinois Department of Corrections or the Department of  
19 Human Services or to a prosecutor who is evaluating or  
20 investigating a potential or actual petition brought under  
21 the Sexually Violent Persons Commitment Act relating to a  
22 person who is the subject of a presentence report or the  
23 respondent to a petition brought under the Sexually Violent  
24 Persons Commitment Act who is the subject of the  
25 presentence report sought. Any records and any information  
26 obtained from those records under this paragraph (8) may be

1           used only in sexually violent persons commitment  
2           proceedings.

3           (c) Presentence reports shall be filed of record with the  
4           court within 60 days of a verdict or finding of guilty for any  
5           offense involving an illegal sexual act perpetrated upon a  
6           victim, including but not limited to offenses for violations of  
7           Article 12 of the Criminal Code of 1961 or the Criminal Code of  
8           2012, or any offense determined by the court or the probation  
9           department to be sexually motivated, as defined in the Sex  
10          Offender Management Board Act.

11          (d) A complaint, information or indictment shall not be  
12          quashed or dismissed nor shall any person in custody for an  
13          offense be discharged from custody because of noncompliance  
14          with subsection (c) of this Section.

15          (Source: P.A. 92-415, eff. 8-17-01; 93-970, eff. 8-20-04.)

16                 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

17                 Sec. 5-4-1. Sentencing Hearing.

18           (a) Except when the death penalty is sought under hearing  
19           procedures otherwise specified, after a determination of  
20           guilt, a hearing shall be held to impose the sentence. However,  
21           prior to the imposition of sentence on an individual being  
22           sentenced for an offense based upon a charge for a violation of  
23           Section 11-501 of the Illinois Vehicle Code or a similar  
24           provision of a local ordinance, the individual must undergo a  
25           professional evaluation to determine if an alcohol or other

1 drug abuse problem exists and the extent of such a problem.  
2 Programs conducting these evaluations shall be licensed by the  
3 Department of Human Services. However, if the individual is not  
4 a resident of Illinois, the court may, in its discretion,  
5 accept an evaluation from a program in the state of such  
6 individual's residence. The court may in its sentencing order  
7 approve an eligible defendant for placement in a Department of  
8 Corrections impact incarceration program as provided in  
9 Section 5-8-1.1 or 5-8-1.3. The court may in its sentencing  
10 order recommend a defendant for placement in a Department of  
11 Corrections substance abuse treatment program as provided in  
12 paragraph (a) of subsection (1) of Section 3-2-2 conditioned  
13 upon the defendant being accepted in a program by the  
14 Department of Corrections. At the hearing the court shall:

15 (1) consider the evidence, if any, received upon the  
16 trial;

17 (2) consider any presentence reports;

18 (3) consider the financial impact of incarceration  
19 based on the financial impact statement filed with the  
20 clerk of the court by the Department of Corrections;

21 (4) consider evidence and information offered by the  
22 parties in aggravation and mitigation;

23 (4.5) consider substance abuse treatment, eligibility  
24 screening, and an assessment, if any, of the defendant by  
25 an agent designated by the State of Illinois to provide  
26 assessment services for the Illinois courts;

1 (5) hear arguments as to sentencing alternatives;

2 (6) afford the defendant the opportunity to make a  
3 statement in his own behalf;

4 (7) afford the victim of a violent crime or a violation  
5 of Section 11-501 of the Illinois Vehicle Code, or a  
6 similar provision of a local ordinance, or a qualified  
7 individual affected by: (i) a violation of Section 405,  
8 405.1, 405.2, or 407 of the Illinois Controlled Substances  
9 Act or a violation of Section 55 or Section 65 of the  
10 Methamphetamine Control and Community Protection Act, or  
11 (ii) a Class 4 felony violation of Section 11-14, 11-14.3  
12 except as described in subdivisions (a)(2)(A) and  
13 (a)(2)(B), 11-15, 11-17, 11-18, 11-18.1, or 11-19 of the  
14 Criminal Code of 1961 or the Criminal Code of 2012,  
15 committed by the defendant the opportunity to make a  
16 statement concerning the impact on the victim and to offer  
17 evidence in aggravation or mitigation; provided that the  
18 statement and evidence offered in aggravation or  
19 mitigation must first be prepared in writing in conjunction  
20 with the State's Attorney before it may be presented orally  
21 at the hearing. Any sworn testimony offered by the victim  
22 is subject to the defendant's right to cross-examine. All  
23 statements and evidence offered under this paragraph (7)  
24 shall become part of the record of the court. For the  
25 purpose of this paragraph (7), "qualified individual"  
26 means any person who (i) lived or worked within the



1 territorial jurisdiction where the offense took place when  
2 the offense took place; and (ii) is familiar with various  
3 public places within the territorial jurisdiction where  
4 the offense took place when the offense took place. For the  
5 purposes of this paragraph (7), "qualified individual"  
6 includes any peace officer, or any member of any duly  
7 organized State, county, or municipal peace unit assigned  
8 to the territorial jurisdiction where the offense took  
9 place when the offense took place;

10 (8) in cases of reckless homicide afford the victim's  
11 spouse, guardians, parents or other immediate family  
12 members an opportunity to make oral statements;

13 (9) in cases involving a felony sex offense as defined  
14 under the Sex Offender Management Board Act, consider the  
15 results of the sex offender evaluation conducted pursuant  
16 to Section 5-3-2 of this Act; and

17 (10) make a finding of whether a motor vehicle was used  
18 in the commission of the offense for which the defendant is  
19 being sentenced.

20 (b) All sentences shall be imposed by the judge based upon  
21 his independent assessment of the elements specified above and  
22 any agreement as to sentence reached by the parties. The judge  
23 who presided at the trial or the judge who accepted the plea of  
24 guilty shall impose the sentence unless he is no longer sitting  
25 as a judge in that court. Where the judge does not impose  
26 sentence at the same time on all defendants who are convicted

1 as a result of being involved in the same offense, the  
2 defendant or the State's Attorney may advise the sentencing  
3 court of the disposition of any other defendants who have been  
4 sentenced.

5 (c) In imposing a sentence for a violent crime or for an  
6 offense of operating or being in physical control of a vehicle  
7 while under the influence of alcohol, any other drug or any  
8 combination thereof, or a similar provision of a local  
9 ordinance, when such offense resulted in the personal injury to  
10 someone other than the defendant, the trial judge shall specify  
11 on the record the particular evidence, information, factors in  
12 mitigation and aggravation or other reasons that led to his  
13 sentencing determination. The full verbatim record of the  
14 sentencing hearing shall be filed with the clerk of the court  
15 and shall be a public record.

16 (c-1) In imposing a sentence for the offense of aggravated  
17 kidnapping for ransom, home invasion, armed robbery,  
18 aggravated vehicular hijacking, aggravated discharge of a  
19 firearm, or armed violence with a category I weapon or category  
20 II weapon, the trial judge shall make a finding as to whether  
21 the conduct leading to conviction for the offense resulted in  
22 great bodily harm to a victim, and shall enter that finding and  
23 the basis for that finding in the record.

24 (c-2) If the defendant is sentenced to prison, other than  
25 when a sentence of natural life imprisonment or a sentence of  
26 death is imposed, at the time the sentence is imposed the judge

1 shall state on the record in open court the approximate period  
2 of time the defendant will serve in custody according to the  
3 then current statutory rules and regulations for sentence  
4 credit found in Section 3-6-3 and other related provisions of  
5 this Code. This statement is intended solely to inform the  
6 public, has no legal effect on the defendant's actual release,  
7 and may not be relied on by the defendant on appeal.

8 The judge's statement, to be given after pronouncing the  
9 sentence, other than when the sentence is imposed for one of  
10 the offenses enumerated in paragraph (a)(3) of Section 3-6-3,  
11 shall include the following:

12 "The purpose of this statement is to inform the public of  
13 the actual period of time this defendant is likely to spend in  
14 prison as a result of this sentence. The actual period of  
15 prison time served is determined by the statutes of Illinois as  
16 applied to this sentence by the Illinois Department of  
17 Corrections and the Illinois Prisoner Review Board. In this  
18 case, assuming the defendant receives all of his or her  
19 sentence credit, the period of estimated actual custody is ...  
20 years and ... months, less up to 180 days additional sentence  
21 credit for good conduct. If the defendant, because of his or  
22 her own misconduct or failure to comply with the institutional  
23 regulations, does not receive those credits, the actual time  
24 served in prison will be longer. The defendant may also receive  
25 an additional one-half day sentence credit for each day of  
26 participation in vocational, industry, substance abuse, and

1 educational programs as provided for by Illinois statute."

2 When the sentence is imposed for one of the offenses  
3 enumerated in paragraph (a)(3) of Section 3-6-3, other than  
4 when the sentence is imposed for one of the offenses enumerated  
5 in paragraph (a)(2) of Section 3-6-3 committed on or after June  
6 19, 1998, and other than when the sentence is imposed for  
7 reckless homicide as defined in subsection (e) of Section 9-3  
8 of the Criminal Code of 1961 or the Criminal Code of 2012 if  
9 the offense was committed on or after January 1, 1999, and  
10 other than when the sentence is imposed for aggravated arson if  
11 the offense was committed on or after July 27, 2001 (the  
12 effective date of Public Act 92-176), and other than when the  
13 sentence is imposed for aggravated driving under the influence  
14 of alcohol, other drug or drugs, or intoxicating compound or  
15 compounds, or any combination thereof as defined in  
16 subparagraph (C) of paragraph (1) of subsection (d) of Section  
17 11-501 of the Illinois Vehicle Code committed on or after  
18 January 1, 2011 (the effective date of Public Act 96-1230), the  
19 judge's statement, to be given after pronouncing the sentence,  
20 shall include the following:

21 "The purpose of this statement is to inform the public of  
22 the actual period of time this defendant is likely to spend in  
23 prison as a result of this sentence. The actual period of  
24 prison time served is determined by the statutes of Illinois as  
25 applied to this sentence by the Illinois Department of  
26 Corrections and the Illinois Prisoner Review Board. In this

1 case, assuming the defendant receives all of his or her  
2 sentence credit, the period of estimated actual custody is ...  
3 years and ... months, less up to 90 days additional sentence  
4 credit for good conduct. If the defendant, because of his or  
5 her own misconduct or failure to comply with the institutional  
6 regulations, does not receive those credits, the actual time  
7 served in prison will be longer. The defendant may also receive  
8 an additional one-half day sentence credit for each day of  
9 participation in vocational, industry, substance abuse, and  
10 educational programs as provided for by Illinois statute."

11 When the sentence is imposed for one of the offenses  
12 enumerated in paragraph (a)(2) of Section 3-6-3, other than  
13 first degree murder, and the offense was committed on or after  
14 June 19, 1998, and when the sentence is imposed for reckless  
15 homicide as defined in subsection (e) of Section 9-3 of the  
16 Criminal Code of 1961 or the Criminal Code of 2012 if the  
17 offense was committed on or after January 1, 1999, and when the  
18 sentence is imposed for aggravated driving under the influence  
19 of alcohol, other drug or drugs, or intoxicating compound or  
20 compounds, or any combination thereof as defined in  
21 subparagraph (F) of paragraph (1) of subsection (d) of Section  
22 11-501 of the Illinois Vehicle Code, and when the sentence is  
23 imposed for aggravated arson if the offense was committed on or  
24 after July 27, 2001 (the effective date of Public Act 92-176),  
25 and when the sentence is imposed for aggravated driving under  
26 the influence of alcohol, other drug or drugs, or intoxicating

1 compound or compounds, or any combination thereof as defined in  
2 subparagraph (C) of paragraph (1) of subsection (d) of Section  
3 11-501 of the Illinois Vehicle Code committed on or after  
4 January 1, 2011 (the effective date of Public Act 96-1230), the  
5 judge's statement, to be given after pronouncing the sentence,  
6 shall include the following:

7 "The purpose of this statement is to inform the public of  
8 the actual period of time this defendant is likely to spend in  
9 prison as a result of this sentence. The actual period of  
10 prison time served is determined by the statutes of Illinois as  
11 applied to this sentence by the Illinois Department of  
12 Corrections and the Illinois Prisoner Review Board. In this  
13 case, the defendant is entitled to no more than 4 1/2 days of  
14 sentence credit for each month of his or her sentence of  
15 imprisonment. Therefore, this defendant will serve at least 85%  
16 of his or her sentence. Assuming the defendant receives 4 1/2  
17 days credit for each month of his or her sentence, the period  
18 of estimated actual custody is ... years and ... months. If the  
19 defendant, because of his or her own misconduct or failure to  
20 comply with the institutional regulations receives lesser  
21 credit, the actual time served in prison will be longer."

22 When a sentence of imprisonment is imposed for first degree  
23 murder and the offense was committed on or after June 19, 1998,  
24 the judge's statement, to be given after pronouncing the  
25 sentence, shall include the following:

26 "The purpose of this statement is to inform the public of

1 the actual period of time this defendant is likely to spend in  
2 prison as a result of this sentence. The actual period of  
3 prison time served is determined by the statutes of Illinois as  
4 applied to this sentence by the Illinois Department of  
5 Corrections and the Illinois Prisoner Review Board. In this  
6 case, the defendant is not entitled to sentence credit.  
7 Therefore, this defendant will serve 100% of his or her  
8 sentence."

9 When the sentencing order recommends placement in a  
10 substance abuse program for any offense that results in  
11 incarceration in a Department of Corrections facility and the  
12 crime was committed on or after September 1, 2003 (the  
13 effective date of Public Act 93-354), the judge's statement, in  
14 addition to any other judge's statement required under this  
15 Section, to be given after pronouncing the sentence, shall  
16 include the following:

17 "The purpose of this statement is to inform the public of  
18 the actual period of time this defendant is likely to spend in  
19 prison as a result of this sentence. The actual period of  
20 prison time served is determined by the statutes of Illinois as  
21 applied to this sentence by the Illinois Department of  
22 Corrections and the Illinois Prisoner Review Board. In this  
23 case, the defendant shall receive no sentence credit for good  
24 conduct under clause (3) of subsection (a) of Section 3-6-3  
25 until he or she participates in and completes a substance abuse  
26 treatment program or receives a waiver from the Director of

1 Corrections pursuant to clause (4.5) of subsection (a) of  
2 Section 3-6-3."

3 (c-4) Before the sentencing hearing and as part of the  
4 presentence investigation under Section 5-3-1, the court shall  
5 inquire of the defendant whether the defendant is currently  
6 serving in or is a veteran of the Armed Forces of the United  
7 States. If the defendant is currently serving in the Armed  
8 Forces of the United States or is a veteran of the Armed Forces  
9 of the United States and has been diagnosed as having a mental  
10 illness by a qualified psychiatrist or clinical psychologist or  
11 physician, the court may:

12 (1) order that the officer preparing the presentence  
13 report consult with the United States Department of  
14 Veterans Affairs, Illinois Department of Veterans'  
15 Affairs, or another agency or person with suitable  
16 knowledge or experience for the purpose of providing the  
17 court with information regarding treatment options  
18 available to the defendant, including federal, State, and  
19 local programming; and

20 (2) consider the treatment recommendations of any  
21 diagnosing or treating mental health professionals  
22 together with the treatment options available to the  
23 defendant in imposing sentence.

24 For the purposes of this subsection (c-4), "qualified  
25 psychiatrist" means a reputable physician licensed in Illinois  
26 to practice medicine in all its branches, who has specialized



1 in the diagnosis and treatment of mental and nervous disorders  
2 for a period of not less than 5 years.

3 (c-6) In imposing a sentence, the trial judge shall  
4 specify, on the record, the particular evidence and other  
5 reasons which led to his or her determination that a motor  
6 vehicle was used in the commission of the offense.

7 (d) When the defendant is committed to the Department of  
8 Corrections, the State's Attorney shall and counsel for the  
9 defendant may file a statement with the clerk of the court to  
10 be transmitted to the department, agency or institution to  
11 which the defendant is committed to furnish such department,  
12 agency or institution with the facts and circumstances of the  
13 offense for which the person was committed together with all  
14 other factual information accessible to them in regard to the  
15 person prior to his commitment relative to his habits,  
16 associates, disposition and reputation and any other facts and  
17 circumstances which may aid such department, agency or  
18 institution during its custody of such person. The clerk shall  
19 within 10 days after receiving any such statements transmit a  
20 copy to such department, agency or institution and a copy to  
21 the other party, provided, however, that this shall not be  
22 cause for delay in conveying the person to the department,  
23 agency or institution to which he has been committed.

24 (e) The clerk of the court shall transmit to the  
25 department, agency or institution, if any, to which the  
26 defendant is committed, the following:

- 1 (1) the sentence imposed;
- 2 (2) any statement by the court of the basis for  
3 imposing the sentence;
- 4 (3) any presentence reports;
- 5 (3.5) any sex offender evaluations;
- 6 (3.6) any substance abuse treatment eligibility  
7 screening and assessment of the defendant by an agent  
8 designated by the State of Illinois to provide assessment  
9 services for the Illinois courts;
- 10 (4) the number of days, if any, which the defendant has  
11 been in custody and for which he is entitled to credit  
12 against the sentence, which information shall be provided  
13 to the clerk by the sheriff;
- 14 (4.1) any finding of great bodily harm made by the  
15 court with respect to an offense enumerated in subsection  
16 (c-1);
- 17 (5) all statements filed under subsection (d) of this  
18 Section;
- 19 (6) any medical or mental health records or summaries  
20 of the defendant;
- 21 (7) the municipality where the arrest of the offender  
22 or the commission of the offense has occurred, where such  
23 municipality has a population of more than 25,000 persons;
- 24 (8) all statements made and evidence offered under  
25 paragraph (7) of subsection (a) of this Section; and
- 26 (9) all additional matters which the court directs the

1 clerk to transmit.

2 (f) In cases in which the court finds that a motor vehicle  
3 was used in the commission of the offense for which the  
4 defendant is being sentenced, the clerk of the court shall,  
5 within 5 days thereafter, forward a report of such conviction  
6 to the Secretary of State.

7 (Source: P.A. 96-86, eff. 1-1-10; 96-1180, eff. 1-1-11;  
8 96-1230, eff. 1-1-11; 96-1551, eff. 7-1-11; 97-333, eff.  
9 8-12-11; 97-697, eff. 6-22-12.)

10 (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

11 Sec. 5-4-3. Specimens; genetic marker groups.

12 (a) Any person convicted of, found guilty under the  
13 Juvenile Court Act of 1987 for, or who received a disposition  
14 of court supervision for, a qualifying offense or attempt of a  
15 qualifying offense, convicted or found guilty of any offense  
16 classified as a felony under Illinois law, convicted or found  
17 guilty of any offense requiring registration under the Sex  
18 Offender Registration Act, found guilty or given supervision  
19 for any offense classified as a felony under the Juvenile Court  
20 Act of 1987, convicted or found guilty of, under the Juvenile  
21 Court Act of 1987, any offense requiring registration under the  
22 Sex Offender Registration Act, or institutionalized as a  
23 sexually dangerous person under the Sexually Dangerous Persons  
24 Act, or committed as a sexually violent person under the  
25 Sexually Violent Persons Commitment Act shall, regardless of

1 the sentence or disposition imposed, be required to submit  
2 specimens of blood, saliva, or tissue to the Illinois  
3 Department of State Police in accordance with the provisions of  
4 this Section, provided such person is:

5 (1) convicted of a qualifying offense or attempt of a  
6 qualifying offense on or after July 1, 1990 and sentenced  
7 to a term of imprisonment, periodic imprisonment, fine,  
8 probation, conditional discharge or any other form of  
9 sentence, or given a disposition of court supervision for  
10 the offense;

11 (1.5) found guilty or given supervision under the  
12 Juvenile Court Act of 1987 for a qualifying offense or  
13 attempt of a qualifying offense on or after January 1,  
14 1997;

15 (2) ordered institutionalized as a sexually dangerous  
16 person on or after July 1, 1990;

17 (3) convicted of a qualifying offense or attempt of a  
18 qualifying offense before July 1, 1990 and is presently  
19 confined as a result of such conviction in any State  
20 correctional facility or county jail or is presently  
21 serving a sentence of probation, conditional discharge or  
22 periodic imprisonment as a result of such conviction;

23 (3.5) convicted or found guilty of any offense  
24 classified as a felony under Illinois law or found guilty  
25 or given supervision for such an offense under the Juvenile  
26 Court Act of 1987 on or after August 22, 2002;

1           (4) presently institutionalized as a sexually  
2 dangerous person or presently institutionalized as a  
3 person found guilty but mentally ill of a sexual offense or  
4 attempt to commit a sexual offense; or

5           (4.5) ordered committed as a sexually violent person on  
6 or after the effective date of the Sexually Violent Persons  
7 Commitment Act.

8           (a-1) Any person incarcerated in a facility of the Illinois  
9 Department of Corrections or the Illinois Department of  
10 Juvenile Justice on or after August 22, 2002, whether for a  
11 term of years, natural life, or a sentence of death, who has  
12 not yet submitted a specimen of blood, saliva, or tissue shall  
13 be required to submit a specimen of blood, saliva, or tissue  
14 prior to his or her final discharge, or release on parole or  
15 mandatory supervised release, as a condition of his or her  
16 parole or mandatory supervised release, or within 6 months from  
17 August 13, 2009 (the effective date of Public Act 96-426),  
18 whichever is sooner. A person incarcerated on or after August  
19 13, 2009 (the effective date of Public Act 96-426) shall be  
20 required to submit a specimen within 45 days of incarceration,  
21 or prior to his or her final discharge, or release on parole or  
22 mandatory supervised release, as a condition of his or her  
23 parole or mandatory supervised release, whichever is sooner.  
24 These specimens shall be placed into the State or national DNA  
25 database, to be used in accordance with other provisions of  
26 this Section, by the Illinois State Police.

1           (a-2) Any person sentenced to life imprisonment in a  
2 facility of the Illinois Department of Corrections after the  
3 effective date of this amendatory Act of the 94th General  
4 Assembly or sentenced to death after 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 within 45  
7 days after sentencing or disposition at a collection site  
8 designated by the Illinois Department of State Police. Any  
9 person serving a sentence of life imprisonment in a facility of  
10 the Illinois Department of Corrections on the effective date of  
11 this amendatory Act of the 94th General Assembly or any person  
12 who is under a sentence of death on the effective date of this  
13 amendatory Act of the 94th General Assembly shall be required  
14 to provide a specimen of blood, saliva, or tissue upon request  
15 at a collection site designated by the Illinois Department of  
16 State Police.

17           (a-3) Any person seeking transfer to or residency in  
18 Illinois under Sections 3-3-11.05 through 3-3-11.5 of this  
19 Code, the Interstate Compact for Adult Offender Supervision, or  
20 the Interstate Agreements on Sexually Dangerous Persons Act  
21 shall be required to provide a specimen of blood, saliva, or  
22 tissue within 45 days after transfer to or residency in  
23 Illinois at a collection site designated by the Illinois  
24 Department of State Police.

25           (a-3.1) Any person required by an order of the court to  
26 submit a DNA specimen shall be required to provide a specimen

1 of blood, saliva, or tissue within 45 days after the court  
2 order at a collection site designated by the Illinois  
3 Department of State Police.

4 (a-3.2) On or after January 1, 2012 (the effective date of  
5 Public Act 97-383), any person arrested for any of the  
6 following offenses, after an indictment has been returned by a  
7 grand jury, or following a hearing pursuant to Section 109-3 of  
8 the Code of Criminal Procedure of 1963 and a judge finds there  
9 is probable cause to believe the arrestee has committed one of  
10 the designated offenses, or an arrestee has waived a  
11 preliminary hearing shall be required to provide a specimen of  
12 blood, saliva, or tissue within 14 days after such indictment  
13 or hearing at a collection site designated by the Illinois  
14 Department of State Police:

15 (A) first degree murder;

16 (B) home invasion;

17 (C) predatory criminal sexual assault of a child;

18 (D) aggravated criminal sexual assault; or

19 (E) criminal sexual assault.

20 (a-3.3) Any person required to register as a sex offender  
21 under the Sex Offender Registration Act, regardless of the date  
22 of conviction as set forth in subsection (c-5.2) shall be  
23 required to provide a specimen of blood, saliva, or tissue  
24 within the time period prescribed in subsection (c-5.2) at a  
25 collection site designated by the Illinois Department of State  
26 Police.

1           (a-5) Any person who was otherwise convicted of or received  
2 a disposition of court supervision for any other offense under  
3 the Criminal Code of 1961 or the Criminal Code of 2012 or who  
4 was found guilty or given supervision for such a violation  
5 under the Juvenile Court Act of 1987, may, regardless of the  
6 sentence imposed, be required by an order of the court to  
7 submit specimens of blood, saliva, or tissue to the Illinois  
8 Department of State Police in accordance with the provisions of  
9 this Section.

10           (b) Any person required by paragraphs (a)(1), (a)(1.5),  
11 (a)(2), (a)(3.5), and (a-5) to provide specimens of blood,  
12 saliva, or tissue shall provide specimens of blood, saliva, or  
13 tissue within 45 days after sentencing or disposition at a  
14 collection site designated by the Illinois Department of State  
15 Police.

16           (c) Any person required by paragraphs (a)(3), (a)(4), and  
17 (a)(4.5) to provide specimens of blood, saliva, or tissue shall  
18 be required to provide such specimens prior to final discharge  
19 or within 6 months from August 13, 2009 (the effective date of  
20 Public Act 96-426), whichever is sooner. These specimens shall  
21 be placed into the State or national DNA database, to be used  
22 in accordance with other provisions of this Act, by the  
23 Illinois State Police.

24           (c-5) Any person required by paragraph (a-3) to provide  
25 specimens of blood, saliva, or tissue shall, where feasible, be  
26 required to provide the specimens before being accepted for



1 conditioned residency in Illinois under the interstate compact  
2 or agreement, but no later than 45 days after arrival in this  
3 State.

4 (c-5.2) Unless it is determined that a registered sex  
5 offender has previously submitted a specimen of blood, saliva,  
6 or tissue that has been placed into the State DNA database, a  
7 person registering as a sex offender shall be required to  
8 submit a specimen at the time of his or her initial  
9 registration pursuant to the Sex Offender Registration Act or,  
10 for a person registered as a sex offender on or prior to  
11 January 1, 2012 (the effective date of Public Act 97-383),  
12 within one year of January 1, 2012 (the effective date of  
13 Public Act 97-383) or at the time of his or her next required  
14 registration.

15 (c-6) The Illinois Department of State Police may determine  
16 which type of specimen or specimens, blood, saliva, or tissue,  
17 is acceptable for submission to the Division of Forensic  
18 Services for analysis. The Illinois Department of State Police  
19 may require the submission of fingerprints from anyone required  
20 to give a specimen under this Act.

21 (d) The Illinois Department of State Police shall provide  
22 all equipment and instructions necessary for the collection of  
23 blood specimens. The collection of specimens shall be performed  
24 in a medically approved manner. Only a physician authorized to  
25 practice medicine, a registered nurse or other qualified person  
26 trained in venipuncture may withdraw blood for the purposes of

1 this Act. The specimens shall thereafter be forwarded to the  
2 Illinois Department of State Police, Division of Forensic  
3 Services, for analysis and categorizing into genetic marker  
4 groupings.

5 (d-1) The Illinois Department of State Police shall provide  
6 all equipment and instructions necessary for the collection of  
7 saliva specimens. The collection of saliva specimens shall be  
8 performed in a medically approved manner. Only a person trained  
9 in the instructions promulgated by the Illinois State Police on  
10 collecting saliva may collect saliva for the purposes of this  
11 Section. The specimens shall thereafter be forwarded to the  
12 Illinois Department of State Police, Division of Forensic  
13 Services, for analysis and categorizing into genetic marker  
14 groupings.

15 (d-2) The Illinois Department of State Police shall provide  
16 all equipment and instructions necessary for the collection of  
17 tissue specimens. The collection of tissue specimens shall be  
18 performed in a medically approved manner. Only a person trained  
19 in the instructions promulgated by the Illinois State Police on  
20 collecting tissue may collect tissue for the purposes of this  
21 Section. The specimens shall thereafter be forwarded to the  
22 Illinois Department of State Police, Division of Forensic  
23 Services, for analysis and categorizing into genetic marker  
24 groupings.

25 (d-5) To the extent that funds are available, the Illinois  
26 Department of State Police shall contract with qualified

1 personnel and certified laboratories for the collection,  
2 analysis, and categorization of known specimens, except as  
3 provided in subsection (n) of this Section.

4 (d-6) Agencies designated by the Illinois Department of  
5 State Police and the Illinois Department of State Police may  
6 contract with third parties to provide for the collection or  
7 analysis of DNA, or both, of an offender's blood, saliva, and  
8 tissue specimens, except as provided in subsection (n) of this  
9 Section.

10 (e) The genetic marker groupings shall be maintained by the  
11 Illinois Department of State Police, Division of Forensic  
12 Services.

13 (f) The genetic marker grouping analysis information  
14 obtained pursuant to this Act shall be confidential and shall  
15 be released only to peace officers of the United States, of  
16 other states or territories, of the insular possessions of the  
17 United States, of foreign countries duly authorized to receive  
18 the same, to all peace officers of the State of Illinois and to  
19 all prosecutorial agencies, and to defense counsel as provided  
20 by Section 116-5 of the Code of Criminal Procedure of 1963. The  
21 genetic marker grouping analysis information obtained pursuant  
22 to this Act shall be used only for (i) valid law enforcement  
23 identification purposes and as required by the Federal Bureau  
24 of Investigation for participation in the National DNA  
25 database, (ii) technology validation purposes, (iii) a  
26 population statistics database, (iv) quality assurance

1 purposes if personally identifying information is removed, (v)  
2 assisting in the defense of the criminally accused pursuant to  
3 Section 116-5 of the Code of Criminal Procedure of 1963, or  
4 (vi) identifying and assisting in the prosecution of a person  
5 who is suspected of committing a sexual assault as defined in  
6 Section 1a of the Sexual Assault Survivors Emergency Treatment  
7 Act. Notwithstanding any other statutory provision to the  
8 contrary, all information obtained under this Section shall be  
9 maintained in a single State data base, which may be uploaded  
10 into a national database, and which information may be subject  
11 to expungement only as set forth in subsection (f-1).

12 (f-1) Upon receipt of notification of a reversal of a  
13 conviction based on actual innocence, or of the granting of a  
14 pardon pursuant to Section 12 of Article V of the Illinois  
15 Constitution, if that pardon document specifically states that  
16 the reason for the pardon is the actual innocence of an  
17 individual whose DNA record has been stored in the State or  
18 national DNA identification index in accordance with this  
19 Section by the Illinois Department of State Police, the DNA  
20 record shall be expunged from the DNA identification index, and  
21 the Department shall by rule prescribe procedures to ensure  
22 that the record and any specimens, analyses, or other documents  
23 relating to such record, whether in the possession of the  
24 Department or any law enforcement or police agency, or any  
25 forensic DNA laboratory, including any duplicates or copies  
26 thereof, are destroyed and a letter is sent to the court

1 verifying the expungement is completed. For specimens required  
2 to be collected prior to conviction, unless the individual has  
3 other charges or convictions that require submission of a  
4 specimen, the DNA record for an individual shall be expunged  
5 from the DNA identification databases and the specimen  
6 destroyed upon receipt of a certified copy of a final court  
7 order for each charge against an individual in which the charge  
8 has been dismissed, resulted in acquittal, or that the charge  
9 was not filed within the applicable time period. The Department  
10 shall by rule prescribe procedures to ensure that the record  
11 and any specimens in the possession or control of the  
12 Department are destroyed and a letter is sent to the court  
13 verifying the expungement is completed.

14 (f-5) Any person who intentionally uses genetic marker  
15 grouping analysis information, or any other information  
16 derived from a DNA specimen, beyond the authorized uses as  
17 provided under this Section, or any other Illinois law, is  
18 guilty of a Class 4 felony, and shall be subject to a fine of  
19 not less than \$5,000.

20 (f-6) The Illinois Department of State Police may contract  
21 with third parties for the purposes of implementing this  
22 amendatory Act of the 93rd General Assembly, except as provided  
23 in subsection (n) of this Section. Any other party contracting  
24 to carry out the functions of this Section shall be subject to  
25 the same restrictions and requirements of this Section insofar  
26 as applicable, as the Illinois Department of State Police, and

1 to any additional restrictions imposed by the Illinois  
2 Department of State Police.

3 (g) For the purposes of this Section, "qualifying offense"  
4 means any of the following:

5 (1) any violation or inchoate violation of Section  
6 11-1.50, 11-1.60, 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or  
7 12-16 of the Criminal Code of 1961 or the Criminal Code of  
8 2012;

9 (1.1) any violation or inchoate violation of Section  
10 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3,  
11 18-4, 18-6, 19-1, ~~or~~ 19-2, or 19-6 of the Criminal Code of  
12 1961 or the Criminal Code of 2012 for which persons are  
13 convicted on or after July 1, 2001;

14 (2) any former statute of this State which defined a  
15 felony sexual offense;

16 (3) (blank);

17 (4) any inchoate violation of Section 9-3.1, 9-3.4,  
18 11-9.3, 12-7.3, or 12-7.4 of the Criminal Code of 1961 or  
19 the Criminal Code of 2012; or

20 (5) any violation or inchoate violation of Article 29D  
21 of the Criminal Code of 1961 or the Criminal Code of 2012.

22 (g-5) (Blank).

23 (h) The Illinois Department of State Police shall be the  
24 State central repository for all genetic marker grouping  
25 analysis information obtained pursuant to this Act. The  
26 Illinois Department of State Police may promulgate rules for

1 the form and manner of the collection of blood, saliva, or  
2 tissue specimens and other procedures for the operation of this  
3 Act. The provisions of the Administrative Review Law shall  
4 apply to all actions taken under the rules so promulgated.

5 (i) (1) A person required to provide a blood, saliva, or  
6 tissue specimen shall cooperate with the collection of the  
7 specimen and any deliberate act by that person intended to  
8 impede, delay or stop the collection of the blood, saliva,  
9 or tissue specimen is a Class 4 felony.

10 (2) In the event that a person's DNA specimen is not  
11 adequate for any reason, the person shall provide another  
12 DNA specimen for analysis. Duly authorized law enforcement  
13 and corrections personnel may employ reasonable force in  
14 cases in which an individual refuses to provide a DNA  
15 specimen required under this Act.

16 (j) Any person required by subsection (a), or any person  
17 who was previously required by subsection (a-3.2), to submit  
18 specimens of blood, saliva, or tissue to the Illinois  
19 Department of State Police for analysis and categorization into  
20 genetic marker grouping, in addition to any other disposition,  
21 penalty, or fine imposed, shall pay an analysis fee of \$250. If  
22 the analysis fee is not paid at the time of sentencing, the  
23 court shall establish a fee schedule by which the entire amount  
24 of the analysis fee shall be paid in full, such schedule not to  
25 exceed 24 months from the time of conviction. The inability to  
26 pay this analysis fee shall not be the sole ground to

1 incarcerate the person.

2 (k) All analysis and categorization fees provided for by  
3 subsection (j) shall be regulated as follows:

4 (1) The State Offender DNA Identification System Fund  
5 is hereby created as a special fund in the State Treasury.

6 (2) All fees shall be collected by the clerk of the  
7 court and forwarded to the State Offender DNA  
8 Identification System Fund for deposit. The clerk of the  
9 circuit court may retain the amount of \$10 from each  
10 collected analysis fee to offset administrative costs  
11 incurred in carrying out the clerk's responsibilities  
12 under this Section.

13 (3) Fees deposited into the State Offender DNA  
14 Identification System Fund shall be used by Illinois State  
15 Police crime laboratories as designated by the Director of  
16 State Police. These funds shall be in addition to any  
17 allocations made pursuant to existing laws and shall be  
18 designated for the exclusive use of State crime  
19 laboratories. These uses may include, but are not limited  
20 to, the following:

21 (A) Costs incurred in providing analysis and  
22 genetic marker categorization as required by  
23 subsection (d).

24 (B) Costs incurred in maintaining genetic marker  
25 groupings as required by subsection (e).

26 (C) Costs incurred in the purchase and maintenance



1 of equipment for use in performing analyses.

2 (D) Costs incurred in continuing research and  
3 development of new techniques for analysis and genetic  
4 marker categorization.

5 (E) Costs incurred in continuing education,  
6 training, and professional development of forensic  
7 scientists regularly employed by these laboratories.

8 (1) The failure of a person to provide a specimen, or of  
9 any person or agency to collect a specimen, shall in no way  
10 alter the obligation of the person to submit such specimen, or  
11 the authority of the Illinois Department of State Police or  
12 persons designated by the Department to collect the specimen,  
13 or the authority of the Illinois Department of State Police to  
14 accept, analyze and maintain the specimen or to maintain or  
15 upload results of genetic marker grouping analysis information  
16 into a State or national database.

17 (m) If any provision of this amendatory Act of the 93rd  
18 General Assembly is held unconstitutional or otherwise  
19 invalid, the remainder of this amendatory Act of the 93rd  
20 General Assembly is not affected.

21 (n) Neither the Department of State Police, the Division of  
22 Forensic Services, nor any laboratory of the Division of  
23 Forensic Services may contract out forensic testing for the  
24 purpose of an active investigation or a matter pending before a  
25 court of competent jurisdiction without the written consent of  
26 the prosecuting agency. For the purposes of this subsection

1 (n), "forensic testing" includes the analysis of physical  
2 evidence in an investigation or other proceeding for the  
3 prosecution of a violation of the Criminal Code of 1961 or the  
4 Criminal Code of 2012 or for matters adjudicated under the  
5 Juvenile Court Act of 1987, and includes the use of forensic  
6 databases and databanks, including DNA, firearm, and  
7 fingerprint databases, and expert testimony.

8 (o) Mistake does not invalidate a database match. The  
9 detention, arrest, or conviction of a person based upon a  
10 database match or database information is not invalidated if it  
11 is determined that the specimen was obtained or placed in the  
12 database by mistake.

13 (p) This Section may be referred to as the Illinois DNA  
14 Database Law of 2011.

15 (Source: P.A. 96-426, eff. 8-13-09; 96-642, eff. 8-24-09;  
16 96-1000, eff. 7-2-10; 96-1551, eff. 7-1-11; 97-383, eff.  
17 1-1-12; 97-1109, eff. 1-1-13.)

18 (730 ILCS 5/5-4-3.1) (from Ch. 38, par. 1005-4-3.1)

19 Sec. 5-4-3.1. Sentencing Hearing for Sex Offenses.

20 (a) Except for good cause shown by written motion, any  
21 person adjudged guilty of any offense involving an illegal  
22 sexual act perpetrated upon a victim, including but not limited  
23 to offenses for violations of Article 12 of the Criminal Code  
24 of 1961 or the Criminal Code of 2012, or any offense determined  
25 by the court or the probation department to be sexually

1 motivated, as defined in the Sex Offender Management Board Act,  
2 shall be sentenced within 65 days of a verdict or finding of  
3 guilt for the offense.

4 (b) The court shall set the sentencing date at the time the  
5 verdict or finding of guilt is entered by the court.

6 (c) Any motion for continuance shall be in writing and  
7 supported by affidavit and in compliance with Section 114-4 of  
8 the Code of Criminal Procedure of 1963, and the victim shall be  
9 notified of the date and time of hearing and shall be provided  
10 an opportunity to address the court on the impact the  
11 continuance may have on the victim's well-being.

12 (d) A complaint, information or indictment shall not be  
13 quashed or dismissed, nor shall any person in custody for an  
14 offense be discharged from custody because of non-compliance  
15 with this Section.

16 (Source: P.A. 93-970, eff. 8-20-04.)

17 (730 ILCS 5/5-4-3.2)

18 Sec. 5-4-3.2. Collection and storage of Internet protocol  
19 addresses.

20 (a) Cyber-crimes Location Database. The Attorney General  
21 is hereby authorized to establish and maintain the "Illinois  
22 Cyber-crimes Location Database" (ICLD) to collect, store, and  
23 use Internet protocol (IP) addresses for purposes of  
24 investigating and prosecuting child exploitation crimes on the  
25 Internet.

1 (b) "Internet protocol address" means the string of numbers  
2 by which a location on the Internet is identified by routers or  
3 other computers connected to the Internet.

4 (c) Collection of Internet Protocol addresses.

5 (1) Collection upon commitment under the Sexually  
6 Dangerous Persons Act. Upon motion for a defendant's  
7 confinement under the Sexually Dangerous Persons Act for  
8 criminal charges under Section 11-6, 11-20.1, 11-20.1B,  
9 11-20.3, or 11-21 of the Criminal Code of 1961 or the  
10 Criminal Code of 2012, the State's Attorney or Attorney  
11 General shall record all Internet protocol (IP) addresses  
12 which the defendant may access from his or her residence or  
13 place of employment, registered in his or her name, or  
14 otherwise has under his or her control or custody.

15 (2) Collection upon conviction. Upon conviction for  
16 crimes under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or  
17 11-21 of the Criminal Code of 1961 or the Criminal Code of  
18 2012, a State's Attorney shall record from defendants all  
19 Internet protocol (IP) addresses which the defendant may  
20 access from his or her residence or place of employment,  
21 registered in his or her name, or otherwise has under his  
22 or her control or custody, regardless of the sentence or  
23 disposition imposed.

24 (d) Storage and use of the Database. Internet protocol (IP)  
25 addresses recorded pursuant to this Section shall be submitted  
26 to the Attorney General for storage and use in the Illinois

1 Cyber-crimes Location Database. The Attorney General and its  
2 designated agents may access the database for the purpose of  
3 investigation and prosecution of crimes listed in this Section.  
4 In addition, the Attorney General is authorized to share  
5 information stored in the database with the National Center for  
6 Missing and Exploited Children (NCMEC) and any federal, state,  
7 or local law enforcement agencies for the investigation or  
8 prosecution of child exploitation crimes.

9 (Source: P.A. 95-579, eff. 8-31-07; 96-1551, eff. 7-1-11.)

10 (730 ILCS 5/5-4.5-20)

11 Sec. 5-4.5-20. FIRST DEGREE MURDER; SENTENCE. For first  
12 degree murder:

13 (a) TERM. The defendant shall be sentenced to imprisonment  
14 or, if appropriate, death under Section 9-1 of the Criminal  
15 Code of 1961 or the Criminal Code of 2012 (720 ILCS 5/9-1).  
16 Imprisonment shall be for a determinate term of (1) not less  
17 than 20 years and not more than 60 years; (2) not less than 60  
18 years and not more than 100 years when an extended term is  
19 imposed under Section 5-8-2 (730 ILCS 5/5-8-2); or (3) natural  
20 life as provided in Section 5-8-1 (730 ILCS 5/5-8-1).

21 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment  
22 shall not be imposed.

23 (c) IMPACT INCARCERATION. The impact incarceration program  
24 or the county impact incarceration program is not an authorized  
25 disposition.

1           (d) PROBATION; CONDITIONAL DISCHARGE. A period of  
2 probation or conditional discharge shall not be imposed.

3           (e) FINE. Fines may be imposed as provided in Section  
4 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

5           (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)  
6 concerning restitution.

7           (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall  
8 be concurrent or consecutive as provided in Section 5-8-4 (730  
9 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

10          (h) DRUG COURT. Drug court is not an authorized  
11 disposition.

12          (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730  
13 ILCS 5/5-4.5-100) concerning no credit for time spent in home  
14 detention prior to judgment.

15          (j) SENTENCE CREDIT. See Section 3-6-3 (730 ILCS 5/3-6-3)  
16 for rules and regulations for sentence credit.

17          (k) ELECTRONIC HOME DETENTION. Electronic home detention  
18 is not an authorized disposition, except in limited  
19 circumstances as provided in Section 5-8A-3 (730 ILCS  
20 5/5-8A-3).

21          (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as  
22 provided in Section 3-3-8 (730 ILCS 5/3-3-8), the parole or  
23 mandatory supervised release term shall be 3 years upon release  
24 from imprisonment.

25          (Source: P.A. 97-697, eff. 6-22-12.)

1 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

2 Sec. 5-5-3. Disposition.

3 (a) (Blank).

4 (b) (Blank).

5 (c) (1) (Blank).

6 (2) A period of probation, a term of periodic  
7 imprisonment or conditional discharge shall not be imposed  
8 for the following offenses. The court shall sentence the  
9 offender to not less than the minimum term of imprisonment  
10 set forth in this Code for the following offenses, and may  
11 order a fine or restitution or both in conjunction with  
12 such term of imprisonment:

13 (A) First degree murder where the death penalty is  
14 not imposed.

15 (B) Attempted first degree murder.

16 (C) A Class X felony.

17 (D) A violation of Section 401.1 or 407 of the  
18 Illinois Controlled Substances Act, or a violation of  
19 subdivision (c)(1.5) or (c)(2) of Section 401 of that  
20 Act which relates to more than 5 grams of a substance  
21 containing cocaine, fentanyl, or an analog thereof.

22 (D-5) A violation of subdivision (c)(1) of Section  
23 401 of the Illinois Controlled Substances Act which  
24 relates to 3 or more grams of a substance containing  
25 heroin or an analog thereof.

26 (E) A violation of Section 5.1 or 9 of the Cannabis

1 Control Act.

2 (F) A Class 2 or greater felony if the offender had  
3 been convicted of a Class 2 or greater felony,  
4 including any state or federal conviction for an  
5 offense that contained, at the time it was committed,  
6 the same elements as an offense now (the date of the  
7 offense committed after the prior Class 2 or greater  
8 felony) classified as a Class 2 or greater felony,  
9 within 10 years of the date on which the offender  
10 committed the offense for which he or she is being  
11 sentenced, except as otherwise provided in Section  
12 40-10 of the Alcoholism and Other Drug Abuse and  
13 Dependency Act.

14 (F-5) A violation of Section 24-1, 24-1.1, or  
15 24-1.6 of the Criminal Code of 1961 or the Criminal  
16 Code of 2012 for which imprisonment is prescribed in  
17 those Sections.

18 (G) Residential burglary, except as otherwise  
19 provided in Section 40-10 of the Alcoholism and Other  
20 Drug Abuse and Dependency Act.

21 (H) Criminal sexual assault.

22 (I) Aggravated battery of a senior citizen as  
23 described in Section 12-4.6 or subdivision (a)(4) of  
24 Section 12-3.05 of the Criminal Code of 1961 or the  
25 Criminal Code of 2012.

26 (J) A forcible felony if the offense was related to



1 the activities of an organized gang.

2 Before July 1, 1994, for the purposes of this  
3 paragraph, "organized gang" means an association of 5  
4 or more persons, with an established hierarchy, that  
5 encourages members of the association to perpetrate  
6 crimes or provides support to the members of the  
7 association who do commit crimes.

8 Beginning July 1, 1994, for the purposes of this  
9 paragraph, "organized gang" has the meaning ascribed  
10 to it in Section 10 of the Illinois Streetgang  
11 Terrorism Omnibus Prevention Act.

12 (K) Vehicular hijacking.

13 (L) A second or subsequent conviction for the  
14 offense of hate crime when the underlying offense upon  
15 which the hate crime is based is felony aggravated  
16 assault or felony mob action.

17 (M) A second or subsequent conviction for the  
18 offense of institutional vandalism if the damage to the  
19 property exceeds \$300.

20 (N) A Class 3 felony violation of paragraph (1) of  
21 subsection (a) of Section 2 of the Firearm Owners  
22 Identification Card Act.

23 (O) A violation of Section 12-6.1 or 12-6.5 of the  
24 Criminal Code of 1961 or the Criminal Code of 2012.

25 (P) A violation of paragraph (1), (2), (3), (4),  
26 (5), or (7) of subsection (a) of Section 11-20.1 of the

1 Criminal Code of 1961 or the Criminal Code of 2012.

2 (Q) A violation of subsection (b) or (b-5) of  
3 Section 20-1, Section 20-1.2, or Section 20-1.3 of the  
4 Criminal Code of 1961 or the Criminal Code of 2012.

5 (R) A violation of Section 24-3A of the Criminal  
6 Code of 1961 or the Criminal Code of 2012.

7 (S) (Blank).

8 (T) A second or subsequent violation of the  
9 Methamphetamine Control and Community Protection Act.

10 (U) A second or subsequent violation of Section  
11 6-303 of the Illinois Vehicle Code committed while his  
12 or her driver's license, permit, or privilege was  
13 revoked because of a violation of Section 9-3 of the  
14 Criminal Code of 1961 or the Criminal Code of 2012,  
15 relating to the offense of reckless homicide, or a  
16 similar provision of a law of another state.

17 (V) A violation of paragraph (4) of subsection (c)  
18 of Section 11-20.1B or paragraph (4) of subsection (c)  
19 of Section 11-20.3 of the Criminal Code of 1961, or  
20 paragraph (6) of subsection (a) of Section 11-20.1 of  
21 the Criminal Code of 2012 when the victim is under 13  
22 years of age and the defendant has previously been  
23 convicted under the laws of this State or any other  
24 state of the offense of child pornography, aggravated  
25 child pornography, aggravated criminal sexual abuse,  
26 aggravated criminal sexual assault, predatory criminal

1           sexual assault of a child, or any of the offenses  
2           formerly known as rape, deviate sexual assault,  
3           indecent liberties with a child, or aggravated  
4           indecent liberties with a child where the victim was  
5           under the age of 18 years or an offense that is  
6           substantially equivalent to those offenses.

7           (W) A violation of Section 24-3.5 of the Criminal  
8           Code of 1961 or the Criminal Code of 2012.

9           (X) A violation of subsection (a) of Section 31-1a  
10           of the Criminal Code of 1961 or the Criminal Code of  
11           2012.

12           (Y) A conviction for unlawful possession of a  
13           firearm by a street gang member when the firearm was  
14           loaded or contained firearm ammunition.

15           (Z) A Class 1 felony committed while he or she was  
16           serving a term of probation or conditional discharge  
17           for a felony.

18           (AA) Theft of property exceeding \$500,000 and not  
19           exceeding \$1,000,000 in value.

20           (BB) Laundering of criminally derived property of  
21           a value exceeding \$500,000.

22           (CC) Knowingly selling, offering for sale, holding  
23           for sale, or using 2,000 or more counterfeit items or  
24           counterfeit items having a retail value in the  
25           aggregate of \$500,000 or more.

26           (DD) A conviction for aggravated assault under

1 paragraph (6) of subsection (c) of Section 12-2 of the  
2 Criminal Code of 1961 or the Criminal Code of 2012 if  
3 the firearm is aimed toward the person against whom the  
4 firearm is being used.

5 (3) (Blank).

6 (4) A minimum term of imprisonment of not less than 10  
7 consecutive days or 30 days of community service shall be  
8 imposed for a violation of paragraph (c) of Section 6-303  
9 of the Illinois Vehicle Code.

10 (4.1) (Blank).

11 (4.2) Except as provided in paragraphs (4.3) and (4.8)  
12 of this subsection (c), a minimum of 100 hours of community  
13 service shall be imposed for a second violation of Section  
14 6-303 of the Illinois Vehicle Code.

15 (4.3) A minimum term of imprisonment of 30 days or 300  
16 hours of community service, as determined by the court,  
17 shall be imposed for a second violation of subsection (c)  
18 of Section 6-303 of the Illinois Vehicle Code.

19 (4.4) Except as provided in paragraphs (4.5), (4.6),  
20 and (4.9) of this subsection (c), a minimum term of  
21 imprisonment of 30 days or 300 hours of community service,  
22 as determined by the court, shall be imposed for a third or  
23 subsequent violation of Section 6-303 of the Illinois  
24 Vehicle Code.

25 (4.5) A minimum term of imprisonment of 30 days shall  
26 be imposed for a third violation of subsection (c) of

1 Section 6-303 of the Illinois Vehicle Code.

2 (4.6) Except as provided in paragraph (4.10) of this  
3 subsection (c), a minimum term of imprisonment of 180 days  
4 shall be imposed for a fourth or subsequent violation of  
5 subsection (c) of Section 6-303 of the Illinois Vehicle  
6 Code.

7 (4.7) A minimum term of imprisonment of not less than  
8 30 consecutive days, or 300 hours of community service,  
9 shall be imposed for a violation of subsection (a-5) of  
10 Section 6-303 of the Illinois Vehicle Code, as provided in  
11 subsection (b-5) of that Section.

12 (4.8) A mandatory prison sentence shall be imposed for  
13 a second violation of subsection (a-5) of Section 6-303 of  
14 the Illinois Vehicle Code, as provided in subsection (c-5)  
15 of that Section. The person's driving privileges shall be  
16 revoked for a period of not less than 5 years from the date  
17 of his or her release from prison.

18 (4.9) A mandatory prison sentence of not less than 4  
19 and not more than 15 years shall be imposed for a third  
20 violation of subsection (a-5) of Section 6-303 of the  
21 Illinois Vehicle Code, as provided in subsection (d-2.5) of  
22 that Section. The person's driving privileges shall be  
23 revoked for the remainder of his or her life.

24 (4.10) A mandatory prison sentence for a Class 1 felony  
25 shall be imposed, and the person shall be eligible for an  
26 extended term sentence, for a fourth or subsequent

1 violation of subsection (a-5) of Section 6-303 of the  
2 Illinois Vehicle Code, as provided in subsection (d-3.5) of  
3 that Section. The person's driving privileges shall be  
4 revoked for the remainder of his or her life.

5 (5) The court may sentence a corporation or  
6 unincorporated association convicted of any offense to:

7 (A) a period of conditional discharge;

8 (B) a fine;

9 (C) make restitution to the victim under Section  
10 5-5-6 of this Code.

11 (5.1) In addition to any other penalties imposed, and  
12 except as provided in paragraph (5.2) or (5.3), a person  
13 convicted of violating subsection (c) of Section 11-907 of  
14 the Illinois Vehicle Code shall have his or her driver's  
15 license, permit, or privileges suspended for at least 90  
16 days but not more than one year, if the violation resulted  
17 in damage to the property of another person.

18 (5.2) In addition to any other penalties imposed, and  
19 except as provided in paragraph (5.3), a person convicted  
20 of violating subsection (c) of Section 11-907 of the  
21 Illinois Vehicle Code shall have his or her driver's  
22 license, permit, or privileges suspended for at least 180  
23 days but not more than 2 years, if the violation resulted  
24 in injury to another person.

25 (5.3) In addition to any other penalties imposed, a  
26 person convicted of violating subsection (c) of Section

1 11-907 of the Illinois Vehicle Code shall have his or her  
2 driver's license, permit, or privileges suspended for 2  
3 years, if the violation resulted in the death of another  
4 person.

5 (5.4) In addition to any other penalties imposed, a  
6 person convicted of violating Section 3-707 of the Illinois  
7 Vehicle Code shall have his or her driver's license,  
8 permit, or privileges suspended for 3 months and until he  
9 or she has paid a reinstatement fee of \$100.

10 (5.5) In addition to any other penalties imposed, a  
11 person convicted of violating Section 3-707 of the Illinois  
12 Vehicle Code during a period in which his or her driver's  
13 license, permit, or privileges were suspended for a  
14 previous violation of that Section shall have his or her  
15 driver's license, permit, or privileges suspended for an  
16 additional 6 months after the expiration of the original  
17 3-month suspension and until he or she has paid a  
18 reinstatement fee of \$100.

19 (6) (Blank).

20 (7) (Blank).

21 (8) (Blank).

22 (9) A defendant convicted of a second or subsequent  
23 offense of ritualized abuse of a child may be sentenced to  
24 a term of natural life imprisonment.

25 (10) (Blank).

26 (11) The court shall impose a minimum fine of \$1,000

1 for a first offense and \$2,000 for a second or subsequent  
2 offense upon a person convicted of or placed on supervision  
3 for battery when the individual harmed was a sports  
4 official or coach at any level of competition and the act  
5 causing harm to the sports official or coach occurred  
6 within an athletic facility or within the immediate  
7 vicinity of the athletic facility at which the sports  
8 official or coach was an active participant of the athletic  
9 contest held at the athletic facility. For the purposes of  
10 this paragraph (11), "sports official" means a person at an  
11 athletic contest who enforces the rules of the contest,  
12 such as an umpire or referee; "athletic facility" means an  
13 indoor or outdoor playing field or recreational area where  
14 sports activities are conducted; and "coach" means a person  
15 recognized as a coach by the sanctioning authority that  
16 conducted the sporting event.

17 (12) A person may not receive a disposition of court  
18 supervision for a violation of Section 5-16 of the Boat  
19 Registration and Safety Act if that person has previously  
20 received a disposition of court supervision for a violation  
21 of that Section.

22 (13) A person convicted of or placed on court  
23 supervision for an assault or aggravated assault when the  
24 victim and the offender are family or household members as  
25 defined in Section 103 of the Illinois Domestic Violence  
26 Act of 1986 or convicted of domestic battery or aggravated



1 domestic battery may be required to attend a Partner Abuse  
2 Intervention Program under protocols set forth by the  
3 Illinois Department of Human Services under such terms and  
4 conditions imposed by the court. The costs of such classes  
5 shall be paid by the offender.

6 (d) In any case in which a sentence originally imposed is  
7 vacated, the case shall be remanded to the trial court. The  
8 trial court shall hold a hearing under Section 5-4-1 of the  
9 Unified Code of Corrections which may include evidence of the  
10 defendant's life, moral character and occupation during the  
11 time since the original sentence was passed. The trial court  
12 shall then impose sentence upon the defendant. The trial court  
13 may impose any sentence which could have been imposed at the  
14 original trial subject to Section 5-5-4 of the Unified Code of  
15 Corrections. If a sentence is vacated on appeal or on  
16 collateral attack due to the failure of the trier of fact at  
17 trial to determine beyond a reasonable doubt the existence of a  
18 fact (other than a prior conviction) necessary to increase the  
19 punishment for the offense beyond the statutory maximum  
20 otherwise applicable, either the defendant may be re-sentenced  
21 to a term within the range otherwise provided or, if the State  
22 files notice of its intention to again seek the extended  
23 sentence, the defendant shall be afforded a new trial.

24 (e) In cases where prosecution for aggravated criminal  
25 sexual abuse under Section 11-1.60 or 12-16 of the Criminal  
26 Code of 1961 or the Criminal Code of 2012 results in conviction

1 of a defendant who was a family member of the victim at the  
2 time of the commission of the offense, the court shall consider  
3 the safety and welfare of the victim and may impose a sentence  
4 of probation only where:

5 (1) the court finds (A) or (B) or both are appropriate:

6 (A) the defendant is willing to undergo a court  
7 approved counseling program for a minimum duration of 2  
8 years; or

9 (B) the defendant is willing to participate in a  
10 court approved plan including but not limited to the  
11 defendant's:

12 (i) removal from the household;

13 (ii) restricted contact with the victim;

14 (iii) continued financial support of the  
15 family;

16 (iv) restitution for harm done to the victim;

17 and

18 (v) compliance with any other measures that  
19 the court may deem appropriate; and

20 (2) the court orders the defendant to pay for the  
21 victim's counseling services, to the extent that the court  
22 finds, after considering the defendant's income and  
23 assets, that the defendant is financially capable of paying  
24 for such services, if the victim was under 18 years of age  
25 at the time the offense was committed and requires  
26 counseling as a result of the offense.

1 Probation may be revoked or modified pursuant to Section  
2 5-6-4; except where the court determines at the hearing that  
3 the defendant violated a condition of his or her probation  
4 restricting contact with the victim or other family members or  
5 commits another offense with the victim or other family  
6 members, the court shall revoke the defendant's probation and  
7 impose a term of imprisonment.

8 For the purposes of this Section, "family member" and  
9 "victim" shall have the meanings ascribed to them in Section  
10 11-0.1 of the Criminal Code of 2012 ~~1961~~.

11 (f) (Blank).

12 (g) Whenever a defendant is convicted of an offense under  
13 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,  
14 11-14.3, 11-14.4 except for an offense that involves keeping a  
15 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,  
16 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,  
17 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the  
18 Criminal Code of 2012, the defendant shall undergo medical  
19 testing to determine whether the defendant has any sexually  
20 transmissible disease, including a test for infection with  
21 human immunodeficiency virus (HIV) or any other identified  
22 causative agent of acquired immunodeficiency syndrome (AIDS).  
23 Any such medical test shall be performed only by appropriately  
24 licensed medical practitioners and may include an analysis of  
25 any bodily fluids as well as an examination of the defendant's  
26 person. Except as otherwise provided by law, the results of

1 such test shall be kept strictly confidential by all medical  
2 personnel involved in the testing and must be personally  
3 delivered in a sealed envelope to the judge of the court in  
4 which the conviction was entered for the judge's inspection in  
5 camera. Acting in accordance with the best interests of the  
6 victim and the public, the judge shall have the discretion to  
7 determine to whom, if anyone, the results of the testing may be  
8 revealed. The court shall notify the defendant of the test  
9 results. The court shall also notify the victim if requested by  
10 the victim, and if the victim is under the age of 15 and if  
11 requested by the victim's parents or legal guardian, the court  
12 shall notify the victim's parents or legal guardian of the test  
13 results. The court shall provide information on the  
14 availability of HIV testing and counseling at Department of  
15 Public Health facilities to all parties to whom the results of  
16 the testing are revealed and shall direct the State's Attorney  
17 to provide the information to the victim when possible. A  
18 State's Attorney may petition the court to obtain the results  
19 of any HIV test administered under this Section, and the court  
20 shall grant the disclosure if the State's Attorney shows it is  
21 relevant in order to prosecute a charge of criminal  
22 transmission of HIV under Section 12-5.01 or 12-16.2 of the  
23 Criminal Code of 1961 or the Criminal Code of 2012 against the  
24 defendant. The court shall order that the cost of any such test  
25 shall be paid by the county and may be taxed as costs against  
26 the convicted defendant.

1 (g-5) When an inmate is tested for an airborne communicable  
2 disease, as determined by the Illinois Department of Public  
3 Health including but not limited to tuberculosis, the results  
4 of the test shall be personally delivered by the warden or his  
5 or her designee in a sealed envelope to the judge of the court  
6 in which the inmate must appear for the judge's inspection in  
7 camera if requested by the judge. Acting in accordance with the  
8 best interests of those in the courtroom, the judge shall have  
9 the discretion to determine what if any precautions need to be  
10 taken to prevent transmission of the disease in the courtroom.

11 (h) Whenever a defendant is convicted of an offense under  
12 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
13 defendant shall undergo medical testing to determine whether  
14 the defendant has been exposed to human immunodeficiency virus  
15 (HIV) or any other identified causative agent of acquired  
16 immunodeficiency syndrome (AIDS). Except as otherwise provided  
17 by law, the results of such test shall be kept strictly  
18 confidential by all medical personnel involved in the testing  
19 and must be personally delivered in a sealed envelope to the  
20 judge of the court in which the conviction was entered for the  
21 judge's inspection in camera. Acting in accordance with the  
22 best interests of the public, the judge shall have the  
23 discretion to determine to whom, if anyone, the results of the  
24 testing may be revealed. The court shall notify the defendant  
25 of a positive test showing an infection with the human  
26 immunodeficiency virus (HIV). The court shall provide

1 information on the availability of HIV testing and counseling  
2 at Department of Public Health facilities to all parties to  
3 whom the results of the testing are revealed and shall direct  
4 the State's Attorney to provide the information to the victim  
5 when possible. A State's Attorney may petition the court to  
6 obtain the results of any HIV test administered under this  
7 Section, and the court shall grant the disclosure if the  
8 State's Attorney shows it is relevant in order to prosecute a  
9 charge of criminal transmission of HIV under Section 12-5.01 or  
10 12-16.2 of the Criminal Code of 1961 or the Criminal Code of  
11 2012 against the defendant. The court shall order that the cost  
12 of any such test shall be paid by the county and may be taxed as  
13 costs against the convicted defendant.

14 (i) All fines and penalties imposed under this Section for  
15 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
16 Vehicle Code, or a similar provision of a local ordinance, and  
17 any violation of the Child Passenger Protection Act, or a  
18 similar provision of a local ordinance, shall be collected and  
19 disbursed by the circuit clerk as provided under Section 27.5  
20 of the Clerks of Courts Act.

21 (j) In cases when prosecution for any violation of Section  
22 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,  
23 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
24 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
25 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,  
26 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal

1 Code of 2012, any violation of the Illinois Controlled  
2 Substances Act, any violation of the Cannabis Control Act, or  
3 any violation of the Methamphetamine Control and Community  
4 Protection Act results in conviction, a disposition of court  
5 supervision, or an order of probation granted under Section 10  
6 of the Cannabis Control Act, Section 410 of the Illinois  
7 Controlled Substance Act, or Section 70 of the Methamphetamine  
8 Control and Community Protection Act of a defendant, the court  
9 shall determine whether the defendant is employed by a facility  
10 or center as defined under the Child Care Act of 1969, a public  
11 or private elementary or secondary school, or otherwise works  
12 with children under 18 years of age on a daily basis. When a  
13 defendant is so employed, the court shall order the Clerk of  
14 the Court to send a copy of the judgment of conviction or order  
15 of supervision or probation to the defendant's employer by  
16 certified mail. If the employer of the defendant is a school,  
17 the Clerk of the Court shall direct the mailing of a copy of  
18 the judgment of conviction or order of supervision or probation  
19 to the appropriate regional superintendent of schools. The  
20 regional superintendent of schools shall notify the State Board  
21 of Education of any notification under this subsection.

22 (j-5) A defendant at least 17 years of age who is convicted  
23 of a felony and who has not been previously convicted of a  
24 misdemeanor or felony and who is sentenced to a term of  
25 imprisonment in the Illinois Department of Corrections shall as  
26 a condition of his or her sentence be required by the court to

1 attend educational courses designed to prepare the defendant  
2 for a high school diploma and to work toward a high school  
3 diploma or to work toward passing the high school level Test of  
4 General Educational Development (GED) or to work toward  
5 completing a vocational training program offered by the  
6 Department of Corrections. If a defendant fails to complete the  
7 educational training required by his or her sentence during the  
8 term of incarceration, the Prisoner Review Board shall, as a  
9 condition of mandatory supervised release, require the  
10 defendant, at his or her own expense, to pursue a course of  
11 study toward a high school diploma or passage of the GED test.  
12 The Prisoner Review Board shall revoke the mandatory supervised  
13 release of a defendant who wilfully fails to comply with this  
14 subsection (j-5) upon his or her release from confinement in a  
15 penal institution while serving a mandatory supervised release  
16 term; however, the inability of the defendant after making a  
17 good faith effort to obtain financial aid or pay for the  
18 educational training shall not be deemed a wilful failure to  
19 comply. The Prisoner Review Board shall recommit the defendant  
20 whose mandatory supervised release term has been revoked under  
21 this subsection (j-5) as provided in Section 3-3-9. This  
22 subsection (j-5) does not apply to a defendant who has a high  
23 school diploma or has successfully passed the GED test. This  
24 subsection (j-5) does not apply to a defendant who is  
25 determined by the court to be developmentally disabled or  
26 otherwise mentally incapable of completing the educational or



1 vocational program.

2 (k) (Blank).

3 (l) (A) Except as provided in paragraph (C) of subsection  
4 (l), whenever a defendant, who is an alien as defined by  
5 the Immigration and Nationality Act, is convicted of any  
6 felony or misdemeanor offense, the court after sentencing  
7 the defendant may, upon motion of the State's Attorney,  
8 hold sentence in abeyance and remand the defendant to the  
9 custody of the Attorney General of the United States or his  
10 or her designated agent to be deported when:

11 (1) a final order of deportation has been issued  
12 against the defendant pursuant to proceedings under  
13 the Immigration and Nationality Act, and

14 (2) the deportation of the defendant would not  
15 deprecate the seriousness of the defendant's conduct  
16 and would not be inconsistent with the ends of justice.

17 Otherwise, the defendant shall be sentenced as  
18 provided in this Chapter V.

19 (B) If the defendant has already been sentenced for a  
20 felony or misdemeanor offense, or has been placed on  
21 probation under Section 10 of the Cannabis Control Act,  
22 Section 410 of the Illinois Controlled Substances Act, or  
23 Section 70 of the Methamphetamine Control and Community  
24 Protection Act, the court may, upon motion of the State's  
25 Attorney to suspend the sentence imposed, commit the  
26 defendant to the custody of the Attorney General of the

1 United States or his or her designated agent when:

2 (1) a final order of deportation has been issued  
3 against the defendant pursuant to proceedings under  
4 the Immigration and Nationality Act, and

5 (2) the deportation of the defendant would not  
6 deprecate the seriousness of the defendant's conduct  
7 and would not be inconsistent with the ends of justice.

8 (C) This subsection (1) does not apply to offenders who  
9 are subject to the provisions of paragraph (2) of  
10 subsection (a) of Section 3-6-3.

11 (D) Upon motion of the State's Attorney, if a defendant  
12 sentenced under this Section returns to the jurisdiction of  
13 the United States, the defendant shall be recommitted to  
14 the custody of the county from which he or she was  
15 sentenced. Thereafter, the defendant shall be brought  
16 before the sentencing court, which may impose any sentence  
17 that was available under Section 5-5-3 at the time of  
18 initial sentencing. In addition, the defendant shall not be  
19 eligible for additional sentence credit for good conduct as  
20 provided under Section 3-6-3.

21 (m) A person convicted of criminal defacement of property  
22 under Section 21-1.3 of the Criminal Code of 1961 or the  
23 Criminal Code of 2012, in which the property damage exceeds  
24 \$300 and the property damaged is a school building, shall be  
25 ordered to perform community service that may include cleanup,  
26 removal, or painting over the defacement.

1 (n) The court may sentence a person convicted of a  
2 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or  
3 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
4 of 1961 or the Criminal Code of 2012 (i) to an impact  
5 incarceration program if the person is otherwise eligible for  
6 that program under Section 5-8-1.1, (ii) to community service,  
7 or (iii) if the person is an addict or alcoholic, as defined in  
8 the Alcoholism and Other Drug Abuse and Dependency Act, to a  
9 substance or alcohol abuse program licensed under that Act.

10 (o) Whenever a person is convicted of a sex offense as  
11 defined in Section 2 of the Sex Offender Registration Act, the  
12 defendant's driver's license or permit shall be subject to  
13 renewal on an annual basis in accordance with the provisions of  
14 license renewal established by the Secretary of State.

15 (Source: P.A. 96-348, eff. 8-12-09; 96-400, eff. 8-13-09;  
16 96-829, eff. 12-3-09; 96-1200, eff. 7-22-10; 96-1551, Article  
17 1, Section 970, eff. 7-1-11; 96-1551, Article 2, Section 1065,  
18 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;  
19 97-159, eff. 7-21-11; 97-697, eff. 6-22-12; 97-917, eff.  
20 8-9-12; 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; revised  
21 9-20-12.)

22 (730 ILCS 5/5-5-3.2)

23 Sec. 5-5-3.2. Factors in Aggravation and Extended-Term  
24 Sentencing.

25 (a) The following factors shall be accorded weight in favor

1 of imposing a term of imprisonment or may be considered by the  
2 court as reasons to impose a more severe sentence under Section  
3 5-8-1 or Article 4.5 of Chapter V:

4 (1) the defendant's conduct caused or threatened  
5 serious harm;

6 (2) the defendant received compensation for committing  
7 the offense;

8 (3) the defendant has a history of prior delinquency or  
9 criminal activity;

10 (4) the defendant, by the duties of his office or by  
11 his position, was obliged to prevent the particular offense  
12 committed or to bring the offenders committing it to  
13 justice;

14 (5) the defendant held public office at the time of the  
15 offense, and the offense related to the conduct of that  
16 office;

17 (6) the defendant utilized his professional reputation  
18 or position in the community to commit the offense, or to  
19 afford him an easier means of committing it;

20 (7) the sentence is necessary to deter others from  
21 committing the same crime;

22 (8) the defendant committed the offense against a  
23 person 60 years of age or older or such person's property;

24 (9) the defendant committed the offense against a  
25 person who is physically handicapped or such person's  
26 property;

1           (10) by reason of another individual's actual or  
2           perceived race, color, creed, religion, ancestry, gender,  
3           sexual orientation, physical or mental disability, or  
4           national origin, the defendant committed the offense  
5           against (i) the person or property of that individual; (ii)  
6           the person or property of a person who has an association  
7           with, is married to, or has a friendship with the other  
8           individual; or (iii) the person or property of a relative  
9           (by blood or marriage) of a person described in clause (i)  
10          or (ii). For the purposes of this Section, "sexual  
11          orientation" means heterosexuality, homosexuality, or  
12          bisexuality;

13          (11) the offense took place in a place of worship or on  
14          the grounds of a place of worship, immediately prior to,  
15          during or immediately following worship services. For  
16          purposes of this subparagraph, "place of worship" shall  
17          mean any church, synagogue or other building, structure or  
18          place used primarily for religious worship;

19          (12) the defendant was convicted of a felony committed  
20          while he was released on bail or his own recognizance  
21          pending trial for a prior felony and was convicted of such  
22          prior felony, or the defendant was convicted of a felony  
23          committed while he was serving a period of probation,  
24          conditional discharge, or mandatory supervised release  
25          under subsection (d) of Section 5-8-1 for a prior felony;

26          (13) the defendant committed or attempted to commit a

1 felony while he was wearing a bulletproof vest. For the  
2 purposes of this paragraph (13), a bulletproof vest is any  
3 device which is designed for the purpose of protecting the  
4 wearer from bullets, shot or other lethal projectiles;

5 (14) the defendant held a position of trust or  
6 supervision such as, but not limited to, family member as  
7 defined in Section 11-0.1 of the Criminal Code of 2012  
8 ~~1961~~, teacher, scout leader, baby sitter, or day care  
9 worker, in relation to a victim under 18 years of age, and  
10 the defendant committed an offense in violation of Section  
11 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,  
12 11-14.4 except for an offense that involves keeping a place  
13 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,  
14 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15  
15 or 12-16 of the Criminal Code of 1961 or the Criminal Code  
16 of 2012 against that victim;

17 (15) the defendant committed an offense related to the  
18 activities of an organized gang. For the purposes of this  
19 factor, "organized gang" has the meaning ascribed to it in  
20 Section 10 of the Streetgang Terrorism Omnibus Prevention  
21 Act;

22 (16) the defendant committed an offense in violation of  
23 one of the following Sections while in a school, regardless  
24 of the time of day or time of year; on any conveyance  
25 owned, leased, or contracted by a school to transport  
26 students to or from school or a school related activity; on

1 the real property of a school; or on a public way within  
2 1,000 feet of the real property comprising any school:  
3 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
4 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
5 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
6 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
7 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
8 (a) (4) or (g) (1), of the Criminal Code of 1961 or the  
9 Criminal Code of 2012;

10 (16.5) the defendant committed an offense in violation  
11 of one of the following Sections while in a day care  
12 center, regardless of the time of day or time of year; on  
13 the real property of a day care center, regardless of the  
14 time of day or time of year; or on a public way within  
15 1,000 feet of the real property comprising any day care  
16 center, regardless of the time of day or time of year:  
17 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
18 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
19 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
20 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
21 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
22 (a) (4) or (g) (1), of the Criminal Code of 1961 or the  
23 Criminal Code of 2012;

24 (17) the defendant committed the offense by reason of  
25 any person's activity as a community policing volunteer or  
26 to prevent any person from engaging in activity as a

1 community policing volunteer. For the purpose of this  
2 Section, "community policing volunteer" has the meaning  
3 ascribed to it in Section 2-3.5 of the Criminal Code of  
4 2012 ~~1961~~;

5 (18) the defendant committed the offense in a nursing  
6 home or on the real property comprising a nursing home. For  
7 the purposes of this paragraph (18), "nursing home" means a  
8 skilled nursing or intermediate long term care facility  
9 that is subject to license by the Illinois Department of  
10 Public Health under the Nursing Home Care Act, the  
11 Specialized Mental Health Rehabilitation Act, or the ID/DD  
12 Community Care Act;

13 (19) the defendant was a federally licensed firearm  
14 dealer and was previously convicted of a violation of  
15 subsection (a) of Section 3 of the Firearm Owners  
16 Identification Card Act and has now committed either a  
17 felony violation of the Firearm Owners Identification Card  
18 Act or an act of armed violence while armed with a firearm;

19 (20) the defendant (i) committed the offense of  
20 reckless homicide under Section 9-3 of the Criminal Code of  
21 1961 or the Criminal Code of 2012 or the offense of driving  
22 under the influence of alcohol, other drug or drugs,  
23 intoxicating compound or compounds or any combination  
24 thereof under Section 11-501 of the Illinois Vehicle Code  
25 or a similar provision of a local ordinance and (ii) was  
26 operating a motor vehicle in excess of 20 miles per hour



1 over the posted speed limit as provided in Article VI of  
2 Chapter 11 of the Illinois Vehicle Code;

3 (21) the defendant (i) committed the offense of  
4 reckless driving or aggravated reckless driving under  
5 Section 11-503 of the Illinois Vehicle Code and (ii) was  
6 operating a motor vehicle in excess of 20 miles per hour  
7 over the posted speed limit as provided in Article VI of  
8 Chapter 11 of the Illinois Vehicle Code;

9 (22) the defendant committed the offense against a  
10 person that the defendant knew, or reasonably should have  
11 known, was a member of the Armed Forces of the United  
12 States serving on active duty. For purposes of this clause  
13 (22), the term "Armed Forces" means any of the Armed Forces  
14 of the United States, including a member of any reserve  
15 component thereof or National Guard unit called to active  
16 duty;

17 (23) the defendant committed the offense against a  
18 person who was elderly, disabled, or infirm by taking  
19 advantage of a family or fiduciary relationship with the  
20 elderly, disabled, or infirm person;

21 (24) the defendant committed any offense under Section  
22 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
23 of 2012 and possessed 100 or more images;

24 (25) the defendant committed the offense while the  
25 defendant or the victim was in a train, bus, or other  
26 vehicle used for public transportation;

1           (26) the defendant committed the offense of child  
2 pornography or aggravated child pornography, specifically  
3 including paragraph (1), (2), (3), (4), (5), or (7) of  
4 subsection (a) of Section 11-20.1 of the Criminal Code of  
5 1961 or the Criminal Code of 2012 where a child engaged in,  
6 solicited for, depicted in, or posed in any act of sexual  
7 penetration or bound, fettered, or subject to sadistic,  
8 masochistic, or sadomasochistic abuse in a sexual context  
9 and specifically including paragraph (1), (2), (3), (4),  
10 (5), or (7) of subsection (a) of Section 11-20.1B or  
11 Section 11-20.3 of the Criminal Code of 1961 where a child  
12 engaged in, solicited for, depicted in, or posed in any act  
13 of sexual penetration or bound, fettered, or subject to  
14 sadistic, masochistic, or sadomasochistic abuse in a  
15 sexual context;

16           (27) the defendant committed the offense of first  
17 degree murder, assault, aggravated assault, battery,  
18 aggravated battery, robbery, armed robbery, or aggravated  
19 robbery against a person who was a veteran and the  
20 defendant knew, or reasonably should have known, that the  
21 person was a veteran performing duties as a representative  
22 of a veterans' organization. For the purposes of this  
23 paragraph (27), "veteran" means an Illinois resident who  
24 has served as a member of the United States Armed Forces, a  
25 member of the Illinois National Guard, or a member of the  
26 United States Reserve Forces; and "veterans' organization"

1 means an organization comprised of members of which  
2 substantially all are individuals who are veterans or  
3 spouses, widows, or widowers of veterans, the primary  
4 purpose of which is to promote the welfare of its members  
5 and to provide assistance to the general public in such a  
6 way as to confer a public benefit; or

7 (28) the defendant committed the offense of assault,  
8 aggravated assault, battery, aggravated battery, robbery,  
9 armed robbery, or aggravated robbery against a person that  
10 the defendant knew or reasonably should have known was a  
11 letter carrier or postal worker while that person was  
12 performing his or her duties delivering mail for the United  
13 States Postal Service.

14 For the purposes of this Section:

15 "School" is defined as a public or private elementary or  
16 secondary school, community college, college, or university.

17 "Day care center" means a public or private State certified  
18 and licensed day care center as defined in Section 2.09 of the  
19 Child Care Act of 1969 that displays a sign in plain view  
20 stating that the property is a day care center.

21 "Public transportation" means the transportation or  
22 conveyance of persons by means available to the general public,  
23 and includes paratransit services.

24 (b) The following factors, related to all felonies, may be  
25 considered by the court as reasons to impose an extended term  
26 sentence under Section 5-8-2 upon any offender:

1           (1) When a defendant is convicted of any felony, after  
2           having been previously convicted in Illinois or any other  
3           jurisdiction of the same or similar class felony or greater  
4           class felony, when such conviction has occurred within 10  
5           years after the previous conviction, excluding time spent  
6           in custody, and such charges are separately brought and  
7           tried and arise out of different series of acts; or

8           (2) When a defendant is convicted of any felony and the  
9           court finds that the offense was accompanied by  
10          exceptionally brutal or heinous behavior indicative of  
11          wanton cruelty; or

12          (3) When a defendant is convicted of any felony  
13          committed against:

14               (i) a person under 12 years of age at the time of  
15               the offense or such person's property;

16               (ii) a person 60 years of age or older at the time  
17               of the offense or such person's property; or

18               (iii) a person physically handicapped at the time  
19               of the offense or such person's property; or

20          (4) When a defendant is convicted of any felony and the  
21          offense involved any of the following types of specific  
22          misconduct committed as part of a ceremony, rite,  
23          initiation, observance, performance, practice or activity  
24          of any actual or ostensible religious, fraternal, or social  
25          group:

26               (i) the brutalizing or torturing of humans or

1 animals;

2 (ii) the theft of human corpses;

3 (iii) the kidnapping of humans;

4 (iv) the desecration of any cemetery, religious,  
5 fraternal, business, governmental, educational, or  
6 other building or property; or

7 (v) ritualized abuse of a child; or

8 (5) When a defendant is convicted of a felony other  
9 than conspiracy and the court finds that the felony was  
10 committed under an agreement with 2 or more other persons  
11 to commit that offense and the defendant, with respect to  
12 the other individuals, occupied a position of organizer,  
13 supervisor, financier, or any other position of management  
14 or leadership, and the court further finds that the felony  
15 committed was related to or in furtherance of the criminal  
16 activities of an organized gang or was motivated by the  
17 defendant's leadership in an organized gang; or

18 (6) When a defendant is convicted of an offense  
19 committed while using a firearm with a laser sight attached  
20 to it. For purposes of this paragraph, "laser sight" has  
21 the meaning ascribed to it in Section 26-7 of the Criminal  
22 Code of 2012 ~~1961~~; or

23 (7) When a defendant who was at least 17 years of age  
24 at the time of the commission of the offense is convicted  
25 of a felony and has been previously adjudicated a  
26 delinquent minor under the Juvenile Court Act of 1987 for

1 an act that if committed by an adult would be a Class X or  
2 Class 1 felony when the conviction has occurred within 10  
3 years after the previous adjudication, excluding time  
4 spent in custody; or

5 (8) When a defendant commits any felony and the  
6 defendant used, possessed, exercised control over, or  
7 otherwise directed an animal to assault a law enforcement  
8 officer engaged in the execution of his or her official  
9 duties or in furtherance of the criminal activities of an  
10 organized gang in which the defendant is engaged.

11 (c) The following factors may be considered by the court as  
12 reasons to impose an extended term sentence under Section 5-8-2  
13 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

14 (1) When a defendant is convicted of first degree  
15 murder, after having been previously convicted in Illinois  
16 of any offense listed under paragraph (c)(2) of Section  
17 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred  
18 within 10 years after the previous conviction, excluding  
19 time spent in custody, and the charges are separately  
20 brought and tried and arise out of different series of  
21 acts.

22 (1.5) When a defendant is convicted of first degree  
23 murder, after having been previously convicted of domestic  
24 battery (720 ILCS 5/12-3.2) or aggravated domestic battery  
25 (720 ILCS 5/12-3.3) committed on the same victim or after  
26 having been previously convicted of violation of an order

1 of protection (720 ILCS 5/12-30) in which the same victim  
2 was the protected person.

3 (2) When a defendant is convicted of voluntary  
4 manslaughter, second degree murder, involuntary  
5 manslaughter, or reckless homicide in which the defendant  
6 has been convicted of causing the death of more than one  
7 individual.

8 (3) When a defendant is convicted of aggravated  
9 criminal sexual assault or criminal sexual assault, when  
10 there is a finding that aggravated criminal sexual assault  
11 or criminal sexual assault was also committed on the same  
12 victim by one or more other individuals, and the defendant  
13 voluntarily participated in the crime with the knowledge of  
14 the participation of the others in the crime, and the  
15 commission of the crime was part of a single course of  
16 conduct during which there was no substantial change in the  
17 nature of the criminal objective.

18 (4) If the victim was under 18 years of age at the time  
19 of the commission of the offense, when a defendant is  
20 convicted of aggravated criminal sexual assault or  
21 predatory criminal sexual assault of a child under  
22 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)  
23 of Section 12-14.1 of the Criminal Code of 1961 or the  
24 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

25 (5) When a defendant is convicted of a felony violation  
26 of Section 24-1 of the Criminal Code of 1961 or the

1       Criminal Code of 2012 (720 ILCS 5/24-1) and there is a  
2 finding that the defendant is a member of an organized  
3 gang.

4       (6) When a defendant was convicted of unlawful use of  
5 weapons under Section 24-1 of the Criminal Code of 1961 or  
6 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing  
7 a weapon that is not readily distinguishable as one of the  
8 weapons enumerated in Section 24-1 of the Criminal Code of  
9 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

10       (7) When a defendant is convicted of an offense  
11 involving the illegal manufacture of a controlled  
12 substance under Section 401 of the Illinois Controlled  
13 Substances Act (720 ILCS 570/401), the illegal manufacture  
14 of methamphetamine under Section 25 of the Methamphetamine  
15 Control and Community Protection Act (720 ILCS 646/25), or  
16 the illegal possession of explosives and an emergency  
17 response officer in the performance of his or her duties is  
18 killed or injured at the scene of the offense while  
19 responding to the emergency caused by the commission of the  
20 offense. In this paragraph, "emergency" means a situation  
21 in which a person's life, health, or safety is in jeopardy;  
22 and "emergency response officer" means a peace officer,  
23 community policing volunteer, fireman, emergency medical  
24 technician-ambulance,                    emergency                    medical  
25 technician-intermediate,                emergency                medical  
26 technician-paramedic, ambulance driver, other medical



1 assistance or first aid personnel, or hospital emergency  
2 room personnel.

3 (d) For the purposes of this Section, "organized gang" has  
4 the meaning ascribed to it in Section 10 of the Illinois  
5 Streetgang Terrorism Omnibus Prevention Act.

6 (e) The court may impose an extended term sentence under  
7 Article 4.5 of Chapter V upon an offender who has been  
8 convicted of a felony violation of Section 11-1.20, 11-1.30,  
9 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or  
10 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012  
11 when the victim of the offense is under 18 years of age at the  
12 time of the commission of the offense and, during the  
13 commission of the offense, the victim was under the influence  
14 of alcohol, regardless of whether or not the alcohol was  
15 supplied by the offender; and the offender, at the time of the  
16 commission of the offense, knew or should have known that the  
17 victim had consumed alcohol.

18 (Source: P.A. 96-41, eff. 1-1-10; 96-292, eff. 1-1-10; 96-328,  
19 eff. 8-11-09; 96-339, eff. 7-1-10; 96-1000, eff. 7-2-10;  
20 96-1200, eff. 7-22-10; 96-1228, eff. 1-1-11; 96-1390, eff.  
21 1-1-11; 96-1551, Article 1, Section 970, eff. 7-1-11; 96-1551,  
22 Article 2, Section 1065, eff. 7-1-11; 97-38, eff. 6-28-11,  
23 97-227, eff. 1-1-12; 97-333, eff. 8-12-11; 97-693, eff. 1-1-13;  
24 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; revised 9-20-12.)

25 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

1           Sec. 5-5-5. Loss and Restoration of Rights.

2           (a) Conviction and disposition shall not entail the loss by  
3 the defendant of any civil rights, except under this Section  
4 and Sections 29-6 and 29-10 of The Election Code, as now or  
5 hereafter amended.

6           (b) A person convicted of a felony shall be ineligible to  
7 hold an office created by the Constitution of this State until  
8 the completion of his sentence.

9           (c) A person sentenced to imprisonment shall lose his right  
10 to vote until released from imprisonment.

11           (d) On completion of sentence of imprisonment or upon  
12 discharge from probation, conditional discharge or periodic  
13 imprisonment, or at any time thereafter, all license rights and  
14 privileges granted under the authority of this State which have  
15 been revoked or suspended because of conviction of an offense  
16 shall be restored unless the authority having jurisdiction of  
17 such license rights finds after investigation and hearing that  
18 restoration is not in the public interest. This paragraph (d)  
19 shall not apply to the suspension or revocation of a license to  
20 operate a motor vehicle under the Illinois Vehicle Code.

21           (e) Upon a person's discharge from incarceration or parole,  
22 or upon a person's discharge from probation or at any time  
23 thereafter, the committing court may enter an order certifying  
24 that the sentence has been satisfactorily completed when the  
25 court believes it would assist in the rehabilitation of the  
26 person and be consistent with the public welfare. Such order

1 may be entered upon the motion of the defendant or the State or  
2 upon the court's own motion.

3 (f) Upon entry of the order, the court shall issue to the  
4 person in whose favor the order has been entered a certificate  
5 stating that his behavior after conviction has warranted the  
6 issuance of the order.

7 (g) This Section shall not affect the right of a defendant  
8 to collaterally attack his conviction or to rely on it in bar  
9 of subsequent proceedings for the same offense.

10 (h) No application for any license specified in subsection  
11 (i) of this Section granted under the authority of this State  
12 shall be denied by reason of an eligible offender who has  
13 obtained a certificate of relief from disabilities, as defined  
14 in Article 5.5 of this Chapter, having been previously  
15 convicted of one or more criminal offenses, or by reason of a  
16 finding of lack of "good moral character" when the finding is  
17 based upon the fact that the applicant has previously been  
18 convicted of one or more criminal offenses, unless:

19 (1) there is a direct relationship between one or more  
20 of the previous criminal offenses and the specific license  
21 sought; or

22 (2) the issuance of the license would involve an  
23 unreasonable risk to property or to the safety or welfare  
24 of specific individuals or the general public.

25 In making such a determination, the licensing agency shall  
26 consider the following factors:

1           (1) the public policy of this State, as expressed in  
2 Article 5.5 of this Chapter, to encourage the licensure and  
3 employment of persons previously convicted of one or more  
4 criminal offenses;

5           (2) the specific duties and responsibilities  
6 necessarily related to the license being sought;

7           (3) the bearing, if any, the criminal offenses or  
8 offenses for which the person was previously convicted will  
9 have on his or her fitness or ability to perform one or  
10 more such duties and responsibilities;

11           (4) the time which has elapsed since the occurrence of  
12 the criminal offense or offenses;

13           (5) the age of the person at the time of occurrence of  
14 the criminal offense or offenses;

15           (6) the seriousness of the offense or offenses;

16           (7) any information produced by the person or produced  
17 on his or her behalf in regard to his or her rehabilitation  
18 and good conduct, including a certificate of relief from  
19 disabilities issued to the applicant, which certificate  
20 shall create a presumption of rehabilitation in regard to  
21 the offense or offenses specified in the certificate; and

22           (8) the legitimate interest of the licensing agency in  
23 protecting property, and the safety and welfare of specific  
24 individuals or the general public.

25           (i) A certificate of relief from disabilities shall be  
26 issued only for a license or certification issued under the

1 following Acts:

2 (1) the Animal Welfare Act; except that a certificate  
3 of relief from disabilities may not be granted to provide  
4 for the issuance or restoration of a license under the  
5 Animal Welfare Act for any person convicted of violating  
6 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane  
7 Care for Animals Act or Section 26-5 or 48-1 of the  
8 Criminal Code of 1961 or the Criminal Code of 2012;

9 (2) the Illinois Athletic Trainers Practice Act;

10 (3) the Barber, Cosmetology, Esthetics, Hair Braiding,  
11 and Nail Technology Act of 1985;

12 (4) the Boiler and Pressure Vessel Repairer Regulation  
13 Act;

14 (5) the Boxing and Full-contact Martial Arts Act;

15 (6) the Illinois Certified Shorthand Reporters Act of  
16 1984;

17 (7) the Illinois Farm Labor Contractor Certification  
18 Act;

19 (8) the Interior Design Title Act;

20 (9) the Illinois Professional Land Surveyor Act of  
21 1989;

22 (10) the Illinois Landscape Architecture Act of 1989;

23 (11) the Marriage and Family Therapy Licensing Act;

24 (12) the Private Employment Agency Act;

25 (13) the Professional Counselor and Clinical  
26 Professional Counselor Licensing and Practice Act;

- 1 (14) the Real Estate License Act of 2000;
- 2 (15) the Illinois Roofing Industry Licensing Act;
- 3 (16) the Professional Engineering Practice Act of  
4 1989;
- 5 (17) the Water Well and Pump Installation Contractor's  
6 License Act;
- 7 (18) the Electrologist Licensing Act;
- 8 (19) the Auction License Act;
- 9 (20) the Illinois Architecture Practice Act of 1989;
- 10 (21) the Dietetic and Nutrition Services Practice Act;
- 11 (22) the Environmental Health Practitioner Licensing  
12 Act;
- 13 (23) the Funeral Directors and Embalmers Licensing  
14 Code;
- 15 (24) the Land Sales Registration Act of 1999;
- 16 (25) the Professional Geologist Licensing Act;
- 17 (26) the Illinois Public Accounting Act; and
- 18 (27) the Structural Engineering Practice Act of 1989.

19 (Source: P.A. 96-1246, eff. 1-1-11; 97-119, eff. 7-14-11;  
20 97-706, eff. 6-25-12; 97-1108, eff. 1-1-13; revised 9-20-12.)

21 (730 ILCS 5/5-5-6) (from Ch. 38, par. 1005-5-6)

22 Sec. 5-5-6. In all convictions for offenses in violation of  
23 the Criminal Code of 1961 or the Criminal Code of 2012 or of  
24 Section 11-501 of the Illinois Vehicle Code in which the person  
25 received any injury to his or her person or damage to his or

1 her real or personal property as a result of the criminal act  
2 of the defendant, the court shall order restitution as provided  
3 in this Section. In all other cases, except cases in which  
4 restitution is required under this Section, the court must at  
5 the sentence hearing determine whether restitution is an  
6 appropriate sentence to be imposed on each defendant convicted  
7 of an offense. If the court determines that an order directing  
8 the offender to make restitution is appropriate, the offender  
9 may be sentenced to make restitution. The court may consider  
10 restitution an appropriate sentence to be imposed on each  
11 defendant convicted of an offense in addition to a sentence of  
12 imprisonment. The sentence of the defendant to a term of  
13 imprisonment is not a mitigating factor that prevents the court  
14 from ordering the defendant to pay restitution. If the offender  
15 is sentenced to make restitution the Court shall determine the  
16 restitution as hereinafter set forth:

17 (a) At the sentence hearing, the court shall determine  
18 whether the property may be restored in kind to the  
19 possession of the owner or the person entitled to  
20 possession thereof; or whether the defendant is possessed  
21 of sufficient skill to repair and restore property damaged;  
22 or whether the defendant should be required to make  
23 restitution in cash, for out-of-pocket expenses, damages,  
24 losses, or injuries found to have been proximately caused  
25 by the conduct of the defendant or another for whom the  
26 defendant is legally accountable under the provisions of

1 Article 5 ~~▼~~ of the Criminal Code of 1961 or the Criminal  
2 Code of 2012.

3 (b) In fixing the amount of restitution to be paid in  
4 cash, the court shall allow credit for property returned in  
5 kind, for property damages ordered to be repaired by the  
6 defendant, and for property ordered to be restored by the  
7 defendant; and after granting the credit, the court shall  
8 assess the actual out-of-pocket expenses, losses, damages,  
9 and injuries suffered by the victim named in the charge and  
10 any other victims who may also have suffered out-of-pocket  
11 expenses, losses, damages, and injuries proximately caused  
12 by the same criminal conduct of the defendant, and  
13 insurance carriers who have indemnified the named victim or  
14 other victims for the out-of-pocket expenses, losses,  
15 damages, or injuries, provided that in no event shall  
16 restitution be ordered to be paid on account of pain and  
17 suffering. When a victim's out-of-pocket expenses have  
18 been paid pursuant to the Crime Victims Compensation Act,  
19 the court shall order restitution be paid to the  
20 compensation program. If a defendant is placed on  
21 supervision for, or convicted of, domestic battery, the  
22 defendant shall be required to pay restitution to any  
23 domestic violence shelter in which the victim and any other  
24 family or household members lived because of the domestic  
25 battery. The amount of the restitution shall equal the  
26 actual expenses of the domestic violence shelter in



1 providing housing and any other services for the victim and  
2 any other family or household members living at the  
3 shelter. If a defendant fails to pay restitution in the  
4 manner or within the time period specified by the court,  
5 the court may enter an order directing the sheriff to seize  
6 any real or personal property of a defendant to the extent  
7 necessary to satisfy the order of restitution and dispose  
8 of the property by public sale. All proceeds from such sale  
9 in excess of the amount of restitution plus court costs and  
10 the costs of the sheriff in conducting the sale shall be  
11 paid to the defendant. The defendant convicted of domestic  
12 battery, if a person under 18 years of age was present and  
13 witnessed the domestic battery of the victim, is liable to  
14 pay restitution for the cost of any counseling required for  
15 the child at the discretion of the court.

16 (c) In cases where more than one defendant is  
17 accountable for the same criminal conduct that results in  
18 out-of-pocket expenses, losses, damages, or injuries, each  
19 defendant shall be ordered to pay restitution in the amount  
20 of the total actual out-of-pocket expenses, losses,  
21 damages, or injuries to the victim proximately caused by  
22 the conduct of all of the defendants who are legally  
23 accountable for the offense.

24 (1) In no event shall the victim be entitled to  
25 recover restitution in excess of the actual  
26 out-of-pocket expenses, losses, damages, or injuries,

1 proximately caused by the conduct of all of the  
2 defendants.

3 (2) As between the defendants, the court may  
4 apportion the restitution that is payable in  
5 proportion to each co-defendant's culpability in the  
6 commission of the offense.

7 (3) In the absence of a specific order apportioning  
8 the restitution, each defendant shall bear his pro rata  
9 share of the restitution.

10 (4) As between the defendants, each defendant  
11 shall be entitled to a pro rata reduction in the total  
12 restitution required to be paid to the victim for  
13 amounts of restitution actually paid by co-defendants,  
14 and defendants who shall have paid more than their pro  
15 rata share shall be entitled to refunds to be computed  
16 by the court as additional amounts are paid by  
17 co-defendants.

18 (d) In instances where a defendant has more than one  
19 criminal charge pending against him in a single case, or  
20 more than one case, and the defendant stands convicted of  
21 one or more charges, a plea agreement negotiated by the  
22 State's Attorney and the defendants may require the  
23 defendant to make restitution to victims of charges that  
24 have been dismissed or which it is contemplated will be  
25 dismissed under the terms of the plea agreement, and under  
26 the agreement, the court may impose a sentence of

1           restitution on the charge or charges of which the defendant  
2           has been convicted that would require the defendant to make  
3           restitution to victims of other offenses as provided in the  
4           plea agreement.

5           (e) The court may require the defendant to apply the  
6           balance of the cash bond, after payment of court costs, and  
7           any fine that may be imposed to the payment of restitution.

8           (f) Taking into consideration the ability of the  
9           defendant to pay, including any real or personal property  
10          or any other assets of the defendant, the court shall  
11          determine whether restitution shall be paid in a single  
12          payment or in installments, and shall fix a period of time  
13          not in excess of 5 years, except for violations of Sections  
14          16-1.3 and 17-56 of the Criminal Code of 1961 or the  
15          Criminal Code of 2012, or the period of time specified in  
16          subsection (f-1), not including periods of incarceration,  
17          within which payment of restitution is to be paid in full.  
18          Complete restitution shall be paid in as short a time  
19          period as possible. However, if the court deems it  
20          necessary and in the best interest of the victim, the court  
21          may extend beyond 5 years the period of time within which  
22          the payment of restitution is to be paid. If the defendant  
23          is ordered to pay restitution and the court orders that  
24          restitution is to be paid over a period greater than 6  
25          months, the court shall order that the defendant make  
26          monthly payments; the court may waive this requirement of

1 monthly payments only if there is a specific finding of  
2 good cause for waiver.

3 (f-1) (1) In addition to any other penalty prescribed by  
4 law and any restitution ordered under this Section that did  
5 not include long-term physical health care costs, the court  
6 may, upon conviction of any misdemeanor or felony, order a  
7 defendant to pay restitution to a victim in accordance with  
8 the provisions of this subsection (f-1) if the victim has  
9 suffered physical injury as a result of the offense that is  
10 reasonably probable to require or has required long-term  
11 physical health care for more than 3 months. As used in  
12 this subsection (f-1) "long-term physical health care"  
13 includes mental health care.

14 (2) The victim's estimate of long-term physical health  
15 care costs may be made as part of a victim impact statement  
16 under Section 6 of the Rights of Crime Victims and  
17 Witnesses Act or made separately. The court shall enter the  
18 long-term physical health care restitution order at the  
19 time of sentencing. An order of restitution made under this  
20 subsection (f-1) shall fix a monthly amount to be paid by  
21 the defendant for as long as long-term physical health care  
22 of the victim is required as a result of the offense. The  
23 order may exceed the length of any sentence imposed upon  
24 the defendant for the criminal activity. The court shall  
25 include as a special finding in the judgment of conviction  
26 its determination of the monthly cost of long-term physical

1 health care.

2 (3) After a sentencing order has been entered, the  
3 court may from time to time, on the petition of either the  
4 defendant or the victim, or upon its own motion, enter an  
5 order for restitution for long-term physical care or modify  
6 the existing order for restitution for long-term physical  
7 care as to the amount of monthly payments. Any modification  
8 of the order shall be based only upon a substantial change  
9 of circumstances relating to the cost of long-term physical  
10 health care or the financial condition of either the  
11 defendant or the victim. The petition shall be filed as  
12 part of the original criminal docket.

13 (g) In addition to the sentences provided for in  
14 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,  
15 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14,  
16 12-14.1, 12-15, and 12-16, and subdivision (a)(4) of  
17 Section 11-14.4, of the Criminal Code of 1961 or the  
18 Criminal Code of 2012, the court may order any person who  
19 is convicted of violating any of those Sections or who was  
20 charged with any of those offenses and which charge was  
21 reduced to another charge as a result of a plea agreement  
22 under subsection (d) of this Section to meet all or any  
23 portion of the financial obligations of treatment,  
24 including but not limited to medical, psychiatric, or  
25 rehabilitative treatment or psychological counseling,  
26 prescribed for the victim or victims of the offense.

1           The payments shall be made by the defendant to the  
2 clerk of the circuit court and transmitted by the clerk to  
3 the appropriate person or agency as directed by the court.  
4 Except as otherwise provided in subsection (f-1), the order  
5 may require such payments to be made for a period not to  
6 exceed 5 years after sentencing, not including periods of  
7 incarceration.

8           (h) The judge may enter an order of withholding to  
9 collect the amount of restitution owed in accordance with  
10 Part 8 of Article XII of the Code of Civil Procedure.

11           (i) A sentence of restitution may be modified or  
12 revoked by the court if the offender commits another  
13 offense, or the offender fails to make restitution as  
14 ordered by the court, but no sentence to make restitution  
15 shall be revoked unless the court shall find that the  
16 offender has had the financial ability to make restitution,  
17 and he has wilfully refused to do so. When the offender's  
18 ability to pay restitution was established at the time an  
19 order of restitution was entered or modified, or when the  
20 offender's ability to pay was based on the offender's  
21 willingness to make restitution as part of a plea agreement  
22 made at the time the order of restitution was entered or  
23 modified, there is a rebuttable presumption that the facts  
24 and circumstances considered by the court at the hearing at  
25 which the order of restitution was entered or modified  
26 regarding the offender's ability or willingness to pay

1 restitution have not materially changed. If the court shall  
2 find that the defendant has failed to make restitution and  
3 that the failure is not wilful, the court may impose an  
4 additional period of time within which to make restitution.  
5 The length of the additional period shall not be more than  
6 2 years. The court shall retain all of the incidents of the  
7 original sentence, including the authority to modify or  
8 enlarge the conditions, and to revoke or further modify the  
9 sentence if the conditions of payment are violated during  
10 the additional period.

11 (j) The procedure upon the filing of a Petition to  
12 Revoke a sentence to make restitution shall be the same as  
13 the procedures set forth in Section 5-6-4 of this Code  
14 governing violation, modification, or revocation of  
15 Probation, of Conditional Discharge, or of Supervision.

16 (k) Nothing contained in this Section shall preclude  
17 the right of any party to proceed in a civil action to  
18 recover for any damages incurred due to the criminal  
19 misconduct of the defendant.

20 (l) Restitution ordered under this Section shall not be  
21 subject to disbursement by the circuit clerk under Section  
22 27.5 of the Clerks of Courts Act.

23 (m) A restitution order under this Section is a  
24 judgment lien in favor of the victim that:

25 (1) Attaches to the property of the person subject  
26 to the order;

1           (2) May be perfected in the same manner as provided  
2           in Part 3 of Article 9 of the Uniform Commercial Code;

3           (3) May be enforced to satisfy any payment that is  
4           delinquent under the restitution order by the person in  
5           whose favor the order is issued or the person's  
6           assignee; and

7           (4) Expires in the same manner as a judgment lien  
8           created in a civil proceeding.

9           When a restitution order is issued under this Section,  
10          the issuing court shall send a certified copy of the order  
11          to the clerk of the circuit court in the county where the  
12          charge was filed. Upon receiving the order, the clerk shall  
13          enter and index the order in the circuit court judgment  
14          docket.

15          (n) An order of restitution under this Section does not  
16          bar a civil action for:

17                (1) Damages that the court did not require the  
18                person to pay to the victim under the restitution order  
19                but arise from an injury or property damages that is  
20                the basis of restitution ordered by the court; and

21                (2) Other damages suffered by the victim.

22          The restitution order is not discharged by the completion  
23          of the sentence imposed for the offense.

24          A restitution order under this Section is not discharged by  
25          the liquidation of a person's estate by a receiver. A  
26          restitution order under this Section may be enforced in the



1 same manner as judgment liens are enforced under Article XII of  
2 the Code of Civil Procedure.

3 The provisions of Section 2-1303 of the Code of Civil  
4 Procedure, providing for interest on judgments, apply to  
5 judgments for restitution entered under this Section.

6 (Source: P.A. 96-290, eff. 8-11-09; 96-1551, eff. 7-1-11;  
7 97-482, eff. 1-1-12; 97-817, eff. 1-1-13.)

8 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

9 (Text of Section before amendment by P.A. 97-831)

10 Sec. 5-6-1. Sentences of Probation and of Conditional  
11 Discharge and Disposition of Supervision. The General Assembly  
12 finds that in order to protect the public, the criminal justice  
13 system must compel compliance with the conditions of probation  
14 by responding to violations with swift, certain and fair  
15 punishments and intermediate sanctions. The Chief Judge of each  
16 circuit shall adopt a system of structured, intermediate  
17 sanctions for violations of the terms and conditions of a  
18 sentence of probation, conditional discharge or disposition of  
19 supervision.

20 (a) Except where specifically prohibited by other  
21 provisions of this Code, the court shall impose a sentence of  
22 probation or conditional discharge upon an offender unless,  
23 having regard to the nature and circumstance of the offense,  
24 and to the history, character and condition of the offender,  
25 the court is of the opinion that:

1           (1) his imprisonment or periodic imprisonment is  
2 necessary for the protection of the public; or

3           (2) probation or conditional discharge would deprecate  
4 the seriousness of the offender's conduct and would be  
5 inconsistent with the ends of justice; or

6           (3) a combination of imprisonment with concurrent or  
7 consecutive probation when an offender has been admitted  
8 into a drug court program under Section 20 of the Drug  
9 Court Treatment Act is necessary for the protection of the  
10 public and for the rehabilitation of the offender.

11          The court shall impose as a condition of a sentence of  
12 probation, conditional discharge, or supervision, that the  
13 probation agency may invoke any sanction from the list of  
14 intermediate sanctions adopted by the chief judge of the  
15 circuit court for violations of the terms and conditions of the  
16 sentence of probation, conditional discharge, or supervision,  
17 subject to the provisions of Section 5-6-4 of this Act.

18          (b) The court may impose a sentence of conditional  
19 discharge for an offense if the court is of the opinion that  
20 neither a sentence of imprisonment nor of periodic imprisonment  
21 nor of probation supervision is appropriate.

22          (b-1) Subsections (a) and (b) of this Section do not apply  
23 to a defendant charged with a misdemeanor or felony under the  
24 Illinois Vehicle Code or reckless homicide under Section 9-3 of  
25 the Criminal Code of 1961 or the Criminal Code of 2012 if the  
26 defendant within the past 12 months has been convicted of or

1 pleaded guilty to a misdemeanor or felony under the Illinois  
2 Vehicle Code or reckless homicide under Section 9-3 of the  
3 Criminal Code of 1961 or the Criminal Code of 2012.

4 (c) The court may, upon a plea of guilty or a stipulation  
5 by the defendant of the facts supporting the charge or a  
6 finding of guilt, defer further proceedings and the imposition  
7 of a sentence, and enter an order for supervision of the  
8 defendant, if the defendant is not charged with: (i) a Class A  
9 misdemeanor, as defined by the following provisions of the  
10 Criminal Code of 1961 or the Criminal Code of 2012: Sections  
11 11-9.1; 12-3.2; 11-1.50 or 12-15; 26-5 or 48-1; 31-1; 31-6;  
12 31-7; paragraphs (2) and (3) of subsection (a) of Section 21-1;  
13 paragraph (1) through (5), (8), (10), and (11) of subsection  
14 (a) of Section 24-1; (ii) a Class A misdemeanor violation of  
15 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals  
16 Act; or (iii) a felony. If the defendant is not barred from  
17 receiving an order for supervision as provided in this  
18 subsection, the court may enter an order for supervision after  
19 considering the circumstances of the offense, and the history,  
20 character and condition of the offender, if the court is of the  
21 opinion that:

22 (1) the offender is not likely to commit further  
23 crimes;

24 (2) the defendant and the public would be best served  
25 if the defendant were not to receive a criminal record; and

26 (3) in the best interests of justice an order of

1 supervision is more appropriate than a sentence otherwise  
2 permitted under this Code.

3 (c-5) Subsections (a), (b), and (c) of this Section do not  
4 apply to a defendant charged with a second or subsequent  
5 violation of Section 6-303 of the Illinois Vehicle Code  
6 committed while his or her driver's license, permit or  
7 privileges were revoked because of a violation of Section 9-3  
8 of the Criminal Code of 1961 or the Criminal Code of 2012,  
9 relating to the offense of reckless homicide, or a similar  
10 provision of a law of another state.

11 (d) The provisions of paragraph (c) shall not apply to a  
12 defendant charged with violating Section 11-501 of the Illinois  
13 Vehicle Code or a similar provision of a local ordinance when  
14 the defendant has previously been:

15 (1) convicted for a violation of Section 11-501 of the  
16 Illinois Vehicle Code or a similar provision of a local  
17 ordinance or any similar law or ordinance of another state;  
18 or

19 (2) assigned supervision for a violation of Section  
20 11-501 of the Illinois Vehicle Code or a similar provision  
21 of a local ordinance or any similar law or ordinance of  
22 another state; or

23 (3) pleaded guilty to or stipulated to the facts  
24 supporting a charge or a finding of guilty to a violation  
25 of Section 11-503 of the Illinois Vehicle Code or a similar  
26 provision of a local ordinance or any similar law or

1 ordinance of another state, and the plea or stipulation was  
2 the result of a plea agreement.

3 The court shall consider the statement of the prosecuting  
4 authority with regard to the standards set forth in this  
5 Section.

6 (e) The provisions of paragraph (c) shall not apply to a  
7 defendant charged with violating Section 16-25 or 16A-3 of the  
8 Criminal Code of 1961 or the Criminal Code of 2012 if said  
9 defendant has within the last 5 years been:

10 (1) convicted for a violation of Section 16-25 or 16A-3  
11 of the Criminal Code of 1961 or the Criminal Code of 2012;  
12 or

13 (2) assigned supervision for a violation of Section  
14 16-25 or 16A-3 of the Criminal Code of 1961 or the Criminal  
15 Code of 2012.

16 The court shall consider the statement of the prosecuting  
17 authority with regard to the standards set forth in this  
18 Section.

19 (f) The provisions of paragraph (c) shall not apply to a  
20 defendant charged with violating Sections 15-111, 15-112,  
21 15-301, paragraph (b) of Section 6-104, Section 11-605, Section  
22 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a  
23 similar provision of a local ordinance.

24 (g) Except as otherwise provided in paragraph (i) of this  
25 Section, the provisions of paragraph (c) shall not apply to a  
26 defendant charged with violating Section 3-707, 3-708, 3-710,

1 or 5-401.3 of the Illinois Vehicle Code or a similar provision  
2 of a local ordinance if the defendant has within the last 5  
3 years been:

4 (1) convicted for a violation of Section 3-707, 3-708,  
5 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar  
6 provision of a local ordinance; or

7 (2) assigned supervision for a violation of Section  
8 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle  
9 Code or a similar provision of a local ordinance.

10 The court shall consider the statement of the prosecuting  
11 authority with regard to the standards set forth in this  
12 Section.

13 (h) The provisions of paragraph (c) shall not apply to a  
14 defendant under the age of 21 years charged with violating a  
15 serious traffic offense as defined in Section 1-187.001 of the  
16 Illinois Vehicle Code:

17 (1) unless the defendant, upon payment of the fines,  
18 penalties, and costs provided by law, agrees to attend and  
19 successfully complete a traffic safety program approved by  
20 the court under standards set by the Conference of Chief  
21 Circuit Judges. The accused shall be responsible for  
22 payment of any traffic safety program fees. If the accused  
23 fails to file a certificate of successful completion on or  
24 before the termination date of the supervision order, the  
25 supervision shall be summarily revoked and conviction  
26 entered. The provisions of Supreme Court Rule 402 relating

1 to pleas of guilty do not apply in cases when a defendant  
2 enters a guilty plea under this provision; or

3 (2) if the defendant has previously been sentenced  
4 under the provisions of paragraph (c) on or after January  
5 1, 1998 for any serious traffic offense as defined in  
6 Section 1-187.001 of the Illinois Vehicle Code.

7 (h-1) The provisions of paragraph (c) shall not apply to a  
8 defendant under the age of 21 years charged with an offense  
9 against traffic regulations governing the movement of vehicles  
10 or any violation of Section 6-107 or Section 12-603.1 of the  
11 Illinois Vehicle Code, unless the defendant, upon payment of  
12 the fines, penalties, and costs provided by law, agrees to  
13 attend and successfully complete a traffic safety program  
14 approved by the court under standards set by the Conference of  
15 Chief Circuit Judges. The accused shall be responsible for  
16 payment of any traffic safety program fees. If the accused  
17 fails to file a certificate of successful completion on or  
18 before the termination date of the supervision order, the  
19 supervision shall be summarily revoked and conviction entered.  
20 The provisions of Supreme Court Rule 402 relating to pleas of  
21 guilty do not apply in cases when a defendant enters a guilty  
22 plea under this provision.

23 (i) The provisions of paragraph (c) shall not apply to a  
24 defendant charged with violating Section 3-707 of the Illinois  
25 Vehicle Code or a similar provision of a local ordinance if the  
26 defendant has been assigned supervision for a violation of

1 Section 3-707 of the Illinois Vehicle Code or a similar  
2 provision of a local ordinance.

3 (j) The provisions of paragraph (c) shall not apply to a  
4 defendant charged with violating Section 6-303 of the Illinois  
5 Vehicle Code or a similar provision of a local ordinance when  
6 the revocation or suspension was for a violation of Section  
7 11-501 or a similar provision of a local ordinance or a  
8 violation of Section 11-501.1 or paragraph (b) of Section  
9 11-401 of the Illinois Vehicle Code if the defendant has within  
10 the last 10 years been:

11 (1) convicted for a violation of Section 6-303 of the  
12 Illinois Vehicle Code or a similar provision of a local  
13 ordinance; or

14 (2) assigned supervision for a violation of Section  
15 6-303 of the Illinois Vehicle Code or a similar provision  
16 of a local ordinance.

17 (k) The provisions of paragraph (c) shall not apply to a  
18 defendant charged with violating any provision of the Illinois  
19 Vehicle Code or a similar provision of a local ordinance that  
20 governs the movement of vehicles if, within the 12 months  
21 preceding the date of the defendant's arrest, the defendant has  
22 been assigned court supervision on 2 occasions for a violation  
23 that governs the movement of vehicles under the Illinois  
24 Vehicle Code or a similar provision of a local ordinance. The  
25 provisions of this paragraph (k) do not apply to a defendant  
26 charged with violating Section 11-501 of the Illinois Vehicle



1 Code or a similar provision of a local ordinance.

2 (l) A defendant charged with violating any provision of the  
3 Illinois Vehicle Code or a similar provision of a local  
4 ordinance who receives a disposition of supervision under  
5 subsection (c) shall pay an additional fee of \$29, to be  
6 collected as provided in Sections 27.5 and 27.6 of the Clerks  
7 of Courts Act. In addition to the \$29 fee, the person shall  
8 also pay a fee of \$6, which, if not waived by the court, shall  
9 be collected as provided in Sections 27.5 and 27.6 of the  
10 Clerks of Courts Act. The \$29 fee shall be disbursed as  
11 provided in Section 16-104c of the Illinois Vehicle Code. If  
12 the \$6 fee is collected, \$5.50 of the fee shall be deposited  
13 into the Circuit Court Clerk Operation and Administrative Fund  
14 created by the Clerk of the Circuit Court and 50 cents of the  
15 fee shall be deposited into the Prisoner Review Board Vehicle  
16 and Equipment Fund in the State treasury.

17 (m) Any person convicted of, pleading guilty to, or placed  
18 on supervision for a serious traffic violation, as defined in  
19 Section 1-187.001 of the Illinois Vehicle Code, a violation of  
20 Section 11-501 of the Illinois Vehicle Code, or a violation of  
21 a similar provision of a local ordinance shall pay an  
22 additional fee of \$35, to be disbursed as provided in Section  
23 16-104d of that Code.

24 This subsection (m) becomes inoperative 7 years after  
25 October 13, 2007 (the effective date of Public Act 95-154).

26 (n) The provisions of paragraph (c) shall not apply to any

1 person under the age of 18 who commits an offense against  
2 traffic regulations governing the movement of vehicles or any  
3 violation of Section 6-107 or Section 12-603.1 of the Illinois  
4 Vehicle Code, except upon personal appearance of the defendant  
5 in court and upon the written consent of the defendant's parent  
6 or legal guardian, executed before the presiding judge. The  
7 presiding judge shall have the authority to waive this  
8 requirement upon the showing of good cause by the defendant.

9 (o) The provisions of paragraph (c) shall not apply to a  
10 defendant charged with violating Section 6-303 of the Illinois  
11 Vehicle Code or a similar provision of a local ordinance when  
12 the suspension was for a violation of Section 11-501.1 of the  
13 Illinois Vehicle Code and when:

14 (1) at the time of the violation of Section 11-501.1 of  
15 the Illinois Vehicle Code, the defendant was a first  
16 offender pursuant to Section 11-500 of the Illinois Vehicle  
17 Code and the defendant failed to obtain a monitoring device  
18 driving permit; or

19 (2) at the time of the violation of Section 11-501.1 of  
20 the Illinois Vehicle Code, the defendant was a first  
21 offender pursuant to Section 11-500 of the Illinois Vehicle  
22 Code, had subsequently obtained a monitoring device  
23 driving permit, but was driving a vehicle not equipped with  
24 a breath alcohol ignition interlock device as defined in  
25 Section 1-129.1 of the Illinois Vehicle Code.

26 (p) The provisions of paragraph (c) shall not apply to a

1 defendant charged with violating subsection (b) of Section  
2 11-601.5 of the Illinois Vehicle Code or a similar provision of  
3 a local ordinance.

4 (Source: P.A. 96-253, eff. 8-11-09; 96-286, eff. 8-11-09;  
5 96-328, eff. 8-11-09; 96-625, eff. 1-1-10; 96-1000, eff.  
6 7-2-10; 96-1002, eff. 1-1-11; 96-1175, eff. 9-20-10; 96-1551,  
7 eff. 7-1-11; 97-333, eff. 8-12-11; 97-597, eff. 1-1-12;  
8 97-1108, eff. 1-1-13.)

9 (Text of Section after amendment by P.A. 97-831)

10 Sec. 5-6-1. Sentences of Probation and of Conditional  
11 Discharge and Disposition of Supervision. The General Assembly  
12 finds that in order to protect the public, the criminal justice  
13 system must compel compliance with the conditions of probation  
14 by responding to violations with swift, certain and fair  
15 punishments and intermediate sanctions. The Chief Judge of each  
16 circuit shall adopt a system of structured, intermediate  
17 sanctions for violations of the terms and conditions of a  
18 sentence of probation, conditional discharge or disposition of  
19 supervision.

20 (a) Except where specifically prohibited by other  
21 provisions of this Code, the court shall impose a sentence of  
22 probation or conditional discharge upon an offender unless,  
23 having regard to the nature and circumstance of the offense,  
24 and to the history, character and condition of the offender,  
25 the court is of the opinion that:

1           (1) his imprisonment or periodic imprisonment is  
2 necessary for the protection of the public; or

3           (2) probation or conditional discharge would deprecate  
4 the seriousness of the offender's conduct and would be  
5 inconsistent with the ends of justice; or

6           (3) a combination of imprisonment with concurrent or  
7 consecutive probation when an offender has been admitted  
8 into a drug court program under Section 20 of the Drug  
9 Court Treatment Act is necessary for the protection of the  
10 public and for the rehabilitation of the offender.

11           The court shall impose as a condition of a sentence of  
12 probation, conditional discharge, or supervision, that the  
13 probation agency may invoke any sanction from the list of  
14 intermediate sanctions adopted by the chief judge of the  
15 circuit court for violations of the terms and conditions of the  
16 sentence of probation, conditional discharge, or supervision,  
17 subject to the provisions of Section 5-6-4 of this Act.

18           (b) The court may impose a sentence of conditional  
19 discharge for an offense if the court is of the opinion that  
20 neither a sentence of imprisonment nor of periodic imprisonment  
21 nor of probation supervision is appropriate.

22           (b-1) Subsections (a) and (b) of this Section do not apply  
23 to a defendant charged with a misdemeanor or felony under the  
24 Illinois Vehicle Code or reckless homicide under Section 9-3 of  
25 the Criminal Code of 1961 or the Criminal Code of 2012 if the  
26 defendant within the past 12 months has been convicted of or

1 pleaded guilty to a misdemeanor or felony under the Illinois  
2 Vehicle Code or reckless homicide under Section 9-3 of the  
3 Criminal Code of 1961 or the Criminal Code of 2012.

4 (c) The court may, upon a plea of guilty or a stipulation  
5 by the defendant of the facts supporting the charge or a  
6 finding of guilt, defer further proceedings and the imposition  
7 of a sentence, and enter an order for supervision of the  
8 defendant, if the defendant is not charged with: (i) a Class A  
9 misdemeanor, as defined by the following provisions of the  
10 Criminal Code of 1961 or the Criminal Code of 2012: Sections  
11 11-9.1; 12-3.2; 11-1.50 or 12-15; 26-5 or 48-1; 31-1; 31-6;  
12 31-7; paragraphs (2) and (3) of subsection (a) of Section 21-1;  
13 paragraph (1) through (5), (8), (10), and (11) of subsection  
14 (a) of Section 24-1; (ii) a Class A misdemeanor violation of  
15 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals  
16 Act; or (iii) a felony. If the defendant is not barred from  
17 receiving an order for supervision as provided in this  
18 subsection, the court may enter an order for supervision after  
19 considering the circumstances of the offense, and the history,  
20 character and condition of the offender, if the court is of the  
21 opinion that:

22 (1) the offender is not likely to commit further  
23 crimes;

24 (2) the defendant and the public would be best served  
25 if the defendant were not to receive a criminal record; and

26 (3) in the best interests of justice an order of

1 supervision is more appropriate than a sentence otherwise  
2 permitted under this Code.

3 (c-5) Subsections (a), (b), and (c) of this Section do not  
4 apply to a defendant charged with a second or subsequent  
5 violation of Section 6-303 of the Illinois Vehicle Code  
6 committed while his or her driver's license, permit or  
7 privileges were revoked because of a violation of Section 9-3  
8 of the Criminal Code of 1961 or the Criminal Code of 2012,  
9 relating to the offense of reckless homicide, or a similar  
10 provision of a law of another state.

11 (d) The provisions of paragraph (c) shall not apply to a  
12 defendant charged with violating Section 11-501 of the Illinois  
13 Vehicle Code or a similar provision of a local ordinance when  
14 the defendant has previously been:

15 (1) convicted for a violation of Section 11-501 of the  
16 Illinois Vehicle Code or a similar provision of a local  
17 ordinance or any similar law or ordinance of another state;  
18 or

19 (2) assigned supervision for a violation of Section  
20 11-501 of the Illinois Vehicle Code or a similar provision  
21 of a local ordinance or any similar law or ordinance of  
22 another state; or

23 (3) pleaded guilty to or stipulated to the facts  
24 supporting a charge or a finding of guilty to a violation  
25 of Section 11-503 of the Illinois Vehicle Code or a similar  
26 provision of a local ordinance or any similar law or

1 ordinance of another state, and the plea or stipulation was  
2 the result of a plea agreement.

3 The court shall consider the statement of the prosecuting  
4 authority with regard to the standards set forth in this  
5 Section.

6 (e) The provisions of paragraph (c) shall not apply to a  
7 defendant charged with violating Section 16-25 or 16A-3 of the  
8 Criminal Code of 1961 or the Criminal Code of 2012 if said  
9 defendant has within the last 5 years been:

10 (1) convicted for a violation of Section 16-25 or 16A-3  
11 of the Criminal Code of 1961 or the Criminal Code of 2012;  
12 or

13 (2) assigned supervision for a violation of Section  
14 16-25 or 16A-3 of the Criminal Code of 1961 or the Criminal  
15 Code of 2012.

16 The court shall consider the statement of the prosecuting  
17 authority with regard to the standards set forth in this  
18 Section.

19 (f) The provisions of paragraph (c) shall not apply to a  
20 defendant charged with violating Sections 15-111, 15-112,  
21 15-301, paragraph (b) of Section 6-104, Section 11-605, Section  
22 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a  
23 similar provision of a local ordinance.

24 (g) Except as otherwise provided in paragraph (i) of this  
25 Section, the provisions of paragraph (c) shall not apply to a  
26 defendant charged with violating Section 3-707, 3-708, 3-710,

1 or 5-401.3 of the Illinois Vehicle Code or a similar provision  
2 of a local ordinance if the defendant has within the last 5  
3 years been:

4 (1) convicted for a violation of Section 3-707, 3-708,  
5 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar  
6 provision of a local ordinance; or

7 (2) assigned supervision for a violation of Section  
8 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle  
9 Code or a similar provision of a local ordinance.

10 The court shall consider the statement of the prosecuting  
11 authority with regard to the standards set forth in this  
12 Section.

13 (h) The provisions of paragraph (c) shall not apply to a  
14 defendant under the age of 21 years charged with violating a  
15 serious traffic offense as defined in Section 1-187.001 of the  
16 Illinois Vehicle Code:

17 (1) unless the defendant, upon payment of the fines,  
18 penalties, and costs provided by law, agrees to attend and  
19 successfully complete a traffic safety program approved by  
20 the court under standards set by the Conference of Chief  
21 Circuit Judges. The accused shall be responsible for  
22 payment of any traffic safety program fees. If the accused  
23 fails to file a certificate of successful completion on or  
24 before the termination date of the supervision order, the  
25 supervision shall be summarily revoked and conviction  
26 entered. The provisions of Supreme Court Rule 402 relating



1 to pleas of guilty do not apply in cases when a defendant  
2 enters a guilty plea under this provision; or

3 (2) if the defendant has previously been sentenced  
4 under the provisions of paragraph (c) on or after January  
5 1, 1998 for any serious traffic offense as defined in  
6 Section 1-187.001 of the Illinois Vehicle Code.

7 (h-1) The provisions of paragraph (c) shall not apply to a  
8 defendant under the age of 21 years charged with an offense  
9 against traffic regulations governing the movement of vehicles  
10 or any violation of Section 6-107 or Section 12-603.1 of the  
11 Illinois Vehicle Code, unless the defendant, upon payment of  
12 the fines, penalties, and costs provided by law, agrees to  
13 attend and successfully complete a traffic safety program  
14 approved by the court under standards set by the Conference of  
15 Chief Circuit Judges. The accused shall be responsible for  
16 payment of any traffic safety program fees. If the accused  
17 fails to file a certificate of successful completion on or  
18 before the termination date of the supervision order, the  
19 supervision shall be summarily revoked and conviction entered.  
20 The provisions of Supreme Court Rule 402 relating to pleas of  
21 guilty do not apply in cases when a defendant enters a guilty  
22 plea under this provision.

23 (i) The provisions of paragraph (c) shall not apply to a  
24 defendant charged with violating Section 3-707 of the Illinois  
25 Vehicle Code or a similar provision of a local ordinance if the  
26 defendant has been assigned supervision for a violation of

1 Section 3-707 of the Illinois Vehicle Code or a similar  
2 provision of a local ordinance.

3 (j) The provisions of paragraph (c) shall not apply to a  
4 defendant charged with violating Section 6-303 of the Illinois  
5 Vehicle Code or a similar provision of a local ordinance when  
6 the revocation or suspension was for a violation of Section  
7 11-501 or a similar provision of a local ordinance or a  
8 violation of Section 11-501.1 or paragraph (b) of Section  
9 11-401 of the Illinois Vehicle Code if the defendant has within  
10 the last 10 years been:

11 (1) convicted for a violation of Section 6-303 of the  
12 Illinois Vehicle Code or a similar provision of a local  
13 ordinance; or

14 (2) assigned supervision for a violation of Section  
15 6-303 of the Illinois Vehicle Code or a similar provision  
16 of a local ordinance.

17 (k) The provisions of paragraph (c) shall not apply to a  
18 defendant charged with violating any provision of the Illinois  
19 Vehicle Code or a similar provision of a local ordinance that  
20 governs the movement of vehicles if, within the 12 months  
21 preceding the date of the defendant's arrest, the defendant has  
22 been assigned court supervision on 2 occasions for a violation  
23 that governs the movement of vehicles under the Illinois  
24 Vehicle Code or a similar provision of a local ordinance. The  
25 provisions of this paragraph (k) do not apply to a defendant  
26 charged with violating Section 11-501 of the Illinois Vehicle

1 Code or a similar provision of a local ordinance.

2 (l) A defendant charged with violating any provision of the  
3 Illinois Vehicle Code or a similar provision of a local  
4 ordinance who receives a disposition of supervision under  
5 subsection (c) shall pay an additional fee of \$29, to be  
6 collected as provided in Sections 27.5 and 27.6 of the Clerks  
7 of Courts Act. In addition to the \$29 fee, the person shall  
8 also pay a fee of \$6, which, if not waived by the court, shall  
9 be collected as provided in Sections 27.5 and 27.6 of the  
10 Clerks of Courts Act. The \$29 fee shall be disbursed as  
11 provided in Section 16-104c of the Illinois Vehicle Code. If  
12 the \$6 fee is collected, \$5.50 of the fee shall be deposited  
13 into the Circuit Court Clerk Operation and Administrative Fund  
14 created by the Clerk of the Circuit Court and 50 cents of the  
15 fee shall be deposited into the Prisoner Review Board Vehicle  
16 and Equipment Fund in the State treasury.

17 (m) Any person convicted of, pleading guilty to, or placed  
18 on supervision for a serious traffic violation, as defined in  
19 Section 1-187.001 of the Illinois Vehicle Code, a violation of  
20 Section 11-501 of the Illinois Vehicle Code, or a violation of  
21 a similar provision of a local ordinance shall pay an  
22 additional fee of \$35, to be disbursed as provided in Section  
23 16-104d of that Code.

24 This subsection (m) becomes inoperative 7 years after  
25 October 13, 2007 (the effective date of Public Act 95-154).

26 (n) The provisions of paragraph (c) shall not apply to any

1 person under the age of 18 who commits an offense against  
2 traffic regulations governing the movement of vehicles or any  
3 violation of Section 6-107 or Section 12-603.1 of the Illinois  
4 Vehicle Code, except upon personal appearance of the defendant  
5 in court and upon the written consent of the defendant's parent  
6 or legal guardian, executed before the presiding judge. The  
7 presiding judge shall have the authority to waive this  
8 requirement upon the showing of good cause by the defendant.

9 (o) The provisions of paragraph (c) shall not apply to a  
10 defendant charged with violating Section 6-303 of the Illinois  
11 Vehicle Code or a similar provision of a local ordinance when  
12 the suspension was for a violation of Section 11-501.1 of the  
13 Illinois Vehicle Code and when:

14 (1) at the time of the violation of Section 11-501.1 of  
15 the Illinois Vehicle Code, the defendant was a first  
16 offender pursuant to Section 11-500 of the Illinois Vehicle  
17 Code and the defendant failed to obtain a monitoring device  
18 driving permit; or

19 (2) at the time of the violation of Section 11-501.1 of  
20 the Illinois Vehicle Code, the defendant was a first  
21 offender pursuant to Section 11-500 of the Illinois Vehicle  
22 Code, had subsequently obtained a monitoring device  
23 driving permit, but was driving a vehicle not equipped with  
24 a breath alcohol ignition interlock device as defined in  
25 Section 1-129.1 of the Illinois Vehicle Code.

26 (p) The provisions of paragraph (c) shall not apply to a

1 defendant charged with violating Section 11-601.5 of the  
2 Illinois Vehicle Code or a similar provision of a local  
3 ordinance.

4 (q) The provisions of paragraph (c) shall not apply to a  
5 defendant charged with violating subsection (b) of Section  
6 11-601 of the Illinois Vehicle Code when the defendant was  
7 operating a vehicle, in an urban district, at a speed in excess  
8 of 25 miles per hour over the posted speed limit.

9 (Source: P.A. 96-253, eff. 8-11-09; 96-286, eff. 8-11-09;  
10 96-328, eff. 8-11-09; 96-625, eff. 1-1-10; 96-1000, eff.  
11 7-2-10; 96-1002, eff. 1-1-11; 96-1175, eff. 9-20-10; 96-1551,  
12 eff. 7-1-11; 97-333, eff. 8-12-11; 97-597, eff. 1-1-12; 97-831,  
13 eff. 7-1-13; 97-1108, eff. 1-1-13; revised 9-20-12.)

14 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

15 Sec. 5-6-3. Conditions of Probation and of Conditional  
16 Discharge.

17 (a) The conditions of probation and of conditional  
18 discharge shall be that the person:

19 (1) not violate any criminal statute of any  
20 jurisdiction;

21 (2) report to or appear in person before such person or  
22 agency as directed by the court;

23 (3) refrain from possessing a firearm or other  
24 dangerous weapon where the offense is a felony or, if a  
25 misdemeanor, the offense involved the intentional or

1 knowing infliction of bodily harm or threat of bodily harm;

2 (4) not leave the State without the consent of the  
3 court or, in circumstances in which the reason for the  
4 absence is of such an emergency nature that prior consent  
5 by the court is not possible, without the prior  
6 notification and approval of the person's probation  
7 officer. Transfer of a person's probation or conditional  
8 discharge supervision to another state is subject to  
9 acceptance by the other state pursuant to the Interstate  
10 Compact for Adult Offender Supervision;

11 (5) permit the probation officer to visit him at his  
12 home or elsewhere to the extent necessary to discharge his  
13 duties;

14 (6) perform no less than 30 hours of community service  
15 and not more than 120 hours of community service, if  
16 community service is available in the jurisdiction and is  
17 funded and approved by the county board where the offense  
18 was committed, where the offense was related to or in  
19 furtherance of the criminal activities of an organized gang  
20 and was motivated by the offender's membership in or  
21 allegiance to an organized gang. The community service  
22 shall include, but not be limited to, the cleanup and  
23 repair of any damage caused by a violation of Section  
24 21-1.3 of the Criminal Code of 1961 or the Criminal Code of  
25 2012 and similar damage to property located within the  
26 municipality or county in which the violation occurred.

1           When possible and reasonable, the community service should  
2           be performed in the offender's neighborhood. For purposes  
3           of this Section, "organized gang" has the meaning ascribed  
4           to it in Section 10 of the Illinois Streetgang Terrorism  
5           Omnibus Prevention Act;

6           (7) if he or she is at least 17 years of age and has  
7           been sentenced to probation or conditional discharge for a  
8           misdemeanor or felony in a county of 3,000,000 or more  
9           inhabitants and has not been previously convicted of a  
10          misdemeanor or felony, may be required by the sentencing  
11          court to attend educational courses designed to prepare the  
12          defendant for a high school diploma and to work toward a  
13          high school diploma or to work toward passing the high  
14          school level Test of General Educational Development (GED)  
15          or to work toward completing a vocational training program  
16          approved by the court. The person on probation or  
17          conditional discharge must attend a public institution of  
18          education to obtain the educational or vocational training  
19          required by this clause (7). The court shall revoke the  
20          probation or conditional discharge of a person who wilfully  
21          fails to comply with this clause (7). The person on  
22          probation or conditional discharge shall be required to pay  
23          for the cost of the educational courses or GED test, if a  
24          fee is charged for those courses or test. The court shall  
25          resentence the offender whose probation or conditional  
26          discharge has been revoked as provided in Section 5-6-4.

1 This clause (7) does not apply to a person who has a high  
2 school diploma or has successfully passed the GED test.  
3 This clause (7) does not apply to a person who is  
4 determined by the court to be developmentally disabled or  
5 otherwise mentally incapable of completing the educational  
6 or vocational program;

7 (8) if convicted of possession of a substance  
8 prohibited by the Cannabis Control Act, the Illinois  
9 Controlled Substances Act, or the Methamphetamine Control  
10 and Community Protection Act after a previous conviction or  
11 disposition of supervision for possession of a substance  
12 prohibited by the Cannabis Control Act or Illinois  
13 Controlled Substances Act or after a sentence of probation  
14 under Section 10 of the Cannabis Control Act, Section 410  
15 of the Illinois Controlled Substances Act, or Section 70 of  
16 the Methamphetamine Control and Community Protection Act  
17 and upon a finding by the court that the person is  
18 addicted, undergo treatment at a substance abuse program  
19 approved by the court;

20 (8.5) if convicted of a felony sex offense as defined  
21 in the Sex Offender Management Board Act, the person shall  
22 undergo and successfully complete sex offender treatment  
23 by a treatment provider approved by the Board and conducted  
24 in conformance with the standards developed under the Sex  
25 Offender Management Board Act;

26 (8.6) if convicted of a sex offense as defined in the



1 Sex Offender Management Board Act, refrain from residing at  
2 the same address or in the same condominium unit or  
3 apartment unit or in the same condominium complex or  
4 apartment complex with another person he or she knows or  
5 reasonably should know is a convicted sex offender or has  
6 been placed on supervision for a sex offense; the  
7 provisions of this paragraph do not apply to a person  
8 convicted of a sex offense who is placed in a Department of  
9 Corrections licensed transitional housing facility for sex  
10 offenders;

11 (8.7) 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 not related to the accused and whom the  
18 accused reasonably believes to be under 18 years of age;  
19 for purposes of this paragraph (8.7), "Internet" has the  
20 meaning ascribed to it in Section 16-0.1 of the Criminal  
21 Code of 2012 ~~1961~~; and a person is not related to the  
22 accused if the person is not: (i) the spouse, brother, or  
23 sister of the accused; (ii) a descendant of the accused;  
24 (iii) a first or second cousin of the accused; or (iv) a  
25 step-child or adopted child of the accused;

26 (8.8) if convicted for an offense under Section 11-6,

1 11-9.1, 11-14.4 that involves soliciting for a juvenile  
2 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
3 of the Criminal Code of 1961 or the Criminal Code of 2012,  
4 or any attempt to commit any of these offenses, committed  
5 on or after June 1, 2009 (the effective date of Public Act  
6 95-983):

7 (i) not access or use a computer or any other  
8 device with Internet capability without the prior  
9 written approval of the offender's probation officer,  
10 except in connection with the offender's employment or  
11 search for employment with the prior approval of the  
12 offender's probation officer;

13 (ii) submit to periodic unannounced examinations  
14 of the offender's computer or any other device with  
15 Internet capability by the offender's probation  
16 officer, a law enforcement officer, or assigned  
17 computer or information technology specialist,  
18 including the retrieval and copying of all data from  
19 the computer or device and any internal or external  
20 peripherals and removal of such information,  
21 equipment, or device to conduct a more thorough  
22 inspection;

23 (iii) submit to the installation on the offender's  
24 computer or device with Internet capability, at the  
25 offender's expense, of one or more hardware or software  
26 systems to monitor the Internet use; and

1 (iv) submit to any other appropriate restrictions  
2 concerning the offender's use of or access to a  
3 computer or any other device with Internet capability  
4 imposed by the offender's probation officer;

5 (8.9) if convicted of a sex offense as defined in the  
6 Sex Offender Registration Act committed on or after January  
7 1, 2010 (the effective date of Public Act 96-262), refrain  
8 from accessing or using a social networking website as  
9 defined in Section 17-0.5 of the Criminal Code of 2012  
10 ~~1961~~;

11 (9) if convicted of a felony or of any misdemeanor  
12 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or  
13 12-3.5 of the Criminal Code of 1961 or the Criminal Code of  
14 2012 that was determined, pursuant to Section 112A-11.1 of  
15 the Code of Criminal Procedure of 1963, to trigger the  
16 prohibitions of 18 U.S.C. 922(g)(9), physically surrender  
17 at a time and place designated by the court, his or her  
18 Firearm Owner's Identification Card and any and all  
19 firearms in his or her possession. The Court shall return  
20 to the Department of State Police Firearm Owner's  
21 Identification Card Office the person's Firearm Owner's  
22 Identification Card;

23 (10) if convicted of a sex offense as defined in  
24 subsection (a-5) of Section 3-1-2 of this Code, unless the  
25 offender is a parent or guardian of the person under 18  
26 years of age present in the home and no non-familial minors

1 are present, not participate in a holiday event involving  
2 children under 18 years of age, such as distributing candy  
3 or other items to children on Halloween, wearing a Santa  
4 Claus costume on or preceding Christmas, being employed as  
5 a department store Santa Claus, or wearing an Easter Bunny  
6 costume on or preceding Easter;

7 (11) if convicted of a sex offense as defined in  
8 Section 2 of the Sex Offender Registration Act committed on  
9 or after January 1, 2010 (the effective date of Public Act  
10 96-362) that requires the person to register as a sex  
11 offender under that Act, may not knowingly use any computer  
12 scrub software on any computer that the sex offender uses;  
13 and

14 (12) if convicted of a violation of the Methamphetamine  
15 Control and Community Protection Act, the Methamphetamine  
16 Precursor Control Act, or a methamphetamine related  
17 offense:

18 (A) prohibited from purchasing, possessing, or  
19 having under his or her control any product containing  
20 pseudoephedrine unless prescribed by a physician; and

21 (B) prohibited from purchasing, possessing, or  
22 having under his or her control any product containing  
23 ammonium nitrate.

24 (b) The Court may in addition to other reasonable  
25 conditions relating to the nature of the offense or the  
26 rehabilitation of the defendant as determined for each

1 defendant in the proper discretion of the Court require that  
2 the person:

3 (1) serve a term of periodic imprisonment under Article  
4 7 for a period not to exceed that specified in paragraph  
5 (d) of Section 5-7-1;

6 (2) pay a fine and costs;

7 (3) work or pursue a course of study or vocational  
8 training;

9 (4) undergo medical, psychological or psychiatric  
10 treatment; or treatment for drug addiction or alcoholism;

11 (5) attend or reside in a facility established for the  
12 instruction or residence of defendants on probation;

13 (6) support his dependents;

14 (7) and in addition, if a minor:

15 (i) reside with his parents or in a foster home;

16 (ii) attend school;

17 (iii) attend a non-residential program for youth;

18 (iv) contribute to his own support at home or in a  
19 foster home;

20 (v) with the consent of the superintendent of the  
21 facility, attend an educational program at a facility  
22 other than the school in which the offense was  
23 committed if he or she is convicted of a crime of  
24 violence as defined in Section 2 of the Crime Victims  
25 Compensation Act committed in a school, on the real  
26 property comprising a school, or within 1,000 feet of

1           the real property comprising a school;

2           (8) make restitution as provided in Section 5-5-6 of  
3 this Code;

4           (9) perform some reasonable public or community  
5 service;

6           (10) serve a term of home confinement. In addition to  
7 any other applicable condition of probation or conditional  
8 discharge, the conditions of home confinement shall be that  
9 the offender:

10           (i) remain within the interior premises of the  
11 place designated for his confinement during the hours  
12 designated by the court;

13           (ii) admit any person or agent designated by the  
14 court into the offender's place of confinement at any  
15 time for purposes of verifying the offender's  
16 compliance with the conditions of his confinement; and

17           (iii) if further deemed necessary by the court or  
18 the Probation or Court Services Department, be placed  
19 on an approved electronic monitoring device, subject  
20 to Article 8A of Chapter V;

21           (iv) for persons convicted of any alcohol,  
22 cannabis or controlled substance violation who are  
23 placed on an approved monitoring device as a condition  
24 of probation or conditional discharge, the court shall  
25 impose a reasonable fee for each day of the use of the  
26 device, as established by the county board in

1 subsection (g) of this Section, unless after  
2 determining the inability of the offender to pay the  
3 fee, the court assesses a lesser fee or no fee as the  
4 case may be. This fee shall be imposed in addition to  
5 the fees imposed under subsections (g) and (i) of this  
6 Section. The fee shall be collected by the clerk of the  
7 circuit court. The clerk of the circuit court shall pay  
8 all monies collected from this fee to the county  
9 treasurer for deposit in the substance abuse services  
10 fund under Section 5-1086.1 of the Counties Code; and

11 (v) for persons convicted of offenses other than  
12 those referenced in clause (iv) above and who are  
13 placed on an approved monitoring device as a condition  
14 of probation or conditional discharge, the court shall  
15 impose a reasonable fee for each day of the use of the  
16 device, as established by the county board in  
17 subsection (g) of this Section, unless after  
18 determining the inability of the defendant to pay the  
19 fee, the court assesses a lesser fee or no fee as the  
20 case may be. This fee shall be imposed in addition to  
21 the fees imposed under subsections (g) and (i) of this  
22 Section. The fee shall be collected by the clerk of the  
23 circuit court. The clerk of the circuit court shall pay  
24 all monies collected from this fee to the county  
25 treasurer who shall use the monies collected to defray  
26 the costs of corrections. The county treasurer shall

1           deposit the fee collected in the probation and court  
2           services fund.

3           (11) comply with the terms and conditions of an order  
4           of protection issued by the court pursuant to the Illinois  
5           Domestic Violence Act of 1986, as now or hereafter amended,  
6           or an order of protection issued by the court of another  
7           state, tribe, or United States territory. A copy of the  
8           order of protection shall be transmitted to the probation  
9           officer or agency having responsibility for the case;

10          (12) reimburse any "local anti-crime program" as  
11          defined in Section 7 of the Anti-Crime Advisory Council Act  
12          for any reasonable expenses incurred by the program on the  
13          offender's case, not to exceed the maximum amount of the  
14          fine authorized for the offense for which the defendant was  
15          sentenced;

16          (13) contribute a reasonable sum of money, not to  
17          exceed the maximum amount of the fine authorized for the  
18          offense for which the defendant was sentenced, (i) to a  
19          "local anti-crime program", as defined in Section 7 of the  
20          Anti-Crime Advisory Council Act, or (ii) for offenses under  
21          the jurisdiction of the Department of Natural Resources, to  
22          the fund established by the Department of Natural Resources  
23          for the purchase of evidence for investigation purposes and  
24          to conduct investigations as outlined in Section 805-105 of  
25          the Department of Natural Resources (Conservation) Law;

26          (14) refrain from entering into a designated



1 geographic area except upon such terms as the court finds  
2 appropriate. Such terms may include consideration of the  
3 purpose of the entry, the time of day, other persons  
4 accompanying the defendant, and advance approval by a  
5 probation officer, if the defendant has been placed on  
6 probation or advance approval by the court, if the  
7 defendant was placed on conditional discharge;

8 (15) refrain from having any contact, directly or  
9 indirectly, with certain specified persons or particular  
10 types of persons, including but not limited to members of  
11 street gangs and drug users or dealers;

12 (16) refrain from having in his or her body the  
13 presence of any illicit drug prohibited by the Cannabis  
14 Control Act, the Illinois Controlled Substances Act, or the  
15 Methamphetamine Control and Community Protection Act,  
16 unless prescribed by a physician, and submit samples of his  
17 or her blood or urine or both for tests to determine the  
18 presence of any illicit drug;

19 (17) if convicted for an offense committed on or after  
20 June 1, 2008 (the effective date of Public Act 95-464) that  
21 would qualify the accused as a child sex offender as  
22 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
23 1961 or the Criminal Code of 2012, refrain from  
24 communicating with or contacting, by means of the Internet,  
25 a person who is related to the accused and whom the accused  
26 reasonably believes to be under 18 years of age; for

1 purposes of this paragraph (17), "Internet" has the meaning  
2 ascribed to it in Section 16-0.1 of the Criminal Code of  
3 2012 ~~1961~~; and a person is related to the accused if the  
4 person is: (i) the spouse, brother, or sister of the  
5 accused; (ii) a descendant of the accused; (iii) a first or  
6 second cousin of the accused; or (iv) a step-child or  
7 adopted child of the accused;

8 (18) if convicted for an offense committed on or after  
9 June 1, 2009 (the effective date of Public Act 95-983) that  
10 would qualify as a sex offense as defined in the Sex  
11 Offender Registration Act:

12 (i) not access or use a computer or any other  
13 device with Internet capability without the prior  
14 written approval of the offender's probation officer,  
15 except in connection with the offender's employment or  
16 search for employment with the prior approval of the  
17 offender's probation officer;

18 (ii) submit to periodic unannounced examinations  
19 of the offender's computer or any other device with  
20 Internet capability by the offender's probation  
21 officer, a law enforcement officer, or assigned  
22 computer or information technology specialist,  
23 including the retrieval and copying of all data from  
24 the computer or device and any internal or external  
25 peripherals and removal of such information,  
26 equipment, or device to conduct a more thorough

1 inspection;

2 (iii) submit to the installation on the offender's  
3 computer or device with Internet capability, at the  
4 subject's expense, of one or more hardware or software  
5 systems to monitor the Internet use; and

6 (iv) submit to any other appropriate restrictions  
7 concerning the offender's use of or access to a  
8 computer or any other device with Internet capability  
9 imposed by the offender's probation officer; and

10 (19) refrain from possessing a firearm or other  
11 dangerous weapon where the offense is a misdemeanor that  
12 did not involve the intentional or knowing infliction of  
13 bodily harm or threat of bodily harm.

14 (c) The court may as a condition of probation or of  
15 conditional discharge require that a person under 18 years of  
16 age found guilty of any alcohol, cannabis or controlled  
17 substance violation, refrain from acquiring a driver's license  
18 during the period of probation or conditional discharge. If  
19 such person is in possession of a permit or license, the court  
20 may require that the minor refrain from driving or operating  
21 any motor vehicle during the period of probation or conditional  
22 discharge, except as may be necessary in the course of the  
23 minor's lawful employment.

24 (d) An offender sentenced to probation or to conditional  
25 discharge shall be given a certificate setting forth the  
26 conditions thereof.

1           (e) Except where the offender has committed a fourth or  
2 subsequent violation of subsection (c) of Section 6-303 of the  
3 Illinois Vehicle Code, the court shall not require as a  
4 condition of the sentence of probation or conditional discharge  
5 that the offender be committed to a period of imprisonment in  
6 excess of 6 months. This 6 month limit shall not include  
7 periods of confinement given pursuant to a sentence of county  
8 impact incarceration under Section 5-8-1.2.

9           Persons committed to imprisonment as a condition of  
10 probation or conditional discharge shall not be committed to  
11 the Department of Corrections.

12           (f) The court may combine a sentence of periodic  
13 imprisonment under Article 7 or a sentence to a county impact  
14 incarceration program under Article 8 with a sentence of  
15 probation or conditional discharge.

16           (g) An offender sentenced to probation or to conditional  
17 discharge and who during the term of either undergoes mandatory  
18 drug or alcohol testing, or both, or is assigned to be placed  
19 on an approved electronic monitoring device, shall be ordered  
20 to pay all costs incidental to such mandatory drug or alcohol  
21 testing, or both, and all costs incidental to such approved  
22 electronic monitoring in accordance with the defendant's  
23 ability to pay those costs. The county board with the  
24 concurrence of the Chief Judge of the judicial circuit in which  
25 the county is located shall establish reasonable fees for the  
26 cost of maintenance, testing, and incidental expenses related

1 to the mandatory drug or alcohol testing, or both, and all  
2 costs incidental to approved electronic monitoring, involved  
3 in a successful probation program for the county. The  
4 concurrence of the Chief Judge shall be in the form of an  
5 administrative order. The fees shall be collected by the clerk  
6 of the circuit court. The clerk of the circuit court shall pay  
7 all moneys collected from these fees to the county treasurer  
8 who shall use the moneys collected to defray the costs of drug  
9 testing, alcohol testing, and electronic monitoring. The  
10 county treasurer shall deposit the fees collected in the county  
11 working cash fund under Section 6-27001 or Section 6-29002 of  
12 the Counties Code, as the case may be.

13 (h) Jurisdiction over an offender may be transferred from  
14 the sentencing court to the court of another circuit with the  
15 concurrence of both courts. Further transfers or retransfers of  
16 jurisdiction are also authorized in the same manner. The court  
17 to which jurisdiction has been transferred shall have the same  
18 powers as the sentencing court. The probation department within  
19 the circuit to which jurisdiction has been transferred may  
20 impose probation fees upon receiving the transferred offender,  
21 as provided in subsection (i). The probation department from  
22 the original sentencing court shall retain all probation fees  
23 collected prior to the transfer.

24 (i) The court shall impose upon an offender sentenced to  
25 probation after January 1, 1989 or to conditional discharge  
26 after January 1, 1992 or to community service under the

1 supervision of a probation or court services department after  
2 January 1, 2004, as a condition of such probation or  
3 conditional discharge or supervised community service, a fee of  
4 \$50 for each month of probation or conditional discharge  
5 supervision or supervised community service ordered by the  
6 court, unless after determining the inability of the person  
7 sentenced to probation or conditional discharge or supervised  
8 community service to pay the fee, the court assesses a lesser  
9 fee. The court may not impose the fee on a minor who is made a  
10 ward of the State under the Juvenile Court Act of 1987 while  
11 the minor is in placement. The fee shall be imposed only upon  
12 an offender who is actively supervised by the probation and  
13 court services department. The fee shall be collected by the  
14 clerk of the circuit court. The clerk of the circuit court  
15 shall pay all monies collected from this fee to the county  
16 treasurer for deposit in the probation and court services fund  
17 under Section 15.1 of the Probation and Probation Officers Act.

18 A circuit court may not impose a probation fee under this  
19 subsection (i) in excess of \$25 per month unless the circuit  
20 court has adopted, by administrative order issued by the chief  
21 judge, a standard probation fee guide determining an offender's  
22 ability to pay. Of the amount collected as a probation fee, up  
23 to \$5 of that fee collected per month may be used to provide  
24 services to crime victims and their families.

25 The Court may only waive probation fees based on an  
26 offender's ability to pay. The probation department may

1 re-evaluate an offender's ability to pay every 6 months, and,  
2 with the approval of the Director of Court Services or the  
3 Chief Probation Officer, adjust the monthly fee amount. An  
4 offender may elect to pay probation fees due in a lump sum. Any  
5 offender that has been assigned to the supervision of a  
6 probation department, or has been transferred either under  
7 subsection (h) of this Section or under any interstate compact,  
8 shall be required to pay probation fees to the department  
9 supervising the offender, based on the offender's ability to  
10 pay.

11 This amendatory Act of the 93rd General Assembly deletes  
12 the \$10 increase in the fee under this subsection that was  
13 imposed by Public Act 93-616. This deletion is intended to  
14 control over any other Act of the 93rd General Assembly that  
15 retains or incorporates that fee increase.

16 (i-5) In addition to the fees imposed under subsection (i)  
17 of this Section, in the case of an offender convicted of a  
18 felony sex offense (as defined in the Sex Offender Management  
19 Board Act) or an offense that the court or probation department  
20 has determined to be sexually motivated (as defined in the Sex  
21 Offender Management Board Act), the court or the probation  
22 department shall assess additional fees to pay for all costs of  
23 treatment, assessment, evaluation for risk and treatment, and  
24 monitoring the offender, based on that offender's ability to  
25 pay those costs either as they occur or under a payment plan.

26 (j) All fines and costs imposed under this Section for any

1 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle  
2 Code, or a similar provision of a local ordinance, and any  
3 violation of the Child Passenger Protection Act, or a similar  
4 provision of a local ordinance, shall be collected and  
5 disbursed by the circuit clerk as provided under Section 27.5  
6 of the Clerks of Courts Act.

7 (k) Any offender who is sentenced to probation or  
8 conditional discharge for a felony sex offense as defined in  
9 the Sex Offender Management Board Act or any offense that the  
10 court or probation department has determined to be sexually  
11 motivated as defined in the Sex Offender Management Board Act  
12 shall be required to refrain from any contact, directly or  
13 indirectly, with any persons specified by the court and shall  
14 be available for all evaluations and treatment programs  
15 required by the court or the probation department.

16 (l) The court may order an offender who is sentenced to  
17 probation or conditional discharge for a violation of an order  
18 of protection be placed under electronic surveillance as  
19 provided in Section 5-8A-7 of this Code.

20 (Source: P.A. 96-262, eff. 1-1-10; 96-328, eff. 8-11-09;  
21 96-362, eff. 1-1-10; 96-695, eff. 8-25-09; 96-1000, eff.  
22 7-2-10; 96-1414, eff. 1-1-11; 96-1551, Article 2, Section 1065,  
23 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;  
24 97-454, eff. 1-1-12; 97-560, eff. 1-1-12; 97-597, eff. 1-1-12;  
25 97-1109, eff. 1-1-13; 97-1131, eff. 1-1-13.)



1 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

2 Sec. 5-6-3.1. Incidents and Conditions of Supervision.

3 (a) When a defendant is placed on supervision, the court  
4 shall enter an order for supervision specifying the period of  
5 such supervision, and shall defer further proceedings in the  
6 case until the conclusion of the period.

7 (b) The period of supervision shall be reasonable under all  
8 of the circumstances of the case, but may not be longer than 2  
9 years, unless the defendant has failed to pay the assessment  
10 required by Section 10.3 of the Cannabis Control Act, Section  
11 411.2 of the Illinois Controlled Substances Act, or Section 80  
12 of the Methamphetamine Control and Community Protection Act, in  
13 which case the court may extend supervision beyond 2 years.  
14 Additionally, the court shall order the defendant to perform no  
15 less than 30 hours of community service and not more than 120  
16 hours of community service, if community service is available  
17 in the jurisdiction and is funded and approved by the county  
18 board where the offense was committed, when the offense (1) was  
19 related to or in furtherance of the criminal activities of an  
20 organized gang or was motivated by the defendant's membership  
21 in or allegiance to an organized gang; or (2) is a violation of  
22 any Section of Article 24 of the Criminal Code of 1961 or the  
23 Criminal Code of 2012 where a disposition of supervision is not  
24 prohibited by Section 5-6-1 of this Code. The community service  
25 shall include, but not be limited to, the cleanup and repair of  
26 any damage caused by violation of Section 21-1.3 of the

1 Criminal Code of 1961 or the Criminal Code of 2012 and similar  
2 damages to property located within the municipality or county  
3 in which the violation occurred. Where possible and reasonable,  
4 the community service should be performed in the offender's  
5 neighborhood.

6 For the purposes of this Section, "organized gang" has the  
7 meaning ascribed to it in Section 10 of the Illinois Streetgang  
8 Terrorism Omnibus Prevention Act.

9 (c) The court may in addition to other reasonable  
10 conditions relating to the nature of the offense or the  
11 rehabilitation of the defendant as determined for each  
12 defendant in the proper discretion of the court require that  
13 the person:

14 (1) make a report to and appear in person before or  
15 participate with the court or such courts, person, or  
16 social service agency as directed by the court in the order  
17 of supervision;

18 (2) pay a fine and costs;

19 (3) work or pursue a course of study or vocational  
20 training;

21 (4) undergo medical, psychological or psychiatric  
22 treatment; or treatment for drug addiction or alcoholism;

23 (5) attend or reside in a facility established for the  
24 instruction or residence of defendants on probation;

25 (6) support his dependents;

26 (7) refrain from possessing a firearm or other

1 dangerous weapon;

2 (8) and in addition, if a minor:

3 (i) reside with his parents or in a foster home;

4 (ii) attend school;

5 (iii) attend a non-residential program for youth;

6 (iv) contribute to his own support at home or in a  
7 foster home; or

8 (v) with the consent of the superintendent of the  
9 facility, attend an educational program at a facility  
10 other than the school in which the offense was  
11 committed if he or she is placed on supervision for a  
12 crime of violence as defined in Section 2 of the Crime  
13 Victims Compensation Act committed in a school, on the  
14 real property comprising a school, or within 1,000 feet  
15 of the real property comprising a school;

16 (9) make restitution or reparation in an amount not to  
17 exceed actual loss or damage to property and pecuniary loss  
18 or make restitution under Section 5-5-6 to a domestic  
19 violence shelter. The court shall determine the amount and  
20 conditions of payment;

21 (10) perform some reasonable public or community  
22 service;

23 (11) comply with the terms and conditions of an order  
24 of protection issued by the court pursuant to the Illinois  
25 Domestic Violence Act of 1986 or an order of protection  
26 issued by the court of another state, tribe, or United

1 States territory. If the court has ordered the defendant to  
2 make a report and appear in person under paragraph (1) of  
3 this subsection, a copy of the order of protection shall be  
4 transmitted to the person or agency so designated by the  
5 court;

6 (12) reimburse any "local anti-crime program" as  
7 defined in Section 7 of the Anti-Crime Advisory Council Act  
8 for any reasonable expenses incurred by the program on the  
9 offender's case, not to exceed the maximum amount of the  
10 fine authorized for the offense for which the defendant was  
11 sentenced;

12 (13) contribute a reasonable sum of money, not to  
13 exceed the maximum amount of the fine authorized for the  
14 offense for which the defendant was sentenced, (i) to a  
15 "local anti-crime program", as defined in Section 7 of the  
16 Anti-Crime Advisory Council Act, or (ii) for offenses under  
17 the jurisdiction of the Department of Natural Resources, to  
18 the fund established by the Department of Natural Resources  
19 for the purchase of evidence for investigation purposes and  
20 to conduct investigations as outlined in Section 805-105 of  
21 the Department of Natural Resources (Conservation) Law;

22 (14) refrain from entering into a designated  
23 geographic area except upon such terms as the court finds  
24 appropriate. Such terms may include consideration of the  
25 purpose of the entry, the time of day, other persons  
26 accompanying the defendant, and advance approval by a

1 probation officer;

2 (15) refrain from having any contact, directly or  
3 indirectly, with certain specified persons or particular  
4 types of person, including but not limited to members of  
5 street gangs and drug users or dealers;

6 (16) refrain from having in his or her body the  
7 presence of any illicit drug prohibited by the Cannabis  
8 Control Act, the Illinois Controlled Substances Act, or the  
9 Methamphetamine Control and Community Protection Act,  
10 unless prescribed by a physician, and submit samples of his  
11 or her blood or urine or both for tests to determine the  
12 presence of any illicit drug;

13 (17) refrain from operating any motor vehicle not  
14 equipped with an ignition interlock device as defined in  
15 Section 1-129.1 of the Illinois Vehicle Code; under this  
16 condition the court may allow a defendant who is not  
17 self-employed to operate a vehicle owned by the defendant's  
18 employer that is not equipped with an ignition interlock  
19 device in the course and scope of the defendant's  
20 employment; and

21 (18) if placed on supervision for a sex offense as  
22 defined in subsection (a-5) of Section 3-1-2 of this Code,  
23 unless the offender is a parent or guardian of the person  
24 under 18 years of age present in the home and no  
25 non-familial minors are present, not participate in a  
26 holiday event involving children under 18 years of age,

1           such as distributing candy or other items to children on  
2           Halloween, wearing a Santa Claus costume on or preceding  
3           Christmas, being employed as a department store Santa  
4           Claus, or wearing an Easter Bunny costume on or preceding  
5           Easter.

6           (d) The court shall defer entering any judgment on the  
7           charges until the conclusion of the supervision.

8           (e) At the conclusion of the period of supervision, if the  
9           court determines that the defendant has successfully complied  
10          with all of the conditions of supervision, the court shall  
11          discharge the defendant and enter a judgment dismissing the  
12          charges.

13          (f) Discharge and dismissal upon a successful conclusion of  
14          a disposition of supervision shall be deemed without  
15          adjudication of guilt and shall not be termed a conviction for  
16          purposes of disqualification or disabilities imposed by law  
17          upon conviction of a crime. Two years after the discharge and  
18          dismissal under this Section, unless the disposition of  
19          supervision was for a violation of Sections 3-707, 3-708,  
20          3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a  
21          similar provision of a local ordinance, or for a violation of  
22          Sections 12-3.2, 16-25, or 16A-3 of the Criminal Code of 1961  
23          or the Criminal Code of 2012, in which case it shall be 5 years  
24          after discharge and dismissal, a person may have his record of  
25          arrest sealed or expunged as may be provided by law. However,  
26          any defendant placed on supervision before January 1, 1980, may

1 move for sealing or expungement of his arrest record, as  
2 provided by law, at any time after discharge and dismissal  
3 under this Section. A person placed on supervision for a sexual  
4 offense committed against a minor as defined in clause  
5 (a) (1) (L) of Section 5.2 of the Criminal Identification Act or  
6 for a violation of Section 11-501 of the Illinois Vehicle Code  
7 or a similar provision of a local ordinance shall not have his  
8 or her record of arrest sealed or expunged.

9 (g) A defendant placed on supervision and who during the  
10 period of supervision undergoes mandatory drug or alcohol  
11 testing, or both, or is assigned to be placed on an approved  
12 electronic monitoring device, shall be ordered to pay the costs  
13 incidental to such mandatory drug or alcohol testing, or both,  
14 and costs incidental to such approved electronic monitoring in  
15 accordance with the defendant's ability to pay those costs. The  
16 county board with the concurrence of the Chief Judge of the  
17 judicial circuit in which the county is located shall establish  
18 reasonable fees for the cost of maintenance, testing, and  
19 incidental expenses related to the mandatory drug or alcohol  
20 testing, or both, and all costs incidental to approved  
21 electronic monitoring, of all defendants placed on  
22 supervision. The concurrence of the Chief Judge shall be in the  
23 form of an administrative order. The fees shall be collected by  
24 the clerk of the circuit court. The clerk of the circuit court  
25 shall pay all moneys collected from these fees to the county  
26 treasurer who shall use the moneys collected to defray the

1 costs of drug testing, alcohol testing, and electronic  
2 monitoring. The county treasurer shall deposit the fees  
3 collected in the county working cash fund under Section 6-27001  
4 or Section 6-29002 of the Counties Code, as the case may be.

5 (h) A disposition of supervision is a final order for the  
6 purposes of appeal.

7 (i) The court shall impose upon a defendant placed on  
8 supervision after January 1, 1992 or to community service under  
9 the supervision of a probation or court services department  
10 after January 1, 2004, as a condition of supervision or  
11 supervised community service, a fee of \$50 for each month of  
12 supervision or supervised community service ordered by the  
13 court, unless after determining the inability of the person  
14 placed on supervision or supervised community service to pay  
15 the fee, the court assesses a lesser fee. The court may not  
16 impose the fee on a minor who is made a ward of the State under  
17 the Juvenile Court Act of 1987 while the minor is in placement.  
18 The fee shall be imposed only upon a defendant who is actively  
19 supervised by the probation and court services department. The  
20 fee shall be collected by the clerk of the circuit court. The  
21 clerk of the circuit court shall pay all monies collected from  
22 this fee to the county treasurer for deposit in the probation  
23 and court services fund pursuant to Section 15.1 of the  
24 Probation and Probation Officers Act.

25 A circuit court may not impose a probation fee in excess of  
26 \$25 per month unless the circuit court has adopted, by



1 administrative order issued by the chief judge, a standard  
2 probation fee guide determining an offender's ability to pay.  
3 Of the amount collected as a probation fee, not to exceed \$5 of  
4 that fee collected per month may be used to provide services to  
5 crime victims and their families.

6 The Court may only waive probation fees based on an  
7 offender's ability to pay. The probation department may  
8 re-evaluate an offender's ability to pay every 6 months, and,  
9 with the approval of the Director of Court Services or the  
10 Chief Probation Officer, adjust the monthly fee amount. An  
11 offender may elect to pay probation fees due in a lump sum. Any  
12 offender that has been assigned to the supervision of a  
13 probation department, or has been transferred either under  
14 subsection (h) of this Section or under any interstate compact,  
15 shall be required to pay probation fees to the department  
16 supervising the offender, based on the offender's ability to  
17 pay.

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) A defendant at least 17 years of age who is placed on  
26 supervision for a misdemeanor in a county of 3,000,000 or more

1 inhabitants and who has not been previously convicted of a  
2 misdemeanor or felony may as a condition of his or her  
3 supervision be required by the court to attend educational  
4 courses designed to prepare the defendant for a high school  
5 diploma and to work toward a high school diploma or to work  
6 toward passing the high school level Test of General  
7 Educational Development (GED) or to work toward completing a  
8 vocational training program approved by the court. The  
9 defendant placed on supervision must attend a public  
10 institution of education to obtain the educational or  
11 vocational training required by this subsection (k). The  
12 defendant placed on supervision shall be required to pay for  
13 the cost of the educational courses or GED test, if a fee is  
14 charged for those courses or test. The court shall revoke the  
15 supervision of a person who wilfully fails to comply with this  
16 subsection (k). The court shall resentence the defendant upon  
17 revocation of supervision as provided in Section 5-6-4. This  
18 subsection (k) does not apply to a defendant who has a high  
19 school diploma or has successfully passed the GED test. This  
20 subsection (k) does not apply to a defendant who is determined  
21 by the court to be developmentally disabled or otherwise  
22 mentally incapable of completing the educational or vocational  
23 program.

24 (1) The court shall require a defendant placed on  
25 supervision for possession of a substance prohibited by the  
26 Cannabis Control Act, the Illinois Controlled Substances Act,

1 or the Methamphetamine Control and Community Protection Act  
2 after a previous conviction or disposition of supervision for  
3 possession of a substance prohibited by the Cannabis Control  
4 Act, the Illinois Controlled Substances Act, or the  
5 Methamphetamine Control and Community Protection Act or a  
6 sentence of probation under Section 10 of the Cannabis Control  
7 Act or Section 410 of the Illinois Controlled Substances Act  
8 and after a finding by the court that the person is addicted,  
9 to undergo treatment at a substance abuse program approved by  
10 the court.

11 (m) The Secretary of State shall require anyone placed on  
12 court supervision for a violation of Section 3-707 of the  
13 Illinois Vehicle Code or a similar provision of a local  
14 ordinance to give proof of his or her financial responsibility  
15 as defined in Section 7-315 of the Illinois Vehicle Code. The  
16 proof shall be maintained by the individual in a manner  
17 satisfactory to the Secretary of State for a minimum period of  
18 3 years after the date the proof is first filed. The proof  
19 shall be limited to a single action per arrest and may not be  
20 affected by any post-sentence disposition. The Secretary of  
21 State shall suspend the driver's license of any person  
22 determined by the Secretary to be in violation of this  
23 subsection.

24 (n) Any offender placed on supervision for any offense that  
25 the court or probation department has determined to be sexually  
26 motivated as defined in the Sex Offender Management Board Act

1 shall be required to refrain from any contact, directly or  
2 indirectly, with any persons specified by the court and shall  
3 be available for all evaluations and treatment programs  
4 required by the court or the probation department.

5 (o) An offender placed on supervision for a sex offense as  
6 defined in the Sex Offender Management Board Act shall refrain  
7 from residing at the same address or in the same condominium  
8 unit or apartment unit or in the same condominium complex or  
9 apartment complex with another person he or she knows or  
10 reasonably should know is a convicted sex offender or has been  
11 placed on supervision for a sex offense. The provisions of this  
12 subsection (o) do not apply to a person convicted of a sex  
13 offense who is placed in a Department of Corrections licensed  
14 transitional housing facility for sex offenders.

15 (p) An offender placed on supervision for an offense  
16 committed on or after June 1, 2008 (the effective date of  
17 Public Act 95-464) that would qualify the accused as a child  
18 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
19 Criminal Code of 1961 or the Criminal Code of 2012 shall  
20 refrain from communicating with or contacting, by means of the  
21 Internet, a person who is not related to the accused and whom  
22 the accused reasonably believes to be under 18 years of age.  
23 For purposes of this subsection (p), "Internet" has the meaning  
24 ascribed to it in Section 16-0.1 of the Criminal Code of 2012  
25 ~~1961~~; and a person is not related to the accused if the person  
26 is not: (i) the spouse, brother, or sister of the accused; (ii)

1 a descendant of the accused; (iii) a first or second cousin of  
2 the accused; or (iv) a step-child or adopted child of the  
3 accused.

4 (q) An offender placed on supervision for an offense  
5 committed on or after June 1, 2008 (the effective date of  
6 Public Act 95-464) that would qualify the accused as a child  
7 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
8 Criminal Code of 1961 or the Criminal Code of 2012 shall, if so  
9 ordered by the court, refrain from communicating with or  
10 contacting, by means of the Internet, a person who is related  
11 to the accused and whom the accused reasonably believes to be  
12 under 18 years of age. For purposes of this subsection (q),  
13 "Internet" has the meaning ascribed to it in Section 16-0.1 of  
14 the Criminal Code of 2012 ~~1961~~; and a person is related to the  
15 accused if the person is: (i) the spouse, brother, or sister of  
16 the accused; (ii) a descendant of the accused; (iii) a first or  
17 second cousin of the accused; or (iv) a step-child or adopted  
18 child of the accused.

19 (r) An offender placed on supervision for an offense under  
20 Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a  
21 juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or  
22 11-21 of the Criminal Code of 1961 or the Criminal Code of  
23 2012, or any attempt to commit any of these offenses, committed  
24 on or after the effective date of this amendatory Act of the  
25 95th General Assembly shall:

26 (i) not access or use a computer or any other device

1 with Internet capability without the prior written  
2 approval of the court, except in connection with the  
3 offender's employment or search for employment with the  
4 prior approval of the court;

5 (ii) submit to periodic unannounced examinations of  
6 the offender's computer or any other device with Internet  
7 capability by the offender's probation officer, a law  
8 enforcement officer, or assigned computer or information  
9 technology specialist, including the retrieval and copying  
10 of all data from the computer or device and any internal or  
11 external peripherals and removal of such information,  
12 equipment, or device to conduct a more thorough inspection;

13 (iii) submit to the installation on the offender's  
14 computer or device with Internet capability, at the  
15 offender's expense, of one or more hardware or software  
16 systems to monitor the Internet use; and

17 (iv) submit to any other appropriate restrictions  
18 concerning the offender's use of or access to a computer or  
19 any other device with Internet capability imposed by the  
20 court.

21 (s) An offender placed on supervision for an offense that  
22 is a sex offense as defined in Section 2 of the Sex Offender  
23 Registration Act that is committed on or after January 1, 2010  
24 (the effective date of Public Act 96-362) that requires the  
25 person to register as a sex offender under that Act, may not  
26 knowingly use any computer scrub software on any computer that

1 the sex offender uses.

2 (t) An offender placed on supervision for a sex offense as  
3 defined in the Sex Offender Registration Act committed on or  
4 after January 1, 2010 (the effective date of Public Act 96-262)  
5 shall refrain from accessing or using a social networking  
6 website as defined in Section 17-0.5 of the Criminal Code of  
7 2012 ~~1961~~.

8 (u) Jurisdiction over an offender may be transferred from  
9 the sentencing court to the court of another circuit with the  
10 concurrence of both courts. Further transfers or retransfers of  
11 jurisdiction are also authorized in the same manner. The court  
12 to which jurisdiction has been transferred shall have the same  
13 powers as the sentencing court. The probation department within  
14 the circuit to which jurisdiction has been transferred may  
15 impose probation fees upon receiving the transferred offender,  
16 as provided in subsection (i). The probation department from  
17 the original sentencing court shall retain all probation fees  
18 collected prior to the transfer.

19 (Source: P.A. 96-262, eff. 1-1-10; 96-362, eff. 1-1-10; 96-409,  
20 eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1414, eff. 1-1-11;  
21 96-1551, Article 2, Section 1065, eff. 7-1-11; 96-1551, Article  
22 10, Section 10-150, eff. 7-1-11; 97-454, eff. 1-1-12; 97-597,  
23 eff. 1-1-12; 97-1109, eff. 1-1-13.)

24 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

25 Sec. 5-8-1. Natural life imprisonment; enhancements for

1 use of a firearm; mandatory supervised release terms.

2 (a) Except as otherwise provided in the statute defining  
3 the offense or in Article 4.5 of Chapter V, a sentence of  
4 imprisonment for a felony shall be a determinate sentence set  
5 by the court under this Section, according to the following  
6 limitations:

7 (1) for first degree murder,

8 (a) (blank),

9 (b) if a trier of fact finds beyond a reasonable  
10 doubt that the murder was accompanied by exceptionally  
11 brutal or heinous behavior indicative of wanton  
12 cruelty or, except as set forth in subsection (a)(1)(c)  
13 of this Section, that any of the aggravating factors  
14 listed in subsection (b) or (b-5) of Section 9-1 of the  
15 Criminal Code of 1961 or the Criminal Code of 2012 are  
16 present, the court may sentence the defendant to a term  
17 of natural life imprisonment, or

18 (c) the court shall sentence the defendant to a  
19 term of natural life imprisonment when the death  
20 penalty is not imposed if the defendant,

21 (i) has previously been convicted of first  
22 degree murder under any state or federal law, or

23 (ii) is a person who, at the time of the  
24 commission of the murder, had attained the age of  
25 17 or more and is found guilty of murdering an  
26 individual under 12 years of age; or, irrespective



1 of the defendant's age at the time of the  
2 commission of the offense, is found guilty of  
3 murdering more than one victim, or

4 (iii) is found guilty of murdering a peace  
5 officer, fireman, or emergency management worker  
6 when the peace officer, fireman, or emergency  
7 management worker was killed in the course of  
8 performing his official duties, or to prevent the  
9 peace officer or fireman from performing his  
10 official duties, or in retaliation for the peace  
11 officer, fireman, or emergency management worker  
12 from performing his official duties, and the  
13 defendant knew or should have known that the  
14 murdered individual was a peace officer, fireman,  
15 or emergency management worker, or

16 (iv) is found guilty of murdering an employee  
17 of an institution or facility of the Department of  
18 Corrections, or any similar local correctional  
19 agency, when the employee was killed in the course  
20 of performing his official duties, or to prevent  
21 the employee from performing his official duties,  
22 or in retaliation for the employee performing his  
23 official duties, or

24 (v) is found guilty of murdering an emergency  
25 medical technician - ambulance, emergency medical  
26 technician - intermediate, emergency medical

1 technician - paramedic, ambulance driver or other  
2 medical assistance or first aid person while  
3 employed by a municipality or other governmental  
4 unit when the person was killed in the course of  
5 performing official duties or to prevent the  
6 person from performing official duties or in  
7 retaliation for performing official duties and the  
8 defendant knew or should have known that the  
9 murdered individual was an emergency medical  
10 technician - ambulance, emergency medical  
11 technician - intermediate, emergency medical  
12 technician - paramedic, ambulance driver, or other  
13 medical assistant or first aid personnel, or

14 (vi) is a person who, at the time of the  
15 commission of the murder, had not attained the age  
16 of 17, and is found guilty of murdering a person  
17 under 12 years of age and the murder is committed  
18 during the course of aggravated criminal sexual  
19 assault, criminal sexual assault, or aggravated  
20 kidnaping, or

21 (vii) is found guilty of first degree murder  
22 and the murder was committed by reason of any  
23 person's activity as a community policing  
24 volunteer or to prevent any person from engaging in  
25 activity as a community policing volunteer. For  
26 the purpose of this Section, "community policing

1 volunteer" has the meaning ascribed to it in  
2 Section 2-3.5 of the Criminal Code of 2012 ~~1961~~.

3 For purposes of clause (v), "emergency medical  
4 technician - ambulance", "emergency medical technician  
5 - intermediate", "emergency medical technician -  
6 paramedic", have the meanings ascribed to them in the  
7 Emergency Medical Services (EMS) Systems Act.

8 (d) (i) if the person committed the offense while  
9 armed with a firearm, 15 years shall be added to  
10 the term of imprisonment imposed by the court;

11 (ii) if, during the commission of the offense,  
12 the person personally discharged a firearm, 20  
13 years shall be added to the term of imprisonment  
14 imposed by the court;

15 (iii) if, during the commission of the  
16 offense, the person personally discharged a  
17 firearm that proximately caused great bodily harm,  
18 permanent disability, permanent disfigurement, or  
19 death to another person, 25 years or up to a term  
20 of natural life shall be added to the term of  
21 imprisonment imposed by the court.

22 (2) (blank);

23 (2.5) for a person convicted under the circumstances  
24 described in subdivision (b) (1) (B) of Section 11-1.20 or  
25 paragraph (3) of subsection (b) of Section 12-13,  
26 subdivision (d) (2) of Section 11-1.30 or paragraph (2) of

1 subsection (d) of Section 12-14, subdivision (b)(1.2) of  
2 Section 11-1.40 or paragraph (1.2) of subsection (b) of  
3 Section 12-14.1, subdivision (b)(2) of Section 11-1.40 or  
4 paragraph (2) of subsection (b) of Section 12-14.1 of the  
5 Criminal Code of 1961 or the Criminal Code of 2012, the  
6 sentence shall be a term of natural life imprisonment.

7 (b) (Blank).

8 (c) (Blank).

9 (d) Subject to earlier termination under Section 3-3-8, the  
10 parole or mandatory supervised release term shall be written as  
11 part of the sentencing order and shall be as follows:

12 (1) for first degree murder or a Class X felony except  
13 for the offenses of predatory criminal sexual assault of a  
14 child, aggravated criminal sexual assault, and criminal  
15 sexual assault if committed on or after the effective date  
16 of this amendatory Act of the 94th General Assembly and  
17 except for the offense of aggravated child pornography  
18 under Section 11-20.1B, ~~or~~ 11-20.3, or 11-20.1 with  
19 sentencing under subsection (c-5) of Section 11-20.1 of the  
20 Criminal Code of 1961 or the Criminal Code of 2012, if  
21 committed on or after January 1, 2009, 3 years;

22 (2) for a Class 1 felony or a Class 2 felony except for  
23 the offense of criminal sexual assault if committed on or  
24 after the effective date of this amendatory Act of the 94th  
25 General Assembly and except for the offenses of manufacture  
26 and dissemination of child pornography under clauses

1 (a) (1) and (a) (2) of Section 11-20.1 of the Criminal Code  
2 of 1961 or the Criminal Code of 2012, if committed on or  
3 after January 1, 2009, 2 years;

4 (3) for a Class 3 felony or a Class 4 felony, 1 year;

5 (4) for defendants who commit the offense of predatory  
6 criminal sexual assault of a child, aggravated criminal  
7 sexual assault, or criminal sexual assault, on or after the  
8 effective date of this amendatory Act of the 94th General  
9 Assembly, or who commit the offense of aggravated child  
10 pornography under Section 11-20.1B, 11-20.3, or 11-20.1  
11 with sentencing under subsection (c-5) of Section 11-20.1  
12 of the Criminal Code of 1961 or the Criminal Code of 2012,  
13 manufacture of child pornography, or dissemination of  
14 child pornography after January 1, 2009, the term of  
15 mandatory supervised release shall range from a minimum of  
16 3 years to a maximum of the natural life of the defendant;

17 (5) if the victim is under 18 years of age, for a  
18 second or subsequent offense of aggravated criminal sexual  
19 abuse or felony criminal sexual abuse, 4 years, at least  
20 the first 2 years of which the defendant shall serve in an  
21 electronic home detention program under Article 8A of  
22 Chapter V of this Code;

23 (6) for a felony domestic battery, aggravated domestic  
24 battery, stalking, aggravated stalking, and a felony  
25 violation of an order of protection, 4 years.

26 (e) (Blank).

1 (f) (Blank).

2 (Source: P.A. 96-282, eff. 1-1-10; 96-1000, eff. 7-2-10;  
3 96-1200, eff. 7-22-10; 96-1475, eff. 1-1-11; 96-1551, eff.  
4 7-1-11; 97-333, eff. 8-12-11; 97-531, eff. 1-1-12; 97-1109,  
5 eff. 1-1-13.)

6 (730 ILCS 5/5-8-1.2)

7 Sec. 5-8-1.2. County impact incarceration.

8 (a) Legislative intent. It is the finding of the General  
9 Assembly that certain non-violent offenders eligible for  
10 sentences of incarceration may benefit from the rehabilitative  
11 aspects of a county impact incarceration program. It is the  
12 intent of the General Assembly that such programs be  
13 implemented as provided by this Section. This Section shall not  
14 be construed to allow violent offenders to participate in a  
15 county impact incarceration program.

16 (b) Under the direction of the Sheriff and with the  
17 approval of the County Board of Commissioners, the Sheriff, in  
18 any county with more than 3,000,000 inhabitants, may establish  
19 and operate a county impact incarceration program for eligible  
20 offenders. If the court finds under Section 5-4-1 that an  
21 offender convicted of a felony meets the eligibility  
22 requirements of the Sheriff's county impact incarceration  
23 program, the court may sentence the offender to the county  
24 impact incarceration program. The Sheriff shall be responsible  
25 for monitoring all offenders who are sentenced to the county

1 impact incarceration program, including the mandatory period  
2 of monitored release following the 120 to 180 days of impact  
3 incarceration. Offenders assigned to the county impact  
4 incarceration program under an intergovernmental agreement  
5 between the county and the Illinois Department of Corrections  
6 are exempt from the provisions of this mandatory period of  
7 monitored release. In the event the offender is not accepted  
8 for placement in the county impact incarceration program, the  
9 court shall proceed to sentence the offender to any other  
10 disposition authorized by this Code. If the offender does not  
11 successfully complete the program, the offender's failure to do  
12 so shall constitute a violation of the sentence to the county  
13 impact incarceration program.

14 (c) In order to be eligible to be sentenced to a county  
15 impact incarceration program by the court, the person shall  
16 meet all of the following requirements:

17 (1) the person must be not less than 17 years of age  
18 nor more than 35 years of age;

19 (2) The person has not previously participated in the  
20 impact incarceration program and has not previously served  
21 more than one prior sentence of imprisonment for a felony  
22 in an adult correctional facility;

23 (3) The person has not been convicted of a Class X  
24 felony, first or second degree murder, armed violence,  
25 aggravated kidnapping, criminal sexual assault, aggravated  
26 criminal sexual abuse or a subsequent conviction for

1 criminal sexual abuse, forcible detention, or arson and has  
2 not been convicted previously of any of those offenses.

3 (4) The person has been found in violation of probation  
4 for an offense that is a Class 2, 3, or 4 felony that is not  
5 a forcible felony as defined in Section 2-8 of the Criminal  
6 Code of 2012 ~~1961~~ or a violent crime as defined in  
7 subsection (c) of Section 3 of the Rights of Crime Victims  
8 and Witnesses Act who otherwise could be sentenced to a  
9 term of incarceration; or the person is convicted of an  
10 offense that is a Class 2, 3, or 4 felony that is not a  
11 forcible felony as defined in Section 2-8 of the Criminal  
12 Code of 2012 ~~1961~~ or a violent crime as defined in  
13 subsection (c) of Section 3 of the Rights of Crime Victims  
14 and Witnesses Act who has previously served a sentence of  
15 probation for any felony offense and who otherwise could be  
16 sentenced to a term of incarceration.

17 (5) The person must be physically able to participate  
18 in strenuous physical activities or labor.

19 (6) The person must not have any mental disorder or  
20 disability that would prevent participation in a county  
21 impact incarceration program.

22 (7) The person was recommended and approved for  
23 placement in the county impact incarceration program by the  
24 Sheriff and consented in writing to participation in the  
25 county impact incarceration program and to the terms and  
26 conditions of the program. The Sheriff may consider, among



1 other matters, whether the person has any outstanding  
2 detainers or warrants, whether the person has a history of  
3 escaping or absconding, whether participation in the  
4 county impact incarceration program may pose a risk to the  
5 safety or security of any person and whether space is  
6 available.

7 (c) The county impact incarceration program shall include,  
8 among other matters, mandatory physical training and labor,  
9 military formation and drills, regimented activities,  
10 uniformity of dress and appearance, education and counseling,  
11 including drug counseling where appropriate.

12 (d) Privileges including visitation, commissary, receipt  
13 and retention of property and publications and access to  
14 television, radio, and a library may be suspended or  
15 restricted, notwithstanding provisions to the contrary in this  
16 Code.

17 (e) The Sheriff shall issue written rules and requirements  
18 for the program. Persons shall be informed of rules of behavior  
19 and conduct. Persons participating in the county impact  
20 incarceration program shall adhere to all rules and all  
21 requirements of the program.

22 (f) Participation in the county impact incarceration  
23 program shall be for a period of 120 to 180 days followed by a  
24 mandatory term of monitored release for at least 8 months and  
25 no more than 12 months supervised by the Sheriff. The period of  
26 time a person shall serve in the impact incarceration program

1 shall not be reduced by the accumulation of good time. The  
2 court may also sentence the person to a period of probation to  
3 commence at the successful completion of the county impact  
4 incarceration program.

5 (g) If the person successfully completes the county impact  
6 incarceration program, the Sheriff shall certify the person's  
7 successful completion of the program to the court and to the  
8 county's State's Attorney. Upon successful completion of the  
9 county impact incarceration program and mandatory term of  
10 monitored release and if there is an additional period of  
11 probation given, the person shall at that time begin his or her  
12 probationary sentence under the supervision of the Adult  
13 Probation Department.

14 (h) A person may be removed from the county impact  
15 incarceration program for a violation of the terms or  
16 conditions of the program or in the event he or she is for any  
17 reason unable to participate. The failure to complete the  
18 program for any reason, including the 8 to 12 month monitored  
19 release period, shall be deemed a violation of the county  
20 impact incarceration sentence. The Sheriff shall give notice to  
21 the State's Attorney of the person's failure to complete the  
22 program. The Sheriff shall file a petition for violation of the  
23 county impact incarceration sentence with the court and the  
24 State's Attorney may proceed on the petition under Section  
25 5-6-4 of this Code. The Sheriff shall promulgate rules and  
26 regulations governing conduct which could result in removal

1 from the program or in a determination that the person has not  
2 successfully completed the program.

3 The mandatory conditions of every county impact  
4 incarceration sentence shall include that the person either  
5 while in the program or during the period of monitored release:

6 (1) not violate any criminal statute of any  
7 jurisdiction;

8 (2) report or appear in person before any such person  
9 or agency as directed by the court or the Sheriff;

10 (3) refrain from possessing a firearm or other  
11 dangerous weapon;

12 (4) not leave the State without the consent of the  
13 court or, in circumstances in which the reason for the  
14 absence is of such an emergency nature that prior consent  
15 by the court is not possible, without the prior  
16 notification and approval of the Sheriff; and

17 (5) permit representatives of the Sheriff to visit at  
18 the person's home or elsewhere to the extent necessary for  
19 the Sheriff to monitor compliance with the program. Persons  
20 shall have access to such rules, which shall provide that a  
21 person shall receive notice of any such violation.

22 (i) The Sheriff may terminate the county impact  
23 incarceration program at any time.

24 (j) The Sheriff shall report to the county board on or  
25 before September 30th of each year on the county impact  
26 incarceration program, including the composition of the

1 program by the offenders, by county of commitment, sentence,  
2 age, offense, and race.

3 (Source: P.A. 89-587, eff. 7-31-96.)

4 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

5 Sec. 5-8-4. Concurrent and consecutive terms of  
6 imprisonment.

7 (a) Concurrent terms; multiple or additional sentences.  
8 When an Illinois court (i) imposes multiple sentences of  
9 imprisonment on a defendant at the same time or (ii) imposes a  
10 sentence of imprisonment on a defendant who is already subject  
11 to a sentence of imprisonment imposed by an Illinois court, a  
12 court of another state, or a federal court, then the sentences  
13 shall run concurrently unless otherwise determined by the  
14 Illinois court under this Section.

15 (b) Concurrent terms; misdemeanor and felony. A defendant  
16 serving a sentence for a misdemeanor who is convicted of a  
17 felony and sentenced to imprisonment shall be transferred to  
18 the Department of Corrections, and the misdemeanor sentence  
19 shall be merged in and run concurrently with the felony  
20 sentence.

21 (c) Consecutive terms; permissive. The court may impose  
22 consecutive sentences in any of the following circumstances:

23 (1) If, having regard to the nature and circumstances  
24 of the offense and the history and character of the  
25 defendant, it is the opinion of the court that consecutive

1 sentences are required to protect the public from further  
2 criminal conduct by the defendant, the basis for which the  
3 court shall set forth in the record.

4 (2) If one of the offenses for which a defendant was  
5 convicted was a violation of Section 32-5.2 (aggravated  
6 false personation of a peace officer) of the Criminal Code  
7 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision  
8 (b) (5) or (b) (6) of Section 17-2 of the Criminal Code of  
9 1961 or the Criminal Code of 2012 ~~that Code~~ (720 ILCS  
10 5/17-2) and the offense was committed in attempting or  
11 committing a forcible felony.

12 (d) Consecutive terms; mandatory. The court shall impose  
13 consecutive sentences in each of the following circumstances:

14 (1) One of the offenses for which the defendant was  
15 convicted was first degree murder or a Class X or Class 1  
16 felony and the defendant inflicted severe bodily injury.

17 (2) The defendant was convicted of a violation of  
18 Section 11-20.1 (child pornography), 11-20.1B or 11-20.3  
19 (aggravated child pornography), 11-1.20 or 12-13 (criminal  
20 sexual assault), 11-1.30 or 12-14 (aggravated criminal  
21 sexual assault), or 11-1.40 or 12-14.1 (predatory criminal  
22 sexual assault of a child) of the Criminal Code of 1961 or  
23 the Criminal Code of 2012 (720 ILCS 5/11-20.1, 5/11-20.1B,  
24 5/11-20.3, 5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14,  
25 5/11-1.40, or 5/12-14.1).

26 (3) The defendant was convicted of armed violence based

1 upon the predicate offense of any of the following:  
2 solicitation of murder, solicitation of murder for hire,  
3 heinous battery as described in Section 12-4.1 or  
4 subdivision (a)(2) of Section 12-3.05, aggravated battery  
5 of a senior citizen as described in Section 12-4.6 or  
6 subdivision (a)(4) of Section 12-3.05, criminal sexual  
7 assault, a violation of subsection (g) of Section 5 of the  
8 Cannabis Control Act (720 ILCS 550/5), cannabis  
9 trafficking, a violation of subsection (a) of Section 401  
10 of the Illinois Controlled Substances Act (720 ILCS  
11 570/401), controlled substance trafficking involving a  
12 Class X felony amount of controlled substance under Section  
13 401 of the Illinois Controlled Substances Act (720 ILCS  
14 570/401), a violation of the Methamphetamine Control and  
15 Community Protection Act (720 ILCS 646/), calculated  
16 criminal drug conspiracy, or streetgang criminal drug  
17 conspiracy.

18 (4) The defendant was convicted of the offense of  
19 leaving the scene of a motor vehicle accident involving  
20 death or personal injuries under Section 11-401 of the  
21 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)  
22 aggravated driving under the influence of alcohol, other  
23 drug or drugs, or intoxicating compound or compounds, or  
24 any combination thereof under Section 11-501 of the  
25 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless  
26 homicide under Section 9-3 of the Criminal Code of 1961 or

1        the Criminal Code of 2012 (720 ILCS 5/9-3), or (C) both an  
2        offense described in item (A) and an offense described in  
3        item (B).

4            (5) The defendant was convicted of a violation of  
5        Section 9-3.1 or Section 9-3.4 (concealment of homicidal  
6        death) or Section 12-20.5 (dismembering a human body) of  
7        the Criminal Code of 1961 or the Criminal Code of 2012 (720  
8        ILCS 5/9-3.1 or 5/12-20.5).

9            (5.5) The defendant was convicted of a violation of  
10       Section 24-3.7 (use of a stolen firearm in the commission  
11       of an offense) of the Criminal Code of 1961 or the Criminal  
12       Code of 2012.

13           (6) If the defendant was in the custody of the  
14       Department of Corrections at the time of the commission of  
15       the offense, the sentence shall be served consecutive to  
16       the sentence under which the defendant is held by the  
17       Department of Corrections. If, however, the defendant is  
18       sentenced to punishment by death, the sentence shall be  
19       executed at such time as the court may fix without regard  
20       to the sentence under which the defendant may be held by  
21       the Department.

22           (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)  
23       for escape or attempted escape shall be served consecutive  
24       to the terms under which the offender is held by the  
25       Department of Corrections.

26           (8) If a person charged with a felony commits a

1 separate felony while on pretrial release or in pretrial  
2 detention in a county jail facility or county detention  
3 facility, then the sentences imposed upon conviction of  
4 these felonies shall be served consecutively regardless of  
5 the order in which the judgments of conviction are entered.

6 (8.5) If a person commits a battery against a county  
7 correctional officer or sheriff's employee while serving a  
8 sentence or in pretrial detention in a county jail  
9 facility, then the sentence imposed upon conviction of the  
10 battery shall be served consecutively with the sentence  
11 imposed upon conviction of the earlier misdemeanor or  
12 felony, regardless of the order in which the judgments of  
13 conviction are entered.

14 (9) If a person admitted to bail following conviction  
15 of a felony commits a separate felony while free on bond or  
16 if a person detained in a county jail facility or county  
17 detention facility following conviction of a felony  
18 commits a separate felony while in detention, then any  
19 sentence following conviction of the separate felony shall  
20 be consecutive to that of the original sentence for which  
21 the defendant was on bond or detained.

22 (10) If a person is found to be in possession of an  
23 item of contraband, as defined in Section 31A-0.1 of the  
24 Criminal Code of 2012 ~~1961~~, while serving a sentence in a  
25 county jail or while in pre-trial detention in a county  
26 jail, the sentence imposed upon conviction for the offense



1 of possessing contraband in a penal institution shall be  
2 served consecutively to the sentence imposed for the  
3 offense in which the person is serving sentence in the  
4 county jail or serving pretrial detention, regardless of  
5 the order in which the judgments of conviction are entered.

6 (11) If a person is sentenced for a violation of bail  
7 bond under Section 32-10 of the Criminal Code of 1961 or  
8 the Criminal Code of 2012, any sentence imposed for that  
9 violation shall be served consecutive to the sentence  
10 imposed for the charge for which bail had been granted and  
11 with respect to which the defendant has been convicted.

12 (e) Consecutive terms; subsequent non-Illinois term. If an  
13 Illinois court has imposed a sentence of imprisonment on a  
14 defendant and the defendant is subsequently sentenced to a term  
15 of imprisonment by a court of another state or a federal court,  
16 then the Illinois sentence shall run consecutively to the  
17 sentence imposed by the court of the other state or the federal  
18 court. That same Illinois court, however, may order that the  
19 Illinois sentence run concurrently with the sentence imposed by  
20 the court of the other state or the federal court, but only if  
21 the defendant applies to that same Illinois court within 30  
22 days after the sentence imposed by the court of the other state  
23 or the federal court is finalized.

24 (f) Consecutive terms; aggregate maximums and minimums.  
25 The aggregate maximum and aggregate minimum of consecutive  
26 sentences shall be determined as follows:

1           (1) For sentences imposed under law in effect prior to  
2 February 1, 1978, the aggregate maximum of consecutive  
3 sentences shall not exceed the maximum term authorized  
4 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of  
5 Chapter V for the 2 most serious felonies involved. The  
6 aggregate minimum period of consecutive sentences shall  
7 not exceed the highest minimum term authorized under  
8 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter  
9 V for the 2 most serious felonies involved. When sentenced  
10 only for misdemeanors, a defendant shall not be  
11 consecutively sentenced to more than the maximum for one  
12 Class A misdemeanor.

13           (2) For sentences imposed under the law in effect on or  
14 after February 1, 1978, the aggregate of consecutive  
15 sentences for offenses that were committed as part of a  
16 single course of conduct during which there was no  
17 substantial change in the nature of the criminal objective  
18 shall not exceed the sum of the maximum terms authorized  
19 under Article 4.5 of Chapter V for the 2 most serious  
20 felonies involved, but no such limitation shall apply for  
21 offenses that were not committed as part of a single course  
22 of conduct during which there was no substantial change in  
23 the nature of the criminal objective. When sentenced only  
24 for misdemeanors, a defendant shall not be consecutively  
25 sentenced to more than the maximum for one Class A  
26 misdemeanor.

1 (g) Consecutive terms; manner served. In determining the  
2 manner in which consecutive sentences of imprisonment, one or  
3 more of which is for a felony, will be served, the Department  
4 of Corrections shall treat the defendant as though he or she  
5 had been committed for a single term subject to each of the  
6 following:

7 (1) The maximum period of a term of imprisonment shall  
8 consist of the aggregate of the maximums of the imposed  
9 indeterminate terms, if any, plus the aggregate of the  
10 imposed determinate sentences for felonies, plus the  
11 aggregate of the imposed determinate sentences for  
12 misdemeanors, subject to subsection (f) of this Section.

13 (2) The parole or mandatory supervised release term  
14 shall be as provided in paragraph (e) of Section 5-4.5-50  
15 (730 ILCS 5/5-4.5-50) for the most serious of the offenses  
16 involved.

17 (3) The minimum period of imprisonment shall be the  
18 aggregate of the minimum and determinate periods of  
19 imprisonment imposed by the court, subject to subsection  
20 (f) of this Section.

21 (4) The defendant shall be awarded credit against the  
22 aggregate maximum term and the aggregate minimum term of  
23 imprisonment for all time served in an institution since  
24 the commission of the offense or offenses and as a  
25 consequence thereof at the rate specified in Section 3-6-3  
26 (730 ILCS 5/3-6-3).

1 (Source: P.A. 96-190, eff. 1-1-10; 96-1000, eff. 7-2-10;  
2 96-1200, eff. 7-22-10; 96-1551, Article 1, Section 970, eff.  
3 7-1-11; 96-1551, Article 2, Section 1065, eff. 7-1-11; 96-1551,  
4 Article 10, Section 10-150, eff. 7-1-11; 97-475, eff. 8-22-11;  
5 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13.)

6 (730 ILCS 5/5-8A-6)

7 Sec. 5-8A-6. Electronic monitoring of certain sex  
8 offenders. For a sexual predator subject to electronic home  
9 monitoring under paragraph (7.7) of subsection (a) of Section  
10 3-3-7, the Department of Corrections must use a system that  
11 actively monitors and identifies the offender's current  
12 location and timely reports or records the offender's presence  
13 and that alerts the Department of the offender's presence  
14 within a prohibited area described in Section ~~Sections~~ 11-9.3  
15 ~~and 11-9.4~~ of the Criminal Code of 2012 ~~1961~~, in a court order,  
16 or as a condition of the offender's parole, mandatory  
17 supervised release, or extended mandatory supervised release  
18 and the offender's departure from specified geographic  
19 limitations. To the extent that he or she is able to do so,  
20 which the Department of Corrections by rule shall determine,  
21 the offender must pay for the cost of the electronic home  
22 monitoring.

23 (Source: P.A. 94-988, eff. 1-1-07; 95-640, eff. 6-1-08.)

24 (730 ILCS 5/5-9-1.3) (from Ch. 38, par. 1005-9-1.3)

1           Sec. 5-9-1.3. Fines for offenses involving theft,  
2 deceptive practices, and offenses against units of local  
3 government or school districts.

4           (a) When a person has been adjudged guilty of a felony  
5 under Section 16-1, 16D-3, 16D-4, 16D-5, 16D-5.5, ~~or~~ 17-1,  
6 17-50, 17-51, 17-52, 17-52.5, or subsection (a) of Section  
7 17-32 of the Criminal Code of 1961 or the Criminal Code of  
8 2012, a fine may be levied by the court in an amount which is  
9 the greater of \$25,000 or twice the value of the property which  
10 is the subject of the offense.

11           (b) When a person has been convicted of a felony under  
12 Section 16-1 of the Criminal Code of 1961 or the Criminal Code  
13 of 2012 and the theft was committed upon any unit of local  
14 government or school district, or the person has been convicted  
15 of any violation of Sections 33C-1 through 33C-4 or Sections  
16 33E-3 through 33E-18, or subsection (a), (b), (c), or (d) of  
17 Section 17-10.3, of the Criminal Code of 1961 or the Criminal  
18 Code of 2012, a fine may be levied by the court in an amount  
19 that is the greater of \$25,000 or treble the value of the  
20 property which is the subject of the offense or loss to the  
21 unit of local government or school district.

22           (c) All fines imposed under subsection (b) of this Section  
23 shall be distributed as follows:

24           (1) An amount equal to 30% shall be distributed to the  
25 unit of local government or school district that was the  
26 victim of the offense;

1           (2) An amount equal to 30% shall be distributed to the  
2           unit of local government whose officers or employees  
3           conducted the investigation into the crimes against the  
4           unit of local government or school district. Amounts  
5           distributed to units of local government shall be used  
6           solely for the enforcement of criminal laws protecting  
7           units of local government or school districts;

8           (3) An amount equal to 30% shall be distributed to the  
9           State's Attorney of the county in which the prosecution  
10          resulting in the conviction was instituted. The funds shall  
11          be used solely for the enforcement of criminal laws  
12          protecting units of local government or school districts;  
13          and

14          (4) An amount equal to 10% shall be distributed to the  
15          circuit court clerk of the county where the prosecution  
16          resulting in the conviction was instituted.

17          (d) A fine order under subsection (b) of this Section is a  
18          judgment lien in favor of the victim unit of local government  
19          or school district, the State's Attorney of the county where  
20          the violation occurred, the law enforcement agency that  
21          investigated the violation, and the circuit court clerk.

22          (Source: P.A. 96-1200, eff. 7-22-10; 96-1551, eff. 7-1-11.)

23                 (730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)

24                 Sec. 5-9-1.7. Sexual assault fines.

25                 (a) Definitions. The terms used in this Section shall have

1 the following meanings ascribed to them:

2 (1) "Sexual assault" means the commission or attempted  
3 commission of the following: sexual exploitation of a  
4 child, criminal sexual assault, predatory criminal sexual  
5 assault of a child, aggravated criminal sexual assault,  
6 criminal sexual abuse, aggravated criminal sexual abuse,  
7 indecent solicitation of a child, public indecency, sexual  
8 relations within families, promoting juvenile  
9 prostitution, soliciting for a juvenile prostitute,  
10 keeping a place of juvenile prostitution, patronizing a  
11 juvenile prostitute, juvenile pimping, exploitation of a  
12 child, obscenity, child pornography, aggravated child  
13 pornography, harmful material, or ritualized abuse of a  
14 child, as those offenses are defined in the Criminal Code  
15 of 1961 or the Criminal Code of 2012.

16 (2) "Family member" shall have the meaning ascribed to  
17 it in Section 11-0.1 of the Criminal Code of 2012 ~~1961~~.

18 (3) "Sexual assault organization" means any  
19 not-for-profit organization providing comprehensive,  
20 community-based services to victims of sexual assault.  
21 "Community-based services" include, but are not limited  
22 to, direct crisis intervention through a 24-hour response,  
23 medical and legal advocacy, counseling, information and  
24 referral services, training, and community education.

25 (b) Sexual assault fine; collection by clerk.

26 (1) In addition to any other penalty imposed, a fine of

1           \$200 shall be imposed upon any person who pleads guilty or  
2           who is convicted of, or who receives a disposition of court  
3           supervision for, a sexual assault or attempt of a sexual  
4           assault. Upon request of the victim or the victim's  
5           representative, the court shall determine whether the fine  
6           will impose an undue burden on the victim of the offense.  
7           For purposes of this paragraph, the defendant may not be  
8           considered the victim's representative. If the court finds  
9           that the fine would impose an undue burden on the victim,  
10          the court may reduce or waive the fine. The court shall  
11          order that the defendant may not use funds belonging solely  
12          to the victim of the offense for payment of the fine.

13           (2) Sexual assault fines shall be assessed by the court  
14          imposing the sentence and shall be collected by the circuit  
15          clerk. The circuit clerk shall retain 10% of the penalty to  
16          cover the costs involved in administering and enforcing  
17          this Section. The circuit clerk shall remit the remainder  
18          of each fine within one month of its receipt to the State  
19          Treasurer for deposit as follows:

20                   (i) for family member offenders, one-half to the  
21                   Sexual Assault Services Fund, and one-half to the  
22                   Domestic Violence Shelter and Service Fund; and

23                   (ii) for other than family member offenders, the  
24                   full amount to the Sexual Assault Services Fund.

25           (c) Sexual Assault Services Fund; administration. There is  
26          created a Sexual Assault Services Fund. Moneys deposited into



1 the Fund under this Section shall be appropriated to the  
2 Department of Public Health. Upon appropriation of moneys from  
3 the Sexual Assault Services Fund, the Department of Public  
4 Health shall make grants of these moneys from the Fund to  
5 sexual assault organizations with whom the Department has  
6 contracts for the purpose of providing community-based  
7 services to victims of sexual assault. Grants made under this  
8 Section are in addition to, and are not substitutes for, other  
9 grants authorized and made by the Department.

10 (Source: P.A. 96-1551, eff. 7-1-11; 97-1109, eff. 1-1-13.)

11 (730 ILCS 5/5-9-1.8)

12 Sec. 5-9-1.8. Child pornography fines. Beginning July 1,  
13 2006, 100% of the fines in excess of \$10,000 collected for  
14 violations of Section 11-20.1 of the Criminal Code of 1961 or  
15 the Criminal Code of 2012 shall be deposited into the Child  
16 Abuse Prevention Fund that is created in the State Treasury.  
17 Moneys in the Fund resulting from the fines shall be for the  
18 use of the Department of Children and Family Services for  
19 grants to private entities giving treatment and counseling to  
20 victims of child sexual abuse.

21 Notwithstanding any other provision of law, in addition to  
22 any other transfers that may be provided by law, on July 1,  
23 2006, or as soon thereafter as practical, the State Comptroller  
24 shall direct and the State Treasurer shall transfer the  
25 remaining balance from the Child Sexual Abuse Fund into the

1 Child Abuse Prevention Fund. Upon completion of the transfer,  
2 the Child Sexual Abuse Fund is dissolved, and any future  
3 deposits due to that Fund and any outstanding obligations or  
4 liabilities of the Fund pass to the Child Abuse Prevention  
5 Fund.

6 (Source: P.A. 94-839, eff. 6-6-06.)

7 (730 ILCS 5/5-9-1.10)

8 Sec. 5-9-1.10. Additional fines. There shall be added to  
9 every penalty imposed in sentencing for a violation of Sections  
10 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or the  
11 Criminal Code of 2012 an additional fine of \$100 payable to the  
12 clerk, which shall be imposed upon the entry of a judgment of  
13 conviction. This additional fee, less 2 1/2% that shall be used  
14 to defray administrative costs incurred by the clerk, shall be  
15 remitted by the clerk to the Treasurer within 60 days after  
16 receipt for deposit into the Trauma Center Fund. This  
17 additional fee of \$100 shall not be considered a part of the  
18 fine for purposes of any reduction in the fine for time served  
19 either before or after sentencing. Not later than March 1 of  
20 each year the circuit clerk shall submit a report of the amount  
21 of funds remitted to the State Treasurer under this Section  
22 during the preceding calendar year. All moneys collected by the  
23 circuit clerk and remitted to the State Treasurer under Section  
24 27.6 of the Clerks of Courts Act shall be deposited into the  
25 Trauma Center Fund for distribution as provided under Section

1 3.225 of the Emergency Medical Services (EMS) Systems Act.

2 (Source: P.A. 89-516, eff. 7-18-96; 90-655, eff. 7-30-98.)

3 (730 ILCS 5/5-9-1.14)

4 Sec. 5-9-1.14. Additional child pornography fines. In  
5 addition to any other penalty imposed, a fine of \$500 shall be  
6 imposed upon a person convicted of child pornography under  
7 Section 11-20.1 of the Criminal Code of 1961 or the Criminal  
8 Code of 2012. Such additional fine shall be assessed by the  
9 court imposing sentence and shall be collected by the circuit  
10 clerk. Of this fee, \$5 shall be deposited into the Circuit  
11 Court Clerk Operation and Administrative Fund created by the  
12 Clerk of the Circuit Court to be used to offset the costs  
13 incurred by the Circuit Court Clerk in performing the  
14 additional duties required to collect and disburse funds to  
15 entities of State and local government as provided by law. Each  
16 such additional fine shall be remitted by the Circuit Court  
17 Clerk within one month after receipt to the unit of local  
18 government whose law enforcement officers investigated the  
19 case that gave rise to the conviction of the defendant for  
20 child pornography.

21 (Source: P.A. 95-191, eff. 1-1-08; 95-876, eff. 8-21-08.)

22 (730 ILCS 5/5-9-1.16)

23 Sec. 5-9-1.16. Protective order violation fees.

24 (a) There shall be added to every penalty imposed in

1 sentencing for a violation of an order of protection under  
2 Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the  
3 Criminal Code of 2012 an additional fee to be set in an amount  
4 not less than \$200 to be imposed upon a plea of guilty or  
5 finding of guilty resulting in a judgment of conviction.

6 (b) Such additional amount shall be assessed by the court  
7 imposing sentence and shall be collected by the Circuit Clerk  
8 in addition to the fine, if any, and costs in the case to be  
9 used by the supervising authority in implementing the domestic  
10 violence surveillance program. The clerk of the circuit court  
11 shall pay all monies collected from this fee to the county  
12 treasurer for deposit in the probation and court services fund  
13 under Section 15.1 of the Probation and Probations Officers  
14 Act.

15 (c) The supervising authority of a domestic violence  
16 surveillance program under Section 5-8A-7 of this Act shall  
17 assess a person either convicted of, or charged with, the  
18 violation of an order of protection an additional fee to cover  
19 the costs of providing the equipment used and the additional  
20 supervision needed for such domestic violence surveillance  
21 program. If the court finds that the fee would impose an undue  
22 burden on the victim, the court may reduce or waive the fee.  
23 The court shall order that the defendant may not use funds  
24 belonging solely to the victim of the offense for payment of  
25 the fee.

26 When the supervising authority is the court or the

1 probation and court services department, the fee shall be  
2 collected by the circuit court clerk. The clerk of the circuit  
3 court 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 Probations Officers  
7 Act. In counties with a population of 2 million or more, when  
8 the supervising authority is the court or the probation and  
9 court services department, the fee shall be collected by the  
10 supervising authority. In these counties, the supervising  
11 authority shall pay all monies collected from this fee and all  
12 other required probation fees that are assessed, to the county  
13 treasurer for deposit in the probation and court services fund  
14 under Section 15.1 of the Probation and Probation Officers Act.

15 When the supervising authority is the Department of  
16 Corrections, the Department shall collect the fee for deposit  
17 into the Illinois Department of Corrections "fund". The Circuit  
18 Clerk shall retain 10% of such penalty and deposit that  
19 percentage into the Circuit Court Clerk Operation and  
20 Administrative Fund to cover the costs incurred in  
21 administering and enforcing this Section.

22 (d) (Blank).

23 (e) (Blank).

24 (Source: P.A. 95-773, eff. 1-1-09; 96-688, eff. 8-25-09;  
25 96-1551, eff. 7-1-11.)

1 (730 ILCS 5/5-9-1.19)

2 Sec. 5-9-1.19. Additional streetgang fine. In addition to  
3 any other penalty imposed, a fine of \$100 shall be imposed upon  
4 a person convicted of any violation of the Criminal Code of  
5 1961 or the Criminal Code of 2012 who was, at the time of the  
6 commission of the violation a streetgang member, as defined in  
7 Section 10 of the Illinois Streetgang Terrorism Omnibus  
8 Prevention Act. Such additional fine shall be assessed by the  
9 court imposing sentence and shall be collected by the circuit  
10 clerk. Of this fee, \$5 shall be deposited into the Circuit  
11 Court Clerk Operation and Administrative Fund created by the  
12 Clerk of the Circuit Court to be used to offset the costs  
13 incurred by the Circuit Court Clerk in performing the  
14 additional duties required to collect and disburse funds as  
15 provided by law. Each such additional fine shall be remitted by  
16 the Circuit Court Clerk within one month after receipt to the  
17 State Police Streetgang-Related Crime Fund in the State  
18 treasury.

19 (Source: P.A. 96-1029, eff. 7-13-10.)

20 (730 ILCS 5/5-9-1.20)

21 Sec. 5-9-1.20. Additional violation of parole fines. In  
22 addition to any other penalty imposed, a fine of \$25 shall be  
23 imposed upon a person convicted of any violation of the  
24 Criminal Code of 1961 or the Criminal Code of 2012 who was, at  
25 the time of the commission of the offense on parole or

1 mandatory supervised release. Such additional fine shall be  
2 assessed by the court imposing sentence and shall be collected  
3 by the circuit clerk. Of this fine, \$5 shall be deposited into  
4 the Circuit Court Clerk Operation and Administrative Fund  
5 created by the Clerk of the Circuit Court to be used to offset  
6 the costs incurred by the Circuit Court Clerk in performing the  
7 additional duties required to collect and disburse funds as  
8 provided by law. The remainder of each such additional fine  
9 shall be remitted by the Circuit Court Clerk within one month  
10 after receipt to the State Treasurer for deposit into the  
11 Illinois Department of Corrections Parole Division Offender  
12 Supervision Fund in the State treasury.

13 (Source: P.A. 97-262, eff. 8-5-11.)

14 Section 675. The Probation and Probation Officers Act is  
15 amended by changing Section 16.1 as follows:

16 (730 ILCS 110/16.1)

17 Sec. 16.1. Redeploy Illinois Program.

18 (a) The purpose of this Section is to encourage the  
19 deinstitutionalization of juvenile offenders by establishing  
20 projects in counties or groups of counties that reallocate  
21 State funds from juvenile correctional confinement to local  
22 jurisdictions, which will establish a continuum of local,  
23 community-based sanctions and treatment alternatives for  
24 juvenile offenders who would be incarcerated if those local

1 services and sanctions did not exist. It is also intended to  
2 offer alternatives, when appropriate, to avoid commitment to  
3 the Department of Juvenile Justice, to direct child welfare  
4 services for minors charged with a criminal offense or  
5 adjudicated delinquent under Section 5 of the Children and  
6 Family Services Act. The allotment of funds will be based on a  
7 formula that rewards local jurisdictions for the establishment  
8 or expansion of local alternatives to incarceration, and  
9 requires them to pay for utilization of incarceration as a  
10 sanction. In addition, there shall be an allocation of  
11 resources (amount to be determined annually by the Redeploy  
12 Illinois Oversight Board) set aside at the beginning of each  
13 fiscal year to be made available for any county or groups of  
14 counties which need resources only occasionally for services to  
15 avoid commitment to the Department of Juvenile Justice for a  
16 limited number of youth. This redeployment of funds shall be  
17 made in a manner consistent with the Juvenile Court Act of 1987  
18 and the following purposes and policies:

19 (1) The juvenile justice system should protect the  
20 community, impose accountability to victims and  
21 communities for violations of law, and equip juvenile  
22 offenders with competencies to live responsibly and  
23 productively.

24 (2) Juveniles should be treated in the least  
25 restrictive manner possible while maintaining the safety  
26 of the community.



1           (3) A continuum of services and sanctions from least  
2 restrictive to most restrictive should be available in  
3 every community.

4           (4) There should be local responsibility and authority  
5 for planning, organizing, and coordinating service  
6 resources in the community. People in the community can  
7 best choose a range of services which reflect community  
8 values and meet the needs of their own youth.

9           (5) Juveniles who pose a threat to the community or  
10 themselves need special care, including secure settings.  
11 Such services as detention, long-term incarceration, or  
12 residential treatment are too costly to provide in each  
13 community and should be coordinated and provided on a  
14 regional or Statewide basis.

15           (6) The roles of State and local government in creating  
16 and maintaining services to youth in the juvenile justice  
17 system should be clearly defined. The role of the State is  
18 to fund services, set standards of care, train service  
19 providers, and monitor the integration and coordination of  
20 services. The role of local government should be to oversee  
21 the provision of services.

22           (b) Each county or circuit participating in the Redeploy  
23 Illinois program must create a local plan demonstrating how it  
24 will reduce the county or circuit's utilization of secure  
25 confinement of juvenile offenders in the Illinois Department of  
26 Juvenile Justice or county detention centers by the creation or

1 expansion of individualized services or programs that may  
2 include but are not limited to the following:

3 (1) Assessment and evaluation services to provide the  
4 juvenile justice system with accurate individualized case  
5 information on each juvenile offender including mental  
6 health, substance abuse, educational, and family  
7 information;

8 (2) Direct services to individual juvenile offenders  
9 including educational, vocational, mental health,  
10 substance abuse, supervision, and service coordination;  
11 and

12 (3) Programs that seek to restore the offender to the  
13 community, such as victim offender panels, teen courts,  
14 competency building, enhanced accountability measures,  
15 restitution, and community service. The local plan must be  
16 directed in such a manner as to emphasize an individualized  
17 approach to providing services to juvenile offenders in an  
18 integrated community based system including probation as  
19 the broker of services. The plan must also detail the  
20 reduction in utilization of secure confinement. The local  
21 plan shall be limited to services and shall not include  
22 costs for:

23 (i) capital expenditures;

24 (ii) renovations or remodeling;

25 (iii) personnel costs for probation.

26 The local plan shall be submitted to the Department of

1 Human Services.

2 (c) A county or group of counties may develop an agreement  
3 with the Department of Human Services to reduce their number of  
4 commitments of juvenile offenders, excluding minors sentenced  
5 based upon a finding of guilt of first degree murder or an  
6 offense which is a Class X forcible felony as defined in the  
7 Criminal Code of 2012 ~~1961~~, to the Department of Juvenile  
8 Justice, and then use the savings to develop local programming  
9 for youth who would otherwise have been committed to the  
10 Department of Juvenile Justice. A county or group of counties  
11 shall agree to limit their commitments to 75% of the level of  
12 commitments from the average number of juvenile commitments for  
13 the past 3 years, and will receive the savings to redeploy for  
14 local programming for juveniles who would otherwise be held in  
15 confinement. For any county or group of counties with a  
16 decrease of juvenile commitments of at least 25%, based on the  
17 average reductions of the prior 3 years, which are chosen to  
18 participate or continue as sites, the Redeploy Illinois  
19 Oversight Board has the authority to reduce the required  
20 percentage of future commitments to achieve the purpose of this  
21 Section. The agreement shall set forth the following:

22 (1) a Statement of the number and type of juvenile  
23 offenders from the county who were held in secure  
24 confinement by the Illinois Department of Juvenile Justice  
25 or in county detention the previous year, and an  
26 explanation of which, and how many, of these offenders

1 might be served through the proposed Redeploy Illinois  
2 Program for which the funds shall be used;

3 (2) a Statement of the service needs of currently  
4 confined juveniles;

5 (3) a Statement of the type of services and programs to  
6 provide for the individual needs of the juvenile offenders,  
7 and the research or evidence base that qualifies those  
8 services and programs as proven or promising practices;

9 (4) a budget indicating the costs of each service or  
10 program to be funded under the plan;

11 (5) a summary of contracts and service agreements  
12 indicating the treatment goals and number of juvenile  
13 offenders to be served by each service provider; and

14 (6) a Statement indicating that the Redeploy Illinois  
15 Program will not duplicate existing services and programs.  
16 Funds for this plan shall not supplant existing county  
17 funded programs.

18 (d) (Blank).

19 (d-5) A county or group of counties that does not have an  
20 approved Redeploy Illinois program, as described in subsection  
21 (b), and that has committed fewer than 10 Redeploy eligible  
22 youth to the Department of Juvenile Justice on average over the  
23 previous 3 years, may develop an individualized agreement with  
24 the Department of Human Services through the Redeploy Illinois  
25 program to provide services to youth to avoid commitment to the  
26 Department of Juvenile Justice. The agreement shall set forth

1 the following:

2 (1) a statement of the number and type of juvenile  
3 offenders from the county who were at risk under any of the  
4 categories listed above during the 3 previous years, and an  
5 explanation of which of these offenders would be served  
6 through the proposed Redeploy Illinois program for which  
7 the funds shall be used, or through individualized  
8 contracts with existing Redeploy programs in neighboring  
9 counties;

10 (2) a statement of the service needs;

11 (3) a statement of the type of services and programs to  
12 provide for the individual needs of the juvenile offenders,  
13 and the research or evidence that qualifies those services  
14 and programs as proven or promising practices;

15 (4) a budget indicating the costs of each service or  
16 program to be funded under the plan;

17 (5) a summary of contracts and service agreements  
18 indicating the treatment goals and number of juvenile  
19 offenders to be served by each service provider; and

20 (6) a statement indicating that the Redeploy Illinois  
21 program will not duplicate existing services and programs.  
22 Funds for this plan shall not supplant existing county  
23 funded programs.

24 (e) The Department of Human Services shall be responsible  
25 for the following:

26 (1) Reviewing each Redeploy Illinois Program plan for

1 compliance with standards established for such plans. A  
2 plan may be approved as submitted, approved with  
3 modifications, or rejected. No plan shall be considered for  
4 approval if the circuit or county is not in full compliance  
5 with all regulations, standards and guidelines pertaining  
6 to the delivery of basic probation services as established  
7 by the Supreme Court.

8 (2) Monitoring on a continual basis and evaluating  
9 annually both the program and its fiscal activities in all  
10 counties receiving an allocation under the Redeploy  
11 Illinois Program. Any program or service that has not met  
12 the goals and objectives of its contract or service  
13 agreement shall be subject to denial for funding in  
14 subsequent years. The Department of Human Services shall  
15 evaluate the effectiveness of the Redeploy Illinois  
16 Program in each circuit or county. In determining the  
17 future funding for the Redeploy Illinois Program under this  
18 Act, the evaluation shall include, as a primary indicator  
19 of success, a decreased number of confinement days for the  
20 county's juvenile offenders.

21 (f) Any Redeploy Illinois Program allocations not applied  
22 for and approved by the Department of Human Services shall be  
23 available for redistribution to approved plans for the  
24 remainder of that fiscal year. Any county that invests local  
25 moneys in the Redeploy Illinois Program shall be given first  
26 consideration for any redistribution of allocations.

1 Jurisdictions participating in Redeploy Illinois that exceed  
2 their agreed upon level of commitments to the Department of  
3 Juvenile Justice shall reimburse the Department of Corrections  
4 for each commitment above the agreed upon level.

5 (g) Implementation of Redeploy Illinois.

6 (1) Oversight of Redeploy Illinois.

7 (i) Redeploy Illinois Oversight Board. The  
8 Department of Human Services shall convene an  
9 oversight board to oversee the Redeploy Illinois  
10 Program. The Board shall include, but not be limited  
11 to, designees from the Department of Juvenile Justice,  
12 the Administrative Office of Illinois Courts, the  
13 Illinois Juvenile Justice Commission, the Illinois  
14 Criminal Justice Information Authority, the Department  
15 of Children and Family Services, the State Board of  
16 Education, the Cook County State's Attorney, and a  
17 State's Attorney selected by the President of the  
18 Illinois State's Attorney's Association, the Cook  
19 County Public Defender, a representative of the  
20 defense bar appointed by the Chief Justice of the  
21 Illinois Supreme Court, a representative of probation  
22 appointed by the Chief Justice of the Illinois Supreme  
23 Court, and judicial representation appointed by the  
24 Chief Justice of the Illinois Supreme Court. Up to an  
25 additional 9 members may be appointed by the Secretary  
26 of Human Services from recommendations by the

1 Oversight Board; these appointees shall possess a  
2 knowledge of juvenile justice issues and reflect the  
3 collaborative public/private relationship of Redeploy  
4 programs.

5 (ii) Responsibilities of the Redeploy Illinois  
6 Oversight Board. The Oversight Board shall:

7 (A) Identify jurisdictions to be included in  
8 the program of Redeploy Illinois.

9 (B) Develop a formula for reimbursement of  
10 local jurisdictions for local and community-based  
11 services utilized in lieu of commitment to the  
12 Department of Juvenile Justice, as well as for any  
13 charges for local jurisdictions for commitments  
14 above the agreed upon limit in the approved plan.

15 (C) Identify resources sufficient to support  
16 the administration and evaluation of Redeploy  
17 Illinois.

18 (D) Develop a process and identify resources  
19 to support on-going monitoring and evaluation of  
20 Redeploy Illinois.

21 (E) Develop a process and identify resources  
22 to support training on Redeploy Illinois.

23 (E-5) Review proposed individualized  
24 agreements and approve where appropriate the  
25 distribution of resources.

26 (F) Report to the Governor and the General



1 Assembly on an annual basis on the progress of  
2 Redeploy Illinois.

3 (iii) Length of Planning Phase. The planning phase  
4 may last up to, but may in no event last longer than,  
5 July 1, 2004.

6 (2) (Blank).

7 (3) There shall be created the Redeploy County Review  
8 Committee composed of the designees of the Secretary of  
9 Human Services and the Directors of Juvenile Justice, of  
10 Children and Family Services, and of the Governor's Office  
11 of Management and Budget who shall constitute a  
12 subcommittee of the Redeploy Illinois Oversight Board.

13 (h) Responsibilities of the County Review Committee. The  
14 County Review Committee shall:

15 (1) Review individualized agreements from counties  
16 requesting resources on an occasional basis for services  
17 for youth described in subsection (d-5).

18 (2) Report its decisions to the Redeploy Illinois  
19 Oversight Board at regularly scheduled meetings.

20 (3) Monitor the effectiveness of the resources in  
21 meeting the mandates of the Redeploy Illinois program set  
22 forth in this Section so these results might be included in  
23 the Report described in clause (g) (1) (ii) (F).

24 (4) During the third quarter, assess the amount of  
25 remaining funds available and necessary to complete the  
26 fiscal year so that any unused funds may be distributed as

1 defined in subsection (f).

2 (5) Ensure that the number of youth from any applicant  
3 county receiving individualized resources will not exceed  
4 the previous three-year average of Redeploy eligible  
5 recipients and that counties are in conformity with all  
6 other elements of this law.

7 (i) Implementation of this Section is subject to  
8 appropriation.

9 (j) Rulemaking authority to implement this amendatory Act  
10 of the 95th General Assembly, if any, is conditioned on the  
11 rules being adopted in accordance with all provisions of and  
12 procedures and rules implementing the Illinois Administrative  
13 Procedure Act; any purported rule not so adopted, for whatever  
14 reason, is unauthorized.

15 (Source: P.A. 94-696, eff. 6-1-06; 94-1032, eff. 1-1-07;  
16 95-1050, eff. 1-1-10.)

17 Section 680. The County Jail Good Behavior Allowance Act is  
18 amended by changing Sections 3 and 3.1 as follows:

19 (730 ILCS 130/3) (from Ch. 75, par. 32)

20 Sec. 3. The good behavior of any person who commences a  
21 sentence of confinement in a county jail for a fixed term of  
22 imprisonment after January 1, 1987 shall entitle such person to  
23 a good behavior allowance, except that: (1) a person who  
24 inflicted physical harm upon another person in committing the

1 offense for which he is confined shall receive no good behavior  
2 allowance; and (2) a person sentenced for an offense for which  
3 the law provides a mandatory minimum sentence shall not receive  
4 any portion of a good behavior allowance that would reduce the  
5 sentence below the mandatory minimum; and (3) a person  
6 sentenced to a county impact incarceration program; and (4) a  
7 person who is convicted of criminal sexual assault under  
8 subdivision (a)(3) of Section 11-1.20 or paragraph (a)(3) of  
9 Section 12-13 of the Criminal Code of 1961 or the Criminal Code  
10 of 2012, criminal sexual abuse, or aggravated criminal sexual  
11 abuse shall receive no good behavior allowance. The good  
12 behavior allowance provided for in this Section shall not apply  
13 to individuals sentenced for a felony to probation or  
14 conditional discharge where a condition of such probation or  
15 conditional discharge is that the individual serve a sentence  
16 of periodic imprisonment or to individuals sentenced under an  
17 order of court for civil contempt.

18 Such good behavior allowance shall be cumulative and  
19 awarded as provided in this Section.

20 The good behavior allowance rate shall be cumulative and  
21 awarded on the following basis:

22 The prisoner shall receive one day of good behavior  
23 allowance for each day of service of sentence in the county  
24 jail, and one day of good behavior allowance for each day of  
25 incarceration in the county jail before sentencing for the  
26 offense that he or she is currently serving sentence but was

1 unable to post bail before sentencing, except that a prisoner  
2 serving a sentence of periodic imprisonment under Section 5-7-1  
3 of the Unified Code of Corrections shall only be eligible to  
4 receive good behavior allowance if authorized by the sentencing  
5 judge. Each day of good behavior allowance shall reduce by one  
6 day the prisoner's period of incarceration set by the court.  
7 For the purpose of calculating a prisoner's good behavior  
8 allowance, a fractional part of a day shall not be calculated  
9 as a day of service of sentence in the county jail unless the  
10 fractional part of the day is over 12 hours in which case a  
11 whole day shall be credited on the good behavior allowance.

12 If consecutive sentences are served and the time served  
13 amounts to a total of one year or more, the good behavior  
14 allowance shall be calculated on a continuous basis throughout  
15 the entire time served beginning on the first date of sentence  
16 or incarceration, as the case may be.

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

18 (730 ILCS 130/3.1) (from Ch. 75, par. 32.1)

19 Sec. 3.1. (a) Within 3 months after the effective date of  
20 this amendatory Act of 1986, the wardens who supervise  
21 institutions under this Act shall meet and agree upon uniform  
22 rules and regulations for behavior and conduct, penalties, and  
23 the awarding, denying and revocation of good behavior  
24 allowance, in such institutions; and such rules and regulations  
25 shall be immediately promulgated and consistent with the

1 provisions of this Act. Interim rules shall be provided by each  
2 warden consistent with the provision of this Act and shall be  
3 effective until the promulgation of uniform rules. All  
4 disciplinary action shall be consistent with the provisions of  
5 this Act. Committed persons shall be informed of rules of  
6 behavior and conduct, the penalties for violation thereof, and  
7 the disciplinary procedure by which such penalties may be  
8 imposed. Any rules, penalties and procedures shall be posted  
9 and made available to the committed persons.

10 (b) Whenever a person is alleged to have violated a rule of  
11 behavior, a written report of the infraction shall be filed  
12 with the warden within 72 hours of the occurrence of the  
13 infraction or the discovery of it, and such report shall be  
14 placed in the file of the institution or facility. No  
15 disciplinary proceeding shall be commenced more than 8 days  
16 after the infraction or the discovery of it, unless the  
17 committed person is unable or unavailable for any reason to  
18 participate in the disciplinary proceeding.

19 (c) All or any of the good behavior allowance earned may be  
20 revoked by the warden, unless he initiates the charge, and in  
21 that case by the disciplinary board, for violations of rules of  
22 behavior at any time prior to discharge from the institution,  
23 consistent with the provisions of this Act.

24 (d) In disciplinary cases that may involve the loss of good  
25 behavior allowance or eligibility to earn good behavior  
26 allowance, the warden shall establish disciplinary procedures

1 consistent with the following principles:

2 (1) The warden may establish one or more disciplinary  
3 boards, made up of one or more persons, to hear and  
4 determine charges. Any person who initiates a disciplinary  
5 charge against a committed person shall not serve on the  
6 disciplinary board that will determine the disposition of  
7 the charge. In those cases in which the charge was  
8 initiated by the warden, he shall establish a disciplinary  
9 board which will have the authority to impose any  
10 appropriate discipline.

11 (2) Any committed person charged with a violation of  
12 rules of behavior shall be given notice of the charge,  
13 including a statement of the misconduct alleged and of the  
14 rules this conduct is alleged to violate, no less than 24  
15 hours before the disciplinary hearing.

16 (3) Any committed person charged with a violation of  
17 rules is entitled to a hearing on that charge, at which  
18 time he shall have an opportunity to appear before and  
19 address the warden or disciplinary board deciding the  
20 charge.

21 (4) The person or persons determining the disposition  
22 of the charge may also summon to testify any witnesses or  
23 other persons with relevant knowledge of the incident. The  
24 person charged may be permitted to question any person so  
25 summoned.

26 (5) If the charge is sustained, the person charged is

1 entitled to a written statement, within 14 days after the  
2 hearing, of the decision by the warden or the disciplinary  
3 board which determined the disposition of the charge, and  
4 the statement shall include the basis for the decision and  
5 the disciplinary action, if any, to be imposed.

6 (6) The warden may impose the discipline recommended by  
7 the disciplinary board, or may reduce the discipline  
8 recommended; however, no committed person may be penalized  
9 more than 30 days of good behavior allowance for any one  
10 infraction.

11 (7) The warden, in appropriate cases, may restore good  
12 behavior allowance that has been revoked, suspended or  
13 reduced.

14 (e) The warden, or his or her designee, may revoke the good  
15 behavior allowance specified in Section 3 of this Act of an  
16 inmate who is sentenced to the Illinois Department of  
17 Corrections for misconduct committed by the inmate while in  
18 custody of the warden. If an inmate while in custody of the  
19 warden is convicted of assault or battery on a peace officer,  
20 correctional employee, or another inmate, or for criminal  
21 damage to property or for bringing into or possessing  
22 contraband in the penal institution in violation of Section  
23 31A-1.1 of the Criminal Code of 1961 or the Criminal Code of  
24 2012, his or her day for day good behavior allowance shall be  
25 revoked for each day such allowance was earned while the inmate  
26 was in custody of the warden.

1 (Source: P.A. 96-495, eff. 1-1-10.)

2 Section 685. The Arsonist Registration Act is amended by  
3 changing Section 5 as follows:

4 (730 ILCS 148/5)

5 Sec. 5. Definitions. In this Act:

6 (a) "Arsonist" means any person who is:

7 (1) charged under Illinois law, or any substantially  
8 similar federal, Uniform Code of Military Justice, sister  
9 state, or foreign country law, with an arson offense, set  
10 forth in subsection (b) of this Section or the attempt to  
11 commit an included arson offense, and:

12 (i) is convicted of such offense or an attempt to  
13 commit such offense; or

14 (ii) is found not guilty by reason of insanity of  
15 such offense or an attempt to commit such offense; or

16 (iii) is found not guilty by reason of insanity  
17 under subsection (c) of Section 104-25 of the Code of  
18 Criminal Procedure of 1963 of such offense or an  
19 attempt to commit such offense; or

20 (iv) is the subject of a finding not resulting in  
21 an acquittal at a hearing conducted under subsection  
22 (a) of Section 104-25 of the Code of Criminal Procedure  
23 of 1963 for the alleged commission or attempted  
24 commission of such offense; or



1           (v) is found not guilty by reason of insanity  
2 following a hearing conducted under a federal, Uniform  
3 Code of Military Justice, sister state, or foreign  
4 country law substantially similar to subsection (c) of  
5 Section 104-25 of the Code of Criminal Procedure of  
6 1963 of such offense or of the attempted commission of  
7 such offense; or

8           (vi) is the subject of a finding not resulting in  
9 an acquittal at a hearing conducted under a federal,  
10 Uniform Code of Military Justice, sister state, or  
11 foreign country law substantially similar to  
12 subsection (a) of Section 104-25 of the Code of  
13 Criminal Procedure of 1963 for the alleged violation or  
14 attempted commission of such offense;

15           (2) is a minor who has been tried and convicted in an  
16 adult criminal prosecution as the result of committing or  
17 attempting to commit an offense specified in subsection (b)  
18 of this Section or a violation of any substantially similar  
19 federal, Uniform Code of Military Justice, sister state, or  
20 foreign country law. Convictions that result from or are  
21 connected with the same act, or result from offenses  
22 committed at the same time, shall be counted for the  
23 purpose of this Act as one conviction. Any conviction set  
24 aside under law is not a conviction for purposes of this  
25 Act.

26           (b) "Arson offense" means:

1 (1) A violation of any of the following Sections of the  
2 Criminal Code of 1961 or the Criminal Code of 2012:

3 (i) 20-1 (arson; residential arson; place of  
4 worship arson),

5 (ii) 20-1.1 (aggravated arson),

6 (iii) 20-1(b) or 20-1.2 (residential arson),

7 (iv) 20-1(b-5) or 20-1.3 (place of worship arson),

8 (v) 20-2 (possession of explosives or explosive or  
9 incendiary devices), or

10 (vi) An attempt to commit any of the offenses  
11 listed in clauses (i) through (v).

12 (2) A violation of any former law of this State  
13 substantially equivalent to any offense listed in  
14 subsection (b) of this Section.

15 (c) A conviction for an offense of federal law, Uniform  
16 Code of Military Justice, or the law of another state or a  
17 foreign country that is substantially equivalent to any offense  
18 listed in subsection (b) of this Section shall constitute a  
19 conviction for the purpose of this Act.

20 (d) "Law enforcement agency having jurisdiction" means the  
21 Chief of Police in each of the municipalities in which the  
22 arsonist expects to reside, work, or attend school (1) upon his  
23 or her discharge, parole or release or (2) during the service  
24 of his or her sentence of probation or conditional discharge,  
25 or the Sheriff of the county, in the event no Police Chief  
26 exists or if the offender intends to reside, work, or attend

1 school in an unincorporated area. "Law enforcement agency  
2 having jurisdiction" includes the location where out-of-state  
3 students attend school and where out-of-state employees are  
4 employed or are otherwise required to register.

5 (e) "Out-of-state student" means any arsonist, as defined  
6 in this Section, who is enrolled in Illinois, on a full-time or  
7 part-time basis, in any public or private educational  
8 institution, including, but not limited to, any secondary  
9 school, trade or professional institution, or institution of  
10 higher learning.

11 (f) "Out-of-state employee" means any arsonist, as defined  
12 in this Section, who works in Illinois, regardless of whether  
13 the individual receives payment for services performed, for a  
14 period of time of 10 or more days or for an aggregate period of  
15 time of 30 or more days during any calendar year. Persons who  
16 operate motor vehicles in the State accrue one day of  
17 employment time for any portion of a day spent in Illinois.

18 (g) "I-CLEAR" means the Illinois Citizens and Law  
19 Enforcement Analysis and Reporting System.

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

21 Section 690. The Sex Offender Registration Act is amended  
22 by changing Sections 2, 3, 6, and 8 as follows:

23 (730 ILCS 150/2) (from Ch. 38, par. 222)

24 Sec. 2. Definitions.

1 (A) As used in this Article, "sex offender" means any  
2 person who is:

3 (1) charged pursuant to Illinois law, or any  
4 substantially similar federal, Uniform Code of Military  
5 Justice, sister state, or foreign country law, with a sex  
6 offense set forth in subsection (B) of this Section or the  
7 attempt to commit an included sex offense, and:

8 (a) is convicted of such offense or an attempt to  
9 commit such offense; or

10 (b) is found not guilty by reason of insanity of  
11 such offense or an attempt to commit such offense; or

12 (c) is found not guilty by reason of insanity  
13 pursuant to Section 104-25(c) of the Code of Criminal  
14 Procedure of 1963 of such offense or an attempt to  
15 commit such offense; or

16 (d) is the subject of a finding not resulting in an  
17 acquittal at a hearing conducted pursuant to Section  
18 104-25(a) of the Code of Criminal Procedure of 1963 for  
19 the alleged commission or attempted commission of such  
20 offense; or

21 (e) is found not guilty by reason of insanity  
22 following a hearing conducted pursuant to a federal,  
23 Uniform Code of Military Justice, sister state, or  
24 foreign country law substantially similar to Section  
25 104-25(c) of the Code of Criminal Procedure of 1963 of  
26 such offense or of the attempted commission of such

1 offense; or

2 (f) is the subject of a finding not resulting in an  
3 acquittal at a hearing conducted pursuant to a federal,  
4 Uniform Code of Military Justice, sister state, or  
5 foreign country law substantially similar to Section  
6 104-25(a) of the Code of Criminal Procedure of 1963 for  
7 the alleged violation or attempted commission of such  
8 offense; or

9 (2) declared as a sexually dangerous person pursuant to  
10 the Illinois Sexually Dangerous Persons Act, or any  
11 substantially similar federal, Uniform Code of Military  
12 Justice, sister state, or foreign country law; or

13 (3) subject to the provisions of Section 2 of the  
14 Interstate Agreements on Sexually Dangerous Persons Act;  
15 or

16 (4) found to be a sexually violent person pursuant to  
17 the Sexually Violent Persons Commitment Act or any  
18 substantially similar federal, Uniform Code of Military  
19 Justice, sister state, or foreign country law; or

20 (5) adjudicated a juvenile delinquent as the result of  
21 committing or attempting to commit an act which, if  
22 committed by an adult, would constitute any of the offenses  
23 specified in item (B), (C), or (C-5) of this Section or a  
24 violation of any substantially similar federal, Uniform  
25 Code of Military Justice, sister state, or foreign country  
26 law, or found guilty under Article V of the Juvenile Court

1 Act of 1987 of committing or attempting to commit an act  
2 which, if committed by an adult, would constitute any of  
3 the offenses specified in item (B), (C), or (C-5) of this  
4 Section or a violation of any substantially similar  
5 federal, Uniform Code of Military Justice, sister state, or  
6 foreign country law.

7 Convictions that result from or are connected with the same  
8 act, or result from offenses committed at the same time, shall  
9 be counted for the purpose of this Article as one conviction.  
10 Any conviction set aside pursuant to law is not a conviction  
11 for purposes of this Article.

12 For purposes of this Section, "convicted" shall have the  
13 same meaning as "adjudicated".

14 (B) As used in this Article, "sex offense" means:

15 (1) A violation of any of the following Sections of the  
16 Criminal Code of 1961 or the Criminal Code of 2012:

17 11-20.1 (child pornography),

18 11-20.1B or 11-20.3 (aggravated child  
19 pornography),

20 11-6 (indecent solicitation of a child),

21 11-9.1 (sexual exploitation of a child),

22 11-9.2 (custodial sexual misconduct),

23 11-9.5 (sexual misconduct with a person with a  
24 disability),

25 11-14.4 (promoting juvenile prostitution),

26 11-15.1 (soliciting for a juvenile prostitute),

1 11-18.1 (patronizing a juvenile prostitute),  
2 11-17.1 (keeping a place of juvenile  
3 prostitution),  
4 11-19.1 (juvenile pimping),  
5 11-19.2 (exploitation of a child),  
6 11-25 (grooming),  
7 11-26 (traveling to meet a minor),  
8 11-1.20 or 12-13 (criminal sexual assault),  
9 11-1.30 or 12-14 (aggravated criminal sexual  
10 assault),  
11 11-1.40 or 12-14.1 (predatory criminal sexual  
12 assault of a child),  
13 11-1.50 or 12-15 (criminal sexual abuse),  
14 11-1.60 or 12-16 (aggravated criminal sexual  
15 abuse),  
16 12-33 (ritualized abuse of a child).

17 An attempt to commit any of these offenses.

18 (1.5) A violation of any of the following Sections of  
19 the Criminal Code of 1961 or the Criminal Code of 2012,  
20 when the victim is a person under 18 years of age, the  
21 defendant is not a parent of the victim, the offense was  
22 sexually motivated as defined in Section 10 of the Sex  
23 Offender Evaluation and Treatment Act, and the offense was  
24 committed on or after January 1, 1996:

25 10-1 (kidnapping),  
26 10-2 (aggravated kidnapping),

1                   10-3 (unlawful restraint),

2                   10-3.1 (aggravated unlawful restraint).

3                   If the offense was committed before January 1, 1996, it  
4 is a sex offense requiring registration only when the  
5 person is convicted of any felony after July 1, 2011, and  
6 paragraph (2.1) of subsection (c) of Section 3 of this Act  
7 applies.

8                   (1.6) First degree murder under Section 9-1 of the  
9 Criminal Code of 1961 or the Criminal Code of 2012,  
10 provided the offense was sexually motivated as defined in  
11 Section 10 of the Sex Offender Management Board Act.

12                   (1.7) (Blank).

13                   (1.8) A violation or attempted violation of Section  
14 11-11 (sexual relations within families) of the Criminal  
15 Code of 1961 or the Criminal Code of 2012, and the offense  
16 was committed on or after June 1, 1997. If the offense was  
17 committed before June 1, 1997, it is a sex offense  
18 requiring registration only when the person is convicted of  
19 any felony after July 1, 2011, and paragraph (2.1) of  
20 subsection (c) of Section 3 of this Act applies.

21                   (1.9) Child abduction under paragraph (10) of  
22 subsection (b) of Section 10-5 of the Criminal Code of 1961  
23 or the Criminal Code of 2012 committed by luring or  
24 attempting to lure a child under the age of 16 into a motor  
25 vehicle, building, house trailer, or dwelling place  
26 without the consent of the parent or lawful custodian of



1 the child for other than a lawful purpose and the offense  
2 was committed on or after January 1, 1998, provided the  
3 offense was sexually motivated as defined in Section 10 of  
4 the Sex Offender Management Board Act. If the offense was  
5 committed before January 1, 1998, it is a sex offense  
6 requiring registration only when the person is convicted of  
7 any felony after July 1, 2011, and paragraph (2.1) of  
8 subsection (c) of Section 3 of this Act applies.

9 (1.10) A violation or attempted violation of any of the  
10 following Sections of the Criminal Code of 1961 or the  
11 Criminal Code of 2012 when the offense was committed on or  
12 after July 1, 1999:

13 10-4 (forcible detention, if the victim is under 18  
14 years of age), provided the offense was sexually  
15 motivated as defined in Section 10 of the Sex Offender  
16 Management Board Act,

17 11-6.5 (indecent solicitation of an adult),

18 11-14.3 that involves soliciting for a prostitute,  
19 or 11-15 (soliciting for a prostitute, if the victim is  
20 under 18 years of age),

21 subdivision (a) (2) (A) or (a) (2) (B) of Section  
22 11-14.3, or Section 11-16 (pandering, if the victim is  
23 under 18 years of age),

24 11-18 (patronizing a prostitute, if the victim is  
25 under 18 years of age),

26 subdivision (a) (2) (C) of Section 11-14.3, or

1           Section 11-19 (pimping, if the victim is under 18 years  
2           of age).

3           If the offense was committed before July 1, 1999, it is  
4           a sex offense requiring registration only when the person  
5           is convicted of any felony after July 1, 2011, and  
6           paragraph (2.1) of subsection (c) of Section 3 of this Act  
7           applies.

8           (1.11) A violation or attempted violation of any of the  
9           following Sections of the Criminal Code of 1961 or the  
10          Criminal Code of 2012 when the offense was committed on or  
11          after August 22, 2002:

12                 11-9 or 11-30 (public indecency for a third or  
13                 subsequent conviction).

14          If the third or subsequent conviction was imposed  
15          before August 22, 2002, it is a sex offense requiring  
16          registration only when the person is convicted of any  
17          felony after July 1, 2011, and paragraph (2.1) of  
18          subsection (c) of Section 3 of this Act applies.

19          (1.12) A violation or attempted violation of Section  
20          5.1 of the Wrongs to Children Act or Section 11-9.1A of the  
21          Criminal Code of 1961 or the Criminal Code of 2012  
22          (permitting sexual abuse) when the offense was committed on  
23          or after August 22, 2002. If the offense was committed  
24          before August 22, 2002, it is a sex offense requiring  
25          registration only when the person is convicted of any  
26          felony after July 1, 2011, and paragraph (2.1) of

1 subsection (c) of Section 3 of this Act applies.

2 (2) A violation of any former law of this State  
3 substantially equivalent to any offense listed in  
4 subsection (B) of this Section.

5 (C) A conviction for an offense of federal law, Uniform  
6 Code of Military Justice, or the law of another state or a  
7 foreign country that is substantially equivalent to any offense  
8 listed in subsections (B), (C), (E), and (E-5) of this Section  
9 shall constitute a conviction for the purpose of this Article.  
10 A finding or adjudication as a sexually dangerous person or a  
11 sexually violent person under any federal law, Uniform Code of  
12 Military Justice, or the law of another state or foreign  
13 country that is substantially equivalent to the Sexually  
14 Dangerous Persons Act or the Sexually Violent Persons  
15 Commitment Act shall constitute an adjudication for the  
16 purposes of this Article.

17 (C-5) A person at least 17 years of age at the time of the  
18 commission of the offense who is convicted of first degree  
19 murder under Section 9-1 of the Criminal Code of 1961 or the  
20 Criminal Code of 2012, against a person under 18 years of age,  
21 shall be required to register for natural life. A conviction  
22 for an offense of federal, Uniform Code of Military Justice,  
23 sister state, or foreign country law that is substantially  
24 equivalent to any offense listed in subsection (C-5) of this  
25 Section shall constitute a conviction for the purpose of this  
26 Article. This subsection (C-5) applies to a person who

1 committed the offense before June 1, 1996 if: (i) the person is  
2 incarcerated in an Illinois Department of Corrections facility  
3 on August 20, 2004 (the effective date of Public Act 93-977),  
4 or (ii) subparagraph (i) does not apply and the person is  
5 convicted of any felony after July 1, 2011, and paragraph (2.1)  
6 of subsection (c) of Section 3 of this Act applies.

7 (C-6) A person who is convicted or adjudicated delinquent  
8 of first degree murder as defined in Section 9-1 of the  
9 Criminal Code of 1961 or the Criminal Code of 2012, against a  
10 person 18 years of age or over, shall be required to register  
11 for his or her natural life. A conviction for an offense of  
12 federal, Uniform Code of Military Justice, sister state, or  
13 foreign country law that is substantially equivalent to any  
14 offense listed in subsection (C-6) of this Section shall  
15 constitute a conviction for the purpose of this Article. This  
16 subsection (C-6) does not apply to those individuals released  
17 from incarceration more than 10 years prior to January 1, 2012  
18 (the effective date of Public Act 97-154).

19 (D) As used in this Article, "law enforcement agency having  
20 jurisdiction" means the Chief of Police in each of the  
21 municipalities in which the sex offender expects to reside,  
22 work, or attend school (1) upon his or her discharge, parole or  
23 release or (2) during the service of his or her sentence of  
24 probation or conditional discharge, or the Sheriff of the  
25 county, in the event no Police Chief exists or if the offender  
26 intends to reside, work, or attend school in an unincorporated

1 area. "Law enforcement agency having jurisdiction" includes  
2 the location where out-of-state students attend school and  
3 where out-of-state employees are employed or are otherwise  
4 required to register.

5 (D-1) As used in this Article, "supervising officer" means  
6 the assigned Illinois Department of Corrections parole agent or  
7 county probation officer.

8 (E) As used in this Article, "sexual predator" means any  
9 person who, after July 1, 1999, is:

10 (1) Convicted for an offense of federal, Uniform Code  
11 of Military Justice, sister state, or foreign country law  
12 that is substantially equivalent to any offense listed in  
13 subsection (E) or (E-5) of this Section shall constitute a  
14 conviction for the purpose of this Article. Convicted of a  
15 violation or attempted violation of any of the following  
16 Sections of the Criminal Code of 1961 or the Criminal Code  
17 of 2012:

18 10-5.1 (luring of a minor),

19 11-14.4 that involves keeping a place of juvenile  
20 prostitution, or 11-17.1 (keeping a place of juvenile  
21 prostitution),

22 subdivision (a) (2) or (a) (3) of Section 11-14.4,  
23 or Section 11-19.1 (juvenile pimping),

24 subdivision (a) (4) of Section 11-14.4, or Section  
25 11-19.2 (exploitation of a child),

26 11-20.1 (child pornography),

1           11-20.1B     or     11-20.3     (aggravated     child  
2     pornography),

3           11-1.20 or 12-13 (criminal sexual assault),

4           11-1.30   or   12-14   (aggravated   criminal   sexual  
5     assault),

6           11-1.40   or   12-14.1   (predatory   criminal   sexual  
7     assault of a child),

8           11-1.60   or   12-16   (aggravated   criminal   sexual  
9     abuse),

10          12-33 (ritualized abuse of a child);

11          (2) (blank);

12          (3) declared as a sexually dangerous person pursuant to  
13     the Sexually Dangerous Persons Act or any substantially  
14     similar federal, Uniform Code of Military Justice, sister  
15     state, or foreign country law;

16          (4) found to be a sexually violent person pursuant to  
17     the Sexually Violent Persons Commitment Act or any  
18     substantially similar federal, Uniform Code of Military  
19     Justice, sister state, or foreign country law;

20          (5) convicted of a second or subsequent offense which  
21     requires registration pursuant to this Act. For purposes of  
22     this paragraph (5), "convicted" shall include a conviction  
23     under any substantially similar Illinois, federal, Uniform  
24     Code of Military Justice, sister state, or foreign country  
25     law;

26          (6) (blank); or

1           (7) if the person was convicted of an offense set forth  
2           in this subsection (E) on or before July 1, 1999, the  
3           person is a sexual predator for whom registration is  
4           required only when the person is convicted of a felony  
5           offense after July 1, 2011, and paragraph (2.1) of  
6           subsection (c) of Section 3 of this Act applies.

7           (E-5) As used in this Article, "sexual predator" also means  
8           a person convicted of a violation or attempted violation of any  
9           of the following Sections of the Criminal Code of 1961 or the  
10          Criminal Code of 2012:

11           (1) Section 9-1 (first degree murder, when the victim  
12           was a person under 18 years of age and the defendant was at  
13           least 17 years of age at the time of the commission of the  
14           offense, provided the offense was sexually motivated as  
15           defined in Section 10 of the Sex Offender Management Board  
16           Act);

17           (2) Section 11-9.5 (sexual misconduct with a person  
18           with a disability);

19           (3) when the victim is a person under 18 years of age,  
20           the defendant is not a parent of the victim, the offense  
21           was sexually motivated as defined in Section 10 of the Sex  
22           Offender Management Board Act, and the offense was  
23           committed on or after January 1, 1996: (A) Section 10-1  
24           (kidnapping), (B) Section 10-2 (aggravated kidnapping),  
25           (C) Section 10-3 (unlawful restraint), and (D) Section  
26           10-3.1 (aggravated unlawful restraint); and

1           (4) Section 10-5(b)(10) (child abduction committed by  
2           luring or attempting to lure a child under the age of 16  
3           into a motor vehicle, building, house trailer, or dwelling  
4           place without the consent of the parent or lawful custodian  
5           of the child for other than a lawful purpose and the  
6           offense was committed on or after January 1, 1998, provided  
7           the offense was sexually motivated as defined in Section 10  
8           of the Sex Offender Management Board Act).

9           (E-10) As used in this Article, "sexual predator" also  
10          means a person required to register in another State due to a  
11          conviction, adjudication or other action of any court  
12          triggering an obligation to register as a sex offender, sexual  
13          predator, or substantially similar status under the laws of  
14          that State.

15          (F) As used in this Article, "out-of-state student" means  
16          any sex offender, as defined in this Section, or sexual  
17          predator who is enrolled in Illinois, on a full-time or  
18          part-time basis, in any public or private educational  
19          institution, including, but not limited to, any secondary  
20          school, trade or professional institution, or institution of  
21          higher learning.

22          (G) As used in this Article, "out-of-state employee" means  
23          any sex offender, as defined in this Section, or sexual  
24          predator who works in Illinois, regardless of whether the  
25          individual receives payment for services performed, for a  
26          period of time of 10 or more days or for an aggregate period of



1 time of 30 or more days during any calendar year. Persons who  
2 operate motor vehicles in the State accrue one day of  
3 employment time for any portion of a day spent in Illinois.

4 (H) As used in this Article, "school" means any public or  
5 private educational institution, including, but not limited  
6 to, any elementary or secondary school, trade or professional  
7 institution, or institution of higher education.

8 (I) As used in this Article, "fixed residence" means any  
9 and all places that a sex offender resides for an aggregate  
10 period of time of 5 or more days in a calendar year.

11 (J) As used in this Article, "Internet protocol address"  
12 means the string of numbers by which a location on the Internet  
13 is identified by routers or other computers connected to the  
14 Internet.

15 (Source: P.A. 96-301, eff. 8-11-09; 96-1089, eff. 1-1-11;  
16 96-1551, eff. 7-1-11; 97-154, eff. 1-1-12; 97-578, eff. 1-1-12;  
17 97-1073, eff. 1-1-13; 97-1098, eff. 1-1-13; 97-1109, eff.  
18 1-1-13; revised 9-20-12.)

19 (730 ILCS 150/3)

20 Sec. 3. Duty to register.

21 (a) A sex offender, as defined in Section 2 of this Act, or  
22 sexual predator shall, within the time period prescribed in  
23 subsections (b) and (c), register in person and provide  
24 accurate information as required by the Department of State  
25 Police. Such information shall include a current photograph,

1 current address, current place of employment, the sex  
2 offender's or sexual predator's telephone number, including  
3 cellular telephone number, the employer's telephone number,  
4 school attended, all e-mail addresses, instant messaging  
5 identities, chat room identities, and other Internet  
6 communications identities that the sex offender uses or plans  
7 to use, all Uniform Resource Locators (URLs) registered or used  
8 by the sex offender, all blogs and other Internet sites  
9 maintained by the sex offender or to which the sex offender has  
10 uploaded any content or posted any messages or information,  
11 extensions of the time period for registering as provided in  
12 this Article and, if an extension was granted, the reason why  
13 the extension was granted and the date the sex offender was  
14 notified of the extension. The information shall also include a  
15 copy of the terms and conditions of parole or release signed by  
16 the sex offender and given to the sex offender by his or her  
17 supervising officer, the county of conviction, license plate  
18 numbers for every vehicle registered in the name of the sex  
19 offender, the age of the sex offender at the time of the  
20 commission of the offense, the age of the victim at the time of  
21 the commission of the offense, and any distinguishing marks  
22 located on the body of the sex offender. A sex offender  
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 2012  
25 shall provide all Internet protocol (IP) addresses in his or  
26 her residence, registered in his or her name, accessible at his

1 or her place of employment, or otherwise under his or her  
2 control or custody. If the sex offender is a child sex offender  
3 as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
4 1961 or the Criminal Code of 2012, the sex offender shall  
5 report to the registering agency whether he or she is living in  
6 a household with a child under 18 years of age who is not his or  
7 her own child, provided that his or her own child is not the  
8 victim of the sex offense. The sex offender or sexual predator  
9 shall register:

10 (1) with the chief of police in the municipality in  
11 which he or she resides or is temporarily domiciled for a  
12 period of time of 3 or more days, unless the municipality  
13 is the City of Chicago, in which case he or she shall  
14 register at the Chicago Police Department Headquarters; or

15 (2) with the sheriff in the county in which he or she  
16 resides or is temporarily domiciled for a period of time of  
17 3 or more days in an unincorporated area or, if  
18 incorporated, no police chief exists.

19 If the sex offender or sexual predator is employed at or  
20 attends an institution of higher education, he or she shall  
21 also register:

22 (i) with:

23 (A) the chief of police in the municipality in  
24 which he or she is employed at or attends an  
25 institution of higher education, unless the  
26 municipality is the City of Chicago, in which case he

1           or she shall register at the Chicago Police Department  
2           Headquarters; or

3                   (B) the sheriff in the county in which he or she is  
4           employed or attends an institution of higher education  
5           located in an unincorporated area, or if incorporated,  
6           no police chief exists; and

7                   (ii) with the public safety or security director of the  
8           institution of higher education which he or she is employed  
9           at or attends.

10          The registration fees shall only apply to the municipality  
11          or county of primary registration, and not to campus  
12          registration.

13          For purposes of this Article, the place of residence or  
14          temporary domicile is defined as any and all places where the  
15          sex offender resides for an aggregate period of time of 3 or  
16          more days during any calendar year. Any person required to  
17          register under this Article who lacks a fixed address or  
18          temporary domicile must notify, in person, the agency of  
19          jurisdiction of his or her last known address within 3 days  
20          after ceasing to have a fixed residence.

21          A sex offender or sexual predator who is temporarily absent  
22          from his or her current address of registration for 3 or more  
23          days shall notify the law enforcement agency having  
24          jurisdiction of his or her current registration, including the  
25          itinerary for travel, in the manner provided in Section 6 of  
26          this Act for notification to the law enforcement agency having

1 jurisdiction of change of address.

2 Any person who lacks a fixed residence must report weekly,  
3 in person, with the sheriff's office of the county in which he  
4 or she is located in an unincorporated area, or with the chief  
5 of police in the municipality in which he or she is located.  
6 The agency of jurisdiction will document each weekly  
7 registration to include all the locations where the person has  
8 stayed during the past 7 days.

9 The sex offender or sexual predator shall provide accurate  
10 information as required by the Department of State Police. That  
11 information shall include the sex offender's or sexual  
12 predator's current place of employment.

13 (a-5) An out-of-state student or out-of-state employee  
14 shall, within 3 days after beginning school or employment in  
15 this State, register in person and provide accurate information  
16 as required by the Department of State Police. Such information  
17 will include current place of employment, school attended, and  
18 address in state of residence. A sex offender convicted under  
19 Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the  
20 Criminal Code of 1961 or the Criminal Code of 2012 shall  
21 provide all Internet protocol (IP) addresses in his or her  
22 residence, registered in his or her name, accessible at his or  
23 her place of employment, or otherwise under his or her control  
24 or custody. The out-of-state student or out-of-state employee  
25 shall register:

26 (1) with:

1 (A) the chief of police in the municipality in  
2 which he or she attends school or is employed for a  
3 period of time of 5 or more days or for an aggregate  
4 period of time of more than 30 days during any calendar  
5 year, unless the municipality is the City of Chicago,  
6 in which case he or she shall register at the Chicago  
7 Police Department Headquarters; or

8 (B) the sheriff in the county in which he or she  
9 attends school or is employed for a period of time of 5  
10 or more days or for an aggregate period of time of more  
11 than 30 days during any calendar year in an  
12 unincorporated area or, if incorporated, no police  
13 chief exists; and

14 (2) with the public safety or security director of the  
15 institution of higher education he or she is employed at or  
16 attends for a period of time of 5 or more days or for an  
17 aggregate period of time of more than 30 days during a  
18 calendar year.

19 The registration fees shall only apply to the municipality  
20 or county of primary registration, and not to campus  
21 registration.

22 The out-of-state student or out-of-state employee shall  
23 provide accurate information as required by the Department of  
24 State Police. That information shall include the out-of-state  
25 student's current place of school attendance or the  
26 out-of-state employee's current place of employment.

1           (a-10) Any law enforcement agency registering sex  
2 offenders or sexual predators in accordance with subsections  
3 (a) or (a-5) of this Section shall forward to the Attorney  
4 General a copy of sex offender registration forms from persons  
5 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or  
6 11-21 of the Criminal Code of 1961 or the Criminal Code of  
7 2012, including periodic and annual registrations under  
8 Section 6 of this Act.

9           (b) Any sex offender, as defined in Section 2 of this Act,  
10 or sexual predator, regardless of any initial, prior, or other  
11 registration, shall, within 3 days of beginning school, or  
12 establishing a residence, place of employment, or temporary  
13 domicile in any county, register in person as set forth in  
14 subsection (a) or (a-5).

15           (c) The registration for any person required to register  
16 under this Article shall be as follows:

17           (1) Any person registered under the Habitual Child Sex  
18 Offender Registration Act or the Child Sex Offender  
19 Registration Act prior to January 1, 1996, shall be deemed  
20 initially registered as of January 1, 1996; however, this  
21 shall not be construed to extend the duration of  
22 registration set forth in Section 7.

23           (2) Except as provided in subsection (c)(2.1) or  
24 (c)(4), any person convicted or adjudicated prior to  
25 January 1, 1996, whose liability for registration under  
26 Section 7 has not expired, shall register in person prior

1 to January 31, 1996.

2 (2.1) A sex offender or sexual predator, who has never  
3 previously been required to register under this Act, has a  
4 duty to register if the person has been convicted of any  
5 felony offense after July 1, 2011. A person who previously  
6 was required to register under this Act for a period of 10  
7 years and successfully completed that registration period  
8 has a duty to register if: (i) the person has been  
9 convicted of any felony offense after July 1, 2011, and  
10 (ii) the offense for which the 10 year registration was  
11 served currently requires a registration period of more  
12 than 10 years. Notification of an offender's duty to  
13 register under this subsection shall be pursuant to Section  
14 5-7 of this Act.

15 (2.5) Except as provided in subsection (c)(4), any  
16 person who has not been notified of his or her  
17 responsibility to register shall be notified by a criminal  
18 justice entity of his or her responsibility to register.  
19 Upon notification the person must then register within 3  
20 days of notification of his or her requirement to register.  
21 Except as provided in subsection (c)(2.1), if notification  
22 is not made within the offender's 10 year registration  
23 requirement, and the Department of State Police determines  
24 no evidence exists or indicates the offender attempted to  
25 avoid registration, the offender will no longer be required  
26 to register under this Act.



1           (3) Except as provided in subsection (c)(4), any person  
2 convicted on or after January 1, 1996, shall register in  
3 person within 3 days after the entry of the sentencing  
4 order based upon his or her conviction.

5           (4) Any person unable to comply with the registration  
6 requirements of this Article because he or she is confined,  
7 institutionalized, or imprisoned in Illinois on or after  
8 January 1, 1996, shall register in person within 3 days of  
9 discharge, parole or release.

10          (5) The person shall provide positive identification  
11 and documentation that substantiates proof of residence at  
12 the registering address.

13          (6) The person shall pay a \$100 initial registration  
14 fee and a \$100 annual renewal fee. The fees shall be used  
15 by the registering agency for official purposes. The agency  
16 shall establish procedures to document receipt and use of  
17 the funds. The law enforcement agency having jurisdiction  
18 may waive the registration fee if it determines that the  
19 person is indigent and unable to pay the registration fee.  
20 Thirty-five dollars for the initial registration fee and  
21 \$35 of the annual renewal fee shall be used by the  
22 registering agency for official purposes. Five dollars of  
23 the initial registration fee and \$5 of the annual fee shall  
24 be deposited into the Sex Offender Management Board Fund  
25 under Section 19 of the Sex Offender Management Board Act.  
26 Money deposited into the Sex Offender Management Board Fund

1 shall be administered by the Sex Offender Management Board  
2 and shall be used by the Board to comply with the  
3 provisions of the Sex Offender Management Board Act. Thirty  
4 dollars of the initial registration fee and \$30 of the  
5 annual renewal fee shall be deposited into the Sex Offender  
6 Registration Fund and shall be used by the Department of  
7 State Police to maintain and update the Illinois State  
8 Police Sex Offender Registry. Thirty dollars of the initial  
9 registration fee and \$30 of the annual renewal fee shall be  
10 deposited into the Attorney General Sex Offender  
11 Awareness, Training, and Education Fund. Moneys deposited  
12 into the Fund shall be used by the Attorney General to  
13 administer the I-SORT program and to alert and educate the  
14 public, victims, and witnesses of their rights under  
15 various victim notification laws and for training law  
16 enforcement agencies, State's Attorneys, and medical  
17 providers of their legal duties concerning the prosecution  
18 and investigation of sex offenses.

19 (d) Within 3 days after obtaining or changing employment  
20 and, if employed on January 1, 2000, within 5 days after that  
21 date, a person required to register under this Section must  
22 report, in person to the law enforcement agency having  
23 jurisdiction, the business name and address where he or she is  
24 employed. If the person has multiple businesses or work  
25 locations, every business and work location must be reported to  
26 the law enforcement agency having jurisdiction.

1 (Source: P.A. 96-1094, eff. 1-1-11; 96-1096, eff. 1-1-11;  
2 96-1097, eff. 1-1-11; 96-1102, eff. 1-1-11; 96-1104, eff.  
3 1-1-11; 96-1551, eff. 7-1-11; 97-155, eff. 1-1-12; 97-333, eff.  
4 8-12-11; 97-578, eff. 1-1-12; 97-1098, eff. 1-1-13; 97-1109,  
5 eff. 1-1-13.)

6 (730 ILCS 150/6)

7 Sec. 6. Duty to report; change of address, school, or  
8 employment; duty to inform. A person who has been adjudicated  
9 to be sexually dangerous or is a sexually violent person and is  
10 later released, or found to be no longer sexually dangerous or  
11 no longer a sexually violent person and discharged, or  
12 convicted of a violation of this Act after July 1, 2005, shall  
13 report in person to the law enforcement agency with whom he or  
14 she last registered no later than 90 days after the date of his  
15 or her last registration and every 90 days thereafter and at  
16 such other times at the request of the law enforcement agency  
17 not to exceed 4 times a year. Such sexually dangerous or  
18 sexually violent person must report all new or changed e-mail  
19 addresses, all new or changed instant messaging identities, all  
20 new or changed chat room identities, and all other new or  
21 changed Internet communications identities that the sexually  
22 dangerous or sexually violent person uses or plans to use, all  
23 new or changed Uniform Resource Locators (URLs) registered or  
24 used by the sexually dangerous or sexually violent person, and  
25 all new or changed blogs and other Internet sites maintained by

1 the sexually dangerous or sexually violent person or to which  
2 the sexually dangerous or sexually violent person has uploaded  
3 any content or posted any messages or information. Any person  
4 who lacks a fixed residence must report weekly, in person, to  
5 the appropriate law enforcement agency where the sex offender  
6 is located. Any other person who is required to register under  
7 this Article shall report in person to the appropriate law  
8 enforcement agency with whom he or she last registered within  
9 one year from the date of last registration and every year  
10 thereafter and at such other times at the request of the law  
11 enforcement agency not to exceed 4 times a year. If any person  
12 required to register under this Article lacks a fixed residence  
13 or temporary domicile, he or she must notify, in person, the  
14 agency of jurisdiction of his or her last known address within  
15 3 days after ceasing to have a fixed residence and if the  
16 offender leaves the last jurisdiction of residence, he or she,  
17 must within 3 days after leaving register in person with the  
18 new agency of jurisdiction. If any other person required to  
19 register under this Article changes his or her residence  
20 address, place of employment, telephone number, cellular  
21 telephone number, or school, he or she shall report in person,  
22 to the law enforcement agency with whom he or she last  
23 registered, his or her new address, change in employment,  
24 telephone number, cellular telephone number, or school, all new  
25 or changed e-mail addresses, all new or changed instant  
26 messaging identities, all new or changed chat room identities,

1 and all other new or changed Internet communications identities  
2 that the sex offender uses or plans to use, all new or changed  
3 Uniform Resource Locators (URLs) registered or used by the sex  
4 offender, and all new or changed blogs and other Internet sites  
5 maintained by the sex offender or to which the sex offender has  
6 uploaded any content or posted any messages or information, and  
7 register, in person, with the appropriate law enforcement  
8 agency within the time period specified in Section 3. If the  
9 sex offender is a child sex offender as defined in Section  
10 11-9.3 or 11-9.4 of the Criminal Code of 1961 or the Criminal  
11 Code of 2012, the sex offender shall within 3 days after  
12 beginning to reside in a household with a child under 18 years  
13 of age who is not his or her own child, provided that his or her  
14 own child is not the victim of the sex offense, report that  
15 information to the registering law enforcement agency. The law  
16 enforcement agency shall, within 3 days of the reporting in  
17 person by the person required to register under this Article,  
18 notify the Department of State Police of the new place of  
19 residence, change in employment, telephone number, cellular  
20 telephone number, or school.

21 If any person required to register under this Article  
22 intends to establish a residence or employment outside of the  
23 State of Illinois, at least 10 days before establishing that  
24 residence or employment, he or she shall report in person to  
25 the law enforcement agency with which he or she last registered  
26 of his or her out-of-state intended residence or employment.

1 The law enforcement agency with which such person last  
2 registered shall, within 3 days after the reporting in person  
3 of the person required to register under this Article of an  
4 address or employment change, notify the Department of State  
5 Police. The Department of State Police shall forward such  
6 information to the out-of-state law enforcement agency having  
7 jurisdiction in the form and manner prescribed by the  
8 Department of State Police.

9 (Source: P.A. 96-1094, eff. 1-1-11; 96-1104, eff. 1-1-11;  
10 97-333, eff. 8-12-11.)

11 (730 ILCS 150/8) (from Ch. 38, par. 228)

12 Sec. 8. Registration and DNA submission requirements.

13 (a) Registration. Registration as required by this Article  
14 shall consist of a statement in writing signed by the person  
15 giving the information that is required by the Department of  
16 State Police, which may include the fingerprints and must  
17 include a current photograph of the person, to be updated  
18 annually. If the sex offender is a child sex offender as  
19 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
20 1961 or the Criminal Code of 2012, he or she shall sign a  
21 statement that he or she understands that according to Illinois  
22 law as a child sex offender he or she may not reside within 500  
23 feet of a school, park, or playground. The offender may also  
24 not reside within 500 feet of a facility providing services  
25 directed exclusively toward persons under 18 years of age

1 unless the sex offender meets specified exemptions. The  
2 registration information must include whether the person is a  
3 sex offender as defined in the Sex Offender Community  
4 Notification Law. Within 3 days, the registering law  
5 enforcement agency shall forward any required information to  
6 the Department of State Police. The registering law enforcement  
7 agency shall enter the information into the Law Enforcement  
8 Agencies Data System (LEADS) as provided in Sections 6 and 7 of  
9 the Intergovernmental Missing Child Recovery Act of 1984.

10 (b) DNA submission. Every person registering as a sex  
11 offender pursuant to this Act, regardless of the date of  
12 conviction or the date of initial registration who is required  
13 to submit specimens of blood, saliva, or tissue for DNA  
14 analysis as required by subsection (a) of Section 5-4-3 of the  
15 Unified Code of Corrections shall submit the specimens as  
16 required by that Section. Registered sex offenders who have  
17 previously submitted a DNA specimen which has been uploaded to  
18 the Illinois DNA database shall not be required to submit an  
19 additional specimen pursuant to this Section.

20 (Source: P.A. 97-383, eff. 1-1-12.)

21 Section 695. The Murderer and Violent Offender Against  
22 Youth Registration Act is amended by changing Section 5 as  
23 follows:

24 (730 ILCS 154/5)

1           Sec. 5. Definitions.

2           (a) As used in this Act, "violent offender against youth"  
3 means any person who is:

4           (1) charged pursuant to Illinois law, or any  
5 substantially similar federal, Uniform Code of Military  
6 Justice, sister state, or foreign country law, with a  
7 violent offense against youth set forth in subsection (b)  
8 of this Section or the attempt to commit an included  
9 violent offense against youth, and:

10           (A) is convicted of such offense or an attempt to  
11 commit such offense; or

12           (B) is found not guilty by reason of insanity of  
13 such offense or an attempt to commit such offense; or

14           (C) is found not guilty by reason of insanity  
15 pursuant to subsection (c) of Section 104-25 of the  
16 Code of Criminal Procedure of 1963 of such offense or  
17 an attempt to commit such offense; or

18           (D) is the subject of a finding not resulting in an  
19 acquittal at a hearing conducted pursuant to  
20 subsection (a) of Section 104-25 of the Code of  
21 Criminal Procedure of 1963 for the alleged commission  
22 or attempted commission of such offense; or

23           (E) is found not guilty by reason of insanity  
24 following a hearing conducted pursuant to a federal,  
25 Uniform Code of Military Justice, sister state, or  
26 foreign country law substantially similar to



1 subsection (c) of Section 104-25 of the Code of  
2 Criminal Procedure of 1963 of such offense or of the  
3 attempted commission of such offense; or

4 (F) is the subject of a finding not resulting in an  
5 acquittal at a hearing conducted pursuant to a federal,  
6 Uniform Code of Military Justice, sister state, or  
7 foreign country law substantially similar to  
8 subsection (c) of Section 104-25 of the Code of  
9 Criminal Procedure of 1963 for the alleged violation or  
10 attempted commission of such offense; or

11 (2) adjudicated a juvenile delinquent as the result of  
12 committing or attempting to commit an act which, if  
13 committed by an adult, would constitute any of the offenses  
14 specified in subsection (b) or (c-5) of this Section or a  
15 violation of any substantially similar federal, Uniform  
16 Code of Military Justice, sister state, or foreign country  
17 law, or found guilty under Article V of the Juvenile Court  
18 Act of 1987 of committing or attempting to commit an act  
19 which, if committed by an adult, would constitute any of  
20 the offenses specified in subsection (b) or (c-5) of this  
21 Section or a violation of any substantially similar  
22 federal, Uniform Code of Military Justice, sister state, or  
23 foreign country law.

24 Convictions that result from or are connected with the same  
25 act, or result from offenses committed at the same time, shall  
26 be counted for the purpose of this Act as one conviction. Any

1 conviction set aside pursuant to law is not a conviction for  
2 purposes of this Act.

3 For purposes of this Section, "convicted" shall have the  
4 same meaning as "adjudicated". For the purposes of this Act, a  
5 person who is defined as a violent offender against youth as a  
6 result of being adjudicated a juvenile delinquent under  
7 paragraph (2) of this subsection (a) upon attaining 17 years of  
8 age shall be considered as having committed the violent offense  
9 against youth on or after the 17th birthday of the violent  
10 offender against youth. Registration of juveniles upon  
11 attaining 17 years of age shall not extend the original  
12 registration of 10 years from the date of conviction.

13 (b) As used in this Act, "violent offense against youth"  
14 means:

15 (1) A violation of any of the following Sections of the  
16 Criminal Code of 1961 or the Criminal Code of 2012, when  
17 the victim is a person under 18 years of age and the  
18 offense was committed on or after January 1, 1996:

19 10-1 (kidnapping),  
20 10-2 (aggravated kidnapping),  
21 10-3 (unlawful restraint),  
22 10-3.1 (aggravated unlawful restraint).

23 An attempt to commit any of these offenses.

24 (2) First degree murder under Section 9-1 of the  
25 Criminal Code of 1961 or the Criminal Code of 2012, when  
26 the victim was a person under 18 years of age and the

1 defendant was at least 17 years of age at the time of the  
2 commission of the offense.

3 (3) Child abduction under paragraph (10) of subsection  
4 (b) of Section 10-5 of the Criminal Code of 1961 or the  
5 Criminal Code of 2012 committed by luring or attempting to  
6 lure a child under the age of 16 into a motor vehicle,  
7 building, house trailer, or dwelling place without the  
8 consent of the parent or lawful custodian of the child for  
9 other than a lawful purpose and the offense was committed  
10 on or after January 1, 1998.

11 (4) A violation or attempted violation of the following  
12 Section of the Criminal Code of 1961 or the Criminal Code  
13 of 2012 when the offense was committed on or after July 1,  
14 1999:

15 10-4 (forcible detention, if the victim is under 18  
16 years of age).

17 (4.1) Involuntary manslaughter under Section 9-3 of  
18 the Criminal Code of 1961 or the Criminal Code of 2012  
19 where baby shaking was the proximate cause of death of the  
20 victim of the offense.

21 (4.2) Endangering the life or health of a child under  
22 Section 12-21.6 or 12C-5 of the Criminal Code of 1961 or  
23 the Criminal Code of 2012 that results in the death of the  
24 child where baby shaking was the proximate cause of the  
25 death of the child.

26 (4.3) Domestic battery resulting in bodily harm under

1 Section 12-3.2 of the Criminal Code of 1961 or the Criminal  
2 Code of 2012 when the defendant was 18 years or older and  
3 the victim was under 18 years of age and the offense was  
4 committed on or after July 26, 2010.

5 (4.4) A violation or attempted violation of any of the  
6 following Sections or clauses of the Criminal Code of 1961  
7 or the Criminal Code of 2012 when the victim was under 18  
8 years of age and the offense was committed on or after (1)  
9 July 26, 2000 if the defendant was 18 years of age or older  
10 or (2) July 26, 2010 and the defendant was under the age of  
11 18:

12 12-3.3 (aggravated domestic battery),  
13 12-3.05(a) (1), 12-3.05(d) (2), 12-3.05(f) (1),  
14 12-4(a), 12-4(b) (1), 12-4(b) (14) (aggravated  
15 battery),  
16 12-3.05(a) (2) or 12-4.1 (heinous battery),  
17 12-3.05(b) or 12-4.3 (aggravated battery of a  
18 child),  
19 12-3.1(a-5) or 12-4.4 (aggravated battery of an  
20 unborn child),  
21 12-33 (ritualized abuse of a child).

22 (4.5) A violation or attempted violation of any of the  
23 following Sections of the Criminal Code of 1961 or the  
24 Criminal Code of 2012 when the victim was under 18 years of  
25 age and the offense was committed on or after (1) August 1,  
26 2001 if the defendant was 18 years of age or older or (2)

1 August 1, 2011 and the defendant was under the age of 18:

2 12-3.05(e) (1), (2), (3), or (4) or 12-4.2  
3 (aggravated battery with a firearm),

4 12-3.05(e) (5), (6), (7), or (8) or 12-4.2-5  
5 (aggravated battery with a machine gun),

6 12-11 or 19-6 (home invasion).

7 (5) A violation of any former law of this State  
8 substantially equivalent to any offense listed in this  
9 subsection (b).

10 (b-5) For the purposes of this Section, "first degree  
11 murder of an adult" means first degree murder under Section 9-1  
12 of the Criminal Code of 1961 or the Criminal Code of 2012 when  
13 the victim was a person 18 years of age or older at the time of  
14 the commission of the offense.

15 (c) A conviction for an offense of federal law, Uniform  
16 Code of Military Justice, or the law of another state or a  
17 foreign country that is substantially equivalent to any offense  
18 listed in subsections (b) and (c-5) of this Section shall  
19 constitute a conviction for the purpose of this Act.

20 (c-5) A person at least 17 years of age at the time of the  
21 commission of the offense who is convicted of first degree  
22 murder under Section 9-1 of the Criminal Code of 1961 or the  
23 Criminal Code of 2012, against a person under 18 years of age,  
24 shall be required to register for natural life. A conviction  
25 for an offense of federal, Uniform Code of Military Justice,  
26 sister state, or foreign country law that is substantially

1 equivalent to any offense listed in this subsection (c-5) shall  
2 constitute a conviction for the purpose of this Act. This  
3 subsection (c-5) applies to a person who committed the offense  
4 before June 1, 1996 only if the person is incarcerated in an  
5 Illinois Department of Corrections facility on August 20, 2004.

6 (c-6) A person who is convicted or adjudicated delinquent  
7 of first degree murder of an adult shall be required to  
8 register for a period of 10 years after conviction or  
9 adjudication if not confined to a penal institution, hospital,  
10 or any other institution or facility, and if confined, for a  
11 period of 10 years after parole, discharge, or release from any  
12 such facility. A conviction for an offense of federal, Uniform  
13 Code of Military Justice, sister state, or foreign country law  
14 that is substantially equivalent to any offense listed in  
15 subsection (c-6) of this Section shall constitute a conviction  
16 for the purpose of this Act. This subsection (c-6) does not  
17 apply to those individuals released from incarceration more  
18 than 10 years prior to January 1, 2012 (the effective date of  
19 Public Act 97-154).

20 (d) As used in this Act, "law enforcement agency having  
21 jurisdiction" means the Chief of Police in each of the  
22 municipalities in which the violent offender against youth  
23 expects to reside, work, or attend school (1) upon his or her  
24 discharge, parole or release or (2) during the service of his  
25 or her sentence of probation or conditional discharge, or the  
26 Sheriff of the county, in the event no Police Chief exists or

1 if the offender intends to reside, work, or attend school in an  
2 unincorporated area. "Law enforcement agency having  
3 jurisdiction" includes the location where out-of-state  
4 students attend school and where out-of-state employees are  
5 employed or are otherwise required to register.

6 (e) As used in this Act, "supervising officer" means the  
7 assigned Illinois Department of Corrections parole agent or  
8 county probation officer.

9 (f) As used in this Act, "out-of-state student" means any  
10 violent offender against youth who is enrolled in Illinois, on  
11 a full-time or part-time basis, in any public or private  
12 educational institution, including, but not limited to, any  
13 secondary school, trade or professional institution, or  
14 institution of higher learning.

15 (g) As used in this Act, "out-of-state employee" means any  
16 violent offender against youth who works in Illinois,  
17 regardless of whether the individual receives payment for  
18 services performed, for a period of time of 10 or more days or  
19 for an aggregate period of time of 30 or more days during any  
20 calendar year. Persons who operate motor vehicles in the State  
21 accrue one day of employment time for any portion of a day  
22 spent in Illinois.

23 (h) As used in this Act, "school" means any public or  
24 private educational institution, including, but not limited  
25 to, any elementary or secondary school, trade or professional  
26 institution, or institution of higher education.

1 (i) As used in this Act, "fixed residence" means any and  
2 all places that a violent offender against youth resides for an  
3 aggregate period of time of 5 or more days in a calendar year.

4 (j) As used in this Act, "baby shaking" means the vigorous  
5 shaking of an infant or a young child that may result in  
6 bleeding inside the head and cause one or more of the following  
7 conditions: irreversible brain damage; blindness, retinal  
8 hemorrhage, or eye damage; cerebral palsy; hearing loss; spinal  
9 cord injury, including paralysis; seizures; learning  
10 disability; central nervous system injury; closed head injury;  
11 rib fracture; subdural hematoma; or death.

12 (Source: P.A. 96-1115, eff. 1-1-11; 96-1294, eff. 7-26-10;  
13 97-154, eff. 1-1-12; 97-333, eff. 8-12-11; 97-432, eff.  
14 8-16-11; 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; revised  
15 9-20-12.)

16 Section 700. The Secure Residential Youth Care Facility  
17 Licensing Act is amended by changing Section 45-30 as follows:

18 (730 ILCS 175/45-30)

19 Sec. 45-30. License or employment eligibility.

20 (a) No applicant may receive a license from the Department  
21 and no person may be employed by a licensed facility who  
22 refuses to authorize an investigation as required by Section  
23 45-25.

24 (b) No applicant may receive a license from the Department



1 and no person may be employed by a secure residential youth  
2 care facility licensed by the Department who has been declared  
3 a sexually dangerous person under the Sexually Dangerous  
4 Persons Act or convicted of committing or attempting to commit  
5 any of the following offenses under the Criminal Code of 1961  
6 or the Criminal Code of 2012:

7 (1) First degree murder.

8 (2) A sex offense under Article 11, except offenses  
9 described in Sections 11-7, 11-8, 11-12, 11-13, 11-18,  
10 11-35, 11-40, and 11-45.

11 (3) Kidnapping.

12 (4) Aggravated kidnapping.

13 (5) Child abduction.

14 (6) Aggravated battery of a child as described in  
15 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05.

16 (7) Criminal sexual assault.

17 (8) Aggravated criminal sexual assault.

18 (8.1) Predatory criminal sexual assault of a child.

19 (9) Criminal sexual abuse.

20 (10) Aggravated criminal sexual abuse.

21 (11) A federal offense or an offense in any other state  
22 the elements of which are similar to any of the foregoing  
23 offenses.

24 (Source: P.A. 96-1551, Article 1, Section 975, eff. 7-1-11;  
25 96-1551, Article 2, Section 1080, eff. 7-1-11; 97-1109, eff.  
26 1-1-13.)

1           Section 705. The Code of Civil Procedure is amended by  
2 changing Sections 8-802, 8-802.1, 8-2001.5, 9-106.2, 13-202.1,  
3 13-202.2, and 13-202.3 as follows:

4           (735 ILCS 5/8-802) (from Ch. 110, par. 8-802)

5           Sec. 8-802. Physician and patient. No physician or surgeon  
6 shall be permitted to disclose any information he or she may  
7 have acquired in attending any patient in a professional  
8 character, necessary to enable him or her professionally to  
9 serve the patient, except only (1) in trials for homicide when  
10 the disclosure relates directly to the fact or immediate  
11 circumstances of the homicide, (2) in actions, civil or  
12 criminal, against the physician for malpractice, (3) with the  
13 expressed consent of the patient, or in case of his or her  
14 death or disability, of his or her personal representative or  
15 other person authorized to sue for personal injury or of the  
16 beneficiary of an insurance policy on his or her life, health,  
17 or physical condition, or as authorized by Section 8-2001.5,  
18 (4) in all actions brought by or against the patient, his or  
19 her personal representative, a beneficiary under a policy of  
20 insurance, or the executor or administrator of his or her  
21 estate wherein the patient's physical or mental condition is an  
22 issue, (5) upon an issue as to the validity of a document as a  
23 will of the patient, (6) in any criminal action where the  
24 charge is either first degree murder by abortion, attempted

1 abortion or abortion, (7) in actions, civil or criminal,  
2 arising from the filing of a report in compliance with the  
3 Abused and Neglected Child Reporting Act, (8) to any  
4 department, agency, institution or facility which has custody  
5 of the patient pursuant to State statute or any court order of  
6 commitment, (9) in prosecutions where written results of blood  
7 alcohol tests are admissible pursuant to Section 11-501.4 of  
8 the Illinois Vehicle Code, (10) in prosecutions where written  
9 results of blood alcohol tests are admissible under Section  
10 5-11a of the Boat Registration and Safety Act, (11) in criminal  
11 actions arising from the filing of a report of suspected  
12 terrorist offense in compliance with Section 29D-10(p)(7) of  
13 the Criminal Code of 2012 ~~1961~~, or (12) upon the issuance of a  
14 subpoena pursuant to Section 38 of the Medical Practice Act of  
15 1987; the issuance of a subpoena pursuant to Section 25.1 of  
16 the Illinois Dental Practice Act; the issuance of a subpoena  
17 pursuant to Section 22 of the Nursing Home Administrators  
18 Licensing and Disciplinary Act; or the issuance of a subpoena  
19 pursuant to Section 25.5 of the Workers' Compensation Act.

20 In the event of a conflict between the application of this  
21 Section and the Mental Health and Developmental Disabilities  
22 Confidentiality Act to a specific situation, the provisions of  
23 the Mental Health and Developmental Disabilities  
24 Confidentiality Act shall control.

25 (Source: P.A. 97-18, eff. 6-28-11; 97-623, eff. 11-23-11;  
26 97-813, eff. 7-13-12.)

1 (735 ILCS 5/8-802.1) (from Ch. 110, par. 8-802.1)

2 Sec. 8-802.1. Confidentiality of Statements Made to Rape  
3 Crisis Personnel.

4 (a) Purpose. This Section is intended to protect victims of  
5 rape from public disclosure of statements they make in  
6 confidence to counselors of organizations established to help  
7 them. On or after July 1, 1984, "rape" means an act of forced  
8 sexual penetration or sexual conduct, as defined in Section  
9 11-0.1 of the Criminal Code of 2012 ~~1961, as amended~~, including  
10 acts prohibited under Sections 11-1.20 through 11-1.60 or 12-13  
11 through 12-16 of the Criminal Code of 1961 or the Criminal Code  
12 of 2012, ~~as amended~~. Because of the fear and stigma that often  
13 results from those crimes, many victims hesitate to seek help  
14 even where it is available at no cost to them. As a result they  
15 not only fail to receive needed medical care and emergency  
16 counseling, but may lack the psychological support necessary to  
17 report the crime and aid police in preventing future crimes.

18 (b) Definitions. As used in this Act:

19 (1) "Rape crisis organization" means any organization  
20 or association the major purpose of which is providing  
21 information, counseling, and psychological support to  
22 victims of any or all of the crimes of aggravated criminal  
23 sexual assault, predatory criminal sexual assault of a  
24 child, criminal sexual assault, sexual relations between  
25 siblings, criminal sexual abuse and aggravated criminal

1 sexual abuse.

2 (2) "Rape crisis counselor" means a person who is a  
3 psychologist, social worker, employee, or volunteer in any  
4 organization or association defined as a rape crisis  
5 organization under this Section, who has undergone 40 hours  
6 of training and is under the control of a direct services  
7 supervisor of a rape crisis organization.

8 (3) "Victim" means a person who is the subject of, or  
9 who seeks information, counseling, or advocacy services as  
10 a result of an aggravated criminal sexual assault,  
11 predatory criminal sexual assault of a child, criminal  
12 sexual assault, sexual relations within families, criminal  
13 sexual abuse, aggravated criminal sexual abuse, sexual  
14 exploitation of a child, indecent solicitation of a child,  
15 public indecency, exploitation of a child, promoting  
16 juvenile prostitution as described in subdivision (a)(4)  
17 of Section 11-14.4, or an attempt to commit any of these  
18 offenses.

19 (4) "Confidential communication" means any  
20 communication between a victim and a rape crisis counselor  
21 in the course of providing information, counseling, and  
22 advocacy. The term includes all records kept by the  
23 counselor or by the organization in the course of providing  
24 services to an alleged victim concerning the alleged victim  
25 and the services provided.

26 (c) Waiver of privilege.

1           (1) The confidential nature of the communication is not  
2           waived by: the presence of a third person who further  
3           expresses the interests of the victim at the time of the  
4           communication; group counseling; or disclosure to a third  
5           person with the consent of the victim when reasonably  
6           necessary to accomplish the purpose for which the counselor  
7           is consulted.

8           (2) The confidential nature of counseling records is  
9           not waived when: the victim inspects the records; or in the  
10          case of a minor child less than 12 years of age, a parent  
11          or guardian whose interests are not adverse to the minor  
12          inspects the records; or in the case of a minor victim 12  
13          years or older, a parent or guardian whose interests are  
14          not adverse to the minor inspects the records with the  
15          victim's consent, or in the case of an adult who has a  
16          guardian of his or her person, the guardian inspects the  
17          records with the victim's consent.

18          (3) When a victim is deceased, the executor or  
19          administrator of the victim's estate may waive the  
20          privilege established by this Section, unless the executor  
21          or administrator has an interest adverse to the victim.

22          (4) A minor victim 12 years of age or older may  
23          knowingly waive the privilege established in this Section.  
24          When a minor is, in the opinion of the Court, incapable of  
25          knowingly waiving the privilege, the parent or guardian of  
26          the minor may waive the privilege on behalf of the minor,

1 unless the parent or guardian has been charged with a  
2 violent crime against the victim or otherwise has any  
3 interest adverse to that of the minor with respect to the  
4 waiver of the privilege.

5 (5) An adult victim who has a guardian of his or her  
6 person may knowingly waive the privilege established in  
7 this Section. When the victim is, in the opinion of the  
8 court, incapable of knowingly waiving the privilege, the  
9 guardian of the adult victim may waive the privilege on  
10 behalf of the victim, unless the guardian has been charged  
11 with a violent crime against the victim or otherwise has  
12 any interest adverse to the victim with respect to the  
13 privilege.

14 (d) Confidentiality. Except as provided in this Act, no  
15 rape crisis counselor shall disclose any confidential  
16 communication or be examined as a witness in any civil or  
17 criminal proceeding as to any confidential communication  
18 without the written consent of the victim or a representative  
19 of the victim as provided in subparagraph (c).

20 (e) A rape crisis counselor may disclose a confidential  
21 communication without the consent of the victim if failure to  
22 disclose is likely to result in a clear, imminent risk of  
23 serious physical injury or death of the victim or another  
24 person. Any rape crisis counselor or rape crisis organization  
25 participating in good faith in the disclosing of records and  
26 communications under this Act shall have immunity from any

1 liability, civil, criminal, or otherwise that might result from  
2 the action. In any proceeding, civil or criminal, arising out  
3 of a disclosure under this Section, the good faith of any rape  
4 crisis counselor or rape crisis organization who disclosed the  
5 confidential communication shall be presumed.

6 (f) Any rape crisis counselor who knowingly discloses any  
7 confidential communication in violation of this Act commits a  
8 Class C misdemeanor.

9 (Source: P.A. 96-1010, eff. 1-1-11; 96-1551, eff. 7-1-11.)

10 (735 ILCS 5/8-2001.5)

11 Sec. 8-2001.5. Authorization for release of a deceased  
12 patient's records.

13 (a) In addition to disclosure allowed under Section 8-802,  
14 a deceased person's health care records must be released upon  
15 written request of the executor or administrator of the  
16 deceased person's estate or to an agent appointed by the  
17 deceased under a power of attorney for health care. When no  
18 executor, administrator, or agent exists, and the person did  
19 not specifically object to disclosure of his or her records in  
20 writing, then a deceased person's health care records must be  
21 released upon the written request of a person, who is  
22 considered to be a personal representative of the patient for  
23 the purpose of the release of a deceased patient's health care  
24 records, in one of these categories:

25 (1) the deceased person's surviving spouse; or





1 I certify that to the best of my knowledge and belief that  
2 no executor or administrator has been appointed for the  
3 deceased's estate, that no agent was authorized to act for the  
4 deceased under a power of attorney for health care, and the  
5 deceased has not specifically objected to disclosure in  
6 writing.

7 I certify that I am the surviving spouse of the deceased;  
8 or

9 I certify that there is no surviving spouse and my  
10 relationship to the deceased is (circle one):

11 (1) An adult son or daughter of the deceased.

12 (2) Either parent of the deceased.

13 (3) An adult brother or sister of the deceased.

14 I certify that I am seeking the records as a personal  
15 representative who is acting in a representative capacity and  
16 who is authorized to seek these records under Section 8-2001.5  
17 of the Code of Civil Procedure.

18 This certification is made under penalty of perjury.\*

19 Dated: (insert date)

1 .....  
 2 (Print Authorized Relative's Name)  
 3 .....  
 4 (Authorized Relative's Signature)  
 5 .....  
 6 (Authorized Relative's Address)

7 \* (Note: Perjury is defined in Section 32-2 of the Criminal Code  
 8 of 2012 ~~1961~~, and is a Class 3 felony.)  
 9 (Source: P.A. 97-623, eff. 11-23-11; 97-867, eff. 7-30-12.)

10 (735 ILCS 5/9-106.2)

11 Sec. 9-106.2. Affirmative defense for violence; barring  
 12 persons from property.

13 (a) It shall be an affirmative defense to an action  
 14 maintained under this Article IX if the court makes one of the  
 15 following findings that the demand for possession is:

16 (1) based solely on the tenant's, lessee's, or  
 17 household member's status as a victim of domestic violence  
 18 or sexual violence as those terms are defined in Section 10  
 19 of the Safe Homes Act, stalking as that term is defined in  
 20 the Criminal Code of 2012 ~~1961~~, or dating violence;

21 (2) based solely upon an incident of actual or  
 22 threatened domestic violence, dating violence, stalking,  
 23 or sexual violence against a tenant, lessee, or household  
 24 member;

1           (3) based solely upon criminal activity directly  
2 relating to domestic violence, dating violence, stalking,  
3 or sexual violence engaged in by a member of a tenant's or  
4 lessee's household or any guest or other person under the  
5 tenant's, lessee's, or household member's control, and  
6 against the tenant, lessee, or household member; or

7           (4) based upon a demand for possession pursuant to  
8 subsection (f) where the tenant, lessee, or household  
9 member who was the victim of domestic violence, sexual  
10 violence, stalking, or dating violence did not knowingly  
11 consent to the barred person entering the premises or a  
12 valid court order permitted the barred person's entry onto  
13 the premises.

14           (b) When asserting the affirmative defense, at least one  
15 form of the following types of evidence shall be provided to  
16 support the affirmative defense: medical, court, or police  
17 records documenting the violence or a statement from an  
18 employee of a victim service organization or from a medical  
19 professional from whom the tenant, lessee, or household member  
20 has sought services.

21           (c) Nothing in subsection (a) shall prevent the landlord  
22 from seeking possession solely against a tenant, household  
23 member, or lessee of the premises who perpetrated the violence  
24 referred to in subsection (a).

25           (d) Nothing in subsection (a) shall prevent the landlord  
26 from seeking possession against the entire household,

1 including the tenant, lessee, or household member who is a  
2 victim of domestic violence, dating violence, stalking, or  
3 sexual violence if the tenant, lessee, or household member's  
4 continued tenancy would pose an actual and imminent threat to  
5 other tenants, lessees, household members, the landlord or  
6 their agents at the property.

7 (e) Nothing in subsection (a) shall prevent the landlord  
8 from seeking possession against the tenant, lessee, or  
9 household member who is a victim of domestic violence, dating  
10 violence, stalking, or sexual violence if that tenant, lessee,  
11 or household member has committed the criminal activity on  
12 which the demand for possession is based.

13 (f) A landlord shall have the power to bar the presence of  
14 a person from the premises owned by the landlord who is not a  
15 tenant or lessee or who is not a member of the tenant's or  
16 lessee's household. A landlord bars a person from the premises  
17 by providing written notice to the tenant or lessee that the  
18 person is no longer allowed on the premises. That notice shall  
19 state that if the tenant invites the barred person onto any  
20 portion of the premises, then the landlord may treat this as a  
21 breach of the lease, whether or not this provision is contained  
22 in the lease. Subject to paragraph (4) of subsection (a), the  
23 landlord may evict the tenant.

24 (g) Further, a landlord may give notice to a person that  
25 the person is barred from the premises owned by the landlord. A  
26 person has received notice from the landlord within the meaning

1 of this subsection if he has been notified personally, either  
2 orally or in writing including a valid court order as defined  
3 by subsection (7) of Section 112A-3 of the Code of Criminal  
4 Procedure of 1963 granting remedy (2) of subsection (b) of  
5 Section 112A-14 of that Code, or if a printed or written notice  
6 forbidding such entry has been conspicuously posted or  
7 exhibited at the main entrance to such land or the forbidden  
8 part thereof. Any person entering the landlord's premises after  
9 such notice has been given shall be guilty of criminal trespass  
10 to real property as set forth in Section 21-3 of the Criminal  
11 Code of 2012 ~~1961~~. After notice has been given, an invitation  
12 to the person to enter the premises shall be void if made by a  
13 tenant, lessee, or member of the tenant's or lessee's household  
14 and shall not constitute a valid invitation to come upon the  
15 premises or a defense to a criminal trespass to real property.

16 (Source: P.A. 96-1188, eff. 7-22-10.)

17 (735 ILCS 5/13-202.1) (from Ch. 110, par. 13-202.1)

18 Sec. 13-202.1. No limitations on certain actions - Duties  
19 of Department of Corrections and State's Attorneys.

20 (a) Notwithstanding any other provision of law, any action  
21 for damages against a person, however the action may be  
22 designated, may be brought at any time if --

23 (1) the action is based upon conduct of a person which  
24 constituted the commission of first degree murder, a Class  
25 X felony, or a Class 1 felony as these terms are utilized

1 at the time of filing of the action; and

2 (2) the person was convicted of the first degree  
3 murder, Class X felony, or Class 1 felony.

4 (b) The provisions of this Section are fully applicable to  
5 convictions based upon defendant's accountability under  
6 Section 5-2 of the Criminal Code of 1961 or the Criminal Code  
7 of 2012, approved July 28, 1961, as amended.

8 (c) Paragraphs (a) and (b) above shall apply to any cause  
9 of action regardless of the date on which the defendant's  
10 conduct is alleged to have occurred or of the date of any  
11 conviction resulting therefrom. In addition, this Section  
12 shall be applied retroactively and shall revive causes of  
13 actions which otherwise may have been barred under limitations  
14 provisions in effect prior to the enactment and/or effect of  
15 P.A. 84-1450.

16 (d) Whenever there is any settlement, verdict or judgment  
17 in excess of \$500 in any court against the Department of  
18 Corrections or any past or present employee or official in  
19 favor of any person for damages incurred while the person was  
20 committed to the Department of Corrections, the Department  
21 within 14 days of the settlement, verdict or judgment shall  
22 notify the State's Attorney of the county from which the person  
23 was committed to the Department. The State's Attorney shall in  
24 turn within 14 days after receipt of the notice send the same  
25 notice to the person or persons who were the victim or victims  
26 of the crime for which the offender was committed, at their

1 last known address, along with the information that the victim  
2 or victims should contact a private attorney to advise them of  
3 their rights under the law.

4 (e) Whenever there is any settlement, verdict or judgment  
5 in excess of \$500 in any court against any county or county  
6 sheriff or any past or present employee or official in favor of  
7 any person for damages incurred while the person was  
8 incarcerated in any county jail, the county or county sheriff,  
9 within 14 days of the settlement, verdict or judgment shall  
10 notify the State's Attorney of the county from which the person  
11 was incarcerated in the county jail. The State's Attorney shall  
12 within 14 days of receipt of the notice send the same notice to  
13 the person or persons who were the victim or victims of the  
14 crime for which the offender was committed, at their last known  
15 address, along with the information that the victim or victims  
16 should contact a private attorney to advise them of their  
17 rights under the law.

18 (f) No civil action may be brought by anyone against the  
19 Department of Corrections, a State's Attorney, a County, a  
20 county sheriff, or any past or present employee or agent  
21 thereof for any alleged violation by any such entity or person  
22 of the notification requirements imposed by paragraph (d) or  
23 (e).

24 (Source: P.A. 95-975, eff. 1-1-09.)



1           Sec. 13-202.2. Childhood sexual abuse.

2           (a) In this Section:

3           "Childhood sexual abuse" means an act of sexual abuse that  
4 occurs when the person abused is under 18 years of age.

5           "Sexual abuse" includes but is not limited to sexual  
6 conduct and sexual penetration as defined in Section 11-0.1 of  
7 the Criminal Code of 2012 ~~1961~~.

8           (b) Notwithstanding any other provision of law, an action  
9 for damages for personal injury based on childhood sexual abuse  
10 must be commenced within 20 years of the date the limitation  
11 period begins to run under subsection (d) or within 20 years of  
12 the date the person abused discovers or through the use of  
13 reasonable diligence should discover both (i) that the act of  
14 childhood sexual abuse occurred and (ii) that the injury was  
15 caused by the childhood sexual abuse. The fact that the person  
16 abused discovers or through the use of reasonable diligence  
17 should discover that the act of childhood sexual abuse occurred  
18 is not, by itself, sufficient to start the discovery period  
19 under this subsection (b). Knowledge of the abuse does not  
20 constitute discovery of the injury or the causal relationship  
21 between any later-discovered injury and the abuse.

22           (c) If the injury is caused by 2 or more acts of childhood  
23 sexual abuse that are part of a continuing series of acts of  
24 childhood sexual abuse by the same abuser, then the discovery  
25 period under subsection (b) shall be computed from the date the  
26 person abused discovers or through the use of reasonable

1 diligence should discover both (i) that the last act of  
2 childhood sexual abuse in the continuing series occurred and  
3 (ii) that the injury was caused by any act of childhood sexual  
4 abuse in the continuing series. The fact that the person abused  
5 discovers or through the use of reasonable diligence should  
6 discover that the last act of childhood sexual abuse in the  
7 continuing series occurred is not, by itself, sufficient to  
8 start the discovery period under subsection (b). Knowledge of  
9 the abuse does not constitute discovery of the injury or the  
10 causal relationship between any later-discovered injury and  
11 the abuse.

12 (d) The limitation periods under subsection (b) do not  
13 begin to run before the person abused attains the age of 18  
14 years; and, if at the time the person abused attains the age of  
15 18 years he or she is under other legal disability, the  
16 limitation periods under subsection (b) do not begin to run  
17 until the removal of the disability.

18 (d-1) The limitation periods in subsection (b) do not run  
19 during a time period when the person abused is subject to  
20 threats, intimidation, manipulation, or fraud perpetrated by  
21 the abuser or by any person acting in the interest of the  
22 abuser.

23 (e) This Section applies to actions pending on the  
24 effective date of this amendatory Act of 1990 as well as to  
25 actions commenced on or after that date. The changes made by  
26 this amendatory Act of 1993 shall apply only to actions

1 commenced on or after the effective date of this amendatory Act  
2 of 1993. The changes made by this amendatory Act of the 93rd  
3 General Assembly apply to actions pending on the effective date  
4 of this amendatory Act of the 93rd General Assembly as well as  
5 actions commenced on or after that date. The changes made by  
6 this amendatory Act of the 96th General Assembly apply to  
7 actions commenced on or after the effective date of this  
8 amendatory Act of the 96th General Assembly if the action would  
9 not have been time barred under any statute of limitations or  
10 statute of repose prior to the effective date of this  
11 amendatory Act of the 96th General Assembly.

12 (Source: P.A. 96-1093, eff. 1-1-11; 96-1551, eff. 7-1-11.)

13 (735 ILCS 5/13-202.3)

14 Sec. 13-202.3. For an action arising out of an injury  
15 caused by "sexual conduct" or "sexual penetration" as defined  
16 in Section 11-0.1 of the Criminal Code of 2012 ~~1961~~, the  
17 limitation period in Section 13-202 does not run during a time  
18 period when the person injured is subject to threats,  
19 intimidation, manipulation, or fraud perpetrated by the  
20 perpetrator or by a person the perpetrator knew or should have  
21 known was acting in the interest of the perpetrator. This  
22 Section applies to causes of action arising on or after the  
23 effective date of this amendatory Act of the 95th General  
24 Assembly or to causes of action for which the limitation period  
25 has not yet expired.

1 (Source: P.A. 95-589, eff. 1-1-08; 96-1551, eff. 7-1-11.)

2 Section 710. The Stalking No Contact Order Act is amended  
3 by changing Section 90 as follows:

4 (740 ILCS 21/90)

5 Sec. 90. Accountability for actions of others. For the  
6 purposes of issuing a stalking no contact order, deciding what  
7 remedies should be included and enforcing the order, Article 5  
8 of the Criminal Code of 2012 ~~1961~~ shall govern whether  
9 respondent is legally accountable for the conduct of another  
10 person.

11 (Source: P.A. 96-246, eff. 1-1-10.)

12 Section 715. The Civil No Contact Order Act is amended by  
13 changing Sections 213 and 213.5 as follows:

14 (740 ILCS 22/213)

15 Sec. 213. Civil no contact order; remedies.

16 (a) If the court finds that the petitioner has been a  
17 victim of non-consensual sexual conduct or non-consensual  
18 sexual penetration, a civil no contact order shall issue;  
19 provided that the petitioner must also satisfy the requirements  
20 of Section 214 on emergency orders or Section 215 on plenary  
21 orders. The petitioner shall not be denied a civil no contact  
22 order because the petitioner or the respondent is a minor. The

1 court, when determining whether or not to issue a civil no  
2 contact order, may not require physical injury on the person of  
3 the victim. Modification and extension of prior civil no  
4 contact orders shall be in accordance with this Act.

5 (b) (Blank).

6 (b-5) The court may provide relief as follows:

7 (1) prohibit the respondent from knowingly coming  
8 within, or knowingly remaining within, a specified  
9 distance from the petitioner;

10 (2) restrain the respondent from having any contact,  
11 including nonphysical contact, with the petitioner  
12 directly, indirectly, or through third parties, regardless  
13 of whether those third parties know of the order;

14 (3) prohibit the respondent from knowingly coming  
15 within, or knowingly remaining within, a specified  
16 distance from the petitioner's residence, school, day care  
17 or other specified location;

18 (4) order the respondent to stay away from any property  
19 or animal owned, possessed, leased, kept, or held by the  
20 petitioner and forbid the respondent from taking,  
21 transferring, encumbering, concealing, harming, or  
22 otherwise disposing of the property or animal; and

23 (5) order any other injunctive relief as necessary or  
24 appropriate for the protection of the petitioner.

25 (b-6) When the petitioner and the respondent attend the  
26 same public or private elementary, middle, or high school, the

1 court when issuing a civil no contact order and providing  
2 relief shall consider the severity of the act, any continuing  
3 physical danger or emotional distress to the petitioner, the  
4 educational rights guaranteed to the petitioner and respondent  
5 under federal and State law, the availability of a transfer of  
6 the respondent to another school, a change of placement or a  
7 change of program of the respondent, the expense, difficulty,  
8 and educational disruption that would be caused by a transfer  
9 of the respondent to another school, and any other relevant  
10 facts of the case. The court may order that the respondent not  
11 attend the public, private, or non-public elementary, middle,  
12 or high school attended by the petitioner, order that the  
13 respondent accept a change of placement or program, as  
14 determined by the school district or private or non-public  
15 school, or place restrictions on the respondent's movements  
16 within the school attended by the petitioner. The respondent  
17 bears the burden of proving by a preponderance of the evidence  
18 that a transfer, change of placement, or change of program of  
19 the respondent is not available. The respondent also bears the  
20 burden of production with respect to the expense, difficulty,  
21 and educational disruption that would be caused by a transfer  
22 of the respondent to another school. A transfer, change of  
23 placement, or change of program is not unavailable to the  
24 respondent solely on the ground that the respondent does not  
25 agree with the school district's or private or non-public  
26 school's transfer, change of placement, or change of program or

1 solely on the ground that the respondent fails or refuses to  
2 consent to or otherwise does not take an action required to  
3 effectuate a transfer, change of placement, or change of  
4 program. When a court orders a respondent to stay away from the  
5 public, private, or non-public school attended by the  
6 petitioner and the respondent requests a transfer to another  
7 attendance center within the respondent's school district or  
8 private or non-public school, the school district or private or  
9 non-public school shall have sole discretion to determine the  
10 attendance center to which the respondent is transferred. In  
11 the event the court order results in a transfer of the minor  
12 respondent to another attendance center, a change in the  
13 respondent's placement, or a change of the respondent's  
14 program, the parents, guardian, or legal custodian of the  
15 respondent is responsible for transportation and other costs  
16 associated with the transfer or change.

17 (b-7) The court may order the parents, guardian, or legal  
18 custodian of a minor respondent to take certain actions or to  
19 refrain from taking certain actions to ensure that the  
20 respondent complies with the order. In the event the court  
21 orders a transfer of the respondent to another school, the  
22 parents or legal guardians of the respondent are responsible  
23 for transportation and other costs associated with the change  
24 of school by the respondent.

25 (c) Denial of a remedy may not be based, in whole or in  
26 part, on evidence that:

1 (1) the respondent has cause for any use of force,  
2 unless that cause satisfies the standards for justifiable  
3 use of force provided by Article 7 VII of the Criminal Code  
4 of 2012 1961;

5 (2) the respondent was voluntarily intoxicated;

6 (3) the petitioner acted in self-defense or defense of  
7 another, provided that, if the petitioner utilized force,  
8 such force was justifiable under Article 7 VII of the  
9 Criminal Code of 2012 1961;

10 (4) the petitioner did not act in self-defense or  
11 defense of another;

12 (5) the petitioner left the residence or household to  
13 avoid further non-consensual sexual conduct or  
14 non-consensual sexual penetration by the respondent; or

15 (6) the petitioner did not leave the residence or  
16 household to avoid further non-consensual sexual conduct  
17 or non-consensual sexual penetration by the respondent.

18 (d) Monetary damages are not recoverable as a remedy.

19 (Source: P.A. 96-311, eff. 1-1-10; 97-294, eff. 1-1-12.)

20 (740 ILCS 22/213.5)

21 Sec. 213.5. Accountability for actions of others. For the  
22 purposes of issuing a civil no contact order, deciding what  
23 remedies should be included and enforcing the order, Article 5  
24 of the Criminal Code of 2012 1961 shall govern whether  
25 respondent is legally accountable for the conduct of another



1 person.

2 (Source: P.A. 93-236, eff. 1-1-04.)

3 Section 720. The Crime Victims Compensation Act is amended  
4 by changing Sections 2, 6.1, and 14.1 as follows:

5 (740 ILCS 45/2) (from Ch. 70, par. 72)

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

8 (a) "Applicant" means any person who applies for  
9 compensation under this Act or any person the Court of Claims  
10 finds is entitled to compensation, including the guardian of a  
11 minor or of a person under legal disability. It includes any  
12 person who was a dependent of a deceased victim of a crime of  
13 violence for his or her support at the time of the death of  
14 that victim.

15 (b) "Court of Claims" means the Court of Claims created by  
16 the Court of Claims Act.

17 (c) "Crime of violence" means and includes any offense  
18 defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1,  
19 10-2, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-11,  
20 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-1, 12-2, 12-3, 12-3.1,  
21 12-3.2, 12-3.3, 12-3.4, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-5,  
22 12-7.1, 12-7.3, 12-7.4, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
23 12-20.5, 12-30, 20-1 or 20-1.1, or Section 12-3.05 except for  
24 subdivision (a) (4) or (g) (1), or subdivision (a) (4) of Section

1 11-14.4, of the Criminal Code of 1961 or the Criminal Code of  
2 2012, Sections 1(a) and 1(a-5) of the Cemetery Protection Act,  
3 Section 125 of the Stalking No Contact Order Act, Section 219  
4 of the Civil No Contact Order Act, driving under the influence  
5 as defined in Section 11-501 of the Illinois Vehicle Code, a  
6 violation of Section 11-401 of the Illinois Vehicle Code,  
7 provided the victim was a pedestrian or was operating a vehicle  
8 moved solely by human power or a mobility device at the time of  
9 contact, and a violation of Section 11-204.1 of the Illinois  
10 Vehicle Code; so long as the offense did not occur during a  
11 civil riot, insurrection or rebellion. "Crime of violence" does  
12 not include any other offense or accident involving a motor  
13 vehicle except those vehicle offenses specifically provided  
14 for in this paragraph. "Crime of violence" does include all of  
15 the offenses specifically provided for in this paragraph that  
16 occur within this State but are subject to federal jurisdiction  
17 and crimes involving terrorism as defined in 18 U.S.C. 2331.

18 (d) "Victim" means (1) a person killed or injured in this  
19 State as a result of a crime of violence perpetrated or  
20 attempted against him or her, (2) the spouse or parent of a  
21 person killed or injured in this State as a result of a crime  
22 of violence perpetrated or attempted against the person, (3) a  
23 person killed or injured in this State while attempting to  
24 assist a person against whom a crime of violence is being  
25 perpetrated or attempted, if that attempt of assistance would  
26 be expected of a reasonable person under the circumstances, (4)

1 a person killed or injured in this State while assisting a law  
2 enforcement official apprehend a person who has perpetrated a  
3 crime of violence or prevent the perpetration of any such crime  
4 if that assistance was in response to the express request of  
5 the law enforcement official, (5) a person who personally  
6 witnessed a violent crime, (5.1) solely for the purpose of  
7 compensating for pecuniary loss incurred for psychological  
8 treatment of a mental or emotional condition caused or  
9 aggravated by the crime, any other person under the age of 18  
10 who is the brother, sister, half brother, half sister, child,  
11 or stepchild of a person killed or injured in this State as a  
12 result of a crime of violence, (6) an Illinois resident who is  
13 a victim of a "crime of violence" as defined in this Act  
14 except, if the crime occurred outside this State, the resident  
15 has the same rights under this Act as if the crime had occurred  
16 in this State upon a showing that the state, territory,  
17 country, or political subdivision of a country in which the  
18 crime occurred does not have a compensation of victims of  
19 crimes law for which that Illinois resident is eligible, (7) a  
20 deceased person whose body is dismembered or whose remains are  
21 desecrated as the result of a crime of violence, or (8) solely  
22 for the purpose of compensating for pecuniary loss incurred for  
23 psychological treatment of a mental or emotional condition  
24 caused or aggravated by the crime, any parent, spouse, or child  
25 under the age of 18 of a deceased person whose body is  
26 dismembered or whose remains are desecrated as the result of a

1 crime of violence.

2 (e) "Dependent" means a relative of a deceased victim who  
3 was wholly or partially dependent upon the victim's income at  
4 the time of his or her death and shall include the child of a  
5 victim born after his or her death.

6 (f) "Relative" means a spouse, parent, grandparent,  
7 stepfather, stepmother, child, grandchild, brother,  
8 brother-in-law, sister, sister-in-law, half brother, half  
9 sister, spouse's parent, nephew, niece, uncle or aunt.

10 (g) "Child" means an unmarried son or daughter who is under  
11 18 years of age and includes a stepchild, an adopted child or a  
12 child born out of wedlock.

13 (h) "Pecuniary loss" means, in the case of injury,  
14 appropriate medical expenses and hospital expenses including  
15 expenses of medical examinations, rehabilitation, medically  
16 required nursing care expenses, appropriate psychiatric care  
17 or psychiatric counseling expenses, expenses for care or  
18 counseling by a licensed clinical psychologist, licensed  
19 clinical social worker, licensed professional counselor, or  
20 licensed clinical professional counselor and expenses for  
21 treatment by Christian Science practitioners and nursing care  
22 appropriate thereto; transportation expenses to and from  
23 medical and counseling treatment facilities; prosthetic  
24 appliances, eyeglasses, and hearing aids necessary or damaged  
25 as a result of the crime; replacement costs for clothing and  
26 bedding used as evidence; costs associated with temporary

1 lodging or relocation necessary as a result of the crime,  
2 including, but not limited to, the first month's rent and  
3 security deposit of the dwelling that the claimant relocated to  
4 and other reasonable relocation expenses incurred as a result  
5 of the violent crime; locks or windows necessary or damaged as  
6 a result of the crime; the purchase, lease, or rental of  
7 equipment necessary to create usability of and accessibility to  
8 the victim's real and personal property, or the real and  
9 personal property which is used by the victim, necessary as a  
10 result of the crime; the costs of appropriate crime scene  
11 clean-up; replacement services loss, to a maximum of \$1,250 per  
12 month; dependents replacement services loss, to a maximum of  
13 \$1,250 per month; loss of tuition paid to attend grammar school  
14 or high school when the victim had been enrolled as a student  
15 prior to the injury, or college or graduate school when the  
16 victim had been enrolled as a day or night student prior to the  
17 injury when the victim becomes unable to continue attendance at  
18 school as a result of the crime of violence perpetrated against  
19 him or her; loss of earnings, loss of future earnings because  
20 of disability resulting from the injury, and, in addition, in  
21 the case of death, expenses for funeral, burial, and travel and  
22 transport for survivors of homicide victims to secure bodies of  
23 deceased victims and to transport bodies for burial all of  
24 which may not exceed a maximum of \$7,500 and loss of support of  
25 the dependents of the victim; in the case of dismemberment or  
26 desecration of a body, expenses for funeral and burial, all of

1 which may not exceed a maximum of \$7,500. Loss of future  
2 earnings shall be reduced by any income from substitute work  
3 actually performed by the victim or by income he or she would  
4 have earned in available appropriate substitute work he or she  
5 was capable of performing but unreasonably failed to undertake.  
6 Loss of earnings, loss of future earnings and loss of support  
7 shall be determined on the basis of the victim's average net  
8 monthly earnings for the 6 months immediately preceding the  
9 date of the injury or on \$1,250 per month, whichever is less  
10 or, in cases where the absences commenced more than 3 years  
11 from the date of the crime, on the basis of the net monthly  
12 earnings for the 6 months immediately preceding the date of the  
13 first absence, not to exceed \$1,250 per month. If a divorced or  
14 legally separated applicant is claiming loss of support for a  
15 minor child of the deceased, the amount of support for each  
16 child shall be based either on the amount of support pursuant  
17 to the judgment prior to the date of the deceased victim's  
18 injury or death, or, if the subject of pending litigation filed  
19 by or on behalf of the divorced or legally separated applicant  
20 prior to the injury or death, on the result of that litigation.  
21 Real and personal property includes, but is not limited to,  
22 vehicles, houses, apartments, town houses, or condominiums.  
23 Pecuniary loss does not include pain and suffering or property  
24 loss or damage.

25 (i) "Replacement services loss" means expenses reasonably  
26 incurred in obtaining ordinary and necessary services in lieu

1 of those the injured person would have performed, not for  
2 income, but for the benefit of himself or herself or his or her  
3 family, if he or she had not been injured.

4 (j) "Dependents replacement services loss" means loss  
5 reasonably incurred by dependents or private legal guardians of  
6 minor dependents after a victim's death in obtaining ordinary  
7 and necessary services in lieu of those the victim would have  
8 performed, not for income, but for their benefit, if he or she  
9 had not been fatally injured.

10 (k) "Survivor" means immediate family including a parent,  
11 step-father, step-mother, child, brother, sister, or spouse.

12 (l) "Parent" means a natural parent, adopted parent,  
13 step-parent, or permanent legal guardian of another person.

14 (Source: P.A. 96-267, eff. 8-11-09; 96-863, eff. 3-1-10;  
15 96-1551, Article 1, Section 980, eff. 7-1-11; 96-1551, Article  
16 2, Section 1090, eff. 7-1-11; 97-817, eff. 1-1-13; 97-1109,  
17 eff. 1-1-13.)

18 (740 ILCS 45/6.1) (from Ch. 70, par. 76.1)

19 Sec. 6.1. Right to compensation. A person is entitled to  
20 compensation under this Act if:

21 (a) Within 2 years of the occurrence of the crime, or  
22 within one year after a criminal charge of a person for an  
23 offense, upon which the claim is based, he files an  
24 application, under oath, with the Court of Claims and on a  
25 form prescribed in accordance with Section 7.1 furnished by

1 the Attorney General. If the person entitled to  
2 compensation is under 18 years of age or under other legal  
3 disability at the time of the occurrence or becomes legally  
4 disabled as a result of the occurrence, he may file the  
5 application required by this subsection within 2 years  
6 after he attains the age of 18 years or the disability is  
7 removed, as the case may be. Legal disability includes a  
8 diagnosis of posttraumatic stress disorder.

9 (b) For all crimes of violence, except those listed in  
10 subsection (b-1) of this Section, the appropriate law  
11 enforcement officials were notified within 72 hours of the  
12 perpetration of the crime allegedly causing the death or  
13 injury to the victim or, in the event such notification was  
14 made more than 72 hours after the perpetration of the  
15 crime, the applicant establishes that such notice was  
16 timely under the circumstances.

17 (b-1) For victims of offenses defined in Sections  
18 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,  
19 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 or  
20 the Criminal Code of 2012, the appropriate law enforcement  
21 officials were notified within 7 days of the perpetration  
22 of the crime allegedly causing death or injury to the  
23 victim or, in the event that the notification was made more  
24 than 7 days after the perpetration of the crime, the  
25 applicant establishes that the notice was timely under the  
26 circumstances. If the applicant or victim has obtained an



1 order of protection, a civil no contact order, or a  
2 stalking no contact order, or has presented himself or  
3 herself to a hospital for sexual assault evidence  
4 collection and medical care, such action shall constitute  
5 appropriate notification under this subsection (b-1) or  
6 subsection (b) of this Section.

7 (c) The applicant has cooperated with law enforcement  
8 officials in the apprehension and prosecution of the  
9 assailant. If the applicant or victim has obtained an order  
10 of protection, a civil no contact order, or a stalking no  
11 contact order or has presented himself or herself to a  
12 hospital for sexual assault evidence collection and  
13 medical care, such action shall constitute cooperation  
14 under this subsection (c).

15 (d) The applicant is not the offender or an accomplice  
16 of the offender and the award would not unjustly benefit  
17 the offender or his accomplice.

18 (e) The injury to or death of the victim was not  
19 substantially attributable to his own wrongful act and was  
20 not substantially provoked by the victim.

21 (Source: P.A. 96-1551, eff. 7-1-11; 97-817, eff. 1-1-13.)

22 (740 ILCS 45/14.1) (from Ch. 70, par. 84.1)

23 Sec. 14.1. (a) Hearings shall be open to the public unless  
24 the Court of Claims determines that a closed hearing should be  
25 held because:

1           (1) the alleged assailant has not been brought to trial  
2           and a public hearing would adversely affect either his  
3           apprehension or his trial;

4           (2) the offense allegedly perpetrated against the  
5           victim is one defined in Section 11-1.20, 11-1.30, 11-1.40,  
6           12-13, 12-14, or 12-14.1 of the Criminal Code of 1961 or  
7           the Criminal Code of 2012 and the interests of the victim  
8           or of persons dependent on his support require that the  
9           public be excluded from the hearing;

10          (3) the victim or the alleged assailant is a minor; or

11          (4) the interests of justice would be frustrated,  
12          rather than furthered, if the hearing were open to the  
13          public.

14          (b) A transcript shall be kept of the hearings held before  
15          the Court of Claims. No part of the transcript of any hearing  
16          before the Court of Claims may be used for any purpose in a  
17          criminal proceeding except in the prosecution of a person  
18          alleged to have perjured himself in his testimony before the  
19          Court of Claims. A copy of the transcript may be furnished to  
20          the applicant upon his written request to the court reporter,  
21          accompanied by payment of a charge established by the Court of  
22          Claims in accordance with the prevailing commercial charge for  
23          a duplicate transcript. Where the interests of justice require,  
24          the Court of Claims may refuse to disclose the names of victims  
25          or other material in the transcript by which the identity of  
26          the victim could be discovered.

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

2 Section 725. The Insurance Claims Fraud Prevention Act is  
3 amended by changing Sections 5 and 45 as follows:

4 (740 ILCS 92/5)

5 Sec. 5. Patient and client procurement.

6 (a) Except as otherwise permitted or authorized by law, it  
7 is unlawful to knowingly offer or pay any remuneration directly  
8 or indirectly, in cash or in kind, to induce any person to  
9 procure clients or patients to obtain services or benefits  
10 under a contract of insurance or that will be the basis for a  
11 claim against an insured person or the person's insurer.  
12 Nothing in this Act shall be construed to affect any contracts  
13 or arrangements between or among insuring entities including  
14 health maintenance organizations, health care professionals,  
15 or health care facilities which are hereby excluded.

16 (b) A person who violates any provision of this Act, Section 17-8.5 or Section 17-10.5 of the Criminal Code of 1961  
17 or the Criminal Code of 2012, or Article 46 of the Criminal  
18 Code of 1961 shall be subject, in addition to any other  
19 penalties that may be prescribed by law, to a civil penalty of  
20 not less than \$5,000 nor more than \$10,000, plus an assessment  
21 of not more than 3 times the amount of each claim for  
22 compensation under a contract of insurance. The court shall  
23 have the power to grant other equitable relief, including  
24

1 temporary injunctive relief, as is necessary to prevent the  
2 transfer, concealment, or dissipation of illegal proceeds, or  
3 to protect the public. The penalty prescribed in this  
4 subsection shall be assessed for each fraudulent claim upon a  
5 person in which the defendant participated.

6 (c) The penalties set forth in subsection (b) are intended  
7 to be remedial rather than punitive, and shall not preclude,  
8 nor be precluded by, a criminal prosecution for the same  
9 conduct. If the court finds, after considering the goals of  
10 disgorging unlawful profit, restitution, compensating the  
11 State for the costs of investigation and prosecution, and  
12 alleviating the social costs of increased insurance rates due  
13 to fraud, that such a penalty would be punitive and would  
14 preclude, or be precluded by, a criminal prosecution, the court  
15 shall reduce that penalty appropriately.

16 (Source: P.A. 92-233, eff. 1-1-02.)

17 (740 ILCS 92/45)

18 Sec. 45. Time limitations.

19 (a) Except as provided in subsection (b), an action  
20 pursuant to this Act may not be filed more than 3 years after  
21 the discovery of the facts constituting the grounds for  
22 commencing the action.

23 (b) Notwithstanding subsection (a), an action may be filed  
24 pursuant to this Act within not more than 8 years after the  
25 commission of an act constituting a violation of this Act.

1 Section 17-8.5 or Section 17-10.5 of the Criminal Code of 1961  
2 or the Criminal Code of 2012, or a violation of Article 46 of  
3 the Criminal Code of 1961.  
4 (Source: P.A. 92-233, eff. 1-1-02.)

5 Section 730. The Interference With Utility Services Act is  
6 amended by changing Section 4 as follows:

7 (740 ILCS 95/4) (from Ch. 111 2/3, par. 1504)

8 Sec. 4. The rebuttable presumption provided in subsection  
9 (c) of Section 16-14 of the Criminal Code of 1961 prior to its  
10 repeal by Public Act 97-597 (effective January 1, 2012) ~~as~~  
11 ~~now or hereafter amended,~~ shall be fully applicable to all  
12 causes of actions brought pursuant to this Act. The presumption  
13 provided shall only shift the burden of going forward with  
14 evidence, and shall in no event shift the burden of proof to  
15 the defendant. Any evidence of a judgment entered based on a  
16 finding of guilt, plea of guilty or stipulation of guilt in a  
17 criminal cause of action brought pursuant to Section 16-14 of  
18 the Criminal Code of 2012 ~~1961, as now or hereafter amended,~~  
19 shall be admissible in any civil action brought pursuant to  
20 this Act to prove any fact essential to sustaining a judgment.  
21 The pendency of an appeal may be shown but does not affect the  
22 admissibility of evidence under this Section.  
23 (Source: P.A. 91-357, eff. 7-29-99.)

1           Section 735. The Mental Health and Developmental  
2           Disabilities Confidentiality Act is amended by changing  
3           Section 12 as follows:

4           (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

5           Sec. 12. (a) If the United States Secret Service or the  
6           Department of State Police requests information from a mental  
7           health or developmental disability facility, as defined in  
8           Section 1-107 and 1-114 of the Mental Health and Developmental  
9           Disabilities Code, relating to a specific recipient and the  
10          facility director determines that disclosure of such  
11          information may be necessary to protect the life of, or to  
12          prevent the infliction of great bodily harm to, a public  
13          official, or a person under the protection of the United States  
14          Secret Service, only the following information may be  
15          disclosed: the recipient's name, address, and age and the date  
16          of any admission to or discharge from a facility; and any  
17          information which would indicate whether or not the recipient  
18          has a history of violence or presents a danger of violence to  
19          the person under protection. Any information so disclosed shall  
20          be used for investigative purposes only and shall not be  
21          publicly disseminated. Any person participating in good faith  
22          in the disclosure of such information in accordance with this  
23          provision shall have immunity from any liability, civil,  
24          criminal or otherwise, if such information is disclosed relying  
25          upon the representation of an officer of the United States

1 Secret Service or the Department of State Police that a person  
2 is under the protection of the United States Secret Service or  
3 is a public official.

4 For the purpose of this subsection (a), the term "public  
5 official" means the Governor, Lieutenant Governor, Attorney  
6 General, Secretary of State, State Comptroller, State  
7 Treasurer, member of the General Assembly, member of the United  
8 States Congress, Judge of the United States as defined in 28  
9 U.S.C. 451, Justice of the United States as defined in 28  
10 U.S.C. 451, United States Magistrate Judge as defined in 28  
11 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or  
12 Supreme, Appellate, Circuit, or Associate Judge of the State of  
13 Illinois. The term shall also include the spouse, child or  
14 children of a public official.

15 (b) The Department of Human Services (acting as successor  
16 to the Department of Mental Health and Developmental  
17 Disabilities) and all public or private hospitals and mental  
18 health facilities are required, as hereafter described in this  
19 subsection, to furnish the Department of State Police only such  
20 information as may be required for the sole purpose of  
21 determining whether an individual who may be or may have been a  
22 patient is disqualified because of that status from receiving  
23 or retaining a Firearm Owner's Identification Card under  
24 subsection (e) or (f) of Section 8 of the Firearm Owners  
25 Identification Card Act or 18 U.S.C. 922(g) and (n). All public  
26 or private hospitals and mental health facilities shall, in the

1 form and manner required by the Department, provide such  
2 information as shall be necessary for the Department to comply  
3 with the reporting requirements to the Department of State  
4 Police. Such information shall be furnished within 7 days after  
5 admission to a public or private hospital or mental health  
6 facility or the provision of services to a patient described in  
7 clause (2) of this subsection (b). Any such information  
8 disclosed under this subsection shall remain privileged and  
9 confidential, and shall not be redisclosed, except as required  
10 by clause (e)(2) of Section 3.1 of the Firearm Owners  
11 Identification Card Act, nor utilized for any other purpose.  
12 The method of requiring the providing of such information shall  
13 guarantee that no information is released beyond what is  
14 necessary for this purpose. In addition, the information  
15 disclosed shall be provided by the Department within the time  
16 period established by Section 24-3 of the Criminal Code of 2012  
17 ~~1961~~ regarding the delivery of firearms. The method used shall  
18 be sufficient to provide the necessary information within the  
19 prescribed time period, which may include periodically  
20 providing lists to the Department of Human Services or any  
21 public or private hospital or mental health facility of Firearm  
22 Owner's Identification Card applicants on which the Department  
23 or hospital shall indicate the identities of those individuals  
24 who are to its knowledge disqualified from having a Firearm  
25 Owner's Identification Card for reasons described herein. The  
26 Department may provide for a centralized source of information



1 for the State on this subject under its jurisdiction.

2 Any person, institution, or agency, under this Act,  
3 participating in good faith in the reporting or disclosure of  
4 records and communications otherwise in accordance with this  
5 provision or with rules, regulations or guidelines issued by  
6 the Department shall have immunity from any liability, civil,  
7 criminal or otherwise, that might result by reason of the  
8 action. For the purpose of any proceeding, civil or criminal,  
9 arising out of a report or disclosure in accordance with this  
10 provision, the good faith of any person, institution, or agency  
11 so reporting or disclosing shall be presumed. The full extent  
12 of the immunity provided in this subsection (b) shall apply to  
13 any person, institution or agency that fails to make a report  
14 or disclosure in the good faith belief that the report or  
15 disclosure would violate federal regulations governing the  
16 confidentiality of alcohol and drug abuse patient records  
17 implementing 42 U.S.C. 290dd-3 and 290ee-3.

18 For purposes of this subsection (b) only, the following  
19 terms shall have the meaning prescribed:

20 (1) "Hospital" means only that type of institution  
21 which is providing full-time residential facilities and  
22 treatment.

23 (2) "Patient" shall include only: (i) a person who is  
24 an in-patient or resident of any public or private hospital  
25 or mental health facility or (ii) a person who is an  
26 out-patient or provided services by a public or private

1 hospital or mental health facility whose mental condition  
2 is of such a nature that it is manifested by violent,  
3 suicidal, threatening, or assaultive behavior or reported  
4 behavior, for which there is a reasonable belief by a  
5 physician, clinical psychologist, or qualified examiner  
6 that the condition poses a clear and present or imminent  
7 danger to the patient, any other person or the community  
8 meaning the patient's condition poses a clear and present  
9 danger in accordance with subsection (f) of Section 8 of  
10 the Firearm Owners Identification Card Act. The terms  
11 physician, clinical psychologist, and qualified examiner  
12 are defined in Sections 1-120, 1-103, and 1-122 of the  
13 Mental Health and Developmental Disabilities Code.

14 (3) "Mental health facility" is defined by Section  
15 1-114 of the Mental Health and Developmental Disabilities  
16 Code.

17 (c) Upon the request of a peace officer who takes a person  
18 into custody and transports such person to a mental health or  
19 developmental disability facility pursuant to Section 3-606 or  
20 4-404 of the Mental Health and Developmental Disabilities Code  
21 or who transports a person from such facility, a facility  
22 director shall furnish said peace officer the name, address,  
23 age and name of the nearest relative of the person transported  
24 to or from the mental health or developmental disability  
25 facility. In no case shall the facility director disclose to  
26 the peace officer any information relating to the diagnosis,

1 treatment or evaluation of the person's mental or physical  
2 health.

3 For the purposes of this subsection (c), the terms "mental  
4 health or developmental disability facility", "peace officer"  
5 and "facility director" shall have the meanings ascribed to  
6 them in the Mental Health and Developmental Disabilities Code.

7 (d) Upon the request of a peace officer or prosecuting  
8 authority who is conducting a bona fide investigation of a  
9 criminal offense, or attempting to apprehend a fugitive from  
10 justice, a facility director may disclose whether a person is  
11 present at the facility. Upon request of a peace officer or  
12 prosecuting authority who has a valid forcible felony warrant  
13 issued, a facility director shall disclose: (1) whether the  
14 person who is the subject of the warrant is present at the  
15 facility and (2) the date of that person's discharge or future  
16 discharge from the facility. The requesting peace officer or  
17 prosecuting authority must furnish a case number and the  
18 purpose of the investigation or an outstanding arrest warrant  
19 at the time of the request. Any person, institution, or agency  
20 participating in good faith in disclosing such information in  
21 accordance with this subsection (d) is immune from any  
22 liability, civil, criminal or otherwise, that might result by  
23 reason of the action.

24 (Source: P.A. 95-564, eff. 6-1-08; 96-193, eff. 8-10-09.)

25 Section 740. The Parental Responsibility Law is amended by

1 changing Section 3 as follows:

2 (740 ILCS 115/3) (from Ch. 70, par. 53)

3 Sec. 3. Liability. The parent or legal guardian of an  
4 unemancipated minor who resides with such parent or legal  
5 guardian is liable for actual damages for the wilful or  
6 malicious acts of such minor which cause injury to a person or  
7 property, including damages caused by a minor who has been  
8 adjudicated a delinquent for violating Section 21-1.3 of the  
9 Criminal Code of 1961 or the Criminal Code of 2012. Reasonable  
10 attorney's fees may be awarded to any plaintiff in any action  
11 under this Act. If the plaintiff is a governmental unit,  
12 reasonable attorney's fees may be awarded up to \$15,000.

13 The changes to this Section made by this amendatory Act of  
14 the 95th General Assembly apply to causes of action accruing on  
15 or after its effective date.

16 (Source: P.A. 95-914, eff. 1-1-09.)

17 Section 745. The Police Search Cost Recovery Act is amended  
18 by changing Section 1 as follows:

19 (740 ILCS 125/1) (from Ch. 70, par. 851)

20 Sec. 1. (a) When any governmental unit in this State has  
21 expended resources in a search for any person over the age of  
22 18 who has been reported as missing, a cause of action exists  
23 against the person reported missing in favor of the

1 governmental unit or units conducting a police search to  
2 recover amounts reasonably expended by the governmental unit or  
3 units where:

4 (1) Such person knew or should have known that a police  
5 search for him was in progress;

6 (2) Such person was not prevented by any other person  
7 from informing the police agency searching for him of his  
8 whereabouts and that he was not in danger, or from  
9 informing another person who could so inform the police  
10 agency; and

11 (3) Such person failed, without good cause, to inform  
12 such police agency or another person who could inform such  
13 police agency that a search was not necessary.

14 (b) When any governmental unit in this State has expended  
15 resources in a search for a noncustodial parent who conceals,  
16 detains or removes a child under the age of 18 from  
17 jurisdiction of the court in violation of a court order or  
18 without the consent of the lawful custodian of the child and in  
19 search of that child, who has been reported as missing, a cause  
20 of action exists against the noncustodial parent in favor of  
21 the governmental unit or units conducting a police search to  
22 recover amounts reasonably expended by the governmental unit or  
23 units. For purposes of subsection (b), "detains" and "lawful  
24 custodian" have the meanings ascribed to them in Section 10-5  
25 of the Criminal Code of 2012 ~~1961~~.

26 (c) The causes of action under subsections (a) and (b)

1 shall lie for all amounts reasonably expended in the search and  
2 any amounts expended in the enforcement of the actions,  
3 including reasonable attorney's fees, litigation expenses, and  
4 court costs. Punitive damages shall not be awarded.

5 (Source: P.A. 86-423; 87-1027.)

6 Section 750. The Predator Accountability Act is amended by  
7 changing Sections 10, 15, and 30 as follows:

8 (740 ILCS 128/10)

9 Sec. 10. Definitions. As used in this Act:

10 "Sex trade" means any act, which if proven beyond a  
11 reasonable doubt could support a conviction for a violation or  
12 attempted violation of any of the following Sections of the  
13 Criminal Code of 1961 or the Criminal Code of 2012: 11-14.3  
14 (promoting prostitution); 11-14.4 (promoting juvenile  
15 prostitution); 11-15 (soliciting for a prostitute); 11-15.1  
16 (soliciting for a juvenile prostitute); 11-16 (pandering);  
17 11-17 (keeping a place of prostitution); 11-17.1 (keeping a  
18 place of juvenile prostitution); 11-19 (pimping); 11-19.1  
19 (juvenile pimping and aggravated juvenile pimping); 11-19.2  
20 (exploitation of a child); 11-20 (obscenity); 11-20.1 (child  
21 pornography); or 11-20.1B or 11-20.3 (aggravated child  
22 pornography); or Section 10-9 ~~of the Criminal Code of 1961~~  
23 (trafficking in persons and involuntary servitude).

24 "Sex trade" activity may involve adults and youth of all

1 genders and sexual orientations.

2 "Victim of the sex trade" means, for the following sex  
3 trade acts, the person or persons indicated:

4 (1) soliciting for a prostitute: the prostitute who is  
5 the object of the solicitation;

6 (2) soliciting for a juvenile prostitute: the juvenile  
7 prostitute, or severely or profoundly intellectually  
8 disabled person, who is the object of the solicitation;

9 (3) promoting prostitution as described in subdivision  
10 (a) (2) (A) or (a) (2) (B) of Section 11-14.3 of the Criminal  
11 Code of 1961 or the Criminal Code of 2012, or pandering:  
12 the person intended or compelled to act as a prostitute;

13 (4) keeping a place of prostitution: any person  
14 intended or compelled to act as a prostitute, while present  
15 at the place, during the time period in question;

16 (5) keeping a place of juvenile prostitution: any  
17 juvenile intended or compelled to act as a prostitute,  
18 while present at the place, during the time period in  
19 question;

20 (6) promoting prostitution as described in subdivision  
21 (a) (2) (C) of Section 11-14.3 of the Criminal Code of 1961  
22 or the Criminal Code of 2012, or pimping: the prostitute  
23 from whom anything of value is received;

24 (7) promoting juvenile prostitution as described in  
25 subdivision (a) (2) or (a) (3) of Section 11-14.4 of the  
26 Criminal Code of 1961 or the Criminal Code of 2012, or

1 juvenile pimping and aggravated juvenile pimping: the  
2 juvenile, or severely or profoundly intellectually  
3 disabled person, from whom anything of value is received  
4 for that person's act of prostitution;

5 (8) promoting juvenile prostitution as described in  
6 subdivision (a)(4) of Section 11-14.4 of the Criminal Code  
7 of 1961 or the Criminal Code of 2012, or exploitation of a  
8 child: the juvenile, or severely or profoundly  
9 intellectually disabled person, intended or compelled to  
10 act as a prostitute or from whom anything of value is  
11 received for that person's act of prostitution;

12 (9) obscenity: any person who appears in or is  
13 described or depicted in the offending conduct or material;

14 (10) child pornography or aggravated child  
15 pornography: any child, or severely or profoundly  
16 intellectually disabled person, who appears in or is  
17 described or depicted in the offending conduct or material;  
18 or

19 (11) trafficking of persons or involuntary servitude:  
20 a "trafficking victim" as defined in Section 10-9 of the  
21 Criminal Code of 1961 or the Criminal Code of 2012.

22 (Source: P.A. 96-710, eff. 1-1-10; 96-1551, eff. 7-1-11;  
23 97-227, eff. 1-1-12; 97-897, eff. 1-1-13; 97-1109, eff.  
24 1-1-13.)



1           Sec. 15. Cause of action.

2           (a) Violations of this Act are actionable in civil court.

3           (b) A victim of the sex trade has a cause of action against  
4 a person or entity who:

5                 (1) recruits, profits from, or maintains the victim in  
6 any sex trade act;

7                 (2) intentionally abuses, as defined in Section 103 of  
8 the Illinois Domestic Violence Act of 1986, or causes  
9 bodily harm, as defined in Section 11-0.1 of the Criminal  
10 Code of 2012 ~~1961~~, to the victim in any sex trade act; or

11                 (3) knowingly advertises or publishes advertisements  
12 for purposes of recruitment into sex trade activity.

13           (c) This Section shall not be construed to create liability  
14 to any person or entity who provides goods or services to the  
15 general public, who also provides those goods or services to  
16 persons who would be liable under subsection (b) of this  
17 Section, absent a showing that the person or entity either:

18                 (1) knowingly markets or provides its goods or services  
19 primarily to persons or entities liable under subsection  
20 (b) of this Section;

21                 (2) knowingly receives a higher level of compensation  
22 from persons or entities liable under subsection (b) of  
23 this Section than it generally receives from customers; or

24                 (3) supervises or exercises control over persons or  
25 entities liable under subsection (b) of this Section.

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

1 (740 ILCS 128/30)

2 Sec. 30. Evidence. Related to a cause of action under this  
3 Act, the fact that a plaintiff or other witness has testified  
4 under oath or given evidence relating to an act that may be a  
5 violation of any provision of the Criminal Code of 2012 ~~1961~~  
6 shall not be construed to require the State's Attorney to  
7 criminally charge any person for such violation.

8 (Source: P.A. 94-998, eff. 7-3-06.)

9 Section 755. The Illinois Streetgang Terrorism Omnibus  
10 Prevention Act is amended by changing Sections 10, 40, and 45  
11 as follows:

12 (740 ILCS 147/10)

13 Sec. 10. Definitions.

14 "Course or pattern of criminal activity" means 2 or more  
15 gang-related criminal offenses committed in whole or in part  
16 within this State when:

17 (1) at least one such offense was committed after the  
18 effective date of this Act;

19 (2) both offenses were committed within 5 years of each  
20 other; and

21 (3) at least one offense involved the solicitation to  
22 commit, conspiracy to commit, attempt to commit, or  
23 commission of any offense defined as a felony or forcible

1           felony under the Criminal Code of 1961 or the Criminal Code  
2           of 2012.

3           "Course or pattern of criminal activity" also means one or  
4 more acts of criminal defacement of property under Section  
5 21-1.3 of the Criminal Code of 1961 or the Criminal Code of  
6 2012, if the defacement includes a sign or other symbol  
7 intended to identify the streetgang.

8           "Designee of State's Attorney" or "designee" means any  
9 attorney for a public authority who has received written  
10 permission from the State's Attorney to file or join in a civil  
11 action authorized by this Act.

12           "Public authority" means any unit of local government or  
13 school district created or established under the Constitution  
14 or laws of this State.

15           "State's Attorney" means the State's Attorney of any county  
16 where an offense constituting a part of a course or pattern of  
17 gang-related criminal activity has occurred or has been  
18 committed.

19           "Streetgang" or "gang" or "organized gang" or "criminal  
20 street gang" means any combination, confederation, alliance,  
21 network, conspiracy, understanding, or other similar  
22 conjoining, in law or in fact, of 3 or more persons with an  
23 established hierarchy that, through its membership or through  
24 the agency of any member engages in a course or pattern of  
25 criminal activity.

26           For purposes of this Act, it shall not be necessary to show

1 that a particular conspiracy, combination, or conjoining of  
2 persons possesses, acknowledges, or is known by any common  
3 name, insignia, flag, means of recognition, secret signal or  
4 code, creed, belief, structure, leadership or command  
5 structure, method of operation or criminal enterprise,  
6 concentration or specialty, membership, age, or other  
7 qualifications, initiation rites, geographical or territorial  
8 situs or boundary or location, or other unifying mark, manner,  
9 protocol or method of expressing or indicating membership when  
10 the conspiracy's existence, in law or in fact, can be  
11 demonstrated by a preponderance of other competent evidence.  
12 However, any evidence reasonably tending to show or  
13 demonstrate, in law or in fact, the existence of or membership  
14 in any conspiracy, confederation, or other association  
15 described herein, or probative of the existence of or  
16 membership in any such association, shall be admissible in any  
17 action or proceeding brought under this Act.

18 "Streetgang member" or "gang member" means any person who  
19 actually and in fact belongs to a gang, and any person who  
20 knowingly acts in the capacity of an agent for or accessory to,  
21 or is legally accountable for, or voluntarily associates  
22 himself with a course or pattern of gang-related criminal  
23 activity, whether in a preparatory, executory, or cover-up  
24 phase of any activity, or who knowingly performs, aids, or  
25 abets any such activity.

26 "Streetgang related" or "gang-related" means any criminal

1 activity, enterprise, pursuit, or undertaking directed by,  
2 ordered by, authorized by, consented to, agreed to, requested  
3 by, acquiesced in, or ratified by any gang leader, officer, or  
4 governing or policy-making person or authority, or by any  
5 agent, representative, or deputy of any such officer, person,  
6 or authority:

7 (1) with the intent to increase the gang's size,  
8 membership, prestige, dominance, or control in any  
9 geographical area; or

10 (2) with the intent to provide the gang with any  
11 advantage in, or any control or dominance over any criminal  
12 market sector, including but not limited to, the  
13 manufacture, delivery, or sale of controlled substances or  
14 cannabis; arson or arson-for-hire; traffic in stolen  
15 property or stolen credit cards; traffic in prostitution,  
16 obscenity, or pornography; or that involves robbery,  
17 burglary, or theft; or

18 (3) with the intent to exact revenge or retribution for  
19 the gang or any member of the gang; or

20 (4) with the intent to obstruct justice, or intimidate  
21 or eliminate any witness against the gang or any member of  
22 the gang; or

23 (5) with the intent to otherwise directly or indirectly  
24 cause any benefit, aggrandizement, gain, profit or other  
25 advantage whatsoever to or for the gang, its reputation,  
26 influence, or membership.

1 (Source: P.A. 93-337, eff. 1-1-04.)

2 (740 ILCS 147/40)

3 Sec. 40. Contraband.

4 (a) The following are declared to be contraband and no  
5 person shall have a property interest in them:

6 (1) any property that is directly or indirectly used or  
7 intended for use in any manner to facilitate streetgang  
8 related activity; and

9 (2) any property constituting or derived from gross  
10 profits or other proceeds obtained from streetgang related  
11 activity.

12 (b) Within 60 days of the date of the seizure of contraband  
13 under this Section, the State's Attorney shall initiate  
14 forfeiture proceedings as provided in Article 36 of the  
15 Criminal Code of 2012 ~~1961~~. An owner or person who has a lien  
16 on the property may establish as a defense to the forfeiture of  
17 property that is subject to forfeiture under this Section that  
18 the owner or lienholder had no knowledge that the property was  
19 acquired through a pattern of streetgang related activity.  
20 Property that is forfeited under this Section shall be disposed  
21 of as provided in Article 36 of the Criminal Code of 2012 ~~1961~~  
22 for the forfeiture of vehicles, vessels, and aircraft. The  
23 proceeds of the disposition shall be paid to the Gang Violence  
24 Victims and Witnesses Fund to be used to assist in the  
25 prosecution of gang crimes.

1 (Source: P.A. 91-876, eff. 1-1-01.)

2 (740 ILCS 147/45)

3 Sec. 45. Abatement as public nuisance.

4 (a) Any real property that is erected, established,  
5 maintained, owned, leased, or used by any streetgang for the  
6 purpose of conducting streetgang related activity constitutes  
7 a public nuisance and may be abated as provided in Article 37  
8 of the Criminal Code of 2012 ~~1961~~ relating to public nuisances.

9 (b) An action to abate a nuisance under this Section may be  
10 brought by the State's Attorney of the county where the seizure  
11 occurred.

12 (c) Any person who is injured by reason of streetgang  
13 related activity shall have a cause of action for 3 times the  
14 actual damages sustained and, if appropriate, punitive  
15 damages; however, no cause of action shall arise under this  
16 subsection (c) as a result of an otherwise legitimate  
17 commercial transaction between parties to a contract or  
18 agreement for the sale of lawful goods or property or the sale  
19 of securities regulated by the Illinois Securities Law of 1953  
20 or by the federal Securities and Exchange Commission. The  
21 person shall also recover reasonable attorney's fees, costs,  
22 and expenses.

23 (Source: P.A. 91-876, eff. 1-1-01.)

24 Section 757. The Federal Law Enforcement Officer Immunity

1 Act is amended by changing Section 10 as follows:

2 (745 ILCS 22/10)

3 Sec. 10. Immunity. A federal law enforcement officer while  
4 acting as a peace officer under Section 2-13 of the Criminal  
5 Code of 2012 ~~1961~~ is not liable for his or her act or omission  
6 in the execution or enforcement of any law unless the act or  
7 omission constitutes wilful and wanton conduct.

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

9 Section 760. The Illinois Marriage and Dissolution of  
10 Marriage Act is amended by changing Sections 503, 601, 607, and  
11 607.1 as follows:

12 (750 ILCS 5/503) (from Ch. 40, par. 503)

13 Sec. 503. Disposition of property.

14 (a) For purposes of this Act, "marital property" means all  
15 property acquired by either spouse subsequent to the marriage,  
16 except the following, which is known as "non-marital property":

17 (1) property acquired by gift, legacy or descent;

18 (2) property acquired in exchange for property  
19 acquired before the marriage or in exchange for property  
20 acquired by gift, legacy or descent;

21 (3) property acquired by a spouse after a judgment of  
22 legal separation;

23 (4) property excluded by valid agreement of the



1 parties;

2 (5) any judgment or property obtained by judgment  
3 awarded to a spouse from the other spouse;

4 (6) property acquired before the marriage;

5 (7) the increase in value of property acquired by a  
6 method listed in paragraphs (1) through (6) of this  
7 subsection, irrespective of whether the increase results  
8 from a contribution of marital property, non-marital  
9 property, the personal effort of a spouse, or otherwise,  
10 subject to the right of reimbursement provided in  
11 subsection (c) of this Section; and

12 (8) income from property acquired by a method listed in  
13 paragraphs (1) through (7) of this subsection if the income  
14 is not attributable to the personal effort of a spouse.

15 (b) (1) For purposes of distribution of property pursuant to  
16 this Section, all property acquired by either spouse after the  
17 marriage and before a judgment of dissolution of marriage or  
18 declaration of invalidity of marriage, including non-marital  
19 property transferred into some form of co-ownership between the  
20 spouses, is presumed to be marital property, regardless of  
21 whether title is held individually or by the spouses in some  
22 form of co-ownership such as joint tenancy, tenancy in common,  
23 tenancy by the entirety, or community property. The presumption  
24 of marital property is overcome by a showing that the property  
25 was acquired by a method listed in subsection (a) of this  
26 Section.

1           (2) For purposes of distribution of property pursuant to  
2 this Section, all pension benefits (including pension benefits  
3 under the Illinois Pension Code) acquired by either spouse  
4 after the marriage and before a judgment of dissolution of  
5 marriage or declaration of invalidity of the marriage are  
6 presumed to be marital property, regardless of which spouse  
7 participates in the pension plan. The presumption that these  
8 pension benefits are marital property is overcome by a showing  
9 that the pension benefits were acquired by a method listed in  
10 subsection (a) of this Section. The right to a division of  
11 pension benefits in just proportions under this Section is  
12 enforceable under Section 1-119 of the Illinois Pension Code.

13           The value of pension benefits in a retirement system  
14 subject to the Illinois Pension Code shall be determined in  
15 accordance with the valuation procedures established by the  
16 retirement system.

17           The recognition of pension benefits as marital property and  
18 the division of those benefits pursuant to a Qualified Illinois  
19 Domestic Relations Order shall not be deemed to be a  
20 diminishment, alienation, or impairment of those benefits. The  
21 division of pension benefits is an allocation of property in  
22 which each spouse has a species of common ownership.

23           (3) For purposes of distribution of property under this  
24 Section, all stock options granted to either spouse after the  
25 marriage and before a judgment of dissolution of marriage or  
26 declaration of invalidity of marriage, whether vested or

1 non-vested or whether their value is ascertainable, are  
2 presumed to be marital property. This presumption of marital  
3 property is overcome by a showing that the stock options were  
4 acquired by a method listed in subsection (a) of this Section.  
5 The court shall allocate stock options between the parties at  
6 the time of the judgment of dissolution of marriage or  
7 declaration of invalidity of marriage recognizing that the  
8 value of the stock options may not be then determinable and  
9 that the actual division of the options may not occur until a  
10 future date. In making the allocation between the parties, the  
11 court shall consider, in addition to the factors set forth in  
12 subsection (d) of this Section, the following:

13 (i) All circumstances underlying the grant of the stock  
14 option including but not limited to whether the grant was  
15 for past, present, or future efforts, or any combination  
16 thereof.

17 (ii) The length of time from the grant of the option to  
18 the time the option is exercisable.

19 (b-5) As to any policy of life insurance insuring the life  
20 of either spouse, or any interest in such policy, that  
21 constitutes marital property, whether whole life, term life,  
22 group term life, universal life, or other form of life  
23 insurance policy, and whether or not the value is  
24 ascertainable, the court shall allocate ownership, death  
25 benefits or the right to assign death benefits, and the  
26 obligation for premium payments, if any, equitably between the

1 parties at the time of the judgment for dissolution or  
2 declaration of invalidity of marriage.

3 (c) Commingled marital and non-marital property shall be  
4 treated in the following manner, unless otherwise agreed by the  
5 spouses:

6 (1) When marital and non-marital property are  
7 commingled by contributing one estate of property into  
8 another resulting in a loss of identity of the contributed  
9 property, the classification of the contributed property  
10 is transmuted to the estate receiving the contribution,  
11 subject to the provisions of paragraph (2) of this  
12 subsection; provided that if marital and non-marital  
13 property are commingled into newly acquired property  
14 resulting in a loss of identity of the contributing  
15 estates, the commingled property shall be deemed  
16 transmuted to marital property, subject to the provisions  
17 of paragraph (2) of this subsection.

18 (2) When one estate of property makes a contribution to  
19 another estate of property, or when a spouse contributes  
20 personal effort to non-marital property, the contributing  
21 estate shall be reimbursed from the estate receiving the  
22 contribution notwithstanding any transmutation; provided,  
23 that no such reimbursement shall be made with respect to a  
24 contribution which is not retraceable by clear and  
25 convincing evidence, or was a gift, or, in the case of a  
26 contribution of personal effort of a spouse to non-marital

1 property, unless the effort is significant and results in  
2 substantial appreciation of the non-marital property.  
3 Personal effort of a spouse shall be deemed a contribution  
4 by the marital estate. The court may provide for  
5 reimbursement out of the marital property to be divided or  
6 by imposing a lien against the non-marital property which  
7 received the contribution.

8 (d) In a proceeding for dissolution of marriage or  
9 declaration of invalidity of marriage, or in a proceeding for  
10 disposition of property following dissolution of marriage by a  
11 court which lacked personal jurisdiction over the absent spouse  
12 or lacked jurisdiction to dispose of the property, the court  
13 shall assign each spouse's non-marital property to that spouse.  
14 It also shall divide the marital property without regard to  
15 marital misconduct in just proportions considering all  
16 relevant factors, including:

17 (1) the contribution of each party to the acquisition,  
18 preservation, or increase or decrease in value of the  
19 marital or non-marital property, including (i) any such  
20 decrease attributable to a payment deemed to have been an  
21 advance from the parties' marital estate under subsection  
22 (c-1)(2) of Section 501 and (ii) the contribution of a  
23 spouse as a homemaker or to the family unit;

24 (2) the dissipation by each party of the marital or  
25 non-marital property, provided that a party's claim of  
26 dissipation is subject to the following conditions:

1           (i) a notice of intent to claim dissipation shall  
2           be given no later than 60 days before trial or 30 days  
3           after discovery closes, whichever is later;

4           (ii) the notice of intent to claim dissipation  
5           shall contain, at a minimum, a date or period of time  
6           during which the marriage began undergoing an  
7           irretrievable breakdown, an identification of the  
8           property dissipated, and a date or period of time  
9           during which the dissipation occurred;

10          (iii) the notice of intent to claim dissipation  
11          shall be filed with the clerk of the court and be  
12          served pursuant to applicable rules;

13          (iv) no dissipation shall be deemed to have  
14          occurred prior to 5 years before the filing of the  
15          petition for dissolution of marriage, or 3 years after  
16          the party claiming dissipation knew or should have  
17          known of the dissipation;

18          (3) the value of the property assigned to each spouse;

19          (4) the duration of the marriage;

20          (5) the relevant economic circumstances of each spouse  
21          when the division of property is to become effective,  
22          including the desirability of awarding the family home, or  
23          the right to live therein for reasonable periods, to the  
24          spouse having custody of the children;

25          (6) any obligations and rights arising from a prior  
26          marriage of either party;

- 1           (7) any antenuptial agreement of the parties;
- 2           (8) the age, health, station, occupation, amount and  
3 sources of income, vocational skills, employability,  
4 estate, liabilities, and needs of each of the parties;
- 5           (9) the custodial provisions for any children;
- 6           (10) whether the apportionment is in lieu of or in  
7 addition to maintenance;
- 8           (11) the reasonable opportunity of each spouse for  
9 future acquisition of capital assets and income; and
- 10           (12) the tax consequences of the property division upon  
11 the respective economic circumstances of the parties.

12           (e) Each spouse has a species of common ownership in the  
13 marital property which vests at the time dissolution  
14 proceedings are commenced and continues only during the  
15 pendency of the action. Any such interest in marital property  
16 shall not encumber that property so as to restrict its  
17 transfer, assignment or conveyance by the title holder unless  
18 such title holder is specifically enjoined from making such  
19 transfer, assignment or conveyance.

20           (f) In a proceeding for dissolution of marriage or  
21 declaration of invalidity of marriage or in a proceeding for  
22 disposition of property following dissolution of marriage by a  
23 court that lacked personal jurisdiction over the absent spouse  
24 or lacked jurisdiction to dispose of the property, the court,  
25 in determining the value of the marital and non-marital  
26 property for purposes of dividing the property, shall value the

1 property as of the date of trial or some other date as close to  
2 the date of trial as is practicable.

3 (g) The court if necessary to protect and promote the best  
4 interests of the children may set aside a portion of the  
5 jointly or separately held estates of the parties in a separate  
6 fund or trust for the support, maintenance, education, physical  
7 and mental health, and general welfare of any minor, dependent,  
8 or incompetent child of the parties. In making a determination  
9 under this subsection, the court may consider, among other  
10 things, the conviction of a party of any of the offenses set  
11 forth in Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,  
12 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-13, 12-14, 12-14.1,  
13 12-15, or 12-16, or Section 12-3.05 except for subdivision  
14 (a) (4) or (g) (1), of the Criminal Code of 1961 or the Criminal  
15 Code of 2012 if the victim is a child of one or both of the  
16 parties, and there is a need for, and cost of, care, healing  
17 and counseling for the child who is the victim of the crime.

18 (h) Unless specifically directed by a reviewing court, or  
19 upon good cause shown, the court shall not on remand consider  
20 any increase or decrease in the value of any "marital" or  
21 "non-marital" property occurring since the assessment of such  
22 property at the original trial or hearing, but shall use only  
23 that assessment made at the original trial or hearing.

24 (i) The court may make such judgments affecting the marital  
25 property as may be just and may enforce such judgments by  
26 ordering a sale of marital property, with proceeds therefrom to



1 be applied as determined by the court.

2 (j) After proofs have closed in the final hearing on all  
3 other issues between the parties (or in conjunction with the  
4 final hearing, if all parties so stipulate) and before judgment  
5 is entered, a party's petition for contribution to fees and  
6 costs incurred in the proceeding shall be heard and decided, in  
7 accordance with the following provisions:

8 (1) A petition for contribution, if not filed before  
9 the final hearing on other issues between the parties,  
10 shall be filed no later than 30 days after the closing of  
11 proofs in the final hearing or within such other period as  
12 the court orders.

13 (2) Any award of contribution to one party from the  
14 other party shall be based on the criteria for division of  
15 marital property under this Section 503 and, if maintenance  
16 has been awarded, on the criteria for an award of  
17 maintenance under Section 504.

18 (3) The filing of a petition for contribution shall not  
19 be deemed to constitute a waiver of the attorney-client  
20 privilege between the petitioning party and current or  
21 former counsel; and such a waiver shall not constitute a  
22 prerequisite to a hearing for contribution. If either  
23 party's presentation on contribution, however, includes  
24 evidence within the scope of the attorney-client  
25 privilege, the disclosure or disclosures shall be narrowly  
26 construed and shall not be deemed by the court to

1           constitute a general waiver of the privilege as to matters  
2           beyond the scope of the presentation.

3           (4) No finding on which a contribution award is based  
4           or denied shall be asserted against counsel or former  
5           counsel for purposes of any hearing under subsection (c) or  
6           (e) of Section 508.

7           (5) A contribution award (payable to either the  
8           petitioning party or the party's counsel, or jointly, as  
9           the court determines) may be in the form of either a set  
10          dollar amount or a percentage of fees and costs (or a  
11          portion of fees and costs) to be subsequently agreed upon  
12          by the petitioning party and counsel or, alternatively,  
13          thereafter determined in a hearing pursuant to subsection  
14          (c) of Section 508 or previously or thereafter determined  
15          in an independent proceeding under subsection (e) of  
16          Section 508.

17          (6) The changes to this Section 503 made by this  
18          amendatory Act of 1996 apply to cases pending on or after  
19          June 1, 1997, except as otherwise provided in Section 508.

20          The changes made to this Section by this amendatory Act of  
21          the 97th General Assembly apply only to petitions for  
22          dissolution of marriage filed on or after the effective date of  
23          this amendatory Act of the 97th General Assembly.

24          (Source: P.A. 96-583, eff. 1-1-10; 96-1551, Article 1, Section  
25          985, eff. 7-1-11; 96-1551, Article 2, Section 1100, eff.  
26          7-1-11; 97-608, eff. 1-1-12; 97-941, eff. 1-1-13; 97-1109, eff.

1 1-1-13.)

2 (750 ILCS 5/601) (from Ch. 40, par. 601)

3 Sec. 601. Jurisdiction; Commencement of Proceeding.

4 (a) A court of this State competent to decide child custody  
5 matters has jurisdiction to make a child custody determination  
6 in original or modification proceedings as provided in Section  
7 201 of the Uniform Child-Custody Jurisdiction and Enforcement  
8 Act as adopted by this State.

9 (b) A child custody proceeding is commenced in the court:

10 (1) by a parent, by filing a petition:

11 (i) for dissolution of marriage or legal  
12 separation or declaration of invalidity of marriage;  
13 or

14 (ii) for custody of the child, in the county in  
15 which he is permanently resident or found;

16 (2) by a person other than a parent, by filing a  
17 petition for custody of the child in the county in which he  
18 is permanently resident or found, but only if he is not in  
19 the physical custody of one of his parents; or

20 (3) by a stepparent, by filing a petition, if all of  
21 the following circumstances are met:

22 (A) the child is at least 12 years old;

23 (B) the custodial parent and stepparent were  
24 married for at least 5 years during which the child  
25 resided with the parent and stepparent;

1 (C) the custodial parent is deceased or is disabled  
2 and cannot perform the duties of a parent to the child;

3 (D) the stepparent provided for the care, control,  
4 and welfare to the child prior to the initiation of  
5 custody proceedings;

6 (E) the child wishes to live with the stepparent;  
7 and

8 (F) it is alleged to be in the best interests and  
9 welfare of the child to live with the stepparent as  
10 provided in Section 602 of this Act.

11 (4) When one of the parents is deceased, by a  
12 grandparent who is a parent or stepparent of a deceased  
13 parent, by filing a petition, if one or more of the  
14 following existed at the time of the parent's death:

15 (A) the surviving parent had been absent from the  
16 marital abode for more than one month without the  
17 deceased spouse knowing his or her whereabouts;

18 (B) the surviving parent was in State or federal  
19 custody; or

20 (C) the surviving parent had: (i) received  
21 supervision for or been convicted of any violation of  
22 Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,  
23 11-1.70, 12C-5, 12C-10, 12C-35, 12C-40, 12C-45, 18-6,  
24 19-6, or Article 12 of the Criminal Code of 1961 or the  
25 Criminal Code of 2012 directed towards the deceased  
26 parent or the child; or (ii) received supervision or

1           been convicted of violating an order of protection  
2           entered under Section 217, 218, or 219 of the Illinois  
3           Domestic Violence Act of 1986 for the protection of the  
4           deceased parent or the child.

5           (c) Notice of a child custody proceeding, including an  
6           action for modification of a previous custody order, shall be  
7           given to the child's parents, guardian and custodian, who may  
8           appear, be heard, and file a responsive pleading. The court,  
9           upon showing of good cause, may permit intervention of other  
10          interested parties.

11          (d) Proceedings for modification of a previous custody  
12          order commenced more than 30 days following the entry of a  
13          previous custody order must be initiated by serving a written  
14          notice and a copy of the petition for modification upon the  
15          child's parent, guardian and custodian at least 30 days prior  
16          to hearing on the petition. Nothing in this Section shall  
17          preclude a party in custody modification proceedings from  
18          moving for a temporary order under Section 603 of this Act.

19          (e) (Blank).

20          (f) The court shall, at the court's discretion or upon the  
21          request of any party entitled to petition for custody of the  
22          child, appoint a guardian ad litem to represent the best  
23          interest of the child for the duration of the custody  
24          proceeding or for any modifications of any custody orders  
25          entered. Nothing in this Section shall be construed to prevent  
26          the court from appointing the same guardian ad litem for 2 or

1 more children that are siblings or half-siblings.

2 (Source: P.A. 93-108, eff. 1-1-04; 93-1026, eff. 1-1-05.)

3 (750 ILCS 5/607) (from Ch. 40, par. 607)

4 Sec. 607. Visitation.

5 (a) A parent not granted custody of the child is entitled  
6 to reasonable visitation rights unless the court finds, after a  
7 hearing, that visitation would endanger seriously the child's  
8 physical, mental, moral or emotional health. If the custodian's  
9 street address is not identified, pursuant to Section 708, the  
10 court shall require the parties to identify reasonable  
11 alternative arrangements for visitation by a non-custodial  
12 parent, including but not limited to visitation of the minor  
13 child at the residence of another person or at a local public  
14 or private facility.

15 (1) "Visitation" means in-person time spent between a  
16 child and the child's parent. In appropriate  
17 circumstances, it may include electronic communication  
18 under conditions and at times determined by the court.

19 (2) "Electronic communication" means time that a  
20 parent spends with his or her child during which the child  
21 is not in the parent's actual physical custody, but which  
22 is facilitated by the use of communication tools such as  
23 the telephone, electronic mail, instant messaging, video  
24 conferencing or other wired or wireless technologies via  
25 the Internet, or another medium of communication.

1 (a-3) Grandparents, great-grandparents, and siblings of a  
2 minor child, who is one year old or older, have standing to  
3 bring an action in circuit court by petition, requesting  
4 visitation in accordance with this Section. The term "sibling"  
5 in this Section means a brother, sister, stepbrother, or  
6 stepsister of the minor child. Grandparents,  
7 great-grandparents, and siblings also have standing to file a  
8 petition for visitation and any electronic communication  
9 rights in a pending dissolution proceeding or any other  
10 proceeding that involves custody or visitation issues,  
11 requesting visitation in accordance with this Section. A  
12 petition for visitation with a child by a person other than a  
13 parent must be filed in the county in which the child resides.  
14 Nothing in this subsection (a-3) and subsection (a-5) of this  
15 Section shall apply to a child in whose interests a petition is  
16 pending under Section 2-13 of the Juvenile Court Act of 1987 or  
17 a petition to adopt an unrelated child is pending under the  
18 Adoption Act.

19 (a-5) (1) Except as otherwise provided in this subsection  
20 (a-5), any grandparent, great-grandparent, or sibling may file  
21 a petition for visitation rights to a minor child if there is  
22 an unreasonable denial of visitation by a parent and at least  
23 one of the following conditions exists:

24 (A) (Blank);

25 (A-5) the child's other parent is deceased or has been  
26 missing for at least 3 months. For the purposes of this

1 Section a parent is considered to be missing if the  
2 parent's location has not been determined and the parent  
3 has been reported as missing to a law enforcement agency;

4 (A-10) a parent of the child is incompetent as a matter  
5 of law;

6 (A-15) a parent has been incarcerated in jail or prison  
7 during the 3 month period preceding the filing of the  
8 petition;

9 (B) the child's mother and father are divorced or have  
10 been legally separated from each other or there is pending  
11 a dissolution proceeding involving a parent of the child or  
12 another court proceeding involving custody or visitation  
13 of the child (other than any adoption proceeding of an  
14 unrelated child) and at least one parent does not object to  
15 the grandparent, great-grandparent, or sibling having  
16 visitation with the child. The visitation of the  
17 grandparent, great-grandparent, or sibling must not  
18 diminish the visitation of the parent who is not related to  
19 the grandparent, great-grandparent, or sibling seeking  
20 visitation;

21 (C) (Blank);

22 (D) the child is born out of wedlock, the parents are  
23 not living together, and the petitioner is a maternal  
24 grandparent, great-grandparent, or sibling of the child  
25 born out of wedlock; or

26 (E) the child is born out of wedlock, the parents are



1 not living together, the petitioner is a paternal  
2 grandparent, great-grandparent, or sibling, and the  
3 paternity has been established by a court of competent  
4 jurisdiction.

5 (2) Any visitation rights granted pursuant to this Section  
6 before the filing of a petition for adoption of a child shall  
7 automatically terminate by operation of law upon the entry of  
8 an order terminating parental rights or granting the adoption  
9 of the child, whichever is earlier. If the person or persons  
10 who adopted the child are related to the child, as defined by  
11 Section 1 of the Adoption Act, any person who was related to  
12 the child as grandparent, great-grandparent, or sibling prior  
13 to the adoption shall have standing to bring an action pursuant  
14 to this Section requesting visitation with the child.

15 (3) In making a determination under this subsection (a-5),  
16 there is a rebuttable presumption that a fit parent's actions  
17 and decisions regarding grandparent, great-grandparent, or  
18 sibling visitation are not harmful to the child's mental,  
19 physical, or emotional health. The burden is on the party  
20 filing a petition under this Section to prove that the parent's  
21 actions and decisions regarding visitation times are harmful to  
22 the child's mental, physical, or emotional health.

23 (4) In determining whether to grant visitation, the court  
24 shall consider the following:

25 (A) the preference of the child if the child is  
26 determined to be of sufficient maturity to express a

1 preference;

2 (B) the mental and physical health of the child;

3 (C) the mental and physical health of the grandparent,  
4 great-grandparent, or sibling;

5 (D) the length and quality of the prior relationship  
6 between the child and the grandparent, great-grandparent,  
7 or sibling;

8 (E) the good faith of the party in filing the petition;

9 (F) the good faith of the person denying visitation;

10 (G) the quantity of the visitation time requested and  
11 the potential adverse impact that visitation would have on  
12 the child's customary activities;

13 (H) whether the child resided with the petitioner for  
14 at least 6 consecutive months with or without the current  
15 custodian present;

16 (I) whether the petitioner had frequent or regular  
17 contact or visitation with the child for at least 12  
18 consecutive months;

19 (J) any other fact that establishes that the loss of  
20 the relationship between the petitioner and the child is  
21 likely to harm the child's mental, physical, or emotional  
22 health; and

23 (K) whether the grandparent, great-grandparent, or  
24 sibling was a primary caretaker of the child for a period  
25 of not less than 6 consecutive months.

26 (5) The court may order visitation rights for the

1 grandparent, great-grandparent, or sibling that include  
2 reasonable access without requiring overnight or possessory  
3 visitation.

4 (a-7) (1) Unless by stipulation of the parties, no motion to  
5 modify a grandparent, great-grandparent, or sibling visitation  
6 order may be made earlier than 2 years after the date the order  
7 was filed, unless the court permits it to be made on the basis  
8 of affidavits that there is reason to believe the child's  
9 present environment may endanger seriously the child's mental,  
10 physical, or emotional health.

11 (2) The court shall not modify an order that grants  
12 visitation to a grandparent, great-grandparent, or sibling  
13 unless it finds by clear and convincing evidence, upon the  
14 basis of facts that have arisen since the prior visitation  
15 order or that were unknown to the court at the time of entry of  
16 the prior visitation, that a change has occurred in the  
17 circumstances of the child or his or her custodian, and that  
18 the modification is necessary to protect the mental, physical,  
19 or emotional health of the child. The court shall state in its  
20 decision specific findings of fact in support of its  
21 modification or termination of the grandparent,  
22 great-grandparent, or sibling visitation. A child's parent may  
23 always petition to modify visitation upon changed  
24 circumstances when necessary to promote the child's best  
25 interest.

26 (3) Attorney fees and costs shall be assessed against a

1 party seeking modification of the visitation order if the court  
2 finds that the modification action is vexatious and constitutes  
3 harassment.

4 (4) Notice under this subsection (a-7) shall be given as  
5 provided in subsections (c) and (d) of Section 601.

6 (b) (1) (Blank.)

7 (1.5) The Court may grant reasonable visitation privileges  
8 to a stepparent upon petition to the court by the stepparent,  
9 with notice to the parties required to be notified under  
10 Section 601 of this Act, if the court determines that it is in  
11 the best interests and welfare of the child, and may issue any  
12 necessary orders to enforce those visitation privileges. A  
13 petition for visitation privileges may be filed under this  
14 paragraph (1.5) whether or not a petition pursuant to this Act  
15 has been previously filed or is currently pending if the  
16 following circumstances are met:

17 (A) the child is at least 12 years old;

18 (B) the child resided continuously with the parent and  
19 stepparent for at least 5 years;

20 (C) the parent is deceased or is disabled and is unable  
21 to care for the child;

22 (D) the child wishes to have reasonable visitation with  
23 the stepparent; and

24 (E) the stepparent was providing for the care, control,  
25 and welfare to the child prior to the initiation of the  
26 petition for visitation.

1           (2) (A) A petition for visitation privileges shall not be  
2 filed pursuant to this subsection (b) by the parents or  
3 grandparents of a putative father if the paternity of the  
4 putative father has not been legally established.

5           (B) A petition for visitation privileges may not be filed  
6 under this subsection (b) if the child who is the subject of  
7 the grandparents' or great-grandparents' petition has been  
8 voluntarily surrendered by the parent or parents, except for a  
9 surrender to the Illinois Department of Children and Family  
10 Services or a foster care facility, or has been previously  
11 adopted by an individual or individuals who are not related to  
12 the biological parents of the child or is the subject of a  
13 pending adoption petition by an individual or individuals who  
14 are not related to the biological parents of the child.

15           (3) (Blank).

16           (c) The court may modify an order granting or denying  
17 visitation rights of a parent whenever modification would serve  
18 the best interest of the child; but the court shall not  
19 restrict a parent's visitation rights unless it finds that the  
20 visitation would endanger seriously the child's physical,  
21 mental, moral or emotional health.

22           (d) If any court has entered an order prohibiting a  
23 non-custodial parent of a child from any contact with a child  
24 or restricting the non-custodial parent's contact with the  
25 child, the following provisions shall apply:

26           (1) If an order has been entered granting visitation

1 privileges with the child to a grandparent or  
2 great-grandparent who is related to the child through the  
3 non-custodial parent, the visitation privileges of the  
4 grandparent or great-grandparent may be revoked if:

5 (i) a court has entered an order prohibiting the  
6 non-custodial parent from any contact with the child,  
7 and the grandparent or great-grandparent is found to  
8 have used his or her visitation privileges to  
9 facilitate contact between the child and the  
10 non-custodial parent; or

11 (ii) a court has entered an order restricting the  
12 non-custodial parent's contact with the child, and the  
13 grandparent or great-grandparent is found to have used  
14 his or her visitation privileges to facilitate contact  
15 between the child and the non-custodial parent in a  
16 manner that violates the terms of the order restricting  
17 the non-custodial parent's contact with the child.

18 Nothing in this subdivision (1) limits the authority of  
19 the court to enforce its orders in any manner permitted by  
20 law.

21 (2) Any order granting visitation privileges with the  
22 child to a grandparent or great-grandparent who is related  
23 to the child through the non-custodial parent shall contain  
24 the following provision:

25 "If the (grandparent or great-grandparent, whichever  
26 is applicable) who has been granted visitation privileges

1 under this order uses the visitation privileges to  
2 facilitate contact between the child and the child's  
3 non-custodial parent, the visitation privileges granted  
4 under this order shall be permanently revoked."

5 (e) No parent, not granted custody of the child, or  
6 grandparent, or great-grandparent, or stepparent, or sibling  
7 of any minor child, convicted of any offense involving an  
8 illegal sex act perpetrated upon a victim less than 18 years of  
9 age including but not limited to offenses for violations of  
10 Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-1.70,  
11 or Article 12 of the Criminal Code of 1961 or the Criminal Code  
12 of 2012, is entitled to visitation rights while incarcerated or  
13 while on parole, probation, conditional discharge, periodic  
14 imprisonment, or mandatory supervised release for that  
15 offense, and upon discharge from incarceration for a  
16 misdemeanor offense or upon discharge from parole, probation,  
17 conditional discharge, periodic imprisonment, or mandatory  
18 supervised release for a felony offense, visitation shall be  
19 denied until the person successfully completes a treatment  
20 program approved by the court.

21 (f) Unless the court determines, after considering all  
22 relevant factors, including but not limited to those set forth  
23 in Section 602(a), that it would be in the best interests of  
24 the child to allow visitation, the court shall not enter an  
25 order providing visitation rights and pursuant to a motion to  
26 modify visitation shall revoke visitation rights previously

1 granted to any person who would otherwise be entitled to  
2 petition for visitation rights under this Section who has been  
3 convicted of first degree murder of the parent, grandparent,  
4 great-grandparent, or sibling of the child who is the subject  
5 of the order. Until an order is entered pursuant to this  
6 subsection, no person shall visit, with the child present, a  
7 person who has been convicted of first degree murder of the  
8 parent, grandparent, great-grandparent, or sibling of the  
9 child without the consent of the child's parent, other than a  
10 parent convicted of first degree murder as set forth herein, or  
11 legal guardian.

12 (g) (Blank).

13 (h) Upon motion, the court may allow a parent who is  
14 deployed or who has orders to be deployed as a member of the  
15 United States Armed Forces to designate a person known to the  
16 child to exercise reasonable substitute visitation on behalf of  
17 the deployed parent, if the court determines that substitute  
18 visitation is in the best interest of the child. In determining  
19 whether substitute visitation is in the best interest of the  
20 child, the court shall consider all of the relevant factors  
21 listed in subsection (a) of Section 602 and apply those factors  
22 to the person designated as a substitute for the deployed  
23 parent for visitation purposes.

24 (Source: P.A. 96-331, eff. 1-1-10; 97-659, eff. 6-1-12.)

25 (750 ILCS 5/607.1) (from Ch. 40, par. 607.1)



1           Sec. 607.1. Enforcement of visitation orders; visitation  
2 abuse.

3           (a) The circuit court shall provide an expedited procedure  
4 for enforcement of court ordered visitation in cases of  
5 visitation abuse. Visitation abuse occurs when a party has  
6 willfully and without justification: (1) denied another party  
7 visitation as set forth by the court; or (2) exercised his or  
8 her visitation rights in a manner that is harmful to the child  
9 or child's custodian.

10           (b) An Action may be commenced by filing a petition setting  
11 forth: (i) the petitioner's name, residence address or mailing  
12 address, and telephone number; (ii) respondent's name and place  
13 of residence, place of employment, or mailing address; (iii)  
14 the nature of the visitation abuse, giving dates and other  
15 relevant information; (iv) that a reasonable attempt was made  
16 to resolve the dispute; and (v) the relief sought.

17           Notice of the filing of the petitions shall be given as  
18 provided in Section 511.

19           (c) After hearing all of the evidence, the court may order  
20 one or more of the following:

21           (1) Modification of the visitation order to  
22 specifically outline periods of visitation or restrict  
23 visitation as provided by law.

24           (2) Supervised visitation with a third party or public  
25 agency.

26           (3) Make up visitation of the same time period, such as

1 weekend for weekend, holiday for holiday.

2 (4) Counseling or mediation, except in cases where  
3 there is evidence of domestic violence, as defined in  
4 Section 1 of the Domestic Violence Shelters Act, occurring  
5 between the parties.

6 (5) Other appropriate relief deemed equitable.

7 (c-1) When the court issues an order holding a party in  
8 contempt for violation of a visitation order and finds that the  
9 party engaged in visitation abuse, the court may order one or  
10 more of the following:

11 (1) Suspension of a party's Illinois driving  
12 privileges pursuant to Section 7-703 of the Illinois  
13 Vehicle Code until the court determines that the party is  
14 in compliance with the visitation order. The court may also  
15 order that a party be issued a family financial  
16 responsibility driving permit that would allow limited  
17 driving privileges for employment, for medical purposes,  
18 and to transport a child to or from scheduled visitation in  
19 order to comply with a visitation order in accordance with  
20 subsection (a-1) of Section 7-702.1 of the Illinois Vehicle  
21 Code.

22 (2) Placement of a party on probation with such  
23 conditions of probation as the court deems advisable.

24 (3) Sentencing of a party to periodic imprisonment for  
25 a period not to exceed 6 months; provided, that the court  
26 may permit the party to be released for periods of time

1 during the day or night to:

2 (A) work; or

3 (B) conduct a business or other self-employed  
4 occupation.

5 (4) Find that a party in engaging in visitation abuse  
6 is guilty of a petty offense and should be fined an amount  
7 of no more than \$500 for each finding of visitation abuse.

8 (d) Nothing contained in this Section shall be construed to  
9 limit the court's contempt power, except as provided in  
10 subsection (g) of this Section.

11 (e) When the court issues an order holding a party in  
12 contempt of court for violation of a visitation order, the  
13 clerk shall transmit a copy of the contempt order to the  
14 sheriff of the county. The sheriff shall furnish a copy of each  
15 contempt order to the Department of State Police on a daily  
16 basis in the form and manner required by the Department. The  
17 Department shall maintain a complete record and index of the  
18 contempt orders and make this data available to all local law  
19 enforcement agencies.

20 (f) Attorney fees and costs shall be assessed against a  
21 party if the court finds that the enforcement action is  
22 vexatious and constitutes harassment.

23 (g) A person convicted of unlawful visitation or parenting  
24 time interference under Section 10-5.5 of the Criminal Code of  
25 1961 or the Criminal Code of 2012 shall not be subject to the  
26 provisions of this Section and the court may not enter a

1 contempt order for visitation abuse against any person for the  
2 same conduct for which the person was convicted of unlawful  
3 visitation interference or subject that person to the sanctions  
4 provided for in this Section.

5 (Source: P.A. 96-333, eff. 8-11-09; 96-675, eff. 8-25-09;  
6 97-1047, eff. 8-21-12.)

7 Section 765. The Illinois Parentage Act of 1984 is amended  
8 by changing Section 6.5 as follows:

9 (750 ILCS 45/6.5)

10 Sec. 6.5. Custody or visitation by sex offender prohibited.

11 (a) This Section applies to a person who has been found to  
12 be the father of a child under this Act and who has been  
13 convicted of or who has pled guilty or nolo contendere to a  
14 violation of Section 11-1.20 (criminal sexual assault),  
15 Section 11-1.30 (aggravated criminal sexual assault), Section  
16 11-1.40 (predatory criminal sexual assault of a child), Section  
17 11-1.50 (criminal sexual abuse), Section 11-1.60 (aggravated  
18 criminal sexual abuse), Section 11-11 (sexual relations within  
19 families), Section 12-13 (criminal sexual assault), Section  
20 12-14 (aggravated criminal sexual assault), Section 12-14.1  
21 (predatory criminal sexual assault of a child), Section 12-15  
22 (criminal sexual abuse), or Section 12-16 (aggravated criminal  
23 sexual abuse) of the Criminal Code of 1961 or the Criminal Code  
24 of 2012, or a similar statute in another jurisdiction, for his

1 conduct in fathering that child.

2 (b) A person described in subsection (a) shall not be  
3 entitled to custody of or visitation with that child without  
4 the consent of the child's mother or guardian. If the person  
5 described in subsection (a) is also the guardian of the child,  
6 he does not have the authority to consent to visitation or  
7 custody under this Section. If the mother of the child is a  
8 minor, and the person described in subsection (a) is also the  
9 father or guardian of the mother, then he does not have the  
10 authority to consent to custody or visits.

11 (c) Notwithstanding any other provision of this Act,  
12 nothing in this Section shall be construed to relieve the  
13 father described in subsection (a) of any support and  
14 maintenance obligations to the child under this Act.

15 (Source: P.A. 96-1551, eff. 7-1-11; 97-568, eff. 8-25-11.)

16 Section 770. The Adoption Act is amended by changing  
17 Sections 1, 8, 12.1, and 14 as follows:

18 (750 ILCS 50/1) (from Ch. 40, par. 1501)

19 Sec. 1. Definitions. When used in this Act, unless the  
20 context otherwise requires:

21 A. "Child" means a person under legal age subject to  
22 adoption under this Act.

23 B. "Related child" means a child subject to adoption where  
24 either or both of the adopting parents stands in any of the

1 following relationships to the child by blood or marriage:  
2 parent, grand-parent, brother, sister, step-parent,  
3 step-grandparent, step-brother, step-sister, uncle, aunt,  
4 great-uncle, great-aunt, or cousin of first degree. A child  
5 whose parent has executed a final irrevocable consent to  
6 adoption or a final irrevocable surrender for purposes of  
7 adoption, or whose parent has had his or her parental rights  
8 terminated, is not a related child to that person, unless the  
9 consent is determined to be void or is void pursuant to  
10 subsection O of Section 10.

11 C. "Agency" for the purpose of this Act means a public  
12 child welfare agency or a licensed child welfare agency.

13 D. "Unfit person" means any person whom the court shall  
14 find to be unfit to have a child, without regard to the  
15 likelihood that the child will be placed for adoption. The  
16 grounds of unfitness are any one or more of the following,  
17 except that a person shall not be considered an unfit person  
18 for the sole reason that the person has relinquished a child in  
19 accordance with the Abandoned Newborn Infant Protection Act:

20 (a) Abandonment of the child.

21 (a-1) Abandonment of a newborn infant in a hospital.

22 (a-2) Abandonment of a newborn infant in any setting  
23 where the evidence suggests that the parent intended to  
24 relinquish his or her parental rights.

25 (b) Failure to maintain a reasonable degree of  
26 interest, concern or responsibility as to the child's

1 welfare.

2 (c) Desertion of the child for more than 3 months next  
3 preceding the commencement of the Adoption proceeding.

4 (d) Substantial neglect of the child if continuous or  
5 repeated.

6 (d-1) Substantial neglect, if continuous or repeated,  
7 of any child residing in the household which resulted in  
8 the death of that child.

9 (e) Extreme or repeated cruelty to the child.

10 (f) There is a rebuttable presumption, which can be  
11 overcome only by clear and convincing evidence, that a  
12 parent is unfit if:

13 (1) Two or more findings of physical abuse have  
14 been entered regarding any children under Section 2-21  
15 of the Juvenile Court Act of 1987, the most recent of  
16 which was determined by the juvenile court hearing the  
17 matter to be supported by clear and convincing  
18 evidence; or

19 (2) The parent has been convicted or found not  
20 guilty by reason of insanity and the conviction or  
21 finding resulted from the death of any child by  
22 physical abuse; or

23 (3) There is a finding of physical child abuse  
24 resulting from the death of any child under Section  
25 2-21 of the Juvenile Court Act of 1987.

26 No conviction or finding of delinquency pursuant

1 to Article 5 of the Juvenile Court Act of 1987 shall be  
2 considered a criminal conviction for the purpose of  
3 applying any presumption under this item (f).

4 (g) Failure to protect the child from conditions within  
5 his environment injurious to the child's welfare.

6 (h) Other neglect of, or misconduct toward the child;  
7 provided that in making a finding of unfitness the court  
8 hearing the adoption proceeding shall not be bound by any  
9 previous finding, order or judgment affecting or  
10 determining the rights of the parents toward the child  
11 sought to be adopted in any other proceeding except such  
12 proceedings terminating parental rights as shall be had  
13 under either this Act, the Juvenile Court Act or the  
14 Juvenile Court Act of 1987.

15 (i) Depravity. Conviction of any one of the following  
16 crimes shall create a presumption that a parent is deprived  
17 which can be overcome only by clear and convincing  
18 evidence: (1) first degree murder in violation of paragraph  
19 1 or 2 of subsection (a) of Section 9-1 of the Criminal  
20 Code of 1961 or the Criminal Code of 2012 or conviction of  
21 second degree murder in violation of subsection (a) of  
22 Section 9-2 of the Criminal Code of 1961 or the Criminal  
23 Code of 2012 of a parent of the child to be adopted; (2)  
24 first degree murder or second degree murder of any child in  
25 violation of the Criminal Code of 1961 or the Criminal Code  
26 of 2012; (3) attempt or conspiracy to commit first degree



1 murder or second degree murder of any child in violation of  
2 the Criminal Code of 1961 or the Criminal Code of 2012; (4)  
3 solicitation to commit murder of any child, solicitation to  
4 commit murder of any child for hire, or solicitation to  
5 commit second degree murder of any child in violation of  
6 the Criminal Code of 1961 or the Criminal Code of 2012; (5)  
7 predatory criminal sexual assault of a child in violation  
8 of Section 11-1.40 or 12-14.1 of the Criminal Code of 1961  
9 or the Criminal Code of 2012; (6) heinous battery of any  
10 child in violation of the Criminal Code of 1961; or (7)  
11 aggravated battery of any child in violation of the  
12 Criminal Code of 1961 or the Criminal Code of 2012.

13 There is a rebuttable presumption that a parent is  
14 deprived if the parent has been criminally convicted of at  
15 least 3 felonies under the laws of this State or any other  
16 state, or under federal law, or the criminal laws of any  
17 United States territory; and at least one of these  
18 convictions took place within 5 years of the filing of the  
19 petition or motion seeking termination of parental rights.

20 There is a rebuttable presumption that a parent is  
21 deprived if that parent has been criminally convicted of  
22 either first or second degree murder of any person as  
23 defined in the Criminal Code of 1961 or the Criminal Code  
24 of 2012 within 10 years of the filing date of the petition  
25 or motion to terminate parental rights.

26 No conviction or finding of delinquency pursuant to

1 Article 5 of the Juvenile Court Act of 1987 shall be  
2 considered a criminal conviction for the purpose of  
3 applying any presumption under this item (i).

4 (j) Open and notorious adultery or fornication.

5 (j-1) (Blank).

6 (k) Habitual drunkenness or addiction to drugs, other  
7 than those prescribed by a physician, for at least one year  
8 immediately prior to the commencement of the unfitness  
9 proceeding.

10 There is a rebuttable presumption that a parent is  
11 unfit under this subsection with respect to any child to  
12 which that parent gives birth where there is a confirmed  
13 test result that at birth the child's blood, urine, or  
14 meconium contained any amount of a controlled substance as  
15 defined in subsection (f) of Section 102 of the Illinois  
16 Controlled Substances Act or metabolites of such  
17 substances, the presence of which in the newborn infant was  
18 not the result of medical treatment administered to the  
19 mother or the newborn infant; and the biological mother of  
20 this child is the biological mother of at least one other  
21 child who was adjudicated a neglected minor under  
22 subsection (c) of Section 2-3 of the Juvenile Court Act of  
23 1987.

24 (l) Failure to demonstrate a reasonable degree of  
25 interest, concern or responsibility as to the welfare of a  
26 new born child during the first 30 days after its birth.

1 (m) Failure by a parent (i) to make reasonable efforts  
2 to correct the conditions that were the basis for the  
3 removal of the child from the parent, or (ii) to make  
4 reasonable progress toward the return of the child to the  
5 parent within 9 months after an adjudication of neglected  
6 or abused minor under Section 2-3 of the Juvenile Court Act  
7 of 1987 or dependent minor under Section 2-4 of that Act,  
8 or (iii) to make reasonable progress toward the return of  
9 the child to the parent during any 9-month period after the  
10 end of the initial 9-month period following the  
11 adjudication of neglected or abused minor under Section 2-3  
12 of the Juvenile Court Act of 1987 or dependent minor under  
13 Section 2-4 of that Act. If a service plan has been  
14 established as required under Section 8.2 of the Abused and  
15 Neglected Child Reporting Act to correct the conditions  
16 that were the basis for the removal of the child from the  
17 parent and if those services were available, then, for  
18 purposes of this Act, "failure to make reasonable progress  
19 toward the return of the child to the parent" includes (I)  
20 the parent's failure to substantially fulfill his or her  
21 obligations under the service plan and correct the  
22 conditions that brought the child into care within 9 months  
23 after the adjudication under Section 2-3 or 2-4 of the  
24 Juvenile Court Act of 1987 and (II) the parent's failure to  
25 substantially fulfill his or her obligations under the  
26 service plan and correct the conditions that brought the

1 child into care during any 9-month period after the end of  
2 the initial 9-month period following the adjudication  
3 under Section 2-3 or 2-4 of the Juvenile Court Act of 1987.  
4 Notwithstanding any other provision, when a petition or  
5 motion seeks to terminate parental rights on the basis of  
6 item (iii) of this subsection (m), the petitioner shall  
7 file with the court and serve on the parties a pleading  
8 that specifies the 9-month period or periods relied on. The  
9 pleading shall be filed and served on the parties no later  
10 than 3 weeks before the date set by the court for closure  
11 of discovery, and the allegations in the pleading shall be  
12 treated as incorporated into the petition or motion.  
13 Failure of a respondent to file a written denial of the  
14 allegations in the pleading shall not be treated as an  
15 admission that the allegations are true.

16 (m-1) Pursuant to the Juvenile Court Act of 1987, a  
17 child has been in foster care for 15 months out of any 22  
18 month period which begins on or after the effective date of  
19 this amendatory Act of 1998 unless the child's parent can  
20 prove by a preponderance of the evidence that it is more  
21 likely than not that it will be in the best interests of  
22 the child to be returned to the parent within 6 months of  
23 the date on which a petition for termination of parental  
24 rights is filed under the Juvenile Court Act of 1987. The  
25 15 month time limit is tolled during any period for which  
26 there is a court finding that the appointed custodian or

1 guardian failed to make reasonable efforts to reunify the  
2 child with his or her family, provided that (i) the finding  
3 of no reasonable efforts is made within 60 days of the  
4 period when reasonable efforts were not made or (ii) the  
5 parent filed a motion requesting a finding of no reasonable  
6 efforts within 60 days of the period when reasonable  
7 efforts were not made. For purposes of this subdivision  
8 (m-1), the date of entering foster care is the earlier of:  
9 (i) the date of a judicial finding at an adjudicatory  
10 hearing that the child is an abused, neglected, or  
11 dependent minor; or (ii) 60 days after the date on which  
12 the child is removed from his or her parent, guardian, or  
13 legal custodian.

14 (n) Evidence of intent to forgo his or her parental  
15 rights, whether or not the child is a ward of the court,  
16 (1) as manifested by his or her failure for a period of 12  
17 months: (i) to visit the child, (ii) to communicate with  
18 the child or agency, although able to do so and not  
19 prevented from doing so by an agency or by court order, or  
20 (iii) to maintain contact with or plan for the future of  
21 the child, although physically able to do so, or (2) as  
22 manifested by the father's failure, where he and the mother  
23 of the child were unmarried to each other at the time of  
24 the child's birth, (i) to commence legal proceedings to  
25 establish his paternity under the Illinois Parentage Act of  
26 1984 or the law of the jurisdiction of the child's birth

1 within 30 days of being informed, pursuant to Section 12a  
2 of this Act, that he is the father or the likely father of  
3 the child or, after being so informed where the child is  
4 not yet born, within 30 days of the child's birth, or (ii)  
5 to make a good faith effort to pay a reasonable amount of  
6 the expenses related to the birth of the child and to  
7 provide a reasonable amount for the financial support of  
8 the child, the court to consider in its determination all  
9 relevant circumstances, including the financial condition  
10 of both parents; provided that the ground for termination  
11 provided in this subparagraph (n)(2)(ii) shall only be  
12 available where the petition is brought by the mother or  
13 the husband of the mother.

14 Contact or communication by a parent with his or her  
15 child that does not demonstrate affection and concern does  
16 not constitute reasonable contact and planning under  
17 subdivision (n). In the absence of evidence to the  
18 contrary, the ability to visit, communicate, maintain  
19 contact, pay expenses and plan for the future shall be  
20 presumed. The subjective intent of the parent, whether  
21 expressed or otherwise, unsupported by evidence of the  
22 foregoing parental acts manifesting that intent, shall not  
23 preclude a determination that the parent has intended to  
24 forgo his or her parental rights. In making this  
25 determination, the court may consider but shall not require  
26 a showing of diligent efforts by an authorized agency to

1 encourage the parent to perform the acts specified in  
2 subdivision (n).

3 It shall be an affirmative defense to any allegation  
4 under paragraph (2) of this subsection that the father's  
5 failure was due to circumstances beyond his control or to  
6 impediments created by the mother or any other person  
7 having legal custody. Proof of that fact need only be by a  
8 preponderance of the evidence.

9 (o) Repeated or continuous failure by the parents,  
10 although physically and financially able, to provide the  
11 child with adequate food, clothing, or shelter.

12 (p) Inability to discharge parental responsibilities  
13 supported by competent evidence from a psychiatrist,  
14 licensed clinical social worker, or clinical psychologist  
15 of mental impairment, mental illness or an intellectual  
16 disability as defined in Section 1-116 of the Mental Health  
17 and Developmental Disabilities Code, or developmental  
18 disability as defined in Section 1-106 of that Code, and  
19 there is sufficient justification to believe that the  
20 inability to discharge parental responsibilities shall  
21 extend beyond a reasonable time period. However, this  
22 subdivision (p) shall not be construed so as to permit a  
23 licensed clinical social worker to conduct any medical  
24 diagnosis to determine mental illness or mental  
25 impairment.

26 (q) (Blank).

1           (r) The child is in the temporary custody or  
2 guardianship of the Department of Children and Family  
3 Services, the parent is incarcerated as a result of  
4 criminal conviction at the time the petition or motion for  
5 termination of parental rights is filed, prior to  
6 incarceration the parent had little or no contact with the  
7 child or provided little or no support for the child, and  
8 the parent's incarceration will prevent the parent from  
9 discharging his or her parental responsibilities for the  
10 child for a period in excess of 2 years after the filing of  
11 the petition or motion for termination of parental rights.

12           (s) The child is in the temporary custody or  
13 guardianship of the Department of Children and Family  
14 Services, the parent is incarcerated at the time the  
15 petition or motion for termination of parental rights is  
16 filed, the parent has been repeatedly incarcerated as a  
17 result of criminal convictions, and the parent's repeated  
18 incarceration has prevented the parent from discharging  
19 his or her parental responsibilities for the child.

20           (t) A finding that at birth the child's blood, urine,  
21 or meconium contained any amount of a controlled substance  
22 as defined in subsection (f) of Section 102 of the Illinois  
23 Controlled Substances Act, or a metabolite of a controlled  
24 substance, with the exception of controlled substances or  
25 metabolites of such substances, the presence of which in  
26 the newborn infant was the result of medical treatment



1 administered to the mother or the newborn infant, and that  
2 the biological mother of this child is the biological  
3 mother of at least one other child who was adjudicated a  
4 neglected minor under subsection (c) of Section 2-3 of the  
5 Juvenile Court Act of 1987, after which the biological  
6 mother had the opportunity to enroll in and participate in  
7 a clinically appropriate substance abuse counseling,  
8 treatment, and rehabilitation program.

9 E. "Parent" means the father or mother of a lawful child of  
10 the parties or child born out of wedlock. For the purpose of  
11 this Act, a person who has executed a final and irrevocable  
12 consent to adoption or a final and irrevocable surrender for  
13 purposes of adoption, or whose parental rights have been  
14 terminated by a court, is not a parent of the child who was the  
15 subject of the consent or surrender, unless the consent is void  
16 pursuant to subsection O of Section 10.

17 F. A person is available for adoption when the person is:

18 (a) a child who has been surrendered for adoption to an  
19 agency and to whose adoption the agency has thereafter  
20 consented;

21 (b) a child to whose adoption a person authorized by  
22 law, other than his parents, has consented, or to whose  
23 adoption no consent is required pursuant to Section 8 of  
24 this Act;

25 (c) a child who is in the custody of persons who intend  
26 to adopt him through placement made by his parents;

1 (c-1) a child for whom a parent has signed a specific  
2 consent pursuant to subsection O of Section 10;

3 (d) an adult who meets the conditions set forth in  
4 Section 3 of this Act; or

5 (e) a child who has been relinquished as defined in  
6 Section 10 of the Abandoned Newborn Infant Protection Act.

7 A person who would otherwise be available for adoption  
8 shall not be deemed unavailable for adoption solely by reason  
9 of his or her death.

10 G. The singular includes the plural and the plural includes  
11 the singular and the "male" includes the "female", as the  
12 context of this Act may require.

13 H. "Adoption disruption" occurs when an adoptive placement  
14 does not prove successful and it becomes necessary for the  
15 child to be removed from placement before the adoption is  
16 finalized.

17 I. "Foreign placing agency" is an agency or individual  
18 operating in a country or territory outside the United States  
19 that is authorized by its country to place children for  
20 adoption either directly with families in the United States or  
21 through United States based international agencies.

22 J. "Immediate relatives" means the biological parents, the  
23 parents of the biological parents and siblings of the  
24 biological parents.

25 K. "Intercountry adoption" is a process by which a child  
26 from a country other than the United States is adopted.

1 L. "Intercountry Adoption Coordinator" is a staff person of  
2 the Department of Children and Family Services appointed by the  
3 Director to coordinate the provision of services by the public  
4 and private sector to prospective parents of foreign-born  
5 children.

6 M. "Interstate Compact on the Placement of Children" is a  
7 law enacted by most states for the purpose of establishing  
8 uniform procedures for handling the interstate placement of  
9 children in foster homes, adoptive homes, or other child care  
10 facilities.

11 N. "Non-Compact state" means a state that has not enacted  
12 the Interstate Compact on the Placement of Children.

13 O. "Preadoption requirements" are any conditions  
14 established by the laws or regulations of the Federal  
15 Government or of each state that must be met prior to the  
16 placement of a child in an adoptive home.

17 P. "Abused child" means a child whose parent or immediate  
18 family member, or any person responsible for the child's  
19 welfare, or any individual residing in the same home as the  
20 child, or a paramour of the child's parent:

21 (a) inflicts, causes to be inflicted, or allows to be  
22 inflicted upon the child physical injury, by other than  
23 accidental means, that causes death, disfigurement,  
24 impairment of physical or emotional health, or loss or  
25 impairment of any bodily function;

26 (b) creates a substantial risk of physical injury to

1 the child by other than accidental means which would be  
2 likely to cause death, disfigurement, impairment of  
3 physical or emotional health, or loss or impairment of any  
4 bodily function;

5 (c) commits or allows to be committed any sex offense  
6 against the child, as sex offenses are defined in the  
7 Criminal Code of 2012 ~~1961~~ and extending those definitions  
8 of sex offenses to include children under 18 years of age;

9 (d) commits or allows to be committed an act or acts of  
10 torture upon the child; or

11 (e) inflicts excessive corporal punishment.

12 Q. "Neglected child" means any child whose parent or other  
13 person responsible for the child's welfare withholds or denies  
14 nourishment or medically indicated treatment including food or  
15 care denied solely on the basis of the present or anticipated  
16 mental or physical impairment as determined by a physician  
17 acting alone or in consultation with other physicians or  
18 otherwise does not provide the proper or necessary support,  
19 education as required by law, or medical or other remedial care  
20 recognized under State law as necessary for a child's  
21 well-being, or other care necessary for his or her well-being,  
22 including adequate food, clothing and shelter; or who is  
23 abandoned by his or her parents or other person responsible for  
24 the child's welfare.

25 A child shall not be considered neglected or abused for the  
26 sole reason that the child's parent or other person responsible

1 for his or her welfare depends upon spiritual means through  
2 prayer alone for the treatment or cure of disease or remedial  
3 care as provided under Section 4 of the Abused and Neglected  
4 Child Reporting Act. A child shall not be considered neglected  
5 or abused for the sole reason that the child's parent or other  
6 person responsible for the child's welfare failed to vaccinate,  
7 delayed vaccination, or refused vaccination for the child due  
8 to a waiver on religious or medical grounds as permitted by  
9 law.

10 R. "Putative father" means a man who may be a child's  
11 father, but who (1) is not married to the child's mother on or  
12 before the date that the child was or is to be born and (2) has  
13 not established paternity of the child in a court proceeding  
14 before the filing of a petition for the adoption of the child.  
15 The term includes a male who is less than 18 years of age.  
16 "Putative father" does not mean a man who is the child's father  
17 as a result of criminal sexual abuse or assault as defined  
18 under Article 11 ~~12~~ of the Criminal Code of 2012 ~~1961~~.

19 S. "Standby adoption" means an adoption in which a parent  
20 consents to custody and termination of parental rights to  
21 become effective upon the occurrence of a future event, which  
22 is either the death of the parent or the request of the parent  
23 for the entry of a final judgment of adoption.

24 T. (Blank).

25 (Source: P.A. 96-1551, eff. 7-1-11; 97-227, eff. 1-1-12;  
26 97-1109, eff. 1-1-13.)

1 (750 ILCS 50/8) (from Ch. 40, par. 1510)

2 Sec. 8. Consents to adoption and surrenders for purposes of  
3 adoption.

4 (a) Except as hereinafter provided in this Section consents  
5 or surrenders shall be required in all cases, unless the person  
6 whose consent or surrender would otherwise be required shall be  
7 found by the court:

8 (1) to be an unfit person as defined in Section 1 of  
9 this Act, by clear and convincing evidence; or

10 (2) not to be the biological or adoptive father of the  
11 child; or

12 (3) to have waived his parental rights to the child  
13 under Section 12a or 12.1 or subsection S of Section 10 of  
14 this Act; or

15 (4) to be the parent of an adult sought to be adopted;  
16 or

17 (5) to be the father of the child as a result of  
18 criminal sexual abuse or assault as defined under Article  
19 11 ~~12~~ of the Criminal Code of 2012 ~~1961~~; or

20 (6) to be the father of a child who:

21 (i) is a family member of the mother of the child,  
22 and the mother is under the age of 18 at the time of  
23 the child's conception; for purposes of this  
24 subsection, a "family member" is a parent,  
25 step-parent, grandparent, step-grandparent, sibling,

1 or cousin of the first degree, whether by whole blood,  
2 half-blood, or adoption, as well as a person age 18 or  
3 over at the time of the child's conception who has  
4 resided in the household with the mother continuously  
5 for at least one year; or

6 (ii) is at least 5 years older than the child's  
7 mother, and the mother was under the age of 17 at the  
8 time of the child's conception, unless the mother and  
9 father voluntarily acknowledge the father's paternity  
10 of the child by marrying or by establishing the  
11 father's paternity by consent of the parties pursuant  
12 to the Illinois Parentage Act of 1984 or pursuant to a  
13 substantially similar statute in another state.

14 A criminal conviction of any offense pursuant to  
15 Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,  
16 11-1.70, 12C-5, 12C-10, 12C-35, 12C-40, 12C-45, 18-6,  
17 19-6, or Article 12 of the Criminal Code of 1961 or the  
18 Criminal Code of 2012 is not required.

19 (b) Where consents are required in the case of an adoption  
20 of a minor child, the consents of the following persons shall  
21 be sufficient:

22 (1) (A) The mother of the minor child; and

23 (B) The father of the minor child, if the father:

24 (i) was married to the mother on the date of  
25 birth of the child or within 300 days before the  
26 birth of the child, except for a husband or former

1 husband who has been found by a court of competent  
2 jurisdiction not to be the biological father of the  
3 child; or

4 (ii) is the father of the child under a  
5 judgment for adoption, an order of parentage, or an  
6 acknowledgment of parentage or paternity pursuant  
7 to subsection (a) of Section 5 of the Illinois  
8 Parentage Act of 1984; or

9 (iii) in the case of a child placed with the  
10 adopting parents less than 6 months after birth,  
11 openly lived with the child, the child's  
12 biological mother, or both, and held himself out to  
13 be the child's biological father during the first  
14 30 days following the birth of the child; or

15 (iv) in the case of a child placed with the  
16 adopting parents less than 6 months after birth,  
17 made a good faith effort to pay a reasonable amount  
18 of the expenses related to the birth of the child  
19 and to provide a reasonable amount for the  
20 financial support of the child before the  
21 expiration of 30 days following the birth of the  
22 child, provided that the court may consider in its  
23 determination all relevant circumstances,  
24 including the financial condition of both  
25 biological parents; or

26 (v) in the case of a child placed with the



1           adopting parents more than 6 months after birth,  
2           has maintained substantial and continuous or  
3           repeated contact with the child as manifested by:  
4           (I) the payment by the father toward the support of  
5           the child of a fair and reasonable sum, according  
6           to the father's means, and either (II) the father's  
7           visiting the child at least monthly when  
8           physically and financially able to do so and not  
9           prevented from doing so by the person or authorized  
10          agency having lawful custody of the child, or (III)  
11          the father's regular communication with the child  
12          or with the person or agency having the care or  
13          custody of the child, when physically and  
14          financially unable to visit the child or prevented  
15          from doing so by the person or authorized agency  
16          having lawful custody of the child. The subjective  
17          intent of the father, whether expressed or  
18          otherwise unsupported by evidence of acts  
19          specified in this sub-paragraph as manifesting  
20          such intent, shall not preclude a determination  
21          that the father failed to maintain substantial and  
22          continuous or repeated contact with the child; or

23                 (vi) in the case of a child placed with the  
24                 adopting parents more than six months after birth,  
25                 openly lived with the child for a period of six  
26                 months within the one year period immediately

1 preceding the placement of the child for adoption  
2 and openly held himself out to be the father of the  
3 child; or

4 (vii) has timely registered with Putative  
5 Father Registry, as provided in Section 12.1 of  
6 this Act, and prior to the expiration of 30 days  
7 from the date of such registration, commenced  
8 legal proceedings to establish paternity under the  
9 Illinois Parentage Act of 1984 or under the law of  
10 the jurisdiction of the child's birth; or

11 (2) The legal guardian of the person of the child, if  
12 there is no surviving parent; or

13 (3) An agency, if the child has been surrendered for  
14 adoption to such agency; or

15 (4) Any person or agency having legal custody of a  
16 child by court order if the parental rights of the parents  
17 have been judicially terminated, and the court having  
18 jurisdiction of the guardianship of the child has  
19 authorized the consent to the adoption; or

20 (5) The execution and verification of the petition by  
21 any petitioner who is also a parent of the child sought to  
22 be adopted shall be sufficient evidence of such parent's  
23 consent to the adoption.

24 (c) Where surrenders to an agency are required in the case  
25 of a placement for adoption of a minor child by an agency, the  
26 surrenders of the following persons shall be sufficient:

1 (1) (A) The mother of the minor child; and

2 (B) The father of the minor child, if the father:

3 (i) was married to the mother on the date of  
4 birth of the child or within 300 days before the  
5 birth of the child, except for a husband or former  
6 husband who has been found by a court of competent  
7 jurisdiction not to be the biological father of the  
8 child; or

9 (ii) is the father of the child under a  
10 judgment for adoption, an order of parentage, or an  
11 acknowledgment of parentage or paternity pursuant  
12 to subsection (a) of Section 5 of the Illinois  
13 Parentage Act of 1984; or

14 (iii) in the case of a child placed with the  
15 adopting parents less than 6 months after birth,  
16 openly lived with the child, the child's  
17 biological mother, or both, and held himself out to  
18 be the child's biological father during the first  
19 30 days following the birth of a child; or

20 (iv) in the case of a child placed with the  
21 adopting parents less than 6 months after birth,  
22 made a good faith effort to pay a reasonable amount  
23 of the expenses related to the birth of the child  
24 and to provide a reasonable amount for the  
25 financial support of the child before the  
26 expiration of 30 days following the birth of the

1 child, provided that the court may consider in its  
2 determination all relevant circumstances,  
3 including the financial condition of both  
4 biological parents; or

5 (v) in the case of a child placed with the  
6 adopting parents more than six months after birth,  
7 has maintained substantial and continuous or  
8 repeated contact with the child as manifested by:  
9 (I) the payment by the father toward the support of  
10 the child of a fair and reasonable sum, according  
11 to the father's means, and either (II) the father's  
12 visiting the child at least monthly when  
13 physically and financially able to do so and not  
14 prevented from doing so by the person or authorized  
15 agency having lawful custody of the child or (III)  
16 the father's regular communication with the child  
17 or with the person or agency having the care or  
18 custody of the child, when physically and  
19 financially unable to visit the child or prevented  
20 from doing so by the person or authorized agency  
21 having lawful custody of the child. The subjective  
22 intent of the father, whether expressed or  
23 otherwise, unsupported by evidence of acts  
24 specified in this sub-paragraph as manifesting  
25 such intent, shall not preclude a determination  
26 that the father failed to maintain substantial and

1 continuous or repeated contact with the child; or

2 (vi) in the case of a child placed with the  
3 adopting parents more than six months after birth,  
4 openly lived with the child for a period of six  
5 months within the one year period immediately  
6 preceding the placement of the child for adoption  
7 and openly held himself out to be the father of the  
8 child; or

9 (vii) has timely registered with the Putative  
10 Father Registry, as provided in Section 12.1 of  
11 this Act, and prior to the expiration of 30 days  
12 from the date of such registration, commenced  
13 legal proceedings to establish paternity under the  
14 Illinois Parentage Act of 1984, or under the law of  
15 the jurisdiction of the child's birth.

16 (d) In making a determination under subparagraphs (b) (1)  
17 and (c) (1), no showing shall be required of diligent efforts by  
18 a person or agency to encourage the father to perform the acts  
19 specified therein.

20 (e) In the case of the adoption of an adult, only the  
21 consent of such adult shall be required.

22 (Source: P.A. 97-493, eff. 8-22-11.)

23 (750 ILCS 50/12.1)

24 Sec. 12.1. Putative Father Registry. The Department of  
25 Children and Family Services shall establish a Putative Father

1 Registry for the purpose of determining the identity and  
2 location of a putative father of a minor child who is, or is  
3 expected to be, the subject of an adoption proceeding, in order  
4 to provide notice of such proceeding to the putative father.  
5 The Department of Children and Family Services shall establish  
6 rules and informational material necessary to implement the  
7 provisions of this Section. The Department shall have the  
8 authority to set reasonable fees for the use of the Registry.  
9 All such fees for the use of the Registry that are received by  
10 the Department or its agent shall be deposited into the fund  
11 authorized under subsection (b) of Section 25 of the Children  
12 and Family Services Act. The Department shall use the moneys in  
13 that fund for the purpose of maintaining the Registry.

14 (a) The Department shall maintain the following  
15 information in the Registry:

16 (1) With respect to the putative father:

17 (i) Name, including any other names by which the  
18 putative father may be known and that he may provide to  
19 the Registry;

20 (ii) Address at which he may be served with notice  
21 of a petition under this Act, including any change of  
22 address;

23 (iii) Social Security Number;

24 (iv) Date of birth; and

25 (v) If applicable, a certified copy of an order by  
26 a court of this State or of another state or territory

1 of the United States adjudicating the putative father  
2 to be the father of the child.

3 (2) With respect to the mother of the child:

4 (i) Name, including all other names known to the  
5 putative father by which the mother may be known;

6 (ii) If known to the putative father, her last  
7 address;

8 (iii) Social Security Number; and

9 (iv) Date of birth.

10 (3) If known to the putative father, the name, gender,  
11 place of birth, and date of birth or anticipated date of  
12 birth of the child.

13 (4) The date that the Department received the putative  
14 father's registration.

15 (5) Other information as the Department may by rule  
16 determine necessary for the orderly administration of the  
17 Registry.

18 (b) A putative father may register with the Department  
19 before the birth of the child but shall register no later than  
20 30 days after the birth of the child. All registrations shall  
21 be in writing and signed by the putative father. No fee shall  
22 be charged for the initial registration. The Department shall  
23 have no independent obligation to gather the information to be  
24 maintained.

25 (c) An interested party, including persons intending to  
26 adopt a child, a child welfare agency with whom the mother has

1 placed or has given written notice of her intention to place a  
2 child for adoption, the mother of the child, or an attorney  
3 representing an interested party may request that the  
4 Department search the Registry to determine whether a putative  
5 father is registered in relation to a child who is or may be  
6 the subject to an adoption petition.

7 (d) A search of the Registry may be proven by the  
8 production of a certified copy of the registration form, or by  
9 the certified statement of the administrator of the Registry  
10 that after a search, no registration of a putative father in  
11 relation to a child who is or may be the subject of an adoption  
12 petition could be located.

13 (e) Except as otherwise provided, information contained  
14 within the Registry is confidential and shall not be published  
15 or open to public inspection.

16 (f) A person who knowingly or intentionally registers false  
17 information under this Section commits a Class B misdemeanor. A  
18 person who knowingly or intentionally releases confidential  
19 information in violation of this Section commits a Class B  
20 misdemeanor.

21 (g) Except as provided in subsections (b) or (c) of Section  
22 8 of this Act, a putative father who fails to register with the  
23 Putative Father Registry as provided in this Section is barred  
24 from thereafter bringing or maintaining any action to assert  
25 any interest in the child, unless he proves by clear and  
26 convincing evidence that:



1           (1) it was not possible for him to register within the  
2           period of time specified in subsection (b) of this Section;  
3           and

4           (2) his failure to register was through no fault of his  
5           own; and

6           (3) he registered within 10 days after it became  
7           possible for him to file.

8           A lack of knowledge of the pregnancy or birth is not an  
9           acceptable reason for failure to register.

10          (h) Except as provided in subsection (b) or (c) of Section  
11          8 of this Act, failure to timely register with the Putative  
12          Father Registry (i) shall be deemed to be a waiver and  
13          surrender of any right to notice of any hearing in any judicial  
14          proceeding for the adoption of the child, and the consent or  
15          surrender of that person to the adoption of the child is not  
16          required, and (ii) shall constitute an abandonment of the child  
17          and shall be prima facie evidence of sufficient grounds to  
18          support termination of such father's parental rights under this  
19          Act.

20          (i) In any adoption proceeding pertaining to a child born  
21          out of wedlock, if there is no showing that a putative father  
22          has executed a consent or surrender or waived his rights  
23          regarding the proposed adoption, certification as specified in  
24          subsection (d) shall be filed with the court prior to entry of  
25          a final judgment order of adoption.

26          (j) The Registry shall not be used to notify a putative

1 father who is the father of a child as a result of criminal  
2 sexual abuse or assault as defined under Article 11 ~~12~~ of the  
3 Criminal Code of 2012 ~~1961~~.

4 (Source: P.A. 94-1010, eff. 10-1-06.)

5 (750 ILCS 50/14) (from Ch. 40, par. 1517)

6 Sec. 14. Judgment.

7 (a) Prior to the entry of the judgment for order of  
8 adoption in any case other than an adoption of a related child  
9 or of an adult, each petitioner and each person, agency,  
10 association, corporation, institution, society or organization  
11 involved in the adoption of the child, except a child welfare  
12 agency, shall execute an affidavit setting forth the hospital  
13 and medical costs, legal fees, counseling fees, and any other  
14 fees or expenditures paid in accordance with the Adoption  
15 Compensation Prohibition Act or Section 12C-70 of the Criminal  
16 Code of 2012 ~~1961~~.

17 (b) Before the entry of the judgment for adoption, each  
18 child welfare agency involved in the adoption of the child  
19 shall file an affidavit concerning the costs, expenses,  
20 contributions, fees, compensation, or other things of value  
21 which have been given, promised, or received including but not  
22 limited to hospital and medical costs, legal fees, social  
23 services, living expenses, or any other expenses related to the  
24 adoption paid in accordance with the Adoption Compensation  
25 Prohibition Act or Section 12C-70 of the Criminal Code of 2012

1 ~~1961.~~

2 If the total amount paid by the child welfare agency is  
3 \$4,500 or more, the affidavit shall contain an itemization of  
4 expenditures.

5 If the total amount paid by the child welfare agency is  
6 less than \$4,500, the agency may file an unitemized affidavit  
7 stating that the total amount paid is less than \$4,500 unless  
8 the court, in its discretion, requires that agency to file an  
9 itemized affidavit.

10 (c) No affidavit need be filed in the case of an adoption  
11 of a related child or an adult, nor shall an affidavit be  
12 required to be filed by a non-consenting parent, or by any  
13 judge, or clerk, involved in an official capacity in the  
14 adoption proceedings.

15 (d) All affidavits filed in accordance with this Section  
16 shall be under penalty of perjury and shall include, but are  
17 not limited to, hospital and medical costs, legal fees, social  
18 services, living expenses or any other expenses related to the  
19 adoption or to the placement of the child, whether or not the  
20 payments are permitted by applicable laws.

21 (e) Upon the expiration of 6 months after the date of any  
22 interim order vesting temporary care, custody and control of a  
23 child, other than a related child, in the petitioners, entered  
24 pursuant to this Act, the petitioners may apply to the court  
25 for a judgment of adoption. Notice of such application shall be  
26 served by the petitioners upon the investigating agency or the

1 person making such investigation, and the guardian ad litem.  
2 After the hearing on such application, at which the petitioners  
3 and the child shall appear in person, unless their presence is  
4 waived by the court for good cause shown, the court may enter a  
5 judgment for adoption, provided the court is satisfied from the  
6 report of the investigating agency or the person making the  
7 investigation, and from the evidence, if any, introduced, that  
8 the adoption is for the welfare of the child and that there is  
9 a valid consent, or that no consent is required as provided in  
10 Section 8 of this Act.

11 (f) A judgment for adoption of a related child, an adult,  
12 or a child as to whose adoption an agency or person authorized  
13 by law has the right of authority to consent may be entered at  
14 any time after service of process and after the return day  
15 designated therein.

16 (f-5) A standby adoption judgment may be entered upon  
17 notice of the death of the consenting parent or upon the  
18 consenting parent's request that a final judgment for adoption  
19 be entered. The notice must be provided to the court within 60  
20 days after the standby adoptive parent's receipt of knowledge  
21 of death of the consenting parent or the consenting parent's  
22 request that a final judgment for adoption be entered. If the  
23 court finds that adoption is for the welfare of the child and  
24 that there is a valid consent, including consent for standby  
25 adoption, which is still in effect, or that no consent is  
26 required under Section 8 of the Act, a judgment for adoption

1 shall be entered unless the court finds by clear and convincing  
2 evidence that it is no longer in the best interest of the child  
3 for the adoption to be finalized.

4 (g) No special findings of fact or certificate of evidence  
5 shall be necessary in any case to support the judgment.

6 (h) Only the circuit court that entered the judgment of the  
7 adoption may order the issuance of any contents of the court  
8 file or that the original birth record of the adoptee be  
9 provided to any persons.

10 (Source: P.A. 97-1109, eff. 1-1-13.)

11 Section 775. The Illinois Domestic Violence Act of 1986 is  
12 amended by changing Sections 103, 214, 216, 223, 301, and 304  
13 as follows:

14 (750 ILCS 60/103) (from Ch. 40, par. 2311-3)

15 Sec. 103. Definitions. For the purposes of this Act, the  
16 following terms shall have the following meanings:

17 (1) "Abuse" means physical abuse, harassment, intimidation  
18 of a dependent, interference with personal liberty or willful  
19 deprivation but does not include reasonable direction of a  
20 minor child by a parent or person in loco parentis.

21 (2) "Adult with disabilities" means an elder adult with  
22 disabilities or a high-risk adult with disabilities. A person  
23 may be an adult with disabilities for purposes of this Act even  
24 though he or she has never been adjudicated an incompetent

1 adult. However, no court proceeding may be initiated or  
2 continued on behalf of an adult with disabilities over that  
3 adult's objection, unless such proceeding is approved by his or  
4 her legal guardian, if any.

5 (3) "Domestic violence" means abuse as defined in paragraph  
6 (1).

7 (4) "Elder adult with disabilities" means an adult  
8 prevented by advanced age from taking appropriate action to  
9 protect himself or herself from abuse by a family or household  
10 member.

11 (5) "Exploitation" means the illegal, including tortious,  
12 use of a high-risk adult with disabilities or of the assets or  
13 resources of a high-risk adult with disabilities. Exploitation  
14 includes, but is not limited to, the misappropriation of assets  
15 or resources of a high-risk adult with disabilities by undue  
16 influence, by breach of a fiduciary relationship, by fraud,  
17 deception, or extortion, or the use of such assets or resources  
18 in a manner contrary to law.

19 (6) "Family or household members" include spouses, former  
20 spouses, parents, children, stepchildren and other persons  
21 related by blood or by present or prior marriage, persons who  
22 share or formerly shared a common dwelling, persons who have or  
23 allegedly have a child in common, persons who share or  
24 allegedly share a blood relationship through a child, persons  
25 who have or have had a dating or engagement relationship,  
26 persons with disabilities and their personal assistants, and

1 caregivers as defined in Section 12-4.4a ~~or paragraph (3) of~~  
2 ~~subsection (b) of Section 12-21~~ of the Criminal Code of 2012  
3 ~~1961~~. For purposes of this paragraph, neither a casual  
4 acquaintanceship nor ordinary fraternization between 2  
5 individuals in business or social contexts shall be deemed to  
6 constitute a dating relationship. In the case of a high-risk  
7 adult with disabilities, "family or household members"  
8 includes any person who has the responsibility for a high-risk  
9 adult as a result of a family relationship or who has assumed  
10 responsibility for all or a portion of the care of a high-risk  
11 adult with disabilities voluntarily, or by express or implied  
12 contract, or by court order.

13 (7) "Harassment" means knowing conduct which is not  
14 necessary to accomplish a purpose that is reasonable under the  
15 circumstances; would cause a reasonable person emotional  
16 distress; and does cause emotional distress to the petitioner.  
17 Unless the presumption is rebutted by a preponderance of the  
18 evidence, the following types of conduct shall be presumed to  
19 cause emotional distress:

20 (i) creating a disturbance at petitioner's place of  
21 employment or school;

22 (ii) repeatedly telephoning petitioner's place of  
23 employment, home or residence;

24 (iii) repeatedly following petitioner about in a  
25 public place or places;

26 (iv) repeatedly keeping petitioner under surveillance

1 by remaining present outside his or her home, school, place  
2 of employment, vehicle or other place occupied by  
3 petitioner or by peering in petitioner's windows;

4 (v) improperly concealing a minor child from  
5 petitioner, repeatedly threatening to improperly remove a  
6 minor child of petitioner's from the jurisdiction or from  
7 the physical care of petitioner, repeatedly threatening to  
8 conceal a minor child from petitioner, or making a single  
9 such threat following an actual or attempted improper  
10 removal or concealment, unless respondent was fleeing an  
11 incident or pattern of domestic violence; or

12 (vi) threatening physical force, confinement or  
13 restraint on one or more occasions.

14 (8) "High-risk adult with disabilities" means a person aged  
15 18 or over whose physical or mental disability impairs his or  
16 her ability to seek or obtain protection from abuse, neglect,  
17 or exploitation.

18 (9) "Interference with personal liberty" means committing  
19 or threatening physical abuse, harassment, intimidation or  
20 willful deprivation so as to compel another to engage in  
21 conduct from which she or he has a right to abstain or to  
22 refrain from conduct in which she or he has a right to engage.

23 (10) "Intimidation of a dependent" means subjecting a  
24 person who is dependent because of age, health or disability to  
25 participation in or the witnessing of: physical force against  
26 another or physical confinement or restraint of another which



1 constitutes physical abuse as defined in this Act, regardless  
2 of whether the abused person is a family or household member.

3 (11) (A) "Neglect" means the failure to exercise that  
4 degree of care toward a high-risk adult with disabilities which  
5 a reasonable person would exercise under the circumstances and  
6 includes but is not limited to:

7 (i) the failure to take reasonable steps to protect a  
8 high-risk adult with disabilities from acts of abuse;

9 (ii) the repeated, careless imposition of unreasonable  
10 confinement;

11 (iii) the failure to provide food, shelter, clothing,  
12 and personal hygiene to a high-risk adult with disabilities  
13 who requires such assistance;

14 (iv) the failure to provide medical and rehabilitative  
15 care for the physical and mental health needs of a  
16 high-risk adult with disabilities; or

17 (v) the failure to protect a high-risk adult with  
18 disabilities from health and safety hazards.

19 (B) Nothing in this subsection (10) shall be construed to  
20 impose a requirement that assistance be provided to a high-risk  
21 adult with disabilities over his or her objection in the  
22 absence of a court order, nor to create any new affirmative  
23 duty to provide support to a high-risk adult with disabilities.

24 (12) "Order of protection" means an emergency order,  
25 interim order or plenary order, granted pursuant to this Act,  
26 which includes any or all of the remedies authorized by Section

1 214 of this Act.

2 (13) "Petitioner" may mean not only any named petitioner  
3 for the order of protection and any named victim of abuse on  
4 whose behalf the petition is brought, but also any other person  
5 protected by this Act.

6 (14) "Physical abuse" includes sexual abuse and means any  
7 of the following:

8 (i) knowing or reckless use of physical force,  
9 confinement or restraint;

10 (ii) knowing, repeated and unnecessary sleep  
11 deprivation; or

12 (iii) knowing or reckless conduct which creates an  
13 immediate risk of physical harm.

14 (14.5) "Stay away" means for the respondent to refrain from  
15 both physical presence and nonphysical contact with the  
16 petitioner whether direct, indirect (including, but not  
17 limited to, telephone calls, mail, email, faxes, and written  
18 notes), or through third parties who may or may not know about  
19 the order of protection.

20 (15) "Willful deprivation" means wilfully denying a person  
21 who because of age, health or disability requires medication,  
22 medical care, shelter, accessible shelter or services, food,  
23 therapeutic device, or other physical assistance, and thereby  
24 exposing that person to the risk of physical, mental or  
25 emotional harm, except with regard to medical care or treatment  
26 when the dependent person has expressed an intent to forgo such

1 medical care or treatment. This paragraph does not create any  
2 new affirmative duty to provide support to dependent persons.

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

4 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

5 Sec. 214. Order of protection; remedies.

6 (a) Issuance of order. If the court finds that petitioner  
7 has been abused by a family or household member or that  
8 petitioner is a high-risk adult who has been abused, neglected,  
9 or exploited, as defined in this Act, an order of protection  
10 prohibiting the abuse, neglect, or exploitation shall issue;  
11 provided that petitioner must also satisfy the requirements of  
12 one of the following Sections, as appropriate: Section 217 on  
13 emergency orders, Section 218 on interim orders, or Section 219  
14 on plenary orders. Petitioner shall not be denied an order of  
15 protection because petitioner or respondent is a minor. The  
16 court, when determining whether or not to issue an order of  
17 protection, shall not require physical manifestations of abuse  
18 on the person of the victim. Modification and extension of  
19 prior orders of protection shall be in accordance with this  
20 Act.

21 (b) Remedies and standards. The remedies to be included in  
22 an order of protection shall be determined in accordance with  
23 this Section and one of the following Sections, as appropriate:  
24 Section 217 on emergency orders, Section 218 on interim orders,  
25 and Section 219 on plenary orders. The remedies listed in this

1 subsection shall be in addition to other civil or criminal  
2 remedies available to petitioner.

3 (1) Prohibition of abuse, neglect, or exploitation.  
4 Prohibit respondent's harassment, interference with  
5 personal liberty, intimidation of a dependent, physical  
6 abuse, or willful deprivation, neglect or exploitation, as  
7 defined in this Act, or stalking of the petitioner, as  
8 defined in Section 12-7.3 of the Criminal Code of 2012  
9 ~~1961~~, if such abuse, neglect, exploitation, or stalking has  
10 occurred or otherwise appears likely to occur if not  
11 prohibited.

12 (2) Grant of exclusive possession of residence.  
13 Prohibit respondent from entering or remaining in any  
14 residence, household, or premises of the petitioner,  
15 including one owned or leased by respondent, if petitioner  
16 has a right to occupancy thereof. The grant of exclusive  
17 possession of the residence, household, or premises shall  
18 not affect title to real property, nor shall the court be  
19 limited by the standard set forth in Section 701 of the  
20 Illinois Marriage and Dissolution of Marriage Act.

21 (A) Right to occupancy. A party has a right to  
22 occupancy of a residence or household if it is solely  
23 or jointly owned or leased by that party, that party's  
24 spouse, a person with a legal duty to support that  
25 party or a minor child in that party's care, or by any  
26 person or entity other than the opposing party that

1 authorizes that party's occupancy (e.g., a domestic  
2 violence shelter). Standards set forth in subparagraph  
3 (B) shall not preclude equitable relief.

4 (B) Presumption of hardships. If petitioner and  
5 respondent each has the right to occupancy of a  
6 residence or household, the court shall balance (i) the  
7 hardships to respondent and any minor child or  
8 dependent adult in respondent's care resulting from  
9 entry of this remedy with (ii) the hardships to  
10 petitioner and any minor child or dependent adult in  
11 petitioner's care resulting from continued exposure to  
12 the risk of abuse (should petitioner remain at the  
13 residence or household) or from loss of possession of  
14 the residence or household (should petitioner leave to  
15 avoid the risk of abuse). When determining the balance  
16 of hardships, the court shall also take into account  
17 the accessibility of the residence or household.  
18 Hardships need not be balanced if respondent does not  
19 have a right to occupancy.

20 The balance of hardships is presumed to favor  
21 possession by petitioner unless the presumption is  
22 rebutted by a preponderance of the evidence, showing  
23 that the hardships to respondent substantially  
24 outweigh the hardships to petitioner and any minor  
25 child or dependent adult in petitioner's care. The  
26 court, on the request of petitioner or on its own

1 motion, may order respondent to provide suitable,  
2 accessible, alternate housing for petitioner instead  
3 of excluding respondent from a mutual residence or  
4 household.

5 (3) Stay away order and additional prohibitions. Order  
6 respondent to stay away from petitioner or any other person  
7 protected by the order of protection, or prohibit  
8 respondent from entering or remaining present at  
9 petitioner's school, place of employment, or other  
10 specified places at times when petitioner is present, or  
11 both, if reasonable, given the balance of hardships.  
12 Hardships need not be balanced for the court to enter a  
13 stay away order or prohibit entry if respondent has no  
14 right to enter the premises.

15 (A) If an order of protection grants petitioner  
16 exclusive possession of the residence, or prohibits  
17 respondent from entering the residence, or orders  
18 respondent to stay away from petitioner or other  
19 protected persons, then the court may allow respondent  
20 access to the residence to remove items of clothing and  
21 personal adornment used exclusively by respondent,  
22 medications, and other items as the court directs. The  
23 right to access shall be exercised on only one occasion  
24 as the court directs and in the presence of an  
25 agreed-upon adult third party or law enforcement  
26 officer.

1 (B) When the petitioner and the respondent attend  
2 the same public, private, or non-public elementary,  
3 middle, or high school, the court when issuing an order  
4 of protection and providing relief shall consider the  
5 severity of the act, any continuing physical danger or  
6 emotional distress to the petitioner, the educational  
7 rights guaranteed to the petitioner and respondent  
8 under federal and State law, the availability of a  
9 transfer of the respondent to another school, a change  
10 of placement or a change of program of the respondent,  
11 the expense, difficulty, and educational disruption  
12 that would be caused by a transfer of the respondent to  
13 another school, and any other relevant facts of the  
14 case. The court may order that the respondent not  
15 attend the public, private, or non-public elementary,  
16 middle, or high school attended by the petitioner,  
17 order that the respondent accept a change of placement  
18 or change of program, as determined by the school  
19 district or private or non-public school, or place  
20 restrictions on the respondent's movements within the  
21 school attended by the petitioner. The respondent  
22 bears the burden of proving by a preponderance of the  
23 evidence that a transfer, change of placement, or  
24 change of program of the respondent is not available.  
25 The respondent also bears the burden of production with  
26 respect to the expense, difficulty, and educational

1 disruption that would be caused by a transfer of the  
2 respondent to another school. A transfer, change of  
3 placement, or change of program is not unavailable to  
4 the respondent solely on the ground that the respondent  
5 does not agree with the school district's or private or  
6 non-public school's transfer, change of placement, or  
7 change of program or solely on the ground that the  
8 respondent fails or refuses to consent or otherwise  
9 does not take an action required to effectuate a  
10 transfer, change of placement, or change of program.  
11 When a court orders a respondent to stay away from the  
12 public, private, or non-public school attended by the  
13 petitioner and the respondent requests a transfer to  
14 another attendance center within the respondent's  
15 school district or private or non-public school, the  
16 school district or private or non-public school shall  
17 have sole discretion to determine the attendance  
18 center to which the respondent is transferred. In the  
19 event the court order results in a transfer of the  
20 minor respondent to another attendance center, a  
21 change in the respondent's placement, or a change of  
22 the respondent's program, the parents, guardian, or  
23 legal custodian of the respondent is responsible for  
24 transportation and other costs associated with the  
25 transfer or change.

26 (C) The court may order the parents, guardian, or



1           legal custodian of a minor respondent to take certain  
2           actions or to refrain from taking certain actions to  
3           ensure that the respondent complies with the order. In  
4           the event the court orders a transfer of the respondent  
5           to another school, the parents, guardian, or legal  
6           custodian of the respondent is responsible for  
7           transportation and other costs associated with the  
8           change of school by the respondent.

9           (4) Counseling. Require or recommend the respondent to  
10          undergo counseling for a specified duration with a social  
11          worker, psychologist, clinical psychologist, psychiatrist,  
12          family service agency, alcohol or substance abuse program,  
13          mental health center guidance counselor, agency providing  
14          services to elders, program designed for domestic violence  
15          abusers or any other guidance service the court deems  
16          appropriate. The Court may order the respondent in any  
17          intimate partner relationship to report to an Illinois  
18          Department of Human Services protocol approved partner  
19          abuse intervention program for an assessment and to follow  
20          all recommended treatment.

21          (5) Physical care and possession of the minor child. In  
22          order to protect the minor child from abuse, neglect, or  
23          unwarranted separation from the person who has been the  
24          minor child's primary caretaker, or to otherwise protect  
25          the well-being of the minor child, the court may do either  
26          or both of the following: (i) grant petitioner physical

1 care or possession of the minor child, or both, or (ii)  
2 order respondent to return a minor child to, or not remove  
3 a minor child from, the physical care of a parent or person  
4 in loco parentis.

5 If a court finds, after a hearing, that respondent has  
6 committed abuse (as defined in Section 103) of a minor  
7 child, there shall be a rebuttable presumption that  
8 awarding physical care to respondent would not be in the  
9 minor child's best interest.

10 (6) Temporary legal custody. Award temporary legal  
11 custody to petitioner in accordance with this Section, the  
12 Illinois Marriage and Dissolution of Marriage Act, the  
13 Illinois Parentage Act of 1984, and this State's Uniform  
14 Child-Custody Jurisdiction and Enforcement Act.

15 If a court finds, after a hearing, that respondent has  
16 committed abuse (as defined in Section 103) of a minor  
17 child, there shall be a rebuttable presumption that  
18 awarding temporary legal custody to respondent would not be  
19 in the child's best interest.

20 (7) Visitation. Determine the visitation rights, if  
21 any, of respondent in any case in which the court awards  
22 physical care or temporary legal custody of a minor child  
23 to petitioner. The court shall restrict or deny  
24 respondent's visitation with a minor child if the court  
25 finds that respondent has done or is likely to do any of  
26 the following: (i) abuse or endanger the minor child during

1       visitation; (ii) use the visitation as an opportunity to  
2       abuse or harass petitioner or petitioner's family or  
3       household members; (iii) improperly conceal or detain the  
4       minor child; or (iv) otherwise act in a manner that is not  
5       in the best interests of the minor child. The court shall  
6       not be limited by the standards set forth in Section 607.1  
7       of the Illinois Marriage and Dissolution of Marriage Act.  
8       If the court grants visitation, the order shall specify  
9       dates and times for the visitation to take place or other  
10      specific parameters or conditions that are appropriate. No  
11      order for visitation shall refer merely to the term  
12      "reasonable visitation".

13       Petitioner may deny respondent access to the minor  
14      child if, when respondent arrives for visitation,  
15      respondent is under the influence of drugs or alcohol and  
16      constitutes a threat to the safety and well-being of  
17      petitioner or petitioner's minor children or is behaving in  
18      a violent or abusive manner.

19       If necessary to protect any member of petitioner's  
20      family or household from future abuse, respondent shall be  
21      prohibited from coming to petitioner's residence to meet  
22      the minor child for visitation, and the parties shall  
23      submit to the court their recommendations for reasonable  
24      alternative arrangements for visitation. A person may be  
25      approved to supervise visitation only after filing an  
26      affidavit accepting that responsibility and acknowledging

1           accountability to the court.

2           (8) Removal or concealment of minor child. Prohibit  
3           respondent from removing a minor child from the State or  
4           concealing the child within the State.

5           (9) Order to appear. Order the respondent to appear in  
6           court, alone or with a minor child, to prevent abuse,  
7           neglect, removal or concealment of the child, to return the  
8           child to the custody or care of the petitioner or to permit  
9           any court-ordered interview or examination of the child or  
10          the respondent.

11          (10) Possession of personal property. Grant petitioner  
12          exclusive possession of personal property and, if  
13          respondent has possession or control, direct respondent to  
14          promptly make it available to petitioner, if:

15                 (i) petitioner, but not respondent, owns the  
16                 property; or

17                 (ii) the parties own the property jointly; sharing  
18                 it would risk abuse of petitioner by respondent or is  
19                 impracticable; and the balance of hardships favors  
20                 temporary possession by petitioner.

21          If petitioner's sole claim to ownership of the property  
22          is that it is marital property, the court may award  
23          petitioner temporary possession thereof under the  
24          standards of subparagraph (ii) of this paragraph only if a  
25          proper proceeding has been filed under the Illinois  
26          Marriage and Dissolution of Marriage Act, as now or

1 hereafter amended.

2 No order under this provision shall affect title to  
3 property.

4 (11) Protection of property. Forbid the respondent  
5 from taking, transferring, encumbering, concealing,  
6 damaging or otherwise disposing of any real or personal  
7 property, except as explicitly authorized by the court, if:

8 (i) petitioner, but not respondent, owns the  
9 property; or

10 (ii) the parties own the property jointly, and the  
11 balance of hardships favors granting this remedy.

12 If petitioner's sole claim to ownership of the property  
13 is that it is marital property, the court may grant  
14 petitioner relief under subparagraph (ii) of this  
15 paragraph only if a proper proceeding has been filed under  
16 the Illinois Marriage and Dissolution of Marriage Act, as  
17 now or hereafter amended.

18 The court may further prohibit respondent from  
19 improperly using the financial or other resources of an  
20 aged member of the family or household for the profit or  
21 advantage of respondent or of any other person.

22 (11.5) Protection of animals. Grant the petitioner the  
23 exclusive care, custody, or control of any animal owned,  
24 possessed, leased, kept, or held by either the petitioner  
25 or the respondent or a minor child residing in the  
26 residence or household of either the petitioner or the

1           respondent and order the respondent to stay away from the  
2           animal and forbid the respondent from taking,  
3           transferring, encumbering, concealing, harming, or  
4           otherwise disposing of the animal.

5           (12) Order for payment of support. Order respondent to  
6           pay temporary support for the petitioner or any child in  
7           the petitioner's care or custody, when the respondent has a  
8           legal obligation to support that person, in accordance with  
9           the Illinois Marriage and Dissolution of Marriage Act,  
10          which shall govern, among other matters, the amount of  
11          support, payment through the clerk and withholding of  
12          income to secure payment. An order for child support may be  
13          granted to a petitioner with lawful physical care or  
14          custody of a child, or an order or agreement for physical  
15          care or custody, prior to entry of an order for legal  
16          custody. Such a support order shall expire upon entry of a  
17          valid order granting legal custody to another, unless  
18          otherwise provided in the custody order.

19          (13) Order for payment of losses. Order respondent to  
20          pay petitioner for losses suffered as a direct result of  
21          the abuse, neglect, or exploitation. Such losses shall  
22          include, but not be limited to, medical expenses, lost  
23          earnings or other support, repair or replacement of  
24          property damaged or taken, reasonable attorney's fees,  
25          court costs and moving or other travel expenses, including  
26          additional reasonable expenses for temporary shelter and

1 restaurant meals.

2 (i) Losses affecting family needs. If a party is  
3 entitled to seek maintenance, child support or  
4 property distribution from the other party under the  
5 Illinois Marriage and Dissolution of Marriage Act, as  
6 now or hereafter amended, the court may order  
7 respondent to reimburse petitioner's actual losses, to  
8 the extent that such reimbursement would be  
9 "appropriate temporary relief", as authorized by  
10 subsection (a) (3) of Section 501 of that Act.

11 (ii) Recovery of expenses. In the case of an  
12 improper concealment or removal of a minor child, the  
13 court may order respondent to pay the reasonable  
14 expenses incurred or to be incurred in the search for  
15 and recovery of the minor child, including but not  
16 limited to legal fees, court costs, private  
17 investigator fees, and travel costs.

18 (14) Prohibition of entry. Prohibit the respondent  
19 from entering or remaining in the residence or household  
20 while the respondent is under the influence of alcohol or  
21 drugs and constitutes a threat to the safety and well-being  
22 of the petitioner or the petitioner's children.

23 (14.5) Prohibition of firearm possession.

24 (a) Prohibit a respondent against whom an order of  
25 protection was issued from possessing any firearms  
26 during the duration of the order if the order:

1           (1) was issued after a hearing of which such  
2           person received actual notice, and at which such  
3           person had an opportunity to participate;

4           (2) restrains such person from harassing,  
5           stalking, or threatening an intimate partner of  
6           such person or child of such intimate partner or  
7           person, or engaging in other conduct that would  
8           place an intimate partner in reasonable fear of  
9           bodily injury to the partner or child; and

10          (3) (i) includes a finding that such person  
11          represents a credible threat to the physical  
12          safety of such intimate partner or child; or (ii)  
13          by its terms explicitly prohibits the use,  
14          attempted use, or threatened use of physical force  
15          against such intimate partner or child that would  
16          reasonably be expected to cause bodily injury.

17          Any Firearm Owner's Identification Card in the  
18          possession of the respondent, except as provided in  
19          subsection (b), shall be ordered by the court to be  
20          turned over to the local law enforcement agency. The  
21          local law enforcement agency shall immediately mail  
22          the card to the Department of State Police Firearm  
23          Owner's Identification Card Office for safekeeping.  
24          The court shall issue a warrant for seizure of any  
25          firearm in the possession of the respondent, to be kept  
26          by the local law enforcement agency for safekeeping,



1           except as provided in subsection (b). The period of  
2           safekeeping shall be for the duration of the order of  
3           protection. The firearm or firearms and Firearm  
4           Owner's Identification Card, if unexpired, shall at  
5           the respondent's request, be returned to the  
6           respondent at the end of the order of protection. It is  
7           the respondent's responsibility to notify the  
8           Department of State Police Firearm Owner's  
9           Identification Card Office.

10           (b) If the respondent is a peace officer as defined  
11           in Section 2-13 of the Criminal Code of 2012 ~~1961~~, the  
12           court shall order that any firearms used by the  
13           respondent in the performance of his or her duties as a  
14           peace officer be surrendered to the chief law  
15           enforcement executive of the agency in which the  
16           respondent is employed, who shall retain the firearms  
17           for safekeeping for the duration of the order of  
18           protection.

19           (c) Upon expiration of the period of safekeeping,  
20           if the firearms or Firearm Owner's Identification Card  
21           cannot be returned to respondent because respondent  
22           cannot be located, fails to respond to requests to  
23           retrieve the firearms, or is not lawfully eligible to  
24           possess a firearm, upon petition from the local law  
25           enforcement agency, the court may order the local law  
26           enforcement agency to destroy the firearms, use the

1 firearms for training purposes, or for any other  
2 application as deemed appropriate by the local law  
3 enforcement agency; or that the firearms be turned over  
4 to a third party who is lawfully eligible to possess  
5 firearms, and who does not reside with respondent.

6 (15) Prohibition of access to records. If an order of  
7 protection prohibits respondent from having contact with  
8 the minor child, or if petitioner's address is omitted  
9 under subsection (b) of Section 203, or if necessary to  
10 prevent abuse or wrongful removal or concealment of a minor  
11 child, the order shall deny respondent access to, and  
12 prohibit respondent from inspecting, obtaining, or  
13 attempting to inspect or obtain, school or any other  
14 records of the minor child who is in the care of  
15 petitioner.

16 (16) Order for payment of shelter services. Order  
17 respondent to reimburse a shelter providing temporary  
18 housing and counseling services to the petitioner for the  
19 cost of the services, as certified by the shelter and  
20 deemed reasonable by the court.

21 (17) Order for injunctive relief. Enter injunctive  
22 relief necessary or appropriate to prevent further abuse of  
23 a family or household member or further abuse, neglect, or  
24 exploitation of a high-risk adult with disabilities or to  
25 effectuate one of the granted remedies, if supported by the  
26 balance of hardships. If the harm to be prevented by the

1 injunction is abuse or any other harm that one of the  
2 remedies listed in paragraphs (1) through (16) of this  
3 subsection is designed to prevent, no further evidence is  
4 necessary that the harm is an irreparable injury.

5 (c) Relevant factors; findings.

6 (1) In determining whether to grant a specific remedy,  
7 other than payment of support, the court shall consider  
8 relevant factors, including but not limited to the  
9 following:

10 (i) the nature, frequency, severity, pattern and  
11 consequences of the respondent's past abuse, neglect  
12 or exploitation of the petitioner or any family or  
13 household member, including the concealment of his or  
14 her location in order to evade service of process or  
15 notice, and the likelihood of danger of future abuse,  
16 neglect, or exploitation to petitioner or any member of  
17 petitioner's or respondent's family or household; and

18 (ii) the danger that any minor child will be abused  
19 or neglected or improperly removed from the  
20 jurisdiction, improperly concealed within the State or  
21 improperly separated from the child's primary  
22 caretaker.

23 (2) In comparing relative hardships resulting to the  
24 parties from loss of possession of the family home, the  
25 court shall consider relevant factors, including but not  
26 limited to the following:

1           (i) availability, accessibility, cost, safety,  
2           adequacy, location and other characteristics of  
3           alternate housing for each party and any minor child or  
4           dependent adult in the party's care;

5           (ii) the effect on the party's employment; and

6           (iii) the effect on the relationship of the party,  
7           and any minor child or dependent adult in the party's  
8           care, to family, school, church and community.

9           (3) Subject to the exceptions set forth in paragraph  
10          (4) of this subsection, the court shall make its findings  
11          in an official record or in writing, and shall at a minimum  
12          set forth the following:

13           (i) That the court has considered the applicable  
14           relevant factors described in paragraphs (1) and (2) of  
15           this subsection.

16           (ii) Whether the conduct or actions of respondent,  
17           unless prohibited, will likely cause irreparable harm  
18           or continued abuse.

19           (iii) Whether it is necessary to grant the  
20           requested relief in order to protect petitioner or  
21           other alleged abused persons.

22          (4) For purposes of issuing an ex parte emergency order  
23          of protection, the court, as an alternative to or as a  
24          supplement to making the findings described in paragraphs  
25          (c) (3) (i) through (c) (3) (iii) of this subsection, may use  
26          the following procedure:

1           When a verified petition for an emergency order of  
2 protection in accordance with the requirements of Sections  
3 203 and 217 is presented to the court, the court shall  
4 examine petitioner on oath or affirmation. An emergency  
5 order of protection shall be issued by the court if it  
6 appears from the contents of the petition and the  
7 examination of petitioner that the averments are  
8 sufficient to indicate abuse by respondent and to support  
9 the granting of relief under the issuance of the emergency  
10 order of protection.

11           (5) Never married parties. No rights or  
12 responsibilities for a minor child born outside of marriage  
13 attach to a putative father until a father and child  
14 relationship has been established under the Illinois  
15 Parentage Act of 1984, the Illinois Public Aid Code,  
16 Section 12 of the Vital Records Act, the Juvenile Court Act  
17 of 1987, the Probate Act of 1985, the Revised Uniform  
18 Reciprocal Enforcement of Support Act, the Uniform  
19 Interstate Family Support Act, the Expedited Child Support  
20 Act of 1990, any judicial, administrative, or other act of  
21 another state or territory, any other Illinois statute, or  
22 by any foreign nation establishing the father and child  
23 relationship, any other proceeding substantially in  
24 conformity with the Personal Responsibility and Work  
25 Opportunity Reconciliation Act of 1996 (Pub. L. 104-193),  
26 or where both parties appeared in open court or at an

1 administrative hearing acknowledging under oath or  
2 admitting by affirmation the existence of a father and  
3 child relationship. Absent such an adjudication, finding,  
4 or acknowledgement, no putative father shall be granted  
5 temporary custody of the minor child, visitation with the  
6 minor child, or physical care and possession of the minor  
7 child, nor shall an order of payment for support of the  
8 minor child be entered.

9 (d) Balance of hardships; findings. If the court finds that  
10 the balance of hardships does not support the granting of a  
11 remedy governed by paragraph (2), (3), (10), (11), or (16) of  
12 subsection (b) of this Section, which may require such  
13 balancing, the court's findings shall so indicate and shall  
14 include a finding as to whether granting the remedy will result  
15 in hardship to respondent that would substantially outweigh the  
16 hardship to petitioner from denial of the remedy. The findings  
17 shall be an official record or in writing.

18 (e) Denial of remedies. Denial of any remedy shall not be  
19 based, in whole or in part, on evidence that:

20 (1) Respondent has cause for any use of force, unless  
21 that cause satisfies the standards for justifiable use of  
22 force provided by Article 7 ~~VII~~ of the Criminal Code of  
23 2012 ~~1961~~;

24 (2) Respondent was voluntarily intoxicated;

25 (3) Petitioner acted in self-defense or defense of  
26 another, provided that, if petitioner utilized force, such

1 force was justifiable under Article 7 ~~VII~~ of the Criminal  
2 Code of 2012 ~~1961~~;

3 (4) Petitioner did not act in self-defense or defense  
4 of another;

5 (5) Petitioner left the residence or household to avoid  
6 further abuse, neglect, or exploitation by respondent;

7 (6) Petitioner did not leave the residence or household  
8 to avoid further abuse, neglect, or exploitation by  
9 respondent;

10 (7) Conduct by any family or household member excused  
11 the abuse, neglect, or exploitation by respondent, unless  
12 that same conduct would have excused such abuse, neglect,  
13 or exploitation if the parties had not been family or  
14 household members.

15 (Source: P.A. 96-701, eff. 1-1-10; 96-1239, eff. 1-1-11;  
16 97-158, eff. 1-1-12; 97-294, eff. 1-1-12; 97-813, eff. 7-13-12;  
17 97-1131, eff. 1-1-13.)

18 (750 ILCS 60/216) (from Ch. 40, par. 2312-16)

19 Sec. 216. Accountability for Actions of Others. For the  
20 purposes of issuing an order of protection, deciding what  
21 remedies should be included and enforcing the order, Article 5  
22 of the Criminal Code of 2012 ~~1961~~ shall govern whether  
23 respondent is legally accountable for the conduct of another  
24 person.

25 (Source: P.A. 84-1305.)

1 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

2 Sec. 223. Enforcement of orders of protection.

3 (a) When violation is crime. A violation of any order of  
4 protection, whether issued in a civil or criminal proceeding,  
5 shall be enforced by a criminal court when:

6 (1) The respondent commits the crime of violation of an  
7 order of protection pursuant to Section 12-3.4 or 12-30 of  
8 the Criminal Code of 1961 or the Criminal Code of 2012, by  
9 having knowingly violated:

10 (i) remedies described in paragraphs (1), (2),  
11 (3), (14), or (14.5) of subsection (b) of Section 214  
12 of this Act; or

13 (ii) a remedy, which is substantially similar to  
14 the remedies authorized under paragraphs (1), (2),  
15 (3), (14), and (14.5) of subsection (b) of Section 214  
16 of this Act, in a valid order of protection which is  
17 authorized under the laws of another state, tribe, or  
18 United States territory; or

19 (iii) any other remedy when the act constitutes a  
20 crime against the protected parties as defined by the  
21 Criminal Code of 1961 or the Criminal Code of 2012.

22 Prosecution for a violation of an order of protection  
23 shall not bar concurrent prosecution for any other crime,  
24 including any crime that may have been committed at the  
25 time of the violation of the order of protection; or



1           (2) The respondent commits the crime of child abduction  
2           pursuant to Section 10-5 of the Criminal Code of 1961 or  
3           the Criminal Code of 2012, by having knowingly violated:

4                   (i) remedies described in paragraphs (5), (6) or  
5                   (8) of subsection (b) of Section 214 of this Act; or

6                   (ii) a remedy, which is substantially similar to  
7                   the remedies authorized under paragraphs (5), (6), or  
8                   (8) of subsection (b) of Section 214 of this Act, in a  
9                   valid order of protection which is authorized under the  
10                  laws of another state, tribe, or United States  
11                  territory.

12           (b) When violation is contempt of court. A violation of any  
13           valid Illinois order of protection, whether issued in a civil  
14           or criminal proceeding, may be enforced through civil or  
15           criminal contempt procedures, as appropriate, by any court with  
16           jurisdiction, regardless where the act or acts which violated  
17           the order of protection were committed, to the extent  
18           consistent with the venue provisions of this Act. Nothing in  
19           this Act shall preclude any Illinois court from enforcing any  
20           valid order of protection issued in another state. Illinois  
21           courts may enforce orders of protection through both criminal  
22           prosecution and contempt proceedings, unless the action which  
23           is second in time is barred by collateral estoppel or the  
24           constitutional prohibition against double jeopardy.

25                   (1) In a contempt proceeding where the petition for a  
26                   rule to show cause sets forth facts evidencing an immediate

1 danger that the respondent will flee the jurisdiction,  
2 conceal a child, or inflict physical abuse on the  
3 petitioner or minor children or on dependent adults in  
4 petitioner's care, the court may order the attachment of  
5 the respondent without prior service of the rule to show  
6 cause or the petition for a rule to show cause. Bond shall  
7 be set unless specifically denied in writing.

8 (2) A petition for a rule to show cause for violation  
9 of an order of protection shall be treated as an expedited  
10 proceeding.

11 (b-1) The court shall not hold a school district or private  
12 or non-public school or any of its employees in civil or  
13 criminal contempt unless the school district or private or  
14 non-public school has been allowed to intervene.

15 (b-2) The court may hold the parents, guardian, or legal  
16 custodian of a minor respondent in civil or criminal contempt  
17 for a violation of any provision of any order entered under  
18 this Act for conduct of the minor respondent in violation of  
19 this Act if the parents, guardian, or legal custodian directed,  
20 encouraged, or assisted the respondent minor in such conduct.

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 214 of this Act may be enforced by  
24 any remedy 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 214 in the manner provided for under Parts V and VII of  
2 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 the respondent has actual knowledge of its  
6 contents as shown through one of the following means:

7 (1) By service, delivery, or notice under Section 210.

8 (2) By notice under Section 210.1 or 211.

9 (3) By service of an order of protection under Section  
10 222.

11 (4) By other means demonstrating actual knowledge of  
12 the contents of the order.

13 (e) The enforcement of an order of protection in civil or  
14 criminal court shall not be affected by either of the  
15 following:

16 (1) The existence of a separate, correlative order,  
17 entered under Section 215.

18 (2) Any finding or order entered in a conjoined  
19 criminal proceeding.

20 (f) Circumstances. The court, when determining whether or  
21 not a violation of an order of protection has occurred, shall  
22 not require physical manifestations of abuse on the person of  
23 the victim.

24 (g) Penalties.

25 (1) Except as provided in paragraph (3) of this  
26 subsection, where the court finds the commission of a crime

1 or contempt of court under subsections (a) or (b) of this  
2 Section, the penalty shall be the penalty that generally  
3 applies in such criminal or contempt proceedings, and may  
4 include one or more of the following: incarceration,  
5 payment of restitution, a fine, payment of attorneys' fees  
6 and costs, or community service.

7 (2) The court shall hear and take into account evidence  
8 of any factors in aggravation or mitigation before deciding  
9 an appropriate penalty under paragraph (1) of this  
10 subsection.

11 (3) To the extent permitted by law, the court is  
12 encouraged to:

13 (i) increase the penalty for the knowing violation  
14 of any order of protection over any penalty previously  
15 imposed by any court for respondent's violation of any  
16 order of protection or penal statute involving  
17 petitioner as victim and respondent as defendant;

18 (ii) impose a minimum penalty of 24 hours  
19 imprisonment for respondent's first violation of any  
20 order of protection; and

21 (iii) impose a minimum penalty of 48 hours  
22 imprisonment for respondent's second or subsequent  
23 violation of an order of protection

24 unless the court explicitly finds that an increased penalty  
25 or that period of imprisonment would be manifestly unjust.

26 (4) In addition to any other penalties imposed for a

1 violation of an order of protection, a criminal court may  
2 consider evidence of any violations of an order of  
3 protection:

4 (i) to increase, revoke or modify the bail bond on  
5 an underlying criminal charge pursuant to Section  
6 110-6 of the Code of Criminal Procedure of 1963;

7 (ii) to revoke or modify an order of probation,  
8 conditional discharge or supervision, pursuant to  
9 Section 5-6-4 of the Unified Code of Corrections;

10 (iii) to revoke or modify a sentence of periodic  
11 imprisonment, pursuant to Section 5-7-2 of the Unified  
12 Code of Corrections.

13 (5) In addition to any other penalties, the court shall  
14 impose an additional fine of \$20 as authorized by Section  
15 5-9-1.11 of the Unified Code of Corrections upon any person  
16 convicted of or placed on supervision for a violation of an  
17 order of protection. The additional fine shall be imposed  
18 for each violation of this Section.

19 (Source: P.A. 96-1551, eff. 7-1-11; 97-294, eff. 1-1-12.)

20 (750 ILCS 60/301) (from Ch. 40, par. 2313-1)

21 Sec. 301. Arrest without warrant.

22 (a) Any law enforcement officer may make an arrest without  
23 warrant if the officer has probable cause to believe that the  
24 person has committed or is committing any crime, including but  
25 not limited to violation of an order of protection, under

1 Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the  
2 Criminal Code of 2012, even if the crime was not committed in  
3 the presence of the officer.

4 (b) The law enforcement officer may verify the existence of  
5 an order of protection by telephone or radio communication with  
6 his or her law enforcement agency or by referring to the copy  
7 of the order provided by the petitioner or respondent.

8 (c) Any law enforcement officer may make an arrest without  
9 warrant if the officer has reasonable grounds to believe a  
10 defendant at liberty under the provisions of subdivision (d) (1)  
11 or (d) (2) of Section 110-10 of the Code of Criminal Procedure  
12 of 1963 has violated a condition of his or her bail bond or  
13 recognizance.

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

15 (750 ILCS 60/304) (from Ch. 40, par. 2313-4)

16 Sec. 304. Assistance by law enforcement officers.

17 (a) Whenever a law enforcement officer has reason to  
18 believe that a person has been abused, neglected, or exploited  
19 by a family or household member, the officer shall immediately  
20 use all reasonable means to prevent further abuse, neglect, or  
21 exploitation, including:

22 (1) Arresting the abusing, neglecting and exploiting  
23 party, where appropriate;

24 (2) If there is probable cause to believe that  
25 particular weapons were used to commit the incident of

1 abuse, subject to constitutional limitations, seizing and  
2 taking inventory of the weapons;

3 (3) Accompanying the victim of abuse, neglect, or  
4 exploitation to his or her place of residence for a  
5 reasonable period of time to remove necessary personal  
6 belongings and possessions;

7 (4) Offering the victim of abuse, neglect, or  
8 exploitation immediate and adequate information (written  
9 in a language appropriate for the victim or in Braille or  
10 communicated in appropriate sign language), which shall  
11 include a summary of the procedures and relief available to  
12 victims of abuse under subsection (c) of Section 217 and  
13 the officer's name and badge number;

14 (5) Providing the victim with one referral to an  
15 accessible service agency;

16 (6) Advising the victim of abuse about seeking medical  
17 attention and preserving evidence (specifically including  
18 photographs of injury or damage and damaged clothing or  
19 other property); and

20 (7) Providing or arranging accessible transportation  
21 for the victim of abuse (and, at the victim's request, any  
22 minors or dependents in the victim's care) to a medical  
23 facility for treatment of injuries or to a nearby place of  
24 shelter or safety; or, after the close of court business  
25 hours, providing or arranging for transportation for the  
26 victim (and, at the victim's request, any minors or

1 dependents in the victim's care) to the nearest available  
2 circuit judge or associate judge so the victim may file a  
3 petition for an emergency order of protection under  
4 subsection (c) of Section 217. When a victim of abuse  
5 chooses to leave the scene of the offense, it shall be  
6 presumed that it is in the best interests of any minors or  
7 dependents in the victim's care to remain with the victim  
8 or a person designated by the victim, rather than to remain  
9 with the abusing party.

10 (b) Whenever a law enforcement officer does not exercise  
11 arrest powers or otherwise initiate criminal proceedings, the  
12 officer shall:

13 (1) Make a police report of the investigation of any  
14 bona fide allegation of an incident of abuse, neglect, or  
15 exploitation and the disposition of the investigation, in  
16 accordance with subsection (a) of Section 303;

17 (2) Inform the victim of abuse neglect, or exploitation  
18 of the victim's right to request that a criminal proceeding  
19 be initiated where appropriate, including specific times  
20 and places for meeting with the State's Attorney's office,  
21 a warrant officer, or other official in accordance with  
22 local procedure; and

23 (3) Advise the victim of the importance of seeking  
24 medical attention and preserving evidence (specifically  
25 including photographs of injury or damage and damaged  
26 clothing or other property).



1 (c) Except as provided by Section 24-6 of the Criminal Code  
2 of 2012 ~~1961~~ or under a court order, any weapon seized under  
3 subsection (a)(2) shall be returned forthwith to the person  
4 from whom it was seized when it is no longer needed for  
5 evidentiary purposes.

6 (Source: P.A. 87-1186; 88-498.)

7 Section 780. The Parental Notice of Abortion Act of 1995 is  
8 amended by changing Section 10 as follows:

9 (750 ILCS 70/10)

10 Sec. 10. Definitions. As used in this Act:

11 "Abortion" means the use of any instrument, medicine, drug,  
12 or any other substance or device to terminate the pregnancy of  
13 a woman known to be pregnant with an intention other than to  
14 increase the probability of a live birth, to preserve the life  
15 or health of a child after live birth, or to remove a dead  
16 fetus.

17 "Actual notice" means the giving of notice directly, in  
18 person, or by telephone.

19 "Adult family member" means a person over 21 years of age  
20 who is the parent, grandparent, step-parent living in the  
21 household, or legal guardian.

22 "Constructive notice" means notice by certified mail to the  
23 last known address of the person entitled to notice with  
24 delivery deemed to have occurred 48 hours after the certified

1 notice is mailed.

2 "Incompetent" means any person who has been adjudged as  
3 mentally ill or developmentally disabled and who, because of  
4 her mental illness or developmental disability, is not fully  
5 able to manage her person and for whom a guardian of the person  
6 has been appointed under Section 11a-3(a) (1) of the Probate Act  
7 of 1975.

8 "Medical emergency" means a condition that, on the basis of  
9 the physician's good faith clinical judgment, so complicates  
10 the medical condition of a pregnant woman as to necessitate the  
11 immediate abortion of her pregnancy to avert her death or for  
12 which a delay will create serious risk of substantial and  
13 irreversible impairment of major bodily function.

14 "Minor" means any person under 18 years of age who is not  
15 or has not been married or who has not been emancipated under  
16 the Emancipation of Minors Act.

17 "Neglect" means the failure of an adult family member to  
18 supply a child with necessary food, clothing, shelter, or  
19 medical care when reasonably able to do so or the failure to  
20 protect a child from conditions or actions that imminently and  
21 seriously endanger the child's physical or mental health when  
22 reasonably able to do so.

23 "Physical abuse" means any physical injury intentionally  
24 inflicted by an adult family member on a child.

25 "Physician" means any person licensed to practice medicine  
26 in all its branches under the Illinois Medical Practice Act of

1 1987.

2 "Sexual abuse" means any sexual conduct or sexual  
3 penetration as defined in Section 11-0.1 of the Criminal Code  
4 of 2012 ~~1961~~ that is prohibited by the criminal laws of the  
5 State of Illinois and committed against a minor by an adult  
6 family member as defined in this Act.

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

8 Section 785. The Probate Act of 1975 is amended by changing  
9 Sections 1-5, 2-6.2, 2-6.6, and 25-1 as follows:

10 (755 ILCS 5/1-5) (from Ch. 110 1/2, par. 1-5)

11 Sec. 1-5. Petition under oath.) Every petition under this  
12 Act, except a petition under Section 8-1 or Section 8-2, shall  
13 be under oath or affirmation. If a statement is known to  
14 petitioner only upon information and belief, or is unknown to  
15 him, the petition shall so state. Whenever any instrument is  
16 required to be verified or under oath, a statement that is made  
17 under the penalties of perjury has the same effect as if the  
18 instrument were verified or made under oath. A fraudulent  
19 statement so made is perjury, as defined in Section 32-2 of the  
20 Criminal Code of 2012 ~~1961~~.

21 (Source: P.A. 85-692.)

22 (755 ILCS 5/2-6.2)

23 Sec. 2-6.2. Financial exploitation, abuse, or neglect of an

1 elderly person or a person with a disability.

2 (a) In this Section:

3 "Abuse" means any offense described in Section 12-21 or  
4 subsection (b) of Section 12-4.4a of the Criminal Code of 1961  
5 or the Criminal Code of 2012.

6 "Financial exploitation" means any offense described in  
7 Section 16-1.3 or 17-56 of the Criminal Code of 1961 or the  
8 Criminal Code of 2012.

9 "Neglect" means any offense described in Section 12-19 or  
10 subsection (a) of Section 12-4.4a of the Criminal Code of 1961  
11 or the Criminal Code of 2012.

12 (b) Persons convicted of financial exploitation, abuse, or  
13 neglect of an elderly person or a person with a disability  
14 shall not receive any property, benefit, or other interest by  
15 reason of the death of that elderly person or person with a  
16 disability, whether as heir, legatee, beneficiary, survivor,  
17 appointee, claimant under Section 18-1.1, or in any other  
18 capacity and whether the property, benefit, or other interest  
19 passes pursuant to any form of title registration, testamentary  
20 or nontestamentary instrument, intestacy, renunciation, or any  
21 other circumstance. The property, benefit, or other interest  
22 shall pass as if the person convicted of the financial  
23 exploitation, abuse, or neglect died before the decedent,  
24 provided that with respect to joint tenancy property the  
25 interest possessed prior to the death by the person convicted  
26 of the financial exploitation, abuse, or neglect shall not be

1 diminished by the application of this Section. Notwithstanding  
2 the foregoing, a person convicted of financial exploitation,  
3 abuse, or neglect of an elderly person or a person with a  
4 disability shall be entitled to receive property, a benefit, or  
5 an interest in any capacity and under any circumstances  
6 described in this subsection (b) if it is demonstrated by clear  
7 and convincing evidence that the victim of that offense knew of  
8 the conviction and subsequent to the conviction expressed or  
9 ratified his or her intent to transfer the property, benefit,  
10 or interest to the person convicted of financial exploitation,  
11 abuse, or neglect of an elderly person or a person with a  
12 disability in any manner contemplated by this subsection (b).

13 (c) (1) The holder of any property subject to the provisions  
14 of this Section shall not be liable for distributing or  
15 releasing the property to the person convicted of financial  
16 exploitation, abuse, or neglect of an elderly person or a  
17 person with a disability if the distribution or release occurs  
18 prior to the conviction.

19 (2) If the holder is a financial institution, trust  
20 company, trustee, or similar entity or person, the holder shall  
21 not be liable for any distribution or release of the property,  
22 benefit, or other interest to the person convicted of a  
23 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or  
24 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
25 of 1961 or the Criminal Code of 2012 unless the holder  
26 knowingly distributes or releases the property, benefit, or

1 other interest to the person so convicted after first having  
2 received actual written notice of the conviction in sufficient  
3 time to act upon the notice.

4 (d) If the holder of any property subject to the provisions  
5 of this Section knows that a potential beneficiary has been  
6 convicted of financial exploitation, abuse, or neglect of an  
7 elderly person or a person with a disability within the scope  
8 of this Section, the holder shall fully cooperate with law  
9 enforcement authorities and judicial officers in connection  
10 with any investigation of the financial exploitation, abuse, or  
11 neglect. If the holder is a person or entity that is subject to  
12 regulation by a regulatory agency pursuant to the laws of this  
13 or any other state or pursuant to the laws of the United  
14 States, including but not limited to the business of a  
15 financial institution, corporate fiduciary, or insurance  
16 company, then such person or entity shall not be deemed to be  
17 in violation of this Section to the extent that privacy laws  
18 and regulations applicable to such person or entity prevent it  
19 from voluntarily providing law enforcement authorities or  
20 judicial officers with information.

21 (Source: P.A. 96-1551, Article 1, Section 995, eff. 7-1-11;  
22 96-1551, Article 10, Section 10-155, eff. 7-1-11; 97-1109, eff.  
23 1-1-13.)

24 (755 ILCS 5/2-6.6)

25 Sec. 2-6.6. Person convicted of certain offenses against

1 the elderly or disabled. A person who is convicted of a  
2 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or  
3 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
4 of 1961 or the Criminal Code of 2012 may not receive any  
5 property, benefit, or other interest by reason of the death of  
6 the victim of that offense, whether as heir, legatee,  
7 beneficiary, joint tenant, tenant by the entirety, survivor,  
8 appointee, or in any other capacity and whether the property,  
9 benefit, or other interest passes pursuant to any form of title  
10 registration, testamentary or nontestamentary instrument,  
11 intestacy, renunciation, or any other circumstance. The  
12 property, benefit, or other interest shall pass as if the  
13 person convicted of a violation of Section 12-19, 12-21,  
14 16-1.3, or 17-56, or subsection (a) or (b) of Section 12-4.4a,  
15 of the Criminal Code of 1961 or the Criminal Code of 2012 died  
16 before the decedent; provided that with respect to joint  
17 tenancy property or property held in tenancy by the entirety,  
18 the interest possessed prior to the death by the person  
19 convicted may not be diminished by the application of this  
20 Section. Notwithstanding the foregoing, a person convicted of a  
21 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or  
22 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
23 of 1961 or the Criminal Code of 2012 shall be entitled to  
24 receive property, a benefit, or an interest in any capacity and  
25 under any circumstances described in this Section if it is  
26 demonstrated by clear and convincing evidence that the victim

1 of that offense knew of the conviction and subsequent to the  
2 conviction expressed or ratified his or her intent to transfer  
3 the property, benefit, or interest to the person convicted of a  
4 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or  
5 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
6 of 1961 or the Criminal Code of 2012 in any manner contemplated  
7 by this Section.

8 The holder of any property subject to the provisions of  
9 this Section is not liable for distributing or releasing the  
10 property to the person convicted of violating Section 12-19,  
11 12-21, 16-1.3, or 17-56, or subsection (a) or (b) of Section  
12 12-4.4a, of the Criminal Code of 1961 or the Criminal Code of  
13 2012.

14 If the holder is a financial institution, trust company,  
15 trustee, or similar entity or person, the holder shall not be  
16 liable for any distribution or release of the property,  
17 benefit, or other interest to the person convicted of a  
18 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or  
19 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
20 of 1961 or the Criminal Code of 2012 unless the holder  
21 knowingly distributes or releases the property, benefit, or  
22 other interest to the person so convicted after first having  
23 received actual written notice of the conviction in sufficient  
24 time to act upon the notice.

25 The Department of State Police shall have access to State  
26 of Illinois databases containing information that may help in



1 the identification or location of persons convicted of the  
2 offenses enumerated in this Section. Interagency agreements  
3 shall be implemented, consistent with security and procedures  
4 established by the State agency and consistent with the laws  
5 governing the confidentiality of the information in the  
6 databases. Information shall be used only for administration of  
7 this Section.

8 (Source: P.A. 96-1551, Article 1, Section 955, eff. 7-1-11;  
9 96-1551, Article 10, Section 10-155, eff. 7-1-11; 97-1109, eff.  
10 1-1-13.)

11 (755 ILCS 5/25-1) (from Ch. 110 1/2, par. 25-1)

12 Sec. 25-1. Payment or delivery of small estate of decedent  
13 upon affidavit.

14 (a) When any person or corporation (1) indebted to or  
15 holding personal estate of a decedent, (2) controlling the  
16 right of access to decedent's safe deposit box or (3) acting as  
17 registrar or transfer agent of any evidence of interest,  
18 indebtedness, property or right is furnished with a small  
19 estate affidavit in substantially the form hereinafter set  
20 forth, that person or corporation shall pay the indebtedness,  
21 grant access to the safe deposit box, deliver the personal  
22 estate or transfer or issue the evidence of interest,  
23 indebtedness, property or right to persons and in the manner  
24 specified in paragraph 11 of the affidavit or to an agent  
25 appointed as hereinafter set forth.

1 (b) Small Estate Affidavit

2 I, (name of affiant) , on oath state:

3 1. (a) My post office address is: ;

4 (b) My residence address is: ; and

5 (c) I understand that, if I am an out-of-state  
6 resident, I submit myself to the jurisdiction of Illinois  
7 courts for all matters related to the preparation and use of  
8 this affidavit. My agent for service of process in Illinois is:

9 NAME.....

10 ADDRESS.....

11 CITY.....

12 TELEPHONE (IF ANY).....

13 I understand that if no person is named above as my agent for  
14 service or, if for any reason, service on the named person  
15 cannot be effectuated, the clerk of the circuit court of  
16 .....(County) (Judicial Circuit) Illinois is recognized by  
17 Illinois law as my agent for service of process.

18 2. The decedent's name is ;

19 3. The date of the decedent's death was , and I  
20 have attached a copy of the death certificate hereto.

21 4. The decedent's place of residence immediately before his  
22 death was ;

23 5. No letters of office are now outstanding on the  
24 decedent's estate and no petition for letters is contemplated  
25 or pending in Illinois or in any other jurisdiction, to my  
26 knowledge;

1           6. The gross value of the decedent's entire personal  
2 estate, including the value of all property passing to any  
3 party either by intestacy or under a will, does not exceed  
4 \$100,000. (Here, list each asset, e.g., cash, stock, and its  
5 fair market value.);

6           7. (a) All of the decedent's funeral expenses have been  
7 paid, or (b) The amount of the decedent's unpaid funeral  
8 expenses and the name and post office address of each person  
9 entitled thereto are as follows:

10 Name and post office address	Amount
11 (Strike either 7(a) or 7(b)).	

12           8. There is no known unpaid claimant or contested claim  
13 against the decedent, except as stated in paragraph 7.

14           9. (a) The names and places of residence of any surviving  
15 spouse, minor children and adult dependent\* children of the  
16 decedent are as follows:

17 Name and	Place of	Age of
18 Relationship	Residence	minor child

19

20 \* (Note: An adult dependent child is one who is unable to  
21 maintain himself and is likely to become a public charge.)

1           (b) The award allowable to the surviving spouse of a  
 2 decedent who was an Illinois resident is \$..... (\$20,000,  
 3 plus \$10,000 multiplied by the number of minor children and  
 4 adult dependent children who resided with the surviving spouse  
 5 at the time of the decedent's death. If any such child did not  
 6 reside with the surviving spouse at the time of the decedent's  
 7 death, so indicate).

8           (c) If there is no surviving spouse, the award allowable to  
 9 the minor children and adult dependent children of a decedent  
 10 who was an Illinois resident is \$..... (\$20,000, plus  
 11 \$10,000 multiplied by the number of minor children and adult  
 12 dependent children), to be divided among them in equal shares.

13           10. (a) The decedent left no will. The names, places of  
 14 residence and relationships of the decedent's heirs, and the  
 15 portion of the estate to which each heir is entitled under the  
 16 law where decedent died intestate are as follows:

17	Name, relationship	Age of	Portion of
18	and place of residence	minor	Estate
19	OR		

20

1 (b) The decedent left a will, which has been filed with the  
 2 clerk of an appropriate court. A certified copy of the will on  
 3 file is attached. To the best of my knowledge and belief the  
 4 will on file is the decedent's last will and was signed by the  
 5 decedent and the attesting witnesses as required by law and  
 6 would be admissible to probate. The names and places of  
 7 residence of the legatees and the portion of the estate, if  
 8 any, to which each legatee is entitled are as follows:

9	Name, relationship	Age of	Portion of
10	and place of residence	minor	Estate

11

12 (Strike either 10(a) or 10(b)).

13 (c) Affiant is unaware of any dispute or potential conflict  
 14 as to the heirship or will of the decedent.

15 11. The property described in paragraph 6 of this affidavit  
 16 should be distributed as follows:

17	Name	Specific sum or property to be distributed
----	------	--

18 The foregoing statement is made under the penalties of  
 19 perjury\*.

20

.....

21

Signature of Affiant

22

23

24

\* (Note: A fraudulent statement made under the penalties of  
 perjury is perjury, as defined in Section 32-2 of the Criminal  
 Code of 2012 ~~1961~~.)

1           (c) Appointment of Agent. If safe deposit access is  
2 involved or if sale of any personal property is desirable to  
3 facilitate distribution pursuant to the small estate  
4 affidavit, all persons named in paragraph 11 of the small  
5 estate affidavit (excluding minors and unascertained or  
6 disabled persons) may in writing appoint one or more persons as  
7 their agent for that purpose. The agent shall have power,  
8 without court approval, to gain access to, sell, and distribute  
9 the property for the benefit of all persons named in paragraph  
10 11 of the affidavit; and the payment, delivery, transfer,  
11 access or issuance shall be made or granted to or on the order  
12 of the agent.

13           (d) Release. Upon payment, delivery, transfer, access or  
14 issuance pursuant to a properly executed affidavit, the person  
15 or corporation is released to the same extent as if the  
16 payment, delivery, transfer, access or issuance had been made  
17 or granted to the representative of the estate. Such person or  
18 corporation is not required to see to the application or  
19 disposition of the property; but each person to whom a payment,  
20 delivery, transfer, access or issuance is made or given is  
21 answerable therefor to any person having a prior right and is  
22 accountable to any representative of the estate.

23           (e) The affiant signing the small estate affidavit prepared  
24 pursuant to subsection (b) of this Section shall indemnify and  
25 hold harmless all creditors and heirs of the decedent and other  
26 persons relying upon the affidavit who incur loss because of

1 such reliance. That indemnification shall only be up to the  
2 amount lost because of the act or omission of the affiant. Any  
3 person recovering under this subsection (e) shall be entitled  
4 to reasonable attorney's fees and the expenses of recovery.

5 (f) The affiant of a small estate affidavit who is a  
6 non-resident of Illinois submits himself or herself to the  
7 jurisdiction of Illinois courts for all matters related to the  
8 preparation or use of the affidavit. The affidavit shall  
9 provide the name, address, and phone number of a person whom  
10 the affiant names as his agent for service of process. If no  
11 such person is named or if, for any reason, service on the  
12 named person cannot be effectuated, the clerk of the circuit  
13 court of the county or judicial circuit of which the decedent  
14 was a resident at the time of his death shall be the agent for  
15 service of process.

16 (g) Any action properly taken under this Section, as  
17 amended by Public Act 93-877, on or after August 6, 2004 (the  
18 effective date of Public Act 93-877) is valid regardless of the  
19 date of death of the decedent.

20 (h) The changes made by this amendatory Act of the 96th  
21 General Assembly apply to a decedent whose date of death is on  
22 or after the effective date of this amendatory Act of the 96th  
23 General Assembly.

24 (Source: P.A. 96-968, eff. 7-2-10.)

25 Section 790. The Illinois Power of Attorney Act is amended

1 by changing Sections 2-8, 2-10.3, and 2-10.5 as follows:

2 (755 ILCS 45/2-8) (from Ch. 110 1/2, par. 802-8)

3 Sec. 2-8. Reliance on document purporting to establish an  
4 agency.

5 (a) Any person who acts in good faith reliance on a copy of  
6 a document purporting to establish an agency will be fully  
7 protected and released to the same extent as though the reliant  
8 had dealt directly with the named principal as a  
9 fully-competent person. The named agent shall furnish an  
10 affidavit or Agent's Certification and Acceptance of Authority  
11 to the reliant on demand stating that the instrument relied on  
12 is a true copy of the agency and that, to the best of the named  
13 agent's knowledge, the named principal is alive and the  
14 relevant powers of the named agent have not been altered or  
15 terminated; but good faith reliance on a document purporting to  
16 establish an agency will protect the reliant without the  
17 affidavit or Agent's Certification and Acceptance of  
18 Authority.

19 (b) Upon request, the named agent in a power of attorney  
20 shall furnish an Agent's Certification and Acceptance of  
21 Authority to the reliant in substantially the following form:

22 AGENT'S CERTIFICATION AND ACCEPTANCE OF AUTHORITY

23 I, ..... (insert name of agent), certify that the



1 attached is a true copy of a power of attorney naming the  
2 undersigned as agent or successor agent for .....  
3 (insert name of principal).

4 I certify that to the best of my knowledge the principal  
5 had the capacity to execute the power of attorney, is alive,  
6 and has not revoked the power of attorney; that my powers as  
7 agent have not been altered or terminated; and that the power  
8 of attorney remains in full force and effect.

9 I accept appointment as agent under this power of attorney.

10 This certification and acceptance is made under penalty of  
11 perjury.\*

12 Dated: .....

13 .....  
14 (Agent's Signature)

15 .....  
16 (Print Agent's Name)

17 .....  
18 (Agent's Address)

19 \* (NOTE: Perjury is defined in Section 32-2 of the Criminal  
20 Code of 2012 ~~1961~~, and is a Class 3 felony.)

21 (c) Any person dealing with an agent named in a copy of a  
22 document purporting to establish an agency may presume, in the  
23 absence of actual knowledge to the contrary, that the document  
24 purporting to establish the agency was validly executed, that  
25 the agency was validly established, that the named principal

1 was competent at the time of execution, and that, at the time  
2 of reliance, the named principal is alive, the agency was  
3 validly established and has not terminated or been amended, the  
4 relevant powers of the named agent were properly and validly  
5 granted and have not terminated or been amended, and the acts  
6 of the named agent conform to the standards of this Act. No  
7 person relying on a copy of a document purporting to establish  
8 an agency shall be required to see to the application of any  
9 property delivered to or controlled by the named agent or to  
10 question the authority of the named agent.

11 (d) Each person to whom a direction by the named agent in  
12 accordance with the terms of the copy of the document  
13 purporting to establish an agency is communicated shall comply  
14 with that direction, and any person who fails to comply  
15 arbitrarily or without reasonable cause shall be subject to  
16 civil liability for any damages resulting from noncompliance. A  
17 health care provider who complies with Section 4-7 shall not be  
18 deemed to have acted arbitrarily or without reasonable cause.

19 (Source: P.A. 96-1195, eff. 7-1-11.)

20 (755 ILCS 45/2-10.3)

21 Sec. 2-10.3. Successor agents.

22 (a) A principal may designate one or more successor agents  
23 to act if an initial or predecessor agent resigns, dies,  
24 becomes incapacitated, is not qualified to serve, or declines  
25 to serve. A principal may grant authority to another person,

1 designated by name, by office, or by function, including an  
2 initial or successor agent, to designate one or more successor  
3 agents. Unless a power of attorney otherwise provides, a  
4 successor agent has the same authority as that granted to an  
5 initial agent.

6 (b) An agent is not liable for the actions of another  
7 agent, including a predecessor agent, unless the agent  
8 participates in or conceals a breach of fiduciary duty  
9 committed by the other agent. An agent who has knowledge of a  
10 breach or imminent breach of fiduciary duty by another agent  
11 must notify the principal and, if the principal is  
12 incapacitated, take whatever actions may be reasonably  
13 appropriate in the circumstances to safeguard the principal's  
14 best interest.

15 (c) Any person who acts in good faith reliance on the  
16 representation of a successor agent regarding the  
17 unavailability of a predecessor agent will be fully protected  
18 and released to the same extent as though the reliant had dealt  
19 directly with the predecessor agent. Upon request, the  
20 successor agent shall furnish an affidavit or Successor Agent's  
21 Certification and Acceptance of Authority to the reliant, but  
22 good faith reliance on a document purporting to establish an  
23 agency will protect the reliant without the affidavit or  
24 Successor Agent's Certification and Acceptance of Authority. A  
25 Successor Agent's Certification and Acceptance of Authority  
26 shall be in substantially the following form:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

SUCCESSOR AGENT'S  
CERTIFICATION AND ACCEPTANCE OF AUTHORITY

I certify that the attached is a true copy of a power of attorney naming the undersigned as agent or successor agent for ..... (insert name of principal).

I certify that to the best of my knowledge the principal had the capacity to execute the power of attorney, is alive, and has not revoked the power of attorney; that my powers as agent have not been altered or terminated; and that the power of attorney remains in full force and effect.

I certify that to the best of my knowledge ..... (insert name of unavailable agent) is unavailable due to ..... (specify death, resignation, absence, illness, or other temporary incapacity).

I accept appointment as agent under this power of attorney. This certification and acceptance is made under penalty of perjury.\*

Dated: .....

.....

(Agent's Signature)

.....

(Print Agent's Name)

.....

(Agent's Address)

1           \* (NOTE: Perjury is defined in Section 32-2 of the Criminal  
2 Code of 2012 ~~1961~~, and is a Class 3 felony.)

3 (Source: P.A. 96-1195, eff. 7-1-11.)

4 (755 ILCS 45/2-10.5)

5 Sec. 2-10.5. Co-agents.

6 (a) Co-agents may not be named by a principal in a  
7 statutory short form power of attorney for property under  
8 Article III or a statutory short form power of attorney for  
9 health care under Article IV. In the event that co-agents are  
10 named in any other form of power of attorney, then the  
11 provisions of this Section shall govern the use and acceptance  
12 of co-agency designations.

13 (b) Unless the power of attorney or this Section otherwise  
14 provides, authority granted to 2 or more co-agents is  
15 exercisable only by their majority consent. However, if prompt  
16 action is required to accomplish the purposes of the power of  
17 attorney or to avoid irreparable injury to the principal's  
18 interests and an agent is unavailable because of absence,  
19 illness, or other temporary incapacity, the other agent or  
20 agents may act for the principal. If a vacancy occurs in one or  
21 more of the designations of agent under a power of attorney,  
22 the remaining agent or agents may act for the principal.

23 (c) An agent is not liable for the actions of another  
24 agent, including a co-agent or predecessor agent, unless the  
25 agent participates in or conceals a breach of fiduciary duty

1 committed by the other agent. An agent who has knowledge of a  
2 breach or imminent breach of fiduciary duty by another agent  
3 must notify the principal and, if the principal is  
4 incapacitated, take whatever actions may be reasonably  
5 appropriate in the circumstances to safeguard the principal's  
6 best interest.

7 (d) Any person who acts in good faith reliance on the  
8 representation of a co-agent regarding the unavailability of a  
9 predecessor agent or one or more co-agents, or the need for  
10 prompt action to accomplish the purposes of the power of  
11 attorney or to avoid irreparable injury to the principal's  
12 interests, will be fully protected and released to the same  
13 extent as though the reliant had dealt directly with all named  
14 agents. Upon request, the co-agent shall furnish an affidavit  
15 or Co-Agent's Certification and Acceptance of Authority to the  
16 reliant, but good faith reliance on a document purporting to  
17 establish an agency will protect the reliant without the  
18 affidavit or Co-Agent's Certification and Acceptance of  
19 Authority. A Co-Agent's Certification and Acceptance of  
20 Authority shall be in substantially the following form:

21 CO-AGENT'S

22 CERTIFICATION AND ACCEPTANCE OF AUTHORITY

23 I certify that the attached is a true copy of a power of  
24 attorney naming the undersigned as agent or co-agent for

1 ..... (insert name of principal).

2 I certify that to the best of my knowledge the principal  
3 had the capacity to execute the power of attorney, is alive,  
4 and has not revoked the power of attorney; that my powers as  
5 agent have not been altered or terminated; and that the power  
6 of attorney remains in full force and effect.

7 I certify that to the best of my knowledge .....  
8 (insert name of unavailable agent) is unavailable due to  
9 ..... (specify death, resignation, absence,  
10 illness, or other temporary incapacity).

11 I certify that prompt action is required to accomplish the  
12 purposes of the power of attorney or to avoid irreparable  
13 injury to the principal's interests.

14 I accept appointment as agent under this power of attorney.

15 This certification and acceptance is made under penalty of  
16 perjury.\*

17 Dated: .....

18 .....  
19 (Agent's Signature)

20 .....  
21 (Print Agent's Name)

22 .....  
23 (Agent's Address)

24 \* (NOTE: Perjury is defined in Section 32-2 of the Criminal  
25 Code of 2012 1961, and is a Class 3 felony.)

26 (Source: P.A. 96-1195, eff. 7-1-11.)

1           Section 795. The Charitable Trust Act is amended by  
2 changing Section 16.5 as follows:

3           (760 ILCS 55/16.5)

4           Sec. 16.5. Terrorist acts.

5           (a) Any person or organization subject to registration  
6 under this Act, who knowingly acts to further, directly or  
7 indirectly, or knowingly uses charitable assets to conduct or  
8 further, directly or indirectly, an act or actions as set forth  
9 in Article 29D of the Criminal Code of 2012 ~~1961~~, is thereby  
10 engaged in an act or actions contrary to public policy and  
11 antithetical to charity, and all of the funds, assets, and  
12 records of the person or organization shall be subject to  
13 temporary and permanent injunction from use or expenditure and  
14 the appointment of a temporary and permanent receiver to take  
15 possession of all of the assets and related records.

16           (b) An ex parte action may be commenced by the Attorney  
17 General, and, upon a showing of probable cause of a violation  
18 of this Section or Article 29D of the Criminal Code of 2012  
19 ~~1961~~, an immediate seizure of books and records by the Attorney  
20 General by and through his or her assistants or investigators  
21 or the Department of State Police and freezing of all assets  
22 shall be made by order of a court to protect the public,  
23 protect the assets, and allow a full review of the records.

24           (c) Upon a finding by a court after a hearing that a person



1 or organization has acted or is in violation of this Section,  
2 the person or organization shall be permanently enjoined from  
3 soliciting funds from the public, holding charitable funds, or  
4 acting as a trustee or fiduciary within Illinois. Upon a  
5 finding of violation all assets and funds held by the person or  
6 organization shall be forfeited to the People of the State of  
7 Illinois or otherwise ordered by the court to be accounted for  
8 and marshaled and then delivered to charitable causes and uses  
9 within the State of Illinois by court order.

10 (d) A determination under this Section may be made by any  
11 court separate and apart from any criminal proceedings and the  
12 standard of proof shall be that for civil proceedings.

13 (e) Any knowing use of charitable assets to conduct or  
14 further, directly or indirectly, an act or actions set forth in  
15 Article 29D of the Criminal Code of 2012 ~~1961~~ shall be a misuse  
16 of charitable assets and breach of fiduciary duty relative to  
17 all other Sections of this Act.

18 (Source: P.A. 92-854, eff. 12-5-02.)

19 Section 800. The Land Trust Beneficial Interest Disclosure  
20 Act is amended by changing Section 3 as follows:

21 (765 ILCS 405/3) (from Ch. 148, par. 73)

22 Sec. 3. False verification - Perjury. Whoever, in swearing  
23 to, or affirming, an application or statement as required under  
24 this Act, makes a false statement as to the identification of

1 beneficiaries of a land trust, or which is material to an issue  
2 or point in question in such application or statement, or who,  
3 having taken a lawful oath or made affirmation, shall testify  
4 willfully and falsely as to any of such matters for the purpose  
5 of inducing the approval of any such benefit, authorization,  
6 license or permit, or who shall suborn any other person to so  
7 swear, affirm or testify, is guilty of perjury or subornation  
8 of perjury, as the case may be, and upon conviction thereof,  
9 shall be sentenced as provided in Sections 32-2 or 32-3,  
10 respectively, of the Criminal Code of 2012 ~~1961, as amended,~~  
11 ~~for such offenses.~~

12 (Source: P.A. 85-747.)

13 Section 805. The Landlord and Tenant Act is amended by  
14 changing Section 10 as follows:

15 (765 ILCS 705/10)

16 Sec. 10. Failure to inform lessor who is a child sex  
17 offender and who resides in the same building in which the  
18 lessee resides or intends to reside that the lessee is a parent  
19 or guardian of a child under 18 years of age. If a lessor of  
20 residential real estate resides at such real estate and is a  
21 child sex offender as defined in Section 11-9.3 or 11-9.4 of  
22 the Criminal Code of 1961 or the Criminal Code of 2012 and  
23 rents such real estate to a person who does not inform the  
24 lessor that the person is a parent or guardian of a child or

1 children under 18 years of age and subsequent to such lease,  
2 the lessee discovers that the landlord is a child sex offender,  
3 then the lessee may not terminate the lease based upon such  
4 discovery that the lessor is a child sex offender and such  
5 lease shall be in full force and effect. This subsection shall  
6 apply only to leases or other rental arrangements entered into  
7 after the effective date of this amendatory Act of the 95th  
8 General Assembly.

9 (Source: P.A. 95-820, eff. 1-1-09; 96-1551, eff. 7-1-11.)

10 Section 810. The Safe Homes Act is amended by changing  
11 Section 10 as follows:

12 (765 ILCS 750/10)

13 Sec. 10. Definitions. For purposes of this Act:

14 "Domestic violence" means "abuse" as defined in Section 103  
15 of the Illinois Domestic Violence Act of 1986 by a "family or  
16 household member" as defined in Section 103 of the Illinois  
17 Domestic Violence Act of 1986.

18 "Landlord" means the owner of a building or the owner's  
19 agent with regard to matters concerning landlord's leasing of a  
20 dwelling.

21 "Sexual violence" means any act of sexual assault, sexual  
22 abuse, or stalking of an adult or minor child, including but  
23 not limited to non-consensual sexual conduct or non-consensual  
24 sexual penetration as defined in the Civil No Contact Order Act

1 and the offenses of stalking, aggravated stalking, criminal  
2 sexual assault, aggravated criminal sexual assault, predatory  
3 criminal sexual assault of a child, criminal sexual abuse, and  
4 aggravated criminal sexual abuse as those offenses are  
5 described in the Criminal Code of 2012 ~~1961~~.

6 "Tenant" means a person who has entered into an oral or  
7 written lease with a landlord whereby the person is the lessee  
8 under the lease.

9 (Source: P.A. 94-1038, eff. 1-1-07.)

10 Section 815. The Cemetery Protection Act is amended by  
11 changing Section 16 as follows:

12 (765 ILCS 835/16)

13 Sec. 16. When a multiple interment right owner becomes  
14 deceased, the ownership of any unused rights of interment shall  
15 pass in accordance with the specific bequest in the decedent's  
16 will. If there is no will or specific bequest then the  
17 ownership and use of the unused rights of interment shall be  
18 determined by a cemetery authority in accordance with the  
19 information set out on a standard affidavit for cemetery  
20 interment rights use form if such a form has been prepared. The  
21 unused right of interment shall be used for the interment of  
22 the first deceased heir listed on the standard affidavit and  
23 continue in sequence until all listed heirs are deceased. In  
24 the event that an interment right is not used, the interment

1 right shall pass to the heirs of the heirs of the deceased  
 2 interment right owner in perpetuity. Except as otherwise  
 3 provided in this Section, this shall not preclude the ability  
 4 of the heirs to sell said interment rights, in the event that  
 5 all listed living heirs are in agreement, and it shall not  
 6 preclude the ability of a 2/3 majority of the living heirs to  
 7 sell a specific interment right to the spouse of a living or  
 8 deceased heir. If the standard affidavit for cemetery interment  
 9 rights use, showing heirship of decedent interment right  
 10 owner's living heirs is provided to and followed by a cemetery  
 11 authority, the cemetery authority shall be released of any  
 12 liability in relying on that affidavit.

13 The following is the form of the standard affidavit:

14 STATE OF ILLINOIS )  
 15 ) SS  
 16 COUNTY OF .....)

17 AFFIDAVIT FOR CEMETERY INTERMENT RIGHTS USE

18 I, ....., being first duly sworn on oath depose and  
 19 say that:

- 20 1. A. My place of residence is .....
- 21 B. My post office address is .....
- 22 C. I understand that I am providing the information  
 23 contained in this affidavit to the .....  
 24 ("Cemetery") and the Cemetery shall, in the absence of

1 directions to the contrary in my will, rely on this  
2 information to allow the listed individuals to be interred  
3 in any unused interment rights in the order of their death.

4 D. I understand that, if I am an out-of-state resident,  
5 I submit myself to the jurisdiction of Illinois courts for  
6 all matters related to the preparation and use of this  
7 affidavit. My agent for service of process in Illinois is:

8 Name ..... Address .....  
9 City ..... Telephone .....

10 Items 2 through 6 must be completed by the executor of the  
11 decedent's estate, a personal representative, owner's  
12 surviving spouse, or surviving heir.

13 2. The decedent's name is .....

14 3. The date of decedent's death was .....

15 4. The decedent's place of residence immediately before his  
16 or her death was .....

17 5. My relationship to the decedent is .....  
18 and I am authorized to sign and file this affidavit.

19 6. At the time of death, the decedent (had no) (had a)  
20 surviving spouse. The name of the surviving spouse, if any, is  
21 ....., and he or she (has) (has not) remarried.

22 7. The following is a list of the cemetery interment rights  
23 that may be used by the heirs if the owner is deceased:

24 .....  
25 .....

1           8. The following persons have an ownership interest in and  
 2 the right to use the cemetery interment rights in the order of  
 3 their death:

- 4 ..... Address .....
- 5 ..... Address .....
- 6 ..... Address .....
- 7 ..... Address .....
- 8 ..... Address .....
- 9 ..... Address .....
- 10 ..... Address .....

11           9. This affidavit is made for the purpose of obtaining the  
 12 consent of the undersigned to transfer the right of interment  
 13 at the above mentioned cemetery property to the listed heirs.  
 14 Affiants agree that they will save, hold harmless, and  
 15 indemnify Cemetery, its heirs, successors, employees, and  
 16 assigns, from all claims, loss, or damage whatsoever that may  
 17 result from relying on this affidavit to record said transfer  
 18 in its records and allow interments on the basis of the  
 19 information contained in this affidavit.

20           WHEREFORE affiant requests Cemetery to recognize the above  
 21 named heirs-at-law as those rightfully entitled to the  
 22 ownership of and use of said interment (spaces) (space).

23           THE FOREGOING STATEMENT IS MADE UNDER THE PENALTIES OF PERJURY.  
 24           (A FRAUDULENT STATEMENT MADE UNDER THE PENALTIES OF PERJURY IS

1 PERJURY AS DEFINED IN THE CRIMINAL CODE OF 2012 ~~1961~~.)

2 Dated this ..... day of ....., .....

3 ..... (Seal) (To be signed by the owner or  
4 the individual who completes items 2 through 6 above.)

5 Subscribed and sworn to before me, a Notary Public in and for  
6 the County and State of ..... aforesaid this .....  
7 day of ....., .....

8 ..... Notary Public.

9 (Source: P.A. 93-772, eff. 1-1-05; 94-520, eff. 8-10-05.)

10 Section 820. The Counterfeit Trademark Act is amended by  
11 changing Section 9 as follows:

12 (765 ILCS 1040/9)

13 Sec. 9. Seizure and disposition.

14 (a) A peace officer shall, upon probable cause, seize any  
15 counterfeit items, counterfeit marks, or any component of that  
16 merchandise knowingly possessed in violation of this Act.

17 (b) A peace officer shall seize any vehicle, aircraft,  
18 vessel, machinery or other instrumentality which the officer  
19 reasonably believed was knowingly used to commit or facilitate  
20 a violation of this Act.

21 (c) A peace officer shall, upon probable cause, seize any  
22 proceeds resulting from a violation of this Act.



1 (d) Seized counterfeit goods shall be destroyed upon the  
2 written consent of the defendant or by judicial determination  
3 that the seized goods are counterfeit items or otherwise bear  
4 the trademark, trade name or service mark without the  
5 authorization of the owner, unless another disposition of the  
6 goods is consented to by the owner of the trademark, trade name  
7 or service mark.

8 The seizure and forfeiture of vehicles, aircraft, vessels,  
9 machinery, or other instrumentalities provided for by this  
10 Section shall be carried out in the same manner and pursuant to  
11 the same procedures as provided in Article 36 of the Criminal  
12 Code of 2012 ~~1961~~ with respect to vessels, vehicles, and  
13 aircraft.

14 (Source: P.A. 96-631, eff. 1-1-10.)

15 Section 825. The Illinois Human Rights Act is amended by  
16 changing Section 4-101 as follows:

17 (775 ILCS 5/4-101) (from Ch. 68, par. 4-101)

18 Sec. 4-101. Definitions. The following definitions are  
19 applicable strictly in the context of this Article:

20 (A) Credit Card. "Credit card" has the meaning set forth in  
21 Section 17-0.5 of the Criminal Code of 2012 ~~1961~~.

22 (B) Financial Institution. "Financial institution" means  
23 any bank, credit union, insurance company, mortgage banking  
24 company or savings and loan association which operates or has a

1 place of business in this State.

2 (C) Loan. "Loan" includes, but is not limited to, the  
3 providing of funds, for consideration, which are sought for:  
4 (1) the purpose of purchasing, constructing, improving,  
5 repairing, or maintaining a housing accommodation as that term  
6 is defined in paragraph (C) of Section 3-101; or (2) any  
7 commercial or industrial purposes.

8 (D) Varying Terms. "Varying the terms of a loan" includes,  
9 but is not limited to, the following practices:

10 (1) Requiring a greater down payment than is usual for  
11 the particular type of a loan involved.

12 (2) Requiring a shorter period of amortization than is  
13 usual for the particular type of loan involved.

14 (3) Charging a higher interest rate than is usual for  
15 the particular type of loan involved.

16 (4) An under appraisal of real estate or other item of  
17 property offered as security.

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

19 Section 830. The Business Corporation Act of 1983 is  
20 amended by changing Section 8.70 as follows:

21 (805 ILCS 5/8.70) (from Ch. 32, par. 8.70)

22 Sec. 8.70. Kickbacks, bribes, etc. -Liability of officers  
23 or directors. Any Corporate director or officer who commits  
24 commercial bribery or commercial bribe receiving as defined in

1 Article 29A ~~29~~ of the "Criminal Code of 2012 ~~1961~~", shall be  
2 liable to the corporation which he or she serves as officer or  
3 director for treble damages, based on the aggregate amount  
4 given or received plus attorneys' fees. A conviction in a  
5 criminal proceeding for a commercial bribery or commercial  
6 bribe receiving shall be deemed prima facie evidence of the  
7 convicted director's or officer's liability under this  
8 Section.

9 (Source: P.A. 83-1025.)

10 Section 835. The Assumed Business Name Act is amended by  
11 changing Section 4 as follows:

12 (805 ILCS 405/4) (from Ch. 96, par. 7)

13 Sec. 4. This Act shall in no way affect or apply to any  
14 corporation, limited liability company, limited partnership,  
15 or limited liability partnership duly organized under the laws  
16 of this State, or any corporation, limited liability company,  
17 limited partnership, or limited liability partnership  
18 organized under the laws of any other State and lawfully doing  
19 business in this State, nor shall this Act be deemed or  
20 construed to prevent the lawful use of a partnership name or  
21 designation, provided that such partnership shall include the  
22 true, real name of such person or persons transacting said  
23 business or partnership nor shall it be construed as in any way  
24 affecting subdivision (a) (8) or subsection (c) of Section 17-2

1 of the Criminal Code of 2012 ~~1961~~. This Act shall in no way  
2 affect or apply to testamentary or other express trusts where  
3 the business is carried on in the name of the trust and such  
4 trust is created by will or other instrument in writing under  
5 which title to the trust property is vested in a designated  
6 trustee or trustees for the use and benefit of the cestuis que  
7 trustent.

8 (Source: P.A. 96-328, eff. 8-11-09; 96-1551, eff. 7-1-11.)

9 Section 840. The Uniform Commercial Code is amended by  
10 changing Section 3-505A as follows:

11 (810 ILCS 5/3-505A) (from Ch. 26, par. 3-505A)

12 Sec. 3-505A. Provision of credit card number as a condition  
13 of check cashing or acceptance prohibited.

14 (1) No person may record the number of a credit card given  
15 as identification or given as proof of creditworthiness when  
16 payment for goods or services is made by check or draft other  
17 than a transaction in which the check or draft is issued in  
18 payment of the credit card designated by the credit card  
19 number.

20 (2) This Section shall not prohibit a person from  
21 requesting a purchaser to display a credit card as indication  
22 of creditworthiness and financial responsibility or as  
23 additional identification, but the only information concerning  
24 a credit card which may be recorded is the type of credit card

1 so displayed and the issuer of the credit card. This Section  
2 shall not require acceptance of a check or draft whether or not  
3 a credit card is presented.

4 (3) This Section shall not prohibit a person from  
5 requesting or receiving a credit card number or expiration date  
6 and recording the number or date, or both, in lieu of a deposit  
7 to secure payment in the event of default, loss, damage, or  
8 other occurrence.

9 (4) This Section shall not prohibit a person from recording  
10 a credit card number and expiration date as a condition for  
11 cashing or accepting a check or draft if that person, firm,  
12 partnership or association has agreed with the card issuer to  
13 cash or accept checks and share drafts from the issuer's  
14 cardholders and the issuer guarantees cardholder checks and  
15 drafts cashed or accepted by that person.

16 (5) Recording a credit card number in connection with a  
17 sale of goods or services in which the purchaser pays by check  
18 or draft, or in connection with the acceptance of a check or  
19 draft, is a business offense with a fine not to exceed \$500.

20 As used in this Section, credit card has the meaning as  
21 defined in Section 17-0.5 of the Criminal Code of 2012 ~~1961~~.

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

23 Section 845. The Illinois Securities Law of 1953 is amended  
24 by changing Section 7a as follows:

1 (815 ILCS 5/7a) (from Ch. 121 1/2, par. 137.7a)

2 Sec. 7a. (a) Except as provided in subsection (b) of this  
3 Section, no securities, issued by an issuer engaged in or  
4 deriving revenues from the conduct of any business or  
5 profession, the conduct of which would violate Section 11-14,  
6 11-14.3, 11-14.4 as described in subdivision (a)(1), (a)(2), or  
7 (a)(3) or that involves soliciting for a juvenile prostitute,  
8 11-15, 11-15.1, 11-16, 11-17, 11-19 or 11-19.1 of the Criminal  
9 Code of 1961 or the Criminal Code of 2012, ~~as now or hereafter~~  
10 ~~amended~~, if conducted in this State, shall be sold or  
11 registered pursuant to Section 5, 6 or 7 of this Act nor sold  
12 pursuant to the provisions of Section 3 or 4 of this Act.

13 (b) Notwithstanding the provisions of subsection (a)  
14 hereof, such securities issued prior to the effective date of  
15 this amendatory Act of 1989 may be sold by a resident of this  
16 State in transactions which qualify for an exemption from the  
17 registration requirements of this Act pursuant to subsection A  
18 of Section 4 of this Act.

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

20 Section 850. The Credit Card Issuance Act is amended by  
21 changing Section 1 as follows:

22 (815 ILCS 140/1) (from Ch. 17, par. 6001)

23 Sec. 1. As used in this Act:

24 (a) "Credit card" has the meaning set forth in Section

1 17-0.5 of the Criminal Code of 2012 ~~1961~~, but does not include  
2 "debit card" as defined in that Section, which can also be used  
3 to obtain money, goods, services and anything else of value on  
4 credit, nor shall it include any negotiable instrument as  
5 defined in the Uniform Commercial Code, as now or hereafter  
6 amended;

7 (b) "Merchant credit card agreement" means a written  
8 agreement between a seller of goods, services or both, and the  
9 issuer of a credit card to any other party, pursuant to which  
10 the seller is obligated to accept credit cards; and

11 (c) "Credit card transaction" means a purchase and sale of  
12 goods, services or both, in which a seller, pursuant to a  
13 merchant credit card agreement, is obligated to accept a credit  
14 card and does accept the credit card in connection with such  
15 purchase and sale.

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

17 Section 855. The Credit Card Liability Act is amended by  
18 changing Section 1 as follows:

19 (815 ILCS 145/1) (from Ch. 17, par. 6101)

20 Sec. 1. (a) No person in whose name a credit card is issued  
21 without his having requested or applied for the card or for the  
22 extension of the credit or establishment of a charge account  
23 which that card evidences is liable to the issuer of the card  
24 for any purchases made or other amounts owing by a use of that

1 card from which he or a member of his family or household  
2 derive no benefit unless he has indicated his acceptance of the  
3 card by signing or using the card or by permitting or  
4 authorizing use of the card by another. A mere failure to  
5 destroy or return an unsolicited card is not such an  
6 indication. As used in this Act, "credit card" has the meaning  
7 ascribed to it in Section 17-0.5 of the Criminal Code of 2012  
8 ~~1961~~, except that it does not include a card issued by any  
9 telephone company that is subject to supervision or regulation  
10 by the Illinois Commerce Commission or other public authority.

11 (b) When an action is brought by an issuer against the  
12 person named on the card, the burden of proving the request,  
13 application, authorization, permission, use or benefit as set  
14 forth in Section 1 hereof shall be upon plaintiff if put in  
15 issue by defendant. In the event of judgment for defendant, the  
16 court shall allow defendant a reasonable attorney's fee, to be  
17 taxed as costs.

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

19 Section 860. The Interest Act is amended by changing  
20 Section 4.1 as follows:

21 (815 ILCS 205/4.1) (from Ch. 17, par. 6405)

22 Sec. 4.1. The term "revolving credit" means an arrangement,  
23 including by means of a credit card as defined in Section  
24 17-0.5 of the Criminal Code of 2012 ~~1961~~ between a lender and



1 debtor pursuant to which it is contemplated or provided that  
2 the lender may from time to time make loans or advances to or  
3 for the account of the debtor through the means of drafts,  
4 items, orders for the payment of money, evidences of debt or  
5 similar written instruments, whether or not negotiable, signed  
6 by the debtor or by any person authorized or permitted so to do  
7 on behalf of the debtor, which loans or advances are charged to  
8 an account in respect of which account the lender is to render  
9 bills or statements to the debtor at regular intervals  
10 (hereinafter sometimes referred to as the "billing cycle") the  
11 amount of which bills or statements is payable by and due from  
12 the debtor on a specified date stated in such bill or statement  
13 or at the debtor's option, may be payable by the debtor in  
14 installments. A revolving credit arrangement which grants the  
15 debtor a line of credit in excess of \$5,000 may include  
16 provisions granting the lender a security interest in real  
17 property or in a beneficial interest in a land trust to secure  
18 amounts of credit extended by the lender. Credit extended or  
19 available under a revolving credit plan operated in accordance  
20 with the Illinois Financial Services Development Act shall be  
21 deemed to be "revolving credit" as defined in this Section 4.1  
22 but shall not be subject to Sections 4.1a, 4.2 or 4.3 hereof.

23 Whenever a lender is granted a security interest in real  
24 property or in a beneficial interest in a land trust, the  
25 lender shall disclose the existence of such interest to the  
26 borrower in compliance with the Federal Truth in Lending Act,

1 amendments thereto, and any regulations issued or which may be  
2 issued thereunder, and shall agree to pay all expenses,  
3 including recording fees and otherwise, to release any such  
4 security interest of record whenever it no longer secures any  
5 credit under a revolving credit arrangement. A lender shall not  
6 be granted a security interest in any real property or in any  
7 beneficial interest in a land trust under a revolving credit  
8 arrangement, or if any such security interest exists, such  
9 interest shall be released, if a borrower renders payment of  
10 the total outstanding balance due under the revolving credit  
11 arrangement and requests in writing to reduce the line of  
12 credit below that amount for which a security interest in real  
13 property or in a beneficial interest in a land trust may be  
14 required by a lender. Any request by a borrower to release a  
15 security interest under a revolving credit arrangement shall be  
16 granted by the lender provided the borrower renders payment of  
17 the total outstanding balance as required by this Section  
18 before the security interest of record may be released.

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

20 Section 870. The Consumer Fraud and Deceptive Business  
21 Practices Act is amended by changing Sections 2MM, 2NN, and 2VV  
22 as follows:

23 (815 ILCS 505/2MM)

24 Sec. 2MM. Verification of accuracy of consumer reporting

1 information used to extend consumers credit and security freeze  
2 on credit reports.

3 (a) A credit card issuer who mails an offer or solicitation  
4 to apply for a credit card and who receives a completed  
5 application in response to the offer or solicitation which  
6 lists an address that is not substantially the same as the  
7 address on the offer or solicitation may not issue a credit  
8 card based on that application until reasonable steps have been  
9 taken to verify the applicant's change of address.

10 (b) Any person who uses a consumer credit report in  
11 connection with the approval of credit based on the application  
12 for an extension of credit, and who has received notification  
13 of a police report filed with a consumer reporting agency that  
14 the applicant has been a victim of financial identity theft, as  
15 defined in Section 16-30 or 16G-15 of the Criminal Code of 1961  
16 or the Criminal Code of 2012, may not lend money or extend  
17 credit without taking reasonable steps to verify the consumer's  
18 identity and confirm that the application for an extension of  
19 credit is not the result of financial identity theft.

20 (c) A consumer may request that a security freeze be placed  
21 on his or her credit report by sending a request in writing by  
22 certified mail to a consumer reporting agency at an address  
23 designated by the consumer reporting agency to receive such  
24 requests. This subsection (c) does not prevent a consumer  
25 reporting agency from advising a third party that a security  
26 freeze is in effect with respect to the consumer's credit

1 report.

2 (d) A consumer reporting agency shall place a security  
3 freeze on a consumer's credit report no later than 5 business  
4 days after receiving a written request from the consumer:

5 (1) a written request described in subsection (c);

6 (2) proper identification; and

7 (3) payment of a fee, if applicable.

8 (e) Upon placing the security freeze on the consumer's  
9 credit report, the consumer reporting agency shall send to the  
10 consumer within 10 business days a written confirmation of the  
11 placement of the security freeze and a unique personal  
12 identification number or password or similar device, other than  
13 the consumer's Social Security number, to be used by the  
14 consumer when providing authorization for the release of his or  
15 her credit report for a specific party or period of time.

16 (f) If the consumer wishes to allow his or her credit  
17 report to be accessed for a specific party or period of time  
18 while a freeze is in place, he or she shall contact the  
19 consumer reporting agency using a point of contact designated  
20 by the consumer reporting agency, request that the freeze be  
21 temporarily lifted, and provide the following:

22 (1) Proper identification;

23 (2) The unique personal identification number or  
24 password or similar device provided by the consumer  
25 reporting agency;

26 (3) The proper information regarding the third party or

1 time period for which the report shall be available to  
2 users of the credit report; and

3 (4) A fee, if applicable.

4 (g) A consumer reporting agency shall develop a contact  
5 method to receive and process a request from a consumer to  
6 temporarily lift a freeze on a credit report pursuant to  
7 subsection (f) in an expedited manner.

8 A contact method under this subsection shall include: (i) a  
9 postal address; and (ii) an electronic contact method chosen by  
10 the consumer reporting agency, which may include the use of  
11 telephone, fax, Internet, or other electronic means.

12 (h) A consumer reporting agency that receives a request  
13 from a consumer to temporarily lift a freeze on a credit report  
14 pursuant to subsection (f), shall comply with the request no  
15 later than 3 business days after receiving the request.

16 (i) A consumer reporting agency shall remove or temporarily  
17 lift a freeze placed on a consumer's credit report only in the  
18 following cases:

19 (1) upon consumer request, pursuant to subsection (f)  
20 or subsection (1) of this Section; or

21 (2) if the consumer's credit report was frozen due to a  
22 material misrepresentation of fact by the consumer.

23 If a consumer reporting agency intends to remove a freeze  
24 upon a consumer's credit report pursuant to this subsection,  
25 the consumer reporting agency shall notify the consumer in  
26 writing prior to removing the freeze on the consumer's credit

1 report.

2 (j) If a third party requests access to a credit report on  
3 which a security freeze is in effect, and this request is in  
4 connection with an application for credit or any other use, and  
5 the consumer does not allow his or her credit report to be  
6 accessed for that specific party or period of time, the third  
7 party may treat the application as incomplete.

8 (k) If a consumer requests a security freeze, the credit  
9 reporting agency shall disclose to the consumer the process of  
10 placing and temporarily lifting a security freeze, and the  
11 process for allowing access to information from the consumer's  
12 credit report for a specific party or period of time while the  
13 freeze is in place.

14 (l) A security freeze shall remain in place until the  
15 consumer requests, using a point of contact designated by the  
16 consumer reporting agency, that the security freeze be removed.  
17 A credit reporting agency shall remove a security freeze within  
18 3 business days of receiving a request for removal from the  
19 consumer, who provides:

20 (1) Proper identification;

21 (2) The unique personal identification number or  
22 password or similar device provided by the consumer  
23 reporting agency; and

24 (3) A fee, if applicable.

25 (m) A consumer reporting agency shall require proper  
26 identification of the person making a request to place or

1 remove a security freeze.

2 (n) The provisions of subsections (c) through (m) of this  
3 Section do not apply to the use of a consumer credit report by  
4 any of the following:

5 (1) A person or entity, or a subsidiary, affiliate, or  
6 agent of that person or entity, or an assignee of a  
7 financial obligation owing by the consumer to that person  
8 or entity, or a prospective assignee of a financial  
9 obligation owing by the consumer to that person or entity  
10 in conjunction with the proposed purchase of the financial  
11 obligation, with which the consumer has or had prior to  
12 assignment an account or contract, including a demand  
13 deposit account, or to whom the consumer issued a  
14 negotiable instrument, for the purposes of reviewing the  
15 account or collecting the financial obligation owing for  
16 the account, contract, or negotiable instrument. For  
17 purposes of this subsection, "reviewing the account"  
18 includes activities related to account maintenance,  
19 monitoring, credit line increases, and account upgrades  
20 and enhancements.

21 (2) A subsidiary, affiliate, agent, assignee, or  
22 prospective assignee of a person to whom access has been  
23 granted under subsection (f) of this Section for purposes  
24 of facilitating the extension of credit or other  
25 permissible use.

26 (3) Any state or local agency, law enforcement agency,

1 trial court, or private collection agency acting pursuant  
2 to a court order, warrant, or subpoena.

3 (4) A child support agency acting pursuant to Title  
4 IV-D of the Social Security Act.

5 (5) The State or its agents or assigns acting to  
6 investigate fraud.

7 (6) The Department of Revenue or its agents or assigns  
8 acting to investigate or collect delinquent taxes or unpaid  
9 court orders or to fulfill any of its other statutory  
10 responsibilities.

11 (7) The use of credit information for the purposes of  
12 prescreening as provided for by the federal Fair Credit  
13 Reporting Act.

14 (8) Any person or entity administering a credit file  
15 monitoring subscription or similar service to which the  
16 consumer has subscribed.

17 (9) Any person or entity for the purpose of providing a  
18 consumer with a copy of his or her credit report or score  
19 upon the consumer's request.

20 (10) Any person using the information in connection  
21 with the underwriting of insurance.

22 (n-5) This Section does not prevent a consumer reporting  
23 agency from charging a fee of no more than \$10 to a consumer  
24 for each freeze, removal, or temporary lift of the freeze,  
25 regarding access to a consumer credit report, except that a  
26 consumer reporting agency may not charge a fee to (i) a



1 consumer 65 years of age or over for placement and removal of a  
2 freeze, or (ii) a victim of identity theft who has submitted to  
3 the consumer reporting agency a valid copy of a police report,  
4 investigative report, or complaint that the consumer has filed  
5 with a law enforcement agency about unlawful use of his or her  
6 personal information by another person.

7 (o) If a security freeze is in place, a consumer reporting  
8 agency shall not change any of the following official  
9 information in a credit report without sending a written  
10 confirmation of the change to the consumer within 30 days of  
11 the change being posted to the consumer's file: (i) name, (ii)  
12 date of birth, (iii) Social Security number, and (iv) address.  
13 Written confirmation is not required for technical  
14 modifications of a consumer's official information, including  
15 name and street abbreviations, complete spellings, or  
16 transposition of numbers or letters. In the case of an address  
17 change, the written confirmation shall be sent to both the new  
18 address and to the former address.

19 (p) The following entities are not required to place a  
20 security freeze in a consumer report, however, pursuant to  
21 paragraph (3) of this subsection, a consumer reporting agency  
22 acting as a reseller shall honor any security freeze placed on  
23 a consumer credit report by another consumer reporting agency:

24 (1) A check services or fraud prevention services  
25 company, which issues reports on incidents of fraud or  
26 authorizations for the purpose of approving or processing

1 negotiable instruments, electronic funds transfers, or  
2 similar methods of payment.

3 (2) A deposit account information service company,  
4 which issues reports regarding account closures due to  
5 fraud, substantial overdrafts, ATM abuse, or similar  
6 negative information regarding a consumer to inquiring  
7 banks or other financial institutions for use only in  
8 reviewing a consumer request for a deposit account at the  
9 inquiring bank or financial institution.

10 (3) A consumer reporting agency that:

11 (A) acts only to resell credit information by  
12 assembling and merging information contained in a  
13 database of one or more consumer reporting agencies;  
14 and

15 (B) does not maintain a permanent database of  
16 credit information from which new credit reports are  
17 produced.

18 (q) For purposes of this Section:

19 "Credit report" has the same meaning as "consumer report",  
20 as ascribed to it in 15 U.S.C. Sec. 1681a(d).

21 "Consumer reporting agency" has the meaning ascribed to it  
22 in 15 U.S.C. Sec. 1681a(f).

23 "Security freeze" means a notice placed in a consumer's  
24 credit report, at the request of the consumer and subject to  
25 certain exceptions, that prohibits the consumer reporting  
26 agency from releasing the consumer's credit report or score

1 relating to an extension of credit, without the express  
2 authorization of the consumer.

3 "Extension of credit" does not include an increase in an  
4 existing open-end credit plan, as defined in Regulation Z of  
5 the Federal Reserve System (12 C.F.R. 226.2), or any change to  
6 or review of an existing credit account.

7 "Proper identification" means information generally deemed  
8 sufficient to identify a person. Only if the consumer is unable  
9 to reasonably identify himself or herself with the information  
10 described above, may a consumer reporting agency require  
11 additional information concerning the consumer's employment  
12 and personal or family history in order to verify his or her  
13 identity.

14 (r) Any person who violates this Section commits an  
15 unlawful practice within the meaning of this Act.

16 (Source: P.A. 97-597, eff. 1-1-12.)

17 (815 ILCS 505/2NN)

18 Sec. 2NN. Receipts; credit card and debit card account  
19 numbers.

20 (a) Definitions. As used in this Section:

21 "Cardholder" has the meaning ascribed to it in Section  
22 17-0.5 of the Criminal Code of 2012 ~~1961~~.

23 "Credit card" has the meaning ascribed to it in Section  
24 17-0.5 of the Criminal Code of 2012 ~~1961~~.

25 "Debit card" has the meaning ascribed to it in Section

1 17-0.5 of the Criminal Code of 2012 ~~1961~~.

2 "Issuer" has the meaning ascribed to it in Section 17-0.5  
3 of the Criminal Code of 2012 ~~1961~~.

4 "Person" has the meaning ascribed to it in Section 17-0.5  
5 of the Criminal Code of 2012 ~~1961~~.

6 "Provider" means a person who furnishes money, goods,  
7 services, or anything else of value upon presentation, whether  
8 physically, in writing, verbally, electronically, or  
9 otherwise, of a credit card or debit card by the cardholder, or  
10 any agent or employee of that person.

11 (b) Except as otherwise provided in this Section, no  
12 provider may print or otherwise produce or reproduce or permit  
13 the printing or other production or reproduction of the  
14 following: (i) any part of the credit card or debit card  
15 account number, other than the last 4 digits or other  
16 characters, (ii) the credit card or debit card expiration date  
17 on any receipt provided or made available to the cardholder.

18 (c) This Section does not apply to a credit card or debit  
19 card transaction in which the sole means available to the  
20 provider of recording the credit card or debit card account  
21 number is by handwriting or by imprint of the card.

22 (d) This Section does not apply to receipts issued for  
23 transactions on the electronic benefits transfer card system in  
24 accordance with 7 CFR 274.12(g)(3).

25 (e) A violation of this Section constitutes an unlawful  
26 practice within the meaning of this Act.

1 (f) This Section is operative on January 1, 2005.

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

3 (815 ILCS 505/2VV)

4 Sec. 2VV. Credit and public utility service; identity  
5 theft. It is an unlawful practice for a person to deny credit  
6 or public utility service to or reduce the credit limit of a  
7 consumer solely because the consumer has been a victim of  
8 identity theft as defined in Section 16-30 or 16G-15 of the  
9 Criminal Code of 1961 or the Criminal Code of 2012, if the  
10 consumer:

11 (1) has provided a copy of an identity theft report as  
12 defined under the federal Fair Credit Reporting Act and  
13 implementing regulations evidencing the consumer's claim  
14 of identity theft;

15 (2) has provided a properly completed copy of a  
16 standardized affidavit of identity theft developed and  
17 made available by the Federal Trade Commission pursuant to  
18 15 U.S.C. 1681g or an affidavit of fact that is acceptable  
19 to the person for that purpose;

20 (3) has obtained placement of an extended fraud alert  
21 in his or her file maintained by a nationwide consumer  
22 reporting agency, in accordance with the requirements of  
23 the federal Fair Credit Reporting Act; and

24 (4) is able to establish his or her identity and  
25 address to the satisfaction of the person providing credit

1 or utility services.

2 (Source: P.A. 97-597, eff. 1-1-12.)

3 Section 875. The Home Repair Fraud Act is amended by  
4 changing Section 5 as follows:

5 (815 ILCS 515/5) (from Ch. 121 1/2, par. 1605)

6 Sec. 5. Aggravated Home Repair Fraud. A person commits the  
7 offense of aggravated home repair fraud when he commits home  
8 repair fraud:

9 (i) against an elderly person or a person with a  
10 disability as defined in Section 17-56 of the Criminal Code  
11 of 2012 1961; or

12 (ii) in connection with a home repair project intended  
13 to assist a disabled person.

14 (a) Aggravated violation of paragraphs (1) or (2) of  
15 subsection (a) of Section 3 of this Act shall be a Class 2  
16 felony when the amount of the contract or agreement is more  
17 than \$500, a Class 3 felony when the amount of the contract or  
18 agreement is \$500 or less, and a Class 2 felony for a second or  
19 subsequent offense when the amount of the contract or agreement  
20 is \$500 or less. If 2 or more contracts or agreements for home  
21 repair exceed an aggregate amount of \$500 or more and such  
22 contracts or agreements are entered into with the same victim  
23 by one or more of the defendants as part of or in furtherance  
24 of a common fraudulent scheme, design or intention, the

1 violation shall be a Class 2 felony.

2 (b) Aggravated violation of paragraph (3) of subsection (a)  
3 of Section 3 of this Act shall be a Class 2 felony when the  
4 amount of the contract or agreement is more than \$5,000 and a  
5 Class 3 felony when the amount of the contract or agreement is  
6 \$5,000 or less.

7 (c) Aggravated violation of paragraph (4) of subsection (a)  
8 of Section 3 of this Act shall be a Class 3 felony when the  
9 amount of the contract or agreement is more than \$500, a Class  
10 4 felony when the amount of the contract or agreement is \$500  
11 or less and a Class 3 felony for a second or subsequent offense  
12 when the amount of the contract or agreement is \$500 or less.

13 (d) Aggravated violation of paragraphs (1) or (2) of  
14 subsection (b) of Section 3 of this Act shall be a Class 3  
15 felony.

16 (e) If a person commits aggravated home repair fraud, then  
17 any State or local license or permit held by that person that  
18 relates to the business of home repair may be appropriately  
19 suspended or revoked by the issuing authority, commensurate  
20 with the severity of the offense.

21 (f) A defense to aggravated home repair fraud does not  
22 exist merely because the accused reasonably believed the victim  
23 to be a person less than 60 years of age.

24 (Source: P.A. 96-1026, eff. 7-12-10; 96-1551, eff. 7-1-11.)

25 Section 880. The Music Licensing Fees Act is amended by

1 changing Section 40 as follows:

2 (815 ILCS 637/40)

3 Sec. 40. Exceptions. This Act shall not apply to contracts  
4 between copyright owners or performing rights societies and  
5 broadcasters licensed by the Federal Communications  
6 Commission, or to contracts with cable operators, programmers,  
7 or other transmission services. Nor shall this Act apply to  
8 musical works performed in synchronization with an  
9 audio/visual film or tape, or to the gathering of information  
10 for determination of compliance with or activities related to  
11 the enforcement of Sections 16-7 and 16-8 of the Criminal Code  
12 of 1961 or the Criminal Code of 2012.

13 (Source: P.A. 89-114, eff. 1-1-96.)

14 Section 885. The Victims' Economic Security and Safety Act  
15 is amended by changing Section 10 as follows:

16 (820 ILCS 180/10)

17 Sec. 10. Definitions. In this Act, except as otherwise  
18 expressly provided:

19 (1) "Commerce" includes trade, traffic, commerce,  
20 transportation, or communication; and "industry or  
21 activity affecting commerce" means any activity, business,  
22 or industry in commerce or in which a labor dispute would  
23 hinder or obstruct commerce or the free flow of commerce,



1 and includes "commerce" and any "industry affecting  
2 commerce".

3 (2) "Course of conduct" means a course of repeatedly  
4 maintaining a visual or physical proximity to a person or  
5 conveying oral or written threats, including threats  
6 conveyed through electronic communications, or threats  
7 implied by conduct.

8 (3) "Department" means the Department of Labor.

9 (4) "Director" means the Director of Labor.

10 (5) "Domestic or sexual violence" means domestic  
11 violence, sexual assault, or stalking.

12 (6) "Domestic violence" means abuse, as defined in  
13 Section 103 of the Illinois Domestic Violence Act of 1986,  
14 by a family or household member, as defined in Section 103  
15 of the Illinois Domestic Violence Act of 1986.

16 (7) "Electronic communications" includes  
17 communications via telephone, mobile phone, computer,  
18 e-mail, video recorder, fax machine, telex, or pager, or  
19 any other electronic communication, as defined in Section  
20 12-7.5 of the Criminal Code of 2012 ~~1961~~.

21 (8) "Employ" includes to suffer or permit to work.

22 (9) Employee.

23 (A) In general. "Employee" means any person  
24 employed by an employer.

25 (B) Basis. "Employee" includes a person employed  
26 as described in subparagraph (A) on a full or part-time

1 basis, or as a participant in a work assignment as a  
2 condition of receipt of federal or State income-based  
3 public assistance.

4 (10) "Employer" means any of the following: (A) the  
5 State or any agency of the State; (B) any unit of local  
6 government or school district; or (C) any person that  
7 employs at least 15 employees.

8 (11) "Employment benefits" means all benefits provided  
9 or made available to employees by an employer, including  
10 group life insurance, health insurance, disability  
11 insurance, sick leave, annual leave, educational benefits,  
12 pensions, and profit-sharing, regardless of whether such  
13 benefits are provided by a practice or written policy of an  
14 employer or through an "employee benefit plan". "Employee  
15 benefit plan" or "plan" means an employee welfare benefit  
16 plan or an employee pension benefit plan or a plan which is  
17 both an employee welfare benefit plan and an employee  
18 pension benefit plan.

19 (12) "Family or household member", for employees with a  
20 family or household member who is a victim of domestic or  
21 sexual violence, means a spouse, parent, son, daughter,  
22 other person related by blood or by present or prior  
23 marriage, other person who shares a relationship through a  
24 son or daughter, and persons jointly residing in the same  
25 household.

26 (13) "Parent" means the biological parent of an

1 employee or an individual who stood in loco parentis to an  
2 employee when the employee was a son or daughter. "Son or  
3 daughter" means a biological, adopted, or foster child, a  
4 stepchild, a legal ward, or a child of a person standing in  
5 loco parentis, who is under 18 years of age, or is 18 years  
6 of age or older and incapable of self-care because of a  
7 mental or physical disability.

8 (14) "Perpetrator" means an individual who commits or  
9 is alleged to have committed any act or threat of domestic  
10 or sexual violence.

11 (15) "Person" means an individual, partnership,  
12 association, corporation, business trust, legal  
13 representative, or any organized group of persons.

14 (16) "Public agency" means the Government of the State  
15 or political subdivision thereof; any agency of the State,  
16 or of a political subdivision of the State; or any  
17 governmental agency.

18 (17) "Public assistance" includes cash, food stamps,  
19 medical assistance, housing assistance, and other benefits  
20 provided on the basis of income by a public agency or  
21 public employer.

22 (18) "Reduced work schedule" means a work schedule that  
23 reduces the usual number of hours per workweek, or hours  
24 per workday, of an employee.

25 (19) "Repeatedly" means on 2 or more occasions.

26 (20) "Sexual assault" means any conduct proscribed by

1 the Criminal Code of 1961 or the Criminal Code of 2012 in  
2 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,  
3 12-13, 12-14, 12-14.1, 12-15, and 12-16.

4 (21) "Stalking" means any conduct proscribed by the  
5 Criminal Code of 1961 or the Criminal Code of 2012 in  
6 Sections 12-7.3, 12-7.4, and 12-7.5.

7 (22) "Victim" or "survivor" means an individual who has  
8 been subjected to domestic or sexual violence.

9 (23) "Victim services organization" means a nonprofit,  
10 nongovernmental organization that provides assistance to  
11 victims of domestic or sexual violence or to advocates for  
12 such victims, including a rape crisis center, an  
13 organization carrying out a domestic violence program, an  
14 organization operating a shelter or providing counseling  
15 services, or a legal services organization or other  
16 organization providing assistance through the legal  
17 process.

18 (Source: P.A. 96-635, eff. 8-24-09; 96-1551, eff. 7-1-11.)

19 Section 890. The Workers' Compensation Act is amended by  
20 changing Section 25.5 as follows:

21 (820 ILCS 305/25.5)

22 Sec. 25.5. Unlawful acts; penalties.

23 (a) It is unlawful for any person, company, corporation,  
24 insurance carrier, healthcare provider, or other entity to:

1           (1) Intentionally present or cause to be presented any  
2 false or fraudulent claim for the payment of any workers'  
3 compensation benefit.

4           (2) Intentionally make or cause to be made any false or  
5 fraudulent material statement or material representation  
6 for the purpose of obtaining or denying any workers'  
7 compensation benefit.

8           (3) Intentionally make or cause to be made any false or  
9 fraudulent statements with regard to entitlement to  
10 workers' compensation benefits with the intent to prevent  
11 an injured worker from making a legitimate claim for any  
12 workers' compensation benefits.

13           (4) Intentionally prepare or provide an invalid,  
14 false, or counterfeit certificate of insurance as proof of  
15 workers' compensation insurance.

16           (5) Intentionally make or cause to be made any false or  
17 fraudulent material statement or material representation  
18 for the purpose of obtaining workers' compensation  
19 insurance at less than the proper rate for that insurance.

20           (6) Intentionally make or cause to be made any false or  
21 fraudulent material statement or material representation  
22 on an initial or renewal self-insurance application or  
23 accompanying financial statement for the purpose of  
24 obtaining self-insurance status or reducing the amount of  
25 security that may be required to be furnished pursuant to  
26 Section 4 of this Act.

1           (7) Intentionally make or cause to be made any false or  
2           fraudulent material statement to the Department of  
3           Insurance's fraud and insurance non-compliance unit in the  
4           course of an investigation of fraud or insurance  
5           non-compliance.

6           (8) Intentionally assist, abet, solicit, or conspire  
7           with any person, company, or other entity to commit any of  
8           the acts in paragraph (1), (2), (3), (4), (5), (6), or (7)  
9           of this subsection (a).

10          (9) Intentionally present a bill or statement for the  
11          payment for medical services that were not provided.

12          For the purposes of paragraphs (2), (3), (5), (6), (7), and  
13          (9), the term "statement" includes any writing, notice, proof  
14          of injury, bill for services, hospital or doctor records and  
15          reports, or X-ray and test results.

16          (b) Sentences for violations of subsection (a) are as  
17          follows:

18               (1) A violation in which the value of the property  
19               obtained or attempted to be obtained is \$300 or less is a  
20               Class A misdemeanor.

21               (2) A violation in which the value of the property  
22               obtained or attempted to be obtained is more than \$300 but  
23               not more than \$10,000 is a Class 3 felony.

24               (3) A violation in which the value of the property  
25               obtained or attempted to be obtained is more than \$10,000  
26               but not more than \$100,000 is a Class 2 felony.

1           (4) A violation in which the value of the property  
2           obtained or attempted to be obtained is more than \$100,000  
3           is a Class 1 felony.

4           (5) A person convicted under this Section shall be  
5           ordered to pay monetary restitution to the insurance  
6           company or self-insured entity or any other person for any  
7           financial loss sustained as a result of a violation of this  
8           Section, including any court costs and attorney fees. An  
9           order of restitution also includes expenses incurred and  
10          paid by the State of Illinois or an insurance company or  
11          self-insured entity in connection with any medical  
12          evaluation or treatment services.

13          For the purposes of this Section, where the exact value of  
14          property obtained or attempted to be obtained is either not  
15          alleged or is not specifically set by the terms of a policy of  
16          insurance, the value of the property shall be the fair market  
17          replacement value of the property claimed to be lost, the  
18          reasonable costs of reimbursing a vendor or other claimant for  
19          services to be rendered, or both. Notwithstanding the  
20          foregoing, an insurance company, self-insured entity, or any  
21          other person suffering financial loss sustained as a result of  
22          violation of this Section may seek restitution, including court  
23          costs and attorney's fees in a civil action in a court of  
24          competent jurisdiction.

25          (c) The Department of Insurance shall establish a fraud and  
26          insurance non-compliance unit responsible for investigating

1 incidences of fraud and insurance non-compliance pursuant to  
2 this Section. The size of the staff of the unit shall be  
3 subject to appropriation by the General Assembly. It shall be  
4 the duty of the fraud and insurance non-compliance unit to  
5 determine the identity of insurance carriers, employers,  
6 employees, or other persons or entities who have violated the  
7 fraud and insurance non-compliance provisions of this Section.  
8 The fraud and insurance non-compliance unit shall report  
9 violations of the fraud and insurance non-compliance  
10 provisions of this Section to the Special Prosecutions Bureau  
11 of the Criminal Division of the Office of the Attorney General  
12 or to the State's Attorney of the county in which the offense  
13 allegedly occurred, either of whom has the authority to  
14 prosecute violations under this Section.

15 With respect to the subject of any investigation being  
16 conducted, the fraud and insurance non-compliance unit shall  
17 have the general power of subpoena of the Department of  
18 Insurance, including the authority to issue a subpoena to a  
19 medical provider, pursuant to Section 8-802 of the Code of  
20 Civil Procedure.

21 (d) Any person may report allegations of insurance  
22 non-compliance and fraud pursuant to this Section to the  
23 Department of Insurance's fraud and insurance non-compliance  
24 unit whose duty it shall be to investigate the report. The unit  
25 shall notify the Commission of reports of insurance  
26 non-compliance. Any person reporting an allegation of



1 insurance non-compliance or fraud against either an employee or  
2 employer under this Section must identify himself. Except as  
3 provided in this subsection and in subsection (e), all reports  
4 shall remain confidential except to refer an investigation to  
5 the Attorney General or State's Attorney for prosecution or if  
6 the fraud and insurance non-compliance unit's investigation  
7 reveals that the conduct reported may be in violation of other  
8 laws or regulations of the State of Illinois, the unit may  
9 report such conduct to the appropriate governmental agency  
10 charged with administering such laws and regulations. Any  
11 person who intentionally makes a false report under this  
12 Section to the fraud and insurance non-compliance unit is  
13 guilty of a Class A misdemeanor.

14 (e) In order for the fraud and insurance non-compliance  
15 unit to investigate a report of fraud related to an employee's  
16 claim, (i) the employee must have filed with the Commission an  
17 Application for Adjustment of Claim and the employee must have  
18 either received or attempted to receive benefits under this Act  
19 that are related to the reported fraud or (ii) the employee  
20 must have made a written demand for the payment of benefits  
21 that are related to the reported fraud. There shall be no  
22 immunity, under this Act or otherwise, for any person who files  
23 a false report or who files a report without good and just  
24 cause. Confidentiality of medical information shall be  
25 strictly maintained. Investigations that are not referred for  
26 prosecution shall be destroyed upon the expiration of the

1 statute of limitations for the acts under investigation and  
2 shall not be disclosed except that the person making the report  
3 shall be notified that the investigation is being closed. It is  
4 unlawful for any employer, insurance carrier, service  
5 adjustment company, third party administrator, self-insured,  
6 or similar entity to file or threaten to file a report of fraud  
7 against an employee because of the exercise by the employee of  
8 the rights and remedies granted to the employee by this Act.

9 (e-5) The fraud and insurance non-compliance unit shall  
10 procure and implement a system utilizing advanced analytics  
11 inclusive of predictive modeling, data mining, social network  
12 analysis, and scoring algorithms for the detection and  
13 prevention of fraud, waste, and abuse on or before January 1,  
14 2012. The fraud and insurance non-compliance unit shall procure  
15 this system using a request for proposals process governed by  
16 the Illinois Procurement Code and rules adopted under that  
17 Code. The fraud and insurance non-compliance unit shall provide  
18 a report to the President of the Senate, Speaker of the House  
19 of Representatives, Minority Leader of the House of  
20 Representatives, Minority Leader of the Senate, Governor,  
21 Chairman of the Commission, and Director of Insurance on or  
22 before July 1, 2012 and annually thereafter detailing its  
23 activities and providing recommendations regarding  
24 opportunities for additional fraud waste and abuse detection  
25 and prevention.

26 (f) Any person convicted of fraud related to workers'

1 compensation pursuant to this Section shall be subject to the  
2 penalties prescribed in the Criminal Code of 2012 ~~1961~~ and  
3 shall be ineligible to receive or retain any compensation,  
4 disability, or medical benefits as defined in this Act if the  
5 compensation, disability, or medical benefits were owed or  
6 received as a result of fraud for which the recipient of the  
7 compensation, disability, or medical benefit was convicted.  
8 This subsection applies to accidental injuries or diseases that  
9 occur on or after the effective date of this amendatory Act of  
10 the 94th General Assembly.

11 (g) Civil liability. Any person convicted of fraud who  
12 knowingly obtains, attempts to obtain, or causes to be obtained  
13 any benefits under this Act by the making of a false claim or  
14 who knowingly misrepresents any material fact shall be civilly  
15 liable to the payor of benefits or the insurer or the payor's  
16 or insurer's subrogee or assignee in an amount equal to 3 times  
17 the value of the benefits or insurance coverage wrongfully  
18 obtained or twice the value of the benefits or insurance  
19 coverage attempted to be obtained, plus reasonable attorney's  
20 fees and expenses incurred by the payor or the payor's subrogee  
21 or assignee who successfully brings a claim under this  
22 subsection. This subsection applies to accidental injuries or  
23 diseases that occur on or after the effective date of this  
24 amendatory Act of the 94th General Assembly.

25 (h) The fraud and insurance non-compliance unit shall  
26 submit a written report on an annual basis to the Chairman of

1 the Commission, the Workers' Compensation Advisory Board, the  
2 General Assembly, the Governor, and the Attorney General by  
3 January 1 and July 1 of each year. This report shall include,  
4 at the minimum, the following information:

5 (1) The number of allegations of insurance  
6 non-compliance and fraud reported to the fraud and  
7 insurance non-compliance unit.

8 (2) The source of the reported allegations  
9 (individual, employer, or other).

10 (3) The number of allegations investigated by the fraud  
11 and insurance non-compliance unit.

12 (4) The number of criminal referrals made in accordance  
13 with this Section and the entity to which the referral was  
14 made.

15 (5) All proceedings under this Section.

16 (Source: P.A. 97-18, eff. 6-28-11.)

17 Section 895. The Unemployment Insurance Act is amended by  
18 changing Section 1900 as follows:

19 (820 ILCS 405/1900) (from Ch. 48, par. 640)

20 Sec. 1900. Disclosure of information.

21 A. Except as provided in this Section, information obtained  
22 from any individual or employing unit during the administration  
23 of this Act shall:

24 1. be confidential,

1           2. not be published or open to public inspection,  
2           3. not be used in any court in any pending action or  
3 proceeding,

4           4. not be admissible in evidence in any action or  
5 proceeding other than one arising out of this Act.

6           B. No finding, determination, decision, ruling or order  
7 (including any finding of fact, statement or conclusion made  
8 therein) issued pursuant to this Act shall be admissible or  
9 used in evidence in any action other than one arising out of  
10 this Act, nor shall it be binding or conclusive except as  
11 provided in this Act, nor shall it constitute res judicata,  
12 regardless of whether the actions were between the same or  
13 related parties or involved the same facts.

14           C. Any officer or employee of this State, any officer or  
15 employee of any entity authorized to obtain information  
16 pursuant to this Section, and any agent of this State or of  
17 such entity who, except with authority of the Director under  
18 this Section, shall disclose information shall be guilty of a  
19 Class B misdemeanor and shall be disqualified from holding any  
20 appointment or employment by the State.

21           D. An individual or his duly authorized agent may be  
22 supplied with information from records only to the extent  
23 necessary for the proper presentation of his claim for benefits  
24 or with his existing or prospective rights to benefits.  
25 Discretion to disclose this information belongs solely to the  
26 Director and is not subject to a release or waiver by the

1 individual. Notwithstanding any other provision to the  
2 contrary, an individual or his or her duly authorized agent may  
3 be supplied with a statement of the amount of benefits paid to  
4 the individual during the 18 months preceding the date of his  
5 or her request.

6 E. An employing unit may be furnished with information,  
7 only if deemed by the Director as necessary to enable it to  
8 fully discharge its obligations or safeguard its rights under  
9 the Act. Discretion to disclose this information belongs solely  
10 to the Director and is not subject to a release or waiver by  
11 the employing unit.

12 F. The Director may furnish any information that he may  
13 deem proper to any public officer or public agency of this or  
14 any other State or of the federal government dealing with:

- 15 1. the administration of relief,
- 16 2. public assistance,
- 17 3. unemployment compensation,
- 18 4. a system of public employment offices,
- 19 5. wages and hours of employment, or
- 20 6. a public works program.

21 The Director may make available to the Illinois Workers'  
22 Compensation Commission information regarding employers for  
23 the purpose of verifying the insurance coverage required under  
24 the Workers' Compensation Act and Workers' Occupational  
25 Diseases Act.

26 G. The Director may disclose information submitted by the

1 State or any of its political subdivisions, municipal  
2 corporations, instrumentalities, or school or community  
3 college districts, except for information which specifically  
4 identifies an individual claimant.

5 H. The Director shall disclose only that information  
6 required to be disclosed under Section 303 of the Social  
7 Security Act, as amended, including:

8 1. any information required to be given the United  
9 States Department of Labor under Section 303(a)(6); and

10 2. the making available upon request to any agency of  
11 the United States charged with the administration of public  
12 works or assistance through public employment, the name,  
13 address, ordinary occupation and employment status of each  
14 recipient of unemployment compensation, and a statement of  
15 such recipient's right to further compensation under such  
16 law as required by Section 303(a)(7); and

17 3. records to make available to the Railroad Retirement  
18 Board as required by Section 303(c)(1); and

19 4. information that will assure reasonable cooperation  
20 with every agency of the United States charged with the  
21 administration of any unemployment compensation law as  
22 required by Section 303(c)(2); and

23 5. information upon request and on a reimbursable basis  
24 to the United States Department of Agriculture and to any  
25 State food stamp agency concerning any information  
26 required to be furnished by Section 303(d); and

1           6. any wage information upon request and on a  
2 reimbursable basis to any State or local child support  
3 enforcement agency required by Section 303(e); and

4           7. any information required under the income  
5 eligibility and verification system as required by Section  
6 303(f); and

7           8. information that might be useful in locating an  
8 absent parent or that parent's employer, establishing  
9 paternity or establishing, modifying, or enforcing child  
10 support orders for the purpose of a child support  
11 enforcement program under Title IV of the Social Security  
12 Act upon the request of and on a reimbursable basis to the  
13 public agency administering the Federal Parent Locator  
14 Service as required by Section 303(h); and

15           9. information, upon request, to representatives of  
16 any federal, State or local governmental public housing  
17 agency with respect to individuals who have signed the  
18 appropriate consent form approved by the Secretary of  
19 Housing and Urban Development and who are applying for or  
20 participating in any housing assistance program  
21 administered by the United States Department of Housing and  
22 Urban Development as required by Section 303(i).

23           I. The Director, upon the request of a public agency of  
24 Illinois, of the federal government or of any other state  
25 charged with the investigation or enforcement of Section 10-5  
26 of the Criminal Code of 2012 ~~1961~~ (or a similar federal law or



1 similar law of another State), may furnish the public agency  
2 information regarding the individual specified in the request  
3 as to:

4 1. the current or most recent home address of the  
5 individual, and

6 2. the names and addresses of the individual's  
7 employers.

8 J. Nothing in this Section shall be deemed to interfere  
9 with the disclosure of certain records as provided for in  
10 Section 1706 or with the right to make available to the  
11 Internal Revenue Service of the United States Department of the  
12 Treasury, or the Department of Revenue of the State of  
13 Illinois, information obtained under this Act.

14 K. The Department shall make available to the Illinois  
15 Student Assistance Commission, upon request, information in  
16 the possession of the Department that may be necessary or  
17 useful to the Commission in the collection of defaulted or  
18 delinquent student loans which the Commission administers.

19 L. The Department shall make available to the State  
20 Employees' Retirement System, the State Universities  
21 Retirement System, the Teachers' Retirement System of the State  
22 of Illinois, and the Department of Central Management Services,  
23 Risk Management Division, upon request, information in the  
24 possession of the Department that may be necessary or useful to  
25 the System or the Risk Management Division for the purpose of  
26 determining whether any recipient of a disability benefit from

1 the System or a workers' compensation benefit from the Risk  
2 Management Division is gainfully employed.

3 M. This Section shall be applicable to the information  
4 obtained in the administration of the State employment service,  
5 except that the Director may publish or release general labor  
6 market information and may furnish information that he may deem  
7 proper to an individual, public officer or public agency of  
8 this or any other State or the federal government (in addition  
9 to those public officers or public agencies specified in this  
10 Section) as he prescribes by Rule.

11 N. The Director may require such safeguards as he deems  
12 proper to insure that information disclosed pursuant to this  
13 Section is used only for the purposes set forth in this  
14 Section.

15 O. Nothing in this Section prohibits communication with an  
16 individual or entity through unencrypted e-mail or other  
17 unencrypted electronic means as long as the communication does  
18 not contain the individual's or entity's name in combination  
19 with any one or more of the individual's or entity's social  
20 security number; driver's license or State identification  
21 number; account number or credit or debit card number; or any  
22 required security code, access code, or password that would  
23 permit access to further information pertaining to the  
24 individual or entity.

25 P. Within 30 days after the effective date of this  
26 amendatory Act of 1993 and annually thereafter, the Department

1 shall provide to the Department of Financial Institutions a  
2 list of individuals or entities that, for the most recently  
3 completed calendar year, report to the Department as paying  
4 wages to workers. The lists shall be deemed confidential and  
5 may not be disclosed to any other person.

6 Q. The Director shall make available to an elected federal  
7 official the name and address of an individual or entity that  
8 is located within the jurisdiction from which the official was  
9 elected and that, for the most recently completed calendar  
10 year, has reported to the Department as paying wages to  
11 workers, where the information will be used in connection with  
12 the official duties of the official and the official requests  
13 the information in writing, specifying the purposes for which  
14 it will be used. For purposes of this subsection, the use of  
15 information in connection with the official duties of an  
16 official does not include use of the information in connection  
17 with the solicitation of contributions or expenditures, in  
18 money or in kind, to or on behalf of a candidate for public or  
19 political office or a political party or with respect to a  
20 public question, as defined in Section 1-3 of the Election  
21 Code, or in connection with any commercial solicitation. Any  
22 elected federal official who, in submitting a request for  
23 information covered by this subsection, knowingly makes a false  
24 statement or fails to disclose a material fact, with the intent  
25 to obtain the information for a purpose not authorized by this  
26 subsection, shall be guilty of a Class B misdemeanor.

1           R. The Director may provide to any State or local child  
2 support agency, upon request and on a reimbursable basis,  
3 information that might be useful in locating an absent parent  
4 or that parent's employer, establishing paternity, or  
5 establishing, modifying, or enforcing child support orders.

6           S. The Department shall make available to a State's  
7 Attorney of this State or a State's Attorney's investigator,  
8 upon request, the current address or, if the current address is  
9 unavailable, current employer information, if available, of a  
10 victim of a felony or a witness to a felony or a person against  
11 whom an arrest warrant is outstanding.

12           T. The Director shall make available to the Department of  
13 State Police, a county sheriff's office, or a municipal police  
14 department, upon request, any information concerning the  
15 current address and place of employment or former places of  
16 employment of a person who is required to register as a sex  
17 offender under the Sex Offender Registration Act that may be  
18 useful in enforcing the registration provisions of that Act.

19           U. The Director shall make information available to the  
20 Department of Healthcare and Family Services and the Department  
21 of Human Services for the purpose of determining eligibility  
22 for public benefit programs authorized under the Illinois  
23 Public Aid Code and related statutes administered by those  
24 departments, for verifying sources and amounts of income, and  
25 for other purposes directly connected with the administration  
26 of those programs.

1 (Source: P.A. 96-420, eff. 8-13-09; 97-621, eff. 11-18-11;  
2 97-689, eff. 6-14-12.)

3 Section 990. No acceleration or delay. Where this Act makes  
4 changes in a statute that is represented in this Act by text  
5 that is not yet or no longer in effect (for example, a Section  
6 represented by multiple versions), the use of that text does  
7 not accelerate or delay the taking effect of (i) the changes  
8 made by this Act or (ii) provisions derived from any other  
9 Public Act.

10 Section 999. Effective date. This Act takes effect January  
11 1, 2013."