



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3100

by Rep. Ann Williams

SYNOPSIS AS INTRODUCED:

5 ILCS 280/1	from Ch. 102, par. 120
10 ILCS 5/1-3	from Ch. 46, par. 1-3
10 ILCS 5/29-15	from Ch. 46, par. 29-15
60 ILCS 1/60-1 new	
60 ILCS 1/170-1 new	
65 ILCS 5/1-1-2	from Ch. 24, par. 1-1-2
70 ILCS 1205/1-3	from Ch. 105, par. 1-3
105 ILCS 5/1-3	from Ch. 122, par. 1-3

Amends the Officials Convicted of Infamous Crimes Act, Election Code, Township Code, Illinois Municipal Code, Park District Code, and School Code. In each of the affected Acts, defines the term "infamous crime" to mean any one or more of the following offenses, as the context requires: arson, residential arson, place of worship arson, aggravated arson, bigamy, bribery, burglary, residential burglary, aggravated criminal sexual assault, criminal sexual assault, predatory criminal sexual assault of a child, subsequent conviction for criminal sexual abuse, aggravated criminal sexual abuse, indecent solicitation of a child, child pornography, aggravated child pornography, forgery, kidnapping or aggravated kidnaping, first degree murder, perjury, robbery, armed robbery, aggravated robbery, sale of controlled substances, subornation of perjury, terrorism, luring of a minor, trafficking in persons, involuntary servitude, theft that results in a felony conviction, or any similar offense. Also makes conforming changes. Effective immediately.

LRB098 10820 JDS 41295 b

1 AN ACT concerning government.

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

4 Section 5. The Officials Convicted of Infamous Crimes Act
5 is amended by changing Section 1 as follows:

6 (5 ILCS 280/1) (from Ch. 102, par. 120)

7 Sec. 1. Any person holding office under the Constitution of
8 the State of Illinois and every elected official of local
9 government or of any school district who is convicted in any
10 court of the State of Illinois or of the United States of a
11 felony, bribery, perjury, or other infamous crime, ~~as~~
12 ~~understood in Section 1 of Article XIII of the Constitution of~~
13 ~~1970,~~ shall be, upon conviction, ineligible to continue in such
14 office.

15 If, subsequently, a final order reverses the conviction,
16 eligibility to hold the office, to the extent of the original
17 term then remaining, is restored, and the officer shall be
18 reinstated, for the duration of the term of office remaining.
19 Each such officer shall be promptly repaid all compensation
20 withheld from him as a result of his removal. No rights of an
21 officer under any pension plan subject to the jurisdiction of
22 this State, of which the officer is a member at the time of his
23 ineligibility for office, shall be abridged if the officer is

1 returned to office by this Act.

2 After conviction and until a final order of reversal, there
3 shall be no payment of compensation to any such officer. Upon
4 the conviction and ineligibility of any person under this Act,
5 a successor shall be chosen according to law. This successor
6 shall hold office for the remainder of the term or until a
7 final order reversing the conviction is entered.

8 For the purposes of this Section, "infamous crime" means
9 any one or more of the following offenses, as the context
10 requires: arson, residential arson, place of worship arson,
11 aggravated arson, bigamy, bribery, burglary, residential
12 burglary, aggravated criminal sexual assault, criminal sexual
13 assault, predatory criminal sexual assault of a child,
14 subsequent conviction for criminal sexual abuse, aggravated
15 criminal sexual abuse, indecent solicitation of a child, child
16 pornography, aggravated child pornography, forgery, kidnapping
17 or aggravated kidnaping, first degree murder, perjury,
18 robbery, armed robbery, aggravated robbery, sale of controlled
19 substances, subornation of perjury, terrorism, luring of a
20 minor, trafficking in persons, involuntary servitude, theft
21 that results in a felony conviction, or any similar offense.

22 (Source: P.A. 88-419.)

23 Section 10. The Election Code is amended by changing
24 Sections 1-3 and 29-15 as follows:

1 (10 ILCS 5/1-3) (from Ch. 46, par. 1-3)

2 Sec. 1-3. As used in this Act, unless the context otherwise
3 requires:

4 1. "Election" includes the submission of all questions of
5 public policy, propositions, and all measures submitted to
6 popular vote, and includes primary elections when so indicated
7 by the context.

8 2. "Regular election" means the general, general primary,
9 consolidated and consolidated primary elections regularly
10 scheduled in Article 2A. The even numbered year municipal
11 primary established in Article 2A is a regular election only
12 with respect to those municipalities in which a primary is
13 required to be held on such date.

14 3. "Special election" means an election not regularly
15 recurring at fixed intervals, irrespective of whether it is
16 held at the same time and place and by the same election
17 officers as a regular election.

18 4. "General election" means the biennial election at which
19 members of the General Assembly are elected. "General primary
20 election", "consolidated election" and "consolidated primary
21 election" mean the respective elections or the election dates
22 designated and established in Article 2A of this Code.

23 5. "Municipal election" means an election or primary,
24 either regular or special, in cities, villages, and
25 incorporated towns; and "municipality" means any such city,
26 village or incorporated town.

1 6. "Political or governmental subdivision" means any unit
2 of local government, or school district in which elections are
3 or may be held. "Political or governmental subdivision" also
4 includes, for election purposes, Regional Boards of School
5 Trustees, and Township Boards of School Trustees.

6 7. The word "township" and the word "town" shall apply
7 interchangeably to the type of governmental organization
8 established in accordance with the provisions of the Township
9 Code. The term "incorporated town" shall mean a municipality
10 referred to as an incorporated town in the Illinois Municipal
11 Code, as now or hereafter amended.

12 8. "Election authority" means a county clerk or a Board of
13 Election Commissioners.

14 9. "Election Jurisdiction" means (a) an entire county, in
15 the case of a county in which no city board of election
16 commissioners is located or which is under the jurisdiction of
17 a county board of election commissioners; (b) the territorial
18 jurisdiction of a city board of election commissioners; and (c)
19 the territory in a county outside of the jurisdiction of a city
20 board of election commissioners. In each instance election
21 jurisdiction shall be determined according to which election
22 authority maintains the permanent registration records of
23 qualified electors.

24 10. "Local election official" means the clerk or secretary
25 of a unit of local government or school district, as the case
26 may be, the treasurer of a township board of school trustees,

1 and the regional superintendent of schools with respect to the
2 various school officer elections and school referenda for which
3 the regional superintendent is assigned election duties by The
4 School Code, as now or hereafter amended.

5 11. "Judges of election", "primary judges" and similar
6 terms, as applied to cases where there are 2 sets of judges,
7 when used in connection with duties at an election during the
8 hours the polls are open, refer to the team of judges of
9 election on duty during such hours; and, when used with
10 reference to duties after the closing of the polls, refer to
11 the team of tally judges designated to count the vote after the
12 closing of the polls and the holdover judges designated
13 pursuant to Section 13-6.2 or 14-5.2. In such case, where,
14 after the closing of the polls, any act is required to be
15 performed by each of the judges of election, it shall be
16 performed by each of the tally judges and by each of the
17 holdover judges.

18 12. "Petition" of candidacy as used in Sections 7-10 and
19 7-10.1 shall consist of a statement of candidacy, candidate's
20 statement containing oath, and sheets containing signatures of
21 qualified primary electors bound together.

22 13. "Election district" and "precinct", when used with
23 reference to a 30-day residence requirement, means the smallest
24 constituent territory in which electors vote as a unit at the
25 same polling place in any election governed by this Act.

26 14. "District" means any area which votes as a unit for the

1 election of any officer, other than the State or a unit of
2 local government or school district, and includes, but is not
3 limited to, legislative, congressional and judicial districts,
4 judicial circuits, county board districts, municipal and
5 sanitary district wards, school board districts, and
6 precincts.

7 15. "Question of public policy" or "public question" means
8 any question, proposition or measure submitted to the voters at
9 an election dealing with subject matter other than the
10 nomination or election of candidates and shall include, but is
11 not limited to, any bond or tax referendum, and questions
12 relating to the Constitution.

13 16. "Ordinance providing the form of government of a
14 municipality or county pursuant to Article VII of the
15 Constitution" includes ordinances, resolutions and petitions
16 adopted by referendum which provide for the form of government,
17 the officers or the manner of selection or terms of office of
18 officers of such municipality or county, pursuant to the
19 provisions of Sections 4, 6 or 7 of Article VII of the
20 Constitution.

21 17. "List" as used in Sections 4-11, 4-22, 5-14, 5-29,
22 6-60, and 6-66 shall include a computer tape or computer disc
23 or other electronic data processing information containing
24 voter information.

25 18. "Accessible" means accessible to handicapped and
26 elderly individuals for the purpose of voting or registration,

1 as determined by rule of the State Board of Elections.

2 19. "Elderly" means 65 years of age or older.

3 20. "Handicapped" means having a temporary or permanent
4 physical disability.

5 21. "Leading political party" means one of the two
6 political parties whose candidates for governor at the most
7 recent three gubernatorial elections received either the
8 highest or second highest average number of votes. The
9 political party whose candidates for governor received the
10 highest average number of votes shall be known as the first
11 leading political party and the political party whose
12 candidates for governor received the second highest average
13 number of votes shall be known as the second leading political
14 party.

15 22. "Business day" means any day in which the office of an
16 election authority, local election official or the State Board
17 of Elections is open to the public for a minimum of 7 hours.

18 23. "Homeless individual" means any person who has a
19 nontraditional residence, including, but not limited to, a
20 shelter, day shelter, park bench, street corner, or space under
21 a bridge.

22 24. "Infamous crime" means any one or more of the following
23 offenses, as the context requires: arson, residential arson,
24 place of worship arson, aggravated arson, bigamy, bribery,
25 burglary, residential burglary, aggravated criminal sexual
26 assault, criminal sexual assault, predatory criminal sexual

1 assault of a child, subsequent conviction for criminal sexual
2 abuse, aggravated criminal sexual abuse, indecent solicitation
3 of a child, child pornography, aggravated child pornography,
4 forgery, kidnapping or aggravated kidnaping, first degree
5 murder, perjury, robbery, armed robbery, aggravated robbery,
6 sale of controlled substances, subornation of perjury,
7 terrorism, luring of a minor, trafficking in persons,
8 involuntary servitude, theft that results in a felony
9 conviction, or any similar offense.

10 (Source: P.A. 96-1000, eff. 7-2-10.)

11 (10 ILCS 5/29-15) (from Ch. 46, par. 29-15)

12 Sec. 29-15. Conviction deemed infamous. Any person
13 convicted of an infamous crime ~~as such term is defined in~~
14 ~~Section 124-1 of the Code of Criminal Procedure of 1963, as~~
15 ~~amended,~~ shall thereafter be prohibited from holding any office
16 of honor, trust, or profit, unless such person is again
17 restored to such rights by the terms of a pardon for the
18 offense or otherwise according to law.

19 (Source: P.A. 83-1097.)

20 Section 15. The Township Code is amended by adding Sections
21 60-1 and 170-1 as follows:

22 (60 ILCS 1/60-1 new)

23 Sec. 60-1. Definitions. As used in this Article, unless

1 the context otherwise requires:

2 "Infamous crime" means any one or more of the following
3 offenses, as the context requires: arson, residential arson,
4 place of worship arson, aggravated arson, bigamy, bribery,
5 burglary, residential burglary, aggravated criminal sexual
6 assault, criminal sexual assault, predatory criminal sexual
7 assault of a child, subsequent conviction for criminal sexual
8 abuse, aggravated criminal sexual abuse, indecent solicitation
9 of a child, child pornography, aggravated child pornography,
10 forgery, kidnapping or aggravated kidnaping, first degree
11 murder, perjury, robbery, armed robbery, aggravated robbery,
12 sale of controlled substances, subornation of perjury,
13 terrorism, luring of a minor, trafficking in persons,
14 involuntary servitude, theft that results in a felony
15 conviction, or any similar offense.

16 (60 ILCS 1/170-1 new)

17 Sec. 170-1. Definitions. As used in this Article, unless
18 the context otherwise requires:

19 "Infamous crime" means any one or more of the following
20 offenses, as the context requires: arson, residential arson,
21 place of worship arson, aggravated arson, bigamy, bribery,
22 burglary, residential burglary, aggravated criminal sexual
23 assault, criminal sexual assault, predatory criminal sexual
24 assault of a child, subsequent conviction for criminal sexual
25 abuse, aggravated criminal sexual abuse, indecent solicitation

1 of a child, child pornography, aggravated child pornography,
2 forgery, kidnapping or aggravated kidnaping, first degree
3 murder, perjury, robbery, armed robbery, aggravated robbery,
4 sale of controlled substances, subornation of perjury,
5 terrorism, luring of a minor, trafficking in persons,
6 involuntary servitude, theft that results in a felony
7 conviction, or any similar offense.

8 Section 20. The Illinois Municipal Code is amended by
9 changing Section 1-1-2 as follows:

10 (65 ILCS 5/1-1-2) (from Ch. 24, par. 1-1-2)

11 Sec. 1-1-2. Definitions. In this Code:

12 (1) "Municipal" or "municipality" means a city, village, or
13 incorporated town in the State of Illinois, but, unless the
14 context otherwise provides, "municipal" or "municipality" does
15 not include a township, town when used as the equivalent of a
16 township, incorporated town that has superseded a civil
17 township, county, school district, park district, sanitary
18 district, or any other similar governmental district. If
19 "municipal" or "municipality" is given a different definition
20 in any particular Division or Section of this Act, that
21 definition shall control in that division or Section only.

22 (2) "Corporate authorities" means (a) the mayor and
23 aldermen or similar body when the reference is to cities, (b)
24 the president and trustees or similar body when the reference

1 is to villages or incorporated towns, and (c) the council when
2 the reference is to municipalities under the commission form of
3 municipal government.

4 (3) "Electors" means persons qualified to vote for elective
5 officers at municipal elections.

6 (4) "Person" means any individual, partnership,
7 corporation, joint stock association, or the State of Illinois
8 or any subdivision of the State; and includes any trustee,
9 receiver, assignee, or personal representative of any of those
10 entities.

11 (5) Except as otherwise provided by ordinance, "fiscal
12 year" in all municipalities with fewer than 500,000
13 inhabitants, and "municipal year" in all municipalities, means
14 the period elapsing (a) between general municipal elections in
15 succeeding calendar years, or (b) if general municipal
16 elections are held biennially, then between a general municipal
17 election and the same day of the same month of the following
18 calendar year, and between that day and the next succeeding
19 general municipal election, or (c) if general municipal
20 elections are held quadrennially, then between a general
21 municipal election and the same day of the same month of the
22 following calendar year, and between that day and the same day
23 of the same month of the next following calendar year, and
24 between the last mentioned day and the same day of the same
25 month of the next following calendar year, and between the last
26 mentioned day and the next succeeding general municipal

1 election. The fiscal year of each municipality with 500,000 or
2 more inhabitants shall commence on January 1.

3 (6) Where reference is made to a county within which a
4 municipality, district, area, or territory is situated, the
5 reference is to the county within which is situated the major
6 part of the area of that municipality, district, area, or
7 territory, in case the municipality, district, area, or
8 territory is situated in 2 or more counties.

9 (7) Where reference is made for any purpose to any other
10 Act, either specifically or generally, the reference shall be
11 to that Act and to all amendments to that Act now in force or
12 that may be hereafter enacted.

13 (8) Wherever the words "city council", "aldermen",
14 "commissioners", or "mayor" occur, the provisions containing
15 these words shall apply to the board of trustees, trustees, and
16 president, respectively, of villages and incorporated towns
17 and councilmen in cities, so far as those provisions are
18 applicable to them.

19 (9) The terms "special charter" and "special Act" are
20 synonymous.

21 (10) "General municipal election" means the biennial
22 regularly scheduled election for the election of officers of
23 cities, villages, and incorporated towns, as prescribed by the
24 general election law; in the case of municipalities that elect
25 officers annually, "general municipal election" means each
26 regularly scheduled election for the election of officers of

1 cities, villages, and incorporated towns.

2 (11) "Infamous crime" means any one or more of the
3 following offenses, as the context requires: arson,
4 residential arson, place of worship arson, aggravated arson,
5 bigamy, bribery, burglary, residential burglary, aggravated
6 criminal sexual assault, criminal sexual assault, predatory
7 criminal sexual assault of a child, subsequent conviction for
8 criminal sexual abuse, aggravated criminal sexual abuse,
9 indecent solicitation of a child, child pornography,
10 aggravated child pornography, forgery, kidnapping or
11 aggravated kidnaping, first degree murder, perjury, robbery,
12 armed robbery, aggravated robbery, sale of controlled
13 substances, subornation of perjury, terrorism, luring of a
14 minor, trafficking in persons, involuntary servitude, theft
15 that results in a felony conviction, or any similar offense.

16 (Source: P.A. 87-1119.)

17 Section 25. The Park District Code is amended by changing
18 Section 1-3 as follows:

19 (70 ILCS 1205/1-3) (from Ch. 105, par. 1-3)

20 Sec. 1-3. (a) The term "park district" or "district" where
21 used herein shall refer to any district having a population of
22 less than 500,000 inhabitants organized under the provisions of
23 this code, or any district organized under "An Act to provide
24 for the creation of pleasure driveway and park districts"

1 approved June 19, 1893, as amended, or "An Act to provide for
2 the organization of park districts and the transfer of
3 submerged lands to those bordering on navigable bodies of
4 water", approved June 24, 1895, as amended, or "An Act to
5 establish and maintain parks and parkways in towns and
6 townships", approved May 29, 1911, as amended, or any one of
7 them as indicated by the context of the section wherein said
8 phrase appears.

9 (b) The term "Pleasure Driveway and Park District" means
10 any park district organized under "An Act to provide for the
11 creation of pleasure driveway and park districts", approved
12 June 19, 1893, as amended, or any park district heretofore
13 organized under the provisions of this code as a Pleasure
14 Driveway and Park District.

15 (c) The term "Submerged Land Park District" means any park
16 district organized under "An Act to provide for the
17 organization of park districts and the transfer of submerged
18 lands to those bordering on navigable bodies of water",
19 approved June 24, 1895, as amended, or any park district
20 heretofore organized under the provisions of this code as a
21 Submerged Land Park District.

22 (d) The term "Township Park District" means any park
23 district organized under "An Act to establish and maintain
24 parks and parkways in towns and townships", approved May 29,
25 1911, as amended, or any park district heretofore organized
26 under the provisions of this code as a Township Park District.

1 (e) The term "General Park District" means any park
2 district hereafter formed under this code or any Submerged Land
3 Park District as that term is defined in Section 1-3 (c)
4 hereof.

5 (f) The term "infamous crime" means any one or more of the
6 following offenses, as the context requires: arson,
7 residential arson, place of worship arson, aggravated arson,
8 bigamy, bribery, burglary, residential burglary, aggravated
9 criminal sexual assault, criminal sexual assault, predatory
10 criminal sexual assault of a child, subsequent conviction for
11 criminal sexual abuse, aggravated criminal sexual abuse,
12 indecent solicitation of a child, child pornography,
13 aggravated child pornography, forgery, kidnapping or
14 aggravated kidnaping, first degree murder, perjury, robbery,
15 armed robbery, aggravated robbery, sale of controlled
16 substances, subornation of perjury, terrorism, luring of a
17 minor, trafficking in persons, involuntary servitude, theft
18 that results in a felony conviction, or any similar offense.

19 (Source: Laws 1951, p. 113.)

20 Section 30. The School Code is amended by changing Section
21 1-3 as follows:

22 (105 ILCS 5/1-3) (from Ch. 122, par. 1-3)

23 Sec. 1-3. Definitions.

24 The terms "common schools", "free schools" and "public

1 schools" are used interchangeably to apply to any school
2 operated by authority of this Act.

3 "Infamous crime" means any one or more of the following
4 offenses, as the context requires: arson, residential arson,
5 place of worship arson, aggravated arson, bigamy, bribery,
6 burglary, residential burglary, aggravated criminal sexual
7 assault, criminal sexual assault, predatory criminal sexual
8 assault of a child, subsequent conviction for criminal sexual
9 abuse, aggravated criminal sexual abuse, indecent solicitation
10 of a child, child pornography, aggravated child pornography,
11 forgery, kidnapping or aggravated kidnaping, first degree
12 murder, perjury, robbery, armed robbery, aggravated robbery,
13 sale of controlled substances, subornation of perjury,
14 terrorism, luring of a minor, trafficking in persons,
15 involuntary servitude, theft that results in a felony
16 conviction, or any similar offense.

17 "School board" means the governing body of any district
18 created or operating under authority of this Act, including
19 board of school directors and board of education. When the
20 context so indicates it also means the governing body of any
21 non-high school district and of any special charter district,
22 including board of school inspectors.

23 "Special charter district" means any city, township or
24 district organized into a school district, under a special Act
25 or charter of the General Assembly or in which schools are now
26 managed and operating within such unit in whole or in part

1 under the terms of such special Act or charter.

2 (Source: Laws 1961, p. 31.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.