

1 AN ACT concerning persons with disabilities.

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

4 Section 1. Rule of construction. This Act shall be
5 construed to make amendments to provisions of State law to
6 substitute the term "persons with physical disabilities" for
7 "the physically handicapped" or "the physically disabled";
8 "persons with disabilities" for "the handicapped" or
9 "handicapped persons" or "handicapped individuals" or "the
10 disabled" or "disabled persons" or "disabled individuals";
11 "persons with developmental disabilities" for "the
12 developmentally disabled" or "developmentally disabled
13 persons" or "developmentally disabled individuals"; "permanent
14 disability" for "permanently disabled"; "total disability" for
15 "totally disabled"; "total and permanent disability" for
16 "totally and permanently disabled"; "temporary total
17 disability" for "temporarily totally disabled"; "permanent
18 total disability" for "permanently totally disabled"; and
19 "disabling condition", as appropriate, for "handicapping
20 condition" without any intent to change the substantive rights,
21 responsibilities, coverage, eligibility, or definitions
22 referred to in the amended provisions represented in this Act.

23 Section 5. The Statute on Statutes is amended by changing

1 Sections 1.37 and 1.38 and by adding Sections 1.40, 1.41, and
2 1.42 as follows:

3 (5 ILCS 70/1.37)

4 Sec. 1.37. Intellectual disability. Except where the
5 context indicates otherwise, in any rule, contract, or other
6 document a reference to the term "mental retardation" shall be
7 considered a reference to the term "intellectual disability"
8 and a reference to a ~~the term~~ "mentally retarded person or a
9 similar reference" shall be considered a reference to a person
10 with an intellectual disability ~~the term "intellectually~~
11 ~~disabled"~~. The use of either "mental retardation" or
12 "intellectually disabled", or "mentally retarded" or "person
13 with an intellectual disability ~~intellectually disabled"~~ shall
14 not invalidate any rule, contract, or other document.

15 (Source: P.A. 97-227, eff. 1-1-12.)

16 (5 ILCS 70/1.38)

17 Sec. 1.38. Physical disability. Except where the context
18 indicates otherwise, in any rule, contract, or other document a
19 reference to a ~~the term~~ "crippled person or a similar reference
20 " shall be considered a reference to a person with a physical
21 disability ~~the term "physically disabled"~~ and a reference to
22 the term "crippling" shall be considered a reference to the
23 term "physical disability" or "physically disabling", as
24 appropriate, when referring to a person. The use of either

1 "crippled" or "physically disabled", or "crippling" or
2 "physical disability" shall not invalidate any rule, contract,
3 or other document.

4 (Source: P.A. 97-227, eff. 1-1-12.)

5 (5 ILCS 70/1.40 new)

6 Sec. 1.40. Persons with disabilities. Except where the
7 context indicates otherwise, in any rule, contract, or other
8 document a reference to the term "the physically handicapped"
9 or "the physically disabled" shall be considered a reference to
10 the term "persons with physical disabilities"; and a reference
11 to the term "the handicapped" or "handicapped persons" or
12 "handicapped individuals" or "the disabled" or "disabled
13 persons" or "disabled individuals" shall be considered a
14 reference to the term "persons with disabilities"; and a
15 reference to the term "handicapping condition" shall be
16 considered a reference to the term "disabling condition". The
17 use of either "the physically handicapped" or "the physically
18 disabled" or "persons with physical disabilities", or "the
19 handicapped" or "handicapped persons" or "handicapped
20 individuals" or "the disabled" or "disabled persons" or
21 "disabled individuals" or "persons with disabilities" or
22 "handicapping condition" or "disabling condition" shall not
23 invalidate any rule, contract, or other document.

24 (5 ILCS 70/1.41 new)

1 Sec. 1.41. Permanent disability; total disability. Except
2 where the context indicates otherwise, in any rule, contract,
3 or other document a reference to a permanently disabled person
4 or a similar reference shall be considered a reference to a
5 person with a permanent disability; and a reference to a
6 totally disabled person or a similar reference shall be
7 considered a reference to a person with a total disability; and
8 a reference to a permanently and totally disabled person or a
9 similar reference shall be considered a reference to a person
10 with a permanent and total disability; and a reference to a
11 totally and permanently disabled person or a similar reference
12 shall be considered a reference to a person with a total and
13 permanent disability; and a reference to a permanently totally
14 disabled person or a similar reference shall be considered a
15 reference to a person with a permanent total disability; and a
16 reference to a temporarily totally disabled person or a similar
17 reference shall be considered a reference to a person with a
18 temporary total disability. The use of either "permanently
19 disabled" or "permanent disability" or "totally disabled" or
20 "total disability" or "permanently and totally disabled" or
21 "permanent and total disability" or "totally and permanently
22 disabled" or "total and permanent disability" or "permanently
23 totally disabled" or "permanent total disability" or
24 "temporarily totally disabled" or "temporary total disability"
25 shall not invalidate any rule, contract, or other document.

1 (5 ILCS 70/1.42 new)

2 Sec. 1.42. Developmental disability. Except where the
3 context indicates otherwise, in any rule, contract, or other
4 document a reference to a developmentally disabled person or a
5 similar reference shall be considered a reference to a person
6 with a developmental disability and a reference to the
7 developmentally disabled or a similar reference shall be
8 considered a reference to persons with developmental
9 disabilities. The use of either "developmentally disabled" or
10 "developmental disability" or "the developmentally disabled"
11 or "persons with developmental disabilities" shall not
12 invalidate any rule, contract, or other document.

13 Section 10. The Illinois Administrative Procedure Act is
14 amended by changing Sections 5-45, 5-146, and 5-147 and by
15 adding Section 5-148 as follows:

16 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

17 Sec. 5-45. Emergency rulemaking.

18 (a) "Emergency" means the existence of any situation that
19 any agency finds reasonably constitutes a threat to the public
20 interest, safety, or welfare.

21 (b) If any agency finds that an emergency exists that
22 requires adoption of a rule upon fewer days than is required by
23 Section 5-40 and states in writing its reasons for that
24 finding, the agency may adopt an emergency rule without prior

1 notice or hearing upon filing a notice of emergency rulemaking
2 with the Secretary of State under Section 5-70. The notice
3 shall include the text of the emergency rule and shall be
4 published in the Illinois Register. Consent orders or other
5 court orders adopting settlements negotiated by an agency may
6 be adopted under this Section. Subject to applicable
7 constitutional or statutory provisions, an emergency rule
8 becomes effective immediately upon filing under Section 5-65 or
9 at a stated date less than 10 days thereafter. The agency's
10 finding and a statement of the specific reasons for the finding
11 shall be filed with the rule. The agency shall take reasonable
12 and appropriate measures to make emergency rules known to the
13 persons who may be affected by them.

14 (c) An emergency rule may be effective for a period of not
15 longer than 150 days, but the agency's authority to adopt an
16 identical rule under Section 5-40 is not precluded. No
17 emergency rule may be adopted more than once in any 24 month
18 period, except that this limitation on the number of emergency
19 rules that may be adopted in a 24 month period does not apply
20 to (i) emergency rules that make additions to and deletions
21 from the Drug Manual under Section 5-5.16 of the Illinois
22 Public Aid Code or the generic drug formulary under Section
23 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)
24 emergency rules adopted by the Pollution Control Board before
25 July 1, 1997 to implement portions of the Livestock Management
26 Facilities Act, (iii) emergency rules adopted by the Illinois

1 Department of Public Health under subsections (a) through (i)
2 of Section 2 of the Department of Public Health Act when
3 necessary to protect the public's health, (iv) emergency rules
4 adopted pursuant to subsection (n) of this Section, (v)
5 emergency rules adopted pursuant to subsection (o) of this
6 Section, or (vi) emergency rules adopted pursuant to subsection
7 (c-5) of this Section. Two or more emergency rules having
8 substantially the same purpose and effect shall be deemed to be
9 a single rule for purposes of this Section.

10 (c-5) To facilitate the maintenance of the program of group
11 health benefits provided to annuitants, survivors, and retired
12 employees under the State Employees Group Insurance Act of
13 1971, rules to alter the contributions to be paid by the State,
14 annuitants, survivors, retired employees, or any combination
15 of those entities, for that program of group health benefits,
16 shall be adopted as emergency rules. The adoption of those
17 rules shall be considered an emergency and necessary for the
18 public interest, safety, and welfare.

19 (d) In order to provide for the expeditious and timely
20 implementation of the State's fiscal year 1999 budget,
21 emergency rules to implement any provision of Public Act 90-587
22 or 90-588 or any other budget initiative for fiscal year 1999
23 may be adopted in accordance with this Section by the agency
24 charged with administering that provision or initiative,
25 except that the 24-month limitation on the adoption of
26 emergency rules and the provisions of Sections 5-115 and 5-125

1 do not apply to rules adopted under this subsection (d). The
2 adoption of emergency rules authorized by this subsection (d)
3 shall be deemed to be necessary for the public interest,
4 safety, and welfare.

5 (e) In order to provide for the expeditious and timely
6 implementation of the State's fiscal year 2000 budget,
7 emergency rules to implement any provision of this amendatory
8 Act of the 91st General Assembly or any other budget initiative
9 for fiscal year 2000 may be adopted in accordance with this
10 Section by the agency charged with administering that provision
11 or initiative, except that the 24-month limitation on the
12 adoption of emergency rules and the provisions of Sections
13 5-115 and 5-125 do not apply to rules adopted under this
14 subsection (e). The adoption of emergency rules authorized by
15 this subsection (e) shall be deemed to be necessary for the
16 public interest, safety, and welfare.

17 (f) In order to provide for the expeditious and timely
18 implementation of the State's fiscal year 2001 budget,
19 emergency rules to implement any provision of this amendatory
20 Act of the 91st General Assembly or any other budget initiative
21 for fiscal year 2001 may be adopted in accordance with this
22 Section by the agency charged with administering that provision
23 or initiative, except that the 24-month limitation on the
24 adoption of emergency rules and the provisions of Sections
25 5-115 and 5-125 do not apply to rules adopted under this
26 subsection (f). The adoption of emergency rules authorized by

1 this subsection (f) shall be deemed to be necessary for the
2 public interest, safety, and welfare.

3 (g) In order to provide for the expeditious and timely
4 implementation of the State's fiscal year 2002 budget,
5 emergency rules to implement any provision of this amendatory
6 Act of the 92nd General Assembly or any other budget initiative
7 for fiscal year 2002 may be adopted in accordance with this
8 Section by the agency charged with administering that provision
9 or initiative, except that the 24-month limitation on the
10 adoption of emergency rules and the provisions of Sections
11 5-115 and 5-125 do not apply to rules adopted under this
12 subsection (g). The adoption of emergency rules authorized by
13 this subsection (g) shall be deemed to be necessary for the
14 public interest, safety, and welfare.

15 (h) In order to provide for the expeditious and timely
16 implementation of the State's fiscal year 2003 budget,
17 emergency rules to implement any provision of this amendatory
18 Act of the 92nd General Assembly or any other budget initiative
19 for fiscal year 2003 may be adopted in accordance with this
20 Section by the agency charged with administering that provision
21 or initiative, except that the 24-month limitation on the
22 adoption of emergency rules and the provisions of Sections
23 5-115 and 5-125 do not apply to rules adopted under this
24 subsection (h). The adoption of emergency rules authorized by
25 this subsection (h) shall be deemed to be necessary for the
26 public interest, safety, and welfare.

1 (i) In order to provide for the expeditious and timely
2 implementation of the State's fiscal year 2004 budget,
3 emergency rules to implement any provision of this amendatory
4 Act of the 93rd General Assembly or any other budget initiative
5 for fiscal year 2004 may be adopted in accordance with this
6 Section by the agency charged with administering that provision
7 or initiative, except that the 24-month limitation on the
8 adoption of emergency rules and the provisions of Sections
9 5-115 and 5-125 do not apply to rules adopted under this
10 subsection (i). The adoption of emergency rules authorized by
11 this subsection (i) shall be deemed to be necessary for the
12 public interest, safety, and welfare.

13 (j) In order to provide for the expeditious and timely
14 implementation of the provisions of the State's fiscal year
15 2005 budget as provided under the Fiscal Year 2005 Budget
16 Implementation (Human Services) Act, emergency rules to
17 implement any provision of the Fiscal Year 2005 Budget
18 Implementation (Human Services) Act may be adopted in
19 accordance with this Section by the agency charged with
20 administering that provision, except that the 24-month
21 limitation on the adoption of emergency rules and the
22 provisions of Sections 5-115 and 5-125 do not apply to rules
23 adopted under this subsection (j). The Department of Public Aid
24 may also adopt rules under this subsection (j) necessary to
25 administer the Illinois Public Aid Code and the Children's
26 Health Insurance Program Act. The adoption of emergency rules

1 authorized by this subsection (j) shall be deemed to be
2 necessary for the public interest, safety, and welfare.

3 (k) In order to provide for the expeditious and timely
4 implementation of the provisions of the State's fiscal year
5 2006 budget, emergency rules to implement any provision of this
6 amendatory Act of the 94th General Assembly or any other budget
7 initiative for fiscal year 2006 may be adopted in accordance
8 with this Section by the agency charged with administering that
9 provision or initiative, except that the 24-month limitation on
10 the adoption of emergency rules and the provisions of Sections
11 5-115 and 5-125 do not apply to rules adopted under this
12 subsection (k). The Department of Healthcare and Family
13 Services may also adopt rules under this subsection (k)
14 necessary to administer the Illinois Public Aid Code, the
15 Senior Citizens and Persons with Disabilities ~~Disabled Persons~~
16 Property Tax Relief Act, the Senior Citizens and Disabled
17 Persons Prescription Drug Discount Program Act (now the
18 Illinois Prescription Drug Discount Program Act), and the
19 Children's Health Insurance Program Act. The adoption of
20 emergency rules authorized by this subsection (k) shall be
21 deemed to be necessary for the public interest, safety, and
22 welfare.

23 (l) In order to provide for the expeditious and timely
24 implementation of the provisions of the State's fiscal year
25 2007 budget, the Department of Healthcare and Family Services
26 may adopt emergency rules during fiscal year 2007, including

1 rules effective July 1, 2007, in accordance with this
2 subsection to the extent necessary to administer the
3 Department's responsibilities with respect to amendments to
4 the State plans and Illinois waivers approved by the federal
5 Centers for Medicare and Medicaid Services necessitated by the
6 requirements of Title XIX and Title XXI of the federal Social
7 Security Act. The adoption of emergency rules authorized by
8 this subsection (l) shall be deemed to be necessary for the
9 public interest, safety, and welfare.

10 (m) In order to provide for the expeditious and timely
11 implementation of the provisions of the State's fiscal year
12 2008 budget, the Department of Healthcare and Family Services
13 may adopt emergency rules during fiscal year 2008, including
14 rules effective July 1, 2008, in accordance with this
15 subsection to the extent necessary to administer the
16 Department's responsibilities with respect to amendments to
17 the State plans and Illinois waivers approved by the federal
18 Centers for Medicare and Medicaid Services necessitated by the
19 requirements of Title XIX and Title XXI of the federal Social
20 Security Act. The adoption of emergency rules authorized by
21 this subsection (m) shall be deemed to be necessary for the
22 public interest, safety, and welfare.

23 (n) In order to provide for the expeditious and timely
24 implementation of the provisions of the State's fiscal year
25 2010 budget, emergency rules to implement any provision of this
26 amendatory Act of the 96th General Assembly or any other budget

1 initiative authorized by the 96th General Assembly for fiscal
2 year 2010 may be adopted in accordance with this Section by the
3 agency charged with administering that provision or
4 initiative. The adoption of emergency rules authorized by this
5 subsection (n) shall be deemed to be necessary for the public
6 interest, safety, and welfare. The rulemaking authority
7 granted in this subsection (n) shall apply only to rules
8 promulgated during Fiscal Year 2010.

9 (o) In order to provide for the expeditious and timely
10 implementation of the provisions of the State's fiscal year
11 2011 budget, emergency rules to implement any provision of this
12 amendatory Act of the 96th General Assembly or any other budget
13 initiative authorized by the 96th General Assembly for fiscal
14 year 2011 may be adopted in accordance with this Section by the
15 agency charged with administering that provision or
16 initiative. The adoption of emergency rules authorized by this
17 subsection (o) is deemed to be necessary for the public
18 interest, safety, and welfare. The rulemaking authority
19 granted in this subsection (o) applies only to rules
20 promulgated on or after the effective date of this amendatory
21 Act of the 96th General Assembly through June 30, 2011.

22 (p) In order to provide for the expeditious and timely
23 implementation of the provisions of Public Act 97-689,
24 emergency rules to implement any provision of Public Act 97-689
25 may be adopted in accordance with this subsection (p) by the
26 agency charged with administering that provision or

1 initiative. The 150-day limitation of the effective period of
2 emergency rules does not apply to rules adopted under this
3 subsection (p), and the effective period may continue through
4 June 30, 2013. The 24-month limitation on the adoption of
5 emergency rules does not apply to rules adopted under this
6 subsection (p). The adoption of emergency rules authorized by
7 this subsection (p) is deemed to be necessary for the public
8 interest, safety, and welfare.

9 (q) In order to provide for the expeditious and timely
10 implementation of the provisions of Articles 7, 8, 9, 11, and
11 12 of this amendatory Act of the 98th General Assembly,
12 emergency rules to implement any provision of Articles 7, 8, 9,
13 11, and 12 of this amendatory Act of the 98th General Assembly
14 may be adopted in accordance with this subsection (q) by the
15 agency charged with administering that provision or
16 initiative. The 24-month limitation on the adoption of
17 emergency rules does not apply to rules adopted under this
18 subsection (q). The adoption of emergency rules authorized by
19 this subsection (q) is deemed to be necessary for the public
20 interest, safety, and welfare.

21 (r) In order to provide for the expeditious and timely
22 implementation of the provisions of this amendatory Act of the
23 98th General Assembly, emergency rules to implement this
24 amendatory Act of the 98th General Assembly may be adopted in
25 accordance with this subsection (r) by the Department of
26 Healthcare and Family Services. The 24-month limitation on the

1 adoption of emergency rules does not apply to rules adopted
2 under this subsection (r). The adoption of emergency rules
3 authorized by this subsection (r) is deemed to be necessary for
4 the public interest, safety, and welfare.

5 (Source: P.A. 97-689, eff. 6-14-12; 97-695, eff. 7-1-12;
6 98-104, eff. 7-22-13; 98-463, eff. 8-16-13; 98-651, eff.
7 6-16-14.)

8 (5 ILCS 100/5-146)

9 Sec. 5-146. Rule change; intellectual disability. Any
10 State agency with a rule that contains a reference to a ~~the~~
11 ~~term "mentally retarded~~ person or similar reference shall amend
12 the text of the rule to contain a reference to a person with an
13 intellectual disability. Any State agency with a rule that
14 contains the term ~~"or~~ "mental retardation" shall amend the
15 text of the rule to substitute the term ~~"intellectually~~
16 ~~disabled"~~ for ~~"mentally retarded"~~ and "intellectual
17 disability" for "mental retardation", and shall make any other
18 changes that may be necessary to conform to the changes made by
19 this amendatory Act of the 97th General Assembly.

20 (Source: P.A. 97-227, eff. 1-1-12.)

21 (5 ILCS 100/5-147)

22 Sec. 5-147. Rule change; physical disability. Any State
23 agency with a rule that contains a reference to a ~~the term~~
24 "crippled person or similar reference shall amend the text of

1 the rule to contain a reference to a person with a physical
2 disability. Any State agency with a rule that contains the term
3 "~~or~~ "crippling" to refer to a person with a physical
4 disability shall amend the text of the rule to substitute the
5 term "~~physically disabled~~" for "~~crippled~~" and "physical
6 disability" or "physically disabling", as appropriate, for
7 "crippling", and shall make any other changes that may be
8 necessary to conform to the changes made by this amendatory Act
9 of the 97th General Assembly.

10 (Source: P.A. 97-227, eff. 1-1-12.)

11 (5 ILCS 100/5-148 new)

12 Sec. 5-148. Rule change; persons with a disability. Any
13 State agency with a rule that contains the term "the physically
14 handicapped" or "the handicapped" or "handicapped persons" or
15 "handicapped individuals" or "handicapping condition" shall
16 amend the text of the rule to substitute the term "persons with
17 physical disabilities" for "the physically handicapped" and
18 "persons with disabilities" for "the handicapped" or
19 "handicapped persons" or "handicapped individuals" and
20 "disabling condition", as appropriate, for "handicapping
21 condition", and shall make any other changes that may be
22 necessary to conform to the changes made by this amendatory Act
23 of the 99th General Assembly.

24 Section 15. The Illinois Public Labor Relations Act is

1 amended by changing Section 3 as follows:

2 (5 ILCS 315/3) (from Ch. 48, par. 1603)

3 Sec. 3. Definitions. As used in this Act, unless the
4 context otherwise requires:

5 (a) "Board" means the Illinois Labor Relations Board or,
6 with respect to a matter over which the jurisdiction of the
7 Board is assigned to the State Panel or the Local Panel under
8 Section 5, the panel having jurisdiction over the matter.

9 (b) "Collective bargaining" means bargaining over terms
10 and conditions of employment, including hours, wages, and other
11 conditions of employment, as detailed in Section 7 and which
12 are not excluded by Section 4.

13 (c) "Confidential employee" means an employee who, in the
14 regular course of his or her duties, assists and acts in a
15 confidential capacity to persons who formulate, determine, and
16 effectuate management policies with regard to labor relations
17 or who, in the regular course of his or her duties, has
18 authorized access to information relating to the effectuation
19 or review of the employer's collective bargaining policies.

20 (d) "Craft employees" means skilled journeymen, crafts
21 persons, and their apprentices and helpers.

22 (e) "Essential services employees" means those public
23 employees performing functions so essential that the
24 interruption or termination of the function will constitute a
25 clear and present danger to the health and safety of the

1 persons in the affected community.

2 (f) "Exclusive representative", except with respect to
3 non-State fire fighters and paramedics employed by fire
4 departments and fire protection districts, non-State peace
5 officers, and peace officers in the Department of State Police,
6 means the labor organization that has been (i) designated by
7 the Board as the representative of a majority of public
8 employees in an appropriate bargaining unit in accordance with
9 the procedures contained in this Act, (ii) historically
10 recognized by the State of Illinois or any political
11 subdivision of the State before July 1, 1984 (the effective
12 date of this Act) as the exclusive representative of the
13 employees in an appropriate bargaining unit, (iii) after July
14 1, 1984 (the effective date of this Act) recognized by an
15 employer upon evidence, acceptable to the Board, that the labor
16 organization has been designated as the exclusive
17 representative by a majority of the employees in an appropriate
18 bargaining unit; (iv) recognized as the exclusive
19 representative of personal assistants under Executive Order
20 2003-8 prior to the effective date of this amendatory Act of
21 the 93rd General Assembly, and the organization shall be
22 considered to be the exclusive representative of the personal
23 assistants as defined in this Section; or (v) recognized as the
24 exclusive representative of child and day care home providers,
25 including licensed and license exempt providers, pursuant to an
26 election held under Executive Order 2005-1 prior to the

1 effective date of this amendatory Act of the 94th General
2 Assembly, and the organization shall be considered to be the
3 exclusive representative of the child and day care home
4 providers as defined in this Section.

5 With respect to non-State fire fighters and paramedics
6 employed by fire departments and fire protection districts,
7 non-State peace officers, and peace officers in the Department
8 of State Police, "exclusive representative" means the labor
9 organization that has been (i) designated by the Board as the
10 representative of a majority of peace officers or fire fighters
11 in an appropriate bargaining unit in accordance with the
12 procedures contained in this Act, (ii) historically recognized
13 by the State of Illinois or any political subdivision of the
14 State before January 1, 1986 (the effective date of this
15 amendatory Act of 1985) as the exclusive representative by a
16 majority of the peace officers or fire fighters in an
17 appropriate bargaining unit, or (iii) after January 1, 1986
18 (the effective date of this amendatory Act of 1985) recognized
19 by an employer upon evidence, acceptable to the Board, that the
20 labor organization has been designated as the exclusive
21 representative by a majority of the peace officers or fire
22 fighters in an appropriate bargaining unit.

23 Where a historical pattern of representation exists for the
24 workers of a water system that was owned by a public utility,
25 as defined in Section 3-105 of the Public Utilities Act, prior
26 to becoming certified employees of a municipality or

1 municipalities once the municipality or municipalities have
2 acquired the water system as authorized in Section 11-124-5 of
3 the Illinois Municipal Code, the Board shall find the labor
4 organization that has historically represented the workers to
5 be the exclusive representative under this Act, and shall find
6 the unit represented by the exclusive representative to be the
7 appropriate unit.

8 (g) "Fair share agreement" means an agreement between the
9 employer and an employee organization under which all or any of
10 the employees in a collective bargaining unit are required to
11 pay their proportionate share of the costs of the collective
12 bargaining process, contract administration, and pursuing
13 matters affecting wages, hours, and other conditions of
14 employment, but not to exceed the amount of dues uniformly
15 required of members. The amount certified by the exclusive
16 representative shall not include any fees for contributions
17 related to the election or support of any candidate for
18 political office. Nothing in this subsection (g) shall preclude
19 an employee from making voluntary political contributions in
20 conjunction with his or her fair share payment.

21 (g-1) "Fire fighter" means, for the purposes of this Act
22 only, any person who has been or is hereafter appointed to a
23 fire department or fire protection district or employed by a
24 state university and sworn or commissioned to perform fire
25 fighter duties or paramedic duties, except that the following
26 persons are not included: part-time fire fighters, auxiliary,

1 reserve or voluntary fire fighters, including paid on-call fire
2 fighters, clerks and dispatchers or other civilian employees of
3 a fire department or fire protection district who are not
4 routinely expected to perform fire fighter duties, or elected
5 officials.

6 (g-2) "General Assembly of the State of Illinois" means the
7 legislative branch of the government of the State of Illinois,
8 as provided for under Article IV of the Constitution of the
9 State of Illinois, and includes but is not limited to the House
10 of Representatives, the Senate, the Speaker of the House of
11 Representatives, the Minority Leader of the House of
12 Representatives, the President of the Senate, the Minority
13 Leader of the Senate, the Joint Committee on Legislative
14 Support Services and any legislative support services agency
15 listed in the Legislative Commission Reorganization Act of
16 1984.

17 (h) "Governing body" means, in the case of the State, the
18 State Panel of the Illinois Labor Relations Board, the Director
19 of the Department of Central Management Services, and the
20 Director of the Department of Labor; the county board in the
21 case of a county; the corporate authorities in the case of a
22 municipality; and the appropriate body authorized to provide
23 for expenditures of its funds in the case of any other unit of
24 government.

25 (i) "Labor organization" means any organization in which
26 public employees participate and that exists for the purpose,

1 in whole or in part, of dealing with a public employer
2 concerning wages, hours, and other terms and conditions of
3 employment, including the settlement of grievances.

4 (i-5) "Legislative liaison" means a person who is an
5 employee of a State agency, the Attorney General, the Secretary
6 of State, the Comptroller, or the Treasurer, as the case may
7 be, and whose job duties require the person to regularly
8 communicate in the course of his or her employment with any
9 official or staff of the General Assembly of the State of
10 Illinois for the purpose of influencing any legislative action.

11 (j) "Managerial employee" means an individual who is
12 engaged predominantly in executive and management functions
13 and is charged with the responsibility of directing the
14 effectuation of management policies and practices. With
15 respect only to State employees in positions under the
16 jurisdiction of the Attorney General, Secretary of State,
17 Comptroller, or Treasurer (i) that were certified in a
18 bargaining unit on or after December 2, 2008, (ii) for which a
19 petition is filed with the Illinois Public Labor Relations
20 Board on or after April 5, 2013 (the effective date of Public
21 Act 97-1172), or (iii) for which a petition is pending before
22 the Illinois Public Labor Relations Board on that date,
23 "managerial employee" means an individual who is engaged in
24 executive and management functions or who is charged with the
25 effectuation of management policies and practices or who
26 represents management interests by taking or recommending

1 discretionary actions that effectively control or implement
2 policy. Nothing in this definition prohibits an individual from
3 also meeting the definition of "supervisor" under subsection
4 (r) of this Section.

5 (k) "Peace officer" means, for the purposes of this Act
6 only, any persons who have been or are hereafter appointed to a
7 police force, department, or agency and sworn or commissioned
8 to perform police duties, except that the following persons are
9 not included: part-time police officers, special police
10 officers, auxiliary police as defined by Section 3.1-30-20 of
11 the Illinois Municipal Code, night watchmen, "merchant
12 police", court security officers as defined by Section 3-6012.1
13 of the Counties Code, temporary employees, traffic guards or
14 wardens, civilian parking meter and parking facilities
15 personnel or other individuals specially appointed to aid or
16 direct traffic at or near schools or public functions or to aid
17 in civil defense or disaster, parking enforcement employees who
18 are not commissioned as peace officers and who are not armed
19 and who are not routinely expected to effect arrests, parking
20 lot attendants, clerks and dispatchers or other civilian
21 employees of a police department who are not routinely expected
22 to effect arrests, or elected officials.

23 (l) "Person" includes one or more individuals, labor
24 organizations, public employees, associations, corporations,
25 legal representatives, trustees, trustees in bankruptcy,
26 receivers, or the State of Illinois or any political

1 subdivision of the State or governing body, but does not
2 include the General Assembly of the State of Illinois or any
3 individual employed by the General Assembly of the State of
4 Illinois.

5 (m) "Professional employee" means any employee engaged in
6 work predominantly intellectual and varied in character rather
7 than routine mental, manual, mechanical or physical work;
8 involving the consistent exercise of discretion and adjustment
9 in its performance; of such a character that the output
10 produced or the result accomplished cannot be standardized in
11 relation to a given period of time; and requiring advanced
12 knowledge in a field of science or learning customarily
13 acquired by a prolonged course of specialized intellectual
14 instruction and study in an institution of higher learning or a
15 hospital, as distinguished from a general academic education or
16 from apprenticeship or from training in the performance of
17 routine mental, manual, or physical processes; or any employee
18 who has completed the courses of specialized intellectual
19 instruction and study prescribed in this subsection (m) and is
20 performing related work under the supervision of a professional
21 person to qualify to become a professional employee as defined
22 in this subsection (m).

23 (n) "Public employee" or "employee", for the purposes of
24 this Act, means any individual employed by a public employer,
25 including (i) interns and residents at public hospitals, (ii)
26 as of the effective date of this amendatory Act of the 93rd

1 General Assembly, but not before, personal assistants working
2 under the Home Services Program under Section 3 of the
3 Rehabilitation of Persons with Disabilities ~~Disabled Persons~~
4 ~~Rehabilitation~~ Act, subject to the limitations set forth in
5 this Act and in the Rehabilitation of Persons with Disabilities
6 ~~Disabled Persons Rehabilitation~~ Act, (iii) as of the effective
7 date of this amendatory Act of the 94th General Assembly, but
8 not before, child and day care home providers participating in
9 the child care assistance program under Section 9A-11 of the
10 Illinois Public Aid Code, subject to the limitations set forth
11 in this Act and in Section 9A-11 of the Illinois Public Aid
12 Code, (iv) as of January 29, 2013 (the effective date of Public
13 Act 97-1158), but not before except as otherwise provided in
14 this subsection (n), home care and home health workers who
15 function as personal assistants and individual maintenance
16 home health workers and who also work under the Home Services
17 Program under Section 3 of the Rehabilitation of Persons with
18 Disabilities ~~Disabled Persons Rehabilitation~~ Act, no matter
19 whether the State provides those services through direct
20 fee-for-service arrangements, with the assistance of a managed
21 care organization or other intermediary, or otherwise, (v)
22 beginning on the effective date of this amendatory Act of the
23 98th General Assembly and notwithstanding any other provision
24 of this Act, any person employed by a public employer and who
25 is classified as or who holds the employment title of Chief
26 Stationary Engineer, Assistant Chief Stationary Engineer,

1 Sewage Plant Operator, Water Plant Operator, Stationary
2 Engineer, Plant Operating Engineer, and any other employee who
3 holds the position of: Civil Engineer V, Civil Engineer VI,
4 Civil Engineer VII, Technical Manager I, Technical Manager II,
5 Technical Manager III, Technical Manager IV, Technical Manager
6 V, Technical Manager VI, Realty Specialist III, Realty
7 Specialist IV, Realty Specialist V, Technical Advisor I,
8 Technical Advisor II, Technical Advisor III, Technical Advisor
9 IV, or Technical Advisor V employed by the Department of
10 Transportation who is in a position which is certified in a
11 bargaining unit on or before the effective date of this
12 amendatory Act of the 98th General Assembly, and (vi) beginning
13 on the effective date of this amendatory Act of the 98th
14 General Assembly and notwithstanding any other provision of
15 this Act, any mental health administrator in the Department of
16 Corrections who is classified as or who holds the position of
17 Public Service Administrator (Option 8K), any employee of the
18 Office of the Inspector General in the Department of Human
19 Services who is classified as or who holds the position of
20 Public Service Administrator (Option 7), any Deputy of
21 Intelligence in the Department of Corrections who is classified
22 as or who holds the position of Public Service Administrator
23 (Option 7), and any employee of the Department of State Police
24 who handles issues concerning the Illinois State Police Sex
25 Offender Registry and who is classified as or holds the
26 position of Public Service Administrator (Option 7), but

1 excluding all of the following: employees of the General
2 Assembly of the State of Illinois; elected officials; executive
3 heads of a department; members of boards or commissions; the
4 Executive Inspectors General; any special Executive Inspectors
5 General; employees of each Office of an Executive Inspector
6 General; commissioners and employees of the Executive Ethics
7 Commission; the Auditor General's Inspector General; employees
8 of the Office of the Auditor General's Inspector General; the
9 Legislative Inspector General; any special Legislative
10 Inspectors General; employees of the Office of the Legislative
11 Inspector General; commissioners and employees of the
12 Legislative Ethics Commission; employees of any agency, board
13 or commission created by this Act; employees appointed to State
14 positions of a temporary or emergency nature; all employees of
15 school districts and higher education institutions except
16 firefighters and peace officers employed by a state university
17 and except peace officers employed by a school district in its
18 own police department in existence on the effective date of
19 this amendatory Act of the 96th General Assembly; managerial
20 employees; short-term employees; legislative liaisons; a
21 person who is a State employee under the jurisdiction of the
22 Office of the Attorney General who is licensed to practice law
23 or whose position authorizes, either directly or indirectly,
24 meaningful input into government decision-making on issues
25 where there is room for principled disagreement on goals or
26 their implementation; a person who is a State employee under

1 the jurisdiction of the Office of the Comptroller who holds the
2 position of Public Service Administrator or whose position is
3 otherwise exempt under the Comptroller Merit Employment Code; a
4 person who is a State employee under the jurisdiction of the
5 Secretary of State who holds the position classification of
6 Executive I or higher, whose position authorizes, either
7 directly or indirectly, meaningful input into government
8 decision-making on issues where there is room for principled
9 disagreement on goals or their implementation, or who is
10 otherwise exempt under the Secretary of State Merit Employment
11 Code; employees in the Office of the Secretary of State who are
12 completely exempt from jurisdiction B of the Secretary of State
13 Merit Employment Code and who are in Rutan-exempt positions on
14 or after April 5, 2013 (the effective date of Public Act
15 97-1172); a person who is a State employee under the
16 jurisdiction of the Treasurer who holds a position that is
17 exempt from the State Treasurer Employment Code; any employee
18 of a State agency who (i) holds the title or position of, or
19 exercises substantially similar duties as a legislative
20 liaison, Agency General Counsel, Agency Chief of Staff, Agency
21 Executive Director, Agency Deputy Director, Agency Chief
22 Fiscal Officer, Agency Human Resources Director, Public
23 Information Officer, or Chief Information Officer and (ii) was
24 neither included in a bargaining unit nor subject to an active
25 petition for certification in a bargaining unit; any employee
26 of a State agency who (i) is in a position that is

1 Rutan-exempt, as designated by the employer, and completely
2 exempt from jurisdiction B of the Personnel Code and (ii) was
3 neither included in a bargaining unit nor subject to an active
4 petition for certification in a bargaining unit; any term
5 appointed employee of a State agency pursuant to Section 8b.18
6 or 8b.19 of the Personnel Code who was neither included in a
7 bargaining unit nor subject to an active petition for
8 certification in a bargaining unit; any employment position
9 properly designated pursuant to Section 6.1 of this Act;
10 confidential employees; independent contractors; and
11 supervisors except as provided in this Act.

12 Home care and home health workers who function as personal
13 assistants and individual maintenance home health workers and
14 who also work under the Home Services Program under Section 3
15 of the Rehabilitation of Persons with Disabilities ~~Disabled~~
16 ~~Persons—Rehabilitation~~ Act shall not be considered public
17 employees for any purposes not specifically provided for in
18 Public Act 93-204 or Public Act 97-1158, including but not
19 limited to, purposes of vicarious liability in tort and
20 purposes of statutory retirement or health insurance benefits.
21 Home care and home health workers who function as personal
22 assistants and individual maintenance home health workers and
23 who also work under the Home Services Program under Section 3
24 of the Rehabilitation of Persons with Disabilities ~~Disabled~~
25 ~~Persons—Rehabilitation~~ Act shall not be covered by the State
26 Employees Group Insurance Act of 1971 (5 ILCS 375/).

1 Child and day care home providers shall not be considered
2 public employees for any purposes not specifically provided for
3 in this amendatory Act of the 94th General Assembly, including
4 but not limited to, purposes of vicarious liability in tort and
5 purposes of statutory retirement or health insurance benefits.
6 Child and day care home providers shall not be covered by the
7 State Employees Group Insurance Act of 1971.

8 Notwithstanding Section 9, subsection (c), or any other
9 provisions of this Act, all peace officers above the rank of
10 captain in municipalities with more than 1,000,000 inhabitants
11 shall be excluded from this Act.

12 (o) Except as otherwise in subsection (o-5), "public
13 employer" or "employer" means the State of Illinois; any
14 political subdivision of the State, unit of local government or
15 school district; authorities including departments, divisions,
16 bureaus, boards, commissions, or other agencies of the
17 foregoing entities; and any person acting within the scope of
18 his or her authority, express or implied, on behalf of those
19 entities in dealing with its employees. As of the effective
20 date of the amendatory Act of the 93rd General Assembly, but
21 not before, the State of Illinois shall be considered the
22 employer of the personal assistants working under the Home
23 Services Program under Section 3 of the Rehabilitation of
24 Persons with Disabilities ~~Disabled Persons Rehabilitation~~ Act,
25 subject to the limitations set forth in this Act and in the
26 Rehabilitation of Persons with Disabilities ~~Disabled Persons~~

1 ~~Rehabilitation~~ Act. As of January 29, 2013 (the effective date
2 of Public Act 97-1158), but not before except as otherwise
3 provided in this subsection (o), the State shall be considered
4 the employer of home care and home health workers who function
5 as personal assistants and individual maintenance home health
6 workers and who also work under the Home Services Program under
7 Section 3 of the Rehabilitation of Persons with Disabilities
8 ~~Disabled Persons Rehabilitation~~ Act, no matter whether the
9 State provides those services through direct fee-for-service
10 arrangements, with the assistance of a managed care
11 organization or other intermediary, or otherwise, but subject
12 to the limitations set forth in this Act and the Rehabilitation
13 of Persons with Disabilities ~~Disabled Persons Rehabilitation~~
14 Act. The State shall not be considered to be the employer of
15 home care and home health workers who function as personal
16 assistants and individual maintenance home health workers and
17 who also work under the Home Services Program under Section 3
18 of the Rehabilitation of Persons with Disabilities ~~Disabled~~
19 ~~Persons Rehabilitation~~ Act, for any purposes not specifically
20 provided for in Public Act 93-204 or Public Act 97-1158,
21 including but not limited to, purposes of vicarious liability
22 in tort and purposes of statutory retirement or health
23 insurance benefits. Home care and home health workers who
24 function as personal assistants and individual maintenance
25 home health workers and who also work under the Home Services
26 Program under Section 3 of the Rehabilitation of Persons with

1 Disabilities ~~Disabled Persons Rehabilitation~~ Act shall not be
2 covered by the State Employees Group Insurance Act of 1971 (5
3 ILCS 375/). As of the effective date of this amendatory Act of
4 the 94th General Assembly but not before, the State of Illinois
5 shall be considered the employer of the day and child care home
6 providers participating in the child care assistance program
7 under Section 9A-11 of the Illinois Public Aid Code, subject to
8 the limitations set forth in this Act and in Section 9A-11 of
9 the Illinois Public Aid Code. The State shall not be considered
10 to be the employer of child and day care home providers for any
11 purposes not specifically provided for in this amendatory Act
12 of the 94th General Assembly, including but not limited to,
13 purposes of vicarious liability in tort and purposes of
14 statutory retirement or health insurance benefits. Child and
15 day care home providers shall not be covered by the State
16 Employees Group Insurance Act of 1971.

17 "Public employer" or "employer" as used in this Act,
18 however, does not mean and shall not include the General
19 Assembly of the State of Illinois, the Executive Ethics
20 Commission, the Offices of the Executive Inspectors General,
21 the Legislative Ethics Commission, the Office of the
22 Legislative Inspector General, the Office of the Auditor
23 General's Inspector General, the Office of the Governor, the
24 Governor's Office of Management and Budget, the Illinois
25 Finance Authority, the Office of the Lieutenant Governor, the
26 State Board of Elections, and educational employers or

1 employers as defined in the Illinois Educational Labor
2 Relations Act, except with respect to a state university in its
3 employment of firefighters and peace officers and except with
4 respect to a school district in the employment of peace
5 officers in its own police department in existence on the
6 effective date of this amendatory Act of the 96th General
7 Assembly. County boards and county sheriffs shall be designated
8 as joint or co-employers of county peace officers appointed
9 under the authority of a county sheriff. Nothing in this
10 subsection (o) shall be construed to prevent the State Panel or
11 the Local Panel from determining that employers are joint or
12 co-employers.

13 (o-5) With respect to wages, fringe benefits, hours,
14 holidays, vacations, proficiency examinations, sick leave, and
15 other conditions of employment, the public employer of public
16 employees who are court reporters, as defined in the Court
17 Reporters Act, shall be determined as follows:

18 (1) For court reporters employed by the Cook County
19 Judicial Circuit, the chief judge of the Cook County
20 Circuit Court is the public employer and employer
21 representative.

22 (2) For court reporters employed by the 12th, 18th,
23 19th, and, on and after December 4, 2006, the 22nd judicial
24 circuits, a group consisting of the chief judges of those
25 circuits, acting jointly by majority vote, is the public
26 employer and employer representative.

1 (3) For court reporters employed by all other judicial
2 circuits, a group consisting of the chief judges of those
3 circuits, acting jointly by majority vote, is the public
4 employer and employer representative.

5 (p) "Security employee" means an employee who is
6 responsible for the supervision and control of inmates at
7 correctional facilities. The term also includes other
8 non-security employees in bargaining units having the majority
9 of employees being responsible for the supervision and control
10 of inmates at correctional facilities.

11 (q) "Short-term employee" means an employee who is employed
12 for less than 2 consecutive calendar quarters during a calendar
13 year and who does not have a reasonable assurance that he or
14 she will be rehired by the same employer for the same service
15 in a subsequent calendar year.

16 (q-5) "State agency" means an agency directly responsible
17 to the Governor, as defined in Section 3.1 of the Executive
18 Reorganization Implementation Act, and the Illinois Commerce
19 Commission, the Illinois Workers' Compensation Commission, the
20 Civil Service Commission, the Pollution Control Board, the
21 Illinois Racing Board, and the Department of State Police Merit
22 Board.

23 (r) "Supervisor" is:

24 (1) An employee whose principal work is substantially
25 different from that of his or her subordinates and who has
26 authority, in the interest of the employer, to hire,

1 transfer, suspend, lay off, recall, promote, discharge,
2 direct, reward, or discipline employees, to adjust their
3 grievances, or to effectively recommend any of those
4 actions, if the exercise of that authority is not of a
5 merely routine or clerical nature, but requires the
6 consistent use of independent judgment. Except with
7 respect to police employment, the term "supervisor"
8 includes only those individuals who devote a preponderance
9 of their employment time to exercising that authority,
10 State supervisors notwithstanding. Nothing in this
11 definition prohibits an individual from also meeting the
12 definition of "managerial employee" under subsection (j)
13 of this Section. In addition, in determining supervisory
14 status in police employment, rank shall not be
15 determinative. The Board shall consider, as evidence of
16 bargaining unit inclusion or exclusion, the common law
17 enforcement policies and relationships between police
18 officer ranks and certification under applicable civil
19 service law, ordinances, personnel codes, or Division 2.1
20 of Article 10 of the Illinois Municipal Code, but these
21 factors shall not be the sole or predominant factors
22 considered by the Board in determining police supervisory
23 status.

24 Notwithstanding the provisions of the preceding
25 paragraph, in determining supervisory status in fire
26 fighter employment, no fire fighter shall be excluded as a

1 supervisor who has established representation rights under
2 Section 9 of this Act. Further, in new fire fighter units,
3 employees shall consist of fire fighters of the rank of
4 company officer and below. If a company officer otherwise
5 qualifies as a supervisor under the preceding paragraph,
6 however, he or she shall not be included in the fire
7 fighter unit. If there is no rank between that of chief and
8 the highest company officer, the employer may designate a
9 position on each shift as a Shift Commander, and the
10 persons occupying those positions shall be supervisors.
11 All other ranks above that of company officer shall be
12 supervisors.

13 (2) With respect only to State employees in positions
14 under the jurisdiction of the Attorney General, Secretary
15 of State, Comptroller, or Treasurer (i) that were certified
16 in a bargaining unit on or after December 2, 2008, (ii) for
17 which a petition is filed with the Illinois Public Labor
18 Relations Board on or after April 5, 2013 (the effective
19 date of Public Act 97-1172), or (iii) for which a petition
20 is pending before the Illinois Public Labor Relations Board
21 on that date, an employee who qualifies as a supervisor
22 under (A) Section 152 of the National Labor Relations Act
23 and (B) orders of the National Labor Relations Board
24 interpreting that provision or decisions of courts
25 reviewing decisions of the National Labor Relations Board.

26 (s)(1) "Unit" means a class of jobs or positions that are

1 held by employees whose collective interests may suitably be
2 represented by a labor organization for collective bargaining.
3 Except with respect to non-State fire fighters and paramedics
4 employed by fire departments and fire protection districts,
5 non-State peace officers, and peace officers in the Department
6 of State Police, a bargaining unit determined by the Board
7 shall not include both employees and supervisors, or
8 supervisors only, except as provided in paragraph (2) of this
9 subsection (s) and except for bargaining units in existence on
10 July 1, 1984 (the effective date of this Act). With respect to
11 non-State fire fighters and paramedics employed by fire
12 departments and fire protection districts, non-State peace
13 officers, and peace officers in the Department of State Police,
14 a bargaining unit determined by the Board shall not include
15 both supervisors and nonsupervisors, or supervisors only,
16 except as provided in paragraph (2) of this subsection (s) and
17 except for bargaining units in existence on January 1, 1986
18 (the effective date of this amendatory Act of 1985). A
19 bargaining unit determined by the Board to contain peace
20 officers shall contain no employees other than peace officers
21 unless otherwise agreed to by the employer and the labor
22 organization or labor organizations involved. Notwithstanding
23 any other provision of this Act, a bargaining unit, including a
24 historical bargaining unit, containing sworn peace officers of
25 the Department of Natural Resources (formerly designated the
26 Department of Conservation) shall contain no employees other

1 than such sworn peace officers upon the effective date of this
2 amendatory Act of 1990 or upon the expiration date of any
3 collective bargaining agreement in effect upon the effective
4 date of this amendatory Act of 1990 covering both such sworn
5 peace officers and other employees.

6 (2) Notwithstanding the exclusion of supervisors from
7 bargaining units as provided in paragraph (1) of this
8 subsection (s), a public employer may agree to permit its
9 supervisory employees to form bargaining units and may bargain
10 with those units. This Act shall apply if the public employer
11 chooses to bargain under this subsection.

12 (3) Public employees who are court reporters, as defined in
13 the Court Reporters Act, shall be divided into 3 units for
14 collective bargaining purposes. One unit shall be court
15 reporters employed by the Cook County Judicial Circuit; one
16 unit shall be court reporters employed by the 12th, 18th, 19th,
17 and, on and after December 4, 2006, the 22nd judicial circuits;
18 and one unit shall be court reporters employed by all other
19 judicial circuits.

20 (t) "Active petition for certification in a bargaining
21 unit" means a petition for certification filed with the Board
22 under one of the following case numbers: S-RC-11-110;
23 S-RC-11-098; S-UC-11-080; S-RC-11-086; S-RC-11-074;
24 S-RC-11-076; S-RC-11-078; S-UC-11-052; S-UC-11-054;
25 S-RC-11-062; S-RC-11-060; S-RC-11-042; S-RC-11-014;
26 S-RC-11-016; S-RC-11-020; S-RC-11-030; S-RC-11-004;

1 S-RC-10-244; S-RC-10-228; S-RC-10-222; S-RC-10-220;
2 S-RC-10-214; S-RC-10-196; S-RC-10-194; S-RC-10-178;
3 S-RC-10-176; S-RC-10-162; S-RC-10-156; S-RC-10-088;
4 S-RC-10-074; S-RC-10-076; S-RC-10-078; S-RC-10-060;
5 S-RC-10-070; S-RC-10-044; S-RC-10-038; S-RC-10-040;
6 S-RC-10-042; S-RC-10-018; S-RC-10-024; S-RC-10-004;
7 S-RC-10-006; S-RC-10-008; S-RC-10-010; S-RC-10-012;
8 S-RC-09-202; S-RC-09-182; S-RC-09-180; S-RC-09-156;
9 S-UC-09-196; S-UC-09-182; S-RC-08-130; S-RC-07-110; or
10 S-RC-07-100.
11 (Source: P.A. 97-586, eff. 8-26-11; 97-1158, eff. 1-29-13;
12 97-1172, eff. 4-5-13; 98-100, eff. 7-19-13; 98-1004, eff.
13 8-18-14.)

14 Section 20. The Voluntary Payroll Deductions Act of 1983 is
15 amended by changing Section 3 as follows:

16 (5 ILCS 340/3) (from Ch. 15, par. 503)

17 Sec. 3. Definitions. As used in this Act unless the context
18 otherwise requires:

19 (a) "Employee" means any regular officer or employee who
20 receives salary or wages for personal services rendered to the
21 State of Illinois, and includes an individual hired as an
22 employee by contract with that individual.

23 (b) "Qualified organization" means an organization
24 representing one or more benefiting agencies, which

1 organization is designated by the State Comptroller as
2 qualified to receive payroll deductions under this Act. An
3 organization desiring to be designated as a qualified
4 organization shall:

5 (1) Submit written or electronic designations on forms
6 approved by the State Comptroller by 500 or more employees
7 or State annuitants, in which such employees or State
8 annuitants indicate that the organization is one for which
9 the employee or State annuitant intends to authorize
10 withholding. The forms shall require the name, last 4
11 digits only of the social security number, and employing
12 State agency for each employee. Upon notification by the
13 Comptroller that such forms have been approved, the
14 organization shall, within 30 days, notify in writing the
15 Governor or his or her designee of its intention to obtain
16 the required number of designations. Such organization
17 shall have 12 months from that date to obtain the necessary
18 designations and return to the State Comptroller's office
19 the completed designations, which shall be subject to
20 verification procedures established by the State
21 Comptroller;

22 (2) Certify that all benefiting agencies are tax exempt
23 under Section 501(c)(3) of the Internal Revenue Code;

24 (3) Certify that all benefiting agencies are in
25 compliance with the Illinois Human Rights Act;

26 (4) Certify that all benefiting agencies are in

1 compliance with the Charitable Trust Act and the
2 Solicitation for Charity Act;

3 (5) Certify that all benefiting agencies actively
4 conduct health or welfare programs and provide services to
5 individuals directed at one or more of the following common
6 human needs within a community: service, research, and
7 education in the health fields; family and child care
8 services; protective services for children and adults;
9 services for children and adults in foster care; services
10 related to the management and maintenance of the home; day
11 care services for adults; transportation services;
12 information, referral and counseling services; services to
13 eliminate illiteracy; the preparation and delivery of
14 meals; adoption services; emergency shelter care and
15 relief services; disaster relief services; safety
16 services; neighborhood and community organization
17 services; recreation services; social adjustment and
18 rehabilitation services; health support services; or a
19 combination of such services designed to meet the special
20 needs of specific groups, such as children and youth, the
21 ill and infirm, and persons with physical disabilities ~~the~~
22 ~~physically handicapped~~; and that all such benefiting
23 agencies provide the above described services to
24 individuals and their families in the community and
25 surrounding area in which the organization conducts its
26 fund drive, or that such benefiting agencies provide relief

1 to victims of natural disasters and other emergencies on a
2 where and as needed basis;

3 (6) Certify that the organization has disclosed the
4 percentage of the organization's total collected receipts
5 from employees or State annuitants that are distributed to
6 the benefiting agencies and the percentage of the
7 organization's total collected receipts from employees or
8 State annuitants that are expended for fund-raising and
9 overhead costs. These percentages shall be the same
10 percentage figures annually disclosed by the organization
11 to the Attorney General. The disclosure shall be made to
12 all solicited employees and State annuitants and shall be
13 in the form of a factual statement on all petitions and in
14 the campaign's brochures for employees and State
15 annuitants;

16 (7) Certify that all benefiting agencies receiving
17 funds which the employee or State annuitant has requested
18 or designated for distribution to a particular community
19 and surrounding area use a majority of such funds
20 distributed for services in the actual provision of
21 services in that community and surrounding area;

22 (8) Certify that neither it nor its member
23 organizations will solicit State employees for
24 contributions at their workplace, except pursuant to this
25 Act and the rules promulgated thereunder. Each qualified
26 organization, and each participating United Fund, is

1 encouraged to cooperate with all others and with all State
2 agencies and educational institutions so as to simplify
3 procedures, to resolve differences and to minimize costs;

4 (9) Certify that it will pay its share of the campaign
5 costs and will comply with the Code of Campaign Conduct as
6 approved by the Governor or other agency as designated by
7 the Governor; and

8 (10) Certify that it maintains a year-round office, the
9 telephone number, and person responsible for the
10 operations of the organization in Illinois. That
11 information shall be provided to the State Comptroller at
12 the time the organization is seeking participation under
13 this Act.

14 Each qualified organization shall submit to the State
15 Comptroller between January 1 and March 1 of each year, a
16 statement that the organization is in compliance with all of
17 the requirements set forth in paragraphs (2) through (10). The
18 State Comptroller shall exclude any organization that fails to
19 submit the statement from the next solicitation period.

20 In order to be designated as a qualified organization, the
21 organization shall have existed at least 2 years prior to
22 submitting the written or electronic designation forms
23 required in paragraph (1) and shall certify to the State
24 Comptroller that such organization has been providing services
25 described in paragraph (5) in Illinois. If the organization
26 seeking designation represents more than one benefiting

1 agency, it need not have existed for 2 years but shall certify
2 to the State Comptroller that each of its benefiting agencies
3 has existed for at least 2 years prior to submitting the
4 written or electronic designation forms required in paragraph
5 (1) and that each has been providing services described in
6 paragraph (5) in Illinois.

7 Organizations which have met the requirements of this Act
8 shall be permitted to participate in the State and Universities
9 Combined Appeal as of January 1st of the year immediately
10 following their approval by the Comptroller.

11 Where the certifications described in paragraphs (2), (3),
12 (4), (5), (6), (7), (8), (9), and (10) above are made by an
13 organization representing more than one benefiting agency they
14 shall be based upon the knowledge and belief of such qualified
15 organization. Any qualified organization shall immediately
16 notify the State Comptroller in writing if the qualified
17 organization receives information or otherwise believes that a
18 benefiting agency is no longer in compliance with the
19 certification of the qualified organization. A qualified
20 organization representing more than one benefiting agency
21 shall thereafter withhold and refrain from distributing to such
22 benefiting agency those funds received pursuant to this Act
23 until the benefiting agency is again in compliance with the
24 qualified organization's certification. The qualified
25 organization shall immediately notify the State Comptroller of
26 the benefiting agency's resumed compliance with the

1 certification, based upon the qualified organization's
2 knowledge and belief, and shall pay over to the benefiting
3 agency those funds previously withheld.

4 In order to qualify, a qualified organization must receive
5 250 deduction pledges from the immediately preceding
6 solicitation period as set forth in Section 6. The Comptroller
7 shall, by February 1st of each year, so notify any qualified
8 organization that failed to receive the minimum deduction
9 requirement. The notification shall give such qualified
10 organization until March 1st to provide the Comptroller with
11 documentation that the minimum deduction requirement has been
12 met. On the basis of all the documentation, the Comptroller
13 shall, by March 15th of each year, submit to the Governor or
14 his or her designee, or such other agency as may be determined
15 by the Governor, a list of all organizations which have met the
16 minimum payroll deduction requirement. Only those
17 organizations which have met such requirements, as well as the
18 other requirements of this Section, shall be permitted to
19 solicit State employees or State annuitants for voluntary
20 contributions, and the Comptroller shall discontinue
21 withholding for any such organization which fails to meet these
22 requirements, except qualified organizations that received
23 deduction pledges during the 2004 solicitation period are
24 deemed to be qualified for the 2005 solicitation period.

25 (c) "United Fund" means the organization conducting the
26 single, annual, consolidated effort to secure funds for

1 distribution to agencies engaged in charitable and public
2 health, welfare and services purposes, which is commonly known
3 as the United Fund, or the organization which serves in place
4 of the United Fund organization in communities where an
5 organization known as the United Fund is not organized.

6 In order for a United Fund to participate in the State and
7 Universities Employees Combined Appeal, it shall comply with
8 the provisions of paragraph (9) of subsection (b).

9 (d) "State and Universities Employees Combined Appeal",
10 otherwise known as "SECA", means the State-directed joint
11 effort of all of the qualified organizations, together with the
12 United Funds, for the solicitation of voluntary contributions
13 from State and University employees and State annuitants.

14 (e) "Retirement system" means any or all of the following:
15 the General Assembly Retirement System, the State Employees'
16 Retirement System of Illinois, the State Universities
17 Retirement System, the Teachers' Retirement System of the State
18 of Illinois, and the Judges Retirement System.

19 (f) "State annuitant" means a person receiving an annuity
20 or disability benefit under Article 2, 14, 15, 16, or 18 of the
21 Illinois Pension Code.

22 (Source: P.A. 97-1005, eff. 1-1-13.)

23 Section 25. The Public Employee Disability Act is amended
24 by changing Section 1 as follows:

1 (5 ILCS 345/1) (from Ch. 70, par. 91)

2 Sec. 1. Disability benefit.

3 (a) For the purposes of this Section, "eligible employee"
4 means any part-time or full-time State correctional officer or
5 any other full or part-time employee of the Department of
6 Corrections, any full or part-time employee of the Prisoner
7 Review Board, any full or part-time employee of the Department
8 of Human Services working within a penal institution or a State
9 mental health or developmental disabilities facility operated
10 by the Department of Human Services, and any full-time law
11 enforcement officer or full-time firefighter who is employed by
12 the State of Illinois, any unit of local government (including
13 any home rule unit), any State supported college or university,
14 or any other public entity granted the power to employ persons
15 for such purposes by law.

16 (b) Whenever an eligible employee suffers any injury in the
17 line of duty which causes him to be unable to perform his
18 duties, he shall continue to be paid by the employing public
19 entity on the same basis as he was paid before the injury, with
20 no deduction from his sick leave credits, compensatory time for
21 overtime accumulations or vacation, or service credits in a
22 public employee pension fund during the time he is unable to
23 perform his duties due to the result of the injury, but not
24 longer than one year in relation to the same injury. However,
25 no injury to an employee of the Department of Corrections or
26 the Prisoner Review Board working within a penal institution or

1 an employee of the Department of Human Services working within
2 a departmental mental health or developmental disabilities
3 facility shall qualify the employee for benefits under this
4 Section unless the injury is the direct or indirect result of
5 violence by inmates of the penal institution or residents of
6 the mental health or developmental disabilities facility.

7 (c) At any time during the period for which continuing
8 compensation is required by this Act, the employing public
9 entity may order at the expense of that entity physical or
10 medical examinations of the injured person to determine the
11 degree of disability.

12 (d) During this period of disability, the injured person
13 shall not be employed in any other manner, with or without
14 monetary compensation. Any person who is employed in violation
15 of this paragraph forfeits the continuing compensation
16 provided by this Act from the time such employment begins. Any
17 salary compensation due the injured person from workers'
18 compensation or any salary due him from any type of insurance
19 which may be carried by the employing public entity shall
20 revert to that entity during the time for which continuing
21 compensation is paid to him under this Act. Any person with a
22 disability ~~disabled person~~ receiving compensation under the
23 provisions of this Act shall not be entitled to any benefits
24 for which he would qualify because of his disability under the
25 provisions of the Illinois Pension Code.

26 (e) Any employee of the State of Illinois, as defined in

1 Section 14-103.05 of the Illinois Pension Code, who becomes
2 permanently unable to perform the duties of such employment due
3 to an injury received in the active performance of his duties
4 as a State employee as a result of a willful act of violence by
5 another employee of the State of Illinois, as so defined,
6 committed during such other employee's course of employment and
7 after January 1, 1988, shall be eligible for benefits pursuant
8 to the provisions of this Section. For purposes of this
9 Section, permanent disability ~~permanently disabled~~ is defined
10 as a diagnosis or prognosis of an inability to return to
11 current job duties by a physician licensed to practice medicine
12 in all of its branches.

13 (f) The compensation and other benefits provided to
14 part-time employees covered by this Section shall be calculated
15 based on the percentage of time the part-time employee was
16 scheduled to work pursuant to his or her status as a part-time
17 employee.

18 (g) Pursuant to paragraphs (h) and (i) of Section 6 of
19 Article VII of the Illinois Constitution, this Act specifically
20 denies and limits the exercise by home rule units of any power
21 which is inconsistent herewith, and all existing laws and
22 ordinances which are inconsistent herewith are hereby
23 superseded. This Act does not preempt the concurrent exercise
24 by home rule units of powers consistent herewith.

25 This Act does not apply to any home rule unit with a
26 population of over 1,000,000.

1 (h) In those cases where the injury to a State employee for
2 which a benefit is payable under this Act was caused under
3 circumstances creating a legal liability for damages on the
4 part of some person other than the State employer, all of the
5 rights and privileges, including the right to notice of suit
6 brought against such other person and the right to commence or
7 join in such suit, as given the employer, together with the
8 conditions or obligations imposed under paragraph (b) of
9 Section 5 of the Workers' Compensation Act, are also given and
10 granted to the State, to the end that, with respect to State
11 employees only, the State may be paid or reimbursed for the
12 amount of benefit paid or to be paid by the State to the
13 injured employee or his or her personal representative out of
14 any judgment, settlement, or payment for such injury obtained
15 by such injured employee or his or her personal representative
16 from such other person by virtue of the injury.

17 (Source: P.A. 96-1430, eff. 1-1-11.)

18 Section 30. The State Employees Group Insurance Act of 1971
19 is amended by changing Section 3 as follows:

20 (5 ILCS 375/3) (from Ch. 127, par. 523)

21 Sec. 3. Definitions. Unless the context otherwise
22 requires, the following words and phrases as used in this Act
23 shall have the following meanings. The Department may define
24 these and other words and phrases separately for the purpose of

1 implementing specific programs providing benefits under this
2 Act.

3 (a) "Administrative service organization" means any
4 person, firm or corporation experienced in the handling of
5 claims which is fully qualified, financially sound and capable
6 of meeting the service requirements of a contract of
7 administration executed with the Department.

8 (b) "Annuitant" means (1) an employee who retires, or has
9 retired, on or after January 1, 1966 on an immediate annuity
10 under the provisions of Articles 2, 14 (including an employee
11 who has elected to receive an alternative retirement
12 cancellation payment under Section 14-108.5 of the Illinois
13 Pension Code in lieu of an annuity), 15 (including an employee
14 who has retired under the optional retirement program
15 established under Section 15-158.2), paragraphs (2), (3), or
16 (5) of Section 16-106, or Article 18 of the Illinois Pension
17 Code; (2) any person who was receiving group insurance coverage
18 under this Act as of March 31, 1978 by reason of his status as
19 an annuitant, even though the annuity in relation to which such
20 coverage was provided is a proportional annuity based on less
21 than the minimum period of service required for a retirement
22 annuity in the system involved; (3) any person not otherwise
23 covered by this Act who has retired as a participating member
24 under Article 2 of the Illinois Pension Code but is ineligible
25 for the retirement annuity under Section 2-119 of the Illinois
26 Pension Code; (4) the spouse of any person who is receiving a

1 retirement annuity under Article 18 of the Illinois Pension
2 Code and who is covered under a group health insurance program
3 sponsored by a governmental employer other than the State of
4 Illinois and who has irrevocably elected to waive his or her
5 coverage under this Act and to have his or her spouse
6 considered as the "annuitant" under this Act and not as a
7 "dependent"; or (5) an employee who retires, or has retired,
8 from a qualified position, as determined according to rules
9 promulgated by the Director, under a qualified local
10 government, a qualified rehabilitation facility, a qualified
11 domestic violence shelter or service, or a qualified child
12 advocacy center. (For definition of "retired employee", see (p)
13 post).

14 (b-5) (Blank).

15 (b-6) (Blank).

16 (b-7) (Blank).

17 (c) "Carrier" means (1) an insurance company, a corporation
18 organized under the Limited Health Service Organization Act or
19 the Voluntary Health Services Plan Act, a partnership, or other
20 nongovernmental organization, which is authorized to do group
21 life or group health insurance business in Illinois, or (2) the
22 State of Illinois as a self-insurer.

23 (d) "Compensation" means salary or wages payable on a
24 regular payroll by the State Treasurer on a warrant of the
25 State Comptroller out of any State, trust or federal fund, or
26 by the Governor of the State through a disbursing officer of

1 the State out of a trust or out of federal funds, or by any
2 Department out of State, trust, federal or other funds held by
3 the State Treasurer or the Department, to any person for
4 personal services currently performed, and ordinary or
5 accidental disability benefits under Articles 2, 14, 15
6 (including ordinary or accidental disability benefits under
7 the optional retirement program established under Section
8 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or
9 Article 18 of the Illinois Pension Code, for disability
10 incurred after January 1, 1966, or benefits payable under the
11 Workers' Compensation or Occupational Diseases Act or benefits
12 payable under a sick pay plan established in accordance with
13 Section 36 of the State Finance Act. "Compensation" also means
14 salary or wages paid to an employee of any qualified local
15 government, qualified rehabilitation facility, qualified
16 domestic violence shelter or service, or qualified child
17 advocacy center.

18 (e) "Commission" means the State Employees Group Insurance
19 Advisory Commission authorized by this Act. Commencing July 1,
20 1984, "Commission" as used in this Act means the Commission on
21 Government Forecasting and Accountability as established by
22 the Legislative Commission Reorganization Act of 1984.

23 (f) "Contributory", when referred to as contributory
24 coverage, shall mean optional coverages or benefits elected by
25 the member toward the cost of which such member makes
26 contribution, or which are funded in whole or in part through

1 the acceptance of a reduction in earnings or the foregoing of
2 an increase in earnings by an employee, as distinguished from
3 noncontributory coverage or benefits which are paid entirely by
4 the State of Illinois without reduction of the member's salary.

5 (g) "Department" means any department, institution, board,
6 commission, officer, court or any agency of the State
7 government receiving appropriations and having power to
8 certify payrolls to the Comptroller authorizing payments of
9 salary and wages against such appropriations as are made by the
10 General Assembly from any State fund, or against trust funds
11 held by the State Treasurer and includes boards of trustees of
12 the retirement systems created by Articles 2, 14, 15, 16 and 18
13 of the Illinois Pension Code. "Department" also includes the
14 Illinois Comprehensive Health Insurance Board, the Board of
15 Examiners established under the Illinois Public Accounting
16 Act, and the Illinois Finance Authority.

17 (h) "Dependent", when the term is used in the context of
18 the health and life plan, means a member's spouse and any child
19 (1) from birth to age 26 including an adopted child, a child
20 who lives with the member from the time of the filing of a
21 petition for adoption until entry of an order of adoption, a
22 stepchild or adjudicated child, or a child who lives with the
23 member if such member is a court appointed guardian of the
24 child or (2) age 19 or over who has a mental or physical
25 disability ~~is mentally or physically disabled~~ from a cause
26 originating prior to the age of 19 (age 26 if enrolled as an

1 adult child dependent). For the health plan only, the term
2 "dependent" also includes (1) any person enrolled prior to the
3 effective date of this Section who is dependent upon the member
4 to the extent that the member may claim such person as a
5 dependent for income tax deduction purposes and (2) any person
6 who has received after June 30, 2000 an organ transplant and
7 who is financially dependent upon the member and eligible to be
8 claimed as a dependent for income tax purposes. A member
9 requesting to cover any dependent must provide documentation as
10 requested by the Department of Central Management Services and
11 file with the Department any and all forms required by the
12 Department.

13 (i) "Director" means the Director of the Illinois
14 Department of Central Management Services.

15 (j) "Eligibility period" means the period of time a member
16 has to elect enrollment in programs or to select benefits
17 without regard to age, sex or health.

18 (k) "Employee" means and includes each officer or employee
19 in the service of a department who (1) receives his
20 compensation for service rendered to the department on a
21 warrant issued pursuant to a payroll certified by a department
22 or on a warrant or check issued and drawn by a department upon
23 a trust, federal or other fund or on a warrant issued pursuant
24 to a payroll certified by an elected or duly appointed officer
25 of the State or who receives payment of the performance of
26 personal services on a warrant issued pursuant to a payroll

1 certified by a Department and drawn by the Comptroller upon the
2 State Treasurer against appropriations made by the General
3 Assembly from any fund or against trust funds held by the State
4 Treasurer, and (2) is employed full-time or part-time in a
5 position normally requiring actual performance of duty during
6 not less than 1/2 of a normal work period, as established by
7 the Director in cooperation with each department, except that
8 persons elected by popular vote will be considered employees
9 during the entire term for which they are elected regardless of
10 hours devoted to the service of the State, and (3) except that
11 "employee" does not include any person who is not eligible by
12 reason of such person's employment to participate in one of the
13 State retirement systems under Articles 2, 14, 15 (either the
14 regular Article 15 system or the optional retirement program
15 established under Section 15-158.2) or 18, or under paragraph
16 (2), (3), or (5) of Section 16-106, of the Illinois Pension
17 Code, but such term does include persons who are employed
18 during the 6 month qualifying period under Article 14 of the
19 Illinois Pension Code. Such term also includes any person who
20 (1) after January 1, 1966, is receiving ordinary or accidental
21 disability benefits under Articles 2, 14, 15 (including
22 ordinary or accidental disability benefits under the optional
23 retirement program established under Section 15-158.2),
24 paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of
25 the Illinois Pension Code, for disability incurred after
26 January 1, 1966, (2) receives total permanent or total

1 temporary disability under the Workers' Compensation Act or
2 Occupational Disease Act as a result of injuries sustained or
3 illness contracted in the course of employment with the State
4 of Illinois, or (3) is not otherwise covered under this Act and
5 has retired as a participating member under Article 2 of the
6 Illinois Pension Code but is ineligible for the retirement
7 annuity under Section 2-119 of the Illinois Pension Code.
8 However, a person who satisfies the criteria of the foregoing
9 definition of "employee" except that such person is made
10 ineligible to participate in the State Universities Retirement
11 System by clause (4) of subsection (a) of Section 15-107 of the
12 Illinois Pension Code is also an "employee" for the purposes of
13 this Act. "Employee" also includes any person receiving or
14 eligible for benefits under a sick pay plan established in
15 accordance with Section 36 of the State Finance Act. "Employee"
16 also includes (i) each officer or employee in the service of a
17 qualified local government, including persons appointed as
18 trustees of sanitary districts regardless of hours devoted to
19 the service of the sanitary district, (ii) each employee in the
20 service of a qualified rehabilitation facility, (iii) each
21 full-time employee in the service of a qualified domestic
22 violence shelter or service, and (iv) each full-time employee
23 in the service of a qualified child advocacy center, as
24 determined according to rules promulgated by the Director.

25 (1) "Member" means an employee, annuitant, retired
26 employee or survivor. In the case of an annuitant or retired

1 employee who first becomes an annuitant or retired employee on
2 or after the effective date of this amendatory Act of the 97th
3 General Assembly, the individual must meet the minimum vesting
4 requirements of the applicable retirement system in order to be
5 eligible for group insurance benefits under that system. In the
6 case of a survivor who first becomes a survivor on or after the
7 effective date of this amendatory Act of the 97th General
8 Assembly, the deceased employee, annuitant, or retired
9 employee upon whom the annuity is based must have been eligible
10 to participate in the group insurance system under the
11 applicable retirement system in order for the survivor to be
12 eligible for group insurance benefits under that system.

13 (m) "Optional coverages or benefits" means those coverages
14 or benefits available to the member on his or her voluntary
15 election, and at his or her own expense.

16 (n) "Program" means the group life insurance, health
17 benefits and other employee benefits designed and contracted
18 for by the Director under this Act.

19 (o) "Health plan" means a health benefits program offered
20 by the State of Illinois for persons eligible for the plan.

21 (p) "Retired employee" means any person who would be an
22 annuitant as that term is defined herein but for the fact that
23 such person retired prior to January 1, 1966. Such term also
24 includes any person formerly employed by the University of
25 Illinois in the Cooperative Extension Service who would be an
26 annuitant but for the fact that such person was made ineligible

1 to participate in the State Universities Retirement System by
2 clause (4) of subsection (a) of Section 15-107 of the Illinois
3 Pension Code.

4 (q) "Survivor" means a person receiving an annuity as a
5 survivor of an employee or of an annuitant. "Survivor" also
6 includes: (1) the surviving dependent of a person who satisfies
7 the definition of "employee" except that such person is made
8 ineligible to participate in the State Universities Retirement
9 System by clause (4) of subsection (a) of Section 15-107 of the
10 Illinois Pension Code; (2) the surviving dependent of any
11 person formerly employed by the University of Illinois in the
12 Cooperative Extension Service who would be an annuitant except
13 for the fact that such person was made ineligible to
14 participate in the State Universities Retirement System by
15 clause (4) of subsection (a) of Section 15-107 of the Illinois
16 Pension Code; and (3) the surviving dependent of a person who
17 was an annuitant under this Act by virtue of receiving an
18 alternative retirement cancellation payment under Section
19 14-108.5 of the Illinois Pension Code.

20 (q-2) "SERS" means the State Employees' Retirement System
21 of Illinois, created under Article 14 of the Illinois Pension
22 Code.

23 (q-3) "SURS" means the State Universities Retirement
24 System, created under Article 15 of the Illinois Pension Code.

25 (q-4) "TRS" means the Teachers' Retirement System of the
26 State of Illinois, created under Article 16 of the Illinois

1 Pension Code.

2 (q-5) (Blank).

3 (q-6) (Blank).

4 (q-7) (Blank).

5 (r) "Medical services" means the services provided within
6 the scope of their licenses by practitioners in all categories
7 licensed under the Medical Practice Act of 1987.

8 (s) "Unit of local government" means any county,
9 municipality, township, school district (including a
10 combination of school districts under the Intergovernmental
11 Cooperation Act), special district or other unit, designated as
12 a unit of local government by law, which exercises limited
13 governmental powers or powers in respect to limited
14 governmental subjects, any not-for-profit association with a
15 membership that primarily includes townships and township
16 officials, that has duties that include provision of research
17 service, dissemination of information, and other acts for the
18 purpose of improving township government, and that is funded
19 wholly or partly in accordance with Section 85-15 of the
20 Township Code; any not-for-profit corporation or association,
21 with a membership consisting primarily of municipalities, that
22 operates its own utility system, and provides research,
23 training, dissemination of information, or other acts to
24 promote cooperation between and among municipalities that
25 provide utility services and for the advancement of the goals
26 and purposes of its membership; the Southern Illinois

1 Collegiate Common Market, which is a consortium of higher
2 education institutions in Southern Illinois; the Illinois
3 Association of Park Districts; and any hospital provider that
4 is owned by a county that has 100 or fewer hospital beds and
5 has not already joined the program. "Qualified local
6 government" means a unit of local government approved by the
7 Director and participating in a program created under
8 subsection (i) of Section 10 of this Act.

9 (t) "Qualified rehabilitation facility" means any
10 not-for-profit organization that is accredited by the
11 Commission on Accreditation of Rehabilitation Facilities or
12 certified by the Department of Human Services (as successor to
13 the Department of Mental Health and Developmental
14 Disabilities) to provide services to persons with disabilities
15 and which receives funds from the State of Illinois for
16 providing those services, approved by the Director and
17 participating in a program created under subsection (j) of
18 Section 10 of this Act.

19 (u) "Qualified domestic violence shelter or service" means
20 any Illinois domestic violence shelter or service and its
21 administrative offices funded by the Department of Human
22 Services (as successor to the Illinois Department of Public
23 Aid), approved by the Director and participating in a program
24 created under subsection (k) of Section 10.

25 (v) "TRS benefit recipient" means a person who:

26 (1) is not a "member" as defined in this Section; and

1 (2) is receiving a monthly benefit or retirement
2 annuity under Article 16 of the Illinois Pension Code; and

3 (3) either (i) has at least 8 years of creditable
4 service under Article 16 of the Illinois Pension Code, or
5 (ii) was enrolled in the health insurance program offered
6 under that Article on January 1, 1996, or (iii) is the
7 survivor of a benefit recipient who had at least 8 years of
8 creditable service under Article 16 of the Illinois Pension
9 Code or was enrolled in the health insurance program
10 offered under that Article on the effective date of this
11 amendatory Act of 1995, or (iv) is a recipient or survivor
12 of a recipient of a disability benefit under Article 16 of
13 the Illinois Pension Code.

14 (w) "TRS dependent beneficiary" means a person who:

15 (1) is not a "member" or "dependent" as defined in this
16 Section; and

17 (2) is a TRS benefit recipient's: (A) spouse, (B)
18 dependent parent who is receiving at least half of his or
19 her support from the TRS benefit recipient, or (C) natural,
20 step, adjudicated, or adopted child who is (i) under age
21 26, (ii) was, on January 1, 1996, participating as a
22 dependent beneficiary in the health insurance program
23 offered under Article 16 of the Illinois Pension Code, or
24 (iii) age 19 or over who has a mental or physical
25 disability ~~is mentally or physically disabled~~ from a cause
26 originating prior to the age of 19 (age 26 if enrolled as

1 an adult child).

2 "TRS dependent beneficiary" does not include, as indicated
3 under paragraph (2) of this subsection (w), a dependent of the
4 survivor of a TRS benefit recipient who first becomes a
5 dependent of a survivor of a TRS benefit recipient on or after
6 the effective date of this amendatory Act of the 97th General
7 Assembly unless that dependent would have been eligible for
8 coverage as a dependent of the deceased TRS benefit recipient
9 upon whom the survivor benefit is based.

10 (x) "Military leave" refers to individuals in basic
11 training for reserves, special/advanced training, annual
12 training, emergency call up, activation by the President of the
13 United States, or any other training or duty in service to the
14 United States Armed Forces.

15 (y) (Blank).

16 (z) "Community college benefit recipient" means a person
17 who:

18 (1) is not a "member" as defined in this Section; and

19 (2) is receiving a monthly survivor's annuity or
20 retirement annuity under Article 15 of the Illinois Pension
21 Code; and

22 (3) either (i) was a full-time employee of a community
23 college district or an association of community college
24 boards created under the Public Community College Act
25 (other than an employee whose last employer under Article
26 15 of the Illinois Pension Code was a community college

1 district subject to Article VII of the Public Community
2 College Act) and was eligible to participate in a group
3 health benefit plan as an employee during the time of
4 employment with a community college district (other than a
5 community college district subject to Article VII of the
6 Public Community College Act) or an association of
7 community college boards, or (ii) is the survivor of a
8 person described in item (i).

9 (aa) "Community college dependent beneficiary" means a
10 person who:

11 (1) is not a "member" or "dependent" as defined in this
12 Section; and

13 (2) is a community college benefit recipient's: (A)
14 spouse, (B) dependent parent who is receiving at least half
15 of his or her support from the community college benefit
16 recipient, or (C) natural, step, adjudicated, or adopted
17 child who is (i) under age 26, or (ii) age 19 or over and
18 has a mental or physical disability ~~mentally or physically~~
19 ~~disabled~~ from a cause originating prior to the age of 19
20 (age 26 if enrolled as an adult child).

21 "Community college dependent beneficiary" does not
22 include, as indicated under paragraph (2) of this subsection
23 (aa), a dependent of the survivor of a community college
24 benefit recipient who first becomes a dependent of a survivor
25 of a community college benefit recipient on or after the
26 effective date of this amendatory Act of the 97th General

1 Assembly unless that dependent would have been eligible for
2 coverage as a dependent of the deceased community college
3 benefit recipient upon whom the survivor annuity is based.

4 (bb) "Qualified child advocacy center" means any Illinois
5 child advocacy center and its administrative offices funded by
6 the Department of Children and Family Services, as defined by
7 the Children's Advocacy Center Act (55 ILCS 80/), approved by
8 the Director and participating in a program created under
9 subsection (n) of Section 10.

10 (Source: P.A. 97-668, eff. 1-13-12; 97-695, eff. 7-1-12;
11 98-488, eff. 8-16-13.)

12 Section 35. The State Employment Records Act is amended by
13 changing Sections 5 and 15 as follows:

14 (5 ILCS 410/5)

15 Sec. 5. Findings and purpose. The General Assembly hereby
16 finds as follows:

17 (a) Efficient, responsive, and accountable disbursement of
18 State services is best facilitated by a diversified State work
19 force which reflects the diversity of the tax-paying
20 constituency the State work force is employed to serve.

21 (b) The purpose of this Act is to require and develop
22 within existing State administrative processes a comprehensive
23 procedure to collect, classify, maintain, and publish, for
24 State and public use, information that provides the General

1 Assembly and the People of this State with adequate information
2 of the number of minorities, women, and persons with physical
3 disabilities ~~physically disabled persons~~ employed by State
4 government within the State work force.

5 (c) To provide State officials, administrators and the
6 People of the State with information to help guide efforts to
7 achieve a more diversified State work force, the total number
8 of persons employed within the State work force shall be
9 tabulated in a comprehensive manner to provide meaningful
10 review of the number and percentage of minorities, women, and
11 persons with physical disabilities ~~physically disabled persons~~
12 employed as part of the State work force.

13 (Source: P.A. 87-1211.)

14 (5 ILCS 410/15)

15 Sec. 15. Reported information.

16 (a) State agencies shall, if necessary, consult with the
17 Office of the Comptroller and the Governor's Office of
18 Management and Budget to confirm the accuracy of information
19 required by this Act. State agencies shall collect and maintain
20 information and publish reports including but not limited to
21 the following information arranged in the indicated
22 categories:

23 (i) the total number of persons employed by the agency
24 who are part of the State work force, as defined by this
25 Act, and the number and statistical percentage of women,

1 minorities, and persons with physical disabilities
2 ~~physically disabled persons~~ employed within the agency
3 work force;

4 (ii) the total number of persons employed within the
5 agency work force receiving levels of State remuneration
6 within incremental levels of \$10,000, and the number and
7 statistical percentage of minorities, women, and persons
8 with physical disabilities ~~physically disabled persons~~ in
9 the agency work force receiving levels of State
10 remuneration within incremented levels of \$10,000;

11 (iii) the number of open positions of employment or
12 advancement in the agency work force, reported on a fiscal
13 year basis;

14 (iv) the number and percentage of open positions of
15 employment or advancement in the agency work force filled
16 by minorities, women, and persons with physical
17 disabilities ~~physically disabled persons~~, reported on a
18 fiscal year basis;

19 (v) the total number of persons employed within the
20 agency work force as professionals, and the number and
21 percentage of minorities, women, and persons with physical
22 disabilities ~~physically disabled persons~~ employed within
23 the agency work force as professional employees; and

24 (vi) the total number of persons employed within the
25 agency work force as contractual service employees, and the
26 number and percentage of minorities, women, and persons

1 with physical disabilities ~~physically disabled persons~~
2 employed within the agency work force as contractual
3 services employees.

4 (b) The numbers and percentages of minorities required to
5 be reported by this Section shall be identified by the
6 following categories:

7 (1) American Indian or Alaska Native (a person having
8 origins in any of the original peoples of North and South
9 America, including Central America, and who maintains
10 tribal affiliation or community attachment).

11 (2) Asian (a person having origins in any of the
12 original peoples of the Far East, Southeast Asia, or the
13 Indian subcontinent, including, but not limited to,
14 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
15 the Philippine Islands, Thailand, and Vietnam).

16 (3) Black or African American (a person having origins
17 in any of the black racial groups of Africa). Terms such as
18 "Haitian" or "Negro" can be used in addition to "Black or
19 African American".

20 (4) Hispanic or Latino (a person of Cuban, Mexican,
21 Puerto Rican, South or Central American, or other Spanish
22 culture or origin, regardless of race).

23 (5) Native Hawaiian or Other Pacific Islander (a person
24 having origins in any of the original peoples of Hawaii,
25 Guam, Samoa, or other Pacific Islands).

26 Data concerning women shall be reported on a minority and

1 nonminority basis. The numbers and percentages of persons with
2 physical disabilities ~~physically disabled persons~~ required to
3 be reported under this Section shall be identified by
4 categories as male and female.

5 (c) To accomplish consistent and uniform classification
6 and collection of information from each State agency, and to
7 ensure full compliance and that all required information is
8 provided, the Index Department of the Office of the Secretary
9 of State, in consultation with the Department of Human Rights,
10 the Department of Central Management Services, and the Office
11 of the Comptroller, shall develop appropriate forms to be used
12 by all State agencies subject to the reporting requirements of
13 this Act.

14 All State agencies shall make the reports required by this
15 Act using the forms developed under this subsection. The
16 reports must be certified and signed by an official of the
17 agency who is responsible for the information provided.

18 (Source: P.A. 97-396, eff. 1-1-12.)

19 Section 40. The Home for Disabled Soldiers Land Cession Act
20 is amended by changing Section 0.01 as follows:

21 (5 ILCS 510/0.01) (from Ch. 1, par. 3700)

22 Sec. 0.01. Short title. This Act may be cited as the
23 National Home for Disabled Volunteer Soldiers ~~Home for Disabled~~
24 ~~Soldiers~~ Land Cession Act.

1 (Source: P.A. 86-1324.)

2 Section 45. The Election Code is amended by changing
3 Sections 1-3, 1-10, 4-6, 4-8.01, 4-8.01, 4-8.02, 5-5, 5-7.01,
4 5-7.02, 6-29, 6-35.01, 6-35.02, 6-50, 7-15, 11-4.1, 11-4.2,
5 11-4.3, 12-1, 17-13, 17-14, 17-17, 18-5.1, 19-5, 19-12.1,
6 19A-21, 19A-40, 24-9, and 24C-11 as follows:

7 (10 ILCS 5/1-3) (from Ch. 46, par. 1-3)

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

10 1. "Election" includes the submission of all questions of
11 public policy, propositions, and all measures submitted to
12 popular vote, and includes primary elections when so indicated
13 by the context.

14 2. "Regular election" means the general, general primary,
15 consolidated and consolidated primary elections regularly
16 scheduled in Article 2A. The even numbered year municipal
17 primary established in Article 2A is a regular election only
18 with respect to those municipalities in which a primary is
19 required to be held on such date.

20 3. "Special election" means an election not regularly
21 recurring at fixed intervals, irrespective of whether it is
22 held at the same time and place and by the same election
23 officers as a regular election.

24 4. "General election" means the biennial election at which

1 members of the General Assembly are elected. "General primary
2 election", "consolidated election" and "consolidated primary
3 election" mean the respective elections or the election dates
4 designated and established in Article 2A of this Code.

5 5. "Municipal election" means an election or primary,
6 either regular or special, in cities, villages, and
7 incorporated towns; and "municipality" means any such city,
8 village or incorporated town.

9 6. "Political or governmental subdivision" means any unit
10 of local government, or school district in which elections are
11 or may be held. "Political or governmental subdivision" also
12 includes, for election purposes, Regional Boards of School
13 Trustees, and Township Boards of School Trustees.

14 7. The word "township" and the word "town" shall apply
15 interchangeably to the type of governmental organization
16 established in accordance with the provisions of the Township
17 Code. The term "incorporated town" shall mean a municipality
18 referred to as an incorporated town in the Illinois Municipal
19 Code, as now or hereafter amended.

20 8. "Election authority" means a county clerk or a Board of
21 Election Commissioners.

22 9. "Election Jurisdiction" means (a) an entire county, in
23 the case of a county in which no city board of election
24 commissioners is located or which is under the jurisdiction of
25 a county board of election commissioners; (b) the territorial
26 jurisdiction of a city board of election commissioners; and (c)

1 the territory in a county outside of the jurisdiction of a city
2 board of election commissioners. In each instance election
3 jurisdiction shall be determined according to which election
4 authority maintains the permanent registration records of
5 qualified electors.

6 10. "Local election official" means the clerk or secretary
7 of a unit of local government or school district, as the case
8 may be, the treasurer of a township board of school trustees,
9 and the regional superintendent of schools with respect to the
10 various school officer elections and school referenda for which
11 the regional superintendent is assigned election duties by The
12 School Code, as now or hereafter amended.

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

26 12. "Petition" of candidacy as used in Sections 7-10 and

1 7-10.1 shall consist of a statement of candidacy, candidate's
2 statement containing oath, and sheets containing signatures of
3 qualified primary electors bound together.

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

8 14. "District" means any area which votes as a unit for the
9 election of any officer, other than the State or a unit of
10 local government or school district, and includes, but is not
11 limited to, legislative, congressional and judicial districts,
12 judicial circuits, county board districts, municipal and
13 sanitary district wards, school board districts, and
14 precincts.

15 15. "Question of public policy" or "public question" means
16 any question, proposition or measure submitted to the voters at
17 an election dealing with subject matter other than the
18 nomination or election of candidates and shall include, but is
19 not limited to, any bond or tax referendum, and questions
20 relating to the Constitution.

21 16. "Ordinance providing the form of government of a
22 municipality or county pursuant to Article VII of the
23 Constitution" includes ordinances, resolutions and petitions
24 adopted by referendum which provide for the form of government,
25 the officers or the manner of selection or terms of office of
26 officers of such municipality or county, pursuant to the

1 provisions of Sections 4, 6 or 7 of Article VII of the
2 Constitution.

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

7 18. "Accessible" means accessible to persons with
8 disabilities ~~handicapped~~ and elderly individuals for the
9 purpose of voting or registration, as determined by rule of the
10 State Board of Elections.

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

12 20. "Person with a disability ~~Handicapped~~" means a person
13 having a temporary or permanent physical disability.

14 21. "Leading political party" means one of the two
15 political parties whose candidates for governor at the most
16 recent three gubernatorial elections received either the
17 highest or second highest average number of votes. The
18 political party whose candidates for governor received the
19 highest average number of votes shall be known as the first
20 leading political party and the political party whose
21 candidates for governor received the second highest average
22 number of votes shall be known as the second leading political
23 party.

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

1 23. "Homeless individual" means any person who has a
2 nontraditional residence, including, but not limited to, a
3 shelter, day shelter, park bench, street corner, or space under
4 a bridge.

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

6 (10 ILCS 5/1-10)

7 Sec. 1-10. Public comment. Notwithstanding any law to the
8 contrary, the State Board of Elections in evaluating the
9 feasibility of any new voting system shall seek and accept
10 public comment from persons with disabilities ~~of the disabled~~
11 ~~community~~, including but not limited to organizations of the
12 blind.

13 (Source: P.A. 93-574, eff. 8-21-03.)

14 (10 ILCS 5/4-6) (from Ch. 46, par. 4-6)

15 Sec. 4-6. For the purpose of registering voters under this
16 Article in addition to the method provided for precinct
17 registration under Section 4-7, the office of the county clerk
18 shall be open every day, except Saturday, Sunday, and legal
19 holidays, from 9:00 a.m. to 5:00 p.m. On Saturdays the hours of
20 registration shall be from 9:00 a.m. to 12:00 noon, and such
21 additional hours as the county clerk may designate. If,
22 however, the county board otherwise duly regulates and fixes
23 the hours of opening and closing of all county offices at the
24 county seat of any county, such regulation shall control and

1 supersede the hours herein specified. There shall be no
2 registration at the office of the county clerk or at the office
3 of municipal and township or road district clerks serving as
4 deputy registrars during the 27 days preceding any regular or
5 special election at which the cards provided in this Article
6 are used, or until the 2nd day following such regular or
7 special election; provided, that if by reason of the proximity
8 of any such elections to one another the effect of this
9 provision would be to close registrations for all or any part
10 of the 10 days immediately prior to such 27 day period, the
11 county clerk shall accept, solely for use in the subsequent and
12 not in any intervening election, registrations and transfers of
13 registration within the period from the 27th to the 38th days,
14 both inclusive, prior to such subsequent election. In any
15 election called for the submission of the revision or
16 alteration of, or the amendments to the Constitution, submitted
17 by a Constitutional Convention, the final day for registration
18 at the office of the election authority charged with the
19 printing of the ballot of this election shall be the 15th day
20 prior to the date of election.

21 Any qualified person residing within the county or any
22 portion thereof subject to this Article may register or
23 re-register with the county clerk.

24 Each county clerk shall appoint one or more registration or
25 re-registration teams for the purpose of accepting the
26 registration or re-registration of any voter who files an

1 affidavit that he is physically unable to appear at any
2 appointed place of registration or re-registration. Each team
3 shall consist of one member of each political party having the
4 highest and second highest number of registered voters in the
5 county. The county clerk shall designate a team to visit each
6 person with a disability ~~disabled person~~ and shall accept the
7 registration or re-registration of each such person as if he
8 had applied for registration or re-registration at the office
9 of the county clerk.

10 As used in this Article, "deputy registrars" and
11 "registration officers" mean any person authorized to accept
12 registrations of electors under this Article.

13 (Source: P.A. 92-816, eff. 8-21-02.)

14 (10 ILCS 5/4-8.01) (from Ch. 46, par. 4-8.01)

15 Sec. 4-8.01. If an applicant for registration reports a
16 permanent physical disability which would require assistance
17 in voting, the county clerk shall mark all his registration
18 cards in the right margin on the front of the card with a band
19 of ink running the full margin which shall be of contrast to,
20 and easily distinguishable from, the color of the card. If an
21 applicant for registration declares upon properly witnessed
22 oath, with his signature or mark affixed, that he cannot read
23 the English language and that he will require assistance in
24 voting, all his registration cards shall be marked in a manner
25 similar to the marking on the cards of a voter who requires

1 assistance because of physical disability, except that the
2 marking shall be of a different distinguishing color. Following
3 each election the cards of any voter who has requested
4 assistance as a voter with a disability ~~disabled voter~~, and has
5 stated that the disability is permanent, or who has received
6 assistance because of inability to read the English language,
7 shall be marked in the same manner.

8 (Source: Laws 1967, p. 3525.)

9 (10 ILCS 5/4-8.02) (from Ch. 46, par. 4-8.02)

10 Sec. 4-8.02. Upon the issuance of a ~~disabled~~ voter's
11 identification card for persons with disabilities as provided
12 in Section 19-12.1, the county clerk shall cause the
13 identification number of such card to be clearly noted on all
14 the registration cards of such voter.

15 (Source: P.A. 78-320.)

16 (10 ILCS 5/5-5) (from Ch. 46, par. 5-5)

17 Sec. 5-5. For the purpose of registering voters under this
18 Article 5, in addition to the method provided for precinct
19 registration under Sections 5-6 and 5-17 of this Article 5, the
20 office of the county clerk shall be open between 9:00 a. m. and
21 5:00 p. m. on all days except Saturday, Sunday and holidays,
22 but there shall be no registration at such office during the 35
23 days immediately preceding any election required to be held
24 under the law but if no precinct registration is being

1 conducted prior to any election then registration may be taken
2 in the office of the county clerk up to and including the 28th
3 day prior to an election. On Saturdays, the hours of
4 registration shall be from 9:00 a. m. to 12:00 p. m. noon.
5 During such 35 or 27 day period, registration of electors of
6 political subdivisions wherein a regular, or special election
7 is required to be held shall cease and shall not be resumed for
8 the registration of electors of such political subdivisions
9 until the second day following the day of such election. In any
10 election called for the submission of the revision or
11 alteration of, or the amendments to the Constitution, submitted
12 by a Constitutional Convention, the final day for registration
13 at the office of the election authority charged with the
14 printing of the ballot of this election shall be the 15th day
15 prior to the date of the election.

16 Each county clerk shall appoint one deputy for the purpose
17 of accepting the registration of any voter who files an
18 affidavit that he is physically unable to appear at any
19 appointed place of registration. The county clerk shall
20 designate a deputy to visit each person with a disability
21 ~~disabled person~~ and shall accept the registration of each such
22 person as if he had applied for registration at the office of
23 the county clerk.

24 The offices of city, village, incorporated town and town
25 clerks shall also be open for the purpose of registering voters
26 residing in the territory in which this Article is in effect,

1 and also, in the case of city, village and incorporated town
2 clerks, for the purpose of registering voters residing in a
3 portion of the city, village or incorporated town not located
4 within the county, on all days on which the office of the
5 county clerk is open for the registration of voters of such
6 cities, villages, incorporated towns and townships.

7 (Source: P.A. 92-816, eff. 8-21-02.)

8 (10 ILCS 5/5-7.01) (from Ch. 46, par. 5-7.01)

9 Sec. 5-7.01. If an applicant for registration reports a
10 permanent physical disability which would require assistance
11 in voting, the county clerk shall mark all his registration
12 cards in the right margin on the front of the card with a band
13 of ink running the full margin which shall be of contrast to,
14 and easily distinguishable from, the color of the card. If an
15 applicant for registration declares upon properly witnessed
16 oath, with his signature or mark affixed, that he cannot read
17 the English language and that he will require assistance in
18 voting, all his registration cards shall be marked in a manner
19 similar to the marking on the cards of a voter who requires
20 assistance because of physical disability, except that the
21 marking shall be of a different distinguishing color. Following
22 each election the cards of any voter who has requested
23 assistance as a voter with a disability ~~disabled voter~~, and has
24 stated that the disability is permanent, or who has received
25 assistance because of inability to read the English language,

1 shall be marked in the same manner.

2 (Source: Laws 1967, p. 3524.)

3 (10 ILCS 5/5-7.02) (from Ch. 46, par. 5-7.02)

4 Sec. 5-7.02. Upon the issuance of a ~~disabled~~ voter's
5 identification card for persons with disabilities as provided
6 in Section 19-12.1, the county clerk shall cause the
7 identification number of such card to be clearly noted on all
8 the registration cards of such voter.

9 (Source: P.A. 78-320.)

10 (10 ILCS 5/6-29) (from Ch. 46, par. 6-29)

11 (Text of Section before amendment by P.A. 98-1171)

12 Sec. 6-29. For the purpose of registering voters under this
13 Article, the office of the Board of Election Commissioners
14 shall be open during ordinary business hours of each week day,
15 from 9 a.m. to 12 o'clock noon on the last four Saturdays
16 immediately preceding the end of the period of registration
17 preceding each election, and such other days and such other
18 times as the board may direct. During the 27 days immediately
19 preceding any election there shall be no registration of voters
20 at the office of the Board of Election Commissioners in cities,
21 villages and incorporated towns of fewer than 200,000
22 inhabitants. In cities, villages and incorporated towns of
23 200,000 or more inhabitants, there shall be no registration of
24 voters at the office of the Board of Election Commissioners

1 during the 35 days immediately preceding any election;
2 provided, however, where no precinct registration is being
3 conducted prior to any election then registration may be taken
4 in the office of the Board up to and including the 28th day
5 prior to such election. The Board of Election Commissioners may
6 set up and establish as many branch offices for the purpose of
7 taking registrations as it may deem necessary, and the branch
8 offices may be open on any or all dates and hours during which
9 registrations may be taken in the main office. All officers and
10 employees of the Board of Election Commissioners who are
11 authorized by such board to take registrations under this
12 Article shall be considered officers of the circuit court, and
13 shall be subject to the same control as is provided by Section
14 14-5 of this Act with respect to judges of election.

15 In any election called for the submission of the revision
16 or alteration of, or the amendments to the Constitution,
17 submitted by a Constitutional Convention, the final day for
18 registration at the office of the election authority charged
19 with the printing of the ballot of this election shall be the
20 15th day prior to the date of election.

21 The Board of Election Commissioners shall appoint one or
22 more registration teams, consisting of 2 of its employees for
23 each team, for the purpose of accepting the registration of any
24 voter who files an affidavit, within the period for taking
25 registrations provided for in this Article, that he is
26 physically unable to appear at the office of the Board or at

1 any appointed place of registration. On the day or days when a
2 precinct registration is being conducted such teams shall
3 consist of one member from each of the 2 leading political
4 parties who are serving on the Precinct Registration Board.
5 Each team so designated shall visit each person with a
6 disability ~~disabled person~~ and shall accept the registration of
7 such person the same as if he had applied for registration in
8 person.

9 Any otherwise qualified person who is absent from his
10 county of residence due to business of the United States, or
11 who is temporarily residing outside the territorial limits of
12 the United States, may make application to become registered by
13 mail to the Board of Election Commissioners within the periods
14 for registration provided for in this Article or by
15 simultaneous application for absentee registration and
16 absentee ballot as provided in Article 20 of this Code.

17 Upon receipt of such application the Board of Election
18 Commissioners shall immediately mail an affidavit of
19 registration in duplicate, which affidavit shall contain the
20 following and such other information as the State Board of
21 Elections may think it proper to require for the identification
22 of the applicant:

23 Name. The name of the applicant, giving surname and first
24 or Christian name in full, and the middle name or the initial
25 for such middle name, if any.

26 Sex.

1 Residence. The name and number of the street, avenue or
 2 other location of the dwelling, and such additional clear and
 3 definite description as may be necessary to determine the exact
 4 location of the dwelling of the applicant. Where the location
 5 cannot be determined by street and number, then the section,
 6 congressional township and range number may be used, or such
 7 other information as may be necessary, including post office
 8 mailing address.

9 Electronic mail address, if the registrant has provided
 10 this information.

11 Term of residence in the State of Illinois and the
 12 precinct.

13 Nativity. The state or country in which the applicant was
 14 born.

15 Citizenship. Whether the applicant is native born or
 16 naturalized. If naturalized, the court, place and date of
 17 naturalization.

18 Age. Date of birth, by month, day and year.

19 Out of State address of

20 AFFIDAVIT OF REGISTRATION

21 State of)

22) ss.

23 County of)

24 I hereby swear (or affirm) that I am a citizen of the
 25 United States; that on the day of the next election I shall
 26 have resided in the State of Illinois and in the election

1 precinct 30 days; that I am fully qualified to vote, that I am
 2 not registered to vote anywhere else in the United States, that
 3 I intend to remain a resident of the State of Illinois, and of
 4 the election precinct, that I intend to return to the State of
 5 Illinois, and that the above statements are true.

6

7 (His or her signature or mark)

8 Subscribed and sworn to before me, an officer qualified to
 9 administer oaths, on (insert date).

10

11 Signature of officer administering oath.

12 Upon receipt of the executed duplicate affidavit of
 13 Registration, the Board of Election Commissioners shall
 14 transfer the information contained thereon to duplicate
 15 Registration Cards provided for in Section 6-35 of this Article
 16 and shall attach thereto a copy of each of the duplicate
 17 affidavit of registration and thereafter such registration
 18 card and affidavit shall constitute the registration of such
 19 person the same as if he had applied for registration in
 20 person.

21 (Source: P.A. 98-115, eff. 10-1-13.)

22 (Text of Section after amendment by P.A. 98-1171)

23 Sec. 6-29. For the purpose of registering voters under this
 24 Article, the office of the Board of Election Commissioners
 25 shall be open during ordinary business hours of each week day,

1 from 9 a.m. to 12 o'clock noon on the last four Saturdays
2 immediately preceding the end of the period of registration
3 preceding each election, and such other days and such other
4 times as the board may direct. During the 27 days immediately
5 preceding any election there shall be no registration of voters
6 at the office of the Board of Election Commissioners in cities,
7 villages and incorporated towns of fewer than 200,000
8 inhabitants. In cities, villages and incorporated towns of
9 200,000 or more inhabitants, there shall be no registration of
10 voters at the office of the Board of Election Commissioners
11 during the 35 days immediately preceding any election;
12 provided, however, where no precinct registration is being
13 conducted prior to any election then registration may be taken
14 in the office of the Board up to and including the 28th day
15 prior to such election. The Board of Election Commissioners may
16 set up and establish as many branch offices for the purpose of
17 taking registrations as it may deem necessary, and the branch
18 offices may be open on any or all dates and hours during which
19 registrations may be taken in the main office. All officers and
20 employees of the Board of Election Commissioners who are
21 authorized by such board to take registrations under this
22 Article shall be considered officers of the circuit court, and
23 shall be subject to the same control as is provided by Section
24 14-5 of this Act with respect to judges of election.

25 In any election called for the submission of the revision
26 or alteration of, or the amendments to the Constitution,

1 submitted by a Constitutional Convention, the final day for
2 registration at the office of the election authority charged
3 with the printing of the ballot of this election shall be the
4 15th day prior to the date of election.

5 The Board of Election Commissioners shall appoint one or
6 more registration teams, consisting of 2 of its employees for
7 each team, for the purpose of accepting the registration of any
8 voter who files an affidavit, within the period for taking
9 registrations provided for in this Article, that he is
10 physically unable to appear at the office of the Board or at
11 any appointed place of registration. On the day or days when a
12 precinct registration is being conducted such teams shall
13 consist of one member from each of the 2 leading political
14 parties who are serving on the Precinct Registration Board.
15 Each team so designated shall visit each person with a
16 disability ~~disabled person~~ and shall accept the registration of
17 such person the same as if he had applied for registration in
18 person.

19 Any otherwise qualified person who is absent from his
20 county of residence due to business of the United States, or
21 who is temporarily residing outside the territorial limits of
22 the United States, may make application to become registered by
23 mail to the Board of Election Commissioners within the periods
24 for registration provided for in this Article or by
25 simultaneous application for registration by mail and vote by
26 mail ballot as provided in Article 20 of this Code.

1 Upon receipt of such application the Board of Election
2 Commissioners shall immediately mail an affidavit of
3 registration in duplicate, which affidavit shall contain the
4 following and such other information as the State Board of
5 Elections may think it proper to require for the identification
6 of the applicant:

7 Name. The name of the applicant, giving surname and first
8 or Christian name in full, and the middle name or the initial
9 for such middle name, if any.

10 Sex.

11 Residence. The name and number of the street, avenue or
12 other location of the dwelling, and such additional clear and
13 definite description as may be necessary to determine the exact
14 location of the dwelling of the applicant. Where the location
15 cannot be determined by street and number, then the section,
16 congressional township and range number may be used, or such
17 other information as may be necessary, including post office
18 mailing address.

19 Electronic mail address, if the registrant has provided
20 this information.

21 Term of residence in the State of Illinois and the
22 precinct.

23 Nativity. The state or country in which the applicant was
24 born.

25 Citizenship. Whether the applicant is native born or
26 naturalized. If naturalized, the court, place and date of

1 naturalization.

2 Age. Date of birth, by month, day and year.

3 Out of State address of

4 AFFIDAVIT OF REGISTRATION

5 State of)

6) ss.

7 County of)

8 I hereby swear (or affirm) that I am a citizen of the
9 United States; that on the day of the next election I shall
10 have resided in the State of Illinois and in the election
11 precinct 30 days; that I am fully qualified to vote, that I am
12 not registered to vote anywhere else in the United States, that
13 I intend to remain a resident of the State of Illinois, and of
14 the election precinct, that I intend to return to the State of
15 Illinois, and that the above statements are true.

16

17 (His or her signature or mark)

18 Subscribed and sworn to before me, an officer qualified to
19 administer oaths, on (insert date).

20

21 Signature of officer administering oath.

22 Upon receipt of the executed duplicate affidavit of
23 Registration, the Board of Election Commissioners shall
24 transfer the information contained thereon to duplicate
25 Registration Cards provided for in Section 6-35 of this Article
26 and shall attach thereto a copy of each of the duplicate

1 affidavit of registration and thereafter such registration
2 card and affidavit shall constitute the registration of such
3 person the same as if he had applied for registration in
4 person.

5 (Source: P.A. 98-115, eff. 10-1-13; 98-1171, eff. 6-1-15.)

6 (10 ILCS 5/6-35.01) (from Ch. 46, par. 6-35.01)

7 Sec. 6-35.01. If an applicant for registration reports a
8 permanent physical disability which would require assistance
9 in voting, the board of election commissioners shall mark all
10 his registration cards in the right margin on the front of the
11 card with a band of ink running the full margin which shall be
12 of contrast to, and easily distinguishable from, the color of
13 the card. If an applicant for registration declares upon
14 properly witnessed oath, with his signature or mark affixed,
15 that he cannot read the English language and that he will
16 require assistance in voting, all his registration cards shall
17 be marked in a manner similar to the marking on the cards of a
18 voter who requires assistance because of physical disability,
19 except that the marking shall be of a different distinguishing
20 color. Following each election the cards of any voter who has
21 requested assistance as a voter with a disability ~~disabled~~
22 ~~voter~~, and has stated that the disability is permanent, or who
23 has received assistance because of inability to read the
24 English language, shall be marked in the same manner.

25 (Source: Laws 1967, p. 3524.)

1 (10 ILCS 5/6-35.02) (from Ch. 46, par. 6-35.02)

2 Sec. 6-35.02. Upon the issuance of a ~~disabled~~ voter's
3 identification card for persons with disabilities as provided
4 in Section 19-12.1, the board of election commissioners shall
5 cause the identification number of such card to be clearly
6 noted on all the registration cards of such voter.

7 (Source: P.A. 78-320.)

8 (10 ILCS 5/6-50) (from Ch. 46, par. 6-50)

9 Sec. 6-50. The office of the board of election
10 commissioners shall be open during ordinary business hours of
11 each week day, from 9 a.m. to 12 o'clock noon on the last four
12 Saturdays immediately preceding the end of the period of
13 registration preceding each election, and such other days and
14 such other times as the board may direct. There shall be no
15 registration at the office of the board of election
16 commissioners in cities, villages and incorporated towns of
17 fewer than 200,000 inhabitants during the 27 days preceding any
18 primary, regular or special election at which the cards
19 provided for in this article are used, or until the second day
20 following such primary, regular or special election. In cities,
21 villages and incorporated towns of 200,000 or more inhabitants,
22 there shall be no registration of voters at the office of the
23 board of election commissioners during the 35 days immediately
24 preceding any election; provided, however, where no precinct

1 registration is being conducted prior to any election then
2 registration may be taken in the office of the board up to and
3 including the 28th day prior to such election. In any election
4 called for the submission of the revision or alteration of, or
5 the amendments to the Constitution, submitted by a
6 Constitutional Convention, the final day for registration at
7 the office of the election authority charged with the printing
8 of the ballot of this election shall be the 15th day prior to
9 the date of election.

10 The Board of Election Commissioners shall appoint one or
11 more registration teams, each consisting of one member from
12 each of the 2 leading political parties, for the purpose of
13 accepting the registration of any voter who files an affidavit,
14 within the period for taking registrations provided for in this
15 Article, that he is physically unable to appear at the office
16 of the Board or at any appointed place of registration. On the
17 day or days when a precinct registration is being conducted
18 such teams shall consist of one member from each of the 2
19 leading political parties who are serving on the precinct
20 registration board. Each team so designated shall visit each
21 person with a disability ~~disabled person~~ and shall accept the
22 registration of such person the same as if he had applied for
23 registration in person.

24 The office of the board of election commissioners may be
25 designated as a place of registration under Section 6-51 of
26 this Article and, if so designated, may also be open for

1 purposes of registration on such day or days as may be
2 specified by the board of election commissioners under the
3 provisions of that Section.

4 (Source: P.A. 92-816, eff. 8-21-02.)

5 (10 ILCS 5/7-15) (from Ch. 46, par. 7-15)

6 (Text of Section before amendment by P.A. 98-1171)

7 Sec. 7-15. At least 60 days prior to each general and
8 consolidated primary, the election authority shall provide
9 public notice, calculated to reach elderly voters and voters
10 with disabilities ~~and handicapped voters~~, of the availability
11 of registration and voting aids under the Federal Voting
12 Accessibility for the Elderly and Handicapped Act, of the
13 availability of assistance in marking the ballot, procedures
14 for voting by absentee ballot, and procedures for early voting
15 by personal appearance. At least 20 days before the general
16 primary the county clerk of each county, and not more than 30
17 nor less than 10 days before the consolidated primary the
18 election authority, shall prepare in the manner provided in
19 this Act, a notice of such primary which notice shall state the
20 time and place of holding the primary, the hours during which
21 the polls will be open, the offices for which candidates will
22 be nominated at such primary and the political parties entitled
23 to participate therein, notwithstanding that no candidate of
24 any such political party may be entitled to have his name
25 printed on the primary ballot. Such notice shall also include

1 the list of addresses of precinct polling places for the
2 consolidated primary unless such list is separately published
3 by the election authority not less than 10 days before the
4 consolidated primary.

5 In counties, municipalities, or towns having fewer than
6 500,000 inhabitants notice of the general primary shall be
7 published once in two or more newspapers published in the
8 county, municipality or town, as the case may be, or if there
9 is no such newspaper, then in any two or more newspapers
10 published in the county and having a general circulation
11 throughout the community.

12 In counties, municipalities, or towns having 500,000 or
13 more inhabitants notice of the general primary shall be
14 published at least 15 days prior to the primary by the same
15 authorities and in the same manner as notice of election for
16 general elections are required to be published in counties,
17 municipalities or towns of 500,000 or more inhabitants under
18 this Act.

19 Notice of the consolidated primary shall be published once
20 in one or more newspapers published in each political
21 subdivision having such primary, and if there is no such
22 newspaper, then published once in a local, community newspaper
23 having general circulation in the subdivision, and also once in
24 a newspaper published in the county wherein the political
25 subdivisions, or portions thereof, having such primary are
26 situated.

1 (Source: P.A. 94-645, eff. 8-22-05.)

2 (Text of Section after amendment by P.A. 98-1171)

3 Sec. 7-15. At least 60 days prior to each general and
4 consolidated primary, the election authority shall provide
5 public notice, calculated to reach elderly voters and voters
6 with disabilities ~~and handicapped voters~~, of the availability
7 of registration and voting aids under the Federal Voting
8 Accessibility for the Elderly and Handicapped Act, of the
9 availability of assistance in marking the ballot, procedures
10 for voting by a vote by mail ballot, and procedures for early
11 voting by personal appearance. At least 20 days before the
12 general primary the county clerk of each county, and not more
13 than 30 nor less than 10 days before the consolidated primary
14 the election authority, shall prepare in the manner provided in
15 this Act, a notice of such primary which notice shall state the
16 time and place of holding the primary, the hours during which
17 the polls will be open, the offices for which candidates will
18 be nominated at such primary and the political parties entitled
19 to participate therein, notwithstanding that no candidate of
20 any such political party may be entitled to have his name
21 printed on the primary ballot. Such notice shall also include
22 the list of addresses of precinct polling places for the
23 consolidated primary unless such list is separately published
24 by the election authority not less than 10 days before the
25 consolidated primary.

1 In counties, municipalities, or towns having fewer than
2 500,000 inhabitants notice of the general primary shall be
3 published once in two or more newspapers published in the
4 county, municipality or town, as the case may be, or if there
5 is no such newspaper, then in any two or more newspapers
6 published in the county and having a general circulation
7 throughout the community.

8 In counties, municipalities, or towns having 500,000 or
9 more inhabitants notice of the general primary shall be
10 published at least 15 days prior to the primary by the same
11 authorities and in the same manner as notice of election for
12 general elections are required to be published in counties,
13 municipalities or towns of 500,000 or more inhabitants under
14 this Act.

15 Notice of the consolidated primary shall be published once
16 in one or more newspapers published in each political
17 subdivision having such primary, and if there is no such
18 newspaper, then published once in a local, community newspaper
19 having general circulation in the subdivision, and also once in
20 a newspaper published in the county wherein the political
21 subdivisions, or portions thereof, having such primary are
22 situated.

23 (Source: P.A. 98-1171, eff. 6-1-15.)

24 (10 ILCS 5/11-4.1) (from Ch. 46, par. 11-4.1)

25 (Text of Section before amendment by P.A. 98-1171)

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

5 (b) Upon request of the county board or board of election
6 commissioners, the proper agency of government (including
7 school districts and units of local government) shall make a
8 public building under its control available for use as a
9 polling place on an election day and for a reasonably necessary
10 time before and after election day, without charge. If the
11 county board or board of election commissioners chooses a
12 school to be a polling place, then the school district must
13 make the school available for use as a polling place. However,
14 for the day of the election, a school district is encouraged to
15 (i) close the school or (ii) hold a teachers institute on that
16 day with students not in attendance.

17 (c) A government agency which makes a public building under
18 its control available for use as a polling place shall (i)
19 ensure the portion of the building to be used as the polling
20 place is accessible to voters with disabilities ~~handicapped~~ and
21 elderly voters and (ii) allow the election authority to
22 administer the election as authorized under this Code.

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
26 2012 because the elector is a child sex offender as defined in

1 Section 11-9.3 of the Criminal Code of 2012, that elector may
2 vote by absentee ballot in accordance with Article 19 of this
3 Code or may vote early in accordance with Article 19A of this
4 Code.

5 (Source: P.A. 97-1150, eff. 1-25-13; 98-773, eff. 7-18-14.)

6 (Text of Section after amendment by P.A. 98-1171)

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

11 (b) Upon request of the county board or board of election
12 commissioners, the proper agency of government (including
13 school districts and units of local government) shall make a
14 public building under its control available for use as a
15 polling place on an election day and for a reasonably necessary
16 time before and after election day, without charge. If the
17 county board or board of election commissioners chooses a
18 school to be a polling place, then the school district must
19 make the school available for use as a polling place. However,
20 for the day of the election, a school district is encouraged to
21 (i) close the school or (ii) hold a teachers institute on that
22 day with students not in attendance.

23 (c) A government agency which makes a public building under
24 its control available for use as a polling place shall (i)
25 ensure the portion of the building to be used as the polling

1 place is accessible to voters with disabilities ~~handicapped~~ and
2 elderly voters and (ii) allow the election authority to
3 administer the election as authorized under this Code.

4 (d) If a qualified elector's precinct polling place is a
5 school and the elector will be unable to enter that polling
6 place without violating Section 11-9.3 of the Criminal Code of
7 2012 because the elector is a child sex offender as defined in
8 Section 11-9.3 of the Criminal Code of 2012, that elector may
9 vote by a vote by mail ballot in accordance with Article 19 of
10 this Code or may vote early in accordance with Article 19A of
11 this Code.

12 (Source: P.A. 97-1150, eff. 1-25-13; 98-773, eff. 7-18-14;
13 98-1171, eff. 6-1-15.)

14 (10 ILCS 5/11-4.2) (from Ch. 46, par. 11-4.2)

15 Sec. 11-4.2. (a) Except as otherwise provided in subsection
16 (b) all polling places shall be accessible to voters with
17 disabilities ~~handicapped~~ and elderly voters, as determined by
18 rule of the State Board of Elections.

19 (b) Subsection (a) of this Section shall not apply to a
20 polling place (1) in the case of an emergency, as determined by
21 the State Board of Elections; or (2) if the State Board of
22 Elections (A) determines that all potential polling places have
23 been surveyed and no such accessible place is available, nor is
24 the election authority able to make one accessible; and (B)
25 assures that any voter with a disability ~~handicapped~~ or elderly

1 voter assigned to an inaccessible polling place, upon advance
2 request of such voter (pursuant to procedures established by
3 rule of the State Board of Elections) will be provided with an
4 alternative means for casting a ballot on the day of the
5 election or will be assigned to an accessible polling place.

6 (c) No later than December 31 of each even numbered year,
7 the State Board of Elections shall report to the Federal
8 Election Commission the number of accessible and inaccessible
9 polling places in the State on the date of the next preceding
10 general election, and the reasons for any instance of
11 inaccessibility.

12 (Source: P.A. 84-808.)

13 (10 ILCS 5/11-4.3) (from Ch. 46, par. 11-4.3)

14 Sec. 11-4.3. All polling places and permanent registration
15 facilities shall have available registration and voting aids
16 for persons with disabilities ~~handicapped~~ and elderly
17 individuals including instructions, printed in large type,
18 conspicuously displayed.

19 (Source: P.A. 84-808.)

20 (10 ILCS 5/12-1) (from Ch. 46, par. 12-1)

21 (Text of Section before amendment by P.A. 98-1171)

22 Sec. 12-1. At least 60 days prior to each general and
23 consolidated election, the election authority shall provide
24 public notice, calculated to reach elderly voters and voters

1 with disabilities ~~and handicapped voters~~, of the availability
2 of registration and voting aids under the Federal Voting
3 Accessibility for the Elderly and Handicapped Act, of the
4 availability of assistance in marking the ballot, procedures
5 for voting by absentee ballot, and procedures for voting early
6 by personal appearance.

7 At least 30 days before any general election, and at least
8 20 days before any special congressional election, the county
9 clerk shall publish a notice of the election in 2 or more
10 newspapers published in the county, city, village,
11 incorporated town or town, as the case may be, or if there is
12 no such newspaper, then in any 2 or more newspapers published
13 in the county and having a general circulation throughout the
14 community. The notice may be substantially as follows:

15 Notice is hereby given that on (give date), at (give the
16 place of holding the election and the name of the precinct or
17 district) in the county of (name county), an election will be
18 held for (give the title of the several offices to be filled),
19 which election will be open at 6:00 a.m. and continued open
20 until 7:00 p.m. of that day.

21 Dated at on (insert date).

22 (Source: P.A. 94-645, eff. 8-22-05.)

23 (Text of Section after amendment by P.A. 98-1171)

24 Sec. 12-1. At least 60 days prior to each general and
25 consolidated election, the election authority shall provide

1 public notice, calculated to reach elderly voters and voters
2 with disabilities ~~and handicapped voters~~, of the availability
3 of registration and voting aids under the Federal Voting
4 Accessibility for the Elderly and Handicapped Act, of the
5 availability of assistance in marking the ballot, procedures
6 for voting by vote by mail ballot, and procedures for voting
7 early by personal appearance.

8 At least 30 days before any general election, and at least
9 20 days before any special congressional election, the county
10 clerk shall publish a notice of the election in 2 or more
11 newspapers published in the county, city, village,
12 incorporated town or town, as the case may be, or if there is
13 no such newspaper, then in any 2 or more newspapers published
14 in the county and having a general circulation throughout the
15 community. The notice may be substantially as follows:

16 Notice is hereby given that on (give date), at (give the
17 place of holding the election and the name of the precinct or
18 district) in the county of (name county), an election will be
19 held for (give the title of the several offices to be filled),
20 which election will be open at 6:00 a.m. and continued open
21 until 7:00 p.m. of that day.

22 Dated at on (insert date).

23 (Source: P.A. 98-1171, eff. 6-1-15.)

24 (10 ILCS 5/17-13) (from Ch. 46, par. 17-13)

25 Sec. 17-13. (a) In the case of an emergency, as determined

1 by the State Board of Elections, or if the Board determines
2 that all potential polling places have been surveyed by the
3 election authority and that no accessible polling place, as
4 defined by rule of the State Board of Elections, is available
5 within a precinct nor is the election authority able to make a
6 polling place within the precinct temporarily accessible, the
7 Board, upon written application by the election authority, is
8 authorized to grant an exemption from the accessibility
9 requirements of the Federal Voting Accessibility for the
10 Elderly and Handicapped Act (Public Law 98-435). Such exemption
11 shall be valid for a period of 2 years.

12 (b) Any voter with a temporary or permanent disability
13 ~~temporarily or permanently physically disabled voter~~ who,
14 because of structural features of the building in which the
15 polling place is located, is unable to access or enter the
16 polling place, may request that 2 judges of election of
17 opposite party affiliation deliver a ballot to him or her at
18 the point where he or she is unable to continue forward motion
19 toward the polling place; but, in no case, shall a ballot be
20 delivered to the voter beyond 50 feet of the entrance to the
21 building in which the polling place is located. Such request
22 shall be made to the election authority not later than the
23 close of business at the election authority's office on the day
24 before the election and on a form prescribed by the State Board
25 of Elections. The election authority shall notify the judges of
26 election for the appropriate precinct polling places of such

1 requests.

2 Weather permitting, 2 judges of election shall deliver to
3 the voter with a disability ~~disabled voter~~ the ballot which he
4 or she is entitled to vote, a portable voting booth or other
5 enclosure that will allow such voter to mark his or her ballot
6 in secrecy, and a marking device.

7 (c) The voter must complete the entire voting process,
8 including the application for ballot from which the judges of
9 election shall compare the voter's signature with the signature
10 on his or her registration record card in the precinct binder.

11 After the voter has marked his or her ballot and placed it
12 in the ballot envelope (or folded it in the manner prescribed
13 for paper ballots), the 2 judges of election shall return the
14 ballot to the polling place and give it to the judge in charge
15 of the ballot box who shall deposit it therein.

16 Pollwatchers as provided in Sections 7-34 and 17-23 of this
17 Code shall be permitted to accompany the judges and observe the
18 above procedure.

19 No assistance may be given to such voter in marking his or
20 her ballot, unless the voter requests assistance and completes
21 the affidavit required by Section 17-14 of this Code.

22 (Source: P.A. 84-808.)

23 (10 ILCS 5/17-14) (from Ch. 46, par. 17-14)

24 Sec. 17-14. Any voter who declares upon oath, properly
25 witnessed and with his or her signature or mark affixed, that

1 he or she requires assistance to vote by reason of blindness,
2 physical disability or inability to read, write or speak the
3 English language shall, upon request, be assisted in marking
4 his or her ballot, by 2 judges of election of different
5 political parties, to be selected by all judges of election of
6 each precinct at the opening of the polls or by a person of the
7 voter's choice, other than the voter's employer or agent of
8 that employer or officer or agent of the voter's union. A voter
9 who presents an Illinois Person with a Disability
10 Identification Card, issued to that person under the provisions
11 of the Illinois Identification Card Act, indicating that such
12 voter has a Class 1A or Class 2 disability under the provisions
13 of Section 4A of the Illinois Identification Card Act, or a
14 voter who declares upon oath, properly witnessed, that by
15 reason of any physical disability he is unable to mark his
16 ballot shall, upon request, be assisted in marking his ballot
17 by 2 of the election officers of different parties as provided
18 above in this Section or by a person of the voter's choice
19 other than the voter's employer or agent of that employer or
20 officer or agent of the voter's union. Such voter shall state
21 specifically the reason why he cannot vote without assistance
22 and, in the case of a voter with a physical disability
23 ~~physically disabled voter~~, what his physical disability is.
24 Prior to entering the voting booth, the person providing the
25 assistance, if other than 2 judges of election, shall be
26 presented with written instructions on how assistance shall be

1 provided. This instruction shall be prescribed by the State
2 Board of Elections and shall include the penalties for
3 attempting to influence the voter's choice of candidates,
4 party, or votes in relation to any question on the ballot and
5 for not marking the ballot as directed by the voter.
6 Additionally, the person providing the assistance shall sign an
7 oath, swearing not to influence the voter's choice of
8 candidates, party, or votes in relation to any question on the
9 ballot and to cast the ballot as directed by the voter. The
10 oath shall be prescribed by the State Board of Elections and
11 shall include the penalty for violating this Section. In the
12 voting booth, such person shall mark the ballot as directed by
13 the voter, and shall thereafter give no information regarding
14 the same. The judges of election shall enter upon the poll
15 lists or official poll record after the name of any elector who
16 received such assistance in marking his ballot a memorandum of
17 the fact and if the disability is permanent. Intoxication shall
18 not be regarded as a physical disability, and no intoxicated
19 person shall be entitled to assistance in marking his ballot.

20 No person shall secure or attempt to secure assistance in
21 voting who is not blind, a person with a physical disability,
22 ~~physically disabled~~ or illiterate as herein provided, nor shall
23 any person knowingly assist a voter in voting contrary to the
24 provisions of this Section.

25 (Source: P.A. 97-1064, eff. 1-1-13.)

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

2 Sec. 17-17. After the opening of the polls no adjournment
3 shall be had nor shall any recess be taken, until all the votes
4 cast at such election have been counted and the result publicly
5 announced, except that when necessary one judge at a time may
6 leave the polling place for a reasonable time during the
7 casting of ballots, and except that when a polling place is
8 inaccessible to a voter with a disability ~~disabled voter~~, one
9 team of 2 judges of opposite party affiliation may leave the
10 polling place to deliver a ballot to such voter, as provided in
11 Sections 7-47.1 and 17-13 of this Code. When a judge leaves and
12 returns, such judge shall sign a time sheet indicating the
13 length of the period such judge is absent from his duties. When
14 absent, the judge shall authorize someone of the same political
15 party as himself to act for him until he returns.

16 Where voting machines or electronic voting systems are
17 used, the provisions of this section may be modified as
18 required or authorized by Article 24 or Article 24A, whichever
19 is applicable.

20 (Source: P.A. 91-357, eff. 7-29-99.)

21 (10 ILCS 5/18-5.1) (from Ch. 46, par. 18-5.1)

22 Sec. 18-5.1. The provisions of Section 17-13, insofar as
23 they may be made applicable to voters with disabilities
24 ~~disabled voters~~ in elections under the jurisdiction of boards
25 of election commissioners, shall be applicable herein.

1 (Source: P.A. 84-808.)

2 (10 ILCS 5/19-5) (from Ch. 46, par. 19-5)

3 (Text of Section before amendment by P.A. 98-1171)

4 Sec. 19-5. It shall be the duty of the election authority
5 to fold the ballot or ballots in the manner specified by the
6 statute for folding ballots prior to their deposit in the
7 ballot box, and to enclose such ballot or ballots in an
8 envelope unsealed to be furnished by him, which envelope shall
9 bear upon the face thereof the name, official title and post
10 office address of the election authority, and upon the other
11 side a printed certification in substantially the following
12 form:

13 I state that I am a resident of the precinct of the
14 (1) *township of (2) *City of or (3) *.... ward in
15 the city of residing at in such city or town in the
16 county of and State of Illinois, that I have lived at such
17 address for months last past; and that I am lawfully
18 entitled to vote in such precinct at the election to be
19 held on

20 *fill in either (1), (2) or (3).

21 I further state that I personally marked the enclosed
22 ballot in secret.

23 Under penalties of perjury as provided by law pursuant to
24 Section 29-10 of The Election Code, the undersigned certifies
25 that the statements set forth in this certification are true

1 and correct.

2

3 If the ballot is to go to an elector who is physically
4 incapacitated and needs assistance marking the ballot, the
5 envelope shall bear upon the back thereof a certification in
6 substantially the following form:

7 I state that I am a resident of the precinct of the
8 (1) *township of (2) *City of or (3) *.... ward in
9 the city of residing at in such city or town in the
10 county of and State of Illinois, that I have lived at such
11 address for months last past; that I am lawfully entitled
12 to vote in such precinct at the election to be held on
13; that I am physically incapable of personally marking the
14 ballot for such election.

15 *fill in either (1), (2) or (3).

16 I further state that I marked the enclosed ballot in secret
17 with the assistance of

18

19 (Individual rendering assistance)

20

21 (Residence Address)

22 Under penalties of perjury as provided by law pursuant to
23 Section 29-10 of The Election Code, the undersigned certifies
24 that the statements set forth in this certification are true
25 and correct.

26

1 In the case of a voter with a physical incapacity, marking
2 a ballot in secret includes marking a ballot with the
3 assistance of another individual, other than a candidate whose
4 name appears on the ballot (unless the voter is the spouse or a
5 parent, child, brother, or sister of the candidate), the
6 voter's employer, an agent of that employer, or an officer or
7 agent of the voter's union, when the voter's physical
8 incapacity necessitates such assistance.

9 In the case of a physically incapacitated voter, marking a
10 ballot in secret includes marking a ballot with the assistance
11 of another individual, other than a candidate whose name
12 appears on the ballot (unless the voter is the spouse or a
13 parent, child, brother, or sister of the candidate), the
14 voter's employer, an agent of that employer, or an officer or
15 agent of the voter's union, when the voter's physical
16 incapacity necessitates such assistance.

17 Provided, that if the ballot enclosed is to be voted at a
18 primary election, the certification shall designate the name of
19 the political party with which the voter is affiliated.

20 In addition to the above, the election authority shall
21 provide printed slips giving full instructions regarding the
22 manner of marking and returning the ballot in order that the
23 same may be counted, and shall furnish one of such printed
24 slips to each of such applicants at the same time the ballot is
25 delivered to him. Such instructions shall include the following
26 statement: "In signing the certification on the absentee ballot

1 envelope, you are attesting that you personally marked this
2 absentee ballot in secret. If you are physically unable to mark
3 the ballot, a friend or relative may assist you after
4 completing the enclosed affidavit. Federal and State laws
5 prohibit a candidate whose name appears on the ballot (unless
6 you are the spouse or a parent, child, brother, or sister of
7 the candidate), your employer, your employer's agent or an
8 officer or agent of your union from assisting voters with
9 physical disabilities ~~physically disabled voters.~~"

10 In addition to the above, if a ballot to be provided to an
11 elector pursuant to this Section contains a public question
12 described in subsection (b) of Section 28-6 and the territory
13 concerning which the question is to be submitted is not
14 described on the ballot due to the space limitations of such
15 ballot, the election authority shall provide a printed copy of
16 a notice of the public question, which shall include a
17 description of the territory in the manner required by Section
18 16-7. The notice shall be furnished to the elector at the same
19 time the ballot is delivered to the elector.

20 (Source: P.A. 95-440, eff. 8-27-07; 96-553, eff. 8-17-09.)

21 (Text of Section after amendment by P.A. 98-1171)

22 Sec. 19-5. It shall be the duty of the election authority
23 to fold the ballot or ballots in the manner specified by the
24 statute for folding ballots prior to their deposit in the
25 ballot box, and to enclose such ballot or ballots in an

1 envelope unsealed to be furnished by him, which envelope shall
2 bear upon the face thereof the name, official title and post
3 office address of the election authority, and upon the other
4 side a printed certification in substantially the following
5 form:

6 I state that I am a resident of the precinct of the
7 (1) *township of (2) *City of or (3) *.... ward in
8 the city of residing at in such city or town in the
9 county of and State of Illinois, that I have lived at such
10 address for months last past; and that I am lawfully
11 entitled to vote in such precinct at the election to be
12 held on

13 *fill in either (1), (2) or (3).

14 I further state that I personally marked the enclosed
15 ballot in secret.

16 Under penalties of perjury as provided by law pursuant to
17 Section 29-10 of The Election Code, the undersigned certifies
18 that the statements set forth in this certification are true
19 and correct.

20

21 If the ballot is to go to an elector who is physically
22 incapacitated and needs assistance marking the ballot, the
23 envelope shall bear upon the back thereof a certification in
24 substantially the following form:

25 I state that I am a resident of the precinct of the
26 (1) *township of (2) *City of or (3) *.... ward in

1 the city of residing at in such city or town in the
 2 county of and State of Illinois, that I have lived at such
 3 address for months last past; that I am lawfully entitled
 4 to vote in such precinct at the election to be held on
 5; that I am physically incapable of personally marking the
 6 ballot for such election.

7 *fill in either (1), (2) or (3).

8 I further state that I marked the enclosed ballot in secret
 9 with the assistance of

10

11 (Individual rendering assistance)

12

13 (Residence Address)

14 Under penalties of perjury as provided by law pursuant to
 15 Section 29-10 of The Election Code, the undersigned certifies
 16 that the statements set forth in this certification are true
 17 and correct.

18

19 In the case of a voter with a physical incapacity, marking
 20 a ballot in secret includes marking a ballot with the
 21 assistance of another individual, other than a candidate whose
 22 name appears on the ballot (unless the voter is the spouse or a
 23 parent, child, brother, or sister of the candidate), the
 24 voter's employer, an agent of that employer, or an officer or
 25 agent of the voter's union, when the voter's physical
 26 incapacity necessitates such assistance.

1 In the case of a physically incapacitated voter, marking a
2 ballot in secret includes marking a ballot with the assistance
3 of another individual, other than a candidate whose name
4 appears on the ballot (unless the voter is the spouse or a
5 parent, child, brother, or sister of the candidate), the
6 voter's employer, an agent of that employer, or an officer or
7 agent of the voter's union, when the voter's physical
8 incapacity necessitates such assistance.

9 Provided, that if the ballot enclosed is to be voted at a
10 primary election, the certification shall designate the name of
11 the political party with which the voter is affiliated.

12 In addition to the above, the election authority shall
13 provide printed slips giving full instructions regarding the
14 manner of marking and returning the ballot in order that the
15 same may be counted, and shall furnish one of such printed
16 slips to each of such applicants at the same time the ballot is
17 delivered to him. Such instructions shall include the following
18 statement: "In signing the certification on the vote by mail
19 ballot envelope, you are attesting that you personally marked
20 this vote by mail ballot in secret. If you are physically
21 unable to mark the ballot, a friend or relative may assist you
22 after completing the enclosed affidavit. Federal and State laws
23 prohibit a candidate whose name appears on the ballot (unless
24 you are the spouse or a parent, child, brother, or sister of
25 the candidate), your employer, your employer's agent or an
26 officer or agent of your union from assisting voters with

1 physical disabilities ~~physically disabled voters.~~"

2 In addition to the above, if a ballot to be provided to an
3 elector pursuant to this Section contains a public question
4 described in subsection (b) of Section 28-6 and the territory
5 concerning which the question is to be submitted is not
6 described on the ballot due to the space limitations of such
7 ballot, the election authority shall provide a printed copy of
8 a notice of the public question, which shall include a
9 description of the territory in the manner required by Section
10 16-7. The notice shall be furnished to the elector at the same
11 time the ballot is delivered to the elector.

12 (Source: P.A. 98-1171, eff. 6-1-15.)

13 (10 ILCS 5/19-12.1) (from Ch. 46, par. 19-12.1)

14 (Text of Section before amendment by P.A. 98-1171)

15 Sec. 19-12.1. Any qualified elector who has secured an
16 Illinois Person with a Disability Identification Card in
17 accordance with the Illinois Identification Card Act,
18 indicating that the person named thereon has a Class 1A or
19 Class 2 disability or any qualified voter who has a permanent
20 physical incapacity of such a nature as to make it improbable
21 that he will be able to be present at the polls at any future
22 election, or any voter who is a resident of (i) a federally
23 operated veterans' home, hospital, or facility located in
24 Illinois or (ii) a facility licensed or certified pursuant to
25 the Nursing Home Care Act, the Specialized Mental Health

1 Rehabilitation Act of 2013, or the ID/DD Community Care Act and
2 has a condition or disability of such a nature as to make it
3 improbable that he will be able to be present at the polls at
4 any future election, may secure a voter's identification card
5 for persons with disabilities or a ~~disabled voter's or~~ nursing
6 home resident's identification card, which will enable him to
7 vote under this Article as a physically incapacitated or
8 nursing home voter. For the purposes of this Section,
9 "federally operated veterans' home, hospital, or facility"
10 means the long-term care facilities at the Jesse Brown VA
11 Medical Center, Illiana Health Care System, Edward Hines, Jr.
12 VA Hospital, Marion VA Medical Center, and Captain James A.
13 Lovell Federal Health Care Center.

14 Application for a voter's identification card for persons
15 with disabilities or a ~~disabled voter's or~~ nursing home
16 resident's identification card shall be made either: (a) in
17 writing, with voter's sworn affidavit, to the county clerk or
18 board of election commissioners, as the case may be, and shall
19 be accompanied by the affidavit of the attending physician
20 specifically describing the nature of the physical incapacity
21 or the fact that the voter is a nursing home resident and is
22 physically unable to be present at the polls on election days;
23 or (b) by presenting, in writing or otherwise, to the county
24 clerk or board of election commissioners, as the case may be,
25 proof that the applicant has secured an Illinois Person with a
26 Disability Identification Card indicating that the person

1 named thereon has a Class 1A or Class 2 disability. Upon the
2 receipt of either the sworn-to application and the physician's
3 affidavit or proof that the applicant has secured an Illinois
4 Person with a Disability Identification Card indicating that
5 the person named thereon has a Class 1A or Class 2 disability,
6 the county clerk or board of election commissioners shall issue
7 a voter's identification card for persons with disabilities or
8 a disabled voter's or nursing home resident's identification
9 card. Such identification cards shall be issued for a period of
10 5 years, upon the expiration of which time the voter may secure
11 a new card by making application in the same manner as is
12 prescribed for the issuance of an original card, accompanied by
13 a new affidavit of the attending physician. The date of
14 expiration of such five-year period shall be made known to any
15 interested person by the election authority upon the request of
16 such person. Applications for the renewal of the identification
17 cards shall be mailed to the voters holding such cards not less
18 than 3 months prior to the date of expiration of the cards.

19 Each voter's identification card for persons with
20 disabilities ~~disabled voter's~~ or nursing home resident's
21 identification card shall bear an identification number, which
22 shall be clearly noted on the voter's original and duplicate
23 registration record cards. In the event the holder becomes
24 physically capable of resuming normal voting, he must surrender
25 his voter's identification card for persons with disabilities
26 ~~disabled voter's~~ or nursing home resident's identification

1 card to the county clerk or board of election commissioners
2 before the next election.

3 The holder of a voter's identification card for persons
4 with disabilities or a ~~disabled voter's~~ or nursing home
5 resident's identification card may make application by mail for
6 an official ballot within the time prescribed by Section 19-2.
7 Such application shall contain the same information as is
8 included in the form of application for ballot by a physically
9 incapacitated elector prescribed in Section 19-3 except that it
10 shall also include the applicant's voter's identification card
11 for persons with disabilities ~~disabled voter's~~ identification
12 card number and except that it need not be sworn to. If an
13 examination of the records discloses that the applicant is
14 lawfully entitled to vote, he shall be mailed a ballot as
15 provided in Section 19-4. The ballot envelope shall be the same
16 as that prescribed in Section 19-5 for voters with physical
17 disabilities ~~physically disabled voters~~, and the manner of
18 voting and returning the ballot shall be the same as that
19 provided in this Article for other absentee ballots, except
20 that a statement to be subscribed to by the voter but which
21 need not be sworn to shall be placed on the ballot envelope in
22 lieu of the affidavit prescribed by Section 19-5.

23 Any person who knowingly subscribes to a false statement in
24 connection with voting under this Section shall be guilty of a
25 Class A misdemeanor.

26 For the purposes of this Section, "nursing home resident"

1 includes a resident of (i) a federally operated veterans' home,
2 hospital, or facility located in Illinois or (ii) a facility
3 licensed under the ID/DD Community Care Act or the Specialized
4 Mental Health Rehabilitation Act of 2013. For the purposes of
5 this Section, "federally operated veterans' home, hospital, or
6 facility" means the long-term care facilities at the Jesse
7 Brown VA Medical Center, Illiana Health Care System, Edward
8 Hines, Jr. VA Hospital, Marion VA Medical Center, and Captain
9 James A. Lovell Federal Health Care Center.

10 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-275,
11 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1064, eff. 1-1-13;
12 98-104, eff. 7-22-13.)

13 (Text of Section after amendment by P.A. 98-1171)

14 Sec. 19-12.1. Any qualified elector who has secured an
15 Illinois Person with a Disability Identification Card in
16 accordance with the Illinois Identification Card Act,
17 indicating that the person named thereon has a Class 1A or
18 Class 2 disability or any qualified voter who has a permanent
19 physical incapacity of such a nature as to make it improbable
20 that he will be able to be present at the polls at any future
21 election, or any voter who is a resident of (i) a federally
22 operated veterans' home, hospital, or facility located in
23 Illinois or (ii) a facility licensed or certified pursuant to
24 the Nursing Home Care Act, the Specialized Mental Health
25 Rehabilitation Act of 2013, or the ID/DD Community Care Act and

1 has a condition or disability of such a nature as to make it
2 improbable that he will be able to be present at the polls at
3 any future election, may secure a voter's identification card
4 for persons with disabilities or a ~~disabled voter's or~~ nursing
5 home resident's identification card, which will enable him to
6 vote under this Article as a physically incapacitated or
7 nursing home voter. For the purposes of this Section,
8 "federally operated veterans' home, hospital, or facility"
9 means the long-term care facilities at the Jesse Brown VA
10 Medical Center, Illiana Health Care System, Edward Hines, Jr.
11 VA Hospital, Marion VA Medical Center, and Captain James A.
12 Lovell Federal Health Care Center.

13 Application for a voter's identification card for persons
14 with disabilities or a ~~disabled voter's or~~ nursing home
15 resident's identification card shall be made either: (a) in
16 writing, with voter's sworn affidavit, to the county clerk or
17 board of election commissioners, as the case may be, and shall
18 be accompanied by the affidavit of the attending physician
19 specifically describing the nature of the physical incapacity
20 or the fact that the voter is a nursing home resident and is
21 physically unable to be present at the polls on election days;
22 or (b) by presenting, in writing or otherwise, to the county
23 clerk or board of election commissioners, as the case may be,
24 proof that the applicant has secured an Illinois Person with a
25 Disability Identification Card indicating that the person
26 named thereon has a Class 1A or Class 2 disability. Upon the

1 receipt of either the sworn-to application and the physician's
2 affidavit or proof that the applicant has secured an Illinois
3 Person with a Disability Identification Card indicating that
4 the person named thereon has a Class 1A or Class 2 disability,
5 the county clerk or board of election commissioners shall issue
6 a voter's identification card for persons with disabilities or
7 a disabled voter's or nursing home resident's identification
8 card. Such identification cards shall be issued for a period of
9 5 years, upon the expiration of which time the voter may secure
10 a new card by making application in the same manner as is
11 prescribed for the issuance of an original card, accompanied by
12 a new affidavit of the attending physician. The date of
13 expiration of such five-year period shall be made known to any
14 interested person by the election authority upon the request of
15 such person. Applications for the renewal of the identification
16 cards shall be mailed to the voters holding such cards not less
17 than 3 months prior to the date of expiration of the cards.

18 Each voter's identification card for persons with
19 disabilities ~~disabled voter's~~ or nursing home resident's
20 identification card shall bear an identification number, which
21 shall be clearly noted on the voter's original and duplicate
22 registration record cards. In the event the holder becomes
23 physically capable of resuming normal voting, he must surrender
24 his voter's identification card for persons with disabilities
25 ~~disabled voter's~~ or nursing home resident's identification
26 card to the county clerk or board of election commissioners

1 before the next election.

2 The holder of a voter's identification card for persons
3 with disabilities or a ~~disabled voter's or~~ nursing home
4 resident's identification card may make application by mail for
5 an official ballot within the time prescribed by Section 19-2.
6 Such application shall contain the same information as is
7 included in the form of application for ballot by a physically
8 incapacitated elector prescribed in Section 19-3 except that it
9 shall also include the applicant's voter's identification card
10 for persons with disabilities ~~disabled voter's identification~~
11 card number and except that it need not be sworn to. If an
12 examination of the records discloses that the applicant is
13 lawfully entitled to vote, he shall be mailed a ballot as
14 provided in Section 19-4. The ballot envelope shall be the same
15 as that prescribed in Section 19-5 for voters with physical
16 disabilities ~~physically disabled voters~~, and the manner of
17 voting and returning the ballot shall be the same as that
18 provided in this Article for other vote by mail ballots, except
19 that a statement to be subscribed to by the voter but which
20 need not be sworn to shall be placed on the ballot envelope in
21 lieu of the affidavit prescribed by Section 19-5.

22 Any person who knowingly subscribes to a false statement in
23 connection with voting under this Section shall be guilty of a
24 Class A misdemeanor.

25 For the purposes of this Section, "nursing home resident"
26 includes a resident of (i) a federally operated veterans' home,

1 hospital, or facility located in Illinois or (ii) a facility
2 licensed under the ID/DD Community Care Act or the Specialized
3 Mental Health Rehabilitation Act of 2013. For the purposes of
4 this Section, "federally operated veterans' home, hospital, or
5 facility" means the long-term care facilities at the Jesse
6 Brown VA Medical Center, Illiana Health Care System, Edward
7 Hines, Jr. VA Hospital, Marion VA Medical Center, and Captain
8 James A. Lovell Federal Health Care Center.

9 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-275,
10 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1064, eff. 1-1-13;
11 98-104, eff. 7-22-13; 98-1171, eff. 6-1-15.)

12 (10 ILCS 5/19A-21)

13 Sec. 19A-21. Use of local public buildings for early voting
14 polling places. Upon request by an election authority, a unit
15 of local government (as defined in Section 1 of Article VII of
16 the Illinois Constitution, which does not include school
17 districts) shall make the unit's public buildings within the
18 election authority's jurisdiction available as permanent or
19 temporary early voting polling places without charge.
20 Availability of a building shall include reasonably necessary
21 time before and after the period early voting is conducted at
22 that building.

23 A unit of local government making its public building
24 available as a permanent or temporary early voting polling
25 place shall ensure that any portion of the building made

1 available is accessible to voters with disabilities
2 ~~handicapped~~ and elderly voters.

3 (Source: P.A. 94-1000, eff. 7-3-06.)

4 (10 ILCS 5/19A-40)

5 Sec. 19A-40. Enclosure of ballots in envelope. It is the
6 duty of the election judge or official to fold the ballot or
7 ballots in the manner specified by the statute for folding
8 ballots prior to their deposit in the ballot box, and to
9 enclose the ballot or ballots in an envelope unsealed to be
10 furnished by him or her, which envelope shall bear upon the
11 face thereof the name, official title, and post office address
12 of the election authority, and upon the other side a printed
13 certification in substantially the following form:

14 I state that I am a resident of the precinct of the
15 (1) *township of (2) *City of or (3) *.... ward in
16 the city of residing at in that city or town in the
17 county of and State of Illinois, that I have lived at that
18 address for months last past; that I am lawfully entitled
19 to vote in that precinct at the election to be held on
20

21 *fill in either (1), (2) or (3).

22 I further state that I personally marked the enclosed
23 ballot in secret.

24 Under penalties of perjury as provided by law pursuant to
25 Section 29-10 of the Election Code, the undersigned certifies

1 that the statements set forth in this certification are true
2 and correct.

3

4 If the ballot enclosed is to be voted at a primary
5 election, the certification shall designate the name of the
6 political party with which the voter is affiliated.

7 In addition to the above, the election authority shall
8 provide printed slips giving full instructions regarding the
9 manner of marking and returning the ballot in order that the
10 same may be counted, and shall furnish one of the printed slips
11 to each of such applicants at the same time the ballot is
12 delivered to him or her. The instructions shall include the
13 following statement: "In signing the certification on the early
14 ballot envelope, you are attesting that you personally marked
15 this early ballot in secret. If you are physically unable to
16 mark the ballot, a friend or relative may assist you. Federal
17 and State laws prohibit your employer, your employer's agent,
18 or an officer or agent of your union from assisting voters with
19 physical disabilities ~~physically disabled voters.~~"

20 In addition to the above, if a ballot to be provided to a
21 voter pursuant to this Section contains a public question
22 described in subsection (b) of Section 28-6 and the territory
23 concerning which the question is to be submitted is not
24 described on the ballot due to the space limitations of the
25 ballot, the election authority shall provide a printed copy of
26 a notice of the public question, which shall include a

1 description of the territory in the manner required by Section
2 16-7. The notice shall be furnished to the voter at the same
3 time the ballot is delivered to the voter.

4 (Source: P.A. 94-645, eff. 8-22-05.)

5 (10 ILCS 5/24-9) (from Ch. 46, par. 24-9)

6 Sec. 24-9. Assistance to illiterate voters and voters with
7 disabilities ~~and disabled voters~~ shall be given in accordance
8 with the provisions in Section 17-14 of this Act.

9 (Source: Laws 1943, vol. 2, p. 1.)

10 (10 ILCS 5/24C-11)

11 (Text of Section before amendment by P.A. 98-1171)

12 Sec. 24C-11. Functional requirements. A Direct Recording
13 Electronic Voting System shall, in addition to satisfying the
14 other requirements of this Article, fulfill the following
15 functional requirements:

16 (a) Provide a voter in a primary election with the means of
17 casting a ballot containing votes for any and all candidates of
18 the party or parties of his or her choice, and for any and all
19 non-partisan candidates and public questions and preclude the
20 voter from voting for any candidate of any other political
21 party except when legally permitted. In a general election, the
22 system shall provide the voter with means of selecting the
23 appropriate number of candidates for any office, and of voting
24 on any public question on the ballot to which he or she is

1 entitled to vote.

2 (b) If a voter is not entitled to vote for particular
3 candidates or public questions appearing on the ballot, the
4 system shall prevent the selection of the prohibited votes.

5 (c) Once the proper ballot has been selected, the system
6 devices shall provide a means of enabling the recording of
7 votes and the casting of said ballot.

8 (d) System voting devices shall provide voting choices that
9 are clear to the voter and labels indicating the names of every
10 candidate and the text of every public question on the voter's
11 ballot. Each label shall identify the selection button or
12 switch, or the active area of the ballot associated with it.
13 The system shall be able to incorporate minimal, easy-to-follow
14 on-screen instruction for the voter on how to cast a ballot.

15 (e) Voting devices shall (i) enable the voter to vote for
16 any and all candidates and public questions appearing on the
17 ballot for which the voter is lawfully entitled to vote, in any
18 legal number and combination; (ii) detect and reject all votes
19 for an office or upon a public question when the voter has cast
20 more votes for the office or upon the public question than the
21 voter is entitled to cast; (iii) notify the voter if the
22 voter's choices as recorded on the ballot for an office or
23 public question are fewer than or exceed the number that the
24 voter is entitled to vote for on that office or public question
25 and the effect of casting more or fewer votes than legally
26 permitted; (iv) notify the voter if the voter has failed to

1 completely cast a vote for an office or public question
2 appearing on the ballot; and (v) permit the voter, in a private
3 and independent manner, to verify the votes selected by the
4 voter, to change the ballot or to correct any error on the
5 ballot before the ballot is completely cast and counted. A
6 means shall be provided to indicate each selection after it has
7 been made or canceled.

8 (f) System voting devices shall provide a means for the
9 voter to signify that the selection of candidates and public
10 questions has been completed. Upon activation, the system shall
11 record an image of the completed ballot, increment the proper
12 ballot position registers, and shall signify to the voter that
13 the ballot has been cast. The system shall then prevent any
14 further attempt to vote until it has been reset or re-enabled
15 by a judge of election.

16 (g) Each system voting device shall be equipped with a
17 public counter that can be set to zero prior to the opening of
18 the polling place, and that records the number of ballots cast
19 at a particular election. The counter shall be incremented only
20 by the casting of a ballot. The counter shall be designed to
21 prevent disabling or resetting by other than authorized persons
22 after the polls close. The counter shall be visible to all
23 judges of election so long as the device is installed at the
24 polling place.

25 (h) Each system voting device shall be equipped with a
26 protective counter that records all of the testing and election

1 ballots cast since the unit was built. This counter shall be
2 designed so that its reading cannot be changed by any cause
3 other than the casting of a ballot. The protective counter
4 shall be incapable of ever being reset and it shall be visible
5 at all times when the device is configured for testing,
6 maintenance, or election use.

7 (i) All system devices shall provide a means of preventing
8 further voting once the polling place has closed and after all
9 eligible voters have voted. Such means of control shall
10 incorporate a visible indication of system status. Each device
11 shall prevent any unauthorized use, prevent tampering with
12 ballot labels and preclude its re-opening once the poll closing
13 has been completed for that election.

14 (j) The system shall produce a printed summary report of
15 the votes cast upon each voting device. Until the proper
16 sequence of events associated with closing the polling place
17 has been completed, the system shall not allow the printing of
18 a report or the extraction of data. The printed report shall
19 also contain all system audit information to be required by the
20 election authority. Data shall not be altered or otherwise
21 destroyed by report generation and the system shall ensure the
22 integrity and security of data for a period of at least 6
23 months after the polls close.

24 (k) If more than one voting device is used in a polling
25 place, the system shall provide a means to manually or
26 electronically consolidate the data from all such units into a

1 single report even if different voting systems are used to
2 record absentee ballots. The system shall also be capable of
3 merging the vote tabulation results produced by other vote
4 tabulation systems, if necessary.

5 (l) System functions shall be implemented such that
6 unauthorized access to them is prevented and the execution of
7 authorized functions in an improper sequence is precluded.
8 System functions shall be executable only in the intended
9 manner and order, and only under the intended conditions. If
10 the preconditions to a system function have not been met, the
11 function shall be precluded from executing by the system's
12 control logic.

13 (m) All system voting devices shall incorporate at least 3
14 memories in the machine itself and in its programmable memory
15 devices.

16 (n) The system shall include capabilities of recording and
17 reporting the date and time of normal and abnormal events and
18 of maintaining a permanent record of audit information that
19 cannot be turned off. Provisions shall be made to detect and
20 record significant events (e.g., casting a ballot, error
21 conditions that cannot be disposed of by the system itself,
22 time-dependent or programmed events that occur without the
23 intervention of the voter or a judge of election).

24 (o) The system and each system voting device must be
25 capable of creating, printing and maintaining a permanent paper
26 record and an electronic image of each ballot that is cast such

1 that records of individual ballots are maintained by a
2 subsystem independent and distinct from the main vote
3 detection, interpretation, processing and reporting path. The
4 electronic images of each ballot must protect the integrity of
5 the data and the anonymity of each voter, for example, by means
6 of storage location scrambling. The ballot image records may be
7 either machine-readable or manually transcribed, or both, at
8 the discretion of the election authority.

9 (p) The system shall include built-in test, measurement and
10 diagnostic software and hardware for detecting and reporting
11 the system's status and degree of operability.

12 (q) The system shall contain provisions for maintaining the
13 integrity of memory voting and audit data during an election
14 and for a period of at least 6 months thereafter and shall
15 provide the means for creating an audit trail.

16 (r) The system shall be fully accessible so as to permit
17 blind or visually impaired voters as well as voters with
18 physical disabilities ~~physically disabled voters~~ to exercise
19 their right to vote in private and without assistance.

20 (s) The system shall provide alternative language
21 accessibility if required pursuant to Section 203 of the Voting
22 Rights Act of 1965.

23 (t) Each voting device shall enable a voter to vote for a
24 person whose name does not appear on the ballot.

25 (u) The system shall record and count accurately each vote
26 properly cast for or against any candidate and for or against

1 any public question, including the names of all candidates
2 whose names are written in by the voters.

3 (v) The system shall allow for accepting provisional
4 ballots and for separating such provisional ballots from
5 precinct totals until authorized by the election authority.

6 (w) The system shall provide an effective audit trail as
7 defined in Section 24C-2 in this Code.

8 (x) The system shall be suitably designed for the purpose
9 used, be durably constructed, and be designed for safety,
10 accuracy and efficiency.

11 (y) The system shall comply with all provisions of federal,
12 State and local election laws and regulations and any future
13 modifications to those laws and regulations.

14 (Source: P.A. 95-699, eff. 11-9-07.)

15 (Text of Section after amendment by P.A. 98-1171)

16 Sec. 24C-11. Functional requirements. A Direct Recording
17 Electronic Voting System shall, in addition to satisfying the
18 other requirements of this Article, fulfill the following
19 functional requirements:

20 (a) Provide a voter in a primary election with the means of
21 casting a ballot containing votes for any and all candidates of
22 the party or parties of his or her choice, and for any and all
23 non-partisan candidates and public questions and preclude the
24 voter from voting for any candidate of any other political
25 party except when legally permitted. In a general election, the

1 system shall provide the voter with means of selecting the
2 appropriate number of candidates for any office, and of voting
3 on any public question on the ballot to which he or she is
4 entitled to vote.

5 (b) If a voter is not entitled to vote for particular
6 candidates or public questions appearing on the ballot, the
7 system shall prevent the selection of the prohibited votes.

8 (c) Once the proper ballot has been selected, the system
9 devices shall provide a means of enabling the recording of
10 votes and the casting of said ballot.

11 (d) System voting devices shall provide voting choices that
12 are clear to the voter and labels indicating the names of every
13 candidate and the text of every public question on the voter's
14 ballot. Each label shall identify the selection button or
15 switch, or the active area of the ballot associated with it.
16 The system shall be able to incorporate minimal, easy-to-follow
17 on-screen instruction for the voter on how to cast a ballot.

18 (e) Voting devices shall (i) enable the voter to vote for
19 any and all candidates and public questions appearing on the
20 ballot for which the voter is lawfully entitled to vote, in any
21 legal number and combination; (ii) detect and reject all votes
22 for an office or upon a public question when the voter has cast
23 more votes for the office or upon the public question than the
24 voter is entitled to cast; (iii) notify the voter if the
25 voter's choices as recorded on the ballot for an office or
26 public question are fewer than or exceed the number that the

1 voter is entitled to vote for on that office or public question
2 and the effect of casting more or fewer votes than legally
3 permitted; (iv) notify the voter if the voter has failed to
4 completely cast a vote for an office or public question
5 appearing on the ballot; and (v) permit the voter, in a private
6 and independent manner, to verify the votes selected by the
7 voter, to change the ballot or to correct any error on the
8 ballot before the ballot is completely cast and counted. A
9 means shall be provided to indicate each selection after it has
10 been made or canceled.

11 (f) System voting devices shall provide a means for the
12 voter to signify that the selection of candidates and public
13 questions has been completed. Upon activation, the system shall
14 record an image of the completed ballot, increment the proper
15 ballot position registers, and shall signify to the voter that
16 the ballot has been cast. The system shall then prevent any
17 further attempt to vote until it has been reset or re-enabled
18 by a judge of election.

19 (g) Each system voting device shall be equipped with a
20 public counter that can be set to zero prior to the opening of
21 the polling place, and that records the number of ballots cast
22 at a particular election. The counter shall be incremented only
23 by the casting of a ballot. The counter shall be designed to
24 prevent disabling or resetting by other than authorized persons
25 after the polls close. The counter shall be visible to all
26 judges of election so long as the device is installed at the

1 polling place.

2 (h) Each system voting device shall be equipped with a
3 protective counter that records all of the testing and election
4 ballots cast since the unit was built. This counter shall be
5 designed so that its reading cannot be changed by any cause
6 other than the casting of a ballot. The protective counter
7 shall be incapable of ever being reset and it shall be visible
8 at all times when the device is configured for testing,
9 maintenance, or election use.

10 (i) All system devices shall provide a means of preventing
11 further voting once the polling place has closed and after all
12 eligible voters have voted. Such means of control shall
13 incorporate a visible indication of system status. Each device
14 shall prevent any unauthorized use, prevent tampering with
15 ballot labels and preclude its re-opening once the poll closing
16 has been completed for that election.

17 (j) The system shall produce a printed summary report of
18 the votes cast upon each voting device. Until the proper
19 sequence of events associated with closing the polling place
20 has been completed, the system shall not allow the printing of
21 a report or the extraction of data. The printed report shall
22 also contain all system audit information to be required by the
23 election authority. Data shall not be altered or otherwise
24 destroyed by report generation and the system shall ensure the
25 integrity and security of data for a period of at least 6
26 months after the polls close.

1 (k) If more than one voting device is used in a polling
2 place, the system shall provide a means to manually or
3 electronically consolidate the data from all such units into a
4 single report even if different voting systems are used to
5 record ballots. The system shall also be capable of merging the
6 vote tabulation results produced by other vote tabulation
7 systems, if necessary.

8 (l) System functions shall be implemented such that
9 unauthorized access to them is prevented and the execution of
10 authorized functions in an improper sequence is precluded.
11 System functions shall be executable only in the intended
12 manner and order, and only under the intended conditions. If
13 the preconditions to a system function have not been met, the
14 function shall be precluded from executing by the system's
15 control logic.

16 (m) All system voting devices shall incorporate at least 3
17 memories in the machine itself and in its programmable memory
18 devices.

19 (n) The system shall include capabilities of recording and
20 reporting the date and time of normal and abnormal events and
21 of maintaining a permanent record of audit information that
22 cannot be turned off. Provisions shall be made to detect and
23 record significant events (e.g., casting a ballot, error
24 conditions that cannot be disposed of by the system itself,
25 time-dependent or programmed events that occur without the
26 intervention of the voter or a judge of election).

1 (o) The system and each system voting device must be
2 capable of creating, printing and maintaining a permanent paper
3 record and an electronic image of each ballot that is cast such
4 that records of individual ballots are maintained by a
5 subsystem independent and distinct from the main vote
6 detection, interpretation, processing and reporting path. The
7 electronic images of each ballot must protect the integrity of
8 the data and the anonymity of each voter, for example, by means
9 of storage location scrambling. The ballot image records may be
10 either machine-readable or manually transcribed, or both, at
11 the discretion of the election authority.

12 (p) The system shall include built-in test, measurement and
13 diagnostic software and hardware for detecting and reporting
14 the system's status and degree of operability.

15 (q) The system shall contain provisions for maintaining the
16 integrity of memory voting and audit data during an election
17 and for a period of at least 6 months thereafter and shall
18 provide the means for creating an audit trail.

19 (r) The system shall be fully accessible so as to permit
20 blind or visually impaired voters as well as voters with
21 physical disabilities ~~physically disabled voters~~ to exercise
22 their right to vote in private and without assistance.

23 (s) The system shall provide alternative language
24 accessibility if required pursuant to Section 203 of the Voting
25 Rights Act of 1965.

26 (t) Each voting device shall enable a voter to vote for a

1 person whose name does not appear on the ballot.

2 (u) The system shall record and count accurately each vote
3 properly cast for or against any candidate and for or against
4 any public question, including the names of all candidates
5 whose names are written in by the voters.

6 (v) The system shall allow for accepting provisional
7 ballots and for separating such provisional ballots from
8 precinct totals until authorized by the election authority.

9 (w) The system shall provide an effective audit trail as
10 defined in Section 24C-2 in this Code.

11 (x) The system shall be suitably designed for the purpose
12 used, be durably constructed, and be designed for safety,
13 accuracy and efficiency.

14 (y) The system shall comply with all provisions of federal,
15 State and local election laws and regulations and any future
16 modifications to those laws and regulations.

17 (Source: P.A. 98-1171, eff. 6-1-15.)

18 Section 50. The State Budget Law of the Civil
19 Administrative Code of Illinois is amended by changing Section
20 50-10 as follows:

21 (15 ILCS 20/50-10) (was 15 ILCS 20/38.1)

22 Sec. 50-10. Budget contents. The budget shall be submitted
23 by the Governor with line item and program data. The budget
24 shall also contain performance data presenting an estimate for

1 the current fiscal year, projections for the budget year, and
2 information for the 3 prior fiscal years comparing department
3 objectives with actual accomplishments, formulated according
4 to the various functions and activities, and, wherever the
5 nature of the work admits, according to the work units, for
6 which the respective departments, offices, and institutions of
7 the State government (including the elective officers in the
8 executive department and including the University of Illinois
9 and the judicial department) are responsible.

10 For the fiscal year beginning July 1, 1992 and for each
11 fiscal year thereafter, the budget shall include the
12 performance measures of each department's accountability
13 report.

14 For the fiscal year beginning July 1, 1997 and for each
15 fiscal year thereafter, the budget shall include one or more
16 line items appropriating moneys to the Department of Human
17 Services to fund participation in the Home-Based Support
18 Services Program for Adults with Mental Disabilities ~~Mentally~~
19 ~~Disabled Adults~~ under the Developmental Disability and Mental
20 Disability Services Act by persons described in Section 2-17 of
21 that Act.

22 The budget shall contain a capital development section in
23 which the Governor will present (1) information on the capital
24 projects and capital programs for which appropriations are
25 requested, (2) the capital spending plans, which shall document
26 the first and subsequent years cash requirements by fund for

1 the proposed bonded program, and (3) a statement that shall
2 identify by year the principal and interest costs until
3 retirement of the State's general obligation debt. In addition,
4 the principal and interest costs of the budget year program
5 shall be presented separately, to indicate the marginal cost of
6 principal and interest payments necessary to retire the
7 additional bonds needed to finance the budget year's capital
8 program. In 2004 only, the capital development section of the
9 State budget shall be submitted by the Governor not later than
10 the fourth Tuesday of March (March 23, 2004).

11 The budget shall contain a section indicating whether there
12 is a projected budget surplus or a projected budget deficit for
13 general funds in the current fiscal year, or whether the
14 current fiscal year's general funds budget is projected to be
15 balanced, based on estimates prepared by the Governor's Office
16 of Management and Budget using actual figures available on the
17 date the budget is submitted. That section shall present this
18 information in both a numerical table format and by way of a
19 narrative description, and shall include information for the
20 proposed upcoming fiscal year, the current fiscal year, and the
21 2 years prior to the current fiscal year. These estimates must
22 specifically and separately identify any non-recurring
23 revenues, including, but not limited to, borrowed money, money
24 derived by borrowing or transferring from other funds, or any
25 non-operating financial source. None of these specifically and
26 separately identified non-recurring revenues may include any

1 revenue that cannot be realized without a change to law. The
2 table shall show accounts payable at the end of each fiscal
3 year in a manner that specifically and separately identifies
4 any general funds liabilities accrued during the current and
5 prior fiscal years that may be paid from future fiscal years'
6 appropriations, including, but not limited to, costs that may
7 be paid beyond the end of the lapse period as set forth in
8 Section 25 of the State Finance Act and costs incurred by the
9 Department on Aging. The section shall also include an estimate
10 of individual and corporate income tax overpayments that will
11 not be refunded before the close of the fiscal year.

12 For the budget year, the current year, and 3 prior fiscal
13 years, the Governor shall also include in the budget estimates
14 of or actual values for the assets and liabilities for General
15 Assembly Retirement System, State Employees' Retirement System
16 of Illinois, State Universities Retirement System, Teachers'
17 Retirement System of the State of Illinois, and Judges
18 Retirement System of Illinois.

19 The budget submitted by the Governor shall contain, in
20 addition, in a separate book, a tabulation of all position and
21 employment titles in each such department, office, and
22 institution, the number of each, and the salaries for each,
23 formulated according to divisions, bureaus, sections, offices,
24 departments, boards, and similar subdivisions, which shall
25 correspond as nearly as practicable to the functions and
26 activities for which the department, office, or institution is

1 responsible.

2 Together with the budget, the Governor shall transmit the
3 estimates of receipts and expenditures, as received by the
4 Director of the Governor's Office of Management and Budget, of
5 the elective officers in the executive and judicial departments
6 and of the University of Illinois.

7 An applicable appropriations committee of each chamber of
8 the General Assembly, for fiscal year 2012 and thereafter, must
9 review individual line item appropriations and the total budget
10 for each State agency, as defined in the Illinois State
11 Auditing Act.

12 (Source: P.A. 98-460, eff. 1-1-14.)

13 Section 55. The Civil and Equal Rights Enforcement Act is
14 amended by changing Section 1 as follows:

15 (15 ILCS 210/1) (from Ch. 14, par. 9)

16 Sec. 1. There is created in the office of the Attorney
17 General a Division for the Enforcement of Civil and Equal
18 Rights. The Division, under the supervision and direction of
19 the Attorney General, shall investigate all violations of the
20 laws relating to civil rights and the prevention of
21 discriminations against persons by reason of race, color,
22 creed, religion, sex, national origin, or physical or mental
23 disability ~~handicap~~, and shall, whenever such violations are
24 established, undertake necessary enforcement measures.

1 (Source: P.A. 80-358.)

2 Section 60. The Secretary of State Merit Employment Code is
3 amended by changing Sections 18a, 18b, and 18c as follows:

4 (15 ILCS 310/18a) (from Ch. 124, par. 118a)

5 Sec. 18a. Equal Employment Opportunity Plan. The Equal
6 Employment Opportunity Officer shall, within 90 days after the
7 effective date of this Act and annually thereafter, submit to
8 the Secretary of State a plan for assuring equal employment
9 opportunity. This plan shall include a current detailed status
10 report (a) indicating, by each position in the service of the
11 Secretary of State, the number, percentage, and average salary
12 of women, minorities, and individuals with disabilities
13 ~~handicapped—individuals~~ employed; (b) identifying all
14 positions in which the percentage of women, minorities, and
15 individuals with disabilities ~~handicapped~~ employed is less
16 than 4/5 the percentage of women, minorities, and individuals
17 with disabilities ~~handicapped~~ in the State work force; (c)
18 specifying the goals and methods for increasing the percentage
19 of women, minorities, and individuals with disabilities
20 ~~handicapped~~ employed in these positions; and (d) indicating
21 progress and problems towards meeting equal employment
22 opportunity goals.

23 (Source: P.A. 80-13.)

1 (15 ILCS 310/18b) (from Ch. 124, par. 118b)

2 Sec. 18b. Duties of Secretary of State's Equal Employment
3 Opportunity Officer. The Secretary of State's Equal Employment
4 Opportunity Officer shall:

5 (1) set forth a detailed and uniform method and requirement
6 by which the Office of the Secretary of State shall develop and
7 implement equal employment opportunity plans as required in
8 Section 19;

9 (2) establish reporting procedures for measuring progress
10 and evaluation performance in achieving equal employment
11 opportunity goals;

12 (3) provide technical assistance and training to officials
13 of the Office of the Secretary of State in achieving equal
14 employment opportunity goals;

15 (4) develop and implement training programs to help women,
16 minorities, and individuals with disabilities ~~handicapped~~
17 ~~individuals~~ qualified for government positions and positions
18 with government contractors;

19 (5) report quarterly to the Secretary of State on progress,
20 performance, and problems in meeting equal employment
21 opportunity goals; and

22 (6) head a staff to assist him or her in performing his or
23 her powers and duties.

24 (Source: P.A. 80-13.)

25 (15 ILCS 310/18c) (from Ch. 124, par. 118c)

1 Sec. 18c. Supported employees.

2 (a) The Director shall develop and implement a supported
3 employment program. It shall be the goal of the program to
4 appoint a minimum of 10 supported employees to Secretary of
5 State positions before June 30, 1992.

6 (b) The Director shall designate a liaison to work with
7 State agencies and departments under the jurisdiction of the
8 Secretary of State and any funder or provider or both in the
9 implementation of a supported employment program.

10 (c) As used in this Section:

11 (1) "Supported employee" means any individual who:

12 (A) has a severe physical or mental disability
13 which seriously limits functional capacities including
14 but not limited to mobility, communication, self-care,
15 self-direction, work tolerance or work skills, in
16 terms of employability as defined, determined and
17 certified by the Department of Human Services; and

18 (B) has one or more physical or mental disabilities
19 resulting from amputation; arthritis; blindness;
20 cancer; cerebral palsy; cystic fibrosis; deafness;
21 heart disease; hemiplegia; respiratory or pulmonary
22 dysfunction; an intellectual disability; mental
23 illness; multiple sclerosis; muscular dystrophy;
24 musculoskeletal disorders; neurological disorders,
25 including stroke and epilepsy; paraplegia;
26 quadriplegia and other spinal cord conditions; sickle

1 cell anemia; and end-stage renal disease; or another
2 disability or combination of disabilities determined
3 on the basis of an evaluation of rehabilitation
4 potential to cause comparable substantial functional
5 limitation.

6 (2) "Supported employment" means competitive work in
7 integrated work settings:

8 (A) for individuals with severe disabilities
9 ~~handicaps~~ for whom competitive employment has not
10 traditionally occurred, or

11 (B) for individuals for whom competitive
12 employment has been interrupted or intermittent as a
13 result of a severe disability, and who because of their
14 disability handicap, need on-going support services to
15 perform such work. The term includes transitional
16 employment for individuals with chronic mental
17 illness.

18 (3) "Participation in a supported employee program"
19 means participation as a supported employee that is not
20 based on the expectation that an individual will have the
21 skills to perform all the duties in a job class, but on the
22 assumption that with support and adaptation, or both, a job
23 can be designed to take advantage of the supported
24 employee's special strengths.

25 (4) "Funder" means any entity either State, local or
26 federal, or private not-for-profit or for-profit that

1 provides monies to programs that provide services related
2 to supported employment.

3 (5) "Provider" means any entity either public or
4 private that provides technical support and services to any
5 department or agency subject to the control of the
6 Governor, the Secretary of State or the University Civil
7 Service System.

8 (d) The Director shall establish job classifications for
9 supported employees who may be appointed into the
10 classifications without open competitive testing requirements.
11 Supported employees shall serve in a trial employment capacity
12 for not less than 3 or more than 12 months.

13 (e) The Director shall maintain a record of all individuals
14 hired as supported employees. The record shall include:

15 (1) the number of supported employees initially
16 appointed;

17 (2) the number of supported employees who successfully
18 complete the trial employment periods; and

19 (3) the number of permanent targeted positions by
20 titles.

21 (f) The Director shall submit an annual report to the
22 General Assembly regarding the employment progress of
23 supported employees, with recommendations for legislative
24 action.

25 (Source: P.A. 97-227, eff. 1-1-12.)

1 Section 65. The State Library Act is amended by changing
2 Section 18 as follows:

3 (15 ILCS 320/18) (from Ch. 128, par. 118)

4 Sec. 18. Federal aid. The Secretary of State and State
5 Librarian is authorized and empowered to do all things
6 necessary and proper to fully cooperate with the United States
7 government in the administering of any Act heretofore, or
8 hereafter enacted for the purpose of appropriation of funds for
9 the payment of salaries, library materials, access to
10 electronic resources, library supplies, equipment, the
11 construction of library buildings, library services throughout
12 the State, and for library services to persons with physical
13 disabilities ~~the physically handicapped~~.

14 (Source: P.A. 91-507, eff. 8-13-99.)

15 Section 70. The Accessible Electronic Information Act is
16 amended by changing Sections 5, 10, and 15 as follows:

17 (15 ILCS 323/5)

18 Sec. 5. Legislative findings. The Legislature finds and
19 declares all of the following:

20 (a) Thousands of citizens in this State have disabilities
21 (including blindness or visual impairment) that prevent them
22 from using conventional print material.

23 (b) The State fulfills an important responsibility by

1 providing books and magazines prepared in Braille, audio, and
2 large-type formats made available to eligible blind persons and
3 persons with disabilities ~~blind and disabled persons~~.

4 (c) The technology, transcription methods, and means of
5 distribution used for these materials are labor-intensive and
6 cannot support rapid dissemination to individuals in rural and
7 urban areas throughout the State.

8 (d) Lack of direct and prompt access to information
9 included in newspapers, magazines, newsletters, schedules,
10 announcements, and other time-sensitive materials limits
11 educational opportunities, literacy, and full participation in
12 society by blind persons and persons with disabilities ~~and~~
13 ~~disabled persons~~.

14 (Source: P.A. 93-797, eff. 7-22-04.)

15 (15 ILCS 323/10)

16 Sec. 10. Definitions. As used in this Act:

17 "Accessible electronic information service" means news and
18 other timely information (including newspapers) provided to
19 eligible individuals from a multi-state service center, using
20 high-speed computers and telecommunications technology for
21 interstate acquisition of content and rapid distribution in a
22 form appropriate for use by such individuals.

23 "Blind persons and persons with disabilities ~~Blind and~~
24 ~~disabled persons~~" means those individuals who are eligible for
25 library loan services through the Library of Congress and the

1 State Library for the Blind and Physically Handicapped pursuant
2 to 36 CFR 701.10(b).

3 "Director" means the State Librarian.

4 "Qualified entity" means an agency, instrumentality, or
5 political subdivision of the State or a nonprofit organization
6 that:

7 (1) provides interstate access for eligible persons to
8 read daily newspapers by producing audio editions by
9 computer; and

10 (2) provides a means of program administration and
11 reader registration on the Internet.

12 (Source: P.A. 93-797, eff. 7-22-04.)

13 (15 ILCS 323/15)

14 Sec. 15. Accessible electronic information service
15 program. The Director by rule shall develop and implement a
16 program of grants to qualified entities for the provision of
17 accessible electronic information service to blind persons and
18 persons with disabilities ~~blind and disabled persons~~
19 throughout Illinois. The grants shall be funded through
20 appropriations from the Accessible Electronic Information
21 Service Fund established in Section 20.

22 (Source: P.A. 93-797, eff. 7-22-04.)

23 Section 75. The Illinois Identification Card Act is amended
24 by changing Sections 2, 4, 4A, and 13 as follows:

1 (15 ILCS 335/2) (from Ch. 124, par. 22)

2 Sec. 2. Administration and powers and duties of the
3 Administrator.

4 (a) The Secretary of State is the Administrator of this
5 Act, and he is charged with the duty of observing,
6 administering and enforcing the provisions of this Act.

7 (b) The Secretary is vested with the powers and duties for
8 the proper administration of this Act as follows:

9 1. He shall organize the administration of this Act as
10 he may deem necessary and appoint such subordinate
11 officers, clerks and other employees as may be necessary.

12 2. From time to time, he may make, amend or rescind
13 rules and regulations as may be in the public interest to
14 implement the Act.

15 3. He may prescribe or provide suitable forms as
16 necessary, including such forms as are necessary to
17 establish that an applicant for an Illinois Person with a
18 Disability Identification Card is a "person with a
19 disability" ~~disabled person~~ as defined in Section 4A of
20 this Act, and establish that an applicant for a State
21 identification card is a "homeless person" as defined in
22 Section 1A of this Act.

23 4. He may prepare under the seal of the Secretary of
24 State certified copies of any records utilized under this
25 Act and any such certified copy shall be admissible in any

1 proceeding in any court in like manner as the original
2 thereof.

3 5. Records compiled under this Act shall be maintained
4 for 6 years, but the Secretary may destroy such records
5 with the prior approval of the State Records Commission.

6 6. He shall examine and determine the genuineness,
7 regularity and legality of every application filed with him
8 under this Act, and he may in all cases investigate the
9 same, require additional information or proof or
10 documentation from any applicant.

11 7. He shall require the payment of all fees prescribed
12 in this Act, and all such fees received by him shall be
13 placed in the Road Fund of the State treasury except as
14 otherwise provided in Section 12 of this Act.

15 (Source: P.A. 96-183, eff. 7-1-10; 97-1064, eff. 1-1-13.)

16 (15 ILCS 335/4) (from Ch. 124, par. 24)

17 Sec. 4. Identification Card.

18 (a) The Secretary of State shall issue a standard Illinois
19 Identification Card to any natural person who is a resident of
20 the State of Illinois who applies for such card, or renewal
21 thereof, or who applies for a standard Illinois Identification
22 Card upon release as a committed person on parole, mandatory
23 supervised release, aftercare release, final discharge, or
24 pardon from the Department of Corrections or Department of
25 Juvenile Justice by submitting an identification card issued by

1 the Department of Corrections or Department of Juvenile Justice
2 under Section 3-14-1 or Section 3-2.5-70 of the Unified Code of
3 Corrections, together with the prescribed fees. No
4 identification card shall be issued to any person who holds a
5 valid foreign state identification card, license, or permit
6 unless the person first surrenders to the Secretary of State
7 the valid foreign state identification card, license, or
8 permit. The card shall be prepared and supplied by the
9 Secretary of State and shall include a photograph and signature
10 or mark of the applicant. However, the Secretary of State may
11 provide by rule for the issuance of Illinois Identification
12 Cards without photographs if the applicant has a bona fide
13 religious objection to being photographed or to the display of
14 his or her photograph. The Illinois Identification Card may be
15 used for identification purposes in any lawful situation only
16 by the person to whom it was issued. As used in this Act,
17 "photograph" means any color photograph or digitally produced
18 and captured image of an applicant for an identification card.
19 As used in this Act, "signature" means the name of a person as
20 written by that person and captured in a manner acceptable to
21 the Secretary of State.

22 (a-5) If an applicant for an identification card has a
23 current driver's license or instruction permit issued by the
24 Secretary of State, the Secretary may require the applicant to
25 utilize the same residence address and name on the
26 identification card, driver's license, and instruction permit

1 records maintained by the Secretary. The Secretary may
2 promulgate rules to implement this provision.

3 (a-10) If the applicant is a judicial officer as defined in
4 Section 1-10 of the Judicial Privacy Act or a peace officer,
5 the applicant may elect to have his or her office or work
6 address listed on the card instead of the applicant's residence
7 or mailing address. The Secretary may promulgate rules to
8 implement this provision. For the purposes of this subsection
9 (a-10), "peace officer" means any person who by virtue of his
10 or her office or public employment is vested by law with a duty
11 to maintain public order or to make arrests for a violation of
12 any penal statute of this State, whether that duty extends to
13 all violations or is limited to specific violations.

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

1 signature or mark of the applicant, a designation indicating
2 that the card is an Illinois Person with a Disability
3 Identification Card, and shall include a comprehensible
4 designation of the type and classification of the applicant's
5 disability as set out in Section 4A of this Act. However, the
6 Secretary of State may provide by rule for the issuance of
7 Illinois Person with a Disability Identification Cards without
8 photographs if the applicant has a bona fide religious
9 objection to being photographed or to the display of his or her
10 photograph. If the applicant so requests, the card shall
11 include a description of the applicant's disability and any
12 information about the applicant's disability or medical
13 history which the Secretary determines would be helpful to the
14 applicant in securing emergency medical care. If a mark is used
15 in lieu of a signature, such mark shall be affixed to the card
16 in the presence of two witnesses who attest to the authenticity
17 of the mark. The Illinois Person with a Disability
18 Identification Card may be used for identification purposes in
19 any lawful situation by the person to whom it was issued.

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

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

19 An optometrist's determination of a visual disability
20 under Section 4A of this Act is acceptable as documentation for
21 the purpose of issuing an Illinois Person with a Disability
22 Identification Card.

23 When medical information is contained on an Illinois Person
24 with a Disability Identification Card, the Office of the
25 Secretary of State shall not be liable for any actions taken
26 based upon that medical information.

1 (c) The Secretary of State shall provide that each original
2 or renewal Illinois Identification Card or Illinois Person with
3 a Disability Identification Card issued to a person under the
4 age of 21 shall be of a distinct nature from those Illinois
5 Identification Cards or Illinois Person with a Disability
6 Identification Cards issued to individuals 21 years of age or
7 older. The color designated for Illinois Identification Cards
8 or Illinois Person with a Disability Identification Cards for
9 persons under the age of 21 shall be at the discretion of the
10 Secretary of State.

11 (c-1) Each original or renewal Illinois Identification
12 Card or Illinois Person with a Disability Identification Card
13 issued to a person under the age of 21 shall display the date
14 upon which the person becomes 18 years of age and the date upon
15 which the person becomes 21 years of age.

16 (c-3) The General Assembly recognizes the need to identify
17 military veterans living in this State for the purpose of
18 ensuring that they receive all of the services and benefits to
19 which they are legally entitled, including healthcare,
20 education assistance, and job placement. To assist the State in
21 identifying these veterans and delivering these vital services
22 and benefits, the Secretary of State is authorized to issue
23 Illinois Identification Cards and Illinois Person with a
24 Disability Identification Cards with the word "veteran"
25 appearing on the face of the cards. This authorization is
26 predicated on the unique status of veterans. The Secretary may

1 not issue any other identification card which identifies an
2 occupation, status, affiliation, hobby, or other unique
3 characteristics of the identification card holder which is
4 unrelated to the purpose of the identification card.

5 (c-5) Beginning on or before July 1, 2015, the Secretary of
6 State shall designate a space on each original or renewal
7 identification card where, at the request of the applicant, the
8 word "veteran" shall be placed. The veteran designation shall
9 be available to a person identified as a veteran under
10 subsection (b) of Section 5 of this Act who was discharged or
11 separated under honorable conditions.

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

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

1 specify, that shall indicate in appropriate language that the
2 card holder has renewed his or her Illinois Identification Card
3 or Illinois Person with a Disability Identification Card.

4 (Source: P.A. 97-371, eff. 1-1-12; 97-739, eff. 1-1-13; 97-847,
5 eff. 1-1-13; 97-1064, eff. 1-1-13; 98-323, eff. 1-1-14; 98-463,
6 eff. 8-16-13; 98-558, eff. 1-1-14; 98-756, eff. 7-16-14.)

7 (15 ILCS 335/4A) (from Ch. 124, par. 24A)

8 Sec. 4A. (a) "Person with a disability" as used in this Act
9 means any person who is, and who is expected to indefinitely
10 continue to be, subject to any of the following five types of
11 disabilities:

12 Type One: Physical disability. A physical disability is a
13 physical impairment, disease, or loss, which is of a permanent
14 nature, and which substantially limits physical ability or
15 motor skills. The Secretary of State shall establish standards
16 not inconsistent with this provision necessary to determine the
17 presence of a physical disability.

18 Type Two: Developmental disability. Developmental
19 disability means a disability that is attributable to: (i) an
20 intellectual disability, cerebral palsy, epilepsy, or autism
21 or (ii) any other condition that results in impairment similar
22 to that caused by an intellectual disability and requires
23 services similar to those required by persons with intellectual
24 disabilities. Such a disability must originate before the age
25 of 18 years, be expected to continue indefinitely, and

1 constitute a substantial disability ~~handicap~~. The Secretary of
2 State shall establish standards not inconsistent with this
3 provision necessary to determine the presence of a
4 developmental disability.

5 Type Three: Visual disability. A visual disability is
6 blindness, and the term "blindness" means central vision acuity
7 of 20/200 or less in the better eye with the use of a
8 correcting lens. An eye that is accompanied by a limitation in
9 the fields of vision so that the widest diameter of the visual
10 field subtends an angle no greater than 20 degrees shall be
11 considered as having a central vision acuity of 20/200 or less.
12 The Secretary of State shall establish standards not
13 inconsistent with this Section necessary to determine the
14 presence of a visual disability.

15 Type Four: Hearing disability. A hearing disability is a
16 disability resulting in complete absence of hearing, or hearing
17 that with sound enhancing or magnifying equipment is so
18 impaired as to require the use of sensory input other than
19 hearing as the principal means of receiving spoken language.
20 The Secretary of State shall establish standards not
21 inconsistent with this Section necessary to determine the
22 presence of a hearing disability.

23 Type Five: Mental Disability. A mental disability is a
24 significant impairment of an individual's cognitive,
25 affective, or relational abilities that may require
26 intervention and may be a recognized, medically diagnosable

1 illness or disorder. The Secretary of State shall establish
2 standards not inconsistent with this provision necessary to
3 determine the presence of a mental disability.

4 (b) For purposes of this Act, a disability shall be
5 classified as follows: Class 1 disability: A Class 1 disability
6 is any type disability which does not render a person unable to
7 engage in any substantial gainful activity or which does not
8 impair his ability to live independently or to perform labor or
9 services for which he is qualified. The Secretary of State
10 shall establish standards not inconsistent with this Section
11 necessary to determine the presence of a Class 1 disability.
12 Class 1A disability: A Class 1A disability is a Class 1
13 disability which renders a person unable to walk 200 feet or
14 more unassisted by another person or without the aid of a
15 walker, crutches, braces, prosthetic device or a wheelchair or
16 without great difficulty or discomfort due to the following
17 impairments: neurologic, orthopedic, oncological, respiratory,
18 cardiac, arthritic disorder, blindness, or the loss of function
19 or absence of a limb or limbs. The Secretary of State shall
20 establish standards not inconsistent with this Section
21 necessary to determine the presence of a Class 1A disability.
22 Class 2 disability: A Class 2 disability is any type disability
23 which renders a person unable to engage in any substantial
24 gainful activity, which substantially impairs his ability to
25 live independently without supervision or in-home support
26 services, or which substantially impairs his ability to perform

1 labor or services for which he is qualified or significantly
2 restricts the labor or services which he is able to perform.
3 The Secretary of State shall establish standards not
4 inconsistent with this Section necessary to determine the
5 presence of a Class 2 disability. Class 2A disability: A Class
6 2A disability is a Class 2 disability which renders a person
7 unable to walk 200 feet or more unassisted by another person or
8 without the aid of a walker, crutches, braces, prosthetic
9 device or a wheelchair or without great difficulty or
10 discomfort due to the following impairments: neurologic,
11 orthopedic, oncological, respiratory, cardiac, arthritic
12 disorder, blindness, or the loss of function or absence of a
13 limb or limbs. The Secretary of State shall establish standards
14 not inconsistent with this Section necessary to determine the
15 presence of a Class 2A disability.

16 (Source: P.A. 97-227, eff. 1-1-12; 97-1064, eff. 1-1-13;
17 98-726, eff. 1-1-15.)

18 (15 ILCS 335/13) (from Ch. 124, par. 33)

19 Sec. 13. Rejection, denial or revocations.

20 (a) The Secretary of State may reject or deny any
21 application if he:

22 1. is not satisfied with the genuineness, regularity or
23 legality of any application; or

24 2. has not been supplied with the required information;

25 or

1 3. is not satisfied with the truth of any information
2 or documentation supplied by an applicant; or

3 4. determines that the applicant is not entitled to the
4 card as applied for; or

5 5. determines that any fraud was committed by the
6 applicant; or

7 6. determines that a signature is not valid or is a
8 forgery; or

9 7. determines that the applicant has not paid the
10 prescribed fee; or

11 8. determines that the applicant has falsely claimed to
12 be a person with a disability as defined in Section 4A of
13 this Act; or

14 9. cannot verify the accuracy of any information or
15 documentation submitted by the applicant.

16 (b) The Secretary of State may cancel or revoke any
17 identification card issued by him, upon determining that:

18 1. the holder is not legally entitled to the card; or

19 2. the applicant for the card made a false statement or
20 knowingly concealed a material fact in any application
21 filed by him under this Act; or

22 3. any person has displayed or represented as his own a
23 card not issued to him; or

24 4. any holder has permitted the display or use of his
25 card by any other person; or

26 5. that the signature of the applicant was forgery or

- 1 that the signature on the card is a forgery; or
- 2 6. a card has been used for any unlawful or fraudulent
- 3 purpose; or
- 4 7. a card has been altered or defaced; or
- 5 8. any card has been duplicated for any purpose; or
- 6 9. any card was utilized to counterfeit such cards; or
- 7 10. the holder of an Illinois Person with a Disability
- 8 Identification Card is not a person with a disability
- 9 ~~disabled person~~ as defined in Section 4A of this Act; or
- 10 11. the holder failed to appear at a Driver Services
- 11 facility for the reissuance of a card or to present
- 12 documentation for verification of identity.

13 (c) The Secretary of State is authorized to take possession

14 of and shall make a demand for return of any card which has

15 been cancelled or revoked, unlawfully or erroneously issued, or

16 issued in violation of this Act, and every person to whom such

17 demand is addressed, shall promptly and without delay, return

18 such card to the Secretary pursuant to his instructions, or, he

19 shall surrender any such card to the Secretary or any agent of

20 the Secretary upon demand.

21 (d) The Secretary of State is authorized to take possession

22 of any Illinois Identification Card or Illinois Person with a

23 Disability Identification Card which has been cancelled or

24 revoked, or which is blank, or which has been altered or

25 defaced or duplicated or which is counterfeit or contains a

26 forgery; or otherwise issued in violation of this Act and may

1 confiscate any suspected fraudulent, fictitious, or altered
2 documents submitted by an applicant in support of an
3 application for an identification card.

4 (Source: P.A. 97-229, eff. 7-28-11; 97-1064, eff. 1-1-13.)

5 Section 80. The State Comptroller Act is amended by
6 changing Sections 10.05 and 23.9 as follows:

7 (15 ILCS 405/10.05) (from Ch. 15, par. 210.05)

8 Sec. 10.05. Deductions from warrants; statement of reason
9 for deduction. Whenever any person shall be entitled to a
10 warrant or other payment from the treasury or other funds held
11 by the State Treasurer, on any account, against whom there
12 shall be any then due and payable account or claim in favor of
13 the State, the United States upon certification by the
14 Secretary of the Treasury of the United States, or his or her
15 delegate, pursuant to a reciprocal offset agreement under
16 subsection (i-1) of Section 10 of the Illinois State Collection
17 Act of 1986, or a unit of local government, a school district,
18 a public institution of higher education, as defined in Section
19 1 of the Board of Higher Education Act, or the clerk of a
20 circuit court, upon certification by that entity, the
21 Comptroller, upon notification thereof, shall ascertain the
22 amount due and payable to the State, the United States, the
23 unit of local government, the school district, the public
24 institution of higher education, or the clerk of the circuit

1 court, as aforesaid, and draw a warrant on the treasury or on
2 other funds held by the State Treasurer, stating the amount for
3 which the party was entitled to a warrant or other payment, the
4 amount deducted therefrom, and on what account, and directing
5 the payment of the balance; which warrant or payment as so
6 drawn shall be entered on the books of the Treasurer, and such
7 balance only shall be paid. The Comptroller may deduct any one
8 or more of the following: (i) the entire amount due and payable
9 to the State or a portion of the amount due and payable to the
10 State in accordance with the request of the notifying agency;
11 (ii) the entire amount due and payable to the United States or
12 a portion of the amount due and payable to the United States in
13 accordance with a reciprocal offset agreement under subsection
14 (i-1) of Section 10 of the Illinois State Collection Act of
15 1986; or (iii) the entire amount due and payable to the unit of
16 local government, school district, public institution of
17 higher education, or clerk of the circuit court, or a portion
18 of the amount due and payable to that entity, in accordance
19 with an intergovernmental agreement authorized under this
20 Section and Section 10.05d. No request from a notifying agency,
21 the Secretary of the Treasury of the United States, a unit of
22 local government, a school district, a public institution of
23 higher education, or the clerk of a circuit court for an amount
24 to be deducted under this Section from a wage or salary
25 payment, or from a contractual payment to an individual for
26 personal services, shall exceed 25% of the net amount of such

1 payment. "Net amount" means that part of the earnings of an
2 individual remaining after deduction of any amounts required by
3 law to be withheld. For purposes of this provision, wage,
4 salary or other payments for personal services shall not
5 include final compensation payments for the value of accrued
6 vacation, overtime or sick leave. Whenever the Comptroller
7 draws a warrant or makes a payment involving a deduction
8 ordered under this Section, the Comptroller shall notify the
9 payee and the State agency that submitted the voucher of the
10 reason for the deduction and he or she shall retain a record of
11 such statement in his or her records. As used in this Section,
12 an "account or claim in favor of the State" includes all
13 amounts owing to "State agencies" as defined in Section 7 of
14 this Act. However, the Comptroller shall not be required to
15 accept accounts or claims owing to funds not held by the State
16 Treasurer, where such accounts or claims do not exceed \$50, nor
17 shall the Comptroller deduct from funds held by the State
18 Treasurer under the Senior Citizens and Persons with
19 Disabilities ~~Disabled Persons~~ Property Tax Relief Act or for
20 payments to institutions from the Illinois Prepaid Tuition
21 Trust Fund (unless the Trust Fund moneys are used for child
22 support). The Comptroller shall not deduct from payments to be
23 disbursed from the Child Support Enforcement Trust Fund as
24 provided for under Section 12-10.2 of the Illinois Public Aid
25 Code, except for payments representing interest on child
26 support obligations under Section 10-16.5 of that Code. The

1 Comptroller and the Department of Revenue shall enter into an
2 interagency agreement to establish responsibilities, duties,
3 and procedures relating to deductions from lottery prizes
4 awarded under Section 20.1 of the Illinois Lottery Law. The
5 Comptroller may enter into an intergovernmental agreement with
6 the Department of Revenue and the Secretary of the Treasury of
7 the United States, or his or her delegate, to establish
8 responsibilities, duties, and procedures relating to
9 reciprocal offset of delinquent State and federal obligations
10 pursuant to subsection (i-1) of Section 10 of the Illinois
11 State Collection Act of 1986. The Comptroller may enter into
12 intergovernmental agreements with any unit of local
13 government, school district, public institution of higher
14 education, or clerk of a circuit court to establish
15 responsibilities, duties, and procedures to provide for the
16 offset, by the Comptroller, of obligations owed to those
17 entities.

18 For the purposes of this Section, "clerk of a circuit
19 court" means the clerk of a circuit court in any county in the
20 State.

21 (Source: P.A. 97-269, eff. 12-16-11 (see Section 15 of P.A.
22 97-632 for the effective date of changes made by P.A. 97-269);
23 97-632, eff. 12-16-11; 97-689, eff. 6-14-12; 97-884, eff.
24 8-2-12; 97-970, eff. 8-16-12; 98-463, eff. 8-16-13.)

1 Sec. 23.9. Minority Contractor Opportunity Initiative. The
2 State Comptroller Minority Contractor Opportunity Initiative
3 is created to provide greater opportunities for minority-owned
4 businesses, female-owned businesses, businesses owned by
5 persons with disabilities, and small businesses with 20 or
6 fewer employees in this State to participate in the State
7 procurement process. The initiative shall be administered by
8 the Comptroller. Under this initiative, the Comptroller is
9 responsible for the following: (i) outreach to minority-owned
10 businesses, female-owned businesses, businesses owned by
11 persons with disabilities, and small businesses capable of
12 providing services to the State; (ii) education of
13 minority-owned businesses, female-owned businesses, businesses
14 owned by persons with disabilities, and small businesses
15 concerning State contracting and procurement; (iii)
16 notification of minority-owned businesses, female-owned
17 businesses, businesses owned by persons with disabilities, and
18 small businesses of State contracting opportunities; and (iv)
19 maintenance of an online database of State contracts that
20 identifies the contracts awarded to minority-owned businesses,
21 female-owned businesses, businesses owned by persons with
22 disabilities, and small businesses that includes the total
23 amount paid by State agencies to contractors and the percentage
24 paid to minority-owned businesses, female-owned businesses,
25 businesses owned by persons with disabilities, and small
26 businesses.

1 The Comptroller shall work with the Business Enterprise
2 Council created under Section 5 of the Business Enterprise for
3 Minorities, Females, and Persons with Disabilities Act to
4 fulfill the Comptroller's responsibilities under this Section.
5 The Comptroller may rely on the Business Enterprise Council's
6 identification of minority-owned businesses, female-owned
7 businesses, and businesses owned by persons with disabilities.

8 The Comptroller shall annually prepare and submit a report
9 to the Governor and the General Assembly concerning the
10 progress of this initiative including the following
11 information for the preceding calendar year: (i) a statement of
12 the total amounts paid by each executive branch agency to
13 contractors since the previous report; (ii) the percentage of
14 the amounts that were paid to minority-owned businesses,
15 female-owned businesses, businesses owned by persons with
16 disabilities, and small businesses; (iii) the successes
17 achieved and the challenges faced by the Comptroller in
18 operating outreach programs for minorities, women, persons
19 with disabilities, and small businesses; (iv) the challenges
20 each executive branch agency may face in hiring qualified
21 minority, female, ~~disabled~~, and small business employees and
22 employees with disabilities and contracting with qualified
23 minority-owned businesses, female-owned businesses, businesses
24 owned by persons with disabilities, and small businesses; and
25 (iv) any other information, findings, conclusions, and
26 recommendations for legislative or agency action, as the

1 Comptroller deems appropriate.

2 On and after the effective date of this amendatory Act of
3 the 97th General Assembly, any bidder or offeror awarded a
4 contract of \$1,000 or more under Section 20-10, 20-15, 20-25,
5 or 20-30 of the Illinois Procurement Code is required to pay a
6 fee of \$15 to cover expenses related to the administration of
7 this Section. The Comptroller shall deduct the fee from the
8 first check issued to the vendor under the contract and deposit
9 the fee into the Comptroller's Administrative Fund. Contracts
10 administered for statewide orders placed by agencies (commonly
11 referred to as "statewide master contracts") are exempt from
12 this fee.

13 (Source: P.A. 97-590, eff. 8-26-11; 98-797, eff. 7-31-14.)

14 Section 85. The Comptroller Merit Employment Code is
15 amended by changing Sections 18a and 18b as follows:

16 (15 ILCS 410/18a) (from Ch. 15, par. 454)

17 Sec. 18a. Equal Employment Opportunity Plan. The Equal
18 Employment Opportunity Officer shall, within 90 days after the
19 effective date of this Act and annually thereafter, submit to
20 the Comptroller a plan for assuring equal employment
21 opportunity. This plan shall include a current detailed status
22 report (a) indicating, by each position in the service of the
23 Comptroller, the number, percentage, and average salary of
24 women, minorities, and individuals with disabilities

1 ~~handicapped individuals~~ employed; (b) identifying all
2 positions in which the percentage of women, minorities, and
3 individuals with disabilities ~~handicapped~~ employed is less
4 than 4/5 the percentage of women, minorities, and individuals
5 with disabilities ~~handicapped~~ in the State work force; (c)
6 specifying the goals and methods for increasing the percentage
7 of women, minorities, and individuals with disabilities
8 ~~handicapped~~ employed in these positions; and (d) indicating
9 progress and problems towards meeting equal employment
10 opportunity goals.

11 (Source: P.A. 80-1397.)

12 (15 ILCS 410/18b) (from Ch. 15, par. 455)

13 Sec. 18b. Duties of Comptroller's Equal Employment
14 Opportunity Officer. The Comptroller's Equal Employment
15 Opportunity Officer shall:

16 (1) set forth a detailed and uniform method and requirement
17 by which the Office of the Comptroller shall develop and
18 implement equal employment opportunity plans as required in
19 Section 18;

20 (2) establish reporting procedures for measuring progress
21 and evaluation performance in achieving equal employment
22 opportunity goals;

23 (3) provide technical assistance and training to officials
24 of the Office of the Comptroller in achieving equal employment
25 opportunity goals;

1 (4) develop and implement training programs to help women,
2 minorities, and individuals with disabilities ~~handicapped~~
3 ~~individuals~~ qualifying for government positions and positions
4 with government contractors;

5 (5) report quarterly to the Comptroller on progress,
6 performance, and problems in meeting equal employment
7 opportunity goals.

8 (Source: P.A. 80-1397.)

9 Section 90. The State Treasurer Act is amended by changing
10 Section 16.5 as follows:

11 (15 ILCS 505/16.5)

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

20 "Participant", as used in this Section, means any person
21 who has authority to withdraw funds, change the designated
22 beneficiary, or otherwise exercise control over an account.

23 "Donor", as used in this Section, means any person who makes
24 investments in the pool. "Designated beneficiary", as used in

1 this Section, means any person on whose behalf an account is
2 established in the College Savings Pool by a participant. Both
3 in-state and out-of-state persons may be participants, donors,
4 and designated beneficiaries in the College Savings Pool. The
5 College Savings Pool must be available to any individual with a
6 valid social security number or taxpayer identification number
7 for the benefit of any individual with a valid social security
8 number or taxpayer identification number, unless a contract in
9 effect on August 1, 2011 (the effective date of Public Act
10 97-233) does not allow for taxpayer identification numbers, in
11 which case taxpayer identification numbers must be allowed upon
12 the expiration of the contract.

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

1 Labor, Bureau of Labor Statistics for the immediately preceding
2 calendar year. Every contribution received by a financial
3 institution for investment in the College Savings Pool shall be
4 transferred from the financial institution to a location
5 selected by the State Treasurer within one business day
6 following the day that the funds must be made available in
7 accordance with federal law. All communications from the State
8 Treasurer to participants and donors shall reference the
9 participating financial institution at which the account was
10 processed.

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

1 less than 7 years of age, 20% of the total amount of each
2 account for which the beneficiary is at least 7 years of age
3 and less than 12 years of age, and 50% of the total amount of
4 each account for which the current age of the beneficiary is at
5 least 12 years of age. The Treasurer shall develop, publish,
6 and implement an investment policy covering the investment of
7 the moneys in the College Savings Pool. The policy shall be
8 published each year as part of the audit of the College Savings
9 Pool by the Auditor General, which shall be distributed to all
10 participants. The Treasurer shall notify all participants in
11 writing, and the Treasurer shall publish in a newspaper of
12 general circulation in both Chicago and Springfield, any
13 changes to the previously published investment policy at least
14 30 calendar days before implementing the policy. Any investment
15 policy adopted by the Treasurer shall be reviewed and updated
16 if necessary within 90 days following the date that the State
17 Treasurer takes office.

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

1 this Section, means public and private colleges, junior
2 colleges, graduate schools, and certain vocational
3 institutions that are described in Section 481 of the Higher
4 Education Act of 1965 (20 U.S.C. 1088) and that are eligible to
5 participate in Department of Education student aid programs. A
6 student shall be considered to be enrolled at least half-time
7 if the student is enrolled for at least half the full-time
8 academic work load for the course of study the student is
9 pursuing as determined under the standards of the institution
10 at which the student is enrolled. Distributions made from the
11 pool for qualified expenses shall be made directly to the
12 eligible educational institution, directly to a vendor, or in
13 the form of a check payable to both the beneficiary and the
14 institution or vendor. Any moneys that are distributed in any
15 other manner or that are used for expenses other than qualified
16 expenses at an eligible educational institution shall be
17 subject to a penalty of 10% of the earnings unless the
18 beneficiary dies, becomes a person with a disability ~~disabled~~,
19 or receives a scholarship that equals or exceeds the
20 distribution. Penalties shall be withheld at the time the
21 distribution is made.

22 The Treasurer shall limit the contributions that may be
23 made on behalf of a designated beneficiary based on the
24 limitations established by the Internal Revenue Service. The
25 contributions made on behalf of a beneficiary who is also a
26 beneficiary under the Illinois Prepaid Tuition Program shall be

1 further restricted to ensure that the contributions in both
2 programs combined do not exceed the limit established for the
3 College Savings Pool. The Treasurer shall provide the Illinois
4 Student Assistance Commission each year at a time designated by
5 the Commission, an electronic report of all participant
6 accounts in the Treasurer's College Savings Pool, listing total
7 contributions and disbursements from each individual account
8 during the previous calendar year. As soon thereafter as is
9 possible following receipt of the Treasurer's report, the
10 Illinois Student Assistance Commission shall, in turn, provide
11 the Treasurer with an electronic report listing those College
12 Savings Pool participants who also participate in the State's
13 prepaid tuition program, administered by the Commission. The
14 Commission shall be responsible for filing any combined tax
15 reports regarding State qualified savings programs required by
16 the United States Internal Revenue Service. The Treasurer shall
17 work with the Illinois Student Assistance Commission to
18 coordinate the marketing of the College Savings Pool and the
19 Illinois Prepaid Tuition Program when considered beneficial by
20 the Treasurer and the Director of the Illinois Student
21 Assistance Commission. The Treasurer's office shall not
22 publicize or otherwise market the College Savings Pool or
23 accept any moneys into the College Savings Pool prior to March
24 1, 2000. The Treasurer shall provide a separate accounting for
25 each designated beneficiary to each participant, the Illinois
26 Student Assistance Commission, and the participating financial

1 institution at which the account was processed. No interest in
2 the program may be pledged as security for a loan. Moneys held
3 in an account invested in the Illinois College Savings Pool
4 shall be exempt from all claims of the creditors of the
5 participant, donor, or designated beneficiary of that account,
6 except for the non-exempt College Savings Pool transfers to or
7 from the account as defined under subsection (j) of Section
8 12-1001 of the Code of Civil Procedure (735 ILCS 5/12-1001(j)).

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

21 The Treasurer shall adopt rules he or she considers
22 necessary for the efficient administration of the College
23 Savings Pool. The rules shall provide whatever additional
24 parameters and restrictions are necessary to ensure that the
25 College Savings Pool meets all of the requirements for a
26 qualified state tuition program under Section 529 of the

1 Internal Revenue Code (26 U.S.C. 529). The rules shall provide
2 for the administration expenses of the pool to be paid from its
3 earnings and for the investment earnings in excess of the
4 expenses and all moneys collected as penalties to be credited
5 or paid monthly to the several participants in the pool in a
6 manner which equitably reflects the differing amounts of their
7 respective investments in the pool and the differing periods of
8 time for which those amounts were in the custody of the pool.
9 Also, the rules shall require the maintenance of records that
10 enable the Treasurer's office to produce a report for each
11 account in the pool at least annually that documents the
12 account balance and investment earnings. Notice of any proposed
13 amendments to the rules and regulations shall be provided to
14 all participants prior to adoption. Amendments to rules and
15 regulations shall apply only to contributions made after the
16 adoption of the amendment.

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

23 (Source: P.A. 97-233, eff. 8-1-11; 97-537, eff. 8-23-11;
24 97-813, eff. 7-13-12.)

25 Section 95. The Civil Administrative Code of Illinois is

1 amended by changing Section 5-550 as follows:

2 (20 ILCS 5/5-550) (was 20 ILCS 5/6.23)

3 Sec. 5-550. In the Department of Human Services. A State
4 Rehabilitation Council, hereinafter referred to as the
5 Council, is hereby established for the purpose of complying
6 with the requirements of 34 CFR 361.16 and advising the
7 Secretary of Human Services and the vocational rehabilitation
8 administrator of the provisions of the federal Rehabilitation
9 Act of 1973 and the Americans with Disabilities Act of 1990 in
10 matters concerning individuals with disabilities and the
11 provision of vocational rehabilitation services. The Council
12 shall consist of members appointed by the Governor after
13 soliciting recommendations from organizations representing a
14 broad range of individuals with disabilities and organizations
15 interested in individuals with disabilities. However, the
16 Governor may delegate his appointing authority under this
17 Section to the Council by executive order.

18 The Council shall consist of the following appointed
19 members:

20 (1) One representative of a parent training center
21 established in accordance with the federal Individuals
22 with Disabilities Education Act.

23 (2) One representative of the Client Assistance
24 Program.

25 (3) One vocational rehabilitation counselor who has

1 knowledge of and experience with vocational rehabilitation
2 programs. If an employee of the Department of Human
3 Services is appointed under this item, then he or she shall
4 serve as an ex officio, nonvoting member.

5 (4) One representative of community rehabilitation
6 program service providers.

7 (5) Four representatives of business, industry, and
8 labor.

9 (6) At least two but not more than five representatives
10 of disability advocacy groups representing a cross section
11 of the following:

12 (A) individuals with physical, cognitive, sensory,
13 and mental disabilities; and

14 (B) parents, family members, guardians, advocates,
15 or authorized representative of individuals with
16 disabilities who have difficulty in representing
17 themselves or who are unable, due to their
18 disabilities, to represent themselves.

19 (7) One current or former applicant for, or recipient
20 of, vocational rehabilitation services.

21 (8) One representative from secondary or higher
22 education.

23 (9) One representative of the State Workforce
24 Investment Board.

25 (10) One representative of the Illinois State Board of
26 Education who is knowledgeable about the Individuals with

1 Disabilities Education Act.

2 (11) The chairperson of, or a member designated by, the
3 Statewide Independent Living Council established under
4 Section 12a of the Rehabilitation of Persons with
5 Disabilities ~~Disabled Persons Rehabilitation~~ Act.

6 (12) The chairperson of, or a member designated by, the
7 Blind Services Planning Council established under Section
8 7 of the Bureau for the Blind Act.

9 (13) The vocational rehabilitation administrator, as
10 defined in Section 1b of the Rehabilitation of Persons with
11 Disabilities ~~Disabled Persons Rehabilitation~~ Act, who
12 shall serve as an ex officio, nonvoting member.

13 The Council shall select a Chairperson.

14 The Chairperson and a majority of the members of the
15 Council shall be persons who are individuals with disabilities.
16 At least one member shall be a senior citizen age 60 or over,
17 and at least one member shall be at least 18 but not more than
18 25 years old. A majority of the Council members shall not be
19 employees of the Department of Human Services.

20 Members appointed to the Council for full terms on or after
21 the effective date of this amendatory Act of the 98th General
22 Assembly shall be appointed for terms of 3 years. No Council
23 member, other than the vocational rehabilitation administrator
24 and the representative of the Client Assistance Program, shall
25 serve for more than 2 consecutive terms as a representative of
26 one of the 13 enumerated categories. If an individual, other

1 than the vocational rehabilitation administrator and the
2 representative of the Client Assistance Program, has completed
3 2 consecutive terms and is eligible to seek appointment as a
4 representative of one of the other enumerated categories, then
5 that individual may be appointed to serve as a representative
6 of one of those other enumerated categories after a meaningful
7 break in Council service, as defined by the Council through its
8 by-laws.

9 Vacancies for unexpired terms shall be filled. Individuals
10 appointed by the appointing authority to fill an unexpired term
11 shall complete the remainder of the vacated term. When the
12 initial term of a person appointed to fill a vacancy is
13 completed, the individual appointed to fill that vacancy may be
14 re-appointed by the appointing authority to the vacated
15 position for one subsequent term.

16 If an excessive number of expired terms and vacated terms
17 combine to place an undue burden on the Council, the appointing
18 authority may appoint members for terms of 1, 2, or 3 years.
19 The appointing authority shall determine the terms of Council
20 members to ensure the number of terms expiring each year is as
21 close to equal as possible.

22 Notwithstanding the foregoing, a member who is serving on
23 the Council on the effective date of this amendatory Act of the
24 98th General Assembly and whose term expires as a result of the
25 changes made by this amendatory Act of the 98th General
26 Assembly may complete the unexpired portion of his or her term.

1 Members shall be reimbursed in accordance with State laws,
2 rules, and rates for expenses incurred in the performance of
3 their approved, Council-related duties, including expenses for
4 travel, child care, or personal assistance services. A member
5 who is not employed or who must forfeit wages from other
6 employment may be paid reasonable compensation, as determined
7 by the Department, for each day the member is engaged in
8 performing approved duties of the Council.

9 The Council shall meet at least 4 times per year at times
10 and places designated by the Chairperson upon 10 days written
11 notice to the members. Special meetings may be called by the
12 Chairperson or 7 members of the Council upon 7 days written
13 notice to the other members. Nine members shall constitute a
14 quorum. No member of the Council shall cast a vote on any
15 matter that would provide direct financial benefit to the
16 member or otherwise give the appearance of a conflict of
17 interest under Illinois law.

18 The Council shall prepare and submit to the vocational
19 rehabilitation administrator the reports and findings that the
20 vocational rehabilitation administrator may request or that
21 the Council deems fit. The Council shall select jointly with
22 the vocational rehabilitation administrator a pool of
23 qualified persons to serve as impartial hearing officers. The
24 Council shall, with the vocational rehabilitation unit in the
25 Department, jointly develop, agree to, and review annually
26 State goals and priorities and jointly submit annual reports of

1 progress to the federal Commissioner of the Rehabilitation
2 Services Administration.

3 To the extent that there is a disagreement between the
4 Council and the unit within the Department of Human Services
5 responsible for the administration of the vocational
6 rehabilitation program, regarding the resources necessary to
7 carry out the functions of the Council as set forth in this
8 Section, the disagreement shall be resolved by the Governor.

9 (Source: P.A. 98-76, eff. 7-15-13.)

10 Section 100. The Illinois Employment First Act is amended
11 by changing Section 10 as follows:

12 (20 ILCS 40/10)

13 Sec. 10. Definitions. As used in this Act:

14 "Competitive employment" means work in the competitive
15 labor market that is performed on a full-time or part-time
16 basis in an integrated setting and for which an individual is
17 compensated at or above the minimum wage, but not less than the
18 customary wage and level of benefits paid by the employer for
19 the same or similar work performed by individuals who are not
20 persons with disabilities ~~disabled~~.

21 "Disability" has the meaning ascribed to that term in
22 Section 10 of the Disabilities Services Act of 2003.

23 "Integrated setting" means with respect to an employment
24 outcome, a setting typically found in the community in which

1 applicants or eligible individuals interact with individuals
2 without disabilities ~~non-disabled individuals~~, other than
3 individuals without disabilities ~~non-disabled individuals~~ who
4 are providing services to those applicants or eligible
5 individuals, to the same extent that individuals without
6 disabilities ~~non-disabled individuals~~ in comparable positions
7 interact with other persons.

8 "State agency" means and includes all boards, commissions,
9 agencies, institutions, authorities, and bodies politic and
10 corporate of the State, created by or in accordance with the
11 Illinois Constitution or State statute, of the executive branch
12 of State government and does include colleges, universities,
13 public employee retirement systems, and institutions under the
14 jurisdiction of the governing boards of the University of
15 Illinois, Southern Illinois University, Illinois State
16 University, Eastern Illinois University, Northern Illinois
17 University, Western Illinois University, Chicago State
18 University, Governors State University, Northeastern Illinois
19 University, and the Illinois Board of Higher Education.

20 (Source: P.A. 98-91, eff. 7-16-13.)

21 Section 105. The Illinois Act on the Aging is amended by
22 changing Sections 4.02, 4.03, and 4.15 as follows:

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

24 (Text of Section before amendment by P.A. 98-1171)

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

12 (a) (blank);

13 (b) (blank);

14 (c) home care aide services;

15 (d) personal assistant services;

16 (e) adult day services;

17 (f) home-delivered meals;

18 (g) education in self-care;

19 (h) personal care services;

20 (i) adult day health services;

21 (j) habilitation services;

22 (k) respite care;

23 (k-5) community reintegration services;

24 (k-6) flexible senior services;

25 (k-7) medication management;

26 (k-8) emergency home response;

1 (1) other nonmedical social services that may enable
2 the person to become self-supporting; or

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

6 The Department shall establish eligibility standards for
7 such services. In determining the amount and nature of services
8 for which a person may qualify, consideration shall not be
9 given to the value of cash, property or other assets held in
10 the name of the person's spouse pursuant to a written agreement
11 dividing marital property into equal but separate shares or
12 pursuant to a transfer of the person's interest in a home to
13 his spouse, provided that the spouse's share of the marital
14 property is not made available to the person seeking such
15 services.

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

21 The Department shall, in conjunction with the Department of
22 Public Aid (now Department of Healthcare and Family Services),
23 seek appropriate amendments under Sections 1915 and 1924 of the
24 Social Security Act. The purpose of the amendments shall be to
25 extend eligibility for home and community based services under
26 Sections 1915 and 1924 of the Social Security Act to persons

1 who transfer to or for the benefit of a spouse those amounts of
2 income and resources allowed under Section 1924 of the Social
3 Security Act. Subject to the approval of such amendments, the
4 Department shall extend the provisions of Section 5-4 of the
5 Illinois Public Aid Code to persons who, but for the provision
6 of home or community-based services, would require the level of
7 care provided in an institution, as is provided for in federal
8 law. Those persons no longer found to be eligible for receiving
9 noninstitutional services due to changes in the eligibility
10 criteria shall be given 45 days notice prior to actual
11 termination. Those persons receiving notice of termination may
12 contact the Department and request the determination be
13 appealed at any time during the 45 day notice period. The
14 target population identified for the purposes of this Section
15 are persons age 60 and older with an identified service need.
16 Priority shall be given to those who are at imminent risk of
17 institutionalization. The services shall be provided to
18 eligible persons age 60 and older to the extent that the cost
19 of the services together with the other personal maintenance
20 expenses of the persons are reasonably related to the standards
21 established for care in a group facility appropriate to the
22 person's condition. These non-institutional services, pilot
23 projects or experimental facilities may be provided as part of
24 or in addition to those authorized by federal law or those
25 funded and administered by the Department of Human Services.
26 The Departments of Human Services, Healthcare and Family

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

24 As part of the Department on Aging's routine training of
25 case managers and case manager supervisors, the Department may
26 include information on family futures planning for persons who

1 are age 60 or older and who are caregivers of their adult
2 children with developmental disabilities. The content of the
3 training shall be at the Department's discretion.

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

14 The Department, or the Department's authorized
15 representative, may recover the amount of moneys expended for
16 services provided to or in behalf of a person under this
17 Section by a claim against the person's estate or against the
18 estate of the person's surviving spouse, but no recovery may be
19 had until after the death of the surviving spouse, if any, and
20 then only at such time when there is no surviving child who is
21 under age 21 or ~~7~~ blind or who has a permanent and total
22 disability ~~, or permanently and totally disabled~~. This
23 paragraph, however, shall not bar recovery, at the death of the
24 person, of moneys for services provided to the person or in
25 behalf of the person under this Section to which the person was
26 not entitled; provided that such recovery shall not be enforced

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

18 The Department shall increase the effectiveness of the
19 existing Community Care Program by:

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

22 (2) ensuring that care plans contain the services that
23 eligible participants need based on the number of days in a
24 month, not limited to specific blocks of time, as
25 identified by the comprehensive assessment tool selected
26 by the Department for use statewide, not to exceed the

1 total monthly service cost maximum allowed for each
2 service; the Department shall develop administrative rules
3 to implement this item (2);

4 (3) ensuring that the participants have the right to
5 choose the services contained in their care plan and to
6 direct how those services are provided, based on
7 administrative rules established by the Department;

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

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

23 (A) bathing;

24 (B) grooming;

25 (C) toileting;

26 (D) nail care;

1 (E) transferring;

2 (F) respiratory services;

3 (G) exercise; or

4 (H) positioning;

5 (6) ensuring that homemaker program vendors are not
6 restricted from hiring homemakers who are family members of
7 clients or recommended by clients; the Department may not,
8 by rule or policy, require homemakers who are family
9 members of clients or recommended by clients to accept
10 assignments in homes other than the client;

11 (7) ensuring that the State may access maximum federal
12 matching funds by seeking approval for the Centers for
13 Medicare and Medicaid Services for modifications to the
14 State's home and community based services waiver and
15 additional waiver opportunities, including applying for
16 enrollment in the Balance Incentive Payment Program by May
17 1, 2013, in order to maximize federal matching funds; this
18 shall include, but not be limited to, modification that
19 reflects all changes in the Community Care Program services
20 and all increases in the services cost maximum;

21 (8) ensuring that the determination of need tool
22 accurately reflects the service needs of individuals with
23 Alzheimer's disease and related dementia disorders;

24 (9) ensuring that services are authorized accurately
25 and consistently for the Community Care Program (CCP); the
26 Department shall implement a Service Authorization policy

1 directive; the purpose shall be to ensure that eligibility
2 and services are authorized accurately and consistently in
3 the CCP program; the policy directive shall clarify service
4 authorization guidelines to Care Coordination Units and
5 Community Care Program providers no later than May 1, 2013;

6 (10) working in conjunction with Care Coordination
7 Units, the Department of Healthcare and Family Services,
8 the Department of Human Services, Community Care Program
9 providers, and other stakeholders to make improvements to
10 the Medicaid claiming processes and the Medicaid
11 enrollment procedures or requirements as needed,
12 including, but not limited to, specific policy changes or
13 rules to improve the up-front enrollment of participants in
14 the Medicaid program and specific policy changes or rules
15 to insure more prompt submission of bills to the federal
16 government to secure maximum federal matching dollars as
17 promptly as possible; the Department on Aging shall have at
18 least 3 meetings with stakeholders by January 1, 2014 in
19 order to address these improvements;

20 (11) requiring home care service providers to comply
21 with the rounding of hours worked provisions under the
22 federal Fair Labor Standards Act (FLSA) and as set forth in
23 29 CFR 785.48(b) by May 1, 2013;

24 (12) implementing any necessary policy changes or
25 promulgating any rules, no later than January 1, 2014, to
26 assist the Department of Healthcare and Family Services in

1 moving as many participants as possible, consistent with
2 federal regulations, into coordinated care plans if a care
3 coordination plan that covers long term care is available
4 in the recipient's area; and

5 (13) maintaining fiscal year 2014 rates at the same
6 level established on January 1, 2013.

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

16 The Department shall develop procedures to enhance
17 availability of services on evenings, weekends, and on an
18 emergency basis to meet the respite needs of caregivers.
19 Procedures shall be developed to permit the utilization of
20 services in successive blocks of 24 hours up to the monthly
21 maximum established by the Department. Workers providing these
22 services shall be appropriately trained.

23 Beginning on the effective date of this Amendatory Act of
24 1991, no person may perform chore/housekeeping and home care
25 aide services under a program authorized by this Section unless
26 that person has been issued a certificate of pre-service to do

1 so by his or her employing agency. Information gathered to
2 effect such certification shall include (i) the person's name,
3 (ii) the date the person was hired by his or her current
4 employer, and (iii) the training, including dates and levels.
5 Persons engaged in the program authorized by this Section
6 before the effective date of this amendatory Act of 1991 shall
7 be issued a certificate of all pre- and in-service training
8 from his or her employer upon submitting the necessary
9 information. The employing agency shall be required to retain
10 records of all staff pre- and in-service training, and shall
11 provide such records to the Department upon request and upon
12 termination of the employer's contract with the Department. In
13 addition, the employing agency is responsible for the issuance
14 of certifications of in-service training completed to their
15 employees.

16 The Department is required to develop a system to ensure
17 that persons working as home care aides and personal assistants
18 receive increases in their wages when the federal minimum wage
19 is increased by requiring vendors to certify that they are
20 meeting the federal minimum wage statute for home care aides
21 and personal assistants. An employer that cannot ensure that
22 the minimum wage increase is being given to home care aides and
23 personal assistants shall be denied any increase in
24 reimbursement costs.

25 The Community Care Program Advisory Committee is created in
26 the Department on Aging. The Director shall appoint individuals

1 to serve in the Committee, who shall serve at their own
2 expense. Members of the Committee must abide by all applicable
3 ethics laws. The Committee shall advise the Department on
4 issues related to the Department's program of services to
5 prevent unnecessary institutionalization. The Committee shall
6 meet on a bi-monthly basis and shall serve to identify and
7 advise the Department on present and potential issues affecting
8 the service delivery network, the program's clients, and the
9 Department and to recommend solution strategies. Persons
10 appointed to the Committee shall be appointed on, but not
11 limited to, their own and their agency's experience with the
12 program, geographic representation, and willingness to serve.
13 The Director shall appoint members to the Committee to
14 represent provider, advocacy, policy research, and other
15 constituencies committed to the delivery of high quality home
16 and community-based services to older adults. Representatives
17 shall be appointed to ensure representation from community care
18 providers including, but not limited to, adult day service
19 providers, homemaker providers, case coordination and case
20 management units, emergency home response providers, statewide
21 trade or labor unions that represent home care aides and direct
22 care staff, area agencies on aging, adults over age 60,
23 membership organizations representing older adults, and other
24 organizational entities, providers of care, or individuals
25 with demonstrated interest and expertise in the field of home
26 and community care as determined by the Director.

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

20 The Department on Aging and the Department of Human
21 Services shall cooperate in the development and submission of
22 an annual report on programs and services provided under this
23 Section. Such joint report shall be filed with the Governor and
24 the General Assembly on or before September 30 each year.

25 The requirement for reporting to the General Assembly shall
26 be satisfied by filing copies of the report with the Speaker,

1 the Minority Leader and the Clerk of the House of
2 Representatives and the President, the Minority Leader and the
3 Secretary of the Senate and the Legislative Research Unit, as
4 required by Section 3.1 of the General Assembly Organization
5 Act and filing such additional copies with the State Government
6 Report Distribution Center for the General Assembly as is
7 required under paragraph (t) of Section 7 of the State Library
8 Act.

9 Those persons previously found eligible for receiving
10 non-institutional services whose services were discontinued
11 under the Emergency Budget Act of Fiscal Year 1992, and who do
12 not meet the eligibility standards in effect on or after July
13 1, 1992, shall remain ineligible on and after July 1, 1992.
14 Those persons previously not required to cost-share and who
15 were required to cost-share effective March 1, 1992, shall
16 continue to meet cost-share requirements on and after July 1,
17 1992. Beginning July 1, 1992, all clients will be required to
18 meet eligibility, cost-share, and other requirements and will
19 have services discontinued or altered when they fail to meet
20 these requirements.

21 For the purposes of this Section, "flexible senior
22 services" refers to services that require one-time or periodic
23 expenditures including, but not limited to, respite care, home
24 modification, assistive technology, housing assistance, and
25 transportation.

26 The Department shall implement an electronic service

1 verification based on global positioning systems or other
2 cost-effective technology for the Community Care Program no
3 later than January 1, 2014.

4 The Department shall require, as a condition of
5 eligibility, enrollment in the medical assistance program
6 under Article V of the Illinois Public Aid Code (i) beginning
7 August 1, 2013, if the Auditor General has reported that the
8 Department has failed to comply with the reporting requirements
9 of Section 2-27 of the Illinois State Auditing Act; or (ii)
10 beginning June 1, 2014, if the Auditor General has reported
11 that the Department has not undertaken the required actions
12 listed in the report required by subsection (a) of Section 2-27
13 of the Illinois State Auditing Act.

14 The Department shall delay Community Care Program services
15 until an applicant is determined eligible for medical
16 assistance under Article V of the Illinois Public Aid Code (i)
17 beginning August 1, 2013, if the Auditor General has reported
18 that the Department has failed to comply with the reporting
19 requirements of Section 2-27 of the Illinois State Auditing
20 Act; or (ii) beginning June 1, 2014, if the Auditor General has
21 reported that the Department has not undertaken the required
22 actions listed in the report required by subsection (a) of
23 Section 2-27 of the Illinois State Auditing Act.

24 The Department shall implement co-payments for the
25 Community Care Program at the federally allowable maximum level
26 (i) beginning August 1, 2013, if the Auditor General has

1 reported that the Department has failed to comply with the
2 reporting requirements of Section 2-27 of the Illinois State
3 Auditing Act; or (ii) beginning June 1, 2014, if the Auditor
4 General has reported that the Department has not undertaken the
5 required actions listed in the report required by subsection
6 (a) of Section 2-27 of the Illinois State Auditing Act.

7 The Department shall provide a bi-monthly report on the
8 progress of the Community Care Program reforms set forth in
9 this amendatory Act of the 98th General Assembly to the
10 Governor, the Speaker of the House of Representatives, the
11 Minority Leader of the House of Representatives, the President
12 of the Senate, and the Minority Leader of the Senate.

13 The Department shall conduct a quarterly review of Care
14 Coordination Unit performance and adherence to service
15 guidelines. The quarterly review shall be reported to the
16 Speaker of the House of Representatives, the Minority Leader of
17 the House of Representatives, the President of the Senate, and
18 the Minority Leader of the Senate. The Department shall collect
19 and report longitudinal data on the performance of each care
20 coordination unit. Nothing in this paragraph shall be construed
21 to require the Department to identify specific care
22 coordination units.

23 In regard to community care providers, failure to comply
24 with Department on Aging policies shall be cause for
25 disciplinary action, including, but not limited to,
26 disqualification from serving Community Care Program clients.

1 Each provider, upon submission of any bill or invoice to the
2 Department for payment for services rendered, shall include a
3 notarized statement, under penalty of perjury pursuant to
4 Section 1-109 of the Code of Civil Procedure, that the provider
5 has complied with all Department policies.

6 (Source: P.A. 97-333, eff. 8-12-11; 98-8, eff. 5-3-13.)

7 (Text of Section after amendment by P.A. 98-1171)

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

19 (a) (blank);

20 (b) (blank);

21 (c) home care aide services;

22 (d) personal assistant services;

23 (e) adult day services;

24 (f) home-delivered meals;

25 (g) education in self-care;

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

14 The Department shall establish eligibility standards for

15 such services. In determining the amount and nature of services

16 for which a person may qualify, consideration shall not be

17 given to the value of cash, property or other assets held in

18 the name of the person's spouse pursuant to a written agreement

19 dividing marital property into equal but separate shares or

20 pursuant to a transfer of the person's interest in a home to

21 his spouse, provided that the spouse's share of the marital

22 property is not made available to the person seeking such

23 services.

24 Beginning January 1, 2008, the Department shall require as

25 a condition of eligibility that all new financially eligible

26 applicants apply for and enroll in medical assistance under

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

3 The Department shall, in conjunction with the Department of
4 Public Aid (now Department of Healthcare and Family Services),
5 seek appropriate amendments under Sections 1915 and 1924 of the
6 Social Security Act. The purpose of the amendments shall be to
7 extend eligibility for home and community based services under
8 Sections 1915 and 1924 of the Social Security Act to persons
9 who transfer to or for the benefit of a spouse those amounts of
10 income and resources allowed under Section 1924 of the Social
11 Security Act. Subject to the approval of such amendments, the
12 Department shall extend the provisions of Section 5-4 of the
13 Illinois Public Aid Code to persons who, but for the provision
14 of home or community-based services, would require the level of
15 care provided in an institution, as is provided for in federal
16 law. Those persons no longer found to be eligible for receiving
17 noninstitutional services due to changes in the eligibility
18 criteria shall be given 45 days notice prior to actual
19 termination. Those persons receiving notice of termination may
20 contact the Department and request the determination be
21 appealed at any time during the 45 day notice period. The
22 target population identified for the purposes of this Section
23 are persons age 60 and older with an identified service need.
24 Priority shall be given to those who are at imminent risk of
25 institutionalization. The services shall be provided to
26 eligible persons age 60 and older to the extent that the cost

1 of the services together with the other personal maintenance
2 expenses of the persons are reasonably related to the standards
3 established for care in a group facility appropriate to the
4 person's condition. These non-institutional services, pilot
5 projects or experimental facilities may be provided as part of
6 or in addition to those authorized by federal law or those
7 funded and administered by the Department of Human Services.
8 The Departments of Human Services, Healthcare and Family
9 Services, Public Health, Veterans' Affairs, and Commerce and
10 Economic Opportunity and other appropriate agencies of State,
11 federal and local governments shall cooperate with the
12 Department on Aging in the establishment and development of the
13 non-institutional services. The Department shall require an
14 annual audit from all personal assistant and home care aide
15 vendors contracting with the Department under this Section. The
16 annual audit shall assure that each audited vendor's procedures
17 are in compliance with Department's financial reporting
18 guidelines requiring an administrative and employee wage and
19 benefits cost split as defined in administrative rules. The
20 audit is a public record under the Freedom of Information Act.
21 The Department shall execute, relative to the nursing home
22 prescreening project, written inter-agency agreements with the
23 Department of Human Services and the Department of Healthcare
24 and Family Services, to effect the following: (1) intake
25 procedures and common eligibility criteria for those persons
26 who are receiving non-institutional services; and (2) the

1 establishment and development of non-institutional services in
2 areas of the State where they are not currently available or
3 are undeveloped. On and after July 1, 1996, all nursing home
4 prescreenings for individuals 60 years of age or older shall be
5 conducted by the Department.

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

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

22 The Department, or the Department's authorized
23 representative, may recover the amount of moneys expended for
24 services provided to or in behalf of a person under this
25 Section by a claim against the person's estate or against the
26 estate of the person's surviving spouse, but no recovery may be

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

26 The Department shall increase the effectiveness of the

1 existing Community Care Program by:

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

4 (2) ensuring that care plans contain the services that
5 eligible participants need based on the number of days in a
6 month, not limited to specific blocks of time, as
7 identified by the comprehensive assessment tool selected
8 by the Department for use statewide, not to exceed the
9 total monthly service cost maximum allowed for each
10 service; the Department shall develop administrative rules
11 to implement this item (2);

12 (3) ensuring that the participants have the right to
13 choose the services contained in their care plan and to
14 direct how those services are provided, based on
15 administrative rules established by the Department;

16 (4) ensuring that the determination of need tool is
17 accurate in determining the participants' level of need; to
18 achieve this, the Department, in conjunction with the Older
19 Adult Services Advisory Committee, shall institute a study
20 of the relationship between the Determination of Need
21 scores, level of need, service cost maximums, and the
22 development and utilization of service plans no later than
23 May 1, 2008; findings and recommendations shall be
24 presented to the Governor and the General Assembly no later
25 than January 1, 2009; recommendations shall include all
26 needed changes to the service cost maximums schedule and

1 additional covered services;

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

5 (A) bathing;

6 (B) grooming;

7 (C) toileting;

8 (D) nail care;

9 (E) transferring;

10 (F) respiratory services;

11 (G) exercise; or

12 (H) positioning;

13 (6) ensuring that homemaker program vendors are not
14 restricted from hiring homemakers who are family members of
15 clients or recommended by clients; the Department may not,
16 by rule or policy, require homemakers who are family
17 members of clients or recommended by clients to accept
18 assignments in homes other than the client;

19 (7) ensuring that the State may access maximum federal
20 matching funds by seeking approval for the Centers for
21 Medicare and Medicaid Services for modifications to the
22 State's home and community based services waiver and
23 additional waiver opportunities, including applying for
24 enrollment in the Balance Incentive Payment Program by May
25 1, 2013, in order to maximize federal matching funds; this
26 shall include, but not be limited to, modification that

1 reflects all changes in the Community Care Program services
2 and all increases in the services cost maximum;

3 (8) ensuring that the determination of need tool
4 accurately reflects the service needs of individuals with
5 Alzheimer's disease and related dementia disorders;

6 (9) ensuring that services are authorized accurately
7 and consistently for the Community Care Program (CCP); the
8 Department shall implement a Service Authorization policy
9 directive; the purpose shall be to ensure that eligibility
10 and services are authorized accurately and consistently in
11 the CCP program; the policy directive shall clarify service
12 authorization guidelines to Care Coordination Units and
13 Community Care Program providers no later than May 1, 2013;

14 (10) working in conjunction with Care Coordination
15 Units, the Department of Healthcare and Family Services,
16 the Department of Human Services, Community Care Program
17 providers, and other stakeholders to make improvements to
18 the Medicaid claiming processes and the Medicaid
19 enrollment procedures or requirements as needed,
20 including, but not limited to, specific policy changes or
21 rules to improve the up-front enrollment of participants in
22 the Medicaid program and specific policy changes or rules
23 to insure more prompt submission of bills to the federal
24 government to secure maximum federal matching dollars as
25 promptly as possible; the Department on Aging shall have at
26 least 3 meetings with stakeholders by January 1, 2014 in

1 order to address these improvements;

2 (11) requiring home care service providers to comply
3 with the rounding of hours worked provisions under the
4 federal Fair Labor Standards Act (FLSA) and as set forth in
5 29 CFR 785.48(b) by May 1, 2013;

6 (12) implementing any necessary policy changes or
7 promulgating any rules, no later than January 1, 2014, to
8 assist the Department of Healthcare and Family Services in
9 moving as many participants as possible, consistent with
10 federal regulations, into coordinated care plans if a care
11 coordination plan that covers long term care is available
12 in the recipient's area; and

13 (13) maintaining fiscal year 2014 rates at the same
14 level established on January 1, 2013.

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

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

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

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

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

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

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

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

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

1 Committee.

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

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

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

1 have services discontinued or altered when they fail to meet
2 these requirements.

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

8 The Department shall implement an electronic service
9 verification based on global positioning systems or other
10 cost-effective technology for the Community Care Program no
11 later than January 1, 2014.

12 The Department shall require, as a condition of
13 eligibility, enrollment in the medical assistance program
14 under Article V of the Illinois Public Aid Code (i) beginning
15 August 1, 2013, if the Auditor General has reported that the
16 Department has failed to comply with the reporting requirements
17 of Section 2-27 of the Illinois State Auditing Act; or (ii)
18 beginning June 1, 2014, if the Auditor General has reported
19 that the Department has not undertaken the required actions
20 listed in the report required by subsection (a) of Section 2-27
21 of the Illinois State Auditing Act.

22 The Department shall delay Community Care Program services
23 until an applicant is determined eligible for medical
24 assistance under Article V of the Illinois Public Aid Code (i)
25 beginning August 1, 2013, if the Auditor General has reported
26 that the Department has failed to comply with the reporting

1 requirements of Section 2-27 of the Illinois State Auditing
2 Act; or (ii) beginning June 1, 2014, if the Auditor General has
3 reported that the Department has not undertaken the required
4 actions listed in the report required by subsection (a) of
5 Section 2-27 of the Illinois State Auditing Act.

6 The Department shall implement co-payments for the
7 Community Care Program at the federally allowable maximum level
8 (i) beginning August 1, 2013, if the Auditor General has
9 reported that the Department has failed to comply with the
10 reporting requirements of Section 2-27 of the Illinois State
11 Auditing Act; or (ii) beginning June 1, 2014, if the Auditor
12 General has reported that the Department has not undertaken the
13 required actions listed in the report required by subsection
14 (a) of Section 2-27 of the Illinois State Auditing Act.

15 The Department shall provide a bi-monthly report on the
16 progress of the Community Care Program reforms set forth in
17 this amendatory Act of the 98th General Assembly to the
18 Governor, the Speaker of the House of Representatives, the
19 Minority Leader of the House of Representatives, the President
20 of the Senate, and the Minority Leader of the Senate.

21 The Department shall conduct a quarterly review of Care
22 Coordination Unit performance and adherence to service
23 guidelines. The quarterly review shall be reported to the
24 Speaker of the House of Representatives, the Minority Leader of
25 the House of Representatives, the President of the Senate, and
26 the Minority Leader of the Senate. The Department shall collect

1 and report longitudinal data on the performance of each care
2 coordination unit. Nothing in this paragraph shall be construed
3 to require the Department to identify specific care
4 coordination units.

5 In regard to community care providers, failure to comply
6 with Department on Aging policies shall be cause for
7 disciplinary action, including, but not limited to,
8 disqualification from serving Community Care Program clients.
9 Each provider, upon submission of any bill or invoice to the
10 Department for payment for services rendered, shall include a
11 notarized statement, under penalty of perjury pursuant to
12 Section 1-109 of the Code of Civil Procedure, that the provider
13 has complied with all Department policies.

14 The Director of the Department on Aging shall make
15 information available to the State Board of Elections as may be
16 required by an agreement the State Board of Elections has
17 entered into with a multi-state voter registration list
18 maintenance system.

19 (Source: P.A. 97-333, eff. 8-12-11; 98-8, eff. 5-3-13; 98-1171,
20 eff. 6-1-15.)

21 (20 ILCS 105/4.03) (from Ch. 23, par. 6104.03)

22 Sec. 4.03. The Department on Aging, in cooperation with the
23 Department of Human Services and any other appropriate State,
24 local or federal agency, shall, without regard to income
25 guidelines, establish a nursing home prescreening program to

1 determine whether Alzheimer's Disease and related disorders
2 victims, and persons who are deemed as blind or as a person
3 with a disability ~~disabled~~ as defined by the Social Security
4 Act and who are in need of long term care, may be
5 satisfactorily cared for in their homes through the use of home
6 and community based services. Responsibility for prescreening
7 shall be vested with case coordination units. Prescreening
8 shall occur: (i) when hospital discharge planners have advised
9 the case coordination unit of the imminent risk of nursing home
10 placement of a patient who meets the above criteria and in
11 advance of discharge of the patient; or (ii) when a case
12 coordination unit has been advised of the imminent risk of
13 nursing home placement of an individual in the community. The
14 individual who is prescreened shall be informed of all
15 appropriate options, including placement in a nursing home and
16 the availability of in-home and community-based services and
17 shall be advised of her or his right to refuse nursing home,
18 in-home, community-based, or all services. In addition, the
19 individual being prescreened shall be informed of spousal
20 impoverishment requirements, the need to submit financial
21 information to access services, and the consequences for
22 failure to do so in a form and manner developed jointly by the
23 Department on Aging, the Department of Human Services, and the
24 Department of Healthcare and Family Services. Case
25 coordination units under contract with the Department may
26 charge a fee for the prescreening provided under this Section

1 and the fee shall be no greater than the cost of such services
2 to the case coordination unit. At the time of each
3 prescreening, case coordination units shall provide
4 information regarding the Office of State Long Term Care
5 Ombudsman's Residents Right to Know database as authorized in
6 subsection (c-5) of Section 4.04.

7 (Source: P.A. 98-255, eff. 8-9-13.)

8 (20 ILCS 105/4.15)

9 Sec. 4.15. Eligibility determinations.

10 (a) The Department is authorized to make eligibility
11 determinations for benefits administered by other governmental
12 bodies based on the Senior Citizens and Persons with
13 Disabilities ~~Disabled Persons~~ Property Tax Relief Act as
14 follows:

15 (i) for the Secretary of State with respect to reduced
16 fees paid by qualified vehicle owners under the Illinois
17 Vehicle Code;

18 (ii) for special districts that offer free fixed route
19 public transportation services for qualified older adults
20 under the Local Mass Transit District Act, the Metropolitan
21 Transit Authority Act, and the Regional Transportation
22 Authority Act; and

23 (iii) for special districts that offer transit
24 services for qualified individuals with disabilities under
25 the Local Mass Transit District Act, the Metropolitan

1 Transit Authority Act, and the Regional Transportation
2 Authority Act.

3 (b) The Department shall establish the manner by which
4 claimants shall apply for these benefits. The Department is
5 authorized to promulgate rules regarding the following
6 matters: the application cycle; the application process; the
7 content for an electronic application; required personal
8 identification information; acceptable proof of eligibility as
9 to age, disability status, marital status, residency, and
10 household income limits; household composition; calculating
11 income; use of social security numbers; duration of eligibility
12 determinations; and any other matters necessary for such
13 administrative operations.

14 (c) All information received by the Department from an
15 application or from any investigation to determine eligibility
16 for benefits shall be confidential, except for official
17 purposes.

18 (d) A person may not under any circumstances charge a fee
19 to a claimant for assistance in completing an application form
20 for these benefits.

21 (Source: P.A. 98-887, eff. 8-15-14.)

22 Section 110. The Illinois AgrAbility Act is amended by
23 changing Section 15 as follows:

24 (20 ILCS 235/15)

1 Sec. 15. Illinois AgrAbility Program established.

2 (a) Subject to appropriation, the Department, in
3 cooperation with the University of Illinois Extension, shall
4 contract with a non-profit disability service provider or other
5 entity that assists farmers with disabilities ~~disabled~~
6 ~~farmers~~, to establish and administer the Illinois AgrAbility
7 Program in order to assist individuals who are engaged in
8 farming or an agriculture-related activity and who have been
9 affected by disability.

10 (b) Services provided by the Illinois AgrAbility Program
11 shall include, but are not limited to, the following:

12 (1) A toll-free information and referral hotline.

13 (2) The establishment of networks with local
14 agricultural and rehabilitation professionals.

15 (3) The coordination of community resources.

16 (4) The establishment of networks with local
17 agricultural and health care professionals to help
18 identify individuals who may be eligible for assistance and
19 to help identify the best method of providing that
20 assistance.

21 (5) The provision of information on and assistance
22 regarding equipment modification.

23 (6) Job restructuring.

24 (7) The provision of information on and assistance
25 regarding the development of alternative jobs.

26 In order to provide these services, the Illinois AgrAbility

1 Program shall cooperate and share resources, facilities, and
2 employees with AgrAbility Unlimited, the University of
3 Illinois Extension, and the Office of Rehabilitation Services
4 of the Department of Human Services.

5 The costs of the program, including any related
6 administrative expenses from the Department, may be paid from
7 any funds specifically appropriated or otherwise available to
8 the Department for that purpose. The Department may pay the
9 costs of the Illinois AgrAbility program by making grants to
10 the operating entity, by making grants directly to service
11 providers, by paying reimbursements for services provided, or
12 in any other appropriate manner.

13 (c) The Department has the power to enter into any
14 agreements that are necessary and appropriate for the
15 establishment, operation, and funding of the Illinois
16 AgrAbility Program. The Department may adopt any rules that it
17 determines necessary for the establishment, operation, and
18 funding of the Illinois AgrAbility Program.

19 (Source: P.A. 94-216, eff. 7-14-05.)

20 Section 115. The Alcoholism and Other Drug Abuse and
21 Dependency Act is amended by changing Section 30-5 as follows:

22 (20 ILCS 301/30-5)

23 Sec. 30-5. Patients' rights established.

24 (a) For purposes of this Section, "patient" means any

1 person who is receiving or has received intervention, treatment
2 or aftercare services under this Act.

3 (b) No patient who is receiving or who has received
4 intervention, treatment or aftercare services under this Act
5 shall be deprived of any rights, benefits, or privileges
6 guaranteed by law, the Constitution of the United States of
7 America, or the Constitution of the State of Illinois solely
8 because of his status as a patient of a program.

9 (c) Persons who abuse or are dependent on alcohol or other
10 drugs who are also suffering from medical conditions shall not
11 be discriminated against in admission or treatment by any
12 hospital which receives support in any form from any program
13 supported in whole or in part by funds appropriated to any
14 State department or agency.

15 (d) Every patient shall have impartial access to services
16 without regard to race, religion, sex, ethnicity, age or
17 disability ~~handicap~~.

18 (e) Patients shall be permitted the free exercise of
19 religion.

20 (f) Every patient's personal dignity shall be recognized in
21 the provision of services, and a patient's personal privacy
22 shall be assured and protected within the constraints of his
23 individual treatment plan.

24 (g) Treatment services shall be provided in the least
25 restrictive environment possible.

26 (h) Each patient shall be provided an individual treatment

1 plan, which shall be periodically reviewed and updated as
2 necessary.

3 (i) Every patient shall be permitted to participate in the
4 planning of his total care and medical treatment to the extent
5 that his condition permits.

6 (j) A person shall not be denied treatment solely because
7 he has withdrawn from treatment against medical advice on a
8 prior occasion or because he has relapsed after earlier
9 treatment or, when in medical crisis, because of inability to
10 pay.

11 (k) The patient in treatment shall be permitted visits by
12 family and significant others, unless such visits are
13 clinically contraindicated.

14 (l) A patient in treatment shall be allowed to conduct
15 private telephone conversations with family and friends unless
16 clinically contraindicated.

17 (m) A patient shall be permitted to send and receive mail
18 without hindrance, unless clinically contraindicated.

19 (n) A patient shall be permitted to manage his own
20 financial affairs unless he or his guardian, or if the patient
21 is a minor, his parent, authorizes another competent person to
22 do so.

23 (o) A patient shall be permitted to request the opinion of
24 a consultant at his own expense, or to request an in-house
25 review of a treatment plan, as provided in the specific
26 procedures of the provider. A treatment provider is not liable

1 for the negligence of any consultant.

2 (p) Unless otherwise prohibited by State or federal law,
3 every patient shall be permitted to obtain from his own
4 physician, the treatment provider or the treatment provider's
5 consulting physician complete and current information
6 concerning the nature of care, procedures and treatment which
7 he will receive.

8 (q) A patient shall be permitted to refuse to participate
9 in any experimental research or medical procedure without
10 compromising his access to other, non-experimental services.
11 Before a patient is placed in an experimental research or
12 medical procedure, the provider must first obtain his informed
13 written consent or otherwise comply with the federal
14 requirements regarding the protection of human subjects
15 contained in 45 C.F.R. Part 46.

16 (r) All medical treatment and procedures shall be
17 administered as ordered by a physician. In order to assure
18 compliance by the treatment program with all physician orders,
19 all new physician orders shall be reviewed by the treatment
20 program's staff within a reasonable period of time after such
21 orders have been issued. "Medical treatment and procedures"
22 means those services that can be ordered only by a physician
23 licensed to practice medicine in all of its branches in
24 Illinois.

25 (s) Every patient shall be permitted to refuse medical
26 treatment and to know the consequences of such action. Such

1 refusal by a patient shall free the treatment program from the
2 obligation to provide the treatment.

3 (t) Unless otherwise prohibited by State or federal law,
4 every patient, patient's guardian, or parent, if the patient is
5 a minor, shall be permitted to inspect and copy all clinical
6 and other records kept by the treatment program or by his
7 physician concerning his care and maintenance. The treatment
8 program or physician may charge a reasonable fee for the
9 duplication of a record.

10 (u) No owner, licensee, administrator, employee or agent of
11 a treatment program shall abuse or neglect a patient. It is the
12 duty of any program employee or agent who becomes aware of such
13 abuse or neglect to report it to the Department immediately.

14 (v) The administrator of a program may refuse access to the
15 program to any person if the actions of that person while in
16 the program are or could be injurious to the health and safety
17 of a patient or the program, or if the person seeks access to
18 the program for commercial purposes.

19 (w) A patient may be discharged from a program after he
20 gives the administrator written notice of his desire to be
21 discharged or upon completion of his prescribed course of
22 treatment. No patient shall be discharged or transferred
23 without the preparation of a post-treatment aftercare plan by
24 the program.

25 (x) Patients and their families or legal guardians shall
26 have the right to present complaints concerning the quality of

1 care provided to the patient, without threat of discharge or
2 reprisal in any form or manner whatsoever. The treatment
3 provider shall have in place a mechanism for receiving and
4 responding to such complaints, and shall inform the patient and
5 his family or legal guardian of this mechanism and how to use
6 it. The provider shall analyze any complaint received and, when
7 indicated, take appropriate corrective action. Every patient
8 and his family member or legal guardian who makes a complaint
9 shall receive a timely response from the provider which
10 substantively addresses the complaint. The provider shall
11 inform the patient and his family or legal guardian about other
12 sources of assistance if the provider has not resolved the
13 complaint to the satisfaction of the patient or his family or
14 legal guardian.

15 (y) A resident may refuse to perform labor at a program
16 unless such labor is a part of his individual treatment program
17 as documented in his clinical record.

18 (z) A person who is in need of treatment may apply for
19 voluntary admission to a treatment program in the manner and
20 with the rights provided for under regulations promulgated by
21 the Department. If a person is refused admission to a licensed
22 treatment program, the staff of the program, subject to rules
23 promulgated by the Department, shall refer the person to
24 another treatment or other appropriate program.

25 (aa) No patient shall be denied services based solely on
26 HIV status. Further, records and information governed by the

1 AIDS Confidentiality Act and the AIDS Confidentiality and
2 Testing Code (77 Ill. Adm. Code 697) shall be maintained in
3 accordance therewith.

4 (bb) Records of the identity, diagnosis, prognosis or
5 treatment of any patient maintained in connection with the
6 performance of any program or activity relating to alcohol or
7 other drug abuse or dependency education, early intervention,
8 intervention, training, treatment or rehabilitation which is
9 regulated, authorized, or directly or indirectly assisted by
10 any Department or agency of this State or under any provision
11 of this Act shall be confidential and may be disclosed only in
12 accordance with the provisions of federal law and regulations
13 concerning the confidentiality of alcohol and drug abuse
14 patient records as contained in 42 U.S.C. Sections 290dd-3 and
15 290ee-3 and 42 C.F.R. Part 2.

16 (1) The following are exempt from the confidentiality
17 protections set forth in 42 C.F.R. Section 2.12(c):

18 (A) Veteran's Administration records.

19 (B) Information obtained by the Armed Forces.

20 (C) Information given to qualified service
21 organizations.

22 (D) Communications within a program or between a
23 program and an entity having direct administrative
24 control over that program.

25 (E) Information given to law enforcement personnel
26 investigating a patient's commission of a crime on the

1 program premises or against program personnel.

2 (F) Reports under State law of incidents of
3 suspected child abuse and neglect; however,
4 confidentiality restrictions continue to apply to the
5 records and any follow-up information for disclosure
6 and use in civil or criminal proceedings arising from
7 the report of suspected abuse or neglect.

8 (2) If the information is not exempt, a disclosure can
9 be made only under the following circumstances:

10 (A) With patient consent as set forth in 42 C.F.R.
11 Sections 2.1(b)(1) and 2.31, and as consistent with
12 pertinent State law.

13 (B) For medical emergencies as set forth in 42
14 C.F.R. Sections 2.1(b)(2) and 2.51.

15 (C) For research activities as set forth in 42
16 C.F.R. Sections 2.1(b)(2) and 2.52.

17 (D) For audit evaluation activities as set forth in
18 42 C.F.R. Section 2.53.

19 (E) With a court order as set forth in 42 C.F.R.
20 Sections 2.61 through 2.67.

21 (3) The restrictions on disclosure and use of patient
22 information apply whether the holder of the information
23 already has it, has other means of obtaining it, is a law
24 enforcement or other official, has obtained a subpoena, or
25 asserts any other justification for a disclosure or use
26 which is not permitted by 42 C.F.R. Part 2. Any court

1 orders authorizing disclosure of patient records under
2 this Act must comply with the procedures and criteria set
3 forth in 42 C.F.R. Sections 2.64 and 2.65. Except as
4 authorized by a court order granted under this Section, no
5 record referred to in this Section may be used to initiate
6 or substantiate any charges against a patient or to conduct
7 any investigation of a patient.

8 (4) The prohibitions of this subsection shall apply to
9 records concerning any person who has been a patient,
10 regardless of whether or when he ceases to be a patient.

11 (5) Any person who discloses the content of any record
12 referred to in this Section except as authorized shall,
13 upon conviction, be guilty of a Class A misdemeanor.

14 (6) The Department shall prescribe regulations to
15 carry out the purposes of this subsection. These
16 regulations may contain such definitions, and may provide
17 for such safeguards and procedures, including procedures
18 and criteria for the issuance and scope of court orders, as
19 in the judgment of the Department are necessary or proper
20 to effectuate the purposes of this Section, to prevent
21 circumvention or evasion thereof, or to facilitate
22 compliance therewith.

23 (cc) Each patient shall be given a written explanation of
24 all the rights enumerated in this Section. If a patient is
25 unable to read such written explanation, it shall be read to
26 the patient in a language that the patient understands. A copy

1 of all the rights enumerated in this Section shall be posted in
2 a conspicuous place within the program where it may readily be
3 seen and read by program patients and visitors.

4 (dd) The program shall ensure that its staff is familiar
5 with and observes the rights and responsibilities enumerated in
6 this Section.

7 (Source: P.A. 90-655, eff. 7-30-98.)

8 Section 120. The Department of Central Management Services
9 Law of the Civil Administrative Code of Illinois is amended by
10 changing Section 405-300 as follows:

11 (20 ILCS 405/405-300) (was 20 ILCS 405/67.02)

12 Sec. 405-300. Lease or purchase of facilities; training
13 programs.

14 (a) To lease or purchase office and storage space,
15 buildings, land, and other facilities for all State agencies,
16 authorities, boards, commissions, departments, institutions,
17 and bodies politic and all other administrative units or
18 outgrowths of the executive branch of State government except
19 the Constitutional officers, the State Board of Education and
20 the State colleges and universities and their governing bodies.
21 However, before leasing or purchasing any office or storage
22 space, buildings, land or other facilities in any municipality
23 the Department shall survey the existing State-owned and
24 State-leased property to make a determination of need.

1 The leases shall be for a term not to exceed 5 years,
2 except that the leases may contain a renewal clause subject to
3 acceptance by the State after that date or an option to
4 purchase. The purchases shall be made through contracts that
5 (i) may provide for the title to the property to transfer
6 immediately to the State or a trustee or nominee for the
7 benefit of the State, (ii) shall provide for the consideration
8 to be paid in installments to be made at stated intervals
9 during a certain term not to exceed 30 years from the date of
10 the contract, and (iii) may provide for the payment of interest
11 on the unpaid balance at a rate that does not exceed a rate
12 determined by adding 3 percentage points to the annual yield on
13 United States Treasury obligations of comparable maturity as
14 most recently published in the Wall Street Journal at the time
15 such contract is signed. The leases and purchase contracts
16 shall be and shall recite that they are subject to termination
17 and cancellation in any year for which the General Assembly
18 fails to make an appropriation to pay the rent or purchase
19 installments payable under the terms of the lease or purchase
20 contract. Additionally, the purchase contract shall specify
21 that title to the office and storage space, buildings, land,
22 and other facilities being acquired under the contract shall
23 revert to the Seller in the event of the failure of the General
24 Assembly to appropriate suitable funds. However, this
25 limitation on the term of the leases does not apply to leases
26 to and with the Illinois Building Authority, as provided for in

1 the Building Authority Act. Leases to and with that Authority
2 may be entered into for a term not to exceed 30 years and shall
3 be and shall recite that they are subject to termination and
4 cancellation in any year for which the General Assembly fails
5 to make an appropriation to pay the rent payable under the
6 terms of the lease. These limitations do not apply if the lease
7 or purchase contract contains a provision limiting the
8 liability for the payment of the rentals or installments
9 thereof solely to funds received from the Federal government.

10 (b) To lease from an airport authority office, aircraft
11 hangar, and service buildings constructed upon a public airport
12 under the Airport Authorities Act for the use and occupancy of
13 the State Department of Transportation. The lease may be
14 entered into for a term not to exceed 30 years.

15 (c) To establish training programs for teaching State
16 leasing procedures and practices to new employees of the
17 Department and to keep all employees of the Department informed
18 about current leasing practices and developments in the real
19 estate industry.

20 (d) To enter into an agreement with a municipality or
21 county to construct, remodel, or convert a structure for the
22 purposes of its serving as a correctional institution or
23 facility pursuant to paragraph (c) of Section 3-2-2 of the
24 Unified Code of Corrections.

25 (e) To enter into an agreement with a private individual,
26 trust, partnership, or corporation or a municipality or other

1 unit of local government, when authorized to do so by the
2 Department of Corrections, whereby that individual, trust,
3 partnership, or corporation or municipality or other unit of
4 local government will construct, remodel, or convert a
5 structure for the purposes of its serving as a correctional
6 institution or facility and then lease the structure to the
7 Department for the use of the Department of Corrections. A
8 lease entered into pursuant to the authority granted in this
9 subsection shall be for a term not to exceed 30 years but may
10 grant to the State the option to purchase the structure
11 outright.

12 The leases shall be and shall recite that they are subject
13 to termination and cancellation in any year for which the
14 General Assembly fails to make an appropriation to pay the rent
15 payable under the terms of the lease.

16 (f) On and after September 17, 1983, the powers granted to
17 the Department under this Section shall be exercised
18 exclusively by the Department, and no other State agency may
19 concurrently exercise any such power unless specifically
20 authorized otherwise by a later enacted law. This subsection is
21 not intended to impair any contract existing as of September
22 17, 1983.

23 However, no lease for more than 10,000 square feet of space
24 shall be executed unless the Director, in consultation with the
25 Executive Director of the Capital Development Board, has
26 certified that leasing is in the best interest of the State,

1 considering programmatic requirements, availability of vacant
2 State-owned space, the cost-benefits of purchasing or
3 constructing new space, and other criteria as he or she shall
4 determine. The Director shall not permit multiple leases for
5 less than 10,000 square feet to be executed in order to evade
6 this provision.

7 (g) To develop and implement, in cooperation with the
8 Interagency Energy Conservation Committee, a system for
9 evaluating energy consumption in facilities leased by the
10 Department, and to develop energy consumption standards for use
11 in evaluating prospective lease sites.

12 (h) (1) After June 1, 1998 (the effective date of Public
13 Act 90-520), the Department shall not enter into an
14 agreement for the installment purchase or lease purchase of
15 buildings, land, or facilities unless:

16 (A) the using agency certifies to the Department
17 that the agency reasonably expects that the building,
18 land, or facilities being considered for purchase will
19 meet a permanent space need;

20 (B) the building or facilities will be
21 substantially occupied by State agencies after
22 purchase (or after acceptance in the case of a build to
23 suit);

24 (C) the building or facilities shall be in new or
25 like new condition and have a remaining economic life
26 exceeding the term of the contract;

1 (D) no structural or other major building
2 component or system has a remaining economic life of
3 less than 10 years;

4 (E) the building, land, or facilities:

5 (i) is free of any identifiable environmental
6 hazard or

7 (ii) is subject to a management plan, provided
8 by the seller and acceptable to the State, to
9 address the known environmental hazard;

10 (F) the building, land, or facilities satisfy
11 applicable ~~handicap~~ accessibility and applicable
12 building codes; and

13 (G) the State's cost to lease purchase or
14 installment purchase the building, land, or facilities
15 is less than the cost to lease space of comparable
16 quality, size, and location over the lease purchase or
17 installment purchase term.

18 (2) The Department shall establish the methodology for
19 comparing lease costs to the costs of installment or lease
20 purchases. The cost comparison shall take into account all
21 relevant cost factors, including, but not limited to, debt
22 service, operating and maintenance costs, insurance and
23 risk costs, real estate taxes, reserves for replacement and
24 repairs, security costs, and utilities. The methodology
25 shall also provide:

26 (A) that the comparison will be made using level

1 payment plans; and

2 (B) that a purchase price must not exceed the fair
3 market value of the buildings, land, or facilities and
4 that the purchase price must be substantiated by an
5 appraisal or by a competitive selection process.

6 (3) If the Department intends to enter into an
7 installment purchase or lease purchase agreement for
8 buildings, land, or facilities under circumstances that do
9 not satisfy the conditions specified by this Section, it
10 must issue a notice to the Secretary of the Senate and the
11 Clerk of the House. The notice shall contain (i) specific
12 details of the State's proposed purchase, including the
13 amounts, purposes, and financing terms; (ii) a specific
14 description of how the proposed purchase varies from the
15 procedures set forth in this Section; and (iii) a specific
16 justification, signed by the Director, stating why it is in
17 the State's best interests to proceed with the purchase.
18 The Department may not proceed with such an installment
19 purchase or lease purchase agreement if, within 60 calendar
20 days after delivery of the notice, the General Assembly, by
21 joint resolution, disapproves the transaction. Delivery
22 may take place on a day and at an hour when the Senate and
23 House are not in session so long as the offices of
24 Secretary and Clerk are open to receive the notice. In
25 determining the 60-day period within which the General
26 Assembly must act, the day on which delivery is made to the

1 Senate and House shall not be counted. If delivery of the
2 notice to the 2 houses occurs on different days, the 60-day
3 period shall begin on the day following the later delivery.

4 (4) On or before February 15 of each year, the
5 Department shall submit an annual report to the Director of
6 the Governor's Office of Management and Budget and the
7 General Assembly regarding installment purchases or lease
8 purchases of buildings, land, or facilities that were
9 entered into during the preceding calendar year. The report
10 shall include a summary statement of the aggregate amount
11 of the State's obligations under those purchases; specific
12 details pertaining to each purchase, including the
13 amounts, purposes, and financing terms and payment
14 schedule for each purchase; and any other matter that the
15 Department deems advisable.

16 The requirement for reporting to the General Assembly
17 shall be satisfied by filing copies of the report with the
18 Auditor General, the Speaker, the Minority Leader, and the
19 Clerk of the House of Representatives and the President,
20 the Minority Leader, and the Secretary of the Senate, the
21 Chairs of the Appropriations Committees, and the
22 Legislative Research Unit, as required by Section 3.1 of
23 the General Assembly Organization Act, and filing
24 additional copies with the State Government Report
25 Distribution Center for the General Assembly as is required
26 under paragraph (t) of Section 7 of the State Library Act.

1 (Source: P.A. 94-793, eff. 5-19-06.)

2 Section 125. The Federal Surplus Property Act is amended by
3 changing Section 2 as follows:

4 (20 ILCS 430/2) (from Ch. 127, par. 176d2)

5 Sec. 2. Authority and Duties of the State Agency for
6 Federal Surplus Property.

7 (a) The State Agency for Federal Surplus Property is hereby
8 authorized and empowered (1) to acquire from the United States
9 of America under and in conformance with the provisions of
10 paragraph (j) of Section 203 of the Federal Property and
11 Administrative Services Act of 1949, as amended, hereinafter
12 referred to as the "Federal Act", such property, including
13 equipment, materials, books, or other supplies under the
14 control of any department or agency of the United States of
15 America as may be useable and necessary for distribution to any
16 public agency for use in carrying out or promoting for the
17 residents of a given political area one or more public
18 purposes, such as conservation, economic development,
19 education, parks and recreation, public health, and public
20 safety; or to nonprofit educational or public health
21 institutions or organizations, such as medical institutions,
22 hospitals, clinics, health centers, schools, colleges,
23 universities, schools for persons with physical disabilities
24 ~~the physically handicapped~~, child care centers, radio and

1 television stations licensed by the Federal Communications
2 Commission as educational radio or educational television
3 stations, museums attended by the public, and libraries serving
4 free all residents of a community, district, State, or region,
5 which are exempt from taxation under Section 501 of the
6 Internal Revenue Code of 1954, for purposes of education or
7 public health, including research for any such purpose; and for
8 such other purposes as may now or hereafter be authorized by
9 Federal law; (2) to warehouse such property; or if so requested
10 by the recipient, to arrange shipment of that property, when
11 acquired, directly to the recipient.

12 (b) The State Agency for Federal Surplus Property is hereby
13 authorized to receive applications from eligible health and
14 educational institutions for the acquisition of Federal
15 surplus real property, investigate the same, obtain expression
16 of views respecting such applications from the appropriate
17 health or educational authorities of the State, make
18 recommendations regarding the need of such applicant for the
19 property, the merits of its proposed program of utilization,
20 the suitability of the property for such purposes, and
21 otherwise assist in the processing of such applications for
22 acquisition of real and related personal property of the United
23 States under paragraph (k) of Section 203 of the Federal Act.

24 (c) For the purpose of executing its authority under this
25 Act, the State Agency for Federal Surplus Property is
26 authorized and empowered to adopt, amend, or rescind such rules

1 and regulations and prescribe such requirements as may be
2 deemed necessary; and take such other action as is deemed
3 necessary and suitable, in the administration of this Act, and
4 to provide for the fair and equitable distribution of property
5 within the State based on the relative needs and resources of
6 interested public agencies and other eligible institutions
7 within the State and their abilities to utilize the property.

8 (d) The State Agency for Federal Surplus Property is
9 authorized and empowered to make such certifications, take such
10 action, make such expenditures, require such reports and make
11 such investigations as may be required by law or regulation of
12 the United States of America in connection with the disposal of
13 real property and the receipt, warehousing, and distribution of
14 personal property received by the State Agency for Federal
15 Surplus Property from the United States of America and to enter
16 into contracts, agreements and undertakings for and in the name
17 of the State (including cooperative agreements with any Federal
18 agencies providing for utilization by and exchange between
19 them, without reimbursement, of the property, facilities,
20 personnel and services of each by the other, and agreements
21 with other State Agencies for Federal Surplus Property and with
22 associations or groups of such State Agencies.)

23 (e) The State Agency for Federal Surplus Property is
24 authorized and empowered to act as a clearing house of
25 information for the public and private nonprofit institutions,
26 organizations and agencies referred to in subparagraph (3) of

1 Section 2 of this Act and other institutions eligible to
2 acquire Federal surplus real property, to locate both real and
3 personal property available for acquisition from the United
4 States of America, to ascertain the terms and conditions under
5 which such property may be obtained, to receive requests from
6 the above mentioned institutions, organizations and agencies
7 and to transmit to them all available information in reference
8 to such property, and to aid and assist such institutions,
9 organizations and agencies in every way possible in the
10 consummation of acquisitions or transactions hereunder.

11 (f) The State Agency for Federal Surplus Property, in the
12 administration of this Act, shall cooperate to the fullest
13 extent consistent with the provisions of the Federal Act, with
14 the Administrator of the General Services Administration and
15 shall file a State plan of operation, operate in accordance
16 therewith, and take such action as may be necessary to meet the
17 minimum standards prescribed in accordance with the Federal
18 Act, and make such reports in such form and containing such
19 information as the United States of America or any of its
20 departments or agencies may from time to time require, and it
21 shall comply with the laws of the United States of America and
22 the rules and regulations of any of the departments or agencies
23 of the United States of America governing the allocation,
24 transfer and use of, or account for, property donable or
25 donated to eligible donees in the State.

26 (Source: P.A. 81-1509.)

1 Section 130. The Children and Family Services Act is
2 amended by changing Sections 5, 7, 12.1, and 12.2 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 children with physical or mental
14 disabilities, children who are older, or ~~physically or mentally~~
15 ~~handicapped, older and~~ other hard-to-place children who (i)
16 immediately prior to their adoption were legal wards of the
17 Department or (ii) were determined eligible for financial
18 assistance with respect to a prior adoption and who become
19 available for adoption because the prior adoption has been
20 dissolved and the parental rights of the adoptive parents have
21 been terminated or because the child's adoptive parents have
22 died. The Department may continue to provide financial
23 assistance and education assistance grants for a child who was
24 determined eligible for financial assistance under this
25 subsection (j) in the interim period beginning when the child's
26 adoptive parents died and ending with the finalization of the

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

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

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

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

25 (k) The Department shall accept for care and training any
26 child who has been adjudicated neglected or abused, or

1 dependent committed to it pursuant to the Juvenile Court Act or
2 the Juvenile Court Act of 1987.

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

1 reasonable promptness and if those services are available.

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

26 The Department may, at its discretion except for those

1 children also adjudicated neglected or dependent, accept for
2 care and training any child who has been adjudicated addicted,
3 as a truant minor in need of supervision or as a minor
4 requiring authoritative intervention, under the Juvenile Court
5 Act or the Juvenile Court Act of 1987, but no such child shall
6 be committed to the Department by any court without the
7 approval of the Department. On and after the effective date of
8 this amendatory Act of the 98th General Assembly and before
9 January 1, 2017, a minor charged with a criminal offense under
10 the Criminal Code of 1961 or the Criminal Code of 2012 or
11 adjudicated delinquent shall not be placed in the custody of or
12 committed to the Department by any court, except (i) a minor
13 less than 16 years of age committed to the Department under
14 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor
15 for whom an independent basis of abuse, neglect, or dependency
16 exists, which must be defined by departmental rule, or (iii) a
17 minor for whom the court has granted a supplemental petition to
18 reinstate wardship pursuant to subsection (2) of Section 2-33
19 of the Juvenile Court Act of 1987. On and after January 1,
20 2017, a minor charged with a criminal offense under the
21 Criminal Code of 1961 or the Criminal Code of 2012 or
22 adjudicated delinquent shall not be placed in the custody of or
23 committed to the Department by any court, except (i) a minor
24 less than 15 years of age committed to the Department under
25 Section 5-710 of the Juvenile Court Act of 1987, ii) a minor
26 for whom an independent basis of abuse, neglect, or dependency

1 exists, which must be defined by departmental rule, or (iii) a
2 minor for whom the court has granted a supplemental petition to
3 reinstate wardship pursuant to subsection (2) of Section 2-33
4 of the Juvenile Court Act of 1987. An independent basis exists
5 when the allegations or adjudication of abuse, neglect, or
6 dependency do not arise from the same facts, incident, or
7 circumstances which give rise to a charge or adjudication of
8 delinquency.

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

1 special family preservation services. The nature and scope of
2 the services offered and the number of families served under
3 the special program implemented under this paragraph shall be
4 determined by the level of funding that the Department annually
5 allocates for this purpose. The term "pervasive developmental
6 disorder" under this paragraph means a neurological condition,
7 including but not limited to, Asperger's Syndrome and autism,
8 as defined in the most recent edition of the Diagnostic and
9 Statistical Manual of Mental Disorders of the American
10 Psychiatric Association.

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

24 When determining reasonable efforts to be made with respect
25 to a child, as described in this subsection, and in making such
26 reasonable efforts, the child's health and safety shall be the

1 paramount concern.

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

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

20 The Department shall adopt rules addressing concurrent
21 planning for reunification and permanency. The Department
22 shall consider the following factors when determining
23 appropriateness of concurrent planning:

- 24 (1) the likelihood of prompt reunification;
25 (2) the past history of the family;
26 (3) the barriers to reunification being addressed by

1 the family;

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

3 (5) the foster parents' willingness to work with the
4 family to reunite;

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

7 (7) the age of the child;

8 (8) placement of siblings.

9 (m) The Department may assume temporary custody of any
10 child if:

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

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

18 If the child is found in his or her residence without a parent,
19 guardian, custodian or responsible caretaker, the Department
20 may, instead of removing the child and assuming temporary
21 custody, place an authorized representative of the Department
22 in that residence until such time as a parent, guardian or
23 custodian enters the home and expresses a willingness and
24 apparent ability to ensure the child's health and safety and
25 resume permanent charge of the child, or until a relative
26 enters the home and is willing and able to ensure the child's

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

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

22 The Department shall ensure that any child taken into
23 custody is scheduled for an appointment for a medical
24 examination.

25 A parent, guardian or custodian of a child in the temporary
26 custody of the Department who would have custody of the child

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

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

1 and a court of competent jurisdiction has ordered placement of
2 the child in a secure care facility.

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

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

1 the Department of Human Services shall disseminate this
2 information statewide. The Department shall adopt regulations
3 describing services intended to assist minors in achieving
4 sustainable self-sufficiency as independent adults.

5 (o) The Department shall establish an administrative
6 review and appeal process for children and families who request
7 or receive child welfare services from the Department. Children
8 who are wards of the Department and are placed by private child
9 welfare agencies, and foster families with whom those children
10 are placed, shall be afforded the same procedural and appeal
11 rights as children and families in the case of placement by the
12 Department, including the right to an initial review of a
13 private agency decision by that agency. The Department shall
14 insure that any private child welfare agency, which accepts
15 wards of the Department for placement, affords those rights to
16 children and foster families. The Department shall accept for
17 administrative review and an appeal hearing a complaint made by
18 (i) a child or foster family concerning a decision following an
19 initial review by a private child welfare agency or (ii) a
20 prospective adoptive parent who alleges a violation of
21 subsection (j-5) of this Section. An appeal of a decision
22 concerning a change in the placement of a child shall be
23 conducted in an expedited manner. A court determination that a
24 current foster home placement is necessary and appropriate
25 under Section 2-28 of the Juvenile Court Act of 1987 does not
26 constitute a judicial determination on the merits of an

1 administrative appeal, filed by a former foster parent,
2 involving a change of placement decision.

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

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

26 The Department shall set up and administer no-cost,

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

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

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

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

1 \$13,000,000, shall be deposited by the Department into the
2 General Revenue Fund and the balance over 1/12 of
3 \$13,000,000 into the DCFS Children's Services Fund.

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

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

25 (s) The Department of Children and Family Services may
26 establish and implement a program to reimburse Department and

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

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

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

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

22 The Department shall provide written notification to the
23 court of the specific arrangements for supervised visitation
24 and projected monthly costs within 60 days of the court order.
25 The Department shall send to the court information related to
26 the costs incurred except in cases where the court has

1 determined the parties are financially unable to pay. The court
2 may order additional periodic reports as appropriate.

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

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

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

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

22 The caretaker shall be informed of any known social or
23 behavioral information (including, but not limited to,
24 criminal background, fire setting, perpetuation of sexual
25 abuse, destructive behavior, and substance abuse) necessary to
26 care for and safeguard the children to be placed or currently

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

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

26 (u-5) Effective July 1, 1995, only foster care placements

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

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

1 shall have training in the use of the criminal history
2 information access system and have access to the terminal. The
3 Department of Children and Family Services and its employees
4 shall abide by rules and regulations established by the
5 Department of State Police relating to the access and
6 dissemination of this information.

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

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

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

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

1 duration of the guardianship as terminated pursuant to the
2 Juvenile Court Act of 1987. The Department shall determine if
3 financial exploitation of the child's personal information has
4 occurred. If financial exploitation appears to have taken place
5 or is presently ongoing, the Department shall notify the proper
6 law enforcement agency, the proper State's Attorney, or the
7 Attorney General.

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

18 (z) The Department shall access criminal history record
19 information as defined as "background information" in this
20 subsection and criminal history record information as defined
21 in the Illinois Uniform Conviction Information Act for each
22 Department employee or Department applicant. Each Department
23 employee or Department applicant shall submit his or her
24 fingerprints to the Department of State Police in the form and
25 manner prescribed by the Department of State Police. These
26 fingerprints shall be checked against the fingerprint records

1 now and hereafter filed in the Department of State Police and
2 the Federal Bureau of Investigation criminal history records
3 databases. The Department of State Police shall charge a fee
4 for conducting the criminal history record check, which shall
5 be deposited into the State Police Services Fund and shall not
6 exceed the actual cost of the record check. The Department of
7 State Police shall furnish, pursuant to positive
8 identification, all Illinois conviction information to the
9 Department of Children and Family Services.

10 For purposes of this subsection:

11 "Background information" means all of the following:

12 (i) Upon the request of the Department of Children and
13 Family Services, conviction information obtained from the
14 Department of State Police as a result of a
15 fingerprint-based criminal history records check of the
16 Illinois criminal history records database and the Federal
17 Bureau of Investigation criminal history records database
18 concerning a Department employee or Department applicant.

19 (ii) Information obtained by the Department of
20 Children and Family Services after performing a check of
21 the Department of State Police's Sex Offender Database, as
22 authorized by Section 120 of the Sex Offender Community
23 Notification Law, concerning a Department employee or
24 Department applicant.

25 (iii) Information obtained by the Department of
26 Children and Family Services after performing a check of

1 the Child Abuse and Neglect Tracking System (CANTS)
2 operated and maintained by the Department.

3 "Department employee" means a full-time or temporary
4 employee coded or certified within the State of Illinois
5 Personnel System.

6 "Department applicant" means an individual who has
7 conditional Department full-time or part-time work, a
8 contractor, an individual used to replace or supplement staff,
9 an academic intern, a volunteer in Department offices or on
10 Department contracts, a work-study student, an individual or
11 entity licensed by the Department, or an unlicensed service
12 provider who works as a condition of a contract or an agreement
13 and whose work may bring the unlicensed service provider into
14 contact with Department clients or client records.

15 (Source: P.A. 97-1150, eff. 1-25-13; 98-249, eff. 1-1-14;
16 98-570, eff. 8-27-13; 98-756, eff. 7-16-14; 98-803, eff.
17 1-1-15.)

18 (20 ILCS 505/7) (from Ch. 23, par. 5007)

19 Sec. 7. Placement of children; considerations.

20 (a) In placing any child under this Act, the Department
21 shall place the child, as far as possible, in the care and
22 custody of some individual holding the same religious belief as
23 the parents of the child, or with some child care facility
24 which is operated by persons of like religious faith as the
25 parents of such child.

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

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

18 When the Department first assumes custody of a child, in
19 placing that child under this Act, the Department shall make
20 reasonable efforts to identify and locate a relative who is
21 ready, willing, and able to care for the child. At a minimum,
22 these efforts shall be renewed each time the child requires a
23 placement change and it is appropriate for the child to be
24 cared for in a home environment. The Department must document
25 its efforts to identify and locate such a relative placement
26 and maintain the documentation in the child's case file.

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

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

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

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

25 If the Department determines that an individual or a group
26 of relatives are inappropriate to serve as visitation resources

1 or possible placement resources, the Department shall document
2 the basis of its determination and maintain the documentation
3 in the child's case file.

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

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

22 (1) murder;

23 (1.1) solicitation of murder;

24 (1.2) solicitation of murder for hire;

25 (1.3) intentional homicide of an unborn child;

26 (1.4) voluntary manslaughter of an unborn child;

- 1 (1.5) involuntary manslaughter;
- 2 (1.6) reckless homicide;
- 3 (1.7) concealment of a homicidal death;
- 4 (1.8) involuntary manslaughter of an unborn child;
- 5 (1.9) reckless homicide of an unborn child;
- 6 (1.10) drug-induced homicide;
- 7 (2) a sex offense under Article 11, except offenses
- 8 described in Sections 11-7, 11-8, 11-12, 11-13, 11-35,
- 9 11-40, and 11-45;
- 10 (3) kidnapping;
- 11 (3.1) aggravated unlawful restraint;
- 12 (3.2) forcible detention;
- 13 (3.3) aiding and abetting child abduction;
- 14 (4) aggravated kidnapping;
- 15 (5) child abduction;
- 16 (6) aggravated battery of a child as described in
- 17 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;
- 18 (7) criminal sexual assault;
- 19 (8) aggravated criminal sexual assault;
- 20 (8.1) predatory criminal sexual assault of a child;
- 21 (9) criminal sexual abuse;
- 22 (10) aggravated sexual abuse;
- 23 (11) heinous battery as described in Section 12-4.1 or
- 24 subdivision (a) (2) of Section 12-3.05;
- 25 (12) aggravated battery with a firearm as described in
- 26 Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or

- 1 (e) (4) of Section 12-3.05;
- 2 (13) tampering with food, drugs, or cosmetics;
- 3 (14) drug-induced infliction of great bodily harm as
- 4 described in Section 12-4.7 or subdivision (g) (1) of
- 5 Section 12-3.05;
- 6 (15) aggravated stalking;
- 7 (16) home invasion;
- 8 (17) vehicular invasion;
- 9 (18) criminal transmission of HIV;
- 10 (19) criminal abuse or neglect of an elderly person or
- 11 person with a disability ~~disabled person~~ as described in
- 12 Section 12-21 or subsection (b) of Section 12-4.4a;
- 13 (20) child abandonment;
- 14 (21) endangering the life or health of a child;
- 15 (22) ritual mutilation;
- 16 (23) ritualized abuse of a child;
- 17 (24) an offense in any other state the elements of
- 18 which are similar and bear a substantial relationship to
- 19 any of the foregoing offenses.

20 For the purpose of this subsection, "relative" shall

21 include any person, 21 years of age or over, other than the

22 parent, who (i) is currently related to the child in any of the

23 following ways by blood or adoption: grandparent, sibling,

24 great-grandparent, uncle, aunt, nephew, niece, first cousin,

25 second cousin, godparent, great-uncle, or great-aunt; or (ii)

26 is the spouse of such a relative; or (iii) is the child's

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

21 Notwithstanding any other provision under this subsection
22 to the contrary, a fictive kin with whom a child is placed
23 pursuant to this subsection shall apply for licensure as a
24 foster family home pursuant to the Child Care Act of 1969
25 within 6 months of the child's placement with the fictive kin.
26 The Department shall not remove a child from the home of a

1 fictive kin on the basis that the fictive kin fails to apply
2 for licensure within 6 months of the child's placement with the
3 fictive kin, or fails to meet the standard for licensure. All
4 other requirements established under the rules and procedures
5 of the Department concerning the placement of a child, for whom
6 the Department is legally responsible, with a relative shall
7 apply. By June 1, 2015, the Department shall promulgate rules
8 establishing criteria and standards for placement,
9 identification, and licensure of fictive kin.

10 For purposes of this subsection, "fictive kin" means any
11 individual, unrelated by birth or marriage, who is shown to
12 have close personal or emotional ties with the child or the
13 child's family prior to the child's placement with the
14 individual.

15 The provisions added to this subsection (b) by this
16 amendatory Act of the 98th General Assembly shall become
17 operative on and after June 1, 2015.

18 (c) In placing a child under this Act, the Department shall
19 ensure that the child's health, safety, and best interests are
20 met. In rejecting placement of a child with an identified
21 relative, the Department shall ensure that the child's health,
22 safety, and best interests are met. In evaluating the best
23 interests of the child, the Department shall take into
24 consideration the factors set forth in subsection (4.05) of
25 Section 1-3 of the Juvenile Court Act of 1987.

26 The Department shall consider the individual needs of the

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

19 (c-1) At the time of placement, the Department shall
20 consider concurrent planning, as described in subsection (1-1)
21 of Section 5, 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.

25 (d) The Department may accept gifts, grants, offers of
26 services, and other contributions to use in making special

1 recruitment efforts.

2 (e) The Department in placing children in adoptive or
3 foster care homes may not, in any policy or practice relating
4 to the placement of children for adoption or foster care,
5 discriminate against any child or prospective adoptive or
6 foster parent on the basis of race.

7 (Source: P.A. 97-1076, eff. 8-24-12; 97-1109, eff. 1-1-13;
8 97-1150, eff. 1-25-13; 98-846, eff. 1-1-15.)

9 (20 ILCS 505/12.1) (from Ch. 23, par. 5012.1)

10 Sec. 12.1. To cooperate with the State Board of Education
11 and the Department of Human Services in a program to provide
12 for the placement, supervision and foster care of children with
13 disabilities ~~handicaps~~ who must leave their home community in
14 order to attend schools offering programs in special education.

15 (Source: P.A. 89-507, eff. 7-1-97.)

16 (20 ILCS 505/12.2) (from Ch. 23, par. 5012.2)

17 Sec. 12.2. To cooperate with the Department of Human
18 Services in any programs or projects regarding the care and
19 education of ~~handicapped~~ children with disabilities,
20 particularly in relation to the institutions under the
21 administration of the Department.

22 (Source: P.A. 89-507, eff. 7-1-97.)

23 Section 140. The Illinois Enterprise Zone Act is amended by

1 changing Section 9.2 as follows:

2 (20 ILCS 655/9.2) (from Ch. 67 1/2, par. 615)

3 Sec. 9.2. Exemptions from Regulatory Relaxation. (a)
4 Section 9 and subsection (a) of Section 9.1 do not apply to
5 rules and regulations promulgated pursuant to:

6 (i) the "Environmental Protection Act";

7 (ii) the "Illinois Historic Preservation Act";

8 (iii) the "Illinois Human Rights Act";

9 (iv) any successor acts to any of the foregoing; or

10 (v) any other acts whose purpose is the protection of the
11 environment, the preservation of historic places and
12 landmarks, or the protection of persons against discrimination
13 on the basis of race, color, religion, sex, marital status,
14 national origin or physical or mental disability handicap.

15 (b) No exemption, modification or alternative to any agency
16 rule or regulation promulgated under Section 9 or 9.1 shall be
17 effective which

18 (i) presents a significant risk to the health or safety of
19 persons resident in or employed within an Enterprise Zone;

20 (ii) would conflict with federal law or regulation such
21 that the state, or any unit of local government or school
22 district, or any area of the state other than Enterprise Zones,
23 or any business enterprise located outside of an Enterprise
24 Zone would be disqualified from a federal program or from
25 federal tax or other benefits;

1 (iii) would suspend or modify an agency rule or regulation
2 mandated by law; or

3 (iv) would eliminate or reduce benefits to individuals who
4 are residents of or employed within a Zone.

5 (Source: P.A. 82-1019.)

6 Section 145. The Department of Natural Resources
7 (Conservation) Law of the Civil Administrative Code of Illinois
8 is amended by changing Section 805-305 as follows:

9 (20 ILCS 805/805-305) (was 20 ILCS 805/63a23)

10 Sec. 805-305. Campsites and housing facilities. The
11 Department has the power to provide facilities for overnight
12 tent and trailer camp sites and to provide suitable housing
13 facilities for student and juvenile overnight camping groups.
14 The Department of Natural Resources may regulate, by
15 administrative order, the fees to be charged for tent and
16 trailer camping units at individual park areas based upon the
17 facilities available. However, for campsites with access to
18 showers or electricity, any Illinois resident who is age 62 or
19 older or has a Class 2 disability as defined in Section 4A of
20 the Illinois Identification Card Act shall be charged only
21 one-half of the camping fee charged to the general public
22 during the period Monday through Thursday of any week and shall
23 be charged the same camping fee as the general public on all
24 other days. For campsites without access to showers or

1 electricity, no camping fee authorized by this Section shall be
2 charged to any resident of Illinois who has a Class 2
3 disability as defined in Section 4A of the Illinois
4 Identification Card Act. For campsites without access to
5 showers or electricity, no camping fee authorized by this
6 Section shall be charged to any resident of Illinois who is age
7 62 or older for the use of a camp site unit during the period
8 Monday through Thursday of any week. No camping fee authorized
9 by this Section shall be charged to any resident of Illinois
10 who is a veteran with a disability ~~disabled veteran~~ or a former
11 prisoner of war, as defined in Section 5 of the Department of
12 Veterans Affairs Act. No camping fee authorized by this Section
13 shall be charged to any resident of Illinois after returning
14 from service abroad or mobilization by the President of the
15 United States as an active duty member of the United States
16 Armed Forces, the Illinois National Guard, or the Reserves of
17 the United States Armed Forces for the amount of time that the
18 active duty member spent in service abroad or mobilized if the
19 person (i) applies for a pass at the Department office in
20 Springfield within 2 years after returning and provides
21 acceptable verification of service or mobilization to the
22 Department or (ii) applies for a pass at a Regional Office of
23 the Department within 2 years after returning and provides
24 acceptable verification of service or mobilization to the
25 Department; any portion of a year that the active duty member
26 spent in service abroad or mobilized shall count as a full

1 year. Nonresidents shall be charged the same fees as are
2 authorized for the general public regardless of age. The
3 Department shall provide by regulation for suitable proof of
4 age, or either a valid driver's license or a "Golden Age
5 Passport" issued by the federal government shall be acceptable
6 as proof of age. The Department shall further provide by
7 regulation that notice of these reduced admission fees be
8 posted in a conspicuous place and manner.

9 Reduced fees authorized in this Section shall not apply to
10 any charge for utility service.

11 For the purposes of this Section, "acceptable verification
12 of service or mobilization" means official documentation from
13 the Department of Defense or the appropriate Major Command
14 showing mobilization dates or service abroad dates, including:
15 (i) a DD-214, (ii) a letter from the Illinois Department of
16 Military Affairs for members of the Illinois National Guard,
17 (iii) a letter from the Regional Reserve Command for members of
18 the Armed Forces Reserve, (iv) a letter from the Major Command
19 covering Illinois for active duty members, (v) personnel
20 records for mobilized State employees, and (vi) any other
21 documentation that the Department, by administrative rule,
22 deems acceptable to establish dates of mobilization or service
23 abroad.

24 For the purposes of this Section, the term "service abroad"
25 means active duty service outside of the 50 United States and
26 the District of Columbia, and includes all active duty service

1 in territories and possessions of the United States.

2 (Source: P.A. 96-1014, eff. 1-1-11.)

3 Section 150. The State Parks Act is amended by changing
4 Section 4a as follows:

5 (20 ILCS 835/4a) (from Ch. 105, par. 468.1)

6 Sec. 4a. It shall be the duty of the Governor and the
7 Director of the Department in charge of the administration of
8 this Act to cancel immediately the lease on any concession when
9 the person holding the concession or an employee thereof
10 discriminates on the basis of race, color, creed, sex,
11 religion, physical or mental disability ~~handicap~~, or national
12 origin against any patron thereof.

13 (Source: P.A. 80-344.)

14 Section 155. The Recreational Trails of Illinois Act is
15 amended by changing Section 34 as follows:

16 (20 ILCS 862/34)

17 Sec. 34. Exception from display of Off-Highway Vehicle
18 Usage Stamps. The operator of an off-highway vehicle shall not
19 be required to display an Off-Highway Vehicle Usage Stamp if
20 the off-highway vehicle is:

21 (1) owned and used by the United States, the State of
22 Illinois, another state, or a political subdivision

1 thereof, but these off-highway vehicles shall prominently
2 display the name of the owner on the off-highway vehicle;

3 (2) operated on lands where the operator, his or her
4 immediate family, or both are the sole owners of the land;
5 this exception shall not apply to clubs, associations, or
6 lands leased for hunting or recreational purposes;

7 (3) used only on local, national, or international
8 competition circuits in events for which written
9 permission has been obtained by the sponsoring or
10 sanctioning body from the governmental unit having
11 jurisdiction over the location of any event held in this
12 State;

13 (4) (blank);

14 (5) used on an off-highway vehicle grant assisted site
15 and the off-highway vehicle displays a Off-Highway Vehicle
16 Access decal;

17 (6) used in conjunction with a bona fide commercial
18 business, including, but not limited to, agricultural and
19 livestock production;

20 (7) a golf cart, regardless of whether the golf cart is
21 currently being used for golfing purposes;

22 (8) displaying a valid motor vehicle registration
23 issued by the Secretary of State or any other state;

24 (9) operated by an individual who either possesses an
25 Illinois Identification Card issued to the operator by the
26 Secretary of State that lists a Class P2 (or P20 or any

1 successor classification) or P2A disability or an original
2 or photocopy of a valid motor vehicle disability placard
3 issued to the operator by the Secretary of State, or is
4 assisting a person with a disability who has ~~disabled~~
5 ~~person with~~ a Class P2 (or P20 or any successor
6 classification) or P2A disability while using the same
7 off-highway vehicle as the individual with a disability
8 ~~disabled individual~~; or

9 (10) used only at commercial riding parks.

10 For the purposes of this Section, "golf cart" means a
11 machine specifically designed for the purposes of transporting
12 one or more persons and their golf clubs.

13 For the purposes of this Section, "local, national, or
14 international competition circuit" means any competition
15 circuit sponsored or sanctioned by an international, national,
16 or state organization, including, but not limited to, the
17 American Motorcyclist Association, or sponsored, sanctioned,
18 or both by an affiliate organization of an international,
19 national, or state organization which sanctions competitions,
20 including trials or practices leading up to or in connection
21 with those competitions.

22 For the purposes of this Section, "commercial riding parks"
23 mean commercial properties used for the recreational operation
24 of off-highway vehicles by the paying members of the park or
25 paying guests.

26 (Source: P.A. 97-1136, eff. 1-1-13; 98-820, eff. 8-1-14.)

1 Section 160. The Department of Employment Security Law of
2 the Civil Administrative Code of Illinois is amended by
3 changing Section 1005-155 as follows:

4 (20 ILCS 1005/1005-155)

5 Sec. 1005-155. Illinois Employment and Training Centers
6 report. The Department of Employment Security, or the State
7 agency responsible for the oversight of the federal Workforce
8 Investment Act of 1998 if that agency is not the Department of
9 Employment Security, shall prepare a report for the Governor
10 and the General Assembly regarding the progress of the Illinois
11 Employment and Training Centers in serving individuals with
12 disabilities. The report must include, but is not limited to,
13 the following: (i) the number of individuals referred to the
14 Illinois Employment and Training Centers by the Department of
15 Human Services Office of Rehabilitation Services; (ii) the
16 total number of individuals with disabilities ~~disabled~~
17 ~~individuals~~ served by the Illinois Employment and Training
18 Centers; (iii) the number of individuals with disabilities
19 ~~disabled individuals~~ served in federal Workforce Investment
20 Act of 1998 employment and training programs; (iv) the number
21 of individuals with disabilities annually placed in jobs by the
22 Illinois Employment and Training Centers; and (v) the number of
23 individuals with disabilities referred by the Illinois
24 Employment and Training Centers to the Department of Human

1 Services Office of Rehabilitation Services. The report is due
2 by December 31, 2004 based on the previous State program year
3 of July 1 through June 30, and is due annually thereafter.
4 "Individuals with disabilities" are defined as those who
5 self-report as being qualified as disabled under the 1973
6 Rehabilitation Act or the 1990 Americans with Disabilities Act,
7 for the purposes of this Law.
8 (Source: P.A. 93-639, eff. 6-1-04.)

9 Section 165. The Department of Human Services Act is
10 amended by changing Sections 1-17 and 10-40 as follows:

11 (20 ILCS 1305/1-17)

12 Sec. 1-17. Inspector General.

13 (a) Nature and purpose. It is the express intent of the
14 General Assembly to ensure the health, safety, and financial
15 condition of individuals receiving services in this State due
16 to mental illness, developmental disability, or both by
17 protecting those persons from acts of abuse, neglect, or both
18 by service providers. To that end, the Office of the Inspector
19 General for the Department of Human Services is created to
20 investigate and report upon allegations of the abuse, neglect,
21 or financial exploitation of individuals receiving services
22 within mental health facilities, developmental disabilities
23 facilities, and community agencies operated, licensed, funded
24 or certified by the Department of Human Services, but not

1 licensed or certified by any other State agency.

2 (b) Definitions. The following definitions apply to this
3 Section:

4 "Adult student with a disability" means an adult student,
5 age 18 through 21, inclusive, with an Individual Education
6 Program, other than a resident of a facility licensed by the
7 Department of Children and Family Services in accordance with
8 the Child Care Act of 1969. For purposes of this definition,
9 "through age 21, inclusive", means through the day before the
10 student's 22nd birthday.

11 "Agency" or "community agency" means (i) a community agency
12 licensed, funded, or certified by the Department, but not
13 licensed or certified by any other human services agency of the
14 State, to provide mental health service or developmental
15 disabilities service, or (ii) a program licensed, funded, or
16 certified by the Department, but not licensed or certified by
17 any other human services agency of the State, to provide mental
18 health service or developmental disabilities service.

19 "Aggravating circumstance" means a factor that is
20 attendant to a finding and that tends to compound or increase
21 the culpability of the accused.

22 "Allegation" means an assertion, complaint, suspicion, or
23 incident involving any of the following conduct by an employee,
24 facility, or agency against an individual or individuals:
25 mental abuse, physical abuse, sexual abuse, neglect, or
26 financial exploitation.

1 "Day" means working day, unless otherwise specified.

2 "Deflection" means a situation in which an individual is
3 presented for admission to a facility or agency, and the
4 facility staff or agency staff do not admit the individual.
5 "Deflection" includes triage, redirection, and denial of
6 admission.

7 "Department" means the Department of Human Services.

8 ~~"Developmentally disabled" means having a developmental~~
9 ~~disability.~~

10 "Developmental disability" means "developmental
11 disability" as defined in the Mental Health and Developmental
12 Disabilities Code.

13 "Egregious neglect" means a finding of neglect as
14 determined by the Inspector General that (i) represents a gross
15 failure to adequately provide for, or a callused indifference
16 to, the health, safety, or medical needs of an individual and
17 (ii) results in an individual's death or other serious
18 deterioration of an individual's physical condition or mental
19 condition.

20 "Employee" means any person who provides services at the
21 facility or agency on-site or off-site. The service
22 relationship can be with the individual or with the facility or
23 agency. Also, "employee" includes any employee or contractual
24 agent of the Department of Human Services or the community
25 agency involved in providing or monitoring or administering
26 mental health or developmental disability services. This

1 includes but is not limited to: owners, operators, payroll
2 personnel, contractors, subcontractors, and volunteers.

3 "Facility" or "State-operated facility" means a mental
4 health facility or developmental disabilities facility
5 operated by the Department.

6 "Financial exploitation" means taking unjust advantage of
7 an individual's assets, property, or financial resources
8 through deception, intimidation, or conversion for the
9 employee's, facility's, or agency's own advantage or benefit.

10 "Finding" means the Office of Inspector General's
11 determination regarding whether an allegation is
12 substantiated, unsubstantiated, or unfounded.

13 "Health care worker registry" or "registry" means the
14 health care worker registry created by the Nursing Home Care
15 Act.

16 "Individual" means any person receiving mental health
17 service, developmental disabilities service, or both from a
18 facility or agency, while either on-site or off-site.

19 "Mental abuse" means the use of demeaning, intimidating, or
20 threatening words, signs, gestures, or other actions by an
21 employee about an individual and in the presence of an
22 individual or individuals that results in emotional distress or
23 maladaptive behavior, or could have resulted in emotional
24 distress or maladaptive behavior, for any individual present.

25 "Mental illness" means "mental illness" as defined in the
26 Mental Health and Developmental Disabilities Code.

1 "Mentally ill" means having a mental illness.

2 "Mitigating circumstance" means a condition that (i) is
3 attendant to a finding, (ii) does not excuse or justify the
4 conduct in question, but (iii) may be considered in evaluating
5 the severity of the conduct, the culpability of the accused, or
6 both the severity of the conduct and the culpability of the
7 accused.

8 "Neglect" means an employee's, agency's, or facility's
9 failure to provide adequate medical care, personal care, or
10 maintenance and that, as a consequence, (i) causes an
11 individual pain, injury, or emotional distress, (ii) results in
12 either an individual's maladaptive behavior or the
13 deterioration of an individual's physical condition or mental
14 condition, or (iii) places the individual's health or safety at
15 substantial risk.

16 "Person with a developmental disability" means a person
17 having a developmental disability.

18 "Physical abuse" means an employee's non-accidental and
19 inappropriate contact with an individual that causes bodily
20 harm. "Physical abuse" includes actions that cause bodily harm
21 as a result of an employee directing an individual or person to
22 physically abuse another individual.

23 "Recommendation" means an admonition, separate from a
24 finding, that requires action by the facility, agency, or
25 Department to correct a systemic issue, problem, or deficiency
26 identified during an investigation.

1 "Required reporter" means any employee who suspects,
2 witnesses, or is informed of an allegation of any one or more
3 of the following: mental abuse, physical abuse, sexual abuse,
4 neglect, or financial exploitation.

5 "Secretary" means the Chief Administrative Officer of the
6 Department.

7 "Sexual abuse" means any sexual contact or intimate
8 physical contact between an employee and an individual,
9 including an employee's coercion or encouragement of an
10 individual to engage in sexual behavior that results in sexual
11 contact, intimate physical contact, sexual behavior, or
12 intimate physical behavior.

13 "Substantiated" means there is a preponderance of the
14 evidence to support the allegation.

15 "Unfounded" means there is no credible evidence to support
16 the allegation.

17 "Unsubstantiated" means there is credible evidence, but
18 less than a preponderance of evidence to support the
19 allegation.

20 (c) Appointment. The Governor shall appoint, and the Senate
21 shall confirm, an Inspector General. The Inspector General
22 shall be appointed for a term of 4 years and shall function
23 within the Department of Human Services and report to the
24 Secretary and the Governor.

25 (d) Operation and appropriation. The Inspector General
26 shall function independently within the Department with

1 respect to the operations of the Office, including the
2 performance of investigations and issuance of findings and
3 recommendations. The appropriation for the Office of Inspector
4 General shall be separate from the overall appropriation for
5 the Department.

6 (e) Powers and duties. The Inspector General shall
7 investigate reports of suspected mental abuse, physical abuse,
8 sexual abuse, neglect, or financial exploitation of
9 individuals in any mental health or developmental disabilities
10 facility or agency and shall have authority to take immediate
11 action to prevent any one or more of the following from
12 happening to individuals under its jurisdiction: mental abuse,
13 physical abuse, sexual abuse, neglect, or financial
14 exploitation. Upon written request of an agency of this State,
15 the Inspector General may assist another agency of the State in
16 investigating reports of the abuse, neglect, or abuse and
17 neglect of persons with mental illness, persons with
18 developmental disabilities, or persons with both. To comply
19 with the requirements of subsection (k) of this Section, the
20 Inspector General shall also review all reportable deaths for
21 which there is no allegation of abuse or neglect. Nothing in
22 this Section shall preempt any duties of the Medical Review
23 Board set forth in the Mental Health and Developmental
24 Disabilities Code. The Inspector General shall have no
25 authority to investigate alleged violations of the State
26 Officials and Employees Ethics Act. Allegations of misconduct

1 under the State Officials and Employees Ethics Act shall be
2 referred to the Office of the Governor's Executive Inspector
3 General for investigation.

4 (f) Limitations. The Inspector General shall not conduct an
5 investigation within an agency or facility if that
6 investigation would be redundant to or interfere with an
7 investigation conducted by another State agency. The Inspector
8 General shall have no supervision over, or involvement in, the
9 routine programmatic, licensing, funding, or certification
10 operations of the Department. Nothing in this subsection limits
11 investigations by the Department that may otherwise be required
12 by law or that may be necessary in the Department's capacity as
13 central administrative authority responsible for the operation
14 of the State's mental health and developmental disabilities
15 facilities.

16 (g) Rulemaking authority. The Inspector General shall
17 promulgate rules establishing minimum requirements for
18 reporting allegations as well as for initiating, conducting,
19 and completing investigations based upon the nature of the
20 allegation or allegations. The rules shall clearly establish
21 that if 2 or more State agencies could investigate an
22 allegation, the Inspector General shall not conduct an
23 investigation that would be redundant to, or interfere with, an
24 investigation conducted by another State agency. The rules
25 shall further clarify the method and circumstances under which
26 the Office of Inspector General may interact with the

1 licensing, funding, or certification units of the Department in
2 preventing further occurrences of mental abuse, physical
3 abuse, sexual abuse, neglect, egregious neglect, and financial
4 exploitation.

5 (h) Training programs. The Inspector General shall (i)
6 establish a comprehensive program to ensure that every person
7 authorized to conduct investigations receives ongoing training
8 relative to investigation techniques, communication skills,
9 and the appropriate means of interacting with persons receiving
10 treatment for mental illness, developmental disability, or
11 both mental illness and developmental disability, and (ii)
12 establish and conduct periodic training programs for facility
13 and agency employees concerning the prevention and reporting of
14 any one or more of the following: mental abuse, physical abuse,
15 sexual abuse, neglect, egregious neglect, or financial
16 exploitation. Nothing in this Section shall be deemed to
17 prevent the Office of Inspector General from conducting any
18 other training as determined by the Inspector General to be
19 necessary or helpful.

20 (i) Duty to cooperate.

21 (1) The Inspector General shall at all times be granted
22 access to any facility or agency for the purpose of
23 investigating any allegation, conducting unannounced site
24 visits, monitoring compliance with a written response, or
25 completing any other statutorily assigned duty. The
26 Inspector General shall conduct unannounced site visits to

1 each facility at least annually for the purpose of
2 reviewing and making recommendations on systemic issues
3 relative to preventing, reporting, investigating, and
4 responding to all of the following: mental abuse, physical
5 abuse, sexual abuse, neglect, egregious neglect, or
6 financial exploitation.

7 (2) Any employee who fails to cooperate with an Office
8 of the Inspector General investigation is in violation of
9 this Act. Failure to cooperate with an investigation
10 includes, but is not limited to, any one or more of the
11 following: (i) creating and transmitting a false report to
12 the Office of the Inspector General hotline, (ii) providing
13 false information to an Office of the Inspector General
14 Investigator during an investigation, (iii) colluding with
15 other employees to cover up evidence, (iv) colluding with
16 other employees to provide false information to an Office
17 of the Inspector General investigator, (v) destroying
18 evidence, (vi) withholding evidence, or (vii) otherwise
19 obstructing an Office of the Inspector General
20 investigation. Additionally, any employee who, during an
21 unannounced site visit or written response compliance
22 check, fails to cooperate with requests from the Office of
23 the Inspector General is in violation of this Act.

24 (j) Subpoena powers. The Inspector General shall have the
25 power to subpoena witnesses and compel the production of all
26 documents and physical evidence relating to his or her

1 investigations and any hearings authorized by this Act. This
2 subpoena power shall not extend to persons or documents of a
3 labor organization or its representatives insofar as the
4 persons are acting in a representative capacity to an employee
5 whose conduct is the subject of an investigation or the
6 documents relate to that representation. Any person who
7 otherwise fails to respond to a subpoena or who knowingly
8 provides false information to the Office of the Inspector
9 General by subpoena during an investigation is guilty of a
10 Class A misdemeanor.

11 (k) Reporting allegations and deaths.

12 (1) Allegations. If an employee witnesses, is told of,
13 or has reason to believe an incident of mental abuse,
14 physical abuse, sexual abuse, neglect, or financial
15 exploitation has occurred, the employee, agency, or
16 facility shall report the allegation by phone to the Office
17 of the Inspector General hotline according to the agency's
18 or facility's procedures, but in no event later than 4
19 hours after the initial discovery of the incident,
20 allegation, or suspicion of any one or more of the
21 following: mental abuse, physical abuse, sexual abuse,
22 neglect, or financial exploitation. A required reporter as
23 defined in subsection (b) of this Section who knowingly or
24 intentionally fails to comply with these reporting
25 requirements is guilty of a Class A misdemeanor.

26 (2) Deaths. Absent an allegation, a required reporter

1 shall, within 24 hours after initial discovery, report by
2 phone to the Office of the Inspector General hotline each
3 of the following:

4 (i) Any death of an individual occurring within 14
5 calendar days after discharge or transfer of the
6 individual from a residential program or facility.

7 (ii) Any death of an individual occurring within 24
8 hours after deflection from a residential program or
9 facility.

10 (iii) Any other death of an individual occurring at
11 an agency or facility or at any Department-funded site.

12 (3) Retaliation. It is a violation of this Act for any
13 employee or administrator of an agency or facility to take
14 retaliatory action against an employee who acts in good
15 faith in conformance with his or her duties as a required
16 reporter.

17 (1) Reporting to law enforcement.

18 (1) Reporting criminal acts. Within 24 hours after
19 determining that there is credible evidence indicating
20 that a criminal act may have been committed or that special
21 expertise may be required in an investigation, the
22 Inspector General shall notify the Department of State
23 Police or other appropriate law enforcement authority, or
24 ensure that such notification is made. The Department of
25 State Police shall investigate any report from a
26 State-operated facility indicating a possible murder,

1 sexual assault, or other felony by an employee. All
2 investigations conducted by the Inspector General shall be
3 conducted in a manner designed to ensure the preservation
4 of evidence for possible use in a criminal prosecution.

5 (2) Reporting allegations of adult students with
6 disabilities. Upon receipt of a reportable allegation
7 regarding an adult student with a disability, the
8 Department's Office of the Inspector General shall
9 determine whether the allegation meets the criteria for the
10 Domestic Abuse Program under the Abuse of Adults with
11 Disabilities Intervention Act. If the allegation is
12 reportable to that program, the Office of the Inspector
13 General shall initiate an investigation. If the allegation
14 is not reportable to the Domestic Abuse Program, the Office
15 of the Inspector General shall make an expeditious referral
16 to the respective law enforcement entity. If the alleged
17 victim is already receiving services from the Department,
18 the Office of the Inspector General shall also make a
19 referral to the respective Department of Human Services'
20 Division or Bureau.

21 (m) Investigative reports. Upon completion of an
22 investigation, the Office of Inspector General shall issue an
23 investigative report identifying whether the allegations are
24 substantiated, unsubstantiated, or unfounded. Within 10
25 business days after the transmittal of a completed
26 investigative report substantiating an allegation, or if a

1 recommendation is made, the Inspector General shall provide the
2 investigative report on the case to the Secretary and to the
3 director of the facility or agency where any one or more of the
4 following occurred: mental abuse, physical abuse, sexual
5 abuse, neglect, egregious neglect, or financial exploitation.
6 In a substantiated case, the investigative report shall include
7 any mitigating or aggravating circumstances that were
8 identified during the investigation. If the case involves
9 substantiated neglect, the investigative report shall also
10 state whether egregious neglect was found. An investigative
11 report may also set forth recommendations. All investigative
12 reports prepared by the Office of the Inspector General shall
13 be considered confidential and shall not be released except as
14 provided by the law of this State or as required under
15 applicable federal law. Unsubstantiated and unfounded reports
16 shall not be disclosed except as allowed under Section 6 of the
17 Abused and Neglected Long Term Care Facility Residents
18 Reporting Act. Raw data used to compile the investigative
19 report shall not be subject to release unless required by law
20 or a court order. "Raw data used to compile the investigative
21 report" includes, but is not limited to, any one or more of the
22 following: the initial complaint, witness statements,
23 photographs, investigator's notes, police reports, or incident
24 reports. If the allegations are substantiated, the accused
25 shall be provided with a redacted copy of the investigative
26 report. Death reports where there was no allegation of abuse or

1 neglect shall only be released pursuant to applicable State or
2 federal law or a valid court order.

3 (n) Written responses and reconsideration requests.

4 (1) Written responses. Within 30 calendar days from
5 receipt of a substantiated investigative report or an
6 investigative report which contains recommendations,
7 absent a reconsideration request, the facility or agency
8 shall file a written response that addresses, in a concise
9 and reasoned manner, the actions taken to: (i) protect the
10 individual; (ii) prevent recurrences; and (iii) eliminate
11 the problems identified. The response shall include the
12 implementation and completion dates of such actions. If the
13 written response is not filed within the allotted 30
14 calendar day period, the Secretary shall determine the
15 appropriate corrective action to be taken.

16 (2) Reconsideration requests. The facility, agency,
17 victim or guardian, or the subject employee may request
18 that the Office of Inspector General reconsider or clarify
19 its finding based upon additional information.

20 (o) Disclosure of the finding by the Inspector General. The
21 Inspector General shall disclose the finding of an
22 investigation to the following persons: (i) the Governor, (ii)
23 the Secretary, (iii) the director of the facility or agency,
24 (iv) the alleged victims and their guardians, (v) the
25 complainant, and (vi) the accused. This information shall
26 include whether the allegations were deemed substantiated,

1 unsubstantiated, or unfounded.

2 (p) Secretary review. Upon review of the Inspector
3 General's investigative report and any agency's or facility's
4 written response, the Secretary shall accept or reject the
5 written response and notify the Inspector General of that
6 determination. The Secretary may further direct that other
7 administrative action be taken, including, but not limited to,
8 any one or more of the following: (i) additional site visits,
9 (ii) training, (iii) provision of technical assistance
10 relative to administrative needs, licensure or certification,
11 or (iv) the imposition of appropriate sanctions.

12 (q) Action by facility or agency. Within 30 days of the
13 date the Secretary approves the written response or directs
14 that further administrative action be taken, the facility or
15 agency shall provide an implementation report to the Inspector
16 General that provides the status of the action taken. The
17 facility or agency shall be allowed an additional 30 days to
18 send notice of completion of the action or to send an updated
19 implementation report. If the action has not been completed
20 within the additional 30 day period, the facility or agency
21 shall send updated implementation reports every 60 days until
22 completion. The Inspector General shall conduct a review of any
23 implementation plan that takes more than 120 days after
24 approval to complete, and shall monitor compliance through a
25 random review of approved written responses, which may include,
26 but are not limited to: (i) site visits, (ii) telephone

1 contact, and (iii) requests for additional documentation
2 evidencing compliance.

3 (r) Sanctions. Sanctions, if imposed by the Secretary under
4 Subdivision (p)(iv) of this Section, shall be designed to
5 prevent further acts of mental abuse, physical abuse, sexual
6 abuse, neglect, egregious neglect, or financial exploitation
7 or some combination of one or more of those acts at a facility
8 or agency, and may include any one or more of the following:

9 (1) Appointment of on-site monitors.

10 (2) Transfer or relocation of an individual or
11 individuals.

12 (3) Closure of units.

13 (4) Termination of any one or more of the following:

14 (i) Department licensing, (ii) funding, or (iii)
15 certification.

16 The Inspector General may seek the assistance of the
17 Illinois Attorney General or the office of any State's Attorney
18 in implementing sanctions.

19 (s) Health care worker registry.

20 (1) Reporting to the registry. The Inspector General
21 shall report to the Department of Public Health's health
22 care worker registry, a public registry, the identity and
23 finding of each employee of a facility or agency against
24 whom there is a final investigative report containing a
25 substantiated allegation of physical or sexual abuse,
26 financial exploitation, or egregious neglect of an

1 individual.

2 (2) Notice to employee. Prior to reporting the name of
3 an employee, the employee shall be notified of the
4 Department's obligation to report and shall be granted an
5 opportunity to request an administrative hearing, the sole
6 purpose of which is to determine if the substantiated
7 finding warrants reporting to the registry. Notice to the
8 employee shall contain a clear and concise statement of the
9 grounds on which the report to the registry is based, offer
10 the employee an opportunity for a hearing, and identify the
11 process for requesting such a hearing. Notice is sufficient
12 if provided by certified mail to the employee's last known
13 address. If the employee fails to request a hearing within
14 30 days from the date of the notice, the Inspector General
15 shall report the name of the employee to the registry.
16 Nothing in this subdivision (s) (2) shall diminish or impair
17 the rights of a person who is a member of a collective
18 bargaining unit under the Illinois Public Labor Relations
19 Act or under any other federal labor statute.

20 (3) Registry hearings. If the employee requests an
21 administrative hearing, the employee shall be granted an
22 opportunity to appear before an administrative law judge to
23 present reasons why the employee's name should not be
24 reported to the registry. The Department shall bear the
25 burden of presenting evidence that establishes, by a
26 preponderance of the evidence, that the substantiated

1 finding warrants reporting to the registry. After
2 considering all the evidence presented, the administrative
3 law judge shall make a recommendation to the Secretary as
4 to whether the substantiated finding warrants reporting
5 the name of the employee to the registry. The Secretary
6 shall render the final decision. The Department and the
7 employee shall have the right to request that the
8 administrative law judge consider a stipulated disposition
9 of these proceedings.

10 (4) Testimony at registry hearings. A person who makes
11 a report or who investigates a report under this Act shall
12 testify fully in any judicial proceeding resulting from
13 such a report, as to any evidence of abuse or neglect, or
14 the cause thereof. No evidence shall be excluded by reason
15 of any common law or statutory privilege relating to
16 communications between the alleged perpetrator of abuse or
17 neglect, or the individual alleged as the victim in the
18 report, and the person making or investigating the report.
19 Testimony at hearings is exempt from the confidentiality
20 requirements of subsection (f) of Section 10 of the Mental
21 Health and Developmental Disabilities Confidentiality Act.

22 (5) Employee's rights to collateral action. No
23 reporting to the registry shall occur and no hearing shall
24 be set or proceed if an employee notifies the Inspector
25 General in writing, including any supporting
26 documentation, that he or she is formally contesting an

1 adverse employment action resulting from a substantiated
2 finding by complaint filed with the Illinois Civil Service
3 Commission, or which otherwise seeks to enforce the
4 employee's rights pursuant to any applicable collective
5 bargaining agreement. If an action taken by an employer
6 against an employee as a result of a finding of physical
7 abuse, sexual abuse, or egregious neglect is overturned
8 through an action filed with the Illinois Civil Service
9 Commission or under any applicable collective bargaining
10 agreement and if that employee's name has already been sent
11 to the registry, the employee's name shall be removed from
12 the registry.

13 (6) Removal from registry. At any time after the report
14 to the registry, but no more than once in any 12-month
15 period, an employee may petition the Department in writing
16 to remove his or her name from the registry. Upon receiving
17 notice of such request, the Inspector General shall conduct
18 an investigation into the petition. Upon receipt of such
19 request, an administrative hearing will be set by the
20 Department. At the hearing, the employee shall bear the
21 burden of presenting evidence that establishes, by a
22 preponderance of the evidence, that removal of the name
23 from the registry is in the public interest. The parties
24 may jointly request that the administrative law judge
25 consider a stipulated disposition of these proceedings.

26 (t) Review of Administrative Decisions. The Department

1 shall preserve a record of all proceedings at any formal
2 hearing conducted by the Department involving health care
3 worker registry hearings. Final administrative decisions of
4 the Department are subject to judicial review pursuant to
5 provisions of the Administrative Review Law.

6 (u) Quality Care Board. There is created, within the Office
7 of the Inspector General, a Quality Care Board to be composed
8 of 7 members appointed by the Governor with the advice and
9 consent of the Senate. One of the members shall be designated
10 as chairman by the Governor. Of the initial appointments made
11 by the Governor, 4 Board members shall each be appointed for a
12 term of 4 years and 3 members shall each be appointed for a
13 term of 2 years. Upon the expiration of each member's term, a
14 successor shall be appointed for a term of 4 years. In the case
15 of a vacancy in the office of any member, the Governor shall
16 appoint a successor for the remainder of the unexpired term.

17 Members appointed by the Governor shall be qualified by
18 professional knowledge or experience in the area of law,
19 investigatory techniques, or in the area of care of the
20 mentally ill or care of persons with developmental disabilities
21 ~~developmentally disabled~~. Two members appointed by the
22 Governor shall be persons with a disability or a parent of a
23 person with a disability. Members shall serve without
24 compensation, but shall be reimbursed for expenses incurred in
25 connection with the performance of their duties as members.

26 The Board shall meet quarterly, and may hold other meetings

1 on the call of the chairman. Four members shall constitute a
2 quorum allowing the Board to conduct its business. The Board
3 may adopt rules and regulations it deems necessary to govern
4 its own procedures.

5 The Board shall monitor and oversee the operations,
6 policies, and procedures of the Inspector General to ensure the
7 prompt and thorough investigation of allegations of neglect and
8 abuse. In fulfilling these responsibilities, the Board may do
9 the following:

10 (1) Provide independent, expert consultation to the
11 Inspector General on policies and protocols for
12 investigations of alleged abuse, neglect, or both abuse and
13 neglect.

14 (2) Review existing regulations relating to the
15 operation of facilities.

16 (3) Advise the Inspector General as to the content of
17 training activities authorized under this Section.

18 (4) Recommend policies concerning methods for
19 improving the intergovernmental relationships between the
20 Office of the Inspector General and other State or federal
21 offices.

22 (v) Annual report. The Inspector General shall provide to
23 the General Assembly and the Governor, no later than January 1
24 of each year, a summary of reports and investigations made
25 under this Act for the prior fiscal year with respect to
26 individuals receiving mental health or developmental

1 disabilities services. The report shall detail the imposition
2 of sanctions, if any, and the final disposition of any
3 corrective or administrative action directed by the Secretary.
4 The summaries shall not contain any confidential or identifying
5 information of any individual, but shall include objective data
6 identifying any trends in the number of reported allegations,
7 the timeliness of the Office of the Inspector General's
8 investigations, and their disposition, for each facility and
9 Department-wide, for the most recent 3-year time period. The
10 report shall also identify, by facility, the staff-to-patient
11 ratios taking account of direct care staff only. The report
12 shall also include detailed recommended administrative actions
13 and matters for consideration by the General Assembly.

14 (w) Program audit. The Auditor General shall conduct a
15 program audit of the Office of the Inspector General on an
16 as-needed basis, as determined by the Auditor General. The
17 audit shall specifically include the Inspector General's
18 compliance with the Act and effectiveness in investigating
19 reports of allegations occurring in any facility or agency. The
20 Auditor General shall conduct the program audit according to
21 the provisions of the Illinois State Auditing Act and shall
22 report its findings to the General Assembly no later than
23 January 1 following the audit period.

24 (x) Nothing in this Section shall be construed to mean that
25 a patient is a victim of abuse or neglect because of health
26 care services appropriately provided or not provided by health

1 care professionals.

2 (y) Nothing in this Section shall require a facility,
3 including its employees, agents, medical staff members, and
4 health care professionals, to provide a service to a patient in
5 contravention of that patient's stated or implied objection to
6 the provision of that service on the ground that that service
7 conflicts with the patient's religious beliefs or practices,
8 nor shall the failure to provide a service to a patient be
9 considered abuse under this Section if the patient has objected
10 to the provision of that service based on his or her religious
11 beliefs or practices.

12 (Source: P.A. 98-49, eff. 7-1-13; 98-711, eff. 7-16-14.)

13 (20 ILCS 1305/10-40)

14 Sec. 10-40. Recreational programs; persons with
15 disabilities ~~handicapped~~; grants. The Department of Human
16 Services, subject to appropriation, may make grants to special
17 recreation associations for the operation of recreational
18 programs for persons with disabilities ~~the handicapped~~,
19 including both persons with physical disabilities and persons
20 with mental disabilities ~~physically and mentally handicapped~~,
21 and transportation to and from those programs. The grants
22 should target unserved or underserved populations, such as
23 persons with brain injuries, persons who are medically fragile,
24 and adults who have acquired disabling conditions. The
25 Department must adopt rules to implement the grant program.

1 (Source: P.A. 95-331, eff. 8-21-07.)

2 Section 170. The Illinois Guaranteed Job Opportunity Act is
3 amended by changing Section 50 as follows:

4 (20 ILCS 1510/50)

5 Sec. 50. Nondiscrimination.

6 (a) General rule.

7 (1) Discrimination on the basis of age, on the basis of
8 physical or mental disability ~~handicap~~, on the basis of
9 sex, or on the basis of race, color, or national origin is
10 prohibited.

11 (2) No individual shall be excluded from participation
12 in, denied the benefits of, subjected to discrimination
13 under, or denied employment in the administration of or in
14 connection with any project because of race, color,
15 religion, sex, national origin, age, physical or mental
16 disability ~~handicap~~, or political affiliation or belief.

17 (3) (Blank).

18 (4) With respect to terms and conditions affecting, or
19 rights provided to, individuals who are participants in
20 activities supported by funds provided under this Act, the
21 individuals shall not be discriminated against solely
22 because of their status as the participants.

23 (b) (Blank).

24 (c) (Blank).

1 (Source: P.A. 93-46, eff. 7-1-03.)

2 Section 175. The Mental Health and Developmental
3 Disabilities Administrative Act is amended by changing
4 Sections 2, 4, 7, 7.2, 11.2, 14, 15b, 15.4, 18.2, 21.2, 33.3,
5 43, 46, 54.5, and 66 as follows:

6 (20 ILCS 1705/2) (from Ch. 91 1/2, par. 100-2)

7 Sec. 2. Definitions; administrative subdivisions.

8 (a) For the purposes of this Act, unless the context
9 otherwise requires:

10 "Department" means the Department of Human Services,
11 successor to the former Department of Mental Health and
12 Developmental Disabilities.

13 "Secretary" means the Secretary of Human Services.

14 (b) Unless the context otherwise requires:

15 (1) References in this Act to the programs or
16 facilities of the Department shall be construed to refer
17 only to those programs or facilities of the Department that
18 pertain to mental health or developmental disabilities.

19 (2) References in this Act to the Department's service
20 providers or service recipients shall be construed to refer
21 only to providers or recipients of services that pertain to
22 the Department's mental health and developmental
23 disabilities functions.

24 (3) References in this Act to employees of the

1 Department shall be construed to refer only to employees
2 whose duties pertain to the Department's mental health and
3 developmental disabilities functions.

4 (c) The Secretary shall establish such subdivisions of the
5 Department as shall be desirable and shall assign to the
6 various subdivisions the responsibilities and duties placed
7 upon the Department by the Laws of the State of Illinois.

8 (d) There is established a coordinator of services to deaf
9 and hearing impaired persons with mental disabilities ~~mentally~~
10 ~~disabled deaf and hearing impaired persons~~. In hiring this
11 coordinator, every consideration shall be given to qualified
12 deaf or hearing impaired individuals.

13 (e) Whenever the administrative director of the
14 subdivision for mental health services is not a board-certified
15 psychiatrist, the Secretary shall appoint a Chief for Clinical
16 Services who shall be a board-certified psychiatrist with both
17 clinical and administrative experience. The Chief for Clinical
18 Services shall be responsible for all clinical and medical
19 decisions for mental health services.

20 (Source: P.A. 91-536, eff. 1-1-00.)

21 (20 ILCS 1705/4) (from Ch. 91 1/2, par. 100-4)

22 Sec. 4. Supervision of facilities and services; quarterly
23 reports.

24 (a) To exercise executive and administrative supervision
25 over all facilities, divisions, programs and services now

1 existing or hereafter acquired or created under the
2 jurisdiction of the Department, including, but not limited to,
3 the following:

4 The Alton Mental Health Center, at Alton

5 The Clyde L. Choate Mental Health and Developmental
6 Center, at Anna

7 The Chester Mental Health Center, at Chester

8 The Chicago-Read Mental Health Center, at Chicago

9 The Elgin Mental Health Center, at Elgin

10 The Metropolitan Children and Adolescents Center, at
11 Chicago

12 The Jacksonville Developmental Center, at Jacksonville

13 The Governor Samuel H. Shapiro Developmental Center,
14 at Kankakee

15 The Tinley Park Mental Health Center, at Tinley Park

16 The Warren G. Murray Developmental Center, at
17 Centralia

18 The Jack Mabley Developmental Center, at Dixon

19 The Lincoln Developmental Center, at Lincoln

20 The H. Douglas Singer Mental Health and Developmental
21 Center, at Rockford

22 The John J. Madden Mental Health Center, at Chicago

23 The George A. Zeller Mental Health Center, at Peoria

24 The Andrew McFarland Mental Health Center, at
25 Springfield

26 The Adolf Meyer Mental Health Center, at Decatur

1 The William W. Fox Developmental Center, at Dwight
2 The Elisabeth Ludeman Developmental Center, at Park
3 Forest

4 The William A. Howe Developmental Center, at Tinley
5 Park

6 The Ann M. Kiley Developmental Center, at Waukegan.

7 (b) Beginning not later than July 1, 1977, the Department
8 shall cause each of the facilities under its jurisdiction which
9 provide in-patient care to comply with standards, rules and
10 regulations of the Department of Public Health prescribed under
11 Section 6.05 of the Hospital Licensing Act.

12 (b-5) The Department shall cause each of the facilities
13 under its jurisdiction that provide in-patient care to comply
14 with Section 6.25 of the Hospital Licensing Act.

15 (c) The Department shall issue quarterly reports on
16 admissions, deflections, discharges, bed closures,
17 staff-resident ratios, census, average length of stay, and any
18 adverse federal certification or accreditation findings, if
19 any, for each State-operated facility for the mentally ill and
20 for persons with developmental disabilities ~~developmentally~~
21 disabled.

22 (Source: P.A. 96-389, eff. 1-1-10.)

23 (20 ILCS 1705/7) (from Ch. 91 1/2, par. 100-7)

24 Sec. 7. To receive and provide the highest possible quality
25 of humane and rehabilitative care and treatment to all persons

1 admitted or committed or transferred in accordance with law to
2 the facilities, divisions, programs, and services under the
3 jurisdiction of the Department. No resident of another state
4 shall be received or retained to the exclusion of any resident
5 of this State. No resident of another state shall be received
6 or retained to the exclusion of any resident of this State. All
7 recipients of 17 years of age and under in residence in a
8 Department facility other than a facility for the care of
9 persons with intellectual disabilities ~~the intellectually~~
10 ~~disabled~~ shall be housed in quarters separated from older
11 recipients except for: (a) recipients who are placed in
12 medical-surgical units because of physical illness; and (b)
13 recipients between 13 and 18 years of age who need temporary
14 security measures.

15 All recipients in a Department facility shall be given a
16 dental examination by a licensed dentist or registered dental
17 hygienist at least once every 18 months and shall be assigned
18 to a dentist for such dental care and treatment as is
19 necessary.

20 All medications administered to recipients shall be
21 administered only by those persons who are legally qualified to
22 do so by the laws of the State of Illinois. Medication shall
23 not be prescribed until a physical and mental examination of
24 the recipient has been completed. If, in the clinical judgment
25 of a physician, it is necessary to administer medication to a
26 recipient before the completion of the physical and mental

1 examination, he may prescribe such medication but he must file
2 a report with the facility director setting forth the reasons
3 for prescribing such medication within 24 hours of the
4 prescription. A copy of the report shall be part of the
5 recipient's record.

6 No later than January 1, 2005, the Department shall adopt a
7 model protocol and forms for recording all patient diagnosis,
8 care, and treatment at each State-operated facility for the
9 mentally ill and for persons with developmental disabilities
10 ~~developmentally disabled~~ under the jurisdiction of the
11 Department. The model protocol and forms shall be used by each
12 facility unless the Department determines that equivalent
13 alternatives justify an exemption.

14 Every facility under the jurisdiction of the Department
15 shall maintain a copy of each report of suspected abuse or
16 neglect of the patient. Copies of those reports shall be made
17 available to the State Auditor General in connection with his
18 biennial program audit of the facility as required by Section
19 3-2 of the Illinois State Auditing Act.

20 No later than January 1 2004, the Department shall report
21 to the Governor and the General Assembly whether each
22 State-operated facility for the mentally ill and for persons
23 with developmental disabilities ~~developmentally disabled~~ under
24 the jurisdiction of the Department and all services provided in
25 those facilities comply with all of the applicable standards
26 adopted by the Social Security Administration under Subchapter

1 XVIII (Medicare) of the Social Security Act (42 U.S.C.
2 1395-1395ccc), if the facility and services may be eligible for
3 federal financial participation under that federal law. For
4 those facilities that do comply, the report shall indicate what
5 actions need to be taken to ensure continued compliance. For
6 those facilities that do not comply, the report shall indicate
7 what actions need to be taken to bring each facility into
8 compliance.

9 (Source: P.A. 97-227, eff. 1-1-12.)

10 (20 ILCS 1705/7.2) (from Ch. 91 1/2, par. 100-7.2)

11 Sec. 7.2. No otherwise qualified child with a disability
12 ~~handicapped child~~ receiving special education and related
13 services under Article 14 of The School Code shall solely by
14 reason of his or her disability handicap be excluded from the
15 participation in or be denied the benefits of or be subjected
16 to discrimination under any program or activity provided by the
17 Department.

18 (Source: P.A. 80-1403.)

19 (20 ILCS 1705/11.2) (from Ch. 91 1/2, par. 100-11.2)

20 Sec. 11.2. To maintain and operate the Bureau for Mentally
21 Ill Children and Adolescents and the Bureau for Children and
22 Adolescents with Developmental Disabilities ~~Developmentally~~
23 ~~Disabled Children and Adolescents~~. Each Bureau shall:

24 (a) develop the Department policies necessary to assure a

1 coherent services system for, and develop and coordinate
2 planning on a Statewide basis for delivery of services to,
3 children or adolescents with mental illness and children and
4 adolescents with a developmental disability, including:

5 (1) assessment of the need for various types of
6 programs, such as prevention, diagnosis, treatment and
7 rehabilitation, and

8 (2) design of a system to integrate additional
9 services, including service alternatives;

10 (b) provide consultation and technical assistance to the
11 appropriate Department subdivisions and coordinate service
12 planning and development efforts for children and adolescents
13 with a developmental disability and children or adolescents
14 with mental illness;

15 (c) develop cooperative programs with community service
16 providers and other State agencies which serve children;

17 (d) assist families in the placement of children with
18 mental illness, as specified in Section 7.1; and

19 (e) develop minimum standards for the operation of both
20 State-provided and contracted community-based services for
21 promulgation as rules.

22 (Source: P.A. 88-380.)

23 (20 ILCS 1705/14) (from Ch. 91 1/2, par. 100-14)

24 Sec. 14. Chester Mental Health Center. To maintain and
25 operate a facility for the care, custody, and treatment of

1 persons with mental illness or habilitation of persons with
2 developmental disabilities hereinafter designated, to be known
3 as the Chester Mental Health Center.

4 Within the Chester Mental Health Center there shall be
5 confined the following classes of persons, whose history, in
6 the opinion of the Department, discloses dangerous or violent
7 tendencies and who, upon examination under the direction of the
8 Department, have been found a fit subject for confinement in
9 that facility:

10 (a) Any male person who is charged with the commission
11 of a crime but has been acquitted by reason of insanity as
12 provided in Section 5-2-4 of the Unified Code of
13 Corrections.

14 (b) Any male person who is charged with the commission
15 of a crime but has been found unfit under Article 104 of
16 the Code of Criminal Procedure of 1963.

17 (c) Any male person with mental illness or
18 developmental disabilities or person in need of mental
19 treatment now confined under the supervision of the
20 Department or hereafter admitted to any facility thereof or
21 committed thereto by any court of competent jurisdiction.

22 If and when it shall appear to the facility director of the
23 Chester Mental Health Center that it is necessary to confine
24 persons in order to maintain security or provide for the
25 protection and safety of recipients and staff, the Chester
26 Mental Health Center may confine all persons on a unit to their

1 rooms. This period of confinement shall not exceed 10 hours in
2 a 24 hour period, including the recipient's scheduled hours of
3 sleep, unless approved by the Secretary of the Department.
4 During the period of confinement, the persons confined shall be
5 observed at least every 15 minutes. A record shall be kept of
6 the observations. This confinement shall not be considered
7 seclusion as defined in the Mental Health and Developmental
8 Disabilities Code.

9 The facility director of the Chester Mental Health Center
10 may authorize the temporary use of handcuffs on a recipient for
11 a period not to exceed 10 minutes when necessary in the course
12 of transport of the recipient within the facility to maintain
13 custody or security. Use of handcuffs is subject to the
14 provisions of Section 2-108 of the Mental Health and
15 Developmental Disabilities Code. The facility shall keep a
16 monthly record listing each instance in which handcuffs are
17 used, circumstances indicating the need for use of handcuffs,
18 and time of application of handcuffs and time of release
19 therefrom. The facility director shall allow the Illinois
20 Guardianship and Advocacy Commission, the agency designated by
21 the Governor under Section 1 of the Protection and Advocacy for
22 Persons with Developmental Disabilities ~~Developmentally~~
23 ~~Disabled Persons~~ Act, and the Department to examine and copy
24 such record upon request.

25 The facility director of the Chester Mental Health Center
26 may authorize the temporary use of transport devices on a civil

1 recipient when necessary in the course of transport of the
2 civil recipient outside the facility to maintain custody or
3 security. The decision whether to use any transport devices
4 shall be reviewed and approved on an individualized basis by a
5 physician based upon a determination of the civil recipient's:
6 (1) history of violence, (2) history of violence during
7 transports, (3) history of escapes and escape attempts, (4)
8 history of trauma, (5) history of incidents of restraint or
9 seclusion and use of involuntary medication, (6) current
10 functioning level and medical status, and (7) prior experience
11 during similar transports, and the length, duration, and
12 purpose of the transport. The least restrictive transport
13 device consistent with the individual's need shall be used.
14 Staff transporting the individual shall be trained in the use
15 of the transport devices, recognizing and responding to a
16 person in distress, and shall observe and monitor the
17 individual while being transported. The facility shall keep a
18 monthly record listing all transports, including those
19 transports for which use of transport devices was not sought,
20 those for which use of transport devices was sought but denied,
21 and each instance in which transport devices are used,
22 circumstances indicating the need for use of transport devices,
23 time of application of transport devices, time of release from
24 those devices, and any adverse events. The facility director
25 shall allow the Illinois Guardianship and Advocacy Commission,
26 the agency designated by the Governor under Section 1 of the

1 Protection and Advocacy for Persons with Developmental
2 Disabilities ~~Developmentally Disabled Persons~~ Act, and the
3 Department to examine and copy the record upon request. This
4 use of transport devices shall not be considered restraint as
5 defined in the Mental Health and Developmental Disabilities
6 Code. For the purpose of this Section "transport device" means
7 ankle cuffs, handcuffs, waist chains or wrist-waist devices
8 designed to restrict an individual's range of motion while
9 being transported. These devices must be approved by the
10 Division of Mental Health, used in accordance with the
11 manufacturer's instructions, and used only by qualified staff
12 members who have completed all training required to be eligible
13 to transport patients and all other required training relating
14 to the safe use and application of transport devices, including
15 recognizing and responding to signs of distress in an
16 individual whose movement is being restricted by a transport
17 device.

18 If and when it shall appear to the satisfaction of the
19 Department that any person confined in the Chester Mental
20 Health Center is not or has ceased to be such a source of
21 danger to the public as to require his subjection to the
22 regimen of the center, the Department is hereby authorized to
23 transfer such person to any State facility for treatment of
24 persons with mental illness or habilitation of persons with
25 developmental disabilities, as the nature of the individual
26 case may require.

1 Subject to the provisions of this Section, the Department,
2 except where otherwise provided by law, shall, with respect to
3 the management, conduct and control of the Chester Mental
4 Health Center and the discipline, custody and treatment of the
5 persons confined therein, have and exercise the same rights and
6 powers as are vested by law in the Department with respect to
7 any and all of the State facilities for treatment of persons
8 with mental illness or habilitation of persons with
9 developmental disabilities, and the recipients thereof, and
10 shall be subject to the same duties as are imposed by law upon
11 the Department with respect to such facilities and the
12 recipients thereof.

13 The Department may elect to place persons who have been
14 ordered by the court to be detained under the Sexually Violent
15 Persons Commitment Act in a distinct portion of the Chester
16 Mental Health Center. The persons so placed shall be separated
17 and shall not comingle with the recipients of the Chester
18 Mental Health Center. The portion of Chester Mental Health
19 Center that is used for the persons detained under the Sexually
20 Violent Persons Commitment Act shall not be a part of the
21 mental health facility for the enforcement and implementation
22 of the Mental Health and Developmental Disabilities Code nor
23 shall their care and treatment be subject to the provisions of
24 the Mental Health and Developmental Disabilities Code. The
25 changes added to this Section by this amendatory Act of the
26 98th General Assembly are inoperative on and after June 30,

1 2015.

2 (Source: P.A. 98-79, eff. 7-15-13; 98-356, eff. 8-16-13;
3 98-756, eff. 7-16-14.)

4 (20 ILCS 1705/15b) (from Ch. 91 1/2, par. 100-15b)

5 Sec. 15b. For recipients awaiting conditional discharge or
6 placement, to execute any document relating to or make any
7 application for any benefit including state or federal on
8 behalf of any recipient in a Department program if the
9 recipient is a person with a mental disability and is unable to
10 ~~mentally disabled to~~ manage his own affairs.

11 (Source: P.A. 86-922.)

12 (20 ILCS 1705/15.4)

13 Sec. 15.4. Authorization for nursing delegation to permit
14 direct care staff to administer medications.

15 (a) This Section applies to (i) all programs for persons
16 with a developmental disability in settings of 16 persons or
17 fewer that are funded or licensed by the Department of Human
18 Services and that distribute or administer medications and (ii)
19 all intermediate care facilities for persons with
20 developmental disabilities ~~the developmentally disabled~~ with
21 16 beds or fewer that are licensed by the Department of Public
22 Health. The Department of Human Services shall develop a
23 training program for authorized direct care staff to administer
24 medications under the supervision and monitoring of a

1 registered professional nurse. This training program shall be
2 developed in consultation with professional associations
3 representing (i) physicians licensed to practice medicine in
4 all its branches, (ii) registered professional nurses, and
5 (iii) pharmacists.

6 (b) For the purposes of this Section:

7 "Authorized direct care staff" means non-licensed persons
8 who have successfully completed a medication administration
9 training program approved by the Department of Human Services
10 and conducted by a nurse-trainer. This authorization is
11 specific to an individual receiving service in a specific
12 agency and does not transfer to another agency.

13 "Medications" means oral and topical medications, insulin
14 in an injectable form, oxygen, epinephrine auto-injectors, and
15 vaginal and rectal creams and suppositories. "Oral" includes
16 inhalants and medications administered through enteral tubes,
17 utilizing aseptic technique. "Topical" includes eye, ear, and
18 nasal medications. Any controlled substances must be packaged
19 specifically for an identified individual.

20 "Insulin in an injectable form" means a subcutaneous
21 injection via an insulin pen pre-filled by the manufacturer.
22 Authorized direct care staff may administer insulin, as ordered
23 by a physician, advanced practice nurse, or physician
24 assistant, if: (i) the staff has successfully completed a
25 Department-approved advanced training program specific to
26 insulin administration developed in consultation with

1 professional associations listed in subsection (a) of this
2 Section, and (ii) the staff consults with the registered nurse,
3 prior to administration, of any insulin dose that is determined
4 based on a blood glucose test result. The authorized direct
5 care staff shall not: (i) calculate the insulin dosage needed
6 when the dose is dependent upon a blood glucose test result, or
7 (ii) administer insulin to individuals who require blood
8 glucose monitoring greater than 3 times daily, unless directed
9 to do so by the registered nurse.

10 "Nurse-trainer training program" means a standardized,
11 competency-based medication administration train-the-trainer
12 program provided by the Department of Human Services and
13 conducted by a Department of Human Services master
14 nurse-trainer for the purpose of training nurse-trainers to
15 train persons employed or under contract to provide direct care
16 or treatment to individuals receiving services to administer
17 medications and provide self-administration of medication
18 training to individuals under the supervision and monitoring of
19 the nurse-trainer. The program incorporates adult learning
20 styles, teaching strategies, classroom management, and a
21 curriculum overview, including the ethical and legal aspects of
22 supervising those administering medications.

23 "Self-administration of medications" means an individual
24 administers his or her own medications. To be considered
25 capable to self-administer their own medication, individuals
26 must, at a minimum, be able to identify their medication by

1 size, shape, or color, know when they should take the
2 medication, and know the amount of medication to be taken each
3 time.

4 "Training program" means a standardized medication
5 administration training program approved by the Department of
6 Human Services and conducted by a registered professional nurse
7 for the purpose of training persons employed or under contract
8 to provide direct care or treatment to individuals receiving
9 services to administer medications and provide
10 self-administration of medication training to individuals
11 under the delegation and supervision of a nurse-trainer. The
12 program incorporates adult learning styles, teaching
13 strategies, classroom management, curriculum overview,
14 including ethical-legal aspects, and standardized
15 competency-based evaluations on administration of medications
16 and self-administration of medication training programs.

17 (c) Training and authorization of non-licensed direct care
18 staff by nurse-trainers must meet the requirements of this
19 subsection.

20 (1) Prior to training non-licensed direct care staff to
21 administer medication, the nurse-trainer shall perform the
22 following for each individual to whom medication will be
23 administered by non-licensed direct care staff:

24 (A) An assessment of the individual's health
25 history and physical and mental status.

26 (B) An evaluation of the medications prescribed.

1 (2) Non-licensed authorized direct care staff shall
2 meet the following criteria:

3 (A) Be 18 years of age or older.

4 (B) Have completed high school or have a high
5 school equivalency certificate.

6 (C) Have demonstrated functional literacy.

7 (D) Have satisfactorily completed the Health and
8 Safety component of a Department of Human Services
9 authorized direct care staff training program.

10 (E) Have successfully completed the training
11 program, pass the written portion of the comprehensive
12 exam, and score 100% on the competency-based
13 assessment specific to the individual and his or her
14 medications.

15 (F) Have received additional competency-based
16 assessment by the nurse-trainer as deemed necessary by
17 the nurse-trainer whenever a change of medication
18 occurs or a new individual that requires medication
19 administration enters the program.

20 (3) Authorized direct care staff shall be re-evaluated
21 by a nurse-trainer at least annually or more frequently at
22 the discretion of the registered professional nurse. Any
23 necessary retraining shall be to the extent that is
24 necessary to ensure competency of the authorized direct
25 care staff to administer medication.

26 (4) Authorization of direct care staff to administer

1 medication shall be revoked if, in the opinion of the
2 registered professional nurse, the authorized direct care
3 staff is no longer competent to administer medication.

4 (5) The registered professional nurse shall assess an
5 individual's health status at least annually or more
6 frequently at the discretion of the registered
7 professional nurse.

8 (d) Medication self-administration shall meet the
9 following requirements:

10 (1) As part of the normalization process, in order for
11 each individual to attain the highest possible level of
12 independent functioning, all individuals shall be
13 permitted to participate in their total health care
14 program. This program shall include, but not be limited to,
15 individual training in preventive health and
16 self-medication procedures.

17 (A) Every program shall adopt written policies and
18 procedures for assisting individuals in obtaining
19 preventative health and self-medication skills in
20 consultation with a registered professional nurse,
21 advanced practice nurse, physician assistant, or
22 physician licensed to practice medicine in all its
23 branches.

24 (B) Individuals shall be evaluated to determine
25 their ability to self-medicate by the nurse-trainer
26 through the use of the Department's required,

1 standardized screening and assessment instruments.

2 (C) When the results of the screening and
3 assessment indicate an individual not to be capable to
4 self-administer his or her own medications, programs
5 shall be developed in consultation with the Community
6 Support Team or Interdisciplinary Team to provide
7 individuals with self-medication administration.

8 (2) Each individual shall be presumed to be competent
9 to self-administer medications if:

10 (A) authorized by an order of a physician licensed
11 to practice medicine in all its branches; and

12 (B) approved to self-administer medication by the
13 individual's Community Support Team or
14 Interdisciplinary Team, which includes a registered
15 professional nurse or an advanced practice nurse.

16 (e) Quality Assurance.

17 (1) A registered professional nurse, advanced practice
18 nurse, licensed practical nurse, physician licensed to
19 practice medicine in all its branches, physician
20 assistant, or pharmacist shall review the following for all
21 individuals:

22 (A) Medication orders.

23 (B) Medication labels, including medications
24 listed on the medication administration record for
25 persons who are not self-medicating to ensure the
26 labels match the orders issued by the physician

1 licensed to practice medicine in all its branches,
2 advanced practice nurse, or physician assistant.

3 (C) Medication administration records for persons
4 who are not self-medicating to ensure that the records
5 are completed appropriately for:

6 (i) medication administered as prescribed;

7 (ii) refusal by the individual; and

8 (iii) full signatures provided for all
9 initials used.

10 (2) Reviews shall occur at least quarterly, but may be
11 done more frequently at the discretion of the registered
12 professional nurse or advanced practice nurse.

13 (3) A quality assurance review of medication errors and
14 data collection for the purpose of monitoring and
15 recommending corrective action shall be conducted within 7
16 days and included in the required annual review.

17 (f) Programs using authorized direct care staff to
18 administer medications are responsible for documenting and
19 maintaining records on the training that is completed.

20 (g) The absence of this training program constitutes a
21 threat to the public interest, safety, and welfare and
22 necessitates emergency rulemaking by the Departments of Human
23 Services and Public Health under Section 5-45 of the Illinois
24 Administrative Procedure Act.

25 (h) Direct care staff who fail to qualify for delegated
26 authority to administer medications pursuant to the provisions

1 of this Section shall be given additional education and testing
2 to meet criteria for delegation authority to administer
3 medications. Any direct care staff person who fails to qualify
4 as an authorized direct care staff after initial training and
5 testing must within 3 months be given another opportunity for
6 retraining and retesting. A direct care staff person who fails
7 to meet criteria for delegated authority to administer
8 medication, including, but not limited to, failure of the
9 written test on 2 occasions shall be given consideration for
10 shift transfer or reassignment, if possible. No employee shall
11 be terminated for failure to qualify during the 3-month time
12 period following initial testing. Refusal to complete training
13 and testing required by this Section may be grounds for
14 immediate dismissal.

15 (i) No authorized direct care staff person delegated to
16 administer medication shall be subject to suspension or
17 discharge for errors resulting from the staff person's acts or
18 omissions when performing the functions unless the staff
19 person's actions or omissions constitute willful and wanton
20 conduct. Nothing in this subsection is intended to supersede
21 paragraph (4) of subsection (c).

22 (j) A registered professional nurse, advanced practice
23 nurse, physician licensed to practice medicine in all its
24 branches, or physician assistant shall be on duty or on call at
25 all times in any program covered by this Section.

26 (k) The employer shall be responsible for maintaining

1 liability insurance for any program covered by this Section.

2 (1) Any direct care staff person who qualifies as
3 authorized direct care staff pursuant to this Section shall be
4 granted consideration for a one-time additional salary
5 differential. The Department shall determine and provide the
6 necessary funding for the differential in the base. This
7 subsection (1) is inoperative on and after June 30, 2000.

8 (Source: P.A. 98-718, eff. 1-1-15; 98-901, eff. 8-15-14;
9 revised 10-2-14.)

10 (20 ILCS 1705/18.2) (from Ch. 91 1/2, par. 100-18.2)

11 Sec. 18.2. Integrated system for services for persons with
12 developmental disabilities ~~developmentally disabled~~. The
13 Department shall develop an effective, integrated system for
14 delivering State-funded and State-operated services to persons
15 with developmental disabilities. No later than June 30, 1993,
16 the Department shall enter into one or more co-operative
17 arrangements with the Department of Public Aid, the Department
18 of Rehabilitation Services, the Department of Public Health,
19 and any other appropriate entities for administration or
20 supervision by the Department of Mental Health and
21 Developmental Disabilities of all State programs for services
22 to persons in community care facilities for persons with
23 developmental disabilities, including but not limited to
24 intermediate care facilities, that are supported by State funds
25 or by funding under Title XIX of the federal Social Security

1 Act. The Department of Human Services shall succeed to the
2 responsibilities of the Department of Mental Health and
3 Developmental Disabilities and the Department of
4 Rehabilitation Services under any such cooperative arrangement
5 in existence on July 1, 1997.

6 (Source: P.A. 89-507, eff. 7-1-97.)

7 (20 ILCS 1705/21.2) (from Ch. 91 1/2, par. 100-21.2)

8 Sec. 21.2. The Fund for Persons with Developmental
9 Disabilities ~~the Developmentally Disabled~~, heretofore created
10 as a special fund in the State Treasury under repealed Section
11 5-119 of the Mental Health and Developmental Disabilities Code,
12 is continued under this Section. The Secretary may accept
13 moneys from any source for deposit into the Fund. The moneys in
14 the Fund shall be used by the Department, subject to
15 appropriation, for the purpose of providing for the care,
16 support and treatment of low-income persons with a
17 developmental disability, or low-income persons otherwise
18 eligible for Department services, as defined by the Department.

19 (Source: P.A. 88-380; 89-507, eff. 7-1-97.)

20 (20 ILCS 1705/33.3) (from Ch. 91 1/2, par. 100-33.3)

21 Sec. 33.3. (a) The Department may develop an annual plan
22 for staff training. The plan shall establish minimum training
23 objectives and time frames and shall be based on the assessment
24 of needs of direct treatment staff. The plan shall be developed

1 using comments from employee representative organizations and
2 State and national professional and advocacy groups. The
3 training plan shall be available for public review and comment.

4 (b) A centralized pre-service training curriculum shall be
5 developed for classifications of employees of State-operated
6 facilities who have responsibility for direct patient care and
7 whose professional training and experience does not
8 substantially include the minimum training required under this
9 Section, as determined by the Department. The plan shall
10 address, at a minimum, the following areas:

11 (1) Crisis intervention;

12 (2) Communication (interpersonal theory, active
13 listening and observing);

14 (3) Group process and group dynamics;

15 (4) Diagnosis, management, treatment and discharge
16 planning;

17 (5) Psychotherapeutic and psychopharmacological
18 psychosocial approaches;

19 (6) Community resources;

20 (7) Specialized skills for: long-term treatment,
21 teaching activities of daily living skills (e.g.,
22 grooming), psychosocial rehabilitation, and schizophrenia
23 and the aged, dual-diagnosed, young, and chronic;

24 (8) The Mental Health and Developmental Disabilities
25 Code;

26 (9) The Mental Health and Developmental Disabilities

1 Confidentiality Act;

2 (10) Physical intervention techniques;

3 (11) Aggression management;

4 (12) Cardiopulmonary resuscitation;

5 (13) Social assessment training;

6 (14) Suicide prevention and intervention;

7 (15) Tardive dyskinesia;

8 (16) Fire safety;

9 (17) Acquired immunodeficiency syndrome (AIDS);

10 (18) Toxic substances;

11 (19) The detection and reporting of suspected
12 recipient abuse and neglect; and

13 (20) Methods of avoiding or reducing injuries in
14 connection with delivery of services.

15 (c) Each program shall establish a unit-specific
16 orientation which details the types of patients served, rules,
17 treatment strategies, response to medical emergencies,
18 policies and procedures, seclusion, restraint for special need
19 recipients, and community resources.

20 (d) The plan shall provide for in-service and any other
21 necessary training for direct service staff and shall include a
22 system for verification of completion. Pre-service training
23 shall be completed within 6 months after beginning employment,
24 as a condition of continued employment and as a prerequisite to
25 contact with recipients of services, except in the course of
26 supervised on-the-job training that may be a component of the

1 training plan. The plan may also require additional training in
2 relation to changes in employee work assignments and job
3 classifications of professional and direct service staff.

4 Direct care staff shall be trained in methods of
5 communicating with recipients who are not verbal, including
6 discerning signs of discomfort or medical problems experienced
7 by a recipient. Facility administrators also shall receive such
8 training, to ensure that facility operations are adapted to the
9 needs of recipients with mental disabilities ~~mentally disabled~~
10 ~~recipients~~.

11 (e) To facilitate training, the Department may develop at
12 least 2 training offices, one serving State-operated
13 facilities located in the Chicago metropolitan area and the
14 second serving other facilities operated by the Department.
15 These offices shall develop and conduct the pre-service and
16 in-service training programs required by this Section and
17 coordinate other training required by the Department.

18 (Source: P.A. 95-331, eff. 8-21-07.)

19 (20 ILCS 1705/43) (from Ch. 91 1/2, par. 100-43)

20 Sec. 43. To provide habilitation and care for persons with
21 an intellectual disability ~~the intellectually disabled~~ and
22 persons with a developmental disability and counseling for
23 their families in accordance with programs established and
24 conducted by the Department.

25 In assisting families to place such persons in need of care

1 in licensed facilities for persons with an intellectual
2 disability ~~the intellectually disabled~~ and persons with a
3 developmental disability, the Department may supplement the
4 amount a family is able to pay, as determined by the Department
5 in accordance with Sections 5-105 through 5-116 of the "Mental
6 Health and Developmental Disabilities Code" as amended, and the
7 amount available from other sources. The Department shall have
8 the authority to determine eligibility for placement of a
9 person in a private facility.

10 Whenever a person with an intellectual disability ~~an~~
11 ~~intellectually disabled person~~ or a client is placed in a
12 private facility pursuant to this Section, such private
13 facility must give the Department and the person's guardian or
14 nearest relative, at least 30 days' notice in writing before
15 such person may be discharged or transferred from the private
16 facility, except in an emergency.

17 (Source: P.A. 97-227, eff. 1-1-12.)

18 (20 ILCS 1705/46) (from Ch. 91 1/2, par. 100-46)

19 Sec. 46. Separation between the sexes shall be maintained
20 relative to sleeping quarters in each facility under the
21 jurisdiction of the Department, except in relation to quarters
22 for children with intellectual disabilities ~~intellectually~~
23 ~~disabled children~~ under age 6 and quarters for persons with
24 intellectual disabilities that are severely-profound
25 ~~severely profoundly intellectually disabled persons~~ and

1 nonambulatory persons with intellectual disabilities
2 ~~nonambulatory intellectually disabled persons~~, regardless of
3 age.

4 (Source: P.A. 97-227, eff. 1-1-12.)

5 (20 ILCS 1705/54.5)

6 Sec. 54.5. Community care for persons with developmental
7 disabilities ~~the developmentally disabled~~ quality workforce
8 initiative.

9 (a) Legislative intent. Individuals with developmental
10 disabilities who live in community-based settings rely on
11 direct support staff for a variety of supports and services
12 essential to the ability to reach their full potential. A
13 stable, well-trained direct support workforce is critical to
14 the well-being of these individuals. State and national studies
15 have documented high rates of turnover among direct support
16 workers and confirmed that improvements in wages can help
17 reduce turnover and develop a more stable and committed
18 workforce. This Section would increase the wages and benefits
19 for direct care workers supporting individuals with
20 developmental disabilities and provide accountability by
21 ensuring that additional resources go directly to these
22 workers.

23 (b) Reimbursement. In order to attract and retain a stable,
24 qualified, and healthy workforce, beginning July 1, 2010, the
25 Department of Human Services may reimburse an individual

1 community service provider serving individuals with
2 developmental disabilities for spending incurred to provide
3 improved wages and benefits to its employees serving
4 individuals with developmental disabilities ~~developmentally~~
5 ~~disabled individuals~~. Reimbursement shall be based upon the
6 provider's most recent cost report. Subject to available
7 appropriations, this reimbursement shall be made according to
8 the following criteria:

9 (1) The Department shall reimburse the provider to
10 compensate for spending on improved wages and benefits for
11 its eligible employees. Eligible employees include
12 employees engaged in direct care work.

13 (2) In order to qualify for reimbursement under this
14 Section, a provider must submit to the Department, before
15 January 1 of each year, documentation of a written, legally
16 binding commitment to increase spending for the purpose of
17 providing improved wages and benefits to its eligible
18 employees during the next year. The commitment must be
19 binding as to both existing and future staff. The
20 commitment must include a method of enforcing the
21 commitment that is available to the employees or their
22 representative and is expeditious, uses a neutral
23 decision-maker, and is economical for the employees. The
24 Department must also receive documentation of the
25 provider's provision of written notice of the commitment
26 and the availability of the enforcement mechanism to the

1 employees or their representative.

2 (3) Reimbursement shall be based on the amount of
3 increased spending to be incurred by the provider for
4 improving wages and benefits that exceeds the spending
5 reported in the cost report currently used by the
6 Department. Reimbursement shall be calculated as follows:
7 the per diem equivalent of the quarterly difference between
8 the cost to provide improved wages and benefits for covered
9 eligible employees as identified in the legally binding
10 commitment and the previous period cost of wages and
11 benefits as reported in the cost report currently used by
12 the Department, subject to the limitations identified in
13 paragraph (2) of this subsection. In no event shall the per
14 diem increase be in excess of \$7.00 for any 12 month
15 period, or in excess of \$8.00 for any 12 month period for
16 community-integrated living arrangements with 4 beds or
17 less. For purposes of this Section, "community-integrated
18 living arrangement" has the same meaning ascribed to that
19 term in the Community-Integrated Living Arrangements
20 Licensure and Certification Act.

21 (4) Any community service provider is eligible to
22 receive reimbursement under this Section. A provider's
23 eligibility to receive reimbursement shall continue as
24 long as the provider maintains eligibility under paragraph
25 (2) of this subsection and the reimbursement program
26 continues to exist.

1 (c) Audit. Reimbursement under this Section is subject to
2 audit by the Department and shall be reduced or eliminated in
3 the case of any provider that does not honor its commitment to
4 increase spending to improve the wages and benefits of its
5 employees or that decreases such spending.

6 (Source: P.A. 96-1124, eff. 7-20-10.)

7 (20 ILCS 1705/66) (from Ch. 91 1/2, par. 100-66)

8 Sec. 66. Domestic abuse of adults with disabilities
9 ~~disabled adults~~. Pursuant to the Abuse of Adults with
10 Disabilities Intervention Act, the Department shall have the
11 authority to provide developmental disability or mental health
12 services in state-operated facilities or through Department
13 supported community agencies to eligible adults in
14 substantiated cases of abuse, neglect or exploitation on a
15 priority basis and to waive current eligibility requirements in
16 an emergency pursuant to the Abuse of Adults with Disabilities
17 Intervention Act. This Section shall not be interpreted to be
18 in conflict with standards for admission to residential
19 facilities as provided in the Mental Health and Developmental
20 Disabilities Code.

21 (Source: P.A. 91-671, eff. 7-1-00.)

22 Section 180. The Military Code of Illinois is amended by
23 changing Sections 28.6 and 52 as follows:

1 (20 ILCS 1805/28.6)

2 Sec. 28.6. Policy.

3 (a) A member of the Army National Guard or the Air National
4 Guard may be ordered to funeral honors duty in accordance with
5 this Article. That member shall receive an allowance of \$100
6 for any day on which a minimum of 2 hours of funeral honors
7 duty is performed. Members of the Illinois National Guard
8 ordered to funeral honors duty in accordance with this Article
9 are considered to be in the active service of the State for all
10 purposes except for pay, and the provisions of Sections 52, 53,
11 54, 55, and 56 of the Military Code of Illinois apply if a
12 member of the Illinois National Guard is injured or becomes a
13 person with a disability ~~disabled~~ in the course of those
14 duties.

15 (b) The Adjutant General may provide support for other
16 authorized providers who volunteer to participate in a funeral
17 honors detail conducted on behalf of the Governor. This support
18 is limited to transportation, reimbursement for
19 transportation, expenses, materials, and training.

20 (c) On or after July 1, 2006, if the Adjutant General
21 determines that Illinois National Guard personnel are not
22 available to perform military funeral honors in accordance with
23 this Article, the Adjutant General may authorize another
24 appropriate organization to provide one or more of its members
25 to perform those honors and, subject to appropriations for that
26 purpose, shall authorize the payment of a \$100 stipend to the

1 organization.

2 (Source: P.A. 94-251, eff. 1-1-06; 94-359, eff. 7-1-06; 95-331,
3 eff. 8-21-07.)

4 (20 ILCS 1805/52) (from Ch. 129, par. 220.52)

5 Sec. 52. Injured personnel or personnel with a disability
6 ~~or disabled personnel~~; treatment; compensation. Officers,
7 warrant officers, or enlisted personnel of the Illinois
8 National Guard who may be injured in any way, including without
9 limitation through illness, while on duty and lawfully
10 performing the same, are entitled to be treated by an officer
11 of the medical or dental department detailed by the Adjutant
12 General, or at the nearest appropriate medical treatment
13 facility if such an officer is not detailed. Officers, warrant
14 officers, or enlisted personnel of the Illinois National Guard
15 who may be wounded or disabled in any way, while on duty and
16 lawfully performing the same, so as to prevent their working at
17 their profession, trade, or other occupation from which they
18 gain their living, are entitled to be treated by an officer of
19 the medical or dental department detailed by the Adjutant
20 General, or at the nearest appropriate medical treatment
21 facility if such an officer is not detailed, and, as long as
22 the Illinois National Guard has not been called into federal
23 service, are entitled to all privileges due them as State
24 employees under the "Workers' Compensation Act", approved July
25 9, 1951, as now or hereafter amended, and the "Workers'

1 Occupational Diseases Act", approved July 9, 1951, as now or
2 hereafter amended. For purposes of this Section, injured,
3 wounded, or disabled "while on duty and lawfully performing the
4 same" means incurring an injury, wound, or disability while in
5 a State military status pursuant to orders of the
6 Commander-in-Chief, except when the injury, wound, or
7 disability is caused by the officer's, warrant officer's, or
8 enlisted personnel's own misconduct.

9 (Source: P.A. 96-509, eff. 1-1-10; 96-733, eff. 1-1-10.)

10 Section 185. The State Guard Act is amended by changing
11 Section 16 as follows:

12 (20 ILCS 1815/16) (from Ch. 129, par. 244)

13 Sec. 16. Any officer or warrant officer, who becomes a
14 person with a disability ~~becoming disabled~~ from wounds,
15 injuries or illness, so as to prevent him from active service
16 thereafter, shall, on recommendation of a retirement board of
17 three officers, two of whom shall be medical officers, be
18 placed upon the retired list in his grade at time of
19 retirement.

20 (Source: Laws 1951, p. 1999.)

21 Section 190. The Abandoned Mined Lands and Water
22 Reclamation Act is amended by changing Section 2.08 as follows:

1 (20 ILCS 1920/2.08) (from Ch. 96 1/2, par. 8002.08)

2 Sec. 2.08. Special reclamation programs.

3 (a) In addition to the authority to acquire land under
4 Section 2.06, the Department may use funds provided under the
5 Federal Act to acquire land by purchase, donation, or
6 condemnation, to reclaim such acquired land and retain the land
7 or transfer title to it to a political subdivision or to any
8 person, firm, association, or corporation, if the Department
9 determines that such is an integral and necessary element of an
10 economically feasible plan for the project to construct or
11 rehabilitate housing for persons who have a disability ~~disabled~~
12 as the result of employment in the mines or work incidental
13 thereto, persons displaced by acquisition of land under Section
14 2.06, or persons dislocated as the result of adverse effects of
15 mining practices which constitute an emergency as provided in
16 the Federal Act or persons dislocated as the result of natural
17 disasters or catastrophic failures from any cause. No part of
18 the funds provided under this Section may be used to pay the
19 actual construction costs of housing.

20 (b) Use of funds under this Section shall be subject to
21 requirements under the Federal Act with respect to such
22 projects.

23 (Source: P.A. 89-445, eff. 2-7-96.)

24 Section 195. The Department of Public Health Act is amended
25 by changing Section 4 as follows:

1 (20 ILCS 2305/4) (from Ch. 111 1/2, par. 22.02)

2 Sec. 4. No otherwise qualified child with a disability
3 ~~handicapped child~~ receiving special education and related
4 services under Article 14 of The School Code shall solely by
5 reason of his or her disability ~~handicap~~ be excluded from the
6 participation in or be denied the benefits of or be subjected
7 to discrimination under any program or activity provided by the
8 Department.

9 (Source: P.A. 80-1403.)

10 Section 200. The Department of Public Health Powers and
11 Duties Law of the Civil Administrative Code of Illinois is
12 amended by changing Section 2310-680 as follows:

13 (20 ILCS 2310/2310-680)

14 (Section scheduled to be repealed on January 1, 2016)

15 Sec. 2310-680. Multiple Sclerosis Task Force.

16 (a) The General Assembly finds and declares the following:

17 (1) Multiple sclerosis (MS) is a chronic, often
18 disabling, disease that attacks the central nervous
19 system, which is comprised of the brain, spinal cord, and
20 optic nerves. MS is the number one disabling disease among
21 young adults, striking in the prime of life. It is a
22 disease in which the body, through its immune system,
23 launches a defensive and damaging attack against its own

1 tissues. MS damages the nerve-insulating myelin sheath
2 that surrounds and protects the brain. The damage to the
3 myelin sheath slows down or blocks messages between the
4 brain and the body.

5 (2) Most people experience their first symptoms of MS
6 between the ages of 20 and 40, but MS can appear in young
7 children and teens as well as much older adults. MS
8 symptoms can include visual disturbances, muscle weakness,
9 trouble with coordination and balance, sensations such as
10 numbness, prickling or pins and needles, and thought and
11 memory problems. MS patients can also experience partial or
12 complete paralysis, speech impediments, tremors,
13 dizziness, stiffness and spasms, fatigue, paresthesias,
14 pain, and loss of sensation.

15 (3) The cause of MS remains unknown; however, having a
16 first-degree relative, such as a parent or sibling, with MS
17 significantly increases a person's risk of developing the
18 disease. According to the National Institute of
19 Neurological Disorders and Stroke, it is estimated that
20 there are approximately 250,000 to 350,000 persons in the
21 United States who are diagnosed with MS. This estimate
22 suggests that approximately 200 new cases are diagnosed
23 each week. Other sources report a population of at least
24 400,000 in the United States. The estimate of persons with
25 MS in Illinois is 20,000, with at least 2 areas of MS
26 clusters identified in Illinois.

1 (4) Presently, there is no cure for MS. The complex and
2 variable nature of the disease makes it very difficult to
3 diagnose, treat, and research. The cost to the family,
4 often with young children, can be overwhelming. Among
5 common diagnoses, non-stroke neurologic illnesses, such as
6 multiple sclerosis, were associated with the highest
7 out-of-pocket expenditures (a mean of \$34,167), followed
8 by diabetes (\$26,971), injuries (\$25,096), stroke
9 (\$23,380), mental illnesses (\$23,178), and heart disease
10 (\$21,955). Median out-of-pocket costs for health care
11 among people with MS, excluding insurance premiums, were
12 almost twice as much as the general population. The costs
13 associated with MS increase with greater disability. Costs
14 for individuals with a severe disability ~~severely disabled~~
15 ~~individuals~~ are more than twice those for persons with a
16 relatively mild form of the disease. A recent study of
17 medical bankruptcy found that 62.1% of all personal
18 bankruptcies in the United States were related to medical
19 costs.

20 (5) Therefore, it is in the public interest for the
21 State to establish a Multiple Sclerosis Task Force in order
22 to identify and address the unmet needs of persons with MS
23 and develop ways to enhance their quality of life.

24 (b) There is established the Multiple Sclerosis Task Force
25 in the Department of Public Health. The purpose of the Task
26 Force shall be to:

1 (1) develop strategies to identify and address the
2 unmet needs of persons with MS in order to enhance the
3 quality of life of persons with MS by maximizing
4 productivity and independence and addressing emotional,
5 social, financial, and vocational challenges of persons
6 with MS;

7 (2) develop strategies to provide persons with MS
8 greater access to various treatments and other therapeutic
9 options that may be available; and

10 (3) develop strategies to improve multiple sclerosis
11 education and awareness.

12 (c) The Task Force shall consist of 16 members as follows:

13 (1) the Director of Public Health and the Director of
14 Human Services, or their designees, who shall serve ex
15 officio; and

16 (2) fourteen public members, who shall be appointed by
17 the Director of Public Health as follows: 2 neurologists
18 licensed to practice medicine in this State; 3 registered
19 nurses or other health professionals with MS certification
20 and extensive expertise with progressed MS; one person upon
21 the recommendation of the National Multiple Sclerosis
22 Society; 3 persons who represent agencies that provide
23 services or support to individuals with MS in this State; 3
24 persons who have MS, at least one of whom having progressed
25 MS; and 2 members of the public with a demonstrated
26 expertise in issues relating to the work of the Task Force.

1 Vacancies in the membership of the Task Force shall be
2 filled in the same manner provided for in the original
3 appointments.

4 (d) The Task Force shall organize within 120 days following
5 the appointment of a majority of its members and shall select a
6 chairperson and vice-chairperson from among the members. The
7 chairperson shall appoint a secretary who need not be a member
8 of the Task Force.

9 (e) The public members shall serve without compensation and
10 shall not be reimbursed for necessary expenses incurred in the
11 performance of their duties unless funds become available to
12 the Task Force.

13 (f) The Task Force may meet and hold hearings as it deems
14 appropriate.

15 (g) The Department of Public Health shall provide staff
16 support to the Task Force.

17 (h) The Task Force shall report its findings and
18 recommendations to the Governor and to the General Assembly,
19 along with any legislative bills that it desires to recommend
20 for adoption by the General Assembly, no later than December
21 31, 2015.

22 (i) The Task Force is abolished and this Section is
23 repealed on January 1, 2016.

24 (Source: P.A. 98-530, eff. 8-23-13; 98-756, eff. 7-16-14.)

25 Section 205. The Disabled Persons Rehabilitation Act is

1 amended by changing Sections 0.01, 3, 5b, 10 and 13 as follows:

2 (20 ILCS 2405/0.01) (from Ch. 23, par. 3429)

3 Sec. 0.01. Short title. This Act may be cited as the
4 Rehabilitation of Persons with Disabilities ~~Disabled Persons~~
5 ~~Rehabilitation~~ Act.

6 (Source: P.A. 86-1324.)

7 (20 ILCS 2405/3) (from Ch. 23, par. 3434)

8 Sec. 3. Powers and duties. The Department shall have the
9 powers and duties enumerated herein:

10 (a) To co-operate with the federal government in the
11 administration of the provisions of the federal Rehabilitation
12 Act of 1973, as amended, of the Workforce Investment Act of
13 1998, and of the federal Social Security Act to the extent and
14 in the manner provided in these Acts.

15 (b) To prescribe and supervise such courses of vocational
16 training and provide such other services as may be necessary
17 for the habilitation and rehabilitation of persons with one or
18 more disabilities, including the administrative activities
19 under subsection (e) of this Section, and to co-operate with
20 State and local school authorities and other recognized
21 agencies engaged in habilitation, rehabilitation and
22 comprehensive rehabilitation services; and to cooperate with
23 the Department of Children and Family Services regarding the
24 care and education of children with one or more disabilities.

1 (c) (Blank).

2 (d) To report in writing, to the Governor, annually on or
3 before the first day of December, and at such other times and
4 in such manner and upon such subjects as the Governor may
5 require. The annual report shall contain (1) a statement of the
6 existing condition of comprehensive rehabilitation services,
7 habilitation and rehabilitation in the State; (2) a statement
8 of suggestions and recommendations with reference to the
9 development of comprehensive rehabilitation services,
10 habilitation and rehabilitation in the State; and (3) an
11 itemized statement of the amounts of money received from
12 federal, State and other sources, and of the objects and
13 purposes to which the respective items of these several amounts
14 have been devoted.

15 (e) (Blank).

16 (f) To establish a program of services to prevent the
17 unnecessary institutionalization of persons in need of long
18 term care and who meet the criteria for blindness or disability
19 as defined by the Social Security Act, thereby enabling them to
20 remain in their own homes. Such preventive services include any
21 or all of the following:

22 (1) personal assistant services;

23 (2) homemaker services;

24 (3) home-delivered meals;

25 (4) adult day care services;

26 (5) respite care;

- 1 (6) home modification or assistive equipment;
- 2 (7) home health services;
- 3 (8) electronic home response;
- 4 (9) brain injury behavioral/cognitive services;
- 5 (10) brain injury habilitation;
- 6 (11) brain injury pre-vocational services; or
- 7 (12) brain injury supported employment.

8 The Department shall establish eligibility standards for
9 such services taking into consideration the unique economic and
10 social needs of the population for whom they are to be
11 provided. Such eligibility standards may be based on the
12 recipient's ability to pay for services; provided, however,
13 that any portion of a person's income that is equal to or less
14 than the "protected income" level shall not be considered by
15 the Department in determining eligibility. The "protected
16 income" level shall be determined by the Department, shall
17 never be less than the federal poverty standard, and shall be
18 adjusted each year to reflect changes in the Consumer Price
19 Index For All Urban Consumers as determined by the United
20 States Department of Labor. The standards must provide that a
21 person may not have more than \$10,000 in assets to be eligible
22 for the services, and the Department may increase or decrease
23 the asset limitation by rule. The Department may not decrease
24 the asset level below \$10,000.

25 The services shall be provided, as established by the
26 Department by rule, to eligible persons to prevent unnecessary

1 or premature institutionalization, to the extent that the cost
2 of the services, together with the other personal maintenance
3 expenses of the persons, are reasonably related to the
4 standards established for care in a group facility appropriate
5 to their condition. These non-institutional services, pilot
6 projects or experimental facilities may be provided as part of
7 or in addition to those authorized by federal law or those
8 funded and administered by the Illinois Department on Aging.
9 The Department shall set rates and fees for services in a fair
10 and equitable manner. Services identical to those offered by
11 the Department on Aging shall be paid at the same rate.

12 Personal assistants shall be paid at a rate negotiated
13 between the State and an exclusive representative of personal
14 assistants under a collective bargaining agreement. In no case
15 shall the Department pay personal assistants an hourly wage
16 that is less than the federal minimum wage.

17 Solely for the purposes of coverage under the Illinois
18 Public Labor Relations Act (5 ILCS 315/), personal assistants
19 providing services under the Department's Home Services
20 Program shall be considered to be public employees and the
21 State of Illinois shall be considered to be their employer as
22 of the effective date of this amendatory Act of the 93rd
23 General Assembly, but not before. Solely for the purposes of
24 coverage under the Illinois Public Labor Relations Act, home
25 care and home health workers who function as personal
26 assistants and individual maintenance home health workers and

1 who also provide services under the Department's Home Services
2 Program shall be considered to be public employees, no matter
3 whether the State provides such services through direct
4 fee-for-service arrangements, with the assistance of a managed
5 care organization or other intermediary, or otherwise, and the
6 State of Illinois shall be considered to be the employer of
7 those persons as of January 29, 2013 (the effective date of
8 Public Act 97-1158), but not before except as otherwise
9 provided under this subsection (f). The State shall engage in
10 collective bargaining with an exclusive representative of home
11 care and home health workers who function as personal
12 assistants and individual maintenance home health workers
13 working under the Home Services Program concerning their terms
14 and conditions of employment that are within the State's
15 control. Nothing in this paragraph shall be understood to limit
16 the right of the persons receiving services defined in this
17 Section to hire and fire home care and home health workers who
18 function as personal assistants and individual maintenance
19 home health workers working under the Home Services Program or
20 to supervise them within the limitations set by the Home
21 Services Program. The State shall not be considered to be the
22 employer of home care and home health workers who function as
23 personal assistants and individual maintenance home health
24 workers working under the Home Services Program for any
25 purposes not specifically provided in Public Act 93-204 or
26 Public Act 97-1158, including but not limited to, purposes of

1 vicarious liability in tort and purposes of statutory
2 retirement or health insurance benefits. Home care and home
3 health workers who function as personal assistants and
4 individual maintenance home health workers and who also provide
5 services under the Department's Home Services Program shall not
6 be covered by the State Employees Group Insurance Act of 1971
7 (5 ILCS 375/).

8 The Department shall execute, relative to nursing home
9 prescreening, as authorized by Section 4.03 of the Illinois Act
10 on the Aging, written inter-agency agreements with the
11 Department on Aging and the Department of Healthcare and Family
12 Services, to effect the intake procedures and eligibility
13 criteria for those persons who may need long term care. On and
14 after July 1, 1996, all nursing home prescreenings for
15 individuals 18 through 59 years of age shall be conducted by
16 the Department, or a designee of the Department.

17 The Department is authorized to establish a system of
18 recipient cost-sharing for services provided under this
19 Section. The cost-sharing shall be based upon the recipient's
20 ability to pay for services, but in no case shall the
21 recipient's share exceed the actual cost of the services
22 provided. Protected income shall not be considered by the
23 Department in its determination of the recipient's ability to
24 pay a share of the cost of services. The level of cost-sharing
25 shall be adjusted each year to reflect changes in the
26 "protected income" level. The Department shall deduct from the

1 recipient's share of the cost of services any money expended by
2 the recipient for disability-related expenses.

3 To the extent permitted under the federal Social Security
4 Act, the Department, or the Department's authorized
5 representative, may recover the amount of moneys expended for
6 services provided to or in behalf of a person under this
7 Section by a claim against the person's estate or against the
8 estate of the person's surviving spouse, but no recovery may be
9 had until after the death of the surviving spouse, if any, and
10 then only at such time when there is no surviving child who is
11 under age 21 or ~~7~~ blind or who has a permanent and total
12 disability ~~, or permanently and totally disabled~~. This
13 paragraph, however, shall not bar recovery, at the death of the
14 person, of moneys for services provided to the person or in
15 behalf of the person under this Section to which the person was
16 not entitled; provided that such recovery shall not be enforced
17 against any real estate while it is occupied as a homestead by
18 the surviving spouse or other dependent, if no claims by other
19 creditors have been filed against the estate, or, if such
20 claims have been filed, they remain dormant for failure of
21 prosecution or failure of the claimant to compel administration
22 of the estate for the purpose of payment. This paragraph shall
23 not bar recovery from the estate of a spouse, under Sections
24 1915 and 1924 of the Social Security Act and Section 5-4 of the
25 Illinois Public Aid Code, who precedes a person receiving
26 services under this Section in death. All moneys for services

1 paid to or in behalf of the person under this Section shall be
2 claimed for recovery from the deceased spouse's estate.
3 "Homestead", as used in this paragraph, means the dwelling
4 house and contiguous real estate occupied by a surviving spouse
5 or relative, as defined by the rules and regulations of the
6 Department of Healthcare and Family Services, regardless of the
7 value of the property.

8 The Department shall submit an annual report on programs
9 and services provided under this Section. The report shall be
10 filed with the Governor and the General Assembly on or before
11 March 30 each year.

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

21 (g) To establish such subdivisions of the Department as
22 shall be desirable and assign to the various subdivisions the
23 responsibilities and duties placed upon the Department by law.

24 (h) To cooperate and enter into any necessary agreements
25 with the Department of Employment Security for the provision of
26 job placement and job referral services to clients of the

1 Department, including job service registration of such clients
2 with Illinois Employment Security offices and making job
3 listings maintained by the Department of Employment Security
4 available to such clients.

5 (i) To possess all powers reasonable and necessary for the
6 exercise and administration of the powers, duties and
7 responsibilities of the Department which are provided for by
8 law.

9 (j) (Blank).

10 (k) (Blank).

11 (l) To establish, operate and maintain a Statewide Housing
12 Clearinghouse of information on available, government
13 subsidized housing accessible to persons with disabilities
14 ~~disabled persons~~ and available privately owned housing
15 accessible to persons with disabilities ~~disabled persons~~. The
16 information shall include but not be limited to the location,
17 rental requirements, access features and proximity to public
18 transportation of available housing. The Clearinghouse shall
19 consist of at least a computerized database for the storage and
20 retrieval of information and a separate or shared toll free
21 telephone number for use by those seeking information from the
22 Clearinghouse. Department offices and personnel throughout the
23 State shall also assist in the operation of the Statewide
24 Housing Clearinghouse. Cooperation with local, State and
25 federal housing managers shall be sought and extended in order
26 to frequently and promptly update the Clearinghouse's

1 information.

2 (m) To assure that the names and case records of persons
3 who received or are receiving services from the Department,
4 including persons receiving vocational rehabilitation, home
5 services, or other services, and those attending one of the
6 Department's schools or other supervised facility shall be
7 confidential and not be open to the general public. Those case
8 records and reports or the information contained in those
9 records and reports shall be disclosed by the Director only to
10 proper law enforcement officials, individuals authorized by a
11 court, the General Assembly or any committee or commission of
12 the General Assembly, and other persons and for reasons as the
13 Director designates by rule. Disclosure by the Director may be
14 only in accordance with other applicable law.

15 (Source: P.A. 97-732, eff. 6-30-12; 97-1019, eff. 8-17-12;
16 97-1158, eff. 1-29-13; 98-1004, eff. 8-18-14.)

17 (20 ILCS 2405/5b)

18 Sec. 5b. Home Services Medicaid Trust Fund.

19 (a) The Home Services Medicaid Trust Fund is hereby created
20 as a special fund in the State treasury.

21 (b) Amounts paid to the State during each State fiscal year
22 by the federal government under Title XIX or Title XXI of the
23 Social Security Act for services delivered in relation to the
24 Department's Home Services Program established pursuant to
25 Section 3 of this ~~the Disabled Persons Rehabilitation~~ Act, and

1 any interest earned thereon, shall be deposited into the Fund.

2 (c) Moneys in the Fund may be used by the Department for
3 the purchase of services, and operational and administrative
4 expenses, in relation to the Home Services Program.

5 (Source: P.A. 98-1004, eff. 8-18-14.)

6 (20 ILCS 2405/10) (from Ch. 23, par. 3441)

7 Sec. 10. Residential schools; visual and hearing
8 disabilities ~~handicaps~~.

9 (a) The Department of Human Services shall operate
10 residential schools for the education of children with visual
11 and hearing disabilities ~~handicaps~~ who are unable to take
12 advantage of the regular educational facilities provided in the
13 community, and shall provide in connection therewith such
14 academic, vocational, and related services as may be required.
15 Children shall be eligible for admission to these schools only
16 after proper diagnosis and evaluation, in accordance with
17 procedures prescribed by the Department.

18 (a-5) The Superintendent of the Illinois School for the
19 Deaf shall be the chief executive officer of, and shall be
20 responsible for the day to day operations of, the School, and
21 shall obtain educational and professional employees who are
22 certified by the Illinois State Board of Education or licensed
23 by the appropriate agency or entity to which licensing
24 authority has been delegated, as well as all other employees of
25 the School, subject to the provisions of the Personnel Code and

1 any applicable collective bargaining agreement. The
2 Superintendent shall be appointed by the Governor, by and with
3 the advice and consent of the Senate. In the case of a vacancy
4 in the office of Superintendent during the recess of the
5 Senate, the Governor shall make a temporary appointment until
6 the next meeting of the Senate, when the Governor shall
7 nominate some person to fill the office, and any person so
8 nominated who is confirmed by the Senate shall hold office
9 during the remainder of the term and until his or her successor
10 is appointed and qualified. The Superintendent shall hold
11 office (i) for a term expiring on June 30 of 2015, and every 4
12 years thereafter and (ii) until the Superintendent's successor
13 is appointed and qualified. The Superintendent shall devote his
14 or her full time to the duties of the office, shall not serve
15 in any other capacity during his or her term of office, and
16 shall receive such compensation as the Governor shall
17 determine. The Superintendent shall have an administrative
18 certificate with a superintendent endorsement as provided for
19 under Section 21-7.1 of the School Code, and shall have degrees
20 in both educational administration and deaf education,
21 together with at least 15 years of experience in either deaf
22 education, the administration of deaf education, or a
23 combination of the 2.

24 (a-10) The Superintendent of the Illinois School for the
25 Visually Impaired shall be the chief executive officer of, and
26 shall be responsible for the day to day operations of, the

1 School, and shall obtain educational and professional
2 employees who are certified by the Illinois State Board of
3 Education or licensed by the appropriate agency or entity to
4 which licensing authority has been delegated, as well as all
5 other employees of the School, subject to the provisions of the
6 Personnel Code and any applicable collective bargaining
7 agreement. The Superintendent shall be appointed by the
8 Governor, by and with the advice and consent of the Senate. In
9 the case of a vacancy in the office of Superintendent during
10 the recess of the Senate, the Governor shall make a temporary
11 appointment until the next meeting of the Senate, when the
12 Governor shall nominate some person to fill the office, and any
13 person so nominated who is confirmed by the Senate shall hold
14 office during the remainder of the term and until his or her
15 successor is appointed and qualified. The Superintendent shall
16 hold office (i) for a term expiring on June 30 of 2015, and
17 every 4 years thereafter and (ii) until the Superintendent's
18 successor is appointed and qualified. The Superintendent shall
19 devote his or her full time to the duties of the office, shall
20 not serve in any other capacity during his or her term of
21 office, and shall receive such compensation as the Governor
22 shall determine. The Superintendent shall have an
23 administrative certificate with a superintendent endorsement
24 as provided for under Section 21-7.1 of the School Code, and
25 shall have degrees in both educational administration and blind
26 or visually impaired education, together with at least 15 years

1 of experience in either blind or visually impaired education,
2 the administration of blind or visually impaired education, or
3 a combination of the 2.

4 (b) In administering the Illinois School for the Deaf, the
5 Department shall adopt an admission policy which permits day or
6 residential enrollment, when resources are sufficient, of
7 children with hearing disabilities ~~handicaps~~ who are able to
8 take advantage of the regular educational facilities provided
9 in the community and thus unqualified for admission under
10 subsection (a). In doing so, the Department shall establish an
11 annual deadline by which shall be completed the enrollment of
12 children qualified under subsection (a) for admission to the
13 Illinois School for the Deaf. After the deadline, the Illinois
14 School for the Deaf may enroll other children with hearing
15 disabilities ~~handicaps~~ at the request of their parents or
16 guardians if the Department determines there are sufficient
17 resources to meet their needs as well as the needs of children
18 enrolled before the deadline and children qualified under
19 subsection (a) who may be enrolled after the deadline on an
20 emergency basis. The Department shall adopt any rules and
21 regulations necessary for the implementation of this
22 subsection.

23 (c) In administering the Illinois School for the Visually
24 Impaired, the Department shall adopt an admission policy that
25 permits day or residential enrollment, when resources are
26 sufficient, of children with visual disabilities ~~handicaps~~ who

1 are able to take advantage of the regular educational
2 facilities provided in the community and thus unqualified for
3 admission under subsection (a). In doing so, the Department
4 shall establish an annual deadline by which the enrollment of
5 children qualified under subsection (a) for admission to the
6 Illinois School for the Visually Impaired shall be completed.
7 After the deadline, the Illinois School for the Visually
8 Impaired may enroll other children with visual disabilities
9 ~~handicaps~~ at the request of their parents or guardians if the
10 Department determines there are sufficient resources to meet
11 their needs as well as the needs of children enrolled before
12 the deadline and children qualified under subsection (a) who
13 may be enrolled after the deadline on an emergency basis. The
14 Department shall adopt any rules and regulations necessary for
15 the implementation of this subsection.

16 (Source: P.A. 97-625, eff. 11-28-11.)

17 (20 ILCS 2405/13) (from Ch. 23, par. 3444)

18 Sec. 13. The Department shall have all powers reasonable
19 and necessary for the administration of institutions for
20 persons with one or more disabilities under subsection (f) of
21 Section 3 of this Act, including, but not limited to, the
22 authority to do the following:

23 (a) Appoint and remove the superintendents of the
24 institutions operated by the Department, except for those
25 superintendents whose appointment and removal is provided for

1 under Section 10 of this Act; obtain all other employees
2 subject to the provisions of the Personnel Code, except for
3 educational and professional employees of the Illinois School
4 for the Deaf and the Illinois School for the Visually Impaired
5 who are certified by the Illinois State Board of Education or
6 licensed by the appropriate agency or entity to which licensing
7 authority has been delegated, and all other employees of the
8 Schools who are obtained by the superintendents as provided
9 under Section 10 of this Act, subject to the provisions of the
10 Personnel Code and any applicable collective bargaining
11 agreement; and conduct staff training programs for the
12 development and improvement of services.

13 (b) Provide supervision, housing accommodations, board or
14 the payment of boarding costs, tuition, and treatment free of
15 charge, except as otherwise specified in this Act, for
16 residents of this State who are cared for in any institution,
17 or for persons receiving services under any program under the
18 jurisdiction of the Department. Residents of other states may
19 be admitted upon payment of the costs of board, tuition, and
20 treatment as determined by the Department; provided, that no
21 resident of another state shall be received or retained to the
22 exclusion of any resident of this State. The Department shall
23 accept any donation for the board, tuition, and treatment of
24 any person receiving service or care.

25 (c) Cooperate with the State Board of Education and the
26 Department of Children and Family Services in a program to

1 provide for the placement, supervision, and foster care of
2 children with disabilities ~~handicaps~~ who must leave their home
3 community in order to attend schools offering programs in
4 special education.

5 (d) Assess and collect (i) student activity fees and (ii)
6 charges to school districts for transportation of students
7 required under the School Code and provided by the Department.
8 The Department shall direct the expenditure of all money that
9 has been or may be received by any officer of the several State
10 institutions under the direction and supervision of the
11 Department as profit on sales from commissary stores, student
12 activity fees, or charges for student transportation. The money
13 shall be deposited into a locally held fund and expended under
14 the direction of the Department for the special comfort,
15 pleasure, and amusement of residents and employees and the
16 transportation of residents, provided that amounts expended
17 for comfort, pleasure, and amusement of employees shall not
18 exceed the amount of profits derived from sales made to
19 employees by the commissaries, as determined by the Department.

20 Funds deposited with State institutions under the
21 direction and supervision of the Department by or for residents
22 of those State institutions shall be deposited into
23 interest-bearing accounts, and money received as interest and
24 income on those funds shall be deposited into a "needy student
25 fund" to be held and administered by the institution. Money in
26 the "needy student fund" shall be expended for the special

1 comfort, pleasure, and amusement of the residents of the
2 particular institution where the money is paid or received.

3 Any money belonging to residents separated by death,
4 discharge, or unauthorized absence from institutions described
5 under this Section, in custody of officers of the institutions,
6 may, if unclaimed by the resident or the legal representatives
7 of the resident for a period of 2 years, be expended at the
8 direction of the Department for the purposes and in the manner
9 specified in this subsection (d). Articles of personal
10 property, with the exception of clothing left in the custody of
11 those officers, shall, if unclaimed for the period of 2 years,
12 be sold and the money disposed of in the same manner.

13 Clothing left at the institution by residents at the time
14 of separation may be used as determined by the institution if
15 unclaimed by the resident or legal representatives of the
16 resident within 30 days after notification.

17 (e) Keep, for each institution under the jurisdiction of
18 the Department, a register of the number of officers,
19 employees, and residents present each day in the year, in a
20 form that will permit a calculation of the average number
21 present each month.

22 (f) (Blank).

23 (g) (Blank).

24 (h) (Blank).

25 (i) Accept and hold in behalf of the State, if for the
26 public interest, a grant, gift, or legacy of money or property

1 to the State of Illinois, to the Department, or to any
2 institution or program of the Department made in trust for the
3 maintenance or support of a resident of an institution of the
4 Department, or for any other legitimate purpose connected with
5 any such institution or program. The Department shall cause
6 each gift, grant, or legacy to be kept as a distinct fund, and
7 shall invest the gift, grant, or legacy in the manner provided
8 by the laws of this State as those laws now exist or shall
9 hereafter be enacted relating to securities in which the
10 deposits in savings banks may be invested. The Department may,
11 however, in its discretion, deposit in a proper trust company
12 or savings bank, during the continuance of the trust, any fund
13 so left in trust for the life of a person and shall adopt rules
14 and regulations governing the deposit, transfer, or withdrawal
15 of the fund. The Department shall, on the expiration of any
16 trust as provided in any instrument creating the trust, dispose
17 of the fund thereby created in the manner provided in the
18 instrument. The Department shall include in its required
19 reports a statement showing what funds are so held by it and
20 the condition of the funds. Monies found on residents at the
21 time of their admission, or accruing to them during their
22 period of institutional care, and monies deposited with the
23 superintendents by relatives, guardians, or friends of
24 residents for the special comfort and pleasure of a resident,
25 shall remain in the possession of the superintendents, who
26 shall act as trustees for disbursement to, in behalf of, or for

1 the benefit of the resident. All types of retirement and
2 pension benefits from private and public sources may be paid
3 directly to the superintendent of the institution where the
4 person is a resident, for deposit to the resident's trust fund
5 account.

6 (j) Appoint, subject to the Personnel Code, persons to be
7 members of a police and security force. Members of the police
8 and security force shall be peace officers and as such have all
9 powers possessed by policemen in cities and sheriffs, including
10 the power to make arrests on view or warrants of violations of
11 State statutes or city or county ordinances. These powers may,
12 however, be exercised only in counties of more than 500,000
13 population when required for the protection of Department
14 properties, interests, and personnel, or specifically
15 requested by appropriate State or local law enforcement
16 officials. Members of the police and security force may not
17 serve and execute civil processes.

18 (k) Maintain, and deposit receipts from the sale of tickets
19 to athletic, musical, and other events, fees for participation
20 in school sponsored tournaments and events, and revenue from
21 student activities relating to charges for art and woodworking
22 projects, charges for automobile repairs, and other revenue
23 generated from student projects into, locally held accounts not
24 to exceed \$20,000 per account for the purposes of (i) providing
25 immediate payment to officials, judges, and athletic referees
26 for their services rendered and for other related expenses at

1 school sponsored contests, tournaments, or events, (ii)
2 providing payment for expenses related to student revenue
3 producing activities such as art and woodworking projects,
4 automotive repair work, and other student activities or
5 projects that generate revenue and incur expenses, and (iii)
6 providing students who are enrolled in an independent living
7 program with cash so that they may fulfill course objectives by
8 purchasing commodities and other required supplies.

9 (1) Advance moneys from its appropriations to be maintained
10 in locally held accounts at the schools to establish (i) a
11 "Student Compensation Account" to pay students for work
12 performed under the student work program, and (ii) a "Student
13 Activity Travel Account" to pay transportation, meals, and
14 lodging costs of students, coaches, and activity sponsors while
15 traveling off campus for sporting events, lessons, and other
16 activities directly associated with the representation of the
17 school. Funds in the "Student Compensation Account" shall not
18 exceed \$20,000, and funds in the "Student Activity Travel
19 Account" shall not exceed \$200,000.

20 (1-5) Establish a locally held account (referred to as the
21 Account) to hold, maintain and administer the
22 Therkelsen/Hansen College Loan Fund (referred to as the Fund).
23 All cash represented by the Fund shall be transferred from the
24 State Treasury to the Account. The Department shall promulgate
25 rules regarding the maintenance and use of the Fund and all
26 interest earned thereon; the eligibility of potential

1 borrowers from the Fund; and the awarding and repayment of
2 loans from the Fund; and other rules as applicable regarding
3 the Fund. The administration of the Fund and the promulgation
4 of rules regarding the Fund shall be consistent with the will
5 of Petrea Therkelsen, which establishes the Fund.

6 (m) Promulgate rules of conduct applicable to the residents
7 of institutions for persons with one or more disabilities. The
8 rules shall include specific standards to be used by the
9 Department to determine (i) whether financial restitution
10 shall be required in the event of losses or damages resulting
11 from a resident's action and (ii) the ability of the resident
12 and the resident's parents to pay restitution.

13 (Source: P.A. 97-625, eff. 11-28-11.)

14 Section 210. The Disabilities Services Act of 2003 is
15 amended by changing the title of the Act and Section 52 as
16 follows:

17 (20 ILCS 2407/Act title)

18 An Act concerning persons with disabilities ~~disabled~~
19 ~~persons~~.

20 (20 ILCS 2407/52)

21 Sec. 52. Applicability; definitions. In accordance with
22 Section 6071 of the Deficit Reduction Act of 2005 (P.L.
23 109-171), as used in this Article:

1 "Departments". The term "Departments" means for the
2 purposes of this Act, the Department of Human Services, the
3 Department on Aging, Department of Healthcare and Family
4 Services and Department of Public Health, unless otherwise
5 noted.

6 "Home and community-based long-term care services". The
7 term "home and community-based long-term care services" means,
8 with respect to the State Medicaid program, a service aid, or
9 benefit, home and community-based services, including but not
10 limited to home health and personal care services, that are
11 provided to a person with a disability, and are voluntarily
12 accepted, as part of his or her long-term care that: (i) is
13 provided under the State's qualified home and community-based
14 program or that could be provided under such a program but is
15 otherwise provided under the Medicaid program; (ii) is
16 delivered in a qualified residence; and (iii) is necessary for
17 the person with a disability to live in the community.

18 "ID/DD community care facility". The term "ID/DD community
19 care facility", for the purposes of this Article, means a
20 skilled nursing or intermediate long-term care facility
21 subject to licensure by the Department of Public Health under
22 the ID/DD Community Care Act, an intermediate care facility for
23 persons with developmental disabilities ~~the developmentally~~
24 ~~disabled~~ (ICF-DDs), and a State-operated developmental center
25 or mental health center, whether publicly or privately owned.

26 "Money Follows the Person" Demonstration. Enacted by the

1 Deficit Reduction Act of 2005, the Money Follows the Person
2 (MFP) Rebalancing Demonstration is part of a comprehensive,
3 coordinated strategy to assist states, in collaboration with
4 stakeholders, to make widespread changes to their long-term
5 care support systems. This initiative will assist states in
6 their efforts to reduce their reliance on institutional care
7 while developing community-based long-term care opportunities,
8 enabling the elderly and people with disabilities to fully
9 participate in their communities.

10 "Public funds" mean any funds appropriated by the General
11 Assembly to the Departments of Human Services, on Aging, of
12 Healthcare and Family Services and of Public Health for
13 settings and services as defined in this Article.

14 "Qualified residence". The term "qualified residence"
15 means, with respect to an eligible individual: (i) a home owned
16 or leased by the individual or the individual's authorized
17 representative (as defined by P.L. 109-171); (ii) an apartment
18 with an individual lease, with lockable access and egress, and
19 which includes living, sleeping, bathing, and cooking areas
20 over which the individual or the individual's family has domain
21 and control; or (iii) a residence, in a community-based
22 residential setting, in which no more than 4 unrelated
23 individuals reside. Where qualified residences are not
24 sufficient to meet the demand of eligible individuals,
25 time-limited exceptions to this definition may be developed
26 through administrative rule.

1 "Self-directed services". The term "self-directed
2 services" means, with respect to home and community-based
3 long-term services for an eligible individual, those services
4 for the individual that are planned and purchased under the
5 direction and control of the individual or the individual's
6 authorized representative, including the amount, duration,
7 scope, provider, and location of such services, under the State
8 Medicaid program consistent with the following requirements:

9 (a) Assessment: there is an assessment of the needs,
10 capabilities, and preference of the individual with
11 respect to such services.

12 (b) Individual service care or treatment plan: based on
13 the assessment, there is development jointly with such
14 individual or individual's authorized representative, a
15 plan for such services for the individual that (i)
16 specifies those services, if any, that the individual or
17 the individual's authorized representative would be
18 responsible for directing; (ii) identifies the methods by
19 which the individual or the individual's authorized
20 representative or an agency designated by an individual or
21 representative will select, manage, and dismiss providers
22 of such services.

23 (Source: P.A. 96-339, eff. 7-1-10; 97-227, eff. 1-1-12.)

24 Section 215. The Bureau for the Blind Act is amended by
25 changing Section 7 as follows:

1 (20 ILCS 2410/7) (from Ch. 23, par. 3417)

2 Sec. 7. Council. There shall be created within the
3 Department a Blind Services Planning Council which shall review
4 the actions of the Bureau for the Blind and provide advice and
5 consultation to the Secretary on services to blind people. The
6 Council shall be composed of 11 members appointed by the
7 Governor. All members shall be selected because of their
8 ability to provide worthwhile consultation or services to the
9 blind. No fewer than 6 members shall be blind. A relative
10 balance between the number of males and females shall be
11 maintained. Broad representation shall be sought by
12 appointment, with 2 members from each of the major statewide
13 consumer organizations of the blind and one member from a
14 specific service area including, but not limited to, the Hadley
15 School for the Blind, Chicago Lighthouse, Department-approved
16 Low Vision Aides Clinics, Vending Facilities Operators, the
17 Association for the Education and Rehabilitation of the Blind
18 and Visually Impaired (AER), blind homemakers, outstanding
19 competitive employers of blind people, providers and
20 recipients of income maintenance programs, in-home care
21 programs, subsidized housing, nursing homes and homes for the
22 blind.

23 Initially, 4 members shall be appointed for terms of one
24 year, 4 for terms of 2 years and 3 for terms of 3 years with a
25 partial term of 18 months or more counting as a full term.

1 Subsequent terms shall be 3 years each. No member shall serve
2 more than 2 terms. No Department employee shall be a member of
3 the Council.

4 Members shall be removed for cause including, but not
5 limited to, demonstrated incompetence, unethical behavior and
6 unwillingness or inability to serve.

7 Members shall serve without pay but shall be reimbursed for
8 actual expenses incurred in the performance of their duties.

9 Members shall be governed by appropriate and applicable
10 State and federal statutes and regulations on matters such as
11 ethics, confidentiality, freedom of information, travel and
12 civil rights.

13 Department staff may attend meetings but shall not be a
14 voting member of the Council. The Council shall elect a
15 chairperson and a recording secretary from among its number.
16 Sub-committees and ad hoc committees may be created to
17 concentrate on specific program components or initiative
18 areas.

19 The Council shall perform the following functions:

20 (a) facilitate communication and cooperative efforts
21 between the Department and all agencies which have any
22 responsibility to deliver services to blind and visually
23 impaired persons.

24 (b) identify needs and problems related to blind and
25 visually impaired persons, including children, adults, and
26 seniors, and make recommendations to the Secretary, Bureau

1 Director and Governor.

2 (c) recommend programmatic and fiscal priorities governing
3 the provision of services and awarding of grants or contracts
4 by the Department to any person or agency, public or private.

5 (d) conduct, encourage and advise independent research by
6 qualified evaluators to improve services to blind and visually
7 impaired persons, including those with multiple disabilities
8 ~~handicaps~~.

9 (e) participate in the development and review of proposed
10 and amended rules and regulations of the Department relating to
11 services for the blind and visually impaired.

12 (f) review and comment on all budgets (drafted and
13 submitted) relating to services for blind and visually impaired
14 persons.

15 (g) promote policies and programs to educate the public and
16 elicit public support for services to blind and visually
17 impaired persons.

18 (h) encourage creative and innovative programs to
19 strengthen, expand and improve services for blind and visually
20 impaired persons, including outreach services.

21 (i) perform such other duties as may be required by the
22 Governor, Secretary, and Bureau Director.

23 The Council shall supersede and replace all advisory
24 committees now functioning within the Bureau of Rehabilitation
25 Services for the Blind, with the exception of federally
26 mandated advisory groups.

1 (Source: P.A. 89-507, eff. 7-1-97.)

2 Section 220. The Blind Vendors Act is amended by changing
3 Section 25 as follows:

4 (20 ILCS 2421/25)

5 Sec. 25. Set-aside funds; Blind Vendors Trust Fund.

6 (a) The Department may provide, by rule, for set-asides
7 similar to those provided in Section 107d-3 of the
8 Randolph-Sheppard Act. If any funds are set aside, or caused to
9 be set aside, from the net proceeds of the operation of vending
10 facilities by blind vendors, the funds shall be set aside only
11 to the extent necessary in a percentage amount not to exceed
12 that determined jointly by the Director and the Committee and
13 published in State rule, and that these funds may be used only
14 for the following purposes: (1) maintenance and replacement of
15 equipment; (2) purchase of new equipment; (3) construction of
16 new vending facilities; (4) funding the functions of the
17 Committee, including legal and other professional services;
18 and (5) retirement or pension funds, health insurance, paid
19 sick leave, and vacation time for blind licensees, so long as
20 these benefits are approved by a majority vote of all Illinois
21 licensed blind vendors that occurs after the Department
22 provides these vendors with information on all matters relevant
23 to these purposes.

24 (b) No set-aside funds shall be collected from a blind

1 vendor when the monthly net proceeds of that vendor are less
2 than \$1,000. This amount may be adjusted annually by the
3 Director and the Committee to reflect changes in the cost of
4 living.

5 (c) The Department shall establish, with full
6 participation by the Committee, the Blind Vendors Trust Fund as
7 a separate account managed by the Department for the State's
8 blind vendors.

9 (d) Set-aside funds collected from the operation of all
10 vending facilities administered by the Business Enterprise
11 Program for the Blind shall be placed in the Blind Vendors
12 Trust Fund, which shall include set-aside funds from facilities
13 on federal property. The Fund must provide separately
14 identified sub-accounts for moneys from (i) federal and (ii)
15 State and other facilities, as well as vending machine income
16 generated pursuant to Section 30 of this Act. These funds shall
17 be available until expended and shall not revert to the General
18 Revenue Fund or to any other State account.

19 (e) It is the intent of the General Assembly that the
20 expenditure of set-aside funds authorized by this Section shall
21 be supplemental to any current appropriation or other moneys
22 made available for these purposes and shall not constitute an
23 offset of any previously existing appropriation or other
24 funding source. In no way shall this imply that the
25 appropriation for the Blind Vendors Program may never be
26 decreased, rather that the new funds shall not be used as an

1 offset.

2 (f) An amount equal to 10% of the wages paid by a blind
3 vendor to any employee who is blind or has another disability
4 ~~otherwise disabled~~ shall be deducted from any set-aside charge
5 paid by the vendor each month, in order to encourage vendors to
6 employ blind workers and workers with disabilities ~~and disabled~~
7 ~~workers~~ and to set an example for industry and government. No
8 deduction shall be made for any employee paid less than the
9 State or federal minimum wage.

10 (Source: P.A. 96-644, eff. 1-1-10.)

11 Section 225. The Department of Transportation Law of the
12 Civil Administrative Code of Illinois is amended by changing
13 Sections 2705-305, 2705-310, and 2705-321 as follows:

14 (20 ILCS 2705/2705-305)

15 Sec. 2705-305. Grants for mass transportation.

16 (a) For the purpose of mass transportation grants and
17 contracts, the following definitions apply:

18 "Carrier" means any corporation, authority, partnership,
19 association, person, or district authorized to provide mass
20 transportation within the State.

21 "District" means all of the following:

22 (i) Any district created pursuant to the Local Mass
23 Transit District Act.

24 (ii) The Authority created pursuant to the

1 Metropolitan Transit Authority Act.

2 (iii) Any authority, commission, or other entity that
3 by virtue of an interstate compact approved by Congress is
4 authorized to provide mass transportation.

5 (iv) The Authority created pursuant to the Regional
6 Transportation Authority Act.

7 "Facilities" comprise all real and personal property used
8 in or appurtenant to a mass transportation system, including
9 parking lots.

10 "Mass transportation" means transportation provided within
11 the State of Illinois by rail, bus, or other conveyance and
12 available to the general public on a regular and continuing
13 basis, including the transportation of persons with
14 disabilities ~~handicapped~~ or elderly persons as provided more
15 specifically in Section 2705-310.

16 "Unit of local government" means any city, village,
17 incorporated town, or county.

18 (b) Grants may be made to units of local government,
19 districts, and carriers for the acquisition, construction,
20 extension, reconstruction, and improvement of mass
21 transportation facilities. Grants shall be made upon the terms
22 and conditions that in the judgment of the Secretary are
23 necessary to ensure their proper and effective utilization.

24 (c) The Department shall make grants under this Law in a
25 manner designed, so far as is consistent with the maintenance
26 and development of a sound mass transportation system within

1 the State, to: (i) maximize federal funds for the assistance of
2 mass transportation in Illinois under the Federal Transit Act
3 and other federal Acts; (ii) facilitate the movement of persons
4 who because of age, economic circumstance, or physical
5 infirmity are unable to drive; (iii) contribute to an improved
6 environment through the reduction of air, water, and noise
7 pollution; and (iv) reduce traffic congestion.

8 (d) The Secretary shall establish procedures for making
9 application for mass transportation grants. The procedures
10 shall provide for public notice of all applications and give
11 reasonable opportunity for the submission of comments and
12 objections by interested parties. The procedures shall be
13 designed with a view to facilitating simultaneous application
14 for a grant to the Department and to the federal government.

15 (e) Grants may be made for mass transportation projects as
16 follows:

17 (1) In an amount not to exceed 100% of the nonfederal
18 share of projects for which a federal grant is made.

19 (2) In an amount not to exceed 100% of the net project
20 cost for projects for which a federal grant is not made.

21 (3) In an amount not to exceed five-sixths of the net
22 project cost for projects essential for the maintenance of
23 a sound transportation system and eligible for federal
24 assistance for which a federal grant application has been
25 made but a federal grant has been delayed. If and when a
26 federal grant is made, the amount in excess of the

1 nonfederal share shall be promptly returned to the
2 Department.

3 In no event shall the Department make a grant that,
4 together with any federal funds or funds from any other source,
5 is in excess of 100% of the net project cost.

6 (f) Regardless of whether any funds are available under a
7 federal grant, the Department shall not make a mass
8 transportation grant unless the Secretary finds that the
9 recipient has entered into an agreement with the Department in
10 which the recipient agrees not to engage in school bus
11 operations exclusively for the transportation of students and
12 school personnel in competition with private school bus
13 operators where those private school bus operators are able to
14 provide adequate transportation, at reasonable rates, in
15 conformance with applicable safety standards, provided that
16 this requirement shall not apply to a recipient that operates a
17 school system in the area to be served and operates a separate
18 and exclusive school bus program for the school system.

19 (g) Grants may be made for mass transportation purposes
20 with funds appropriated from the Build Illinois Bond Fund
21 consistent with the specific purposes for which those funds are
22 appropriated by the General Assembly. Grants under this
23 subsection (g) are not subject to any limitations or conditions
24 imposed upon grants by any other provision of this Section,
25 except that the Secretary may impose the terms and conditions
26 that in his or her judgment are necessary to ensure the proper

1 and effective utilization of the grants under this subsection.

2 (h) The Department may let contracts for mass
3 transportation purposes and facilities for the purpose of
4 reducing urban congestion funded in whole or in part with bonds
5 described in subdivision (b)(1) of Section 4 of the General
6 Obligation Bond Act, not to exceed \$75,000,000 in bonds.

7 (i) The Department may make grants to carriers, districts,
8 and units of local government for the purpose of reimbursing
9 them for providing reduced fares for mass transportation
10 services for students, persons with disabilities, ~~handicapped~~
11 ~~persons~~ and the elderly. Grants shall be made upon the terms
12 and conditions that in the judgment of the Secretary are
13 necessary to ensure their proper and effective utilization.

14 (j) The Department may make grants to carriers, districts,
15 and units of local government for costs of providing ADA
16 paratransit service.

17 (Source: P.A. 94-91, eff. 7-1-05.)

18 (20 ILCS 2705/2705-310)

19 Sec. 2705-310. Grants for transportation for persons with
20 disabilities ~~handicapped persons~~.

21 (a) For the purposes of this Section, the following
22 definitions apply:

23 "Carrier" means a district or a not for profit corporation
24 providing mass transportation for persons with disabilities
25 ~~handicapped persons~~ on a regular and continuing basis.

1 "Person with a disability ~~Handicapped person~~" means any
2 individual who, by reason of illness, injury, age, congenital
3 malfunction, or other permanent or temporary incapacity or
4 disability, is unable without special mass transportation
5 facilities or special planning or design to utilize ordinary
6 mass transportation facilities and services as effectively as
7 persons who are not so affected.

8 "Unit of local government", "district", and "facilities"
9 have the meanings ascribed to them in Section 2705-305.

10 (b) The Department may make grants from the Transportation
11 Fund and the General Revenue Fund (i) to units of local
12 government, districts, and carriers for vehicles, equipment,
13 and the acquisition, construction, extension, reconstruction,
14 and improvement of mass transportation facilities for persons
15 with disabilities ~~handicapped persons~~ and (ii) during State
16 fiscal years 1986 and 1987, to the Regional Transportation
17 Authority for operating assistance for mass transportation for
18 mobility limited ~~handicapped~~ persons, including paratransit
19 services for the mobility limited. The grants shall be made
20 upon the terms and conditions that in the judgment of the
21 Secretary are necessary to ensure their proper and effective
22 utilization. The procedures, limitations, and safeguards
23 provided in Section 2705-305 to govern grants for mass
24 transportation shall apply to grants made under this Section.

25 For the efficient administration of grants, the
26 Department, on behalf of grant recipients under this Section

1 and on behalf of recipients receiving funds under Sections 5309
2 and 5311 of the Federal Transit Act and State funds, may
3 administer and consolidate procurements and may enter into
4 contracts with manufacturers of vehicles and equipment.

5 (c) The Department may make operating assistance grants
6 from the Transportation Fund to those carriers that, during
7 federal fiscal year 1986, directly received operating
8 assistance pursuant to Section 5307 or Section 5311 of the
9 Federal Transit Act, or under contracts with a unit of local
10 government or mass transit district that received operating
11 expenses under Section 5307 or Section 5311 of the Federal
12 Transit Act, to provide public paratransit services to the
13 general mobility limited population. The Secretary shall take
14 into consideration the reduction in federal operating expense
15 grants to carriers when considering the grant applications. The
16 procedures, limitations, and safeguards provided in Section
17 2705-305 to govern grants for mass transportation shall apply
18 to grants made under this Section.

19 (Source: P.A. 90-774, eff. 8-14-98; 91-239, eff. 1-1-00.)

20 (20 ILCS 2705/2705-321)

21 Sec. 2705-321. Illinois Transit Ridership and Economic
22 Development (TRED) Pilot Project Program; new facilities and
23 service.

24 (a) Subject to appropriation, the Department of
25 Transportation shall establish the Illinois Transit Ridership

1 and Economic Development (TRED) Pilot Project Program to build
2 transit systems that more effectively address the needs of
3 Illinois workers, families, and businesses. The Illinois TRED
4 Pilot Project Program shall provide for new or expanded mass
5 transportation service and facilities, including rapid
6 transit, rail, bus, and other equipment used in connection with
7 mass transit, by the State, a public entity, or 2 or more of
8 these entities authorized to provide and promote public
9 transportation in order to increase the level of service
10 available in local communities, as well as improve the quality
11 of life and economic viability of the State of Illinois.

12 The Illinois TRED Pilot Project Program expenditures for
13 mass transportation service and facilities within the State
14 must:

15 (1) Improve the economic viability of Illinois by
16 facilitating the transportation of Illinois residents to
17 places of employment, to educational facilities, and to
18 commercial, medical, and shopping districts.

19 (2) Increase the frequency and reliability of public
20 transit service.

21 (3) Facilitate the movement of all persons, including
22 those persons who, because of age, economic circumstance,
23 or physical infirmity, are unable to drive.

24 (4) Contribute to an improved environment through the
25 reduction of air, water, and noise pollution.

26 (b) Under the Illinois TRED Pilot Project Program, subject

1 to appropriation, the Department shall fund each fiscal year,
2 in coordination and consultation with other government
3 agencies that provide or fund transportation services, the
4 Illinois Public Transportation Association, and transit
5 advocates, projects as specified in subsection (c). Total
6 funding for each project shall not exceed \$500,000 and the
7 funding for all projects shall not exceed \$4,500,000. The
8 Department shall submit annual reports to the General Assembly
9 by March 1 of each fiscal year regarding the status of these
10 projects, including service to constituents including local
11 businesses, seniors, and people with disabilities, costs, and
12 other appropriate measures of impact.

13 (c) Subject to appropriation, the Department shall make
14 grants to any of the following in order to create:

15 (1) Two demonstration projects for the Chicago Transit
16 Authority to increase services to currently underserved
17 communities and neighborhoods, such as, but not limited to,
18 Altgeld Gardens, Pilsen, and Lawndale.

19 (2) (Blank.)

20 (3) The Intertownship Transportation Program for
21 Northwest Suburban Cook County, which shall complement
22 existing Pace service and involve cooperation of several
23 townships to provide transportation services for senior
24 residents and residents with disabilities ~~and disabled~~
25 ~~residents~~ across village and township boundaries that is
26 currently not provided by Pace and by individual townships

1 and municipalities.

2 (4) RIDES transit services to Richland and Lawrence
3 Counties to extend transit services into Richland and
4 Lawrence Counties and enhance service in Wayne, Edwards,
5 and Wabash Counties that share common travel patterns and
6 needs with Lawrence and Richland counties. Funding shall be
7 used to develop a route structure that shall coordinate
8 social service and general public requirements and obtain
9 vehicles to support the additional service.

10 (5) Peoria Regional Transportation Initiative, which
11 shall fund the development of a plan to create a regional
12 transportation service in the Peoria-Pekin MSA that
13 integrates and expands the existing services and that would
14 allow local leaders to develop a funding plan and a
15 timetable to secure final political approval. The plan is
16 intended to facilitate regional economic development and
17 provide greater mobility to workers, senior citizens, and
18 people with disabilities.

19 (6) Rock Island MetroLINK/Black Hawk College
20 Coordination Project, which shall increase mobility for
21 lower income students to access educational services and
22 job training on the metropolitan bus system, which will
23 better link community college students with transportation
24 alternatives.

25 (7) The West Central Transit District to serve Scott
26 and Morgan Counties. Funding shall be used to develop a

1 route structure that shall coordinate social service and
2 general public requirements and obtain vehicles to support
3 the service.

4 (8) Additional community college coordination
5 projects, which shall increase mobility for lower income
6 students to access educational services and job training on
7 any Champaign-Urbana MTD and Danville Mass Transit bus
8 routes, which will better link community college students
9 with transportation alternatives.

10 (Source: P.A. 93-1004, eff. 8-24-04.)

11 Section 230. The Department of Veterans Affairs Act is
12 amended by changing Sections 2.01 and 5 as follows:

13 (20 ILCS 2805/2.01) (from Ch. 126 1/2, par. 67.01)

14 Sec. 2.01. Veterans Home admissions.

15 (a) Any honorably discharged veteran is entitled to
16 admission to an Illinois Veterans Home if the applicant meets
17 the requirements of this Section.

18 (b) The veteran must:

19 (1) have served in the armed forces of the United
20 States at least 1 day in World War II, the Korean Conflict,
21 the Viet Nam Campaign, or the Persian Gulf Conflict between
22 the dates recognized by the U.S. Department of Veterans
23 Affairs or between any other present or future dates
24 recognized by the U.S. Department of Veterans Affairs as a

1 war period, or have served in a hostile fire environment
2 and has been awarded a campaign or expeditionary medal
3 signifying his or her service, for purposes of eligibility
4 for domiciliary or nursing home care;

5 (2) have served and been honorably discharged or
6 retired from the armed forces of the United States for a
7 service connected disability or injury, for purposes of
8 eligibility for domiciliary or nursing home care;

9 (3) have served as an enlisted person at least 90 days
10 on active duty in the armed forces of the United States,
11 excluding service on active duty for training purposes
12 only, and entered active duty before September 8, 1980, for
13 purposes of eligibility for domiciliary or nursing home
14 care;

15 (4) have served as an officer at least 90 days on
16 active duty in the armed forces of the United States,
17 excluding service on active duty for training purposes
18 only, and entered active duty before October 17, 1981, for
19 purposes of eligibility for domiciliary or nursing home
20 care;

21 (5) have served on active duty in the armed forces of
22 the United States for 24 months of continuous service or
23 more, excluding active duty for training purposes only, and
24 enlisted after September 7, 1980, for purposes of
25 eligibility for domiciliary or nursing home care;

26 (6) have served as a reservist in the armed forces of

1 the United States or the National Guard and the service
2 included being called to federal active duty, excluding
3 service on active duty for training purposes only, and who
4 completed the term, for purposes of eligibility for
5 domiciliary or nursing home care;

6 (7) have been discharged for reasons of hardship or
7 released from active duty due to a reduction in the United
8 States armed forces prior to the completion of the required
9 period of service, regardless of the actual time served,
10 for purposes of eligibility for domiciliary or nursing home
11 care; or

12 (8) have served in the National Guard or Reserve Forces
13 of the United States and completed 20 years of satisfactory
14 service, be otherwise eligible to receive reserve or active
15 duty retirement benefits, and have been an Illinois
16 resident for at least one year before applying for
17 admission for purposes of eligibility for domiciliary care
18 only.

19 (c) The veteran must have service accredited to the State
20 of Illinois or have been a resident of this State for one year
21 immediately preceding the date of application.

22 (d) For admission to the Illinois Veterans Homes at Anna
23 and Quincy, the veteran must have developed a disability ~~be~~
24 ~~disabled~~ by disease, wounds, or otherwise and because of the
25 disability be incapable of earning a living.

26 (e) For admission to the Illinois Veterans Homes at LaSalle

1 and Manteno, the veteran must have developed a disability ~~be~~
2 ~~disabled~~ by disease, wounds, or otherwise and, for purposes of
3 eligibility for nursing home care, require nursing care because
4 of the disability.

5 (f) An individual who served during a time of conflict as
6 set forth in subsection (a)(1) of this Section has preference
7 over all other qualifying candidates, for purposes of
8 eligibility for domiciliary or nursing home care at any
9 Illinois Veterans Home.

10 (Source: P.A. 97-297, eff. 1-1-12.)

11 (20 ILCS 2805/5) (from Ch. 126 1/2, par. 70)

12 Sec. 5. (a) Every veteran with a disability who is a
13 resident of Illinois ~~and disabled~~ shall be exempt from all
14 camping and admission fees in parks under the control of the
15 Department of Natural Resources. For the purpose of this
16 subsection (a), a resident ~~disabled~~ veteran with a disability
17 is one who has a permanent disability ~~is permanently disabled~~
18 from service connected causes with 100% disability or one who
19 has permanently lost the use of a leg or both legs or an arm or
20 both arms or any combination thereof or any person who has a
21 disability so severe ~~is so severely disabled~~ as to be unable to
22 move without the aid of crutches or a wheelchair. The
23 Department shall issue free use permits to those eligible
24 veterans. To establish eligibility, the veteran shall present
25 an award letter or some other identifying disability document,

1 together with proper identification, to any office of the
2 Department. Subject to the approval of the Department of
3 Natural Resources, the Department of Veterans' Affairs shall
4 establish the form or permit identifier to be issued.

5 (b) Every veteran who is a resident of Illinois and a
6 former prisoner of war shall be exempt from all camping and
7 admission fees in parks under the control of the Department of
8 Natural Resources. For the purposes of this subsection (b), a
9 former prisoner of war is a veteran who was taken and held
10 prisoner by a hostile foreign force while participating in an
11 armed conflict as a member of the United States armed forces.
12 Any identification card or other form of identification issued
13 by the Veterans' Administration or other governmental agency
14 which indicates the card-holder's former prisoner of war status
15 shall be sufficient to accord such card-holder the fee-exempt
16 admission or camping privileges under this subsection.

17 (Source: P.A. 89-445, eff. 2-7-96.)

18 Section 235. The Illinois Housing Development Act is
19 amended by changing Section 13 as follows:

20 (20 ILCS 3805/13) (from Ch. 67 1/2, par. 313)

21 Sec. 13. The Authority shall require that occupancy of all
22 housing financed or otherwise assisted under this Act be open
23 to all persons regardless of race, national origin, religion,
24 creed, sex, age or physical or mental disability ~~handicap~~ and

1 that contractors and subcontractors engaged in the
2 construction or rehabilitation of such housing or any housing
3 related commercial facility, shall provide equal opportunity
4 for employment without discrimination as to race, national
5 origin, religion, creed, sex, age or physical or mental
6 disability handicap.

7 (Source: P.A. 83-1251.)

8 Section 240. The Illinois Power Agency Act is amended by
9 changing Section 1-127 as follows:

10 (20 ILCS 3855/1-127)

11 Sec. 1-127. Minority owned businesses, female owned
12 businesses, and businesses owned by persons with disabilities
13 ~~Minority, female, and disabled persons businesses;~~ reports.

14 (a) The Director of the Illinois Power Agency, or his or
15 her designee, when offering bids for professional services,
16 shall conduct outreach to minority owned businesses, female
17 owned businesses, and businesses owned by persons with
18 disabilities. Outreach shall include, but is not limited to,
19 advertisements in periodicals and newspapers, mailings, and
20 other appropriate media.

21 (b) The Director or his or her designee shall, upon
22 request, provide technical assistance to minority owned
23 businesses, female owned businesses, and businesses owned by
24 persons with disabilities seeking to do business with the

1 Agency.

2 (c) The Director or his or her designee, upon request,
3 shall conduct post-bid reviews with minority owned businesses,
4 female owned businesses, and businesses owned by persons with
5 disabilities whose bids were not selected by the Agency.
6 Post-bid reviews shall provide a business with detailed and
7 specific reasons why the bid of that business was rejected and
8 concrete recommendations to improve its bid application on
9 future Agency professional services opportunities.

10 (d) The Agency shall report annually to the Governor and
11 the General Assembly by July 1. The report shall identify the
12 businesses that have provided bids to offer professional
13 services to the Agency and shall also include, but not be
14 limited to, the following information:

15 (1) whether or not the businesses are minority owned
16 businesses, female owned businesses, or businesses owned
17 by persons with disabilities;

18 (2) the percentage of professional service contracts
19 that were awarded to minority owned businesses, female
20 owned businesses, and businesses owned by persons with
21 disabilities as compared to other businesses; and

22 (3) the actions the Agency has undertaken to increase
23 the use of the minority owned businesses, female owned
24 businesses, and businesses owned by persons with
25 disabilities in professional service contracts.

26 (e) In this Section, "professional services" means

1 services that use skills that are predominantly mental or
2 intellectual, rather than physical or manual, including, but
3 not limited to, accounting, architecture, consulting,
4 engineering, finance, legal, and marketing. "Professional
5 services" does not include bidders into the competitive
6 procurement process pursuant to Section 16-111.5 of the Public
7 Utilities Act.

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

9 Section 245. The Guardianship and Advocacy Act is amended
10 by changing the title of the Act and Section 2 as follows:

11 (20 ILCS 3955/Act title)

12 An Act to create the Guardianship and Advocacy Commission,
13 to safeguard the rights and to provide legal counsel and
14 representation for eligible persons and to create the Office of
15 State Guardian for persons with disabilities ~~disabled persons~~.

16 (20 ILCS 3955/2) (from Ch. 91 1/2, par. 702)

17 Sec. 2. As used in this Act, unless the context requires
18 otherwise:

19 (a) "Authority" means a Human Rights Authority.

20 (b) "Commission" means the Guardianship and Advocacy
21 Commission.

22 (c) "Director" means the Director of the Guardianship and
23 Advocacy Commission.

1 (d) "Guardian" means a court appointed guardian or
2 conservator.

3 (e) "Services" includes but is not limited to examination,
4 diagnosis, evaluation, treatment, care, training,
5 psychotherapy, pharmaceuticals, after-care, habilitation, and
6 rehabilitation provided for an eligible person.

7 (f) "Person" means an individual, corporation,
8 partnership, association, unincorporated organization, or a
9 government or any subdivision, agency, or instrumentality
10 thereof.

11 (g) "Eligible persons" means individuals who have
12 received, are receiving, have requested, or may be in need of
13 mental health services, or are "persons with a developmental
14 disability" as defined in the federal Developmental
15 Disabilities Services and Facilities Construction Act (Public
16 Law 94-103, Title II), as now or hereafter amended, or "persons
17 with disabilities ~~disabled~~" as defined in the Rehabilitation of
18 Persons with Disabilities ~~Disabled Persons Rehabilitation~~ Act.

19 (h) "Rights" includes but is not limited to all rights,
20 benefits, and privileges guaranteed by law, the Constitution of
21 the State of Illinois, and the Constitution of the United
22 States.

23 (i) "Legal Advocacy Service attorney" means an attorney
24 employed by or under contract with the Legal Advocacy Service.

25 (j) "Service provider" means any public or private
26 facility, center, hospital, clinic, program, or any other

1 person devoted in whole or in part to providing services to
2 eligible persons.

3 (k) "State Guardian" means the Office of State Guardian.

4 (l) "Ward" means a ward as defined by the Probate Act of
5 1975, as now or hereafter amended, who is at least 18 years of
6 age.

7 (Source: P.A. 88-380; 89-626, eff. 8-9-96.)

8 Section 250. The State Finance Act is amended by changing
9 Sections 5.779, 6z-71, 6z-83, 6z-95, and 8.8 as follows:

10 (30 ILCS 105/5.779)

11 Sec. 5.779. The Property Tax Relief for Veterans with
12 Disabilities ~~Disabled Veterans Property Tax Relief~~ Fund.

13 (Source: P.A. 96-1424, eff. 8-3-10.)

14 (30 ILCS 105/6z-71)

15 Sec. 6z-71. Human Services Priority Capital Program Fund.
16 The Human Services Priority Capital Program Fund is created as
17 a special fund in the State treasury. Subject to appropriation,
18 the Department of Human Services shall use moneys in the Human
19 Services Priority Capital Program Fund to make grants to the
20 Illinois Facilities Fund, a not-for-profit corporation, to
21 make long term below market rate loans to nonprofit human
22 service providers working under contract to the State of
23 Illinois to assist those providers in meeting their capital

1 needs. The loans shall be for the purpose of such capital
2 needs, including but not limited to special use facilities,
3 requirements for serving persons with disabilities, ~~the~~
4 ~~disabled~~, mentally ill, or substance abusers, and medical and
5 technology equipment. Loan repayments shall be deposited into
6 the Human Services Priority Capital Program Fund. Interest
7 income may be used to cover expenses of the program. The
8 Illinois Facilities Fund shall report to the Department of
9 Human Services and the General Assembly by April 1, 2008, and
10 again by April 1, 2009, as to the use and earnings of the
11 program.

12 A portion of the proceeds from the sale of a mental health
13 facility or developmental disabilities facility operated by
14 the Department of Human Services may be deposited into the Fund
15 and may be used for the purposes described in this Section.

16 (Source: P.A. 98-815, eff. 8-1-14.)

17 (30 ILCS 105/6z-83)

18 Sec. 6z-83. The Property Tax Relief for Veterans with
19 Disabilities ~~Disabled Veterans Property Tax Relief~~ Fund;
20 creation. The Property Tax Relief for Veterans with
21 Disabilities ~~Disabled Veterans Property Tax Relief~~ Fund is
22 created as a special fund in the State treasury. Subject to
23 appropriation, moneys in the Fund shall be used by the
24 Department of Veterans' Affairs for the purpose of providing
25 property tax relief to veterans with disabilities ~~disabled~~

1 ~~veterans~~. The Department of Veterans' Affairs may adopt rules
2 to implement this Section.

3 (Source: P.A. 96-1424, eff. 8-3-10.)

4 (30 ILCS 105/6z-95)

5 Sec. 6z-95. The Housing for Families Fund; creation. The
6 Housing for Families Fund is created as a special fund in the
7 State treasury. Moneys in the Fund shall be used by the
8 Department of Human Services to make grants to public or
9 private not-for-profit entities for the purpose of building new
10 housing for low income, working poor, ~~disabled~~, low credit, and
11 no credit families and families with disabilities. For the
12 purposes of this Section, "low income", "working poor",
13 "families with disabilities ~~disabled~~", "low credit", and "no
14 credit families" shall be defined by the Department of Human
15 Services by rule.

16 (Source: P.A. 97-1117, eff. 8-27-12.)

17 (30 ILCS 105/8.8) (from Ch. 127, par. 144.8)

18 Sec. 8.8. Appropriations for the improvement, development,
19 addition or expansion of services for the care, treatment, and
20 training of persons who have intellectual disabilities ~~are~~
21 ~~intellectually disabled~~ or subject to involuntary admission
22 under the Mental Health and Developmental Disabilities Code or
23 for the financing of any program designed to provide such
24 improvement, development, addition or expansion of services or

1 for expenses associated with providing services to other units
2 of government under Section 5-107.2 of the Mental Health and
3 Developmental Disabilities Code, or other ordinary and
4 contingent expenses of the Department of Human Services
5 relating to mental health and developmental disabilities, are
6 payable from the Mental Health Fund. However, no expenditures
7 shall be made for the purchase, construction, lease, or rental
8 of buildings for use as State-operated mental health or
9 developmental disability facilities.

10 (Source: P.A. 96-959, eff. 7-1-10; 97-227, eff. 1-1-12; 97-665,
11 eff. 6-1-12.)

12 Section 255. The State Officers and Employees Money
13 Disposition Act is amended by changing Section 1 as follows:

14 (30 ILCS 230/1) (from Ch. 127, par. 170)

15 Sec. 1. Application of Act; exemptions. The officers of the
16 Executive Department of the State Government, the Clerk of the
17 Supreme Court, the Clerks of the Appellate Courts, the
18 Departments of the State government created by the Civil
19 Administrative Code of Illinois, and all other officers,
20 boards, commissions, commissioners, departments, institutions,
21 arms or agencies, or agents of the Executive Department of the
22 State government except the University of Illinois, Southern
23 Illinois University, Chicago State University, Eastern
24 Illinois University, Governors State University, Illinois

1 State University, Northeastern Illinois University, Northern
2 Illinois University, Western Illinois University, the
3 Cooperative Computer Center, and the Board of Trustees of the
4 Illinois Bank Examiners' Education Foundation for moneys
5 collected pursuant to subsection (11) of Section 48 of the
6 Illinois Banking Act for purposes of the Illinois Bank
7 Examiners' Education Program are subject to this Act. This Act
8 shall not apply, however, to any of the following: (i) the
9 receipt by any such officer of federal funds made available
10 under such conditions as precluded the payment thereof into the
11 State Treasury, (ii) (blank), (iii) the Director of Insurance
12 in his capacity as rehabilitator or liquidator under Article
13 XIII of the Illinois Insurance Code, (iv) funds received by the
14 Illinois State Scholarship Commission from private firms
15 employed by the State to collect delinquent amounts due and
16 owing from a borrower on any loans guaranteed by such
17 Commission under the Higher Education Student Assistance Law or
18 on any "eligible loans" as that term is defined under the
19 Education Loan Purchase Program Law, or (v) moneys collected on
20 behalf of lessees of facilities of the Department of
21 Agriculture located on the Illinois State Fairgrounds at
22 Springfield and DuQuoin. This Section 1 shall not apply to the
23 receipt of funds required to be deposited in the Industrial
24 Project Fund pursuant to Section 12 of the Rehabilitation of
25 Persons with Disabilities ~~Disabled Persons Rehabilitation~~ Act.
26 (Source: P.A. 92-850, eff. 8-26-02.)

1 Section 260. The General Obligation Bond Act is amended by
2 changing Section 3 as follows:

3 (30 ILCS 330/3) (from Ch. 127, par. 653)

4 Sec. 3. Capital Facilities. The amount of \$9,753,963,443 is
5 authorized to be used for the acquisition, development,
6 construction, reconstruction, improvement, financing,
7 architectural planning and installation of capital facilities
8 within the State, consisting of buildings, structures, durable
9 equipment, land, interests in land, and the costs associated
10 with the purchase and implementation of information
11 technology, including but not limited to the purchase of
12 hardware and software, for the following specific purposes:

13 (a) \$3,393,228,000 for educational purposes by State
14 universities and colleges, the Illinois Community College
15 Board created by the Public Community College Act and for
16 grants to public community colleges as authorized by
17 Sections 5-11 and 5-12 of the Public Community College Act;

18 (b) \$1,648,420,000 for correctional purposes at State
19 prison and correctional centers;

20 (c) \$599,183,000 for open spaces, recreational and
21 conservation purposes and the protection of land;

22 (d) \$751,317,000 for child care facilities, mental and
23 public health facilities, and facilities for the care of
24 veterans with disabilities ~~disabled veterans~~ and their

1 spouses;

2 (e) \$2,152,790,000 for use by the State, its
3 departments, authorities, public corporations, commissions
4 and agencies;

5 (f) \$818,100 for cargo handling facilities at port
6 districts and for breakwaters, including harbor entrances,
7 at port districts in conjunction with facilities for small
8 boats and pleasure crafts;

9 (g) \$297,177,074 for water resource management
10 projects;

11 (h) \$16,940,269 for the provision of facilities for
12 food production research and related instructional and
13 public service activities at the State universities and
14 public community colleges;

15 (i) \$36,000,000 for grants by the Secretary of State,
16 as State Librarian, for central library facilities
17 authorized by Section 8 of the Illinois Library System Act
18 and for grants by the Capital Development Board to units of
19 local government for public library facilities;

20 (j) \$25,000,000 for the acquisition, development,
21 construction, reconstruction, improvement, financing,
22 architectural planning and installation of capital
23 facilities consisting of buildings, structures, durable
24 equipment and land for grants to counties, municipalities
25 or public building commissions with correctional
26 facilities that do not comply with the minimum standards of

1 the Department of Corrections under Section 3-15-2 of the
2 Unified Code of Corrections;

3 (k) \$5,000,000 for grants in fiscal year 1988 by the
4 Department of Conservation for improvement or expansion of
5 aquarium facilities located on property owned by a park
6 district;

7 (l) \$599,590,000 to State agencies for grants to local
8 governments for the acquisition, financing, architectural
9 planning, development, alteration, installation, and
10 construction of capital facilities consisting of
11 buildings, structures, durable equipment, and land; and

12 (m) \$228,500,000 for the Illinois Open Land Trust
13 Program as defined by the Illinois Open Land Trust Act.

14 The amounts authorized above for capital facilities may be
15 used for the acquisition, installation, alteration,
16 construction, or reconstruction of capital facilities and for
17 the purchase of equipment for the purpose of major capital
18 improvements which will reduce energy consumption in State
19 buildings or facilities.

20 (Source: P.A. 98-94, eff. 7-17-13.)

21 Section 265. The Capital Development Bond Act of 1972 is
22 amended by changing Section 3 as follows:

23 (30 ILCS 420/3) (from Ch. 127, par. 753)

24 Sec. 3. The State of Illinois is authorized to issue, sell

1 and provide for the retirement of general obligation bonds of
2 the State of Illinois in the amount of \$1,737,000,000
3 hereinafter called the "Bonds", for the specific purpose of
4 providing funds for the acquisition, development,
5 construction, reconstruction, improvement, financing,
6 architectural planning and installation of capital facilities
7 consisting of buildings, structures, and durable equipment and
8 for the acquisition and improvement of real property and
9 interests in real property required, or expected to be
10 required, in connection therewith and for the acquisition,
11 protection and development of natural resources, including
12 water related resources, within the State of Illinois for open
13 spaces, water resource management, recreational and
14 conservation purposes, all within the State of Illinois.

15 The Bonds shall be used in the following specific manner:

16 (a) \$636,697,287 for the acquisition, development,
17 construction, reconstruction, improvement, financing,
18 architectural planning and installation of capital facilities
19 consisting of buildings, structures, durable equipment and
20 land for educational purposes by State universities and
21 colleges, the Illinois Community College Board created by "An
22 Act in relation to the establishment, operation and maintenance
23 of public community colleges", approved July 15, 1965, as
24 amended and by the School Building Commission created by "An
25 Act to provide for the acquisition, construction, rental, and
26 disposition of buildings used for school purposes", approved

1 June 21, 1957, as amended, or its successor, all within the
2 State of Illinois, and for grants to public community colleges
3 as authorized by Section 5-11 of the Public Community College
4 Act; and for the acquisition, development, construction,
5 reconstruction rehabilitation, improvement, architectural
6 planning and installation of capital facilities consisting of
7 durable movable equipment, including antennas and structures
8 necessarily relating thereto, for the Board of Governors of
9 State Colleges and Universities to construct educational
10 television facilities, which educational television facilities
11 may be located upon land or structures not owned by the State
12 providing that the Board of Governors has at least a 25-year
13 lease for the use of such non-state owned land or structures,
14 which lease may contain a provision making it subject to annual
15 appropriations by the General Assembly;

16 (b) \$323,000,000 for the acquisition, development,
17 construction, reconstruction, improvement, financing,
18 architectural planning and installation of capital facilities
19 consisting of buildings, structures, durable equipment and
20 land for correctional purposes at State prisons and
21 correctional centers, all within the State of Illinois;

22 (c) \$157,020,000 for the acquisition, development,
23 construction, reconstruction, improvement, financing,
24 architectural planning and installation of capital facilities
25 consisting of buildings, structures, durable equipment, and
26 land for open spaces, recreational and conservation purposes

1 and the protection of land, all within the State of Illinois;

2 (d) \$146,580,000 for the acquisition, development,
3 construction, reconstruction, improvement, financing,
4 architectural planning and installation of capital facilities
5 consisting of buildings, structures, durable equipment and
6 land for child care facilities, mental and public health
7 facilities, and facilities for the care of veterans with
8 disabilities ~~disabled veterans~~ and their spouses, all within
9 the State of Illinois;

10 (e) \$348,846,200 for the acquisition, development,
11 construction, reconstruction, improvement, financing,
12 architectural planning and installation of capital facilities
13 consisting of buildings, structures, durable equipment and
14 land for use by the State, its departments, authorities, public
15 corporations, commissions and agencies;

16 (f) To reimburse the Illinois Building Authority created by
17 "An Act to create the Illinois Building Authority and to define
18 its powers and duties", as approved August 15, 1961, as
19 amended, for any and all costs and expenses incurred, and to be
20 incurred, by the Illinois Building Authority in connection with
21 the acquisition, construction, development, reconstruction,
22 improvement, planning, installation and financing of capital
23 facilities consisting of buildings, structures, equipment and
24 land as enumerated in subsections (a) through (e) hereof, and
25 in connection therewith to acquire from the Illinois Building
26 Authority any such capital facilities; provided, however, that

1 nothing in this subparagraph shall be construed to require or
2 permit the acquisition of facilities financed by the Illinois
3 Building authority through the issuance of bonds;

4 (g) \$24,853,800 for the acquisition, development,
5 construction, reconstruction, improvement, financing,
6 architectural planning and installation of buildings,
7 structures, durable equipment, and land for:

8 (1) Cargo handling facilities for use by port districts,
9 and

10 (2) Breakwaters, including harbor entrances incident
11 thereto, for use by port districts in conjunction with
12 facilities for small boats and pleasure craft;

13 (h) \$39,900,000 for the acquisition, development,
14 construction, reconstruction, modification, financing,
15 architectural planning and installation of capital facilities
16 consisting of buildings, structures, durable equipment and
17 land for water resource management projects, all within the
18 State of Illinois;

19 (i) \$9,852,713 for the acquisition, development,
20 construction, reconstruction, improvement, financing,
21 architectural planning and installation of capital facilities
22 consisting of buildings, structures, durable equipment and
23 land for educational purposes by nonprofit, nonpublic health
24 service educational institutions;

25 (j) \$48,000,000 for the acquisition, development,
26 construction, reconstruction, improvement, financing,

1 architectural planning and installation of capital facilities
2 consisting of buildings, structures, durable equipment and
3 land for the provision of facilities for food production
4 research and related instructional and public service
5 activities at the State universities and public community
6 colleges, all within the State of Illinois;

7 (k) \$2,250,000 for grants by the Secretary of State, as
8 State Librarian, for the construction, acquisition,
9 development, reconstruction and improvement of central library
10 facilities authorized under Section 8 of "The Illinois Library
11 System Act", as amended.

12 (Source: P.A. 86-453.)

13 Section 270. The Illinois Procurement Code is amended by
14 changing Section 25-60 as follows:

15 (30 ILCS 500/25-60)

16 Sec. 25-60. Prevailing wage requirements.

17 (a) All services furnished under service contracts of
18 \$2,000 or more or \$200 or more per month and under printing
19 contracts shall be subject to the following prevailing wage
20 requirements:

21 (1) Not less than the general prevailing wage rate of
22 hourly wages for work of a similar character in the
23 locality in which the work is produced shall be paid by the
24 successful bidder, offeror, or potential contractor to its

1 employees who perform the work on the State contracts. The
2 bidder, offeror, potential contractor, or contractor in
3 order to be considered to be a responsible bidder, offeror,
4 potential contractor, or contractor for the purposes of
5 this Code, shall certify to the purchasing agency that
6 wages to be paid to its employees are no less, and fringe
7 benefits and working conditions of employees are not less
8 favorable, than those prevailing in the locality where the
9 contract is to be performed. Prevailing wages and working
10 conditions shall be determined by the Director of the
11 Illinois Department of Labor.

12 (2) Whenever a collective bargaining agreement is in
13 effect between an employer, other than a governmental body,
14 and service or printing employees as defined in this
15 Section who are represented by a responsible organization
16 that is in no way influenced or controlled by the
17 management, that agreement and its provisions shall be
18 considered as conditions prevalent in that locality and
19 shall be the minimum requirements taken into consideration
20 by the Director of Labor.

21 (b) As used in this Section, "services" means janitorial
22 cleaning services, window cleaning services, building and
23 grounds services, site technician services, natural resources
24 services, food services, and security services. "Printing"
25 means and includes all processes and operations involved in
26 printing, including but not limited to letterpress, offset, and

1 gravure processes, the multilith method, photographic or other
2 duplicating process, the operations of composition,
3 platemaking, presswork, and binding, and the end products of
4 those processes, methods, and operations. As used in this Code
5 "printing" does not include photocopiers used in the course of
6 normal business activities, photographic equipment used for
7 geographic mapping, or printed matter that is commonly
8 available to the general public from contractor inventory.

9 (c) The terms "general prevailing rate of hourly wages",
10 "general prevailing rate of wages", or "prevailing rate of
11 wages" when used in this Section mean the hourly cash wages
12 plus fringe benefits for health and welfare, insurance,
13 vacations, and pensions paid generally, in the locality in
14 which the work is being performed, to employees engaged in work
15 of a similar character.

16 (d) "Locality" shall have the meaning established by rule.

17 (e) This Section does not apply to services furnished under
18 contracts for professional or artistic services.

19 (f) This Section does not apply to vocational programs of
20 training for persons with physical or mental disabilities
21 ~~physically or mentally handicapped persons~~ or to sheltered
22 workshops for persons with severe disabilities ~~the severely~~
23 ~~disabled~~.

24 (Source: P.A. 98-1076, eff. 1-1-15.)

25 Section 275. The Business Enterprise for Minorities,

1 Females, and Persons with Disabilities Act is amended by
2 changing Section 2 as follows:

3 (30 ILCS 575/2)

4 (Section scheduled to be repealed on June 30, 2016)

5 Sec. 2. Definitions.

6 (A) For the purpose of this Act, the following terms shall
7 have the following definitions:

8 (1) "Minority person" shall mean a person who is a
9 citizen or lawful permanent resident of the United States
10 and who is any of the following:

11 (a) American Indian or Alaska Native (a person
12 having origins in any of the original peoples of North
13 and South America, including Central America, and who
14 maintains tribal affiliation or community attachment).

15 (b) Asian (a person having origins in any of the
16 original peoples of the Far East, Southeast Asia, or
17 the Indian subcontinent, including, but not limited
18 to, Cambodia, China, India, Japan, Korea, Malaysia,
19 Pakistan, the Philippine Islands, Thailand, and
20 Vietnam).

21 (c) Black or African American (a person having
22 origins in any of the black racial groups of Africa).
23 Terms such as "Haitian" or "Negro" can be used in
24 addition to "Black or African American".

25 (d) Hispanic or Latino (a person of Cuban, Mexican,

1 Puerto Rican, South or Central American, or other
2 Spanish culture or origin, regardless of race).

3 (e) Native Hawaiian or Other Pacific Islander (a
4 person having origins in any of the original peoples of
5 Hawaii, Guam, Samoa, or other Pacific Islands).

6 (2) "Female" shall mean a person who is a citizen or
7 lawful permanent resident of the United States and who is
8 of the female gender.

9 (2.05) "Person with a disability" means a person who is
10 a citizen or lawful resident of the United States and is a
11 person qualifying as a person with a disability ~~being~~
12 ~~disabled~~ under subdivision (2.1) of this subsection (A).

13 (2.1) "Person with a disability ~~Disabled~~" means a
14 person with a severe physical or mental disability that:

15 (a) results from:
16 amputation,
17 arthritis,
18 autism,
19 blindness,
20 burn injury,
21 cancer,
22 cerebral palsy,
23 Crohn's disease,
24 cystic fibrosis,
25 deafness,
26 head injury,

1 heart disease,
2 hemiplegia,
3 hemophilia,
4 respiratory or pulmonary dysfunction,
5 an intellectual disability,
6 mental illness,
7 multiple sclerosis,
8 muscular dystrophy,
9 musculoskeletal disorders,
10 neurological disorders, including stroke and
11 epilepsy,
12 paraplegia,
13 quadriplegia and other spinal cord conditions,
14 sickle cell anemia,
15 ulcerative colitis,
16 specific learning disabilities, or
17 end stage renal failure disease; and
18 (b) substantially limits one or more of the
19 person's major life activities.

20 Another disability or combination of disabilities may
21 also be considered as a severe disability for the purposes
22 of item (a) of this subdivision (2.1) if it is determined
23 by an evaluation of rehabilitation potential to cause a
24 comparable degree of substantial functional limitation
25 similar to the specific list of disabilities listed in item
26 (a) of this subdivision (2.1).

1 (3) "Minority owned business" means a business concern
2 which is at least 51% owned by one or more minority
3 persons, or in the case of a corporation, at least 51% of
4 the stock in which is owned by one or more minority
5 persons; and the management and daily business operations
6 of which are controlled by one or more of the minority
7 individuals who own it.

8 (4) "Female owned business" means a business concern
9 which is at least 51% owned by one or more females, or, in
10 the case of a corporation, at least 51% of the stock in
11 which is owned by one or more females; and the management
12 and daily business operations of which are controlled by
13 one or more of the females who own it.

14 (4.1) "Business owned by a person with a disability"
15 means a business concern that is at least 51% owned by one
16 or more persons with a disability and the management and
17 daily business operations of which are controlled by one or
18 more of the persons with disabilities who own it. A
19 not-for-profit agency for persons with disabilities that
20 is exempt from taxation under Section 501 of the Internal
21 Revenue Code of 1986 is also considered a "business owned
22 by a person with a disability".

23 (4.2) "Council" means the Business Enterprise Council
24 for Minorities, Females, and Persons with Disabilities
25 created under Section 5 of this Act.

26 (5) "State contracts" shall mean all State contracts,

1 funded exclusively with State funds which are not subject
2 to federal reimbursement, whether competitively bid or
3 negotiated as defined by the Secretary of the Council and
4 approved by the Council.

5 "State construction contracts" means all State
6 contracts entered into by a State agency or State
7 university for the repair, remodeling, renovation or
8 construction of a building or structure, or for the
9 construction or maintenance of a highway defined in Article
10 2 of the Illinois Highway Code.

11 (6) "State agencies" shall mean all departments,
12 officers, boards, commissions, institutions and bodies
13 politic and corporate of the State, but does not include
14 the Board of Trustees of the University of Illinois, the
15 Board of Trustees of Southern Illinois University, the
16 Board of Trustees of Chicago State University, the Board of
17 Trustees of Eastern Illinois University, the Board of
18 Trustees of Governors State University, the Board of
19 Trustees of Illinois State University, the Board of
20 Trustees of Northeastern Illinois University, the Board of
21 Trustees of Northern Illinois University, the Board of
22 Trustees of Western Illinois University, municipalities or
23 other local governmental units, or other State
24 constitutional officers.

25 (7) "State universities" shall mean the Board of
26 Trustees of the University of Illinois, the Board of

1 Trustees of Southern Illinois University, the Board of
2 Trustees of Chicago State University, the Board of Trustees
3 of Eastern Illinois University, the Board of Trustees of
4 Governors State University, the Board of Trustees of
5 Illinois State University, the Board of Trustees of
6 Northeastern Illinois University, the Board of Trustees of
7 Northern Illinois University, and the Board of Trustees of
8 Western Illinois University.

9 (8) "Certification" means a determination made by the
10 Council or by one delegated authority from the Council to
11 make certifications, or by a State agency with statutory
12 authority to make such a certification, that a business
13 entity is a business owned by a minority, female, or person
14 with a disability for whatever purpose. A business owned
15 and controlled by females shall be certified as a "female
16 owned business". A business owned and controlled by females
17 who are also minorities shall be certified as both a
18 "female owned business" and a "minority owned business".

19 (9) "Control" means the exclusive or ultimate and sole
20 control of the business including, but not limited to,
21 capital investment and all other financial matters,
22 property, acquisitions, contract negotiations, legal
23 matters, officer-director-employee selection and
24 comprehensive hiring, operating responsibilities,
25 cost-control matters, income and dividend matters,
26 financial transactions and rights of other shareholders or

1 joint partners. Control shall be real, substantial and
2 continuing, not pro forma. Control shall include the power
3 to direct or cause the direction of the management and
4 policies of the business and to make the day-to-day as well
5 as major decisions in matters of policy, management and
6 operations. Control shall be exemplified by possessing the
7 requisite knowledge and expertise to run the particular
8 business and control shall not include simple majority or
9 absentee ownership.

10 (10) "Business concern or business" means a business
11 that has annual gross sales of less than \$75,000,000 as
12 evidenced by the federal income tax return of the business.
13 A firm with gross sales in excess of this cap may apply to
14 the Council for certification for a particular contract if
15 the firm can demonstrate that the contract would have
16 significant impact on businesses owned by minorities,
17 females, or persons with disabilities as suppliers or
18 subcontractors or in employment of minorities, females, or
19 persons with disabilities.

20 (B) When a business concern is owned at least 51% by any
21 combination of minority persons, females, or persons with
22 disabilities, even though none of the 3 classes alone holds at
23 least a 51% interest, the ownership requirement for purposes of
24 this Act is considered to be met. The certification category
25 for the business is that of the class holding the largest
26 ownership interest in the business. If 2 or more classes have

1 equal ownership interests, the certification category shall be
2 determined by the business concern.

3 (Source: P.A. 97-227, eff. 1-1-12; 97-396, eff. 1-1-12; 97-813,
4 eff. 7-13-12; 98-95, eff. 7-17-13.)

5 Section 280. The State Facilities Closure Act is amended by
6 changing Section 5-10 as follows:

7 (30 ILCS 608/5-10)

8 Sec. 5-10. Facility closure process.

9 (a) Before a State facility may be closed, the State
10 executive branch officer with jurisdiction over the facility
11 shall file notice of the proposed closure with the Commission.
12 The notice must be filed within 2 days after the first public
13 announcement of any planned or proposed closure. Within 10 days
14 after it receives notice of the proposed closure, the
15 Commission, in its discretion, may require the State executive
16 branch officer with jurisdiction over the facility to file a
17 recommendation for the closure of the facility with the
18 Commission. In the case of a proposed closure of: (i) a prison,
19 youth center, work camp, or work release center operated by the
20 Department of Corrections; (ii) a school, mental health center,
21 or center for persons with developmental disabilities ~~the~~
22 ~~developmentally disabled~~ operated by the Department of Human
23 Services; or (iii) a residential facility operated by the
24 Department of Veterans' Affairs, the Commission must require

1 the executive branch officers to file a recommendation for
2 closure. The recommendation must be filed within 30 days after
3 the Commission delivers the request for recommendation to the
4 State executive branch officer. The recommendation must
5 include, but is not limited to, the following:

6 (1) the location and identity of the State facility
7 proposed to be closed;

8 (2) the number of employees for which the State
9 facility is the primary stationary work location and the
10 effect of the closure of the facility on those employees;

11 (3) the location or locations to which the functions
12 and employees of the State facility would be moved;

13 (4) the availability and condition of land and
14 facilities at both the existing location and any potential
15 locations;

16 (5) the ability to accommodate the functions and
17 employees at the existing and at any potential locations;

18 (6) the cost of operations of the State facility and at
19 any potential locations and any other related budgetary
20 impacts;

21 (7) the economic impact on existing communities in the
22 vicinity of the State facility and any potential facility;

23 (8) the ability of the existing and any potential
24 community's infrastructure to support the functions and
25 employees;

26 (9) the impact on State services delivered at the

1 existing location, in direct relation to the State services
2 expected to be delivered at any potential locations; and

3 (10) the environmental impact, including the impact of
4 costs related to potential environmental restoration,
5 waste management, and environmental compliance activities.

6 (b) If a recommendation is required by the Commission, a
7 30-day public comment period must follow the filing of the
8 recommendation. The Commission, in its discretion, may conduct
9 one or more public hearings on the recommendation. In the case
10 of a proposed closure of: (i) a prison, youth center, work
11 camp, or work release center operated by the Department of
12 Corrections; (ii) a school, mental health center, or center for
13 persons with developmental disabilities ~~the developmentally~~
14 ~~disabled~~ operated by the Department of Human Services; or (iii)
15 a residential facility operated by the Department of Veterans'
16 Affairs, the Commission must conduct one or more public
17 hearings on the recommendation. Public hearings conducted by
18 the Commission shall be conducted no later than 35 days after
19 the filing of the recommendation. At least one of the public
20 hearings on the recommendation shall be held at a convenient
21 location within 25 miles of the facility for which closure is
22 recommended. The Commission shall provide reasonable notice of
23 the comment period and of any public hearings to the public and
24 to units of local government and school districts that are
25 located within 25 miles of the facility.

26 (c) Within 50 days after the State executive branch officer

1 files the required recommendation, the Commission shall issue
2 an advisory opinion on that recommendation. The Commission
3 shall file the advisory opinion with the appropriate State
4 executive branch officer, the Governor, the General Assembly,
5 and the Index Department of the Office of the Secretary of
6 State and shall make copies of the advisory opinion available
7 to the public upon request.

8 (d) No action may be taken to implement the recommendation
9 for closure of a State facility until 50 days after the filing
10 of any required recommendation.

11 (e) The requirements of this Section do not apply if all of
12 the functions and employees of a State facility are relocated
13 to another State facility that is within 10 miles of the closed
14 facility.

15 (Source: P.A. 93-839, eff. 7-30-04; 94-688, eff. 1-1-06.)

16 Section 285. The Downstate Public Transportation Act is
17 amended by changing Sections 2-5.1, 2-15.2, and 2-15.3 as
18 follows:

19 (30 ILCS 740/2-5.1)

20 Sec. 2-5.1. Additional requirements.

21 (a) Any unit of local government that becomes a participant
22 on or after the effective date of this amendatory Act of the
23 94th General Assembly shall, in addition to any other
24 requirements under this Article, meet all of the following

1 requirements when applying for grants under this Article:

2 (1) The grant application must demonstrate the
3 participant's plan to provide general public
4 transportation with an emphasis on persons with
5 disabilities and elderly, ~~disabled,~~ and economically
6 disadvantaged populations.

7 (2) The grant application must demonstrate the
8 participant's plan for interagency coordination that, at a
9 minimum, allows the participation of all State-funded and
10 federally-funded agencies and programs with transportation
11 needs in the proposed service area in the development of
12 the applicant's public transportation program.

13 (3) Any participant serving a nonurbanized area that is
14 not receiving Federal Section 5311 funding must meet the
15 operating and safety compliance requirements as set forth
16 in that federal program.

17 (4) The participant is required to hold public hearings
18 to allow comment on the proposed service plan in all
19 municipalities with populations of 1,500 inhabitants or
20 more within the proposed service area.

21 (b) Service extensions by any participant after July 1,
22 2005 by either annexation or intergovernmental agreement must
23 meet the 4 requirements of subsection (a).

24 (c) In order to receive funding, the Department shall
25 certify that the participant has met the requirements of this
26 Section. Funding priority shall be given to service extension,

1 multi-county, and multi-jurisdictional projects.

2 (d) The Department shall develop an annual application
3 process for existing or potential participants to request an
4 initial appropriation or an appropriation exceeding the
5 formula amount found in subsection (b-10) of Section 2-7 for
6 funding service in new areas in the next fiscal year. The
7 application shall include, but not be limited to, a description
8 of the new service area, proposed service in the new area, and
9 a budget for providing existing and new service. The Department
10 shall review the application for reasonableness and compliance
11 with the requirements of this Section, and, if it approves the
12 application, shall recommend to the Governor an appropriation
13 for the next fiscal year in an amount sufficient to provide 65%
14 of projected eligible operating expenses associated with a new
15 participant's service area or the portion of an existing
16 participant's service area that has been expanded by annexation
17 or intergovernmental agreement. The recommended appropriation
18 for the next fiscal year may exceed the formula amount found in
19 subsection (b-10) of Section 2-7.

20 (Source: P.A. 96-1458, eff. 1-1-11.)

21 (30 ILCS 740/2-15.2)

22 Sec. 2-15.2. Free services; eligibility.

23 (a) Notwithstanding any law to the contrary, no later than
24 60 days following the effective date of this amendatory Act of
25 the 95th General Assembly and until subsection (b) is

1 implemented, any fixed route public transportation services
2 provided by, or under grant or purchase of service contracts
3 of, every participant, as defined in Section 2-2.02 (1)(a),
4 shall be provided without charge to all senior citizen
5 residents of the participant aged 65 and older, under such
6 conditions as shall be prescribed by the participant.

7 (b) Notwithstanding any law to the contrary, no later than
8 180 days following the effective date of this amendatory Act of
9 the 96th General Assembly, any fixed route public
10 transportation services provided by, or under grant or purchase
11 of service contracts of, every participant, as defined in
12 Section 2-2.02 (1)(a), shall be provided without charge to
13 senior citizens aged 65 and older who meet the income
14 eligibility limitation set forth in subsection (a-5) of Section
15 4 of the Senior Citizens and Persons with Disabilities ~~Disabled~~
16 ~~Persons~~ Property Tax Relief Act, under such conditions as shall
17 be prescribed by the participant. The Department on Aging shall
18 furnish all information reasonably necessary to determine
19 eligibility, including updated lists of individuals who are
20 eligible for services without charge under this Section.
21 Nothing in this Section shall relieve the participant from
22 providing reduced fares as may be required by federal law.

23 (Source: P.A. 96-1527, eff. 2-14-11; 97-689, eff. 6-14-12.)

24 (30 ILCS 740/2-15.3)

25 Sec. 2-15.3. Transit services for individuals with

1 disabilities ~~disabled individuals~~. Notwithstanding any law to
2 the contrary, no later than 60 days following the effective
3 date of this amendatory Act of the 95th General Assembly, all
4 fixed route public transportation services provided by, or
5 under grant or purchase of service contract of, any participant
6 shall be provided without charge to all persons with
7 disabilities ~~disabled persons~~ who meet the income eligibility
8 limitation set forth in subsection (a-5) of Section 4 of the
9 Senior Citizens and Persons with Disabilities ~~Disabled Persons~~
10 Property Tax Relief Act, under such procedures as shall be
11 prescribed by the participant. The Department on Aging shall
12 furnish all information reasonably necessary to determine
13 eligibility, including updated lists of individuals who are
14 eligible for services without charge under this Section.

15 (Source: P.A. 97-689, eff. 6-14-12.)

16 Section 290. The Build Illinois Act is amended by changing
17 Section 9-4.3 as follows:

18 (30 ILCS 750/9-4.3) (from Ch. 127, par. 2709-4.3)

19 Sec. 9-4.3. Minority, veteran, female and disability
20 loans.

21 (a) In the making of loans for minority, veteran, female or
22 disability small businesses, as defined below, the Department
23 is authorized to employ different criteria in lieu of the
24 general provisions of subsections (b), (d), (e), (f), (h), and

1 (i) of Section 9-4.

2 Minority, veteran, female or disability small businesses,
3 for the purpose of this Section, shall be defined as small
4 businesses that are, in the Department's judgment, at least 51%
5 owned and managed by one or more persons who are minority or ~~7~~
6 female or who have a disability ~~disabled~~ or who are veterans.

7 (b) Loans made pursuant to this Section:

8 (1) Shall not exceed \$100,000 or 50% of the business
9 project costs unless the Director of the Department
10 determines that a waiver of these limits is required to
11 meet the purposes of this Act.

12 (2) Shall only be made if, in the Department's
13 judgment, the number of jobs to be created or retained is
14 reasonable in relation to the loan funds requested.

15 (3) Shall be protected by security. Financial
16 assistance may be secured by first, second or subordinate
17 mortgage positions on real or personal property, by royalty
18 payments, by personal notes or guarantees, or by any other
19 security satisfactory to the Department to secure
20 repayment. Security valuation requirements, as determined
21 by the Department, for the purposes of this Section, may be
22 less than required for similar loans not covered by this
23 Section, provided the applicants demonstrate adequate
24 business experience, entrepreneurial training or
25 combination thereof, as determined by the Department.

26 (4) Shall be in such principal amount and form and

1 contain such terms and provisions with respect to security,
2 insurance, reporting, delinquency charges, default
3 remedies, and other matters as the Department shall
4 determine appropriate to protect the public interest and
5 consistent with the purposes of this Section. The terms and
6 provisions may be less than required for similar loans not
7 covered by this Section.

8 (Source: P.A. 95-97, eff. 1-1-08; 96-1106, eff. 7-19-10.)

9 Section 295. The Illinois Income Tax Act is amended by
10 changing Sections 507XX and 917 as follows:

11 (35 ILCS 5/507XX)

12 Sec. 507XX. The property tax relief checkoff for veterans
13 with disabilities ~~disabled veterans property tax relief~~
14 ~~checkoff~~. For taxable years ending on or after December 31,
15 2010, the Department shall print, on its standard individual
16 income tax form, a provision indicating that, if the taxpayer
17 wishes to contribute to the Property Tax Relief for Veterans
18 with Disabilities ~~Disabled Veterans Property Tax Relief~~ Fund,
19 as authorized by this amendatory Act of the 96th General
20 Assembly, then he or she may do so by stating the amount of the
21 contribution (not less than \$1) on the return and indicating
22 that the contribution will reduce the taxpayer's refund or
23 increase the amount of payment to accompany the return. The
24 taxpayer's failure to remit any amount of the increased payment

1 reduces the contribution accordingly. This Section does not
2 apply to any amended return.

3 (Source: P.A. 96-1424, eff. 8-3-10.)

4 (35 ILCS 5/917) (from Ch. 120, par. 9-917)

5 Sec. 917. Confidentiality and information sharing.

6 (a) Confidentiality. Except as provided in this Section,
7 all information received by the Department from returns filed
8 under this Act, or from any investigation conducted under the
9 provisions of this Act, shall be confidential, except for
10 official purposes within the Department or pursuant to official
11 procedures for collection of any State tax or pursuant to an
12 investigation or audit by the Illinois State Scholarship
13 Commission of a delinquent student loan or monetary award or
14 enforcement of any civil or criminal penalty or sanction
15 imposed by this Act or by another statute imposing a State tax,
16 and any person who divulges any such information in any manner,
17 except for such purposes and pursuant to order of the Director
18 or in accordance with a proper judicial order, shall be guilty
19 of a Class A misdemeanor. However, the provisions of this
20 paragraph are not applicable to information furnished to (i)
21 the Department of Healthcare and Family Services (formerly
22 Department of Public Aid), State's Attorneys, and the Attorney
23 General for child support enforcement purposes and (ii) a
24 licensed attorney representing the taxpayer where an appeal or
25 a protest has been filed on behalf of the taxpayer. If it is

1 necessary to file information obtained pursuant to this Act in
2 a child support enforcement proceeding, the information shall
3 be filed under seal.

4 (b) Public information. Nothing contained in this Act shall
5 prevent the Director from publishing or making available to the
6 public the names and addresses of persons filing returns under
7 this Act, or from publishing or making available reasonable
8 statistics concerning the operation of the tax wherein the
9 contents of returns are grouped into aggregates in such a way
10 that the information contained in any individual return shall
11 not be disclosed.

12 (c) Governmental agencies. The Director may make available
13 to the Secretary of the Treasury of the United States or his
14 delegate, or the proper officer or his delegate of any other
15 state imposing a tax upon or measured by income, for
16 exclusively official purposes, information received by the
17 Department in the administration of this Act, but such
18 permission shall be granted only if the United States or such
19 other state, as the case may be, grants the Department
20 substantially similar privileges. The Director may exchange
21 information with the Department of Healthcare and Family
22 Services and the Department of Human Services (acting as
23 successor to the Department of Public Aid under the Department
24 of Human Services Act) for the purpose of verifying sources and
25 amounts of income and for other purposes directly connected
26 with the administration of this Act, the Illinois Public Aid

1 Code, and any other health benefit program administered by the
2 State. The Director may exchange information with the Director
3 of the Department of Employment Security for the purpose of
4 verifying sources and amounts of income and for other purposes
5 directly connected with the administration of this Act and Acts
6 administered by the Department of Employment Security. The
7 Director may make available to the Illinois Workers'
8 Compensation Commission information regarding employers for
9 the purpose of verifying the insurance coverage required under
10 the Workers' Compensation Act and Workers' Occupational
11 Diseases Act. The Director may exchange information with the
12 Illinois Department on Aging for the purpose of verifying
13 sources and amounts of income for purposes directly related to
14 confirming eligibility for participation in the programs of
15 benefits authorized by the Senior Citizens and Persons with
16 Disabilities ~~Disabled—Persons~~ Property Tax Relief and
17 Pharmaceutical Assistance Act.

18 The Director may make available to any State agency,
19 including the Illinois Supreme Court, which licenses persons to
20 engage in any occupation, information that a person licensed by
21 such agency has failed to file returns under this Act or pay
22 the tax, penalty and interest shown therein, or has failed to
23 pay any final assessment of tax, penalty or interest due under
24 this Act. The Director may make available to any State agency,
25 including the Illinois Supreme Court, information regarding
26 whether a bidder, contractor, or an affiliate of a bidder or

1 contractor has failed to file returns under this Act or pay the
2 tax, penalty, and interest shown therein, or has failed to pay
3 any final assessment of tax, penalty, or interest due under
4 this Act, for the limited purpose of enforcing bidder and
5 contractor certifications. For purposes of this Section, the
6 term "affiliate" means any entity that (1) directly,
7 indirectly, or constructively controls another entity, (2) is
8 directly, indirectly, or constructively controlled by another
9 entity, or (3) is subject to the control of a common entity.
10 For purposes of this subsection (a), an entity controls another
11 entity if it owns, directly or individually, more than 10% of
12 the voting securities of that entity. As used in this
13 subsection (a), the term "voting security" means a security
14 that (1) confers upon the holder the right to vote for the
15 election of members of the board of directors or similar
16 governing body of the business or (2) is convertible into, or
17 entitles the holder to receive upon its exercise, a security
18 that confers such a right to vote. A general partnership
19 interest is a voting security.

20 The Director may make available to any State agency,
21 including the Illinois Supreme Court, units of local
22 government, and school districts, information regarding
23 whether a bidder or contractor is an affiliate of a person who
24 is not collecting and remitting Illinois Use taxes, for the
25 limited purpose of enforcing bidder and contractor
26 certifications.

1 The Director may also make available to the Secretary of
2 State information that a corporation which has been issued a
3 certificate of incorporation by the Secretary of State has
4 failed to file returns under this Act or pay the tax, penalty
5 and interest shown therein, or has failed to pay any final
6 assessment of tax, penalty or interest due under this Act. An
7 assessment is final when all proceedings in court for review of
8 such assessment have terminated or the time for the taking
9 thereof has expired without such proceedings being instituted.
10 For taxable years ending on or after December 31, 1987, the
11 Director may make available to the Director or principal
12 officer of any Department of the State of Illinois, information
13 that a person employed by such Department has failed to file
14 returns under this Act or pay the tax, penalty and interest
15 shown therein. For purposes of this paragraph, the word
16 "Department" shall have the same meaning as provided in Section
17 3 of the State Employees Group Insurance Act of 1971.

18 (d) The Director shall make available for public inspection
19 in the Department's principal office and for publication, at
20 cost, administrative decisions issued on or after January 1,
21 1995. These decisions are to be made available in a manner so
22 that the following taxpayer information is not disclosed:

23 (1) The names, addresses, and identification numbers
24 of the taxpayer, related entities, and employees.

25 (2) At the sole discretion of the Director, trade
26 secrets or other confidential information identified as

1 such by the taxpayer, no later than 30 days after receipt
2 of an administrative decision, by such means as the
3 Department shall provide by rule.

4 The Director shall determine the appropriate extent of the
5 deletions allowed in paragraph (2). In the event the taxpayer
6 does not submit deletions, the Director shall make only the
7 deletions specified in paragraph (1).

8 The Director shall make available for public inspection and
9 publication an administrative decision within 180 days after
10 the issuance of the administrative decision. The term
11 "administrative decision" has the same meaning as defined in
12 Section 3-101 of Article III of the Code of Civil Procedure.
13 Costs collected under this Section shall be paid into the Tax
14 Compliance and Administration Fund.

15 (e) Nothing contained in this Act shall prevent the
16 Director from divulging information to any person pursuant to a
17 request or authorization made by the taxpayer, by an authorized
18 representative of the taxpayer, or, in the case of information
19 related to a joint return, by the spouse filing the joint
20 return with the taxpayer.

21 (Source: P.A. 95-331, eff. 8-21-07; 96-1501, eff. 1-25-11.)

22 Section 300. The Use Tax Act is amended by changing
23 Sections 3-8 and 3-10 as follows:

24 (35 ILCS 105/3-8)

1 Sec. 3-8. Hospital exemption.

2 (a) Tangible personal property sold to or used by a
3 hospital owner that owns one or more hospitals licensed under
4 the Hospital Licensing Act or operated under the University of
5 Illinois Hospital Act, or a hospital affiliate that is not
6 already exempt under another provision of this Act and meets
7 the criteria for an exemption under this Section, is exempt
8 from taxation under this Act.

9 (b) A hospital owner or hospital affiliate satisfies the
10 conditions for an exemption under this Section if the value of
11 qualified services or activities listed in subsection (c) of
12 this Section for the hospital year equals or exceeds the
13 relevant hospital entity's estimated property tax liability,
14 without regard to any property tax exemption granted under
15 Section 15-86 of the Property Tax Code, for the calendar year
16 in which exemption or renewal of exemption is sought. For
17 purposes of making the calculations required by this subsection
18 (b), if the relevant hospital entity is a hospital owner that
19 owns more than one hospital, the value of the services or
20 activities listed in subsection (c) shall be calculated on the
21 basis of only those services and activities relating to the
22 hospital that includes the subject property, and the relevant
23 hospital entity's estimated property tax liability shall be
24 calculated only with respect to the properties comprising that
25 hospital. In the case of a multi-state hospital system or
26 hospital affiliate, the value of the services or activities

1 listed in subsection (c) shall be calculated on the basis of
2 only those services and activities that occur in Illinois and
3 the relevant hospital entity's estimated property tax
4 liability shall be calculated only with respect to its property
5 located in Illinois.

6 (c) The following services and activities shall be
7 considered for purposes of making the calculations required by
8 subsection (b):

9 (1) Charity care. Free or discounted services provided
10 pursuant to the relevant hospital entity's financial
11 assistance policy, measured at cost, including discounts
12 provided under the Hospital Uninsured Patient Discount
13 Act.

14 (2) Health services to low-income and underserved
15 individuals. Other unreimbursed costs of the relevant
16 hospital entity for providing without charge, paying for,
17 or subsidizing goods, activities, or services for the
18 purpose of addressing the health of low-income or
19 underserved individuals. Those activities or services may
20 include, but are not limited to: financial or in-kind
21 support to affiliated or unaffiliated hospitals, hospital
22 affiliates, community clinics, or programs that treat
23 low-income or underserved individuals; paying for or
24 subsidizing health care professionals who care for
25 low-income or underserved individuals; providing or
26 subsidizing outreach or educational services to low-income

1 or underserved individuals for disease management and
2 prevention; free or subsidized goods, supplies, or
3 services needed by low-income or underserved individuals
4 because of their medical condition; and prenatal or
5 childbirth outreach to low-income or underserved persons.

6 (3) Subsidy of State or local governments. Direct or
7 indirect financial or in-kind subsidies of State or local
8 governments by the relevant hospital entity that pay for or
9 subsidize activities or programs related to health care for
10 low-income or underserved individuals.

11 (4) Support for State health care programs for
12 low-income individuals. At the election of the hospital
13 applicant for each applicable year, either (A) 10% of
14 payments to the relevant hospital entity and any hospital
15 affiliate designated by the relevant hospital entity
16 (provided that such hospital affiliate's operations
17 provide financial or operational support for or receive
18 financial or operational support from the relevant
19 hospital entity) under Medicaid or other means-tested
20 programs, including, but not limited to, General
21 Assistance, the Covering ALL KIDS Health Insurance Act, and
22 the State Children's Health Insurance Program or (B) the
23 amount of subsidy provided by the relevant hospital entity
24 and any hospital affiliate designated by the relevant
25 hospital entity (provided that such hospital affiliate's
26 operations provide financial or operational support for or

1 receive financial or operational support from the relevant
2 hospital entity) to State or local government in treating
3 Medicaid recipients and recipients of means-tested
4 programs, including but not limited to General Assistance,
5 the Covering ALL KIDS Health Insurance Act, and the State
6 Children's Health Insurance Program. The amount of subsidy
7 for purpose of this item (4) is calculated in the same
8 manner as unreimbursed costs are calculated for Medicaid
9 and other means-tested government programs in the Schedule
10 H of IRS Form 990 in effect on the effective date of this
11 amendatory Act of the 97th General Assembly.

12 (5) Dual-eligible subsidy. The amount of subsidy
13 provided to government by treating dual-eligible
14 Medicare/Medicaid patients. The amount of subsidy for
15 purposes of this item (5) is calculated by multiplying the
16 relevant hospital entity's unreimbursed costs for
17 Medicare, calculated in the same manner as determined in
18 the Schedule H of IRS Form 990 in effect on the effective
19 date of this amendatory Act of the 97th General Assembly,
20 by the relevant hospital entity's ratio of dual-eligible
21 patients to total Medicare patients.

22 (6) Relief of the burden of government related to
23 health care. Except to the extent otherwise taken into
24 account in this subsection, the portion of unreimbursed
25 costs of the relevant hospital entity attributable to
26 providing, paying for, or subsidizing goods, activities,

1 or services that relieve the burden of government related
2 to health care for low-income individuals. Such activities
3 or services shall include, but are not limited to,
4 providing emergency, trauma, burn, neonatal, psychiatric,
5 rehabilitation, or other special services; providing
6 medical education; and conducting medical research or
7 training of health care professionals. The portion of those
8 unreimbursed costs attributable to benefiting low-income
9 individuals shall be determined using the ratio calculated
10 by adding the relevant hospital entity's costs
11 attributable to charity care, Medicaid, other means-tested
12 government programs, Medicare patients with disabilities
13 ~~disabled Medicare patients~~ under age 65, and dual-eligible
14 Medicare/Medicaid patients and dividing that total by the
15 relevant hospital entity's total costs. Such costs for the
16 numerator and denominator shall be determined by
17 multiplying gross charges by the cost to charge ratio taken
18 from the hospital's most recently filed Medicare cost
19 report (CMS 2252-10 Worksheet, Part I). In the case of
20 emergency services, the ratio shall be calculated using
21 costs (gross charges multiplied by the cost to charge ratio
22 taken from the hospital's most recently filed Medicare cost
23 report (CMS 2252-10 Worksheet, Part I)) of patients treated
24 in the relevant hospital entity's emergency department.

25 (7) Any other activity by the relevant hospital entity
26 that the Department determines relieves the burden of

1 government or addresses the health of low-income or
2 underserved individuals.

3 (d) The hospital applicant shall include information in its
4 exemption application establishing that it satisfies the
5 requirements of subsection (b). For purposes of making the
6 calculations required by subsection (b), the hospital
7 applicant may for each year elect to use either (1) the value
8 of the services or activities listed in subsection (e) for the
9 hospital year or (2) the average value of those services or
10 activities for the 3 fiscal years ending with the hospital
11 year. If the relevant hospital entity has been in operation for
12 less than 3 completed fiscal years, then the latter
13 calculation, if elected, shall be performed on a pro rata
14 basis.

15 (e) For purposes of making the calculations required by
16 this Section:

17 (1) particular services or activities eligible for
18 consideration under any of the paragraphs (1) through (7)
19 of subsection (c) may not be counted under more than one of
20 those paragraphs; and

21 (2) the amount of unreimbursed costs and the amount of
22 subsidy shall not be reduced by restricted or unrestricted
23 payments received by the relevant hospital entity as
24 contributions deductible under Section 170(a) of the
25 Internal Revenue Code.

26 (f) (Blank).

1 (g) Estimation of Exempt Property Tax Liability. The
2 estimated property tax liability used for the determination in
3 subsection (b) shall be calculated as follows:

4 (1) "Estimated property tax liability" means the
5 estimated dollar amount of property tax that would be owed,
6 with respect to the exempt portion of each of the relevant
7 hospital entity's properties that are already fully or
8 partially exempt, or for which an exemption in whole or in
9 part is currently being sought, and then aggregated as
10 applicable, as if the exempt portion of those properties
11 were subject to tax, calculated with respect to each such
12 property by multiplying:

13 (A) the lesser of (i) the actual assessed value, if
14 any, of the portion of the property for which an
15 exemption is sought or (ii) an estimated assessed value
16 of the exempt portion of such property as determined in
17 item (2) of this subsection (g), by

18 (B) the applicable State equalization rate
19 (yielding the equalized assessed value), by

20 (C) the applicable tax rate.

21 (2) The estimated assessed value of the exempt portion
22 of the property equals the sum of (i) the estimated fair
23 market value of buildings on the property, as determined in
24 accordance with subparagraphs (A) and (B) of this item (2),
25 multiplied by the applicable assessment factor, and (ii)
26 the estimated assessed value of the land portion of the

1 property, as determined in accordance with subparagraph
2 (C).

3 (A) The "estimated fair market value of buildings
4 on the property" means the replacement value of any
5 exempt portion of buildings on the property, minus
6 depreciation, determined utilizing the cost
7 replacement method whereby the exempt square footage
8 of all such buildings is multiplied by the replacement
9 cost per square foot for Class A Average building found
10 in the most recent edition of the Marshall & Swift
11 Valuation Services Manual, adjusted by any appropriate
12 current cost and local multipliers.

13 (B) Depreciation, for purposes of calculating the
14 estimated fair market value of buildings on the
15 property, is applied by utilizing a weighted mean life
16 for the buildings based on original construction and
17 assuming a 40-year life for hospital buildings and the
18 applicable life for other types of buildings as
19 specified in the American Hospital Association
20 publication "Estimated Useful Lives of Depreciable
21 Hospital Assets". In the case of hospital buildings,
22 the remaining life is divided by 40 and this ratio is
23 multiplied by the replacement cost of the buildings to
24 obtain an estimated fair market value of buildings. If
25 a hospital building is older than 35 years, a remaining
26 life of 5 years for residual value is assumed; and if a

1 building is less than 8 years old, a remaining life of
2 32 years is assumed.

3 (C) The estimated assessed value of the land
4 portion of the property shall be determined by
5 multiplying (i) the per square foot average of the
6 assessed values of three parcels of land (not including
7 farm land, and excluding the assessed value of the
8 improvements thereon) reasonably comparable to the
9 property, by (ii) the number of square feet comprising
10 the exempt portion of the property's land square
11 footage.

12 (3) The assessment factor, State equalization rate,
13 and tax rate (including any special factors such as
14 Enterprise Zones) used in calculating the estimated
15 property tax liability shall be for the most recent year
16 that is publicly available from the applicable chief county
17 assessment officer or officers at least 90 days before the
18 end of the hospital year.

19 (4) The method utilized to calculate estimated
20 property tax liability for purposes of this Section 15-86
21 shall not be utilized for the actual valuation, assessment,
22 or taxation of property pursuant to the Property Tax Code.

23 (h) For the purpose of this Section, the following terms
24 shall have the meanings set forth below:

25 (1) "Hospital" means any institution, place, building,
26 buildings on a campus, or other health care facility

1 located in Illinois that is licensed under the Hospital
2 Licensing Act and has a hospital owner.

3 (2) "Hospital owner" means a not-for-profit
4 corporation that is the titleholder of a hospital, or the
5 owner of the beneficial interest in an Illinois land trust
6 that is the titleholder of a hospital.

7 (3) "Hospital affiliate" means any corporation,
8 partnership, limited partnership, joint venture, limited
9 liability company, association or other organization,
10 other than a hospital owner, that directly or indirectly
11 controls, is controlled by, or is under common control with
12 one or more hospital owners and that supports, is supported
13 by, or acts in furtherance of the exempt health care
14 purposes of at least one of those hospital owners'
15 hospitals.

16 (4) "Hospital system" means a hospital and one or more
17 other hospitals or hospital affiliates related by common
18 control or ownership.

19 (5) "Control" relating to hospital owners, hospital
20 affiliates, or hospital systems means possession, direct
21 or indirect, of the power to direct or cause the direction
22 of the management and policies of the entity, whether
23 through ownership of assets, membership interest, other
24 voting or governance rights, by contract or otherwise.

25 (6) "Hospital applicant" means a hospital owner or
26 hospital affiliate that files an application for an

1 exemption or renewal of exemption under this Section.

2 (7) "Relevant hospital entity" means (A) the hospital
3 owner, in the case of a hospital applicant that is a
4 hospital owner, and (B) at the election of a hospital
5 applicant that is a hospital affiliate, either (i) the
6 hospital affiliate or (ii) the hospital system to which the
7 hospital applicant belongs, including any hospitals or
8 hospital affiliates that are related by common control or
9 ownership.

10 (8) "Subject property" means property used for the
11 calculation under subsection (b) of this Section.

12 (9) "Hospital year" means the fiscal year of the
13 relevant hospital entity, or the fiscal year of one of the
14 hospital owners in the hospital system if the relevant
15 hospital entity is a hospital system with members with
16 different fiscal years, that ends in the year for which the
17 exemption is sought.

18 (Source: P.A. 97-688, eff. 6-14-12; 98-463, eff. 8-16-13.)

19 (35 ILCS 105/3-10)

20 Sec. 3-10. Rate of tax. Unless otherwise provided in this
21 Section, the tax imposed by this Act is at the rate of 6.25% of
22 either the selling price or the fair market value, if any, of
23 the tangible personal property. In all cases where property
24 functionally used or consumed is the same as the property that
25 was purchased at retail, then the tax is imposed on the selling

1 price of the property. In all cases where property functionally
2 used or consumed is a by-product or waste product that has been
3 refined, manufactured, or produced from property purchased at
4 retail, then the tax is imposed on the lower of the fair market
5 value, if any, of the specific property so used in this State
6 or on the selling price of the property purchased at retail.
7 For purposes of this Section "fair market value" means the
8 price at which property would change hands between a willing
9 buyer and a willing seller, neither being under any compulsion
10 to buy or sell and both having reasonable knowledge of the
11 relevant facts. The fair market value shall be established by
12 Illinois sales by the taxpayer of the same property as that
13 functionally used or consumed, or if there are no such sales by
14 the taxpayer, then comparable sales or purchases of property of
15 like kind and character in Illinois.

16 Beginning on July 1, 2000 and through December 31, 2000,
17 with respect to motor fuel, as defined in Section 1.1 of the
18 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
19 the Use Tax Act, the tax is imposed at the rate of 1.25%.

20 Beginning on August 6, 2010 through August 15, 2010, with
21 respect to sales tax holiday items as defined in Section 3-6 of
22 this Act, the tax is imposed at the rate of 1.25%.

23 With respect to gasohol, the tax imposed by this Act
24 applies to (i) 70% of the proceeds of sales made on or after
25 January 1, 1990, and before July 1, 2003, (ii) 80% of the
26 proceeds of sales made on or after July 1, 2003 and on or

1 before December 31, 2018, and (iii) 100% of the proceeds of
2 sales made thereafter. If, at any time, however, the tax under
3 this Act on sales of gasohol is imposed at the rate of 1.25%,
4 then the tax imposed by this Act applies to 100% of the
5 proceeds of sales of gasohol made during that time.

6 With respect to majority blended ethanol fuel, the tax
7 imposed by this Act does not apply to the proceeds of sales
8 made on or after July 1, 2003 and on or before December 31,
9 2018 but applies to 100% of the proceeds of sales made
10 thereafter.

11 With respect to biodiesel blends with no less than 1% and
12 no more than 10% biodiesel, the tax imposed by this Act applies
13 to (i) 80% of the proceeds of sales made on or after July 1,
14 2003 and on or before December 31, 2018 and (ii) 100% of the
15 proceeds of sales made thereafter. If, at any time, however,
16 the tax under this Act on sales of biodiesel blends with no
17 less than 1% and no more than 10% biodiesel is imposed at the
18 rate of 1.25%, then the tax imposed by this Act applies to 100%
19 of the proceeds of sales of biodiesel blends with no less than
20 1% and no more than 10% biodiesel made during that time.

21 With respect to 100% biodiesel and biodiesel blends with
22 more than 10% but no more than 99% biodiesel, the tax imposed
23 by this Act does not apply to the proceeds of sales made on or
24 after July 1, 2003 and on or before December 31, 2018 but
25 applies to 100% of the proceeds of sales made thereafter.

26 With respect to food for human consumption that is to be

1 consumed off the premises where it is sold (other than
2 alcoholic beverages, soft drinks, and food that has been
3 prepared for immediate consumption) and prescription and
4 nonprescription medicines, drugs, medical appliances,
5 modifications to a motor vehicle for the purpose of rendering
6 it usable by a person with a disability ~~disabled person~~, and
7 insulin, urine testing materials, syringes, and needles used by
8 diabetics, for human use, the tax is imposed at the rate of 1%.
9 For the purposes of this Section, until September 1, 2009: the
10 term "soft drinks" means any complete, finished, ready-to-use,
11 non-alcoholic drink, whether carbonated or not, including but
12 not limited to soda water, cola, fruit juice, vegetable juice,
13 carbonated water, and all other preparations commonly known as
14 soft drinks of whatever kind or description that are contained
15 in any closed or sealed bottle, can, carton, or container,
16 regardless of size; but "soft drinks" does not include coffee,
17 tea, non-carbonated water, infant formula, milk or milk
18 products as defined in the Grade A Pasteurized Milk and Milk
19 Products Act, or drinks containing 50% or more natural fruit or
20 vegetable juice.

21 Notwithstanding any other provisions of this Act,
22 beginning September 1, 2009, "soft drinks" means non-alcoholic
23 beverages that contain natural or artificial sweeteners. "Soft
24 drinks" do not include beverages that contain milk or milk
25 products, soy, rice or similar milk substitutes, or greater
26 than 50% of vegetable or fruit juice by volume.

1 Until August 1, 2009, and notwithstanding any other
2 provisions of this Act, "food for human consumption that is to
3 be consumed off the premises where it is sold" includes all
4 food sold through a vending machine, except soft drinks and
5 food products that are dispensed hot from a vending machine,
6 regardless of the location of the vending machine. Beginning
7 August 1, 2009, and notwithstanding any other provisions of
8 this Act, "food for human consumption that is to be consumed
9 off the premises where it is sold" includes all food sold
10 through a vending machine, except soft drinks, candy, and food
11 products that are dispensed hot from a vending machine,
12 regardless of the location of the vending machine.

13 Notwithstanding any other provisions of this Act,
14 beginning September 1, 2009, "food for human consumption that
15 is to be consumed off the premises where it is sold" does not
16 include candy. For purposes of this Section, "candy" means a
17 preparation of sugar, honey, or other natural or artificial
18 sweeteners in combination with chocolate, fruits, nuts or other
19 ingredients or flavorings in the form of bars, drops, or
20 pieces. "Candy" does not include any preparation that contains
21 flour or requires refrigeration.

22 Notwithstanding any other provisions of this Act,
23 beginning September 1, 2009, "nonprescription medicines and
24 drugs" does not include grooming and hygiene products. For
25 purposes of this Section, "grooming and hygiene products"
26 includes, but is not limited to, soaps and cleaning solutions,

1 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
2 lotions and screens, unless those products are available by
3 prescription only, regardless of whether the products meet the
4 definition of "over-the-counter-drugs". For the purposes of
5 this paragraph, "over-the-counter-drug" means a drug for human
6 use that contains a label that identifies the product as a drug
7 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"
8 label includes:

9 (A) A "Drug Facts" panel; or

10 (B) A statement of the "active ingredient(s)" with a
11 list of those ingredients contained in the compound,
12 substance or preparation.

13 Beginning on the effective date of this amendatory Act of
14 the 98th General Assembly, "prescription and nonprescription
15 medicines and drugs" includes medical cannabis purchased from a
16 registered dispensing organization under the Compassionate Use
17 of Medical Cannabis Pilot Program Act.

18 If the property that is purchased at retail from a retailer
19 is acquired outside Illinois and used outside Illinois before
20 being brought to Illinois for use here and is taxable under
21 this Act, the "selling price" on which the tax is computed
22 shall be reduced by an amount that represents a reasonable
23 allowance for depreciation for the period of prior out-of-state
24 use.

25 (Source: P.A. 97-636, eff. 6-1-12; 98-122, eff. 1-1-14.)

1 Section 305. The Service Use Tax Act is amended by changing
2 Sections 3-8 and 3-10 as follows:

3 (35 ILCS 110/3-8)

4 Sec. 3-8. Hospital exemption.

5 (a) Tangible personal property sold to or used by a
6 hospital owner that owns one or more hospitals licensed under
7 the Hospital Licensing Act or operated under the University of
8 Illinois Hospital Act, or a hospital affiliate that is not
9 already exempt under another provision of this Act and meets
10 the criteria for an exemption under this Section, is exempt
11 from taxation under this Act.

12 (b) A hospital owner or hospital affiliate satisfies the
13 conditions for an exemption under this Section if the value of
14 qualified services or activities listed in subsection (c) of
15 this Section for the hospital year equals or exceeds the
16 relevant hospital entity's estimated property tax liability,
17 without regard to any property tax exemption granted under
18 Section 15-86 of the Property Tax Code, for the calendar year
19 in which exemption or renewal of exemption is sought. For
20 purposes of making the calculations required by this subsection
21 (b), if the relevant hospital entity is a hospital owner that
22 owns more than one hospital, the value of the services or
23 activities listed in subsection (c) shall be calculated on the
24 basis of only those services and activities relating to the
25 hospital that includes the subject property, and the relevant

1 hospital entity's estimated property tax liability shall be
2 calculated only with respect to the properties comprising that
3 hospital. In the case of a multi-state hospital system or
4 hospital affiliate, the value of the services or activities
5 listed in subsection (c) shall be calculated on the basis of
6 only those services and activities that occur in Illinois and
7 the relevant hospital entity's estimated property tax
8 liability shall be calculated only with respect to its property
9 located in Illinois.

10 (c) The following services and activities shall be
11 considered for purposes of making the calculations required by
12 subsection (b):

13 (1) Charity care. Free or discounted services provided
14 pursuant to the relevant hospital entity's financial
15 assistance policy, measured at cost, including discounts
16 provided under the Hospital Uninsured Patient Discount
17 Act.

18 (2) Health services to low-income and underserved
19 individuals. Other unreimbursed costs of the relevant
20 hospital entity for providing without charge, paying for,
21 or subsidizing goods, activities, or services for the
22 purpose of addressing the health of low-income or
23 underserved individuals. Those activities or services may
24 include, but are not limited to: financial or in-kind
25 support to affiliated or unaffiliated hospitals, hospital
26 affiliates, community clinics, or programs that treat

1 low-income or underserved individuals; paying for or
2 subsidizing health care professionals who care for
3 low-income or underserved individuals; providing or
4 subsidizing outreach or educational services to low-income
5 or underserved individuals for disease management and
6 prevention; free or subsidized goods, supplies, or
7 services needed by low-income or underserved individuals
8 because of their medical condition; and prenatal or
9 childbirth outreach to low-income or underserved persons.

10 (3) Subsidy of State or local governments. Direct or
11 indirect financial or in-kind subsidies of State or local
12 governments by the relevant hospital entity that pay for or
13 subsidize activities or programs related to health care for
14 low-income or underserved individuals.

15 (4) Support for State health care programs for
16 low-income individuals. At the election of the hospital
17 applicant for each applicable year, either (A) 10% of
18 payments to the relevant hospital entity and any hospital
19 affiliate designated by the relevant hospital entity
20 (provided that such hospital affiliate's operations
21 provide financial or operational support for or receive
22 financial or operational support from the relevant
23 hospital entity) under Medicaid or other means-tested
24 programs, including, but not limited to, General
25 Assistance, the Covering ALL KIDS Health Insurance Act, and
26 the State Children's Health Insurance Program or (B) the

1 amount of subsidy provided by the relevant hospital entity
2 and any hospital affiliate designated by the relevant
3 hospital entity (provided that such hospital affiliate's
4 operations provide financial or operational support for or
5 receive financial or operational support from the relevant
6 hospital entity) to State or local government in treating
7 Medicaid recipients and recipients of means-tested
8 programs, including but not limited to General Assistance,
9 the Covering ALL KIDS Health Insurance Act, and the State
10 Children's Health Insurance Program. The amount of subsidy
11 for purposes of this item (4) is calculated in the same
12 manner as unreimbursed costs are calculated for Medicaid
13 and other means-tested government programs in the Schedule
14 H of IRS Form 990 in effect on the effective date of this
15 amendatory Act of the 97th General Assembly.

16 (5) Dual-eligible subsidy. The amount of subsidy
17 provided to government by treating dual-eligible
18 Medicare/Medicaid patients. The amount of subsidy for
19 purposes of this item (5) is calculated by multiplying the
20 relevant hospital entity's unreimbursed costs for
21 Medicare, calculated in the same manner as determined in
22 the Schedule H of IRS Form 990 in effect on the effective
23 date of this amendatory Act of the 97th General Assembly,
24 by the relevant hospital entity's ratio of dual-eligible
25 patients to total Medicare patients.

26 (6) Relief of the burden of government related to

1 health care. Except to the extent otherwise taken into
2 account in this subsection, the portion of unreimbursed
3 costs of the relevant hospital entity attributable to
4 providing, paying for, or subsidizing goods, activities,
5 or services that relieve the burden of government related
6 to health care for low-income individuals. Such activities
7 or services shall include, but are not limited to,
8 providing emergency, trauma, burn, neonatal, psychiatric,
9 rehabilitation, or other special services; providing
10 medical education; and conducting medical research or
11 training of health care professionals. The portion of those
12 unreimbursed costs attributable to benefiting low-income
13 individuals shall be determined using the ratio calculated
14 by adding the relevant hospital entity's costs
15 attributable to charity care, Medicaid, other means-tested
16 government programs, Medicare patients with disabilities
17 ~~disabled Medicare patients~~ under age 65, and dual-eligible
18 Medicare/Medicaid patients and dividing that total by the
19 relevant hospital entity's total costs. Such costs for the
20 numerator and denominator shall be determined by
21 multiplying gross charges by the cost to charge ratio taken
22 from the hospital's most recently filed Medicare cost
23 report (CMS 2252-10 Worksheet, Part I). In the case of
24 emergency services, the ratio shall be calculated using
25 costs (gross charges multiplied by the cost to charge ratio
26 taken from the hospital's most recently filed Medicare cost

1 report (CMS 2252-10 Worksheet, Part I) of patients treated
2 in the relevant hospital entity's emergency department.

3 (7) Any other activity by the relevant hospital entity
4 that the Department determines relieves the burden of
5 government or addresses the health of low-income or
6 underserved individuals.

7 (d) The hospital applicant shall include information in its
8 exemption application establishing that it satisfies the
9 requirements of subsection (b). For purposes of making the
10 calculations required by subsection (b), the hospital
11 applicant may for each year elect to use either (1) the value
12 of the services or activities listed in subsection (e) for the
13 hospital year or (2) the average value of those services or
14 activities for the 3 fiscal years ending with the hospital
15 year. If the relevant hospital entity has been in operation for
16 less than 3 completed fiscal years, then the latter
17 calculation, if elected, shall be performed on a pro rata
18 basis.

19 (e) For purposes of making the calculations required by
20 this Section:

21 (1) particular services or activities eligible for
22 consideration under any of the paragraphs (1) through (7)
23 of subsection (c) may not be counted under more than one of
24 those paragraphs; and

25 (2) the amount of unreimbursed costs and the amount of
26 subsidy shall not be reduced by restricted or unrestricted

1 payments received by the relevant hospital entity as
2 contributions deductible under Section 170(a) of the
3 Internal Revenue Code.

4 (f) (Blank).

5 (g) Estimation of Exempt Property Tax Liability. The
6 estimated property tax liability used for the determination in
7 subsection (b) shall be calculated as follows:

8 (1) "Estimated property tax liability" means the
9 estimated dollar amount of property tax that would be owed,
10 with respect to the exempt portion of each of the relevant
11 hospital entity's properties that are already fully or
12 partially exempt, or for which an exemption in whole or in
13 part is currently being sought, and then aggregated as
14 applicable, as if the exempt portion of those properties
15 were subject to tax, calculated with respect to each such
16 property by multiplying:

17 (A) the lesser of (i) the actual assessed value, if
18 any, of the portion of the property for which an
19 exemption is sought or (ii) an estimated assessed value
20 of the exempt portion of such property as determined in
21 item (2) of this subsection (g), by

22 (B) the applicable State equalization rate
23 (yielding the equalized assessed value), by

24 (C) the applicable tax rate.

25 (2) The estimated assessed value of the exempt portion
26 of the property equals the sum of (i) the estimated fair

1 market value of buildings on the property, as determined in
2 accordance with subparagraphs (A) and (B) of this item (2),
3 multiplied by the applicable assessment factor, and (ii)
4 the estimated assessed value of the land portion of the
5 property, as determined in accordance with subparagraph
6 (C).

7 (A) The "estimated fair market value of buildings
8 on the property" means the replacement value of any
9 exempt portion of buildings on the property, minus
10 depreciation, determined utilizing the cost
11 replacement method whereby the exempt square footage
12 of all such buildings is multiplied by the replacement
13 cost per square foot for Class A Average building found
14 in the most recent edition of the Marshall & Swift
15 Valuation Services Manual, adjusted by any appropriate
16 current cost and local multipliers.

17 (B) Depreciation, for purposes of calculating the
18 estimated fair market value of buildings on the
19 property, is applied by utilizing a weighted mean life
20 for the buildings based on original construction and
21 assuming a 40-year life for hospital buildings and the
22 applicable life for other types of buildings as
23 specified in the American Hospital Association
24 publication "Estimated Useful Lives of Depreciable
25 Hospital Assets". In the case of hospital buildings,
26 the remaining life is divided by 40 and this ratio is

1 multiplied by the replacement cost of the buildings to
2 obtain an estimated fair market value of buildings. If
3 a hospital building is older than 35 years, a remaining
4 life of 5 years for residual value is assumed; and if a
5 building is less than 8 years old, a remaining life of
6 32 years is assumed.

7 (C) The estimated assessed value of the land
8 portion of the property shall be determined by
9 multiplying (i) the per square foot average of the
10 assessed values of three parcels of land (not including
11 farm land, and excluding the assessed value of the
12 improvements thereon) reasonably comparable to the
13 property, by (ii) the number of square feet comprising
14 the exempt portion of the property's land square
15 footage.

16 (3) The assessment factor, State equalization rate,
17 and tax rate (including any special factors such as
18 Enterprise Zones) used in calculating the estimated
19 property tax liability shall be for the most recent year
20 that is publicly available from the applicable chief county
21 assessment officer or officers at least 90 days before the
22 end of the hospital year.

23 (4) The method utilized to calculate estimated
24 property tax liability for purposes of this Section 15-86
25 shall not be utilized for the actual valuation, assessment,
26 or taxation of property pursuant to the Property Tax Code.

1 (h) For the purpose of this Section, the following terms
2 shall have the meanings set forth below:

3 (1) "Hospital" means any institution, place, building,
4 buildings on a campus, or other health care facility
5 located in Illinois that is licensed under the Hospital
6 Licensing Act and has a hospital owner.

7 (2) "Hospital owner" means a not-for-profit
8 corporation that is the titleholder of a hospital, or the
9 owner of the beneficial interest in an Illinois land trust
10 that is the titleholder of a hospital.

11 (3) "Hospital affiliate" means any corporation,
12 partnership, limited partnership, joint venture, limited
13 liability company, association or other organization,
14 other than a hospital owner, that directly or indirectly
15 controls, is controlled by, or is under common control with
16 one or more hospital owners and that supports, is supported
17 by, or acts in furtherance of the exempt health care
18 purposes of at least one of those hospital owners'
19 hospitals.

20 (4) "Hospital system" means a hospital and one or more
21 other hospitals or hospital affiliates related by common
22 control or ownership.

23 (5) "Control" relating to hospital owners, hospital
24 affiliates, or hospital systems means possession, direct
25 or indirect, of the power to direct or cause the direction
26 of the management and policies of the entity, whether

1 through ownership of assets, membership interest, other
2 voting or governance rights, by contract or otherwise.

3 (6) "Hospital applicant" means a hospital owner or
4 hospital affiliate that files an application for an
5 exemption or renewal of exemption under this Section.

6 (7) "Relevant hospital entity" means (A) the hospital
7 owner, in the case of a hospital applicant that is a
8 hospital owner, and (B) at the election of a hospital
9 applicant that is a hospital affiliate, either (i) the
10 hospital affiliate or (ii) the hospital system to which the
11 hospital applicant belongs, including any hospitals or
12 hospital affiliates that are related by common control or
13 ownership.

14 (8) "Subject property" means property used for the
15 calculation under subsection (b) of this Section.

16 (9) "Hospital year" means the fiscal year of the
17 relevant hospital entity, or the fiscal year of one of the
18 hospital owners in the hospital system if the relevant
19 hospital entity is a hospital system with members with
20 different fiscal years, that ends in the year for which the
21 exemption is sought.

22 (Source: P.A. 97-688, eff. 6-14-12; 98-463, eff. 8-16-13.)

23 (35 ILCS 110/3-10) (from Ch. 120, par. 439.33-10)

24 Sec. 3-10. Rate of tax. Unless otherwise provided in this
25 Section, the tax imposed by this Act is at the rate of 6.25% of

1 the selling price of tangible personal property transferred as
2 an incident to the sale of service, but, for the purpose of
3 computing this tax, in no event shall the selling price be less
4 than the cost price of the property to the serviceman.

5 Beginning on July 1, 2000 and through December 31, 2000,
6 with respect to motor fuel, as defined in Section 1.1 of the
7 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
8 the Use Tax Act, the tax is imposed at the rate of 1.25%.

9 With respect to gasohol, as defined in the Use Tax Act, the
10 tax imposed by this Act applies to (i) 70% of the selling price
11 of property transferred as an incident to the sale of service
12 on or after January 1, 1990, and before July 1, 2003, (ii) 80%
13 of the selling price of property transferred as an incident to
14 the sale of service on or after July 1, 2003 and on or before
15 December 31, 2018, and (iii) 100% of the selling price
16 thereafter. If, at any time, however, the tax under this Act on
17 sales of gasohol, as defined in the Use Tax Act, is imposed at
18 the rate of 1.25%, then the tax imposed by this Act applies to
19 100% of the proceeds of sales of gasohol made during that time.

20 With respect to majority blended ethanol fuel, as defined
21 in the Use Tax Act, the tax imposed by this Act does not apply
22 to the selling price of property transferred as an incident to
23 the sale of service on or after July 1, 2003 and on or before
24 December 31, 2018 but applies to 100% of the selling price
25 thereafter.

26 With respect to biodiesel blends, as defined in the Use Tax

1 Act, with no less than 1% and no more than 10% biodiesel, the
2 tax imposed by this Act applies to (i) 80% of the selling price
3 of property transferred as an incident to the sale of service
4 on or after July 1, 2003 and on or before December 31, 2018 and
5 (ii) 100% of the proceeds of the selling price thereafter. If,
6 at any time, however, the tax under this Act on sales of
7 biodiesel blends, as defined in the Use Tax Act, with no less
8 than 1% and no more than 10% biodiesel is imposed at the rate
9 of 1.25%, then the tax imposed by this Act applies to 100% of
10 the proceeds of sales of biodiesel blends with no less than 1%
11 and no more than 10% biodiesel made during that time.

12 With respect to 100% biodiesel, as defined in the Use Tax
13 Act, and biodiesel blends, as defined in the Use Tax Act, with
14 more than 10% but no more than 99% biodiesel, the tax imposed
15 by this Act does not apply to the proceeds of the selling price
16 of property transferred as an incident to the sale of service
17 on or after July 1, 2003 and on or before December 31, 2018 but
18 applies to 100% of the selling price thereafter.

19 At the election of any registered serviceman made for each
20 fiscal year, sales of service in which the aggregate annual
21 cost price of tangible personal property transferred as an
22 incident to the sales of service is less than 35%, or 75% in
23 the case of servicemen transferring prescription drugs or
24 servicemen engaged in graphic arts production, of the aggregate
25 annual total gross receipts from all sales of service, the tax
26 imposed by this Act shall be based on the serviceman's cost

1 price of the tangible personal property transferred as an
2 incident to the sale of those services.

3 The tax shall be imposed at the rate of 1% on food prepared
4 for immediate consumption and transferred incident to a sale of
5 service subject to this Act or the Service Occupation Tax Act
6 by an entity licensed under the Hospital Licensing Act, the
7 Nursing Home Care Act, the ID/DD Community Care Act, the
8 Specialized Mental Health Rehabilitation Act of 2013, or the
9 Child Care Act of 1969. The tax shall also be imposed at the
10 rate of 1% on food for human consumption that is to be consumed
11 off the premises where it is sold (other than alcoholic
12 beverages, soft drinks, and food that has been prepared for
13 immediate consumption and is not otherwise included in this
14 paragraph) and prescription and nonprescription medicines,
15 drugs, medical appliances, modifications to a motor vehicle for
16 the purpose of rendering it usable by a person with a
17 disability ~~disabled person~~, and insulin, urine testing
18 materials, syringes, and needles used by diabetics, for human
19 use. For the purposes of this Section, until September 1, 2009:
20 the term "soft drinks" means any complete, finished,
21 ready-to-use, non-alcoholic drink, whether carbonated or not,
22 including but not limited to soda water, cola, fruit juice,
23 vegetable juice, carbonated water, and all other preparations
24 commonly known as soft drinks of whatever kind or description
25 that are contained in any closed or sealed bottle, can, carton,
26 or container, regardless of size; but "soft drinks" does not

1 include coffee, tea, non-carbonated water, infant formula,
2 milk or milk products as defined in the Grade A Pasteurized
3 Milk and Milk Products Act, or drinks containing 50% or more
4 natural fruit or vegetable juice.

5 Notwithstanding any other provisions of this Act,
6 beginning September 1, 2009, "soft drinks" means non-alcoholic
7 beverages that contain natural or artificial sweeteners. "Soft
8 drinks" do not include beverages that contain milk or milk
9 products, soy, rice or similar milk substitutes, or greater
10 than 50% of vegetable or fruit juice by volume.

11 Until August 1, 2009, and notwithstanding any other
12 provisions of this Act, "food for human consumption that is to
13 be consumed off the premises where it is sold" includes all
14 food sold through a vending machine, except soft drinks and
15 food products that are dispensed hot from a vending machine,
16 regardless of the location of the vending machine. Beginning
17 August 1, 2009, and notwithstanding any other provisions of
18 this Act, "food for human consumption that is to be consumed
19 off the premises where it is sold" includes all food sold
20 through a vending machine, except soft drinks, candy, and food
21 products that are dispensed hot from a vending machine,
22 regardless of the location of the vending machine.

23 Notwithstanding any other provisions of this Act,
24 beginning September 1, 2009, "food for human consumption that
25 is to be consumed off the premises where it is sold" does not
26 include candy. For purposes of this Section, "candy" means a

1 preparation of sugar, honey, or other natural or artificial
2 sweeteners in combination with chocolate, fruits, nuts or other
3 ingredients or flavorings in the form of bars, drops, or
4 pieces. "Candy" does not include any preparation that contains
5 flour or requires refrigeration.

6 Notwithstanding any other provisions of this Act,
7 beginning September 1, 2009, "nonprescription medicines and
8 drugs" does not include grooming and hygiene products. For
9 purposes of this Section, "grooming and hygiene products"
10 includes, but is not limited to, soaps and cleaning solutions,
11 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
12 lotions and screens, unless those products are available by
13 prescription only, regardless of whether the products meet the
14 definition of "over-the-counter-drugs". For the purposes of
15 this paragraph, "over-the-counter-drug" means a drug for human
16 use that contains a label that identifies the product as a drug
17 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"
18 label includes:

19 (A) A "Drug Facts" panel; or

20 (B) A statement of the "active ingredient(s)" with a
21 list of those ingredients contained in the compound,
22 substance or preparation.

23 Beginning on January 1, 2014 (the effective date of Public
24 Act 98-122), "prescription and nonprescription medicines and
25 drugs" includes medical cannabis purchased from a registered
26 dispensing organization under the Compassionate Use of Medical

1 Cannabis Pilot Program Act.

2 If the property that is acquired from a serviceman is
3 acquired outside Illinois and used outside Illinois before
4 being brought to Illinois for use here and is taxable under
5 this Act, the "selling price" on which the tax is computed
6 shall be reduced by an amount that represents a reasonable
7 allowance for depreciation for the period of prior out-of-state
8 use.

9 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-636,
10 eff. 6-1-12; 98-104, eff. 7-22-13; 98-122, eff. 1-1-14; 98-756,
11 eff. 7-16-14.)

12 Section 310. The Service Occupation Tax Act is amended by
13 changing Sections 3-8 and 3-10 as follows:

14 (35 ILCS 115/3-8)

15 Sec. 3-8. Hospital exemption.

16 (a) Tangible personal property sold to or used by a
17 hospital owner that owns one or more hospitals licensed under
18 the Hospital Licensing Act or operated under the University of
19 Illinois Hospital Act, or a hospital affiliate that is not
20 already exempt under another provision of this Act and meets
21 the criteria for an exemption under this Section, is exempt
22 from taxation under this Act.

23 (b) A hospital owner or hospital affiliate satisfies the
24 conditions for an exemption under this Section if the value of

1 qualified services or activities listed in subsection (c) of
2 this Section for the hospital year equals or exceeds the
3 relevant hospital entity's estimated property tax liability,
4 without regard to any property tax exemption granted under
5 Section 15-86 of the Property Tax Code, for the calendar year
6 in which exemption or renewal of exemption is sought. For
7 purposes of making the calculations required by this subsection
8 (b), if the relevant hospital entity is a hospital owner that
9 owns more than one hospital, the value of the services or
10 activities listed in subsection (c) shall be calculated on the
11 basis of only those services and activities relating to the
12 hospital that includes the subject property, and the relevant
13 hospital entity's estimated property tax liability shall be
14 calculated only with respect to the properties comprising that
15 hospital. In the case of a multi-state hospital system or
16 hospital affiliate, the value of the services or activities
17 listed in subsection (c) shall be calculated on the basis of
18 only those services and activities that occur in Illinois and
19 the relevant hospital entity's estimated property tax
20 liability shall be calculated only with respect to its property
21 located in Illinois.

22 (c) The following services and activities shall be
23 considered for purposes of making the calculations required by
24 subsection (b):

25 (1) Charity care. Free or discounted services provided
26 pursuant to the relevant hospital entity's financial

1 assistance policy, measured at cost, including discounts
2 provided under the Hospital Uninsured Patient Discount
3 Act.

4 (2) Health services to low-income and underserved
5 individuals. Other unreimbursed costs of the relevant
6 hospital entity for providing without charge, paying for,
7 or subsidizing goods, activities, or services for the
8 purpose of addressing the health of low-income or
9 underserved individuals. Those activities or services may
10 include, but are not limited to: financial or in-kind
11 support to affiliated or unaffiliated hospitals, hospital
12 affiliates, community clinics, or programs that treat
13 low-income or underserved individuals; paying for or
14 subsidizing health care professionals who care for
15 low-income or underserved individuals; providing or
16 subsidizing outreach or educational services to low-income
17 or underserved individuals for disease management and
18 prevention; free or subsidized goods, supplies, or
19 services needed by low-income or underserved individuals
20 because of their medical condition; and prenatal or
21 childbirth outreach to low-income or underserved persons.

22 (3) Subsidy of State or local governments. Direct or
23 indirect financial or in-kind subsidies of State or local
24 governments by the relevant hospital entity that pay for or
25 subsidize activities or programs related to health care for
26 low-income or underserved individuals.

1 (4) Support for State health care programs for
2 low-income individuals. At the election of the hospital
3 applicant for each applicable year, either (A) 10% of
4 payments to the relevant hospital entity and any hospital
5 affiliate designated by the relevant hospital entity
6 (provided that such hospital affiliate's operations
7 provide financial or operational support for or receive
8 financial or operational support from the relevant
9 hospital entity) under Medicaid or other means-tested
10 programs, including, but not limited to, General
11 Assistance, the Covering ALL KIDS Health Insurance Act, and
12 the State Children's Health Insurance Program or (B) the
13 amount of subsidy provided by the relevant hospital entity
14 and any hospital affiliate designated by the relevant
15 hospital entity (provided that such hospital affiliate's
16 operations provide financial or operational support for or
17 receive financial or operational support from the relevant
18 hospital entity) to State or local government in treating
19 Medicaid recipients and recipients of means-tested
20 programs, including but not limited to General Assistance,
21 the Covering ALL KIDS Health Insurance Act, and the State
22 Children's Health Insurance Program. The amount of subsidy
23 for purposes of this item (4) is calculated in the same
24 manner as unreimbursed costs are calculated for Medicaid
25 and other means-tested government programs in the Schedule
26 H of IRS Form 990 in effect on the effective date of this

1 amendatory Act of the 97th General Assembly.

2 (5) Dual-eligible subsidy. The amount of subsidy
3 provided to government by treating dual-eligible
4 Medicare/Medicaid patients. The amount of subsidy for
5 purposes of this item (5) is calculated by multiplying the
6 relevant hospital entity's unreimbursed costs for
7 Medicare, calculated in the same manner as determined in
8 the Schedule H of IRS Form 990 in effect on the effective
9 date of this amendatory Act of the 97th General Assembly,
10 by the relevant hospital entity's ratio of dual-eligible
11 patients to total Medicare patients.

12 (6) Relief of the burden of government related to
13 health care. Except to the extent otherwise taken into
14 account in this subsection, the portion of unreimbursed
15 costs of the relevant hospital entity attributable to
16 providing, paying for, or subsidizing goods, activities,
17 or services that relieve the burden of government related
18 to health care for low-income individuals. Such activities
19 or services shall include, but are not limited to,
20 providing emergency, trauma, burn, neonatal, psychiatric,
21 rehabilitation, or other special services; providing
22 medical education; and conducting medical research or
23 training of health care professionals. The portion of those
24 unreimbursed costs attributable to benefiting low-income
25 individuals shall be determined using the ratio calculated
26 by adding the relevant hospital entity's costs

1 attributable to charity care, Medicaid, other means-tested
2 government programs, Medicare patients with disabilities
3 ~~disabled Medicare patients~~ under age 65, and dual-eligible
4 Medicare/Medicaid patients and dividing that total by the
5 relevant hospital entity's total costs. Such costs for the
6 numerator and denominator shall be determined by
7 multiplying gross charges by the cost to charge ratio taken
8 from the hospital's most recently filed Medicare cost
9 report (CMS 2252-10 Worksheet, Part I). In the case of
10 emergency services, the ratio shall be calculated using
11 costs (gross charges multiplied by the cost to charge ratio
12 taken from the hospital's most recently filed Medicare cost
13 report (CMS 2252-10 Worksheet, Part I)) of patients treated
14 in the relevant hospital entity's emergency department.

15 (7) Any other activity by the relevant hospital entity
16 that the Department determines relieves the burden of
17 government or addresses the health of low-income or
18 underserved individuals.

19 (d) The hospital applicant shall include information in its
20 exemption application establishing that it satisfies the
21 requirements of subsection (b). For purposes of making the
22 calculations required by subsection (b), the hospital
23 applicant may for each year elect to use either (1) the value
24 of the services or activities listed in subsection (e) for the
25 hospital year or (2) the average value of those services or
26 activities for the 3 fiscal years ending with the hospital

1 year. If the relevant hospital entity has been in operation for
2 less than 3 completed fiscal years, then the latter
3 calculation, if elected, shall be performed on a pro rata
4 basis.

5 (e) For purposes of making the calculations required by
6 this Section:

7 (1) particular services or activities eligible for
8 consideration under any of the paragraphs (1) through (7)
9 of subsection (c) may not be counted under more than one of
10 those paragraphs; and

11 (2) the amount of unreimbursed costs and the amount of
12 subsidy shall not be reduced by restricted or unrestricted
13 payments received by the relevant hospital entity as
14 contributions deductible under Section 170(a) of the
15 Internal Revenue Code.

16 (f) (Blank).

17 (g) Estimation of Exempt Property Tax Liability. The
18 estimated property tax liability used for the determination in
19 subsection (b) shall be calculated as follows:

20 (1) "Estimated property tax liability" means the
21 estimated dollar amount of property tax that would be owed,
22 with respect to the exempt portion of each of the relevant
23 hospital entity's properties that are already fully or
24 partially exempt, or for which an exemption in whole or in
25 part is currently being sought, and then aggregated as
26 applicable, as if the exempt portion of those properties

1 were subject to tax, calculated with respect to each such
2 property by multiplying:

3 (A) the lesser of (i) the actual assessed value, if
4 any, of the portion of the property for which an
5 exemption is sought or (ii) an estimated assessed value
6 of the exempt portion of such property as determined in
7 item (2) of this subsection (g), by

8 (B) the applicable State equalization rate
9 (yielding the equalized assessed value), by

10 (C) the applicable tax rate.

11 (2) The estimated assessed value of the exempt portion
12 of the property equals the sum of (i) the estimated fair
13 market value of buildings on the property, as determined in
14 accordance with subparagraphs (A) and (B) of this item (2),
15 multiplied by the applicable assessment factor, and (ii)
16 the estimated assessed value of the land portion of the
17 property, as determined in accordance with subparagraph
18 (C).

19 (A) The "estimated fair market value of buildings
20 on the property" means the replacement value of any
21 exempt portion of buildings on the property, minus
22 depreciation, determined utilizing the cost
23 replacement method whereby the exempt square footage
24 of all such buildings is multiplied by the replacement
25 cost per square foot for Class A Average building found
26 in the most recent edition of the Marshall & Swift

1 Valuation Services Manual, adjusted by any appropriate
2 current cost and local multipliers.

3 (B) Depreciation, for purposes of calculating the
4 estimated fair market value of buildings on the
5 property, is applied by utilizing a weighted mean life
6 for the buildings based on original construction and
7 assuming a 40-year life for hospital buildings and the
8 applicable life for other types of buildings as
9 specified in the American Hospital Association
10 publication "Estimated Useful Lives of Depreciable
11 Hospital Assets". In the case of hospital buildings,
12 the remaining life is divided by 40 and this ratio is
13 multiplied by the replacement cost of the buildings to
14 obtain an estimated fair market value of buildings. If
15 a hospital building is older than 35 years, a remaining
16 life of 5 years for residual value is assumed; and if a
17 building is less than 8 years old, a remaining life of
18 32 years is assumed.

19 (C) The estimated assessed value of the land
20 portion of the property shall be determined by
21 multiplying (i) the per square foot average of the
22 assessed values of three parcels of land (not including
23 farm land, and excluding the assessed value of the
24 improvements thereon) reasonably comparable to the
25 property, by (ii) the number of square feet comprising
26 the exempt portion of the property's land square

1 footage.

2 (3) The assessment factor, State equalization rate,
3 and tax rate (including any special factors such as
4 Enterprise Zones) used in calculating the estimated
5 property tax liability shall be for the most recent year
6 that is publicly available from the applicable chief county
7 assessment officer or officers at least 90 days before the
8 end of the hospital year.

9 (4) The method utilized to calculate estimated
10 property tax liability for purposes of this Section 15-86
11 shall not be utilized for the actual valuation, assessment,
12 or taxation of property pursuant to the Property Tax Code.

13 (h) For the purpose of this Section, the following terms
14 shall have the meanings set forth below:

15 (1) "Hospital" means any institution, place, building,
16 buildings on a campus, or other health care facility
17 located in Illinois that is licensed under the Hospital
18 Licensing Act and has a hospital owner.

19 (2) "Hospital owner" means a not-for-profit
20 corporation that is the titleholder of a hospital, or the
21 owner of the beneficial interest in an Illinois land trust
22 that is the titleholder of a hospital.

23 (3) "Hospital affiliate" means any corporation,
24 partnership, limited partnership, joint venture, limited
25 liability company, association or other organization,
26 other than a hospital owner, that directly or indirectly

1 controls, is controlled by, or is under common control with
2 one or more hospital owners and that supports, is supported
3 by, or acts in furtherance of the exempt health care
4 purposes of at least one of those hospital owners'
5 hospitals.

6 (4) "Hospital system" means a hospital and one or more
7 other hospitals or hospital affiliates related by common
8 control or ownership.

9 (5) "Control" relating to hospital owners, hospital
10 affiliates, or hospital systems means possession, direct
11 or indirect, of the power to direct or cause the direction
12 of the management and policies of the entity, whether
13 through ownership of assets, membership interest, other
14 voting or governance rights, by contract or otherwise.

15 (6) "Hospital applicant" means a hospital owner or
16 hospital affiliate that files an application for an
17 exemption or renewal of exemption under this Section.

18 (7) "Relevant hospital entity" means (A) the hospital
19 owner, in the case of a hospital applicant that is a
20 hospital owner, and (B) at the election of a hospital
21 applicant that is a hospital affiliate, either (i) the
22 hospital affiliate or (ii) the hospital system to which the
23 hospital applicant belongs, including any hospitals or
24 hospital affiliates that are related by common control or
25 ownership.

26 (8) "Subject property" means property used for the

1 calculation under subsection (b) of this Section.

2 (9) "Hospital year" means the fiscal year of the
3 relevant hospital entity, or the fiscal year of one of the
4 hospital owners in the hospital system if the relevant
5 hospital entity is a hospital system with members with
6 different fiscal years, that ends in the year for which the
7 exemption is sought.

8 (Source: P.A. 97-688, eff. 6-14-12; 98-463, eff. 8-16-13.)

9 (35 ILCS 115/3-10) (from Ch. 120, par. 439.103-10)

10 Sec. 3-10. Rate of tax. Unless otherwise provided in this
11 Section, the tax imposed by this Act is at the rate of 6.25% of
12 the "selling price", as defined in Section 2 of the Service Use
13 Tax Act, of the tangible personal property. For the purpose of
14 computing this tax, in no event shall the "selling price" be
15 less than the cost price to the serviceman of the tangible
16 personal property transferred. The selling price of each item
17 of tangible personal property transferred as an incident of a
18 sale of service may be shown as a distinct and separate item on
19 the serviceman's billing to the service customer. If the
20 selling price is not so shown, the selling price of the
21 tangible personal property is deemed to be 50% of the
22 serviceman's entire billing to the service customer. When,
23 however, a serviceman contracts to design, develop, and produce
24 special order machinery or equipment, the tax imposed by this
25 Act shall be based on the serviceman's cost price of the

1 tangible personal property transferred incident to the
2 completion of the contract.

3 Beginning on July 1, 2000 and through December 31, 2000,
4 with respect to motor fuel, as defined in Section 1.1 of the
5 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
6 the Use Tax Act, the tax is imposed at the rate of 1.25%.

7 With respect to gasohol, as defined in the Use Tax Act, the
8 tax imposed by this Act shall apply to (i) 70% of the cost
9 price of property transferred as an incident to the sale of
10 service on or after January 1, 1990, and before July 1, 2003,
11 (ii) 80% of the selling price of property transferred as an
12 incident to the sale of service on or after July 1, 2003 and on
13 or before December 31, 2018, and (iii) 100% of the cost price
14 thereafter. If, at any time, however, the tax under this Act on
15 sales of gasohol, as defined in the Use Tax Act, is imposed at
16 the rate of 1.25%, then the tax imposed by this Act applies to
17 100% of the proceeds of sales of gasohol made during that time.

18 With respect to majority blended ethanol fuel, as defined
19 in the Use Tax Act, the tax imposed by this Act does not apply
20 to the selling price of property transferred as an incident to
21 the sale of service on or after July 1, 2003 and on or before
22 December 31, 2018 but applies to 100% of the selling price
23 thereafter.

24 With respect to biodiesel blends, as defined in the Use Tax
25 Act, with no less than 1% and no more than 10% biodiesel, the
26 tax imposed by this Act applies to (i) 80% of the selling price

1 of property transferred as an incident to the sale of service
2 on or after July 1, 2003 and on or before December 31, 2018 and
3 (ii) 100% of the proceeds of the selling price thereafter. If,
4 at any time, however, the tax under this Act on sales of
5 biodiesel blends, as defined in the Use Tax Act, with no less
6 than 1% and no more than 10% biodiesel is imposed at the rate
7 of 1.25%, then the tax imposed by this Act applies to 100% of
8 the proceeds of sales of biodiesel blends with no less than 1%
9 and no more than 10% biodiesel made during that time.

10 With respect to 100% biodiesel, as defined in the Use Tax
11 Act, and biodiesel blends, as defined in the Use Tax Act, with
12 more than 10% but no more than 99% biodiesel material, the tax
13 imposed by this Act does not apply to the proceeds of the
14 selling price of property transferred as an incident to the
15 sale of service on or after July 1, 2003 and on or before
16 December 31, 2018 but applies to 100% of the selling price
17 thereafter.

18 At the election of any registered serviceman made for each
19 fiscal year, sales of service in which the aggregate annual
20 cost price of tangible personal property transferred as an
21 incident to the sales of service is less than 35%, or 75% in
22 the case of servicemen transferring prescription drugs or
23 servicemen engaged in graphic arts production, of the aggregate
24 annual total gross receipts from all sales of service, the tax
25 imposed by this Act shall be based on the serviceman's cost
26 price of the tangible personal property transferred incident to

1 the sale of those services.

2 The tax shall be imposed at the rate of 1% on food prepared
3 for immediate consumption and transferred incident to a sale of
4 service subject to this Act or the Service Occupation Tax Act
5 by an entity licensed under the Hospital Licensing Act, the
6 Nursing Home Care Act, the ID/DD Community Care Act, the
7 Specialized Mental Health Rehabilitation Act of 2013, or the
8 Child Care Act of 1969. The tax shall also be imposed at the
9 rate of 1% on food for human consumption that is to be consumed
10 off the premises where it is sold (other than alcoholic
11 beverages, soft drinks, and food that has been prepared for
12 immediate consumption and is not otherwise included in this
13 paragraph) and prescription and nonprescription medicines,
14 drugs, medical appliances, modifications to a motor vehicle for
15 the purpose of rendering it usable by a person with a
16 disability ~~disabled person~~, and insulin, urine testing
17 materials, syringes, and needles used by diabetics, for human
18 use. For the purposes of this Section, until September 1, 2009:
19 the term "soft drinks" means any complete, finished,
20 ready-to-use, non-alcoholic drink, whether carbonated or not,
21 including but not limited to soda water, cola, fruit juice,
22 vegetable juice, carbonated water, and all other preparations
23 commonly known as soft drinks of whatever kind or description
24 that are contained in any closed or sealed can, carton, or
25 container, regardless of size; but "soft drinks" does not
26 include coffee, tea, non-carbonated water, infant formula,

1 milk or milk products as defined in the Grade A Pasteurized
2 Milk and Milk Products Act, or drinks containing 50% or more
3 natural fruit or vegetable juice.

4 Notwithstanding any other provisions of this Act,
5 beginning September 1, 2009, "soft drinks" means non-alcoholic
6 beverages that contain natural or artificial sweeteners. "Soft
7 drinks" do not include beverages that contain milk or milk
8 products, soy, rice or similar milk substitutes, or greater
9 than 50% of vegetable or fruit juice by volume.

10 Until August 1, 2009, and notwithstanding any other
11 provisions of this Act, "food for human consumption that is to
12 be consumed off the premises where it is sold" includes all
13 food sold through a vending machine, except soft drinks and
14 food products that are dispensed hot from a vending machine,
15 regardless of the location of the vending machine. Beginning
16 August 1, 2009, and notwithstanding any other provisions of
17 this Act, "food for human consumption that is to be consumed
18 off the premises where it is sold" includes all food sold
19 through a vending machine, except soft drinks, candy, and food
20 products that are dispensed hot from a vending machine,
21 regardless of the location of the vending machine.

22 Notwithstanding any other provisions of this Act,
23 beginning September 1, 2009, "food for human consumption that
24 is to be consumed off the premises where it is sold" does not
25 include candy. For purposes of this Section, "candy" means a
26 preparation of sugar, honey, or other natural or artificial

1 sweeteners in combination with chocolate, fruits, nuts or other
2 ingredients or flavorings in the form of bars, drops, or
3 pieces. "Candy" does not include any preparation that contains
4 flour or requires refrigeration.

5 Notwithstanding any other provisions of this Act,
6 beginning September 1, 2009, "nonprescription medicines and
7 drugs" does not include grooming and hygiene products. For
8 purposes of this Section, "grooming and hygiene products"
9 includes, but is not limited to, soaps and cleaning solutions,
10 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
11 lotions and screens, unless those products are available by
12 prescription only, regardless of whether the products meet the
13 definition of "over-the-counter-drugs". For the purposes of
14 this paragraph, "over-the-counter-drug" means a drug for human
15 use that contains a label that identifies the product as a drug
16 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"
17 label includes:

18 (A) A "Drug Facts" panel; or

19 (B) A statement of the "active ingredient(s)" with a
20 list of those ingredients contained in the compound,
21 substance or preparation.

22 Beginning on January 1, 2014 (the effective date of Public
23 Act 98-122), "prescription and nonprescription medicines and
24 drugs" includes medical cannabis purchased from a registered
25 dispensing organization under the Compassionate Use of Medical
26 Cannabis Pilot Program Act.

1 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-636,
2 eff. 6-1-12; 98-104, eff. 7-22-13; 98-122, eff. 1-1-14; 98-756,
3 eff. 7-16-14.)

4 Section 315. The Retailers' Occupation Tax Act is amended
5 by changing Sections 2-9 and 2-10 as follows:

6 (35 ILCS 120/2-9)

7 Sec. 2-9. Hospital exemption.

8 (a) Tangible personal property sold to or used by a
9 hospital owner that owns one or more hospitals licensed under
10 the Hospital Licensing Act or operated under the University of
11 Illinois Hospital Act, or a hospital affiliate that is not
12 already exempt under another provision of this Act and meets
13 the criteria for an exemption under this Section, is exempt
14 from taxation under this Act.

15 (b) A hospital owner or hospital affiliate satisfies the
16 conditions for an exemption under this Section if the value of
17 qualified services or activities listed in subsection (c) of
18 this Section for the hospital year equals or exceeds the
19 relevant hospital entity's estimated property tax liability,
20 without regard to any property tax exemption granted under
21 Section 15-86 of the Property Tax Code, for the calendar year
22 in which exemption or renewal of exemption is sought. For
23 purposes of making the calculations required by this subsection
24 (b), if the relevant hospital entity is a hospital owner that

1 owns more than one hospital, the value of the services or
2 activities listed in subsection (c) shall be calculated on the
3 basis of only those services and activities relating to the
4 hospital that includes the subject property, and the relevant
5 hospital entity's estimated property tax liability shall be
6 calculated only with respect to the properties comprising that
7 hospital. In the case of a multi-state hospital system or
8 hospital affiliate, the value of the services or activities
9 listed in subsection (c) shall be calculated on the basis of
10 only those services and activities that occur in Illinois and
11 the relevant hospital entity's estimated property tax
12 liability shall be calculated only with respect to its property
13 located in Illinois.

14 (c) The following services and activities shall be
15 considered for purposes of making the calculations required by
16 subsection (b):

17 (1) Charity care. Free or discounted services provided
18 pursuant to the relevant hospital entity's financial
19 assistance policy, measured at cost, including discounts
20 provided under the Hospital Uninsured Patient Discount
21 Act.

22 (2) Health services to low-income and underserved
23 individuals. Other unreimbursed costs of the relevant
24 hospital entity for providing without charge, paying for,
25 or subsidizing goods, activities, or services for the
26 purpose of addressing the health of low-income or

1 underserved individuals. Those activities or services may
2 include, but are not limited to: financial or in-kind
3 support to affiliated or unaffiliated hospitals, hospital
4 affiliates, community clinics, or programs that treat
5 low-income or underserved individuals; paying for or
6 subsidizing health care professionals who care for
7 low-income or underserved individuals; providing or
8 subsidizing outreach or educational services to low-income
9 or underserved individuals for disease management and
10 prevention; free or subsidized goods, supplies, or
11 services needed by low-income or underserved individuals
12 because of their medical condition; and prenatal or
13 childbirth outreach to low-income or underserved persons.

14 (3) Subsidy of State or local governments. Direct or
15 indirect financial or in-kind subsidies of State or local
16 governments by the relevant hospital entity that pay for or
17 subsidize activities or programs related to health care for
18 low-income or underserved individuals.

19 (4) Support for State health care programs for
20 low-income individuals. At the election of the hospital
21 applicant for each applicable year, either (A) 10% of
22 payments to the relevant hospital entity and any hospital
23 affiliate designated by the relevant hospital entity
24 (provided that such hospital affiliate's operations
25 provide financial or operational support for or receive
26 financial or operational support from the relevant

1 hospital entity) under Medicaid or other means-tested
2 programs, including, but not limited to, General
3 Assistance, the Covering ALL KIDS Health Insurance Act, and
4 the State Children's Health Insurance Program or (B) the
5 amount of subsidy provided by the relevant hospital entity
6 and any hospital affiliate designated by the relevant
7 hospital entity (provided that such hospital affiliate's
8 operations provide financial or operational support for or
9 receive financial or operational support from the relevant
10 hospital entity) to State or local government in treating
11 Medicaid recipients and recipients of means-tested
12 programs, including but not limited to General Assistance,
13 the Covering ALL KIDS Health Insurance Act, and the State
14 Children's Health Insurance Program. The amount of subsidy
15 for purposes of this item (4) is calculated in the same
16 manner as unreimbursed costs are calculated for Medicaid
17 and other means-tested government programs in the Schedule
18 H of IRS Form 990 in effect on the effective date of this
19 amendatory Act of the 97th General Assembly.

20 (5) Dual-eligible subsidy. The amount of subsidy
21 provided to government by treating dual-eligible
22 Medicare/Medicaid patients. The amount of subsidy for
23 purposes of this item (5) is calculated by multiplying the
24 relevant hospital entity's unreimbursed costs for
25 Medicare, calculated in the same manner as determined in
26 the Schedule H of IRS Form 990 in effect on the effective

1 date of this amendatory Act of the 97th General Assembly,
2 by the relevant hospital entity's ratio of dual-eligible
3 patients to total Medicare patients.

4 (6) Relief of the burden of government related to
5 health care. Except to the extent otherwise taken into
6 account in this subsection, the portion of unreimbursed
7 costs of the relevant hospital entity attributable to
8 providing, paying for, or subsidizing goods, activities,
9 or services that relieve the burden of government related
10 to health care for low-income individuals. Such activities
11 or services shall include, but are not limited to,
12 providing emergency, trauma, burn, neonatal, psychiatric,
13 rehabilitation, or other special services; providing
14 medical education; and conducting medical research or
15 training of health care professionals. The portion of those
16 unreimbursed costs attributable to benefiting low-income
17 individuals shall be determined using the ratio calculated
18 by adding the relevant hospital entity's costs
19 attributable to charity care, Medicaid, other means-tested
20 government programs, Medicare patients with disabilities
21 ~~disabled Medicare patients~~ under age 65, and dual-eligible
22 Medicare/Medicaid patients and dividing that total by the
23 relevant hospital entity's total costs. Such costs for the
24 numerator and denominator shall be determined by
25 multiplying gross charges by the cost to charge ratio taken
26 from the hospital's most recently filed Medicare cost

1 report (CMS 2252-10 Worksheet, Part I). In the case of
2 emergency services, the ratio shall be calculated using
3 costs (gross charges multiplied by the cost to charge ratio
4 taken from the hospital's most recently filed Medicare cost
5 report (CMS 2252-10 Worksheet, Part I)) of patients treated
6 in the relevant hospital entity's emergency department.

7 (7) Any other activity by the relevant hospital entity
8 that the Department determines relieves the burden of
9 government or addresses the health of low-income or
10 underserved individuals.

11 (d) The hospital applicant shall include information in its
12 exemption application establishing that it satisfies the
13 requirements of subsection (b). For purposes of making the
14 calculations required by subsection (b), the hospital
15 applicant may for each year elect to use either (1) the value
16 of the services or activities listed in subsection (e) for the
17 hospital year or (2) the average value of those services or
18 activities for the 3 fiscal years ending with the hospital
19 year. If the relevant hospital entity has been in operation for
20 less than 3 completed fiscal years, then the latter
21 calculation, if elected, shall be performed on a pro rata
22 basis.

23 (e) For purposes of making the calculations required by
24 this Section:

25 (1) particular services or activities eligible for
26 consideration under any of the paragraphs (1) through (7)

1 of subsection (c) may not be counted under more than one of
2 those paragraphs; and

3 (2) the amount of unreimbursed costs and the amount of
4 subsidy shall not be reduced by restricted or unrestricted
5 payments received by the relevant hospital entity as
6 contributions deductible under Section 170(a) of the
7 Internal Revenue Code.

8 (f) (Blank).

9 (g) Estimation of Exempt Property Tax Liability. The
10 estimated property tax liability used for the determination in
11 subsection (b) shall be calculated as follows:

12 (1) "Estimated property tax liability" means the
13 estimated dollar amount of property tax that would be owed,
14 with respect to the exempt portion of each of the relevant
15 hospital entity's properties that are already fully or
16 partially exempt, or for which an exemption in whole or in
17 part is currently being sought, and then aggregated as
18 applicable, as if the exempt portion of those properties
19 were subject to tax, calculated with respect to each such
20 property by multiplying:

21 (A) the lesser of (i) the actual assessed value, if
22 any, of the portion of the property for which an
23 exemption is sought or (ii) an estimated assessed value
24 of the exempt portion of such property as determined in
25 item (2) of this subsection (g), by

26 (B) the applicable State equalization rate

1 (yielding the equalized assessed value), by

2 (C) the applicable tax rate.

3 (2) The estimated assessed value of the exempt portion
4 of the property equals the sum of (i) the estimated fair
5 market value of buildings on the property, as determined in
6 accordance with subparagraphs (A) and (B) of this item (2),
7 multiplied by the applicable assessment factor, and (ii)
8 the estimated assessed value of the land portion of the
9 property, as determined in accordance with subparagraph
10 (C).

11 (A) The "estimated fair market value of buildings
12 on the property" means the replacement value of any
13 exempt portion of buildings on the property, minus
14 depreciation, determined utilizing the cost
15 replacement method whereby the exempt square footage
16 of all such buildings is multiplied by the replacement
17 cost per square foot for Class A Average building found
18 in the most recent edition of the Marshall & Swift
19 Valuation Services Manual, adjusted by any appropriate
20 current cost and local multipliers.

21 (B) Depreciation, for purposes of calculating the
22 estimated fair market value of buildings on the
23 property, is applied by utilizing a weighted mean life
24 for the buildings based on original construction and
25 assuming a 40-year life for hospital buildings and the
26 applicable life for other types of buildings as

1 specified in the American Hospital Association
2 publication "Estimated Useful Lives of Depreciable
3 Hospital Assets". In the case of hospital buildings,
4 the remaining life is divided by 40 and this ratio is
5 multiplied by the replacement cost of the buildings to
6 obtain an estimated fair market value of buildings. If
7 a hospital building is older than 35 years, a remaining
8 life of 5 years for residual value is assumed; and if a
9 building is less than 8 years old, a remaining life of
10 32 years is assumed.

11 (C) The estimated assessed value of the land
12 portion of the property shall be determined by
13 multiplying (i) the per square foot average of the
14 assessed values of three parcels of land (not including
15 farm land, and excluding the assessed value of the
16 improvements thereon) reasonably comparable to the
17 property, by (ii) the number of square feet comprising
18 the exempt portion of the property's land square
19 footage.

20 (3) The assessment factor, State equalization rate,
21 and tax rate (including any special factors such as
22 Enterprise Zones) used in calculating the estimated
23 property tax liability shall be for the most recent year
24 that is publicly available from the applicable chief county
25 assessment officer or officers at least 90 days before the
26 end of the hospital year.

1 (4) The method utilized to calculate estimated
2 property tax liability for purposes of this Section 15-86
3 shall not be utilized for the actual valuation, assessment,
4 or taxation of property pursuant to the Property Tax Code.

5 (h) For the purpose of this Section, the following terms
6 shall have the meanings set forth below:

7 (1) "Hospital" means any institution, place, building,
8 buildings on a campus, or other health care facility
9 located in Illinois that is licensed under the Hospital
10 Licensing Act and has a hospital owner.

11 (2) "Hospital owner" means a not-for-profit
12 corporation that is the titleholder of a hospital, or the
13 owner of the beneficial interest in an Illinois land trust
14 that is the titleholder of a hospital.

15 (3) "Hospital affiliate" means any corporation,
16 partnership, limited partnership, joint venture, limited
17 liability company, association or other organization,
18 other than a hospital owner, that directly or indirectly
19 controls, is controlled by, or is under common control with
20 one or more hospital owners and that supports, is supported
21 by, or acts in furtherance of the exempt health care
22 purposes of at least one of those hospital owners'
23 hospitals.

24 (4) "Hospital system" means a hospital and one or more
25 other hospitals or hospital affiliates related by common
26 control or ownership.

1 (5) "Control" relating to hospital owners, hospital
2 affiliates, or hospital systems means possession, direct
3 or indirect, of the power to direct or cause the direction
4 of the management and policies of the entity, whether
5 through ownership of assets, membership interest, other
6 voting or governance rights, by contract or otherwise.

7 (6) "Hospital applicant" means a hospital owner or
8 hospital affiliate that files an application for an
9 exemption or renewal of exemption under this Section.

10 (7) "Relevant hospital entity" means (A) the hospital
11 owner, in the case of a hospital applicant that is a
12 hospital owner, and (B) at the election of a hospital
13 applicant that is a hospital affiliate, either (i) the
14 hospital affiliate or (ii) the hospital system to which the
15 hospital applicant belongs, including any hospitals or
16 hospital affiliates that are related by common control or
17 ownership.

18 (8) "Subject property" means property used for the
19 calculation under subsection (b) of this Section.

20 (9) "Hospital year" means the fiscal year of the
21 relevant hospital entity, or the fiscal year of one of the
22 hospital owners in the hospital system if the relevant
23 hospital entity is a hospital system with members with
24 different fiscal years, that ends in the year for which the
25 exemption is sought.

26 (Source: P.A. 97-688, eff. 6-14-12; 98-463, eff. 8-16-13.)

1 (35 ILCS 120/2-10)

2 Sec. 2-10. Rate of tax. Unless otherwise provided in this
3 Section, the tax imposed by this Act is at the rate of 6.25% of
4 gross receipts from sales of tangible personal property made in
5 the course of business.

6 Beginning on July 1, 2000 and through December 31, 2000,
7 with respect to motor fuel, as defined in Section 1.1 of the
8 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of
9 the Use Tax Act, the tax is imposed at the rate of 1.25%.

10 Beginning on August 6, 2010 through August 15, 2010, with
11 respect to sales tax holiday items as defined in Section 2-8 of
12 this Act, the tax is imposed at the rate of 1.25%.

13 Within 14 days after the effective date of this amendatory
14 Act of the 91st General Assembly, each retailer of motor fuel
15 and gasohol shall cause the following notice to be posted in a
16 prominently visible place on each retail dispensing device that
17 is used to dispense motor fuel or gasohol in the State of
18 Illinois: "As of July 1, 2000, the State of Illinois has
19 eliminated the State's share of sales tax on motor fuel and
20 gasohol through December 31, 2000. The price on this pump
21 should reflect the elimination of the tax." The notice shall be
22 printed in bold print on a sign that is no smaller than 4
23 inches by 8 inches. The sign shall be clearly visible to
24 customers. Any retailer who fails to post or maintain a
25 required sign through December 31, 2000 is guilty of a petty

1 offense for which the fine shall be \$500 per day per each
2 retail premises where a violation occurs.

3 With respect to gasohol, as defined in the Use Tax Act, the
4 tax imposed by this Act applies to (i) 70% of the proceeds of
5 sales made on or after January 1, 1990, and before July 1,
6 2003, (ii) 80% of the proceeds of sales made on or after July
7 1, 2003 and on or before December 31, 2018, and (iii) 100% of
8 the proceeds of sales made thereafter. If, at any time,
9 however, the tax under this Act on sales of gasohol, as defined
10 in the Use Tax Act, is imposed at the rate of 1.25%, then the
11 tax imposed by this Act applies to 100% of the proceeds of
12 sales of gasohol made during that time.

13 With respect to majority blended ethanol fuel, as defined
14 in the Use Tax Act, the tax imposed by this Act does not apply
15 to the proceeds of sales made on or after July 1, 2003 and on or
16 before December 31, 2018 but applies to 100% of the proceeds of
17 sales made thereafter.

18 With respect to biodiesel blends, as defined in the Use Tax
19 Act, with no less than 1% and no more than 10% biodiesel, the
20 tax imposed by this Act applies to (i) 80% of the proceeds of
21 sales made on or after July 1, 2003 and on or before December
22 31, 2018 and (ii) 100% of the proceeds of sales made
23 thereafter. If, at any time, however, the tax under this Act on
24 sales of biodiesel blends, as defined in the Use Tax Act, with
25 no less than 1% and no more than 10% biodiesel is imposed at
26 the rate of 1.25%, then the tax imposed by this Act applies to

1 100% of the proceeds of sales of biodiesel blends with no less
2 than 1% and no more than 10% biodiesel made during that time.

3 With respect to 100% biodiesel, as defined in the Use Tax
4 Act, and biodiesel blends, as defined in the Use Tax Act, with
5 more than 10% but no more than 99% biodiesel, the tax imposed
6 by this Act does not apply to the proceeds of sales made on or
7 after July 1, 2003 and on or before December 31, 2018 but
8 applies to 100% of the proceeds of sales made thereafter.

9 With respect to food for human consumption that is to be
10 consumed off the premises where it is sold (other than
11 alcoholic beverages, soft drinks, and food that has been
12 prepared for immediate consumption) and prescription and
13 nonprescription medicines, drugs, medical appliances,
14 modifications to a motor vehicle for the purpose of rendering
15 it usable by a person with a disability ~~disabled person~~, and
16 insulin, urine testing materials, syringes, and needles used by
17 diabetics, for human use, the tax is imposed at the rate of 1%.
18 For the purposes of this Section, until September 1, 2009: the
19 term "soft drinks" means any complete, finished, ready-to-use,
20 non-alcoholic drink, whether carbonated or not, including but
21 not limited to soda water, cola, fruit juice, vegetable juice,
22 carbonated water, and all other preparations commonly known as
23 soft drinks of whatever kind or description that are contained
24 in any closed or sealed bottle, can, carton, or container,
25 regardless of size; but "soft drinks" does not include coffee,
26 tea, non-carbonated water, infant formula, milk or milk

1 products as defined in the Grade A Pasteurized Milk and Milk
2 Products Act, or drinks containing 50% or more natural fruit or
3 vegetable juice.

4 Notwithstanding any other provisions of this Act,
5 beginning September 1, 2009, "soft drinks" means non-alcoholic
6 beverages that contain natural or artificial sweeteners. "Soft
7 drinks" do not include beverages that contain milk or milk
8 products, soy, rice or similar milk substitutes, or greater
9 than 50% of vegetable or fruit juice by volume.

10 Until August 1, 2009, and notwithstanding any other
11 provisions of this Act, "food for human consumption that is to
12 be consumed off the premises where it is sold" includes all
13 food sold through a vending machine, except soft drinks and
14 food products that are dispensed hot from a vending machine,
15 regardless of the location of the vending machine. Beginning
16 August 1, 2009, and notwithstanding any other provisions of
17 this Act, "food for human consumption that is to be consumed
18 off the premises where it is sold" includes all food sold
19 through a vending machine, except soft drinks, candy, and food
20 products that are dispensed hot from a vending machine,
21 regardless of the location of the vending machine.

22 Notwithstanding any other provisions of this Act,
23 beginning September 1, 2009, "food for human consumption that
24 is to be consumed off the premises where it is sold" does not
25 include candy. For purposes of this Section, "candy" means a
26 preparation of sugar, honey, or other natural or artificial

1 sweeteners in combination with chocolate, fruits, nuts or other
2 ingredients or flavorings in the form of bars, drops, or
3 pieces. "Candy" does not include any preparation that contains
4 flour or requires refrigeration.

5 Notwithstanding any other provisions of this Act,
6 beginning September 1, 2009, "nonprescription medicines and
7 drugs" does not include grooming and hygiene products. For
8 purposes of this Section, "grooming and hygiene products"
9 includes, but is not limited to, soaps and cleaning solutions,
10 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan
11 lotions and screens, unless those products are available by
12 prescription only, regardless of whether the products meet the
13 definition of "over-the-counter-drugs". For the purposes of
14 this paragraph, "over-the-counter-drug" means a drug for human
15 use that contains a label that identifies the product as a drug
16 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"
17 label includes:

18 (A) A "Drug Facts" panel; or

19 (B) A statement of the "active ingredient(s)" with a
20 list of those ingredients contained in the compound,
21 substance or preparation.

22 Beginning on the effective date of this amendatory Act of
23 the 98th General Assembly, "prescription and nonprescription
24 medicines and drugs" includes medical cannabis purchased from a
25 registered dispensing organization under the Compassionate Use
26 of Medical Cannabis Pilot Program Act.

1 (Source: P.A. 97-636, eff. 6-1-12; 98-122, eff. 1-1-14.)

2 Section 325. The Property Tax Code is amended by changing
3 Sections 9-275, 15-10, 15-86, 15-165, 15-168, 15-169, 15-172,
4 15-175, 18-185, 20-15, and 21-27 as follows:

5 (35 ILCS 200/9-275)

6 Sec. 9-275. Erroneous homestead exemptions.

7 (a) For purposes of this Section:

8 "Erroneous homestead exemption" means a homestead
9 exemption that was granted for real property in a taxable year
10 if the property was not eligible for that exemption in that
11 taxable year. If the taxpayer receives an erroneous homestead
12 exemption under a single Section of this Code for the same
13 property in multiple years, that exemption is considered a
14 single erroneous homestead exemption for purposes of this
15 Section. However, if the taxpayer receives erroneous homestead
16 exemptions under multiple Sections of this Code for the same
17 property, or if the taxpayer receives erroneous homestead
18 exemptions under the same Section of this Code for multiple
19 properties, then each of those exemptions is considered a
20 separate erroneous homestead exemption for purposes of this
21 Section.

22 "Homestead exemption" means an exemption under Section
23 15-165 (veterans with disabilities ~~disabled veterans~~), 15-167
24 (returning veterans), 15-168 (persons with disabilities

1 ~~disabled persons~~), 15-169 (standard homestead for veterans
2 with disabilities ~~disabled veterans standard homestead~~),
3 15-170 (senior citizens), 15-172 (senior citizens assessment
4 freeze), 15-175 (general homestead), 15-176 (alternative
5 general homestead), or 15-177 (long-time occupant).

6 "Erroneous exemption principal amount" means the total
7 difference between the property taxes actually billed to a
8 property index number and the amount of property taxes that
9 would have been billed but for the erroneous exemption or
10 exemptions.

11 "Taxpayer" means the property owner or leasehold owner that
12 erroneously received a homestead exemption upon property.

13 (b) Notwithstanding any other provision of law, in counties
14 with 3,000,000 or more inhabitants, the chief county assessment
15 officer shall include the following information with each
16 assessment notice sent in a general assessment year: (1) a list
17 of each homestead exemption available under Article 15 of this
18 Code and a description of the eligibility criteria for that
19 exemption; (2) a list of each homestead exemption applied to
20 the property in the current assessment year; (3) information
21 regarding penalties and interest that may be incurred under
22 this Section if the taxpayer received an erroneous homestead
23 exemption in a previous taxable year; and (4) notice of the
24 60-day grace period available under this subsection. If, within
25 60 days after receiving his or her assessment notice, the
26 taxpayer notifies the chief county assessment officer that he

1 or she received an erroneous homestead exemption in a previous
2 taxable year, and if the taxpayer pays the erroneous exemption
3 principal amount, plus interest as provided in subsection (f),
4 then the taxpayer shall not be liable for the penalties
5 provided in subsection (f) with respect to that exemption.

6 (c) In counties with 3,000,000 or more inhabitants, when
7 the chief county assessment officer determines that one or more
8 erroneous homestead exemptions was applied to the property, the
9 erroneous exemption principal amount, together with all
10 applicable interest and penalties as provided in subsections
11 (f) and (j), shall constitute a lien in the name of the People
12 of Cook County on the property receiving the erroneous
13 homestead exemption. Upon becoming aware of the existence of
14 one or more erroneous homestead exemptions, the chief county
15 assessment officer shall cause to be served, by both regular
16 mail and certified mail, a notice of discovery as set forth in
17 subsection (c-5). The chief county assessment officer in a
18 county with 3,000,000 or more inhabitants may cause a lien to
19 be recorded against property that (1) is located in the county
20 and (2) received one or more erroneous homestead exemptions if,
21 upon determination of the chief county assessment officer, the
22 taxpayer received: (A) one or 2 erroneous homestead exemptions
23 for real property, including at least one erroneous homestead
24 exemption granted for the property against which the lien is
25 sought, during any of the 3 collection years immediately prior
26 to the current collection year in which the notice of discovery

1 is served; or (B) 3 or more erroneous homestead exemptions for
2 real property, including at least one erroneous homestead
3 exemption granted for the property against which the lien is
4 sought, during any of the 6 collection years immediately prior
5 to the current collection year in which the notice of discovery
6 is served. Prior to recording the lien against the property,
7 the chief county assessment officer shall cause to be served,
8 by both regular mail and certified mail, return receipt
9 requested, on the person to whom the most recent tax bill was
10 mailed and the owner of record, a notice of intent to record a
11 lien against the property. The chief county assessment officer
12 shall cause the notice of intent to record a lien to be served
13 within 3 years from the date on which the notice of discovery
14 was served.

15 (c-5) The notice of discovery described in subsection (c)
16 shall: (1) identify, by property index number, the property for
17 which the chief county assessment officer has knowledge
18 indicating the existence of an erroneous homestead exemption;
19 (2) set forth the taxpayer's liability for principal, interest,
20 penalties, and administrative costs including, but not limited
21 to, recording fees described in subsection (f); (3) inform the
22 taxpayer that he or she will be served with a notice of intent
23 to record a lien within 3 years from the date of service of the
24 notice of discovery; and (4) inform the taxpayer that he or she
25 may pay the outstanding amount, plus interest, penalties, and
26 administrative costs at any time prior to being served with the

1 notice of intent to record a lien or within 30 days after the
2 notice of intent to record a lien is served.

3 (d) The notice of intent to record a lien described in
4 subsection (c) shall: (1) identify, by property index number,
5 the property against which the lien is being sought; (2)
6 identify each specific homestead exemption that was
7 erroneously granted and the year or years in which each
8 exemption was granted; (3) set forth the erroneous exemption
9 principal amount due and the interest amount and any penalty
10 and administrative costs due; (4) inform the taxpayer that he
11 or she may request a hearing within 30 days after service and
12 may appeal the hearing officer's ruling to the circuit court;
13 (5) inform the taxpayer that he or she may pay the erroneous
14 exemption principal amount, plus interest and penalties,
15 within 30 days after service; and (6) inform the taxpayer that,
16 if the lien is recorded against the property, the amount of the
17 lien will be adjusted to include the applicable recording fee
18 and that fees for recording a release of the lien shall be
19 incurred by the taxpayer. A lien shall not be filed pursuant to
20 this Section if the taxpayer pays the erroneous exemption
21 principal amount, plus penalties and interest, within 30 days
22 of service of the notice of intent to record a lien.

23 (e) The notice of intent to record a lien shall also
24 include a form that the taxpayer may return to the chief county
25 assessment officer to request a hearing. The taxpayer may
26 request a hearing by returning the form within 30 days after

1 service. The hearing shall be held within 90 days after the
2 taxpayer is served. The chief county assessment officer shall
3 promulgate rules of service and procedure for the hearing. The
4 chief county assessment officer must generally follow rules of
5 evidence and practices that prevail in the county circuit
6 courts, but, because of the nature of these proceedings, the
7 chief county assessment officer is not bound by those rules in
8 all particulars. The chief county assessment officer shall
9 appoint a hearing officer to oversee the hearing. The taxpayer
10 shall be allowed to present evidence to the hearing officer at
11 the hearing. After taking into consideration all the relevant
12 testimony and evidence, the hearing officer shall make an
13 administrative decision on whether the taxpayer was
14 erroneously granted a homestead exemption for the taxable year
15 in question. The taxpayer may appeal the hearing officer's
16 ruling to the circuit court of the county where the property is
17 located as a final administrative decision under the
18 Administrative Review Law.

19 (f) A lien against the property imposed under this Section
20 shall be filed with the county recorder of deeds, but may not
21 be filed sooner than 60 days after the notice of intent to
22 record a lien was delivered to the taxpayer if the taxpayer
23 does not request a hearing, or until the conclusion of the
24 hearing and all appeals if the taxpayer does request a hearing.
25 If a lien is filed pursuant to this Section and the taxpayer
26 received one or 2 erroneous homestead exemptions during any of

1 the 3 collection years immediately prior to the current
2 collection year in which the notice of discovery is served,
3 then the erroneous exemption principal amount, plus 10%
4 interest per annum or portion thereof from the date the
5 erroneous exemption principal amount would have become due if
6 properly included in the tax bill, shall be charged against the
7 property by the chief county assessment officer. However, if a
8 lien is filed pursuant to this Section and the taxpayer
9 received 3 or more erroneous homestead exemptions during any of
10 the 6 collection years immediately prior to the current
11 collection year in which the notice of discovery is served, the
12 erroneous exemption principal amount, plus a penalty of 50% of
13 the total amount of the erroneous exemption principal amount
14 for that property and 10% interest per annum or portion thereof
15 from the date the erroneous exemption principal amount would
16 have become due if properly included in the tax bill, shall be
17 charged against the property by the chief county assessment
18 officer. If a lien is filed pursuant to this Section, the
19 taxpayer shall not be liable for interest that accrues between
20 the date the notice of discovery is served and the date the
21 lien is filed. Before recording the lien with the county
22 recorder of deeds, the chief county assessment officer shall
23 adjust the amount of the lien to add administrative costs,
24 including but not limited to the applicable recording fee, to
25 the total lien amount.

26 (g) If a person received an erroneous homestead exemption

1 under Section 15-170 and: (1) the person was the spouse, child,
2 grandchild, brother, sister, niece, or nephew of the previous
3 taxpayer; and (2) the person received the property by bequest
4 or inheritance; then the person is not liable for the penalties
5 imposed under this Section for any year or years during which
6 the chief county assessment officer did not require an annual
7 application for the exemption. However, that person is
8 responsible for any interest owed under subsection (f).

9 (h) If the erroneous homestead exemption was granted as a
10 result of a clerical error or omission on the part of the chief
11 county assessment officer, and if the taxpayer has paid the tax
12 bills as received for the year in which the error occurred,
13 then the interest and penalties authorized by this Section with
14 respect to that homestead exemption shall not be chargeable to
15 the taxpayer. However, nothing in this Section shall prevent
16 the collection of the erroneous exemption principal amount due
17 and owing.

18 (i) A lien under this Section is not valid as to (1) any
19 bona fide purchaser for value without notice of the erroneous
20 homestead exemption whose rights in and to the underlying
21 parcel arose after the erroneous homestead exemption was
22 granted but before the filing of the notice of lien; or (2) any
23 mortgagee, judgment creditor, or other lienor whose rights in
24 and to the underlying parcel arose before the filing of the
25 notice of lien. A title insurance policy for the property that
26 is issued by a title company licensed to do business in the

1 State showing that the property is free and clear of any liens
2 imposed under this Section shall be prima facie evidence that
3 the taxpayer is without notice of the erroneous homestead
4 exemption. Nothing in this Section shall be deemed to impair
5 the rights of subsequent creditors and subsequent purchasers
6 under Section 30 of the Conveyances Act.

7 (j) When a lien is filed against the property pursuant to
8 this Section, the chief county assessment officer shall mail a
9 copy of the lien to the person to whom the most recent tax bill
10 was mailed and to the owner of record, and the outstanding
11 liability created by such a lien is due and payable within 30
12 days after the mailing of the lien by the chief county
13 assessment officer. This liability is deemed delinquent and
14 shall bear interest beginning on the day after the due date at
15 a rate of 1.5% per month or portion thereof. Payment shall be
16 made to the county treasurer. Upon receipt of the full amount
17 due, as determined by the chief county assessment officer, the
18 county treasurer shall distribute the amount paid as provided
19 in subsection (k). Upon presentment by the taxpayer to the
20 chief county assessment officer of proof of payment of the
21 total liability, the chief county assessment officer shall
22 provide in reasonable form a release of the lien. The release
23 of the lien provided shall clearly inform the taxpayer that it
24 is the responsibility of the taxpayer to record the lien
25 release form with the county recorder of deeds and to pay any
26 applicable recording fees.

1 (k) The county treasurer shall pay collected erroneous
2 exemption principal amounts, pro rata, to the taxing districts,
3 or their legal successors, that levied upon the subject
4 property in the taxable year or years for which the erroneous
5 homestead exemptions were granted, except as set forth in this
6 Section. The county treasurer shall deposit collected
7 penalties and interest into a special fund established by the
8 county treasurer to offset the costs of administration of the
9 provisions of this Section by the chief county assessment
10 officer's office, as appropriated by the county board. If the
11 costs of administration of this Section exceed the amount of
12 interest and penalties collected in the special fund, the chief
13 county assessor shall be reimbursed by each taxing district or
14 their legal successors for those costs. Such costs shall be
15 paid out of the funds collected by the county treasurer on
16 behalf of each taxing district pursuant to this Section.

17 (1) The chief county assessment officer in a county with
18 3,000,000 or more inhabitants shall establish an amnesty period
19 for all taxpayers owing any tax due to an erroneous homestead
20 exemption granted in a tax year prior to the 2013 tax year. The
21 amnesty period shall begin on the effective date of this
22 amendatory Act of the 98th General Assembly and shall run
23 through December 31, 2013. If, during the amnesty period, the
24 taxpayer pays the entire arrearage of taxes due for tax years
25 prior to 2013, the county clerk shall abate and not seek to
26 collect any interest or penalties that may be applicable and

1 shall not seek civil or criminal prosecution for any taxpayer
2 for tax years prior to 2013. Failure to pay all such taxes due
3 during the amnesty period established under this Section shall
4 invalidate the amnesty period for that taxpayer.

5 The chief county assessment officer in a county with
6 3,000,000 or more inhabitants shall (i) mail notice of the
7 amnesty period with the tax bills for the second installment of
8 taxes for the 2012 assessment year and (ii) as soon as possible
9 after the effective date of this amendatory Act of the 98th
10 General Assembly, publish notice of the amnesty period in a
11 newspaper of general circulation in the county. Notices shall
12 include information on the amnesty period, its purpose, and the
13 method by which to make payment.

14 Taxpayers who are a party to any criminal investigation or
15 to any civil or criminal litigation that is pending in any
16 circuit court or appellate court, or in the Supreme Court of
17 this State, for nonpayment, delinquency, or fraud in relation
18 to any property tax imposed by any taxing district located in
19 the State on the effective date of this amendatory Act of the
20 98th General Assembly may not take advantage of the amnesty
21 period.

22 A taxpayer who has claimed 3 or more homestead exemptions
23 in error shall not be eligible for the amnesty period
24 established under this subsection.

25 (Source: P.A. 98-93, eff. 7-16-13; 98-756, eff. 7-16-14;
26 98-811, eff. 1-1-15; 98-1143, eff. 1-1-15.)

1 (35 ILCS 200/15-10)

2 Sec. 15-10. Exempt property; procedures for certification.

3 (a) All property granted an exemption by the Department
4 pursuant to the requirements of Section 15-5 and described in
5 the Sections following Section 15-30 and preceding Section
6 16-5, to the extent therein limited, is exempt from taxation.
7 In order to maintain that exempt status, the titleholder or the
8 owner of the beneficial interest of any property that is exempt
9 must file with the chief county assessment officer, on or
10 before January 31 of each year (May 31 in the case of property
11 exempted by Section 15-170), an affidavit stating whether there
12 has been any change in the ownership or use of the property,
13 the status of the owner-resident, the satisfaction by a
14 relevant hospital entity of the condition for an exemption
15 under Section 15-86, or that a veteran with a disability
16 ~~disabled veteran~~ who qualifies under Section 15-165 owned and
17 used the property as of January 1 of that year. The nature of
18 any change shall be stated in the affidavit. Failure to file an
19 affidavit shall, in the discretion of the assessment officer,
20 constitute cause to terminate the exemption of that property,
21 notwithstanding any other provision of this Code. Owners of 5
22 or more such exempt parcels within a county may file a single
23 annual affidavit in lieu of an affidavit for each parcel. The
24 assessment officer, upon request, shall furnish an affidavit
25 form to the owners, in which the owner may state whether there

1 has been any change in the ownership or use of the property or
2 status of the owner or resident as of January 1 of that year.
3 The owner of 5 or more exempt parcels shall list all the
4 properties giving the same information for each parcel as
5 required of owners who file individual affidavits.

6 (b) However, titleholders or owners of the beneficial
7 interest in any property exempted under any of the following
8 provisions are not required to submit an annual filing under
9 this Section:

10 (1) Section 15-45 (burial grounds) in counties of less
11 than 3,000,000 inhabitants and owned by a not-for-profit
12 organization.

13 (2) Section 15-40.

14 (3) Section 15-50 (United States property).

15 (c) If there is a change in use or ownership, however,
16 notice must be filed pursuant to Section 15-20.

17 (d) An application for homestead exemptions shall be filed
18 as provided in Section 15-170 (senior citizens homestead
19 exemption), Section 15-172 (senior citizens assessment freeze
20 homestead exemption), and Sections 15-175 (general homestead
21 exemption), 15-176 (general alternative homestead exemption),
22 and 15-177 (long-time occupant homestead exemption),
23 respectively.

24 (e) For purposes of determining satisfaction of the
25 condition for an exemption under Section 15-86:

26 (1) The "year for which exemption is sought" is the

1 year prior to the year in which the affidavit is due.

2 (2) The "hospital year" is the fiscal year of the
3 relevant hospital entity, or the fiscal year of one of the
4 hospitals in the hospital system if the relevant hospital
5 entity is a hospital system with members with different
6 fiscal years, that ends in the year prior to the year in
7 which the affidavit is due. However, if that fiscal year
8 ends 3 months or less before the date on which the
9 affidavit is due, the relevant hospital entity shall file
10 an interim affidavit based on the currently available
11 information, and shall file a supplemental affidavit
12 within 90 days of date on which the application was due, if
13 the information in the relevant hospital entity's audited
14 financial statements changes the interim affidavit's
15 statement concerning the entity's compliance with the
16 calculation required by Section 15-86.

17 (3) The affidavit shall be accompanied by an exhibit
18 prepared by the relevant hospital entity showing (A) the
19 value of the relevant hospital entity's services and
20 activities, if any, under items (1) through (7) of
21 subsection (e) of Section 15-86, stated separately for each
22 item, and (B) the value relating to the relevant hospital
23 entity's estimated property tax liability under paragraphs
24 (A), (B), and (C) of item (1) of subsection (g) of Section
25 15-86; under paragraphs (A), (B), and (C) of item (2) of
26 subsection (g) of Section 15-86; and under item (3) of

1 subsection (g) of Section 15-86.

2 (Source: P.A. 97-688, eff. 6-14-12.)

3 (35 ILCS 200/15-86)

4 Sec. 15-86. Exemptions related to access to hospital and
5 health care services by low-income and underserved
6 individuals.

7 (a) The General Assembly finds:

8 (1) Despite the Supreme Court's decision in *Provena*
9 *Covenant Medical Center v. Dept. of Revenue*, 236 Ill.2d
10 368, there is considerable uncertainty surrounding the
11 test for charitable property tax exemption, especially
12 regarding the application of a quantitative or monetary
13 threshold. In *Provena*, the Department stated that the
14 primary basis for its decision was the hospital's
15 inadequate amount of charitable activity, but the
16 Department has not articulated what constitutes an
17 adequate amount of charitable activity. After *Provena*, the
18 Department denied property tax exemption applications of 3
19 more hospitals, and, on the effective date of this
20 amendatory Act of the 97th General Assembly, at least 20
21 other hospitals are awaiting rulings on applications for
22 property tax exemption.

23 (2) In *Provena*, two Illinois Supreme Court justices
24 opined that "setting a monetary or quantum standard is a
25 complex decision which should be left to our legislature,

1 should it so choose". The Appellate Court in *Provena*
2 stated: "The language we use in the State of Illinois to
3 determine whether real property is used for a charitable
4 purpose has its genesis in our 1870 Constitution. It is
5 obvious that such language may be difficult to apply to the
6 modern face of our nation's health care delivery systems".
7 The court noted the many significant changes in the health
8 care system since that time, but concluded that taking
9 these changes into account is a matter of public policy,
10 and "it is the legislature's job, not ours, to make public
11 policy".

12 (3) It is essential to ensure that tax exemption law
13 relating to hospitals accounts for the complexities of the
14 modern health care delivery system. Health care is moving
15 beyond the walls of the hospital. In addition to treating
16 individual patients, hospitals are assuming responsibility
17 for improving the health status of communities and
18 populations. Low-income and underserved communities
19 benefit disproportionately by these activities.

20 (4) The Supreme Court has explained that: "the
21 fundamental ground upon which all exemptions in favor of
22 charitable institutions are based is the benefit conferred
23 upon the public by them, and a consequent relief, to some
24 extent, of the burden upon the state to care for and
25 advance the interests of its citizens". Hospitals relieve
26 the burden of government in many ways, but most

1 significantly through their participation in and
2 substantial financial subsidization of the Illinois
3 Medicaid program, which could not operate without the
4 participation and partnership of Illinois hospitals.

5 (5) Working with the Illinois hospital community and
6 other interested parties, the General Assembly has
7 developed a comprehensive combination of related
8 legislation that addresses hospital property tax
9 exemption, significantly increases access to free health
10 care for indigent persons, and strengthens the Medical
11 Assistance program. It is the intent of the General
12 Assembly to establish a new category of ownership for
13 charitable property tax exemption to be applied to
14 not-for-profit hospitals and hospital affiliates in lieu
15 of the existing ownership category of "institutions of
16 public charity". It is also the intent of the General
17 Assembly to establish quantifiable standards for the
18 issuance of charitable exemptions for such property. It is
19 not the intent of the General Assembly to declare any
20 property exempt ipso facto, but rather to establish
21 criteria to be applied to the facts on a case-by-case
22 basis.

23 (b) For the purpose of this Section and Section 15-10, the
24 following terms shall have the meanings set forth below:

25 (1) "Hospital" means any institution, place, building,
26 buildings on a campus, or other health care facility

1 located in Illinois that is licensed under the Hospital
2 Licensing Act and has a hospital owner.

3 (2) "Hospital owner" means a not-for-profit
4 corporation that is the titleholder of a hospital, or the
5 owner of the beneficial interest in an Illinois land trust
6 that is the titleholder of a hospital.

7 (3) "Hospital affiliate" means any corporation,
8 partnership, limited partnership, joint venture, limited
9 liability company, association or other organization,
10 other than a hospital owner, that directly or indirectly
11 controls, is controlled by, or is under common control with
12 one or more hospital owners and that supports, is supported
13 by, or acts in furtherance of the exempt health care
14 purposes of at least one of those hospital owners'
15 hospitals.

16 (4) "Hospital system" means a hospital and one or more
17 other hospitals or hospital affiliates related by common
18 control or ownership.

19 (5) "Control" relating to hospital owners, hospital
20 affiliates, or hospital systems means possession, direct
21 or indirect, of the power to direct or cause the direction
22 of the management and policies of the entity, whether
23 through ownership of assets, membership interest, other
24 voting or governance rights, by contract or otherwise.

25 (6) "Hospital applicant" means a hospital owner or
26 hospital affiliate that files an application for a property

1 tax exemption pursuant to Section 15-5 and this Section.

2 (7) "Relevant hospital entity" means (A) the hospital
3 owner, in the case of a hospital applicant that is a
4 hospital owner, and (B) at the election of a hospital
5 applicant that is a hospital affiliate, either (i) the
6 hospital affiliate or (ii) the hospital system to which the
7 hospital applicant belongs, including any hospitals or
8 hospital affiliates that are related by common control or
9 ownership.

10 (8) "Subject property" means property for which a
11 hospital applicant files an application for an exemption
12 pursuant to Section 15-5 and this Section.

13 (9) "Hospital year" means the fiscal year of the
14 relevant hospital entity, or the fiscal year of one of the
15 hospital owners in the hospital system if the relevant
16 hospital entity is a hospital system with members with
17 different fiscal years, that ends in the year for which the
18 exemption is sought.

19 (c) A hospital applicant satisfies the conditions for an
20 exemption under this Section with respect to the subject
21 property, and shall be issued a charitable exemption for that
22 property, if the value of services or activities listed in
23 subsection (e) for the hospital year equals or exceeds the
24 relevant hospital entity's estimated property tax liability,
25 as determined under subsection (g), for the year for which
26 exemption is sought. For purposes of making the calculations

1 required by this subsection (c), if the relevant hospital
2 entity is a hospital owner that owns more than one hospital,
3 the value of the services or activities listed in subsection
4 (e) shall be calculated on the basis of only those services and
5 activities relating to the hospital that includes the subject
6 property, and the relevant hospital entity's estimated
7 property tax liability shall be calculated only with respect to
8 the properties comprising that hospital. In the case of a
9 multi-state hospital system or hospital affiliate, the value of
10 the services or activities listed in subsection (e) shall be
11 calculated on the basis of only those services and activities
12 that occur in Illinois and the relevant hospital entity's
13 estimated property tax liability shall be calculated only with
14 respect to its property located in Illinois.

15 Notwithstanding any other provisions of this Act, any
16 parcel or portion thereof, that is owned by a for-profit entity
17 whether part of the hospital system or not, or that is leased,
18 licensed or operated by a for-profit entity regardless of
19 whether healthcare services are provided on that parcel shall
20 not qualify for exemption. If a parcel has both exempt and
21 non-exempt uses, an exemption may be granted for the qualifying
22 portion of that parcel. In the case of parking lots and common
23 areas serving both exempt and non-exempt uses those parcels or
24 portions thereof may qualify for an exemption in proportion to
25 the amount of qualifying use.

26 (d) The hospital applicant shall include information in its

1 exemption application establishing that it satisfies the
2 requirements of subsection (c). For purposes of making the
3 calculations required by subsection (c), the hospital
4 applicant may for each year elect to use either (1) the value
5 of the services or activities listed in subsection (e) for the
6 hospital year or (2) the average value of those services or
7 activities for the 3 fiscal years ending with the hospital
8 year. If the relevant hospital entity has been in operation for
9 less than 3 completed fiscal years, then the latter
10 calculation, if elected, shall be performed on a pro rata
11 basis.

12 (e) Services that address the health care needs of
13 low-income or underserved individuals or relieve the burden of
14 government with regard to health care services. The following
15 services and activities shall be considered for purposes of
16 making the calculations required by subsection (c):

17 (1) Charity care. Free or discounted services provided
18 pursuant to the relevant hospital entity's financial
19 assistance policy, measured at cost, including discounts
20 provided under the Hospital Uninsured Patient Discount
21 Act.

22 (2) Health services to low-income and underserved
23 individuals. Other unreimbursed costs of the relevant
24 hospital entity for providing without charge, paying for,
25 or subsidizing goods, activities, or services for the
26 purpose of addressing the health of low-income or

1 underserved individuals. Those activities or services may
2 include, but are not limited to: financial or in-kind
3 support to affiliated or unaffiliated hospitals, hospital
4 affiliates, community clinics, or programs that treat
5 low-income or underserved individuals; paying for or
6 subsidizing health care professionals who care for
7 low-income or underserved individuals; providing or
8 subsidizing outreach or educational services to low-income
9 or underserved individuals for disease management and
10 prevention; free or subsidized goods, supplies, or
11 services needed by low-income or underserved individuals
12 because of their medical condition; and prenatal or
13 childbirth outreach to low-income or underserved persons.

14 (3) Subsidy of State or local governments. Direct or
15 indirect financial or in-kind subsidies of State or local
16 governments by the relevant hospital entity that pay for or
17 subsidize activities or programs related to health care for
18 low-income or underserved individuals.

19 (4) Support for State health care programs for
20 low-income individuals. At the election of the hospital
21 applicant for each applicable year, either (A) 10% of
22 payments to the relevant hospital entity and any hospital
23 affiliate designated by the relevant hospital entity
24 (provided that such hospital affiliate's operations
25 provide financial or operational support for or receive
26 financial or operational support from the relevant

1 hospital entity) under Medicaid or other means-tested
2 programs, including, but not limited to, General
3 Assistance, the Covering ALL KIDS Health Insurance Act, and
4 the State Children's Health Insurance Program or (B) the
5 amount of subsidy provided by the relevant hospital entity
6 and any hospital affiliate designated by the relevant
7 hospital entity (provided that such hospital affiliate's
8 operations provide financial or operational support for or
9 receive financial or operational support from the relevant
10 hospital entity) to State or local government in treating
11 Medicaid recipients and recipients of means-tested
12 programs, including but not limited to General Assistance,
13 the Covering ALL KIDS Health Insurance Act, and the State
14 Children's Health Insurance Program. The amount of subsidy
15 for purposes of this item (4) is calculated in the same
16 manner as unreimbursed costs are calculated for Medicaid
17 and other means-tested government programs in the Schedule
18 H of IRS Form 990 in effect on the effective date of this
19 amendatory Act of the 97th General Assembly; provided,
20 however, that in any event unreimbursed costs shall be net
21 of fee-for-services payments, payments pursuant to an
22 assessment, quarterly payments, and all other payments
23 included on the schedule H of the IRS form 990.

24 (5) Dual-eligible subsidy. The amount of subsidy
25 provided to government by treating dual-eligible
26 Medicare/Medicaid patients. The amount of subsidy for

1 purposes of this item (5) is calculated by multiplying the
2 relevant hospital entity's unreimbursed costs for
3 Medicare, calculated in the same manner as determined in
4 the Schedule H of IRS Form 990 in effect on the effective
5 date of this amendatory Act of the 97th General Assembly,
6 by the relevant hospital entity's ratio of dual-eligible
7 patients to total Medicare patients.

8 (6) Relief of the burden of government related to
9 health care of low-income individuals. Except to the extent
10 otherwise taken into account in this subsection, the
11 portion of unreimbursed costs of the relevant hospital
12 entity attributable to providing, paying for, or
13 subsidizing goods, activities, or services that relieve
14 the burden of government related to health care for
15 low-income individuals. Such activities or services shall
16 include, but are not limited to, providing emergency,
17 trauma, burn, neonatal, psychiatric, rehabilitation, or
18 other special services; providing medical education; and
19 conducting medical research or training of health care
20 professionals. The portion of those unreimbursed costs
21 attributable to benefiting low-income individuals shall be
22 determined using the ratio calculated by adding the
23 relevant hospital entity's costs attributable to charity
24 care, Medicaid, other means-tested government programs,
25 Medicare patients with disabilities ~~disabled Medicare~~
26 ~~patients~~ under age 65, and dual-eligible Medicare/Medicaid

1 patients and dividing that total by the relevant hospital
2 entity's total costs. Such costs for the numerator and
3 denominator shall be determined by multiplying gross
4 charges by the cost to charge ratio taken from the
5 hospitals' most recently filed Medicare cost report (CMS
6 2252-10 Worksheet C, Part I). In the case of emergency
7 services, the ratio shall be calculated using costs (gross
8 charges multiplied by the cost to charge ratio taken from
9 the hospitals' most recently filed Medicare cost report
10 (CMS 2252-10 Worksheet C, Part I)) of patients treated in
11 the relevant hospital entity's emergency department.

12 (7) Any other activity by the relevant hospital entity
13 that the Department determines relieves the burden of
14 government or addresses the health of low-income or
15 underserved individuals.

16 (f) For purposes of making the calculations required by
17 subsections (c) and (e):

18 (1) particular services or activities eligible for
19 consideration under any of the paragraphs (1) through (7)
20 of subsection (e) may not be counted under more than one of
21 those paragraphs; and

22 (2) the amount of unreimbursed costs and the amount of
23 subsidy shall not be reduced by restricted or unrestricted
24 payments received by the relevant hospital entity as
25 contributions deductible under Section 170(a) of the
26 Internal Revenue Code.

1 (g) Estimation of Exempt Property Tax Liability. The
2 estimated property tax liability used for the determination in
3 subsection (c) shall be calculated as follows:

4 (1) "Estimated property tax liability" means the
5 estimated dollar amount of property tax that would be owed,
6 with respect to the exempt portion of each of the relevant
7 hospital entity's properties that are already fully or
8 partially exempt, or for which an exemption in whole or in
9 part is currently being sought, and then aggregated as
10 applicable, as if the exempt portion of those properties
11 were subject to tax, calculated with respect to each such
12 property by multiplying:

13 (A) the lesser of (i) the actual assessed value, if
14 any, of the portion of the property for which an
15 exemption is sought or (ii) an estimated assessed value
16 of the exempt portion of such property as determined in
17 item (2) of this subsection (g), by:

18 (B) the applicable State equalization rate
19 (yielding the equalized assessed value), by

20 (C) the applicable tax rate.

21 (2) The estimated assessed value of the exempt portion
22 of the property equals the sum of (i) the estimated fair
23 market value of buildings on the property, as determined in
24 accordance with subparagraphs (A) and (B) of this item (2),
25 multiplied by the applicable assessment factor, and (ii)
26 the estimated assessed value of the land portion of the

1 property, as determined in accordance with subparagraph
2 (C).

3 (A) The "estimated fair market value of buildings
4 on the property" means the replacement value of any
5 exempt portion of buildings on the property, minus
6 depreciation, determined utilizing the cost
7 replacement method whereby the exempt square footage
8 of all such buildings is multiplied by the replacement
9 cost per square foot for Class A Average building found
10 in the most recent edition of the Marshall & Swift
11 Valuation Services Manual, adjusted by any appropriate
12 current cost and local multipliers.

13 (B) Depreciation, for purposes of calculating the
14 estimated fair market value of buildings on the
15 property, is applied by utilizing a weighted mean life
16 for the buildings based on original construction and
17 assuming a 40-year life for hospital buildings and the
18 applicable life for other types of buildings as
19 specified in the American Hospital Association
20 publication "Estimated Useful Lives of Depreciable
21 Hospital Assets". In the case of hospital buildings,
22 the remaining life is divided by 40 and this ratio is
23 multiplied by the replacement cost of the buildings to
24 obtain an estimated fair market value of buildings. If
25 a hospital building is older than 35 years, a remaining
26 life of 5 years for residual value is assumed; and if a

1 building is less than 8 years old, a remaining life of
2 32 years is assumed.

3 (C) The estimated assessed value of the land
4 portion of the property shall be determined by
5 multiplying (i) the per square foot average of the
6 assessed values of three parcels of land (not including
7 farm land, and excluding the assessed value of the
8 improvements thereon) reasonably comparable to the
9 property, by (ii) the number of square feet comprising
10 the exempt portion of the property's land square
11 footage.

12 (3) The assessment factor, State equalization rate,
13 and tax rate (including any special factors such as
14 Enterprise Zones) used in calculating the estimated
15 property tax liability shall be for the most recent year
16 that is publicly available from the applicable chief county
17 assessment officer or officers at least 90 days before the
18 end of the hospital year.

19 (4) The method utilized to calculate estimated
20 property tax liability for purposes of this Section 15-86
21 shall not be utilized for the actual valuation, assessment,
22 or taxation of property pursuant to the Property Tax Code.

23 (h) Application. Each hospital applicant applying for a
24 property tax exemption pursuant to Section 15-5 and this
25 Section shall use an application form provided by the
26 Department. The application form shall specify the records

1 required in support of the application and those records shall
2 be submitted to the Department with the application form. Each
3 application or affidavit shall contain a verification by the
4 Chief Executive Officer of the hospital applicant under oath or
5 affirmation stating that each statement in the application or
6 affidavit and each document submitted with the application or
7 affidavit are true and correct. The records submitted with the
8 application pursuant to this Section shall include an exhibit
9 prepared by the relevant hospital entity showing (A) the value
10 of the relevant hospital entity's services and activities, if
11 any, under paragraphs (1) through (7) of subsection (e) of this
12 Section stated separately for each paragraph, and (B) the value
13 relating to the relevant hospital entity's estimated property
14 tax liability under subsections (g)(1)(A), (B), and (C),
15 subsections (g)(2)(A), (B), and (C), and subsection (g)(3) of
16 this Section stated separately for each item. Such exhibit will
17 be made available to the public by the chief county assessment
18 officer. Nothing in this Section shall be construed as limiting
19 the Attorney General's authority under the Illinois False
20 Claims Act.

21 (i) Nothing in this Section shall be construed to limit the
22 ability of otherwise eligible hospitals, hospital owners,
23 hospital affiliates, or hospital systems to obtain or maintain
24 property tax exemptions pursuant to a provision of the Property
25 Tax Code other than this Section.

26 (Source: P.A. 97-688, eff. 6-14-12.)

1 (35 ILCS 200/15-165)

2 Sec. 15-165. Veterans with disabilities ~~Disabled veterans~~.
3 Property up to an assessed value of \$100,000, owned and used
4 exclusively by a veteran with a disability ~~disabled veteran~~, or
5 the spouse or unmarried surviving spouse of the veteran, as a
6 home, is exempt. As used in this Section, a "veteran with a
7 disability" ~~disabled veteran~~ means a person who has served in
8 the Armed Forces of the United States and whose disability is
9 of such a nature that the Federal Government has authorized
10 payment for purchase or construction of Specially Adapted
11 Housing as set forth in the United States Code, Title 38,
12 Chapter 21, Section 2101.

13 The exemption applies to housing where Federal funds have
14 been used to purchase or construct special adaptations to suit
15 the veteran's disability.

16 The exemption also applies to housing that is specially
17 adapted to suit the veteran's disability, and purchased
18 entirely or in part by the proceeds of a sale, casualty loss
19 reimbursement, or other transfer of a home for which the
20 Federal Government had previously authorized payment for
21 purchase or construction as Specially Adapted Housing.

22 However, the entire proceeds of the sale, casualty loss
23 reimbursement, or other transfer of that housing shall be
24 applied to the acquisition of subsequent specially adapted
25 housing to the extent that the proceeds equal the purchase

1 price of the subsequently acquired housing.

2 Beginning with the 2015 tax year, the exemption also
3 applies to housing that is specifically constructed or adapted
4 to suit a qualifying veteran's disability if the housing or
5 adaptations are donated by a charitable organization, the
6 veteran has been approved to receive funds for the purchase or
7 construction of Specially Adapted Housing under Title 38,
8 Chapter 21, Section 2101 of the United States Code, and the
9 home has been inspected and certified by a licensed home
10 inspector to be in compliance with applicable standards set
11 forth in U.S. Department of Veterans Affairs, Veterans Benefits
12 Administration Pamphlet 26-13 Handbook for Design of Specially
13 Adapted Housing.

14 For purposes of this Section, "charitable organization"
15 means any benevolent, philanthropic, patriotic, or
16 eleemosynary entity that solicits and collects funds for
17 charitable purposes and includes each local, county, or area
18 division of that charitable organization.

19 For purposes of this Section, "unmarried surviving spouse"
20 means the surviving spouse of the veteran at any time after the
21 death of the veteran during which such surviving spouse is not
22 married.

23 This exemption must be reestablished on an annual basis by
24 certification from the Illinois Department of Veterans'
25 Affairs to the Department, which shall forward a copy of the
26 certification to local assessing officials.

1 A taxpayer who claims an exemption under Section 15-168 or
2 15-169 may not claim an exemption under this Section.

3 (Source: P.A. 98-1145, eff. 12-30-14.)

4 (35 ILCS 200/15-168)

5 Sec. 15-168. Homestead exemption for persons with
6 disabilities ~~Disabled persons' homestead exemption.~~

7 (a) Beginning with taxable year 2007, an annual homestead
8 exemption is granted to persons with disabilities ~~disabled~~
9 ~~persons~~ in the amount of \$2,000, except as provided in
10 subsection (c), to be deducted from the property's value as
11 equalized or assessed by the Department of Revenue. The person
12 with a disability ~~disabled person~~ shall receive the homestead
13 exemption upon meeting the following requirements:

14 (1) The property must be occupied as the primary
15 residence by the person with a disability ~~disabled person~~.

16 (2) The person with a disability ~~disabled person~~ must
17 be liable for paying the real estate taxes on the property.

18 (3) The person with a disability ~~disabled person~~ must
19 be an owner of record of the property or have a legal or
20 equitable interest in the property as evidenced by a
21 written instrument. In the case of a leasehold interest in
22 property, the lease must be for a single family residence.

23 A person who has a disability ~~is disabled~~ during the
24 taxable year is eligible to apply for this homestead exemption
25 during that taxable year. Application must be made during the

1 application period in effect for the county of residence. If a
2 homestead exemption has been granted under this Section and the
3 person awarded the exemption subsequently becomes a resident of
4 a facility licensed under the Nursing Home Care Act, the
5 Specialized Mental Health Rehabilitation Act of 2013, or the
6 ID/DD Community Care Act, then the exemption shall continue (i)
7 so long as the residence continues to be occupied by the
8 qualifying person's spouse or (ii) if the residence remains
9 unoccupied but is still owned by the person qualified for the
10 homestead exemption.

11 (b) For the purposes of this Section, "person with a
12 disability ~~disabled person~~" means a person unable to engage in
13 any substantial gainful activity by reason of a medically
14 determinable physical or mental impairment which can be
15 expected to result in death or has lasted or can be expected to
16 last for a continuous period of not less than 12 months.
17 Persons with disabilities ~~Disabled persons~~ filing claims under
18 this Act shall submit proof of disability in such form and
19 manner as the Department shall by rule and regulation
20 prescribe. Proof that a claimant is eligible to receive
21 disability benefits under the Federal Social Security Act shall
22 constitute proof of disability for purposes of this Act.
23 Issuance of an Illinois Person with a Disability Identification
24 Card stating that the claimant is under a Class 2 disability,
25 as defined in Section 4A of the Illinois Identification Card
26 Act, shall constitute proof that the person named thereon is a

1 person with a disability ~~disabled person~~ for purposes of this
2 Act. A person with a disability ~~disabled person~~ not covered
3 under the Federal Social Security Act and not presenting an
4 Illinois Person with a Disability Identification Card stating
5 that the claimant is under a Class 2 disability shall be
6 examined by a physician designated by the Department, and his
7 status as a person with a disability ~~disabled person~~ determined
8 using the same standards as used by the Social Security
9 Administration. The costs of any required examination shall be
10 borne by the claimant.

11 (c) For land improved with (i) an apartment building owned
12 and operated as a cooperative or (ii) a life care facility as
13 defined under Section 2 of the Life Care Facilities Act that is
14 considered to be a cooperative, the maximum reduction from the
15 value of the property, as equalized or assessed by the
16 Department, shall be multiplied by the number of apartments or
17 units occupied by a person with a disability ~~disabled person~~.
18 The person with a disability ~~disabled person~~ shall receive the
19 homestead exemption upon meeting the following requirements:

20 (1) The property must be occupied as the primary
21 residence by the person with a disability ~~disabled person~~.

22 (2) The person with a disability ~~disabled person~~ must
23 be liable by contract with the owner or owners of record
24 for paying the apportioned property taxes on the property
25 of the cooperative or life care facility. In the case of a
26 life care facility, the person with a disability ~~disabled~~

1 ~~person~~ must be liable for paying the apportioned property
2 taxes under a life care contract as defined in Section 2 of
3 the Life Care Facilities Act.

4 (3) The person with a disability ~~disabled person~~ must
5 be an owner of record of a legal or equitable interest in
6 the cooperative apartment building. A leasehold interest
7 does not meet this requirement.

8 If a homestead exemption is granted under this subsection, the
9 cooperative association or management firm shall credit the
10 savings resulting from the exemption to the apportioned tax
11 liability of the qualifying person with a disability ~~disabled~~
12 ~~person~~. The chief county assessment officer may request
13 reasonable proof that the association or firm has properly
14 credited the exemption. A person who willfully refuses to
15 credit an exemption to the qualified person with a disability
16 ~~disabled person~~ is guilty of a Class B misdemeanor.

17 (d) The chief county assessment officer shall determine the
18 eligibility of property to receive the homestead exemption
19 according to guidelines established by the Department. After a
20 person has received an exemption under this Section, an annual
21 verification of eligibility for the exemption shall be mailed
22 to the taxpayer.

23 In counties with fewer than 3,000,000 inhabitants, the
24 chief county assessment officer shall provide to each person
25 granted a homestead exemption under this Section a form to
26 designate any other person to receive a duplicate of any notice

1 of delinquency in the payment of taxes assessed and levied
2 under this Code on the person's qualifying property. The
3 duplicate notice shall be in addition to the notice required to
4 be provided to the person receiving the exemption and shall be
5 given in the manner required by this Code. The person filing
6 the request for the duplicate notice shall pay an
7 administrative fee of \$5 to the chief county assessment
8 officer. The assessment officer shall then file the executed
9 designation with the county collector, who shall issue the
10 duplicate notices as indicated by the designation. A
11 designation may be rescinded by the person with a disability
12 ~~disabled person~~ in the manner required by the chief county
13 assessment officer.

14 (e) A taxpayer who claims an exemption under Section 15-165
15 or 15-169 may not claim an exemption under this Section.

16 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-813,
17 eff. 7-13-12; 97-1064, eff. 1-1-13; 98-104, eff. 7-22-13.)

18 (35 ILCS 200/15-169)

19 Sec. 15-169. Homestead exemption for veterans with
20 disabilities ~~Disabled veterans standard homestead exemption.~~

21 (a) Beginning with taxable year 2007, an annual homestead
22 exemption, limited to the amounts set forth in subsection (b),
23 is granted for property that is used as a qualified residence
24 by a veteran with a disability ~~disabled veteran~~.

25 (b) The amount of the exemption under this Section is as

1 follows:

2 (1) for veterans with a service-connected disability
3 of at least (i) 75% for exemptions granted in taxable years
4 2007 through 2009 and (ii) 70% for exemptions granted in
5 taxable year 2010 and each taxable year thereafter, as
6 certified by the United States Department of Veterans
7 Affairs, the annual exemption is \$5,000; and

8 (2) for veterans with a service-connected disability
9 of at least 50%, but less than (i) 75% for exemptions
10 granted in taxable years 2007 through 2009 and (ii) 70% for
11 exemptions granted in taxable year 2010 and each taxable
12 year thereafter, as certified by the United States
13 Department of Veterans Affairs, the annual exemption is
14 \$2,500.

15 (b-5) If a homestead exemption is granted under this
16 Section and the person awarded the exemption subsequently
17 becomes a resident of a facility licensed under the Nursing
18 Home Care Act or a facility operated by the United States
19 Department of Veterans Affairs, then the exemption shall
20 continue (i) so long as the residence continues to be occupied
21 by the qualifying person's spouse or (ii) if the residence
22 remains unoccupied but is still owned by the person who
23 qualified for the homestead exemption.

24 (c) The tax exemption under this Section carries over to
25 the benefit of the veteran's surviving spouse as long as the
26 spouse holds the legal or beneficial title to the homestead,

1 permanently resides thereon, and does not remarry. If the
2 surviving spouse sells the property, an exemption not to exceed
3 the amount granted from the most recent ad valorem tax roll may
4 be transferred to his or her new residence as long as it is
5 used as his or her primary residence and he or she does not
6 remarry.

7 (c-1) Beginning with taxable year 2015, nothing in this
8 Section shall require the veteran to have qualified for or
9 obtained the exemption before death if the veteran was killed
10 in the line of duty.

11 (d) The exemption under this Section applies for taxable
12 year 2007 and thereafter. A taxpayer who claims an exemption
13 under Section 15-165 or 15-168 may not claim an exemption under
14 this Section.

15 (e) Each taxpayer who has been granted an exemption under
16 this Section must reapply on an annual basis. Application must
17 be made during the application period in effect for the county
18 of his or her residence. The assessor or chief county
19 assessment officer may determine the eligibility of
20 residential property to receive the homestead exemption
21 provided by this Section by application, visual inspection,
22 questionnaire, or other reasonable methods. The determination
23 must be made in accordance with guidelines established by the
24 Department.

25 (f) For the purposes of this Section:

26 "Qualified residence" means real property, but less any

1 portion of that property that is used for commercial purposes,
2 with an equalized assessed value of less than \$250,000 that is
3 the primary residence of a veteran with a disability ~~disabled~~
4 ~~veteran's primary residence~~. Property rented for more than 6
5 months is presumed to be used for commercial purposes.

6 "Veteran" means an Illinois resident who has served as a
7 member of the United States Armed Forces on active duty or
8 State active duty, a member of the Illinois National Guard, or
9 a member of the United States Reserve Forces and who has
10 received an honorable discharge.

11 (Source: P.A. 97-333, eff. 8-12-11; 98-1145, eff. 12-30-14.)

12 (35 ILCS 200/15-172)

13 Sec. 15-172. Senior Citizens Assessment Freeze Homestead
14 Exemption.

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

17 (b) As used in this Section:

18 "Applicant" means an individual who has filed an
19 application under this Section.

20 "Base amount" means the base year equalized assessed value
21 of the residence plus the first year's equalized assessed value
22 of any added improvements which increased the assessed value of
23 the residence after the base year.

24 "Base year" means the taxable year prior to the taxable
25 year for which the applicant first qualifies and applies for

1 the exemption provided that in the prior taxable year the
2 property was improved with a permanent structure that was
3 occupied as a residence by the applicant who was liable for
4 paying real property taxes on the property and who was either
5 (i) an owner of record of the property or had legal or
6 equitable interest in the property as evidenced by a written
7 instrument or (ii) had a legal or equitable interest as a
8 lessee in the parcel of property that was single family
9 residence. If in any subsequent taxable year for which the
10 applicant applies and qualifies for the exemption the equalized
11 assessed value of the residence is less than the equalized
12 assessed value in the existing base year (provided that such
13 equalized assessed value is not based on an assessed value that
14 results from a temporary irregularity in the property that
15 reduces the assessed value for one or more taxable years), then
16 that subsequent taxable year shall become the base year until a
17 new base year is established under the terms of this paragraph.
18 For taxable year 1999 only, the Chief County Assessment Officer
19 shall review (i) all taxable years for which the applicant
20 applied and qualified for the exemption and (ii) the existing
21 base year. The assessment officer shall select as the new base
22 year the year with the lowest equalized assessed value. An
23 equalized assessed value that is based on an assessed value
24 that results from a temporary irregularity in the property that
25 reduces the assessed value for one or more taxable years shall
26 not be considered the lowest equalized assessed value. The

1 selected year shall be the base year for taxable year 1999 and
2 thereafter until a new base year is established under the terms
3 of this paragraph.

4 "Chief County Assessment Officer" means the County
5 Assessor or Supervisor of Assessments of the county in which
6 the property is located.

7 "Equalized assessed value" means the assessed value as
8 equalized by the Illinois Department of Revenue.

9 "Household" means the applicant, the spouse of the
10 applicant, and all persons using the residence of the applicant
11 as their principal place of residence.

12 "Household income" means the combined income of the members
13 of a household for the calendar year preceding the taxable
14 year.

15 "Income" has the same meaning as provided in Section 3.07
16 of the Senior Citizens and Persons with Disabilities ~~Disabled~~
17 ~~Persons~~ Property Tax Relief Act, except that, beginning in
18 assessment year 2001, "income" does not include veteran's
19 benefits.

20 "Internal Revenue Code of 1986" means the United States
21 Internal Revenue Code of 1986 or any successor law or laws
22 relating to federal income taxes in effect for the year
23 preceding the taxable year.

24 "Life care facility that qualifies as a cooperative" means
25 a facility as defined in Section 2 of the Life Care Facilities
26 Act.

1 "Maximum income limitation" means:

- 2 (1) \$35,000 prior to taxable year 1999;
- 3 (2) \$40,000 in taxable years 1999 through 2003;
- 4 (3) \$45,000 in taxable years 2004 through 2005;
- 5 (4) \$50,000 in taxable years 2006 and 2007; and
- 6 (5) \$55,000 in taxable year 2008 and thereafter.

7 "Residence" means the principal dwelling place and
8 appurtenant structures used for residential purposes in this
9 State occupied on January 1 of the taxable year by a household
10 and so much of the surrounding land, constituting the parcel
11 upon which the dwelling place is situated, as is used for
12 residential purposes. If the Chief County Assessment Officer
13 has established a specific legal description for a portion of
14 property constituting the residence, then that portion of
15 property shall be deemed the residence for the purposes of this
16 Section.

17 "Taxable year" means the calendar year during which ad
18 valorem property taxes payable in the next succeeding year are
19 levied.

20 (c) Beginning in taxable year 1994, a senior citizens
21 assessment freeze homestead exemption is granted for real
22 property that is improved with a permanent structure that is
23 occupied as a residence by an applicant who (i) is 65 years of
24 age or older during the taxable year, (ii) has a household
25 income that does not exceed the maximum income limitation,
26 (iii) is liable for paying real property taxes on the property,

1 and (iv) is an owner of record of the property or has a legal or
2 equitable interest in the property as evidenced by a written
3 instrument. This homestead exemption shall also apply to a
4 leasehold interest in a parcel of property improved with a
5 permanent structure that is a single family residence that is
6 occupied as a residence by a person who (i) is 65 years of age
7 or older during the taxable year, (ii) has a household income
8 that does not exceed the maximum income limitation, (iii) has a
9 legal or equitable ownership interest in the property as
10 lessee, and (iv) is liable for the payment of real property
11 taxes on that property.

12 In counties of 3,000,000 or more inhabitants, the amount of
13 the exemption for all taxable years is the equalized assessed
14 value of the residence in the taxable year for which
15 application is made minus the base amount. In all other
16 counties, the amount of the exemption is as follows: (i)
17 through taxable year 2005 and for taxable year 2007 and
18 thereafter, the amount of this exemption shall be the equalized
19 assessed value of the residence in the taxable year for which
20 application is made minus the base amount; and (ii) for taxable
21 year 2006, the amount of the exemption is as follows:

22 (1) For an applicant who has a household income of
23 \$45,000 or less, the amount of the exemption is the
24 equalized assessed value of the residence in the taxable
25 year for which application is made minus the base amount.

26 (2) For an applicant who has a household income

1 exceeding \$45,000 but not exceeding \$46,250, the amount of
2 the exemption is (i) the equalized assessed value of the
3 residence in the taxable year for which application is made
4 minus the base amount (ii) multiplied by 0.8.

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

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

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

20 When the applicant is a surviving spouse of an applicant
21 for a prior year for the same residence for which an exemption
22 under this Section has been granted, the base year and base
23 amount for that residence are the same as for the applicant for
24 the prior year.

25 Each year at the time the assessment books are certified to
26 the County Clerk, the Board of Review or Board of Appeals shall

1 give to the County Clerk a list of the assessed values of
2 improvements on each parcel qualifying for this exemption that
3 were added after the base year for this parcel and that
4 increased the assessed value of the property.

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

24 When a homestead exemption has been granted under this
25 Section and an applicant then becomes a resident of a facility
26 licensed under the Assisted Living and Shared Housing Act, the

1 Nursing Home Care Act, the Specialized Mental Health
2 Rehabilitation Act of 2013, or the ID/DD Community Care Act,
3 the exemption shall be granted in subsequent years so long as
4 the residence (i) continues to be occupied by the qualified
5 applicant's spouse or (ii) if remaining unoccupied, is still
6 owned by the qualified applicant for the homestead exemption.

7 Beginning January 1, 1997, when an individual dies who
8 would have qualified for an exemption under this Section, and
9 the surviving spouse does not independently qualify for this
10 exemption because of age, the exemption under this Section
11 shall be granted to the surviving spouse for the taxable year
12 preceding and the taxable year of the death, provided that,
13 except for age, the surviving spouse meets all other
14 qualifications for the granting of this exemption for those
15 years.

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

19 For taxable year 1994 only, in counties having less than
20 3,000,000 inhabitants, to receive the exemption, a person shall
21 submit an application by February 15, 1995 to the Chief County
22 Assessment Officer of the county in which the property is
23 located. In counties having 3,000,000 or more inhabitants, for
24 taxable year 1994 and all subsequent taxable years, to receive
25 the exemption, a person may submit an application to the Chief
26 County Assessment Officer of the county in which the property

1 is located during such period as may be specified by the Chief
2 County Assessment Officer. The Chief County Assessment Officer
3 in counties of 3,000,000 or more inhabitants shall annually
4 give notice of the application period by mail or by
5 publication. In counties having less than 3,000,000
6 inhabitants, beginning with taxable year 1995 and thereafter,
7 to receive the exemption, a person shall submit an application
8 by July 1 of each taxable year to the Chief County Assessment
9 Officer of the county in which the property is located. A
10 county may, by ordinance, establish a date for submission of
11 applications that is different than July 1. The applicant shall
12 submit with the application an affidavit of the applicant's
13 total household income, age, marital status (and if married the
14 name and address of the applicant's spouse, if known), and
15 principal dwelling place of members of the household on January
16 1 of the taxable year. The Department shall establish, by rule,
17 a method for verifying the accuracy of affidavits filed by
18 applicants under this Section, and the Chief County Assessment
19 Officer may conduct audits of any taxpayer claiming an
20 exemption under this Section to verify that the taxpayer is
21 eligible to receive the exemption. Each application shall
22 contain or be verified by a written declaration that it is made
23 under the penalties of perjury. A taxpayer's signing a
24 fraudulent application under this Act is perjury, as defined in
25 Section 32-2 of the Criminal Code of 2012. The applications
26 shall be clearly marked as applications for the Senior Citizens

1 Assessment Freeze Homestead Exemption and must contain a notice
2 that any taxpayer who receives the exemption is subject to an
3 audit by the Chief County Assessment Officer.

4 Notwithstanding any other provision to the contrary, in
5 counties having fewer than 3,000,000 inhabitants, if an
6 applicant fails to file the application required by this
7 Section in a timely manner and this failure to file is due to a
8 mental or physical condition sufficiently severe so as to
9 render the applicant incapable of filing the application in a
10 timely manner, the Chief County Assessment Officer may extend
11 the filing deadline for a period of 30 days after the applicant
12 regains the capability to file the application, but in no case
13 may the filing deadline be extended beyond 3 months of the
14 original filing deadline. In order to receive the extension
15 provided in this paragraph, the applicant shall provide the
16 Chief County Assessment Officer with a signed statement from
17 the applicant's physician stating the nature and extent of the
18 condition, that, in the physician's opinion, the condition was
19 so severe that it rendered the applicant incapable of filing
20 the application in a timely manner, and the date on which the
21 applicant regained the capability to file the application.

22 Beginning January 1, 1998, notwithstanding any other
23 provision to the contrary, in counties having fewer than
24 3,000,000 inhabitants, if an applicant fails to file the
25 application required by this Section in a timely manner and
26 this failure to file is due to a mental or physical condition

1 sufficiently severe so as to render the applicant incapable of
2 filing the application in a timely manner, the Chief County
3 Assessment Officer may extend the filing deadline for a period
4 of 3 months. In order to receive the extension provided in this
5 paragraph, the applicant shall provide the Chief County
6 Assessment Officer with a signed statement from the applicant's
7 physician stating the nature and extent of the condition, and
8 that, in the physician's opinion, the condition was so severe
9 that it rendered the applicant incapable of filing the
10 application in a timely manner.

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

25 For purposes of this Section, a person who will be 65 years
26 of age during the current taxable year shall be eligible to

1 apply for the homestead exemption during that taxable year.
2 Application shall be made during the application period in
3 effect for the county of his or her residence.

4 The Chief County Assessment Officer may determine the
5 eligibility of a life care facility that qualifies as a
6 cooperative to receive the benefits provided by this Section by
7 use of an affidavit, application, visual inspection,
8 questionnaire, or other reasonable method in order to insure
9 that the tax savings resulting from the exemption are credited
10 by the management firm to the apportioned tax liability of each
11 qualifying resident. The Chief County Assessment Officer may
12 request reasonable proof that the management firm has so
13 credited that exemption.

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

25 Nothing contained in this Section shall prevent the
26 Director or chief county assessment officer from publishing or

1 making available reasonable statistics concerning the
2 operation of the exemption contained in this Section in which
3 the contents of claims are grouped into aggregates in such a
4 way that information contained in any individual claim shall
5 not be disclosed.

6 (d) Each Chief County Assessment Officer shall annually
7 publish a notice of availability of the exemption provided
8 under this Section. The notice shall be published at least 60
9 days but no more than 75 days prior to the date on which the
10 application must be submitted to the Chief County Assessment
11 Officer of the county in which the property is located. The
12 notice shall appear in a newspaper of general circulation in
13 the county.

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

17 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-689,
18 eff. 6-14-12; 97-813, eff. 7-13-12; 97-1150, eff. 1-25-13;
19 98-104, eff. 7-22-13.)

20 (35 ILCS 200/15-175)

21 Sec. 15-175. General homestead exemption.

22 (a) Except as provided in Sections 15-176 and 15-177,
23 homestead property is entitled to an annual homestead exemption
24 limited, except as described here with relation to
25 cooperatives, to a reduction in the equalized assessed value of

1 homestead property equal to the increase in equalized assessed
2 value for the current assessment year above the equalized
3 assessed value of the property for 1977, up to the maximum
4 reduction set forth below. If however, the 1977 equalized
5 assessed value upon which taxes were paid is subsequently
6 determined by local assessing officials, the Property Tax
7 Appeal Board, or a court to have been excessive, the equalized
8 assessed value which should have been placed on the property
9 for 1977 shall be used to determine the amount of the
10 exemption.

11 (b) Except as provided in Section 15-176, the maximum
12 reduction before taxable year 2004 shall be \$4,500 in counties
13 with 3,000,000 or more inhabitants and \$3,500 in all other
14 counties. Except as provided in Sections 15-176 and 15-177, for
15 taxable years 2004 through 2007, the maximum reduction shall be
16 \$5,000, for taxable year 2008, the maximum reduction is \$5,500,
17 and, for taxable years 2009 through 2011, the maximum reduction
18 is \$6,000 in all counties. For taxable years 2012 and
19 thereafter, the maximum reduction is \$7,000 in counties with
20 3,000,000 or more inhabitants and \$6,000 in all other counties.
21 If a county has elected to subject itself to the provisions of
22 Section 15-176 as provided in subsection (k) of that Section,
23 then, for the first taxable year only after the provisions of
24 Section 15-176 no longer apply, for owners who, for the taxable
25 year, have not been granted a senior citizens assessment freeze
26 homestead exemption under Section 15-172 or a long-time

1 occupant homestead exemption under Section 15-177, there shall
2 be an additional exemption of \$5,000 for owners with a
3 household income of \$30,000 or less.

4 (c) In counties with fewer than 3,000,000 inhabitants, if,
5 based on the most recent assessment, the equalized assessed
6 value of the homestead property for the current assessment year
7 is greater than the equalized assessed value of the property
8 for 1977, the owner of the property shall automatically receive
9 the exemption granted under this Section in an amount equal to
10 the increase over the 1977 assessment up to the maximum
11 reduction set forth in this Section.

12 (d) If in any assessment year beginning with the 2000
13 assessment year, homestead property has a pro-rata valuation
14 under Section 9-180 resulting in an increase in the assessed
15 valuation, a reduction in equalized assessed valuation equal to
16 the increase in equalized assessed value of the property for
17 the year of the pro-rata valuation above the equalized assessed
18 value of the property for 1977 shall be applied to the property
19 on a proportionate basis for the period the property qualified
20 as homestead property during the assessment year. The maximum
21 proportionate homestead exemption shall not exceed the maximum
22 homestead exemption allowed in the county under this Section
23 divided by 365 and multiplied by the number of days the
24 property qualified as homestead property.

25 (e) The chief county assessment officer may, when
26 considering whether to grant a leasehold exemption under this

1 Section, require the following conditions to be met:

2 (1) that a notarized application for the exemption,
3 signed by both the owner and the lessee of the property,
4 must be submitted each year during the application period
5 in effect for the county in which the property is located;

6 (2) that a copy of the lease must be filed with the
7 chief county assessment officer by the owner of the
8 property at the time the notarized application is
9 submitted;

10 (3) that the lease must expressly state that the lessee
11 is liable for the payment of property taxes; and

12 (4) that the lease must include the following language
13 in substantially the following form:

14 "Lessee shall be liable for the payment of real
15 estate taxes with respect to the residence in
16 accordance with the terms and conditions of Section
17 15-175 of the Property Tax Code (35 ILCS 200/15-175).
18 The permanent real estate index number for the premises
19 is (insert number), and, according to the most recent
20 property tax bill, the current amount of real estate
21 taxes associated with the premises is (insert amount)
22 per year. The parties agree that the monthly rent set
23 forth above shall be increased or decreased pro rata
24 (effective January 1 of each calendar year) to reflect
25 any increase or decrease in real estate taxes. Lessee
26 shall be deemed to be satisfying Lessee's liability for

1 the above mentioned real estate taxes with the monthly
2 rent payments as set forth above (or increased or
3 decreased as set forth herein).".

4 In addition, if there is a change in lessee, or if the
5 lessee vacates the property, then the chief county assessment
6 officer may require the owner of the property to notify the
7 chief county assessment officer of that change.

8 This subsection (e) does not apply to leasehold interests
9 in property owned by a municipality.

10 (f) "Homestead property" under this Section includes
11 residential property that is occupied by its owner or owners as
12 his or their principal dwelling place, or that is a leasehold
13 interest on which a single family residence is situated, which
14 is occupied as a residence by a person who has an ownership
15 interest therein, legal or equitable or as a lessee, and on
16 which the person is liable for the payment of property taxes.
17 For land improved with an apartment building owned and operated
18 as a cooperative or a building which is a life care facility as
19 defined in Section 15-170 and considered to be a cooperative
20 under Section 15-170, the maximum reduction from the equalized
21 assessed value shall be limited to the increase in the value
22 above the equalized assessed value of the property for 1977, up
23 to the maximum reduction set forth above, multiplied by the
24 number of apartments or units occupied by a person or persons
25 who is liable, by contract with the owner or owners of record,
26 for paying property taxes on the property and is an owner of

1 record of a legal or equitable interest in the cooperative
2 apartment building, other than a leasehold interest. For
3 purposes of this Section, the term "life care facility" has the
4 meaning stated in Section 15-170.

5 "Household", as used in this Section, means the owner, the
6 spouse of the owner, and all persons using the residence of the
7 owner as their principal place of residence.

8 "Household income", as used in this Section, means the
9 combined income of the members of a household for the calendar
10 year preceding the taxable year.

11 "Income", as used in this Section, has the same meaning as
12 provided in Section 3.07 of the Senior Citizens and Persons
13 with Disabilities ~~Disabled Persons~~ Property Tax Relief Act,
14 except that "income" does not include veteran's benefits.

15 (g) In a cooperative where a homestead exemption has been
16 granted, the cooperative association or its management firm
17 shall credit the savings resulting from that exemption only to
18 the apportioned tax liability of the owner who qualified for
19 the exemption. Any person who willfully refuses to so credit
20 the savings shall be guilty of a Class B misdemeanor.

21 (h) Where married persons maintain and reside in separate
22 residences qualifying as homestead property, each residence
23 shall receive 50% of the total reduction in equalized assessed
24 valuation provided by this Section.

25 (i) In all counties, the assessor or chief county
26 assessment officer may determine the eligibility of

1 residential property to receive the homestead exemption and the
2 amount of the exemption by application, visual inspection,
3 questionnaire or other reasonable methods. The determination
4 shall be made in accordance with guidelines established by the
5 Department, provided that the taxpayer applying for an
6 additional general exemption under this Section shall submit to
7 the chief county assessment officer an application with an
8 affidavit of the applicant's total household income, age,
9 marital status (and, if married, the name and address of the
10 applicant's spouse, if known), and principal dwelling place of
11 members of the household on January 1 of the taxable year. The
12 Department shall issue guidelines establishing a method for
13 verifying the accuracy of the affidavits filed by applicants
14 under this paragraph. The applications shall be clearly marked
15 as applications for the Additional General Homestead
16 Exemption.

17 (j) In counties with fewer than 3,000,000 inhabitants, in
18 the event of a sale of homestead property the homestead
19 exemption shall remain in effect for the remainder of the
20 assessment year of the sale. The assessor or chief county
21 assessment officer may require the new owner of the property to
22 apply for the homestead exemption for the following assessment
23 year.

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

1 (Source: P.A. 97-689, eff. 6-14-12; 97-1125, eff. 8-28-12;
2 98-7, eff. 4-23-13; 98-463, eff. 8-16-13.)

3 (35 ILCS 200/18-185)

4 Sec. 18-185. Short title; definitions. This Division 5 may
5 be cited as the Property Tax Extension Limitation Law. As used
6 in this Division 5:

7 "Consumer Price Index" means the Consumer Price Index for
8 All Urban Consumers for all items published by the United
9 States Department of Labor.

10 "Extension limitation" means (a) the lesser of 5% or the
11 percentage increase in the Consumer Price Index during the
12 12-month calendar year preceding the levy year or (b) the rate
13 of increase approved by voters under Section 18-205.

14 "Affected county" means a county of 3,000,000 or more
15 inhabitants or a county contiguous to a county of 3,000,000 or
16 more inhabitants.

17 "Taxing district" has the same meaning provided in Section
18 1-150, except as otherwise provided in this Section. For the
19 1991 through 1994 levy years only, "taxing district" includes
20 only each non-home rule taxing district having the majority of
21 its 1990 equalized assessed value within any county or counties
22 contiguous to a county with 3,000,000 or more inhabitants.
23 Beginning with the 1995 levy year, "taxing district" includes
24 only each non-home rule taxing district subject to this Law
25 before the 1995 levy year and each non-home rule taxing

1 district not subject to this Law before the 1995 levy year
2 having the majority of its 1994 equalized assessed value in an
3 affected county or counties. Beginning with the levy year in
4 which this Law becomes applicable to a taxing district as
5 provided in Section 18-213, "taxing district" also includes
6 those taxing districts made subject to this Law as provided in
7 Section 18-213.

8 "Aggregate extension" for taxing districts to which this
9 Law applied before the 1995 levy year means the annual
10 corporate extension for the taxing district and those special
11 purpose extensions that are made annually for the taxing
12 district, excluding special purpose extensions: (a) made for
13 the taxing district to pay interest or principal on general
14 obligation bonds that were approved by referendum; (b) made for
15 any taxing district to pay interest or principal on general
16 obligation bonds issued before October 1, 1991; (c) made for
17 any taxing district to pay interest or principal on bonds
18 issued to refund or continue to refund those bonds issued
19 before October 1, 1991; (d) made for any taxing district to pay
20 interest or principal on bonds issued to refund or continue to
21 refund bonds issued after October 1, 1991 that were approved by
22 referendum; (e) made for any taxing district to pay interest or
23 principal on revenue bonds issued before October 1, 1991 for
24 payment of which a property tax levy or the full faith and
25 credit of the unit of local government is pledged; however, a
26 tax for the payment of interest or principal on those bonds

1 shall be made only after the governing body of the unit of
2 local government finds that all other sources for payment are
3 insufficient to make those payments; (f) made for payments
4 under a building commission lease when the lease payments are
5 for the retirement of bonds issued by the commission before
6 October 1, 1991, to pay for the building project; (g) made for
7 payments due under installment contracts entered into before
8 October 1, 1991; (h) made for payments of principal and
9 interest on bonds issued under the Metropolitan Water
10 Reclamation District Act to finance construction projects
11 initiated before October 1, 1991; (i) made for payments of
12 principal and interest on limited bonds, as defined in Section
13 3 of the Local Government Debt Reform Act, in an amount not to
14 exceed the debt service extension base less the amount in items
15 (b), (c), (e), and (h) of this definition for non-referendum
16 obligations, except obligations initially issued pursuant to
17 referendum; (j) made for payments of principal and interest on
18 bonds issued under Section 15 of the Local Government Debt
19 Reform Act; (k) made by a school district that participates in
20 the Special Education District of Lake County, created by
21 special education joint agreement under Section 10-22.31 of the
22 School Code, for payment of the school district's share of the
23 amounts required to be contributed by the Special Education
24 District of Lake County to the Illinois Municipal Retirement
25 Fund under Article 7 of the Illinois Pension Code; the amount
26 of any extension under this item (k) shall be certified by the

1 school district to the county clerk; (l) made to fund expenses
2 of providing joint recreational programs for persons with
3 disabilities ~~the handicapped~~ under Section 5-8 of the Park
4 District Code or Section 11-95-14 of the Illinois Municipal
5 Code; (m) made for temporary relocation loan repayment purposes
6 pursuant to Sections 2-3.77 and 17-2.2d of the School Code; (n)
7 made for payment of principal and interest on any bonds issued
8 under the authority of Section 17-2.2d of the School Code; (o)
9 made for contributions to a firefighter's pension fund created
10 under Article 4 of the Illinois Pension Code, to the extent of
11 the amount certified under item (5) of Section 4-134 of the
12 Illinois Pension Code; and (p) made for road purposes in the
13 first year after a township assumes the rights, powers, duties,
14 assets, property, liabilities, obligations, and
15 responsibilities of a road district abolished under the
16 provisions of Section 6-133 of the Illinois Highway Code.

17 "Aggregate extension" for the taxing districts to which
18 this Law did not apply before the 1995 levy year (except taxing
19 districts subject to this Law in accordance with Section
20 18-213) means the annual corporate extension for the taxing
21 district and those special purpose extensions that are made
22 annually for the taxing district, excluding special purpose
23 extensions: (a) made for the taxing district to pay interest or
24 principal on general obligation bonds that were approved by
25 referendum; (b) made for any taxing district to pay interest or
26 principal on general obligation bonds issued before March 1,

1 1995; (c) made for any taxing district to pay interest or
2 principal on bonds issued to refund or continue to refund those
3 bonds issued before March 1, 1995; (d) made for any taxing
4 district to pay interest or principal on bonds issued to refund
5 or continue to refund bonds issued after March 1, 1995 that
6 were approved by referendum; (e) made for any taxing district
7 to pay interest or principal on revenue bonds issued before
8 March 1, 1995 for payment of which a property tax levy or the
9 full faith and credit of the unit of local government is
10 pledged; however, a tax for the payment of interest or
11 principal on those bonds shall be made only after the governing
12 body of the unit of local government finds that all other
13 sources for payment are insufficient to make those payments;
14 (f) made for payments under a building commission lease when
15 the lease payments are for the retirement of bonds issued by
16 the commission before March 1, 1995 to pay for the building
17 project; (g) made for payments due under installment contracts
18 entered into before March 1, 1995; (h) made for payments of
19 principal and interest on bonds issued under the Metropolitan
20 Water Reclamation District Act to finance construction
21 projects initiated before October 1, 1991; (h-4) made for
22 stormwater management purposes by the Metropolitan Water
23 Reclamation District of Greater Chicago under Section 12 of the
24 Metropolitan Water Reclamation District Act; (i) made for
25 payments of principal and interest on limited bonds, as defined
26 in Section 3 of the Local Government Debt Reform Act, in an

1 amount not to exceed the debt service extension base less the
2 amount in items (b), (c), and (e) of this definition for
3 non-referendum obligations, except obligations initially
4 issued pursuant to referendum and bonds described in subsection
5 (h) of this definition; (j) made for payments of principal and
6 interest on bonds issued under Section 15 of the Local
7 Government Debt Reform Act; (k) made for payments of principal
8 and interest on bonds authorized by Public Act 88-503 and
9 issued under Section 20a of the Chicago Park District Act for
10 aquarium or museum projects; (l) made for payments of principal
11 and interest on bonds authorized by Public Act 87-1191 or
12 93-601 and (i) issued pursuant to Section 21.2 of the Cook
13 County Forest Preserve District Act, (ii) issued under Section
14 42 of the Cook County Forest Preserve District Act for
15 zoological park projects, or (iii) issued under Section 44.1 of
16 the Cook County Forest Preserve District Act for botanical
17 gardens projects; (m) made pursuant to Section 34-53.5 of the
18 School Code, whether levied annually or not; (n) made to fund
19 expenses of providing joint recreational programs for persons
20 with disabilities ~~the handicapped~~ under Section 5-8 of the Park
21 District Code or Section 11-95-14 of the Illinois Municipal
22 Code; (o) made by the Chicago Park District for recreational
23 programs for persons with disabilities ~~the handicapped~~ under
24 subsection (c) of Section 7.06 of the Chicago Park District
25 Act; (p) made for contributions to a firefighter's pension fund
26 created under Article 4 of the Illinois Pension Code, to the

1 extent of the amount certified under item (5) of Section 4-134
2 of the Illinois Pension Code; and (q) made by Ford Heights
3 School District 169 under Section 17-9.02 of the School Code.

4 "Aggregate extension" for all taxing districts to which
5 this Law applies in accordance with Section 18-213, except for
6 those taxing districts subject to paragraph (2) of subsection
7 (e) of Section 18-213, means the annual corporate extension for
8 the taxing district and those special purpose extensions that
9 are made annually for the taxing district, excluding special
10 purpose extensions: (a) made for the taxing district to pay
11 interest or principal on general obligation bonds that were
12 approved by referendum; (b) made for any taxing district to pay
13 interest or principal on general obligation bonds issued before
14 the date on which the referendum making this Law applicable to
15 the taxing district is held; (c) made for any taxing district
16 to pay interest or principal on bonds issued to refund or
17 continue to refund those bonds issued before the date on which
18 the referendum making this Law applicable to the taxing
19 district is held; (d) made for any taxing district to pay
20 interest or principal on bonds issued to refund or continue to
21 refund bonds issued after the date on which the referendum
22 making this Law applicable to the taxing district is held if
23 the bonds were approved by referendum after the date on which
24 the referendum making this Law applicable to the taxing
25 district is held; (e) made for any taxing district to pay
26 interest or principal on revenue bonds issued before the date

1 on which the referendum making this Law applicable to the
2 taxing district is held for payment of which a property tax
3 levy or the full faith and credit of the unit of local
4 government is pledged; however, a tax for the payment of
5 interest or principal on those bonds shall be made only after
6 the governing body of the unit of local government finds that
7 all other sources for payment are insufficient to make those
8 payments; (f) made for payments under a building commission
9 lease when the lease payments are for the retirement of bonds
10 issued by the commission before the date on which the
11 referendum making this Law applicable to the taxing district is
12 held to pay for the building project; (g) made for payments due
13 under installment contracts entered into before the date on
14 which the referendum making this Law applicable to the taxing
15 district is held; (h) made for payments of principal and
16 interest on limited bonds, as defined in Section 3 of the Local
17 Government Debt Reform Act, in an amount not to exceed the debt
18 service extension base less the amount in items (b), (c), and
19 (e) of this definition for non-referendum obligations, except
20 obligations initially issued pursuant to referendum; (i) made
21 for payments of principal and interest on bonds issued under
22 Section 15 of the Local Government Debt Reform Act; (j) made
23 for a qualified airport authority to pay interest or principal
24 on general obligation bonds issued for the purpose of paying
25 obligations due under, or financing airport facilities
26 required to be acquired, constructed, installed or equipped

1 pursuant to, contracts entered into before March 1, 1996 (but
2 not including any amendments to such a contract taking effect
3 on or after that date); (k) made to fund expenses of providing
4 joint recreational programs for persons with disabilities ~~the~~
5 ~~handicapped~~ under Section 5-8 of the Park District Code or
6 Section 11-95-14 of the Illinois Municipal Code; (l) made for
7 contributions to a firefighter's pension fund created under
8 Article 4 of the Illinois Pension Code, to the extent of the
9 amount certified under item (5) of Section 4-134 of the
10 Illinois Pension Code; and (m) made for the taxing district to
11 pay interest or principal on general obligation bonds issued
12 pursuant to Section 19-3.10 of the School Code.

13 "Aggregate extension" for all taxing districts to which
14 this Law applies in accordance with paragraph (2) of subsection
15 (e) of Section 18-213 means the annual corporate extension for
16 the taxing district and those special purpose extensions that
17 are made annually for the taxing district, excluding special
18 purpose extensions: (a) made for the taxing district to pay
19 interest or principal on general obligation bonds that were
20 approved by referendum; (b) made for any taxing district to pay
21 interest or principal on general obligation bonds issued before
22 the effective date of this amendatory Act of 1997; (c) made for
23 any taxing district to pay interest or principal on bonds
24 issued to refund or continue to refund those bonds issued
25 before the effective date of this amendatory Act of 1997; (d)
26 made for any taxing district to pay interest or principal on

1 bonds issued to refund or continue to refund bonds issued after
2 the effective date of this amendatory Act of 1997 if the bonds
3 were approved by referendum after the effective date of this
4 amendatory Act of 1997; (e) made for any taxing district to pay
5 interest or principal on revenue bonds issued before the
6 effective date of this amendatory Act of 1997 for payment of
7 which a property tax levy or the full faith and credit of the
8 unit of local government is pledged; however, a tax for the
9 payment of interest or principal on those bonds shall be made
10 only after the governing body of the unit of local government
11 finds that all other sources for payment are insufficient to
12 make those payments; (f) made for payments under a building
13 commission lease when the lease payments are for the retirement
14 of bonds issued by the commission before the effective date of
15 this amendatory Act of 1997 to pay for the building project;
16 (g) made for payments due under installment contracts entered
17 into before the effective date of this amendatory Act of 1997;
18 (h) made for payments of principal and interest on limited
19 bonds, as defined in Section 3 of the Local Government Debt
20 Reform Act, in an amount not to exceed the debt service
21 extension base less the amount in items (b), (c), and (e) of
22 this definition for non-referendum obligations, except
23 obligations initially issued pursuant to referendum; (i) made
24 for payments of principal and interest on bonds issued under
25 Section 15 of the Local Government Debt Reform Act; (j) made
26 for a qualified airport authority to pay interest or principal

1 on general obligation bonds issued for the purpose of paying
2 obligations due under, or financing airport facilities
3 required to be acquired, constructed, installed or equipped
4 pursuant to, contracts entered into before March 1, 1996 (but
5 not including any amendments to such a contract taking effect
6 on or after that date); (k) made to fund expenses of providing
7 joint recreational programs for persons with disabilities ~~the~~
8 ~~handicapped~~ under Section 5-8 of the Park District Code or
9 Section 11-95-14 of the Illinois Municipal Code; and (l) made
10 for contributions to a firefighter's pension fund created under
11 Article 4 of the Illinois Pension Code, to the extent of the
12 amount certified under item (5) of Section 4-134 of the
13 Illinois Pension Code.

14 "Debt service extension base" means an amount equal to that
15 portion of the extension for a taxing district for the 1994
16 levy year, or for those taxing districts subject to this Law in
17 accordance with Section 18-213, except for those subject to
18 paragraph (2) of subsection (e) of Section 18-213, for the levy
19 year in which the referendum making this Law applicable to the
20 taxing district is held, or for those taxing districts subject
21 to this Law in accordance with paragraph (2) of subsection (e)
22 of Section 18-213 for the 1996 levy year, constituting an
23 extension for payment of principal and interest on bonds issued
24 by the taxing district without referendum, but not including
25 excluded non-referendum bonds. For park districts (i) that were
26 first subject to this Law in 1991 or 1995 and (ii) whose

1 extension for the 1994 levy year for the payment of principal
2 and interest on bonds issued by the park district without
3 referendum (but not including excluded non-referendum bonds)
4 was less than 51% of the amount for the 1991 levy year
5 constituting an extension for payment of principal and interest
6 on bonds issued by the park district without referendum (but
7 not including excluded non-referendum bonds), "debt service
8 extension base" means an amount equal to that portion of the
9 extension for the 1991 levy year constituting an extension for
10 payment of principal and interest on bonds issued by the park
11 district without referendum (but not including excluded
12 non-referendum bonds). A debt service extension base
13 established or increased at any time pursuant to any provision
14 of this Law, except Section 18-212, shall be increased each
15 year commencing with the later of (i) the 2009 levy year or
16 (ii) the first levy year in which this Law becomes applicable
17 to the taxing district, by the lesser of 5% or the percentage
18 increase in the Consumer Price Index during the 12-month
19 calendar year preceding the levy year. The debt service
20 extension base may be established or increased as provided
21 under Section 18-212. "Excluded non-referendum bonds" means
22 (i) bonds authorized by Public Act 88-503 and issued under
23 Section 20a of the Chicago Park District Act for aquarium and
24 museum projects; (ii) bonds issued under Section 15 of the
25 Local Government Debt Reform Act; or (iii) refunding
26 obligations issued to refund or to continue to refund

1 obligations initially issued pursuant to referendum.

2 "Special purpose extensions" include, but are not limited
3 to, extensions for levies made on an annual basis for
4 unemployment and workers' compensation, self-insurance,
5 contributions to pension plans, and extensions made pursuant to
6 Section 6-601 of the Illinois Highway Code for a road
7 district's permanent road fund whether levied annually or not.
8 The extension for a special service area is not included in the
9 aggregate extension.

10 "Aggregate extension base" means the taxing district's
11 last preceding aggregate extension as adjusted under Sections
12 18-135, 18-215, and 18-230. An adjustment under Section 18-135
13 shall be made for the 2007 levy year and all subsequent levy
14 years whenever one or more counties within which a taxing
15 district is located (i) used estimated valuations or rates when
16 extending taxes in the taxing district for the last preceding
17 levy year that resulted in the over or under extension of
18 taxes, or (ii) increased or decreased the tax extension for the
19 last preceding levy year as required by Section 18-135(c).
20 Whenever an adjustment is required under Section 18-135, the
21 aggregate extension base of the taxing district shall be equal
22 to the amount that the aggregate extension of the taxing
23 district would have been for the last preceding levy year if
24 either or both (i) actual, rather than estimated, valuations or
25 rates had been used to calculate the extension of taxes for the
26 last levy year, or (ii) the tax extension for the last

1 preceding levy year had not been adjusted as required by
2 subsection (c) of Section 18-135.

3 Notwithstanding any other provision of law, for levy year
4 2012, the aggregate extension base for West Northfield School
5 District No. 31 in Cook County shall be \$12,654,592.

6 "Levy year" has the same meaning as "year" under Section
7 1-155.

8 "New property" means (i) the assessed value, after final
9 board of review or board of appeals action, of new improvements
10 or additions to existing improvements on any parcel of real
11 property that increase the assessed value of that real property
12 during the levy year multiplied by the equalization factor
13 issued by the Department under Section 17-30, (ii) the assessed
14 value, after final board of review or board of appeals action,
15 of real property not exempt from real estate taxation, which
16 real property was exempt from real estate taxation for any
17 portion of the immediately preceding levy year, multiplied by
18 the equalization factor issued by the Department under Section
19 17-30, including the assessed value, upon final stabilization
20 of occupancy after new construction is complete, of any real
21 property located within the boundaries of an otherwise or
22 previously exempt military reservation that is intended for
23 residential use and owned by or leased to a private corporation
24 or other entity, (iii) in counties that classify in accordance
25 with Section 4 of Article IX of the Illinois Constitution, an
26 incentive property's additional assessed value resulting from

1 a scheduled increase in the level of assessment as applied to
2 the first year final board of review market value, and (iv) any
3 increase in assessed value due to oil or gas production from an
4 oil or gas well required to be permitted under the Hydraulic
5 Fracturing Regulatory Act that was not produced in or accounted
6 for during the previous levy year. In addition, the county
7 clerk in a county containing a population of 3,000,000 or more
8 shall include in the 1997 recovered tax increment value for any
9 school district, any recovered tax increment value that was
10 applicable to the 1995 tax year calculations.

11 "Qualified airport authority" means an airport authority
12 organized under the Airport Authorities Act and located in a
13 county bordering on the State of Wisconsin and having a
14 population in excess of 200,000 and not greater than 500,000.

15 "Recovered tax increment value" means, except as otherwise
16 provided in this paragraph, the amount of the current year's
17 equalized assessed value, in the first year after a
18 municipality terminates the designation of an area as a
19 redevelopment project area previously established under the
20 Tax Increment Allocation Development Act in the Illinois
21 Municipal Code, previously established under the Industrial
22 Jobs Recovery Law in the Illinois Municipal Code, previously
23 established under the Economic Development Project Area Tax
24 Increment Act of 1995, or previously established under the
25 Economic Development Area Tax Increment Allocation Act, of each
26 taxable lot, block, tract, or parcel of real property in the

1 redevelopment project area over and above the initial equalized
2 assessed value of each property in the redevelopment project
3 area. For the taxes which are extended for the 1997 levy year,
4 the recovered tax increment value for a non-home rule taxing
5 district that first became subject to this Law for the 1995
6 levy year because a majority of its 1994 equalized assessed
7 value was in an affected county or counties shall be increased
8 if a municipality terminated the designation of an area in 1993
9 as a redevelopment project area previously established under
10 the Tax Increment Allocation Development Act in the Illinois
11 Municipal Code, previously established under the Industrial
12 Jobs Recovery Law in the Illinois Municipal Code, or previously
13 established under the Economic Development Area Tax Increment
14 Allocation Act, by an amount equal to the 1994 equalized
15 assessed value of each taxable lot, block, tract, or parcel of
16 real property in the redevelopment project area over and above
17 the initial equalized assessed value of each property in the
18 redevelopment project area. In the first year after a
19 municipality removes a taxable lot, block, tract, or parcel of
20 real property from a redevelopment project area established
21 under the Tax Increment Allocation Development Act in the
22 Illinois Municipal Code, the Industrial Jobs Recovery Law in
23 the Illinois Municipal Code, or the Economic Development Area
24 Tax Increment Allocation Act, "recovered tax increment value"
25 means the amount of the current year's equalized assessed value
26 of each taxable lot, block, tract, or parcel of real property

1 removed from the redevelopment project area over and above the
2 initial equalized assessed value of that real property before
3 removal from the redevelopment project area.

4 Except as otherwise provided in this Section, "limiting
5 rate" means a fraction the numerator of which is the last
6 preceding aggregate extension base times an amount equal to one
7 plus the extension limitation defined in this Section and the
8 denominator of which is the current year's equalized assessed
9 value of all real property in the territory under the
10 jurisdiction of the taxing district during the prior levy year.
11 For those taxing districts that reduced their aggregate
12 extension for the last preceding levy year, the highest
13 aggregate extension in any of the last 3 preceding levy years
14 shall be used for the purpose of computing the limiting rate.
15 The denominator shall not include new property or the recovered
16 tax increment value. If a new rate, a rate decrease, or a
17 limiting rate increase has been approved at an election held
18 after March 21, 2006, then (i) the otherwise applicable
19 limiting rate shall be increased by the amount of the new rate
20 or shall be reduced by the amount of the rate decrease, as the
21 case may be, or (ii) in the case of a limiting rate increase,
22 the limiting rate shall be equal to the rate set forth in the
23 proposition approved by the voters for each of the years
24 specified in the proposition, after which the limiting rate of
25 the taxing district shall be calculated as otherwise provided.
26 In the case of a taxing district that obtained referendum

1 approval for an increased limiting rate on March 20, 2012, the
2 limiting rate for tax year 2012 shall be the rate that
3 generates the approximate total amount of taxes extendable for
4 that tax year, as set forth in the proposition approved by the
5 voters; this rate shall be the final rate applied by the county
6 clerk for the aggregate of all capped funds of the district for
7 tax year 2012.

8 (Source: P.A. 97-611, eff. 1-1-12; 97-1154, eff. 1-25-13; 98-6,
9 eff. 3-29-13; 98-23, eff. 6-17-13.)

10 (35 ILCS 200/20-15)

11 Sec. 20-15. Information on bill or separate statement.
12 There shall be printed on each bill, or on a separate slip
13 which shall be mailed with the bill:

14 (a) a statement itemizing the rate at which taxes have
15 been extended for each of the taxing districts in the
16 county in whose district the property is located, and in
17 those counties utilizing electronic data processing
18 equipment the dollar amount of tax due from the person
19 assessed allocable to each of those taxing districts,
20 including a separate statement of the dollar amount of tax
21 due which is allocable to a tax levied under the Illinois
22 Local Library Act or to any other tax levied by a
23 municipality or township for public library purposes,

24 (b) a separate statement for each of the taxing
25 districts of the dollar amount of tax due which is

1 allocable to a tax levied under the Illinois Pension Code
2 or to any other tax levied by a municipality or township
3 for public pension or retirement purposes,

4 (c) the total tax rate,

5 (d) the total amount of tax due, and

6 (e) the amount by which the total tax and the tax
7 allocable to each taxing district differs from the
8 taxpayer's last prior tax bill.

9 The county treasurer shall ensure that only those taxing
10 districts in which a parcel of property is located shall be
11 listed on the bill for that property.

12 In all counties the statement shall also provide:

13 (1) the property index number or other suitable
14 description,

15 (2) the assessment of the property,

16 (3) the statutory amount of each homestead exemption
17 applied to the property,

18 (4) the assessed value of the property after
19 application of all homestead exemptions,

20 (5) the equalization factors imposed by the county and
21 by the Department, and

22 (6) the equalized assessment resulting from the
23 application of the equalization factors to the basic
24 assessment.

25 In all counties which do not classify property for purposes
26 of taxation, for property on which a single family residence is

1 situated the statement shall also include a statement to
2 reflect the fair cash value determined for the property. In all
3 counties which classify property for purposes of taxation in
4 accordance with Section 4 of Article IX of the Illinois
5 Constitution, for parcels of residential property in the lowest
6 assessment classification the statement shall also include a
7 statement to reflect the fair cash value determined for the
8 property.

9 In all counties, the statement must include information
10 that certain taxpayers may be eligible for tax exemptions,
11 abatements, and other assistance programs and that, for more
12 information, taxpayers should consult with the office of their
13 township or county assessor and with the Illinois Department of
14 Revenue.

15 In all counties, the statement shall include information
16 that certain taxpayers may be eligible for the Senior Citizens
17 and Persons with Disabilities ~~Disabled Persons~~ Property Tax
18 Relief Act and that applications are available from the
19 Illinois Department on Aging.

20 In counties which use the estimated or accelerated billing
21 methods, these statements shall only be provided with the final
22 installment of taxes due. The provisions of this Section create
23 a mandatory statutory duty. They are not merely directory or
24 discretionary. The failure or neglect of the collector to mail
25 the bill, or the failure of the taxpayer to receive the bill,
26 shall not affect the validity of any tax, or the liability for

1 the payment of any tax.

2 (Source: P.A. 97-689, eff. 6-14-12; 98-93, eff. 7-16-13.)

3 (35 ILCS 200/21-27)

4 Sec. 21-27. Waiver of interest penalty.

5 (a) On the recommendation of the county treasurer, the
6 county board may adopt a resolution under which an interest
7 penalty for the delinquent payment of taxes for any year that
8 otherwise would be imposed under Section 21-15, 21-20, or 21-25
9 shall be waived in the case of any person who meets all of the
10 following criteria:

11 (1) The person is determined eligible for a grant under
12 the Senior Citizens and Persons with Disabilities ~~Disabled~~
13 ~~Persons~~ Property Tax Relief Act with respect to the taxes
14 for that year.

15 (2) The person requests, in writing, on a form approved
16 by the county treasurer, a waiver of the interest penalty,
17 and the request is filed with the county treasurer on or
18 before the first day of the month that an installment of
19 taxes is due.

20 (3) The person pays the installment of taxes due, in
21 full, on or before the third day of the month that the
22 installment is due.

23 (4) The county treasurer approves the request for a
24 waiver.

25 (b) With respect to property that qualifies as a brownfield

1 site under Section 58.2 of the Environmental Protection Act,
2 the county board, upon the recommendation of the county
3 treasurer, may adopt a resolution to waive an interest penalty
4 for the delinquent payment of taxes for any year that otherwise
5 would be imposed under Section 21-15, 21-20, or 21-25 if all of
6 the following criteria are met:

7 (1) the property has delinquent taxes and an
8 outstanding interest penalty and the amount of that
9 interest penalty is so large as to, possibly, result in all
10 of the taxes becoming uncollectible;

11 (2) the property is part of a redevelopment plan of a
12 unit of local government and that unit of local government
13 does not oppose the waiver of the interest penalty;

14 (3) the redevelopment of the property will benefit the
15 public interest by remediating the brownfield
16 contamination;

17 (4) the taxpayer delivers to the county treasurer (i) a
18 written request for a waiver of the interest penalty, on a
19 form approved by the county treasurer, and (ii) a copy of
20 the redevelopment plan for the property;

21 (5) the taxpayer pays, in full, the amount of up to the
22 amount of the first 2 installments of taxes due, to be held
23 in escrow pending the approval of the waiver, and enters
24 into an agreement with the county treasurer setting forth a
25 schedule for the payment of any remaining taxes due; and

26 (6) the county treasurer approves the request for a

1 waiver.

2 (Source: P.A. 97-655, eff. 1-13-12; 97-689, eff. 6-14-12.)

3 Section 330. The Illinois Estate and Generation-Skipping
4 Transfer Tax Act is amended by changing Section 12 as follows:

5 (35 ILCS 405/12) (from Ch. 120, par. 405A-12)

6 Sec. 12. Parent as natural guardian for purposes of
7 Sections 2032A and 2057 of the Internal Revenue Code. A parent,
8 without being appointed guardian of the person or guardian of
9 the estate, or a guardian of the estate, or, if no guardian of
10 the estate has been appointed, a guardian of the person, of any
11 minor or person with a disability ~~disabled person~~ whose
12 interest is not adverse to the minor or person with a
13 disability ~~disabled person~~, may make any election and sign,
14 without court approval, any agreement on behalf of the minor or
15 person with a disability ~~disabled person~~ under (i) Section
16 2032A of the Internal Revenue Code for the valuation of
17 property under that Section or (ii) Section 2057 of the
18 Internal Revenue Code relating to deduction of the value of
19 certain property under that Section. Any election so made, and
20 any agreement so signed, shall have the same legal force and
21 effect as if the election had been made and the agreement had
22 been signed by the minor or person with a disability ~~disabled~~
23 ~~person~~ and the minor or person with a disability ~~disabled~~
24 ~~person~~ had been legally competent.

1 This amendatory Act of the 91st General Assembly applies to
2 elections and agreements made on or after January 1, 1998 in
3 reliance on or pursuant to Section 2057 of the Internal Revenue
4 Code, and those elections and agreements made before the
5 effective date of this amendatory Act are hereby validated.

6 (Source: P.A. 91-349, eff. 7-29-99.)

7 Section 335. The Mobile Home Local Services Tax Act is
8 amended by changing Sections 7 and 7.5 as follows:

9 (35 ILCS 515/7) (from Ch. 120, par. 1207)

10 Sec. 7. The local services tax for owners of mobile homes
11 who (a) are actually residing in such mobile homes, (b) hold
12 title to such mobile home as provided in the Illinois Vehicle
13 Code, and (c) are 65 years of age or older or are persons with
14 disabilities ~~disabled persons~~ within the meaning of Section
15 3.14 of the Senior Citizens and Persons with Disabilities
16 ~~Disabled Persons~~ Property Tax Relief Act on the annual billing
17 date shall be reduced to 80 percent of the tax provided for in
18 Section 3 of this Act. Proof that a claimant has been issued an
19 Illinois Person with a Disability Identification Card stating
20 that the claimant is under a Class 2 disability, as provided in
21 Section 4A of the Illinois Identification Card Act, shall
22 constitute proof that the person thereon named is a person with
23 a disability ~~disabled person~~ within the meaning of this Act. An
24 application for reduction of the tax shall be filed with the

1 county clerk by the individuals who are entitled to the
2 reduction. If the application is filed after May 1, the
3 reduction in tax shall begin with the next annual bill.
4 Application for the reduction in tax shall be done by
5 submitting proof that the applicant has been issued an Illinois
6 Person with a Disability Identification Card designating the
7 applicant's disability as a Class 2 disability, or by affidavit
8 in substantially the following form:

9 APPLICATION FOR REDUCTION OF MOBILE HOME LOCAL SERVICES TAX

10 I hereby make application for a reduction to 80% of the
11 total tax imposed under "An Act to provide for a local services
12 tax on mobile homes".

13 (1) Senior Citizens

14 (a) I actually reside in the mobile home

15 (b) I hold title to the mobile home as provided in the
16 Illinois Vehicle Code

17 (c) I reached the age of 65 on or before either January 1
18 (or July 1) of the year in which this statement is filed. My
19 date of birth is: ...

20 (2) Persons with Disabilities ~~Disabled Persons~~

21 (a) I actually reside in the mobile home...

22 (b) I hold title to the mobile home as provided in the
23 Illinois Vehicle Code

24 (c) I became a person with a total disability ~~was totally~~
25 ~~disabled~~ on ... and have remained a person with a disability
26 ~~disabled~~ until the date of this application. My Social

1 Security, Veterans, Railroad or Civil Service Total Disability
2 Claim Number is ... The undersigned declares under the penalty
3 of perjury that the above statements are true and correct.

4 Dated (insert date).

5

6 Signature of owner

7

8 (Address)

9

10 (City) (State) (Zip)

11 Approved by:

12

13 (Assessor)

14 This application shall be accompanied by a copy of the
15 applicant's most recent application filed with the Illinois
16 Department on Aging under the Senior Citizens and Persons with
17 Disabilities ~~Disabled Persons~~ Property Tax Relief Act.

18 (Source: P.A. 97-689, eff. 6-14-12; 97-1064, eff. 1-1-13;
19 98-463, eff. 8-16-13.)

20 (35 ILCS 515/7.5)

21 Sec. 7.5. Exemption for veterans with disabilities
22 ~~disabled veterans~~.

23 (a) Beginning on January 1, 2004, a mobile home owned and
24 used exclusively by a veteran with a disability ~~disabled~~

1 ~~veteran~~ or the spouse or unmarried surviving spouse of the
2 veteran as a home, is exempt from the tax imposed under this
3 Act.

4 Beginning with the 2015 tax year, the exemption also
5 applies to housing that is specifically constructed or adapted
6 to suit a qualifying veteran's disability if the housing or
7 adaptations are donated by a charitable organization, the
8 veteran has been approved to receive funds for the purchase or
9 construction of Specially Adapted Housing under Title 38,
10 Chapter 21, Section 2101 of the United States Code, and the
11 home has been inspected and certified by a licensed home
12 inspector to be in compliance with applicable standards set
13 forth in U.S. Department of Veterans Affairs, Veterans Benefits
14 Administration Pamphlet 26-13 Handbook for Design of Specially
15 Adapted Housing.

16 (b) As used in this Section:

17 "Veteran with a disability ~~Disabled veteran~~" means a person
18 who has served in the armed forces of the United States and
19 whose disability is of such a nature that the federal
20 government has authorized payment for purchase or construction
21 of specially adapted housing as set forth in the United States
22 Code, Title 38, Chapter 21, Section 2101.

23 For purposes of this Section, "charitable organization"
24 means any benevolent, philanthropic, patriotic, or
25 eleemosynary entity that solicits and collects funds for
26 charitable purposes and includes each local, county, or area

1 division of that charitable organization.

2 "Unmarried surviving spouse" means the surviving spouse of
3 the veteran at any time after the death of the veteran during
4 which the surviving spouse is not married.

5 (c) Eligibility for this exemption must be reestablished on
6 an annual basis by certification from the Illinois Department
7 of Veterans' Affairs to the county clerk of the county in which
8 the exempt mobile home is located. The county clerk shall
9 forward a copy of the certification to local assessing
10 officials.

11 (Source: P.A. 98-1145, eff. 12-30-14.)

12 Section 340. The Community Self-Revitalization Act is
13 amended by changing Section 15 as follows:

14 (50 ILCS 350/15)

15 Sec. 15. Certification; Board of Economic Advisors.

16 (a) In order to receive the assistance as provided in this
17 Act, a community shall first, by ordinance passed by its
18 corporate authorities, request that the Department certify
19 that it is an economically distressed community. The community
20 must submit a certified copy of the ordinance to the
21 Department. After review of the ordinance, if the Department
22 determines that the community meets the requirements for
23 certification, the Department may certify the community as an
24 economically distressed community.

1 (b) A community that is certified by the Department as an
2 economically distressed community may appoint a Board of
3 Economic Advisors to create and implement a revitalization plan
4 for the community. The Board shall consist of 18 members of the
5 community, appointed by the mayor or the presiding officer of
6 the county or jointly by the presiding officers of each
7 municipality and county that have joined to form a community
8 for the purposes of this Act. Up to 18 Board members may be
9 appointed from the following vital sectors:

10 (1) A member representing households and families.

11 (2) A member representing religious organizations.

12 (3) A member representing educational institutions.

13 (4) A member representing daycare centers, care
14 centers for persons with disabilities ~~the handicapped~~, and
15 care centers for the disadvantaged.

16 (5) A member representing community based
17 organizations such as neighborhood improvement
18 associations.

19 (6) A member representing federal and State employment
20 service systems, skill training centers, and placement
21 referrals.

22 (7) A member representing Masonic organizations,
23 fraternities, sororities, and social clubs.

24 (8) A member representing hospitals, nursing homes,
25 senior citizens, public health agencies, and funeral
26 homes.

1 (9) A member representing organized sports, parks,
2 parties, and games of chance.

3 (10) A member representing political parties, clubs,
4 and affiliations, and election related matters concerning
5 voter education and participation.

6 (11) A member representing the cultural aspects of the
7 community, including cultural events, lifestyles,
8 languages, music, visual and performing arts, and
9 literature.

10 (12) A member representing police and fire protection
11 agencies, prisons, weapons systems, and the military
12 industrial complex.

13 (13) A member representing local businesses.

14 (14) A member representing the retail industry.

15 (15) A member representing the service industry.

16 (16) A member representing the industrial, production,
17 and manufacturing sectors.

18 (17) A member representing the advertising and
19 marketing industry.

20 (18) A member representing the technology services
21 industry.

22 The Board shall meet initially within 30 days of its
23 appointment, shall select one member as chairperson at its
24 initial meeting, and shall thereafter meet at the call of the
25 chairperson. Members of the Board shall serve without
26 compensation.

1 (c) One third of the initial appointees shall serve for 2
2 years, one third shall serve for 3 years, and one third shall
3 serve for 4 years, as determined by lot. Subsequent appointees
4 shall serve terms of 5 years.

5 (d) The Board shall create a 3-year to 5-year
6 revitalization plan for the community. The plan shall contain
7 distinct, measurable objectives for revitalization. The
8 objectives shall be used to guide ongoing implementation of the
9 plan and to measure progress during the 3-year to 5-year
10 period. The Board shall work in a dynamic manner defining goals
11 for the community based on the strengths and weaknesses of the
12 individual sectors of the community as presented by each member
13 of the Board. The Board shall meet periodically and revise the
14 plan in light of the input from each member of the Board
15 concerning his or her respective sector of expertise. The
16 process shall be a community driven revitalization process,
17 with community-specific data determining the direction and
18 scope of the revitalization.

19 (Source: P.A. 95-557, eff. 8-30-07.)

20 Section 345. The Innovation Development and Economy Act is
21 amended by changing Section 31 as follows:

22 (50 ILCS 470/31)

23 Sec. 31. STAR bond occupation taxes.

24 (a) If the corporate authorities of a political subdivision

1 have established a STAR bond district and have elected to
2 impose a tax by ordinance pursuant to subsection (b) or (c) of
3 this Section, each year after the date of the adoption of the
4 ordinance and until all STAR bond project costs and all
5 political subdivision obligations financing the STAR bond
6 project costs, if any, have been paid in accordance with the
7 STAR bond project plans, but in no event longer than the
8 maximum maturity date of the last of the STAR bonds issued for
9 projects in the STAR bond district, all amounts generated by
10 the retailers' occupation tax and service occupation tax shall
11 be collected and the tax shall be enforced by the Department of
12 Revenue in the same manner as all retailers' occupation taxes
13 and service occupation taxes imposed in the political
14 subdivision imposing the tax. The corporate authorities of the
15 political subdivision shall deposit the proceeds of the taxes
16 imposed under subsections (b) and (c) into either (i) a special
17 fund held by the corporate authorities of the political
18 subdivision called the STAR Bonds Tax Allocation Fund for the
19 purpose of paying STAR bond project costs and obligations
20 incurred in the payment of those costs if such taxes are
21 designated as pledged STAR revenues by resolution or ordinance
22 of the political subdivision or (ii) the political
23 subdivision's general corporate fund if such taxes are not
24 designated as pledged STAR revenues by resolution or ordinance.

25 The tax imposed under this Section by a municipality may be
26 imposed only on the portion of a STAR bond district that is

1 within the boundaries of the municipality. For any part of a
2 STAR bond district that lies outside of the boundaries of that
3 municipality, the municipality in which the other part of the
4 STAR bond district lies (or the county, in cases where a
5 portion of the STAR bond district lies in the unincorporated
6 area of a county) is authorized to impose the tax under this
7 Section on that part of the STAR bond district.

8 (b) The corporate authorities of a political subdivision
9 that has established a STAR bond district under this Act may,
10 by ordinance or resolution, impose a STAR Bond Retailers'
11 Occupation Tax upon all persons engaged in the business of
12 selling tangible personal property, other than an item of
13 tangible personal property titled or registered with an agency
14 of this State's government, at retail in the STAR bond district
15 at a rate not to exceed 1% of the gross receipts from the sales
16 made in the course of that business, to be imposed only in
17 0.25% increments. The tax may not be imposed on food for human
18 consumption that is to be consumed off the premises where it is
19 sold (other than alcoholic beverages, soft drinks, and food
20 that has been prepared for immediate consumption),
21 prescription and nonprescription medicines, drugs, medical
22 appliances, modifications to a motor vehicle for the purpose of
23 rendering it usable by a person with a disability ~~disabled~~
24 ~~person~~, and insulin, urine testing materials, syringes, and
25 needles used by diabetics, for human use.

26 The tax imposed under this subsection and all civil

1 penalties that may be assessed as an incident thereof shall be
2 collected and enforced by the Department of Revenue. The
3 certificate of registration that is issued by the Department to
4 a retailer under the Retailers' Occupation Tax Act shall permit
5 the retailer to engage in a business that is taxable under any
6 ordinance or resolution enacted pursuant to this subsection
7 without registering separately with the Department under such
8 ordinance or resolution or under this subsection. The
9 Department of Revenue shall have full power to administer and
10 enforce this subsection, to collect all taxes and penalties due
11 under this subsection in the manner hereinafter provided, and
12 to determine all rights to credit memoranda arising on account
13 of the erroneous payment of tax or penalty under this
14 subsection. In the administration of, and compliance with, this
15 subsection, the Department and persons who are subject to this
16 subsection shall have the same rights, remedies, privileges,
17 immunities, powers, and duties, and be subject to the same
18 conditions, restrictions, limitations, penalties, exclusions,
19 exemptions, and definitions of terms and employ the same modes
20 of procedure, as are prescribed in Sections 1, 1a through 1o, 2
21 through 2-65 (in respect to all provisions therein other than
22 the State rate of tax), 2c through 2h, 3 (except as to the
23 disposition of taxes and penalties collected), 4, 5, 5a, 5b,
24 5c, 5d, 5e, 5f, 5g, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10,
25 11, 12, 13, and 14 of the Retailers' Occupation Tax Act and all
26 provisions of the Uniform Penalty and Interest Act, as fully as

1 if those provisions were set forth herein.

2 If a tax is imposed under this subsection (b), a tax shall
3 also be imposed under subsection (c) of this Section.

4 (c) If a tax has been imposed under subsection (b), a STAR
5 Bond Service Occupation Tax shall also be imposed upon all
6 persons engaged, in the STAR bond district, in the business of
7 making sales of service, who, as an incident to making those
8 sales of service, transfer tangible personal property within
9 the STAR bond district, either in the form of tangible personal
10 property or in the form of real estate as an incident to a sale
11 of service. The tax shall be imposed at the same rate as the
12 tax imposed in subsection (b) and shall not exceed 1% of the
13 selling price of tangible personal property so transferred
14 within the STAR bond district, to be imposed only in 0.25%
15 increments. The tax may not be imposed on food for human
16 consumption that is to be consumed off the premises where it is
17 sold (other than alcoholic beverages, soft drinks, and food
18 that has been prepared for immediate consumption),
19 prescription and nonprescription medicines, drugs, medical
20 appliances, modifications to a motor vehicle for the purpose of
21 rendering it usable by a person with a disability ~~disabled~~
22 ~~person~~, and insulin, urine testing materials, syringes, and
23 needles used by diabetics, for human use.

24 The tax imposed under this subsection and all civil
25 penalties that may be assessed as an incident thereof shall be
26 collected and enforced by the Department of Revenue. The

1 certificate of registration that is issued by the Department to
2 a retailer under the Retailers' Occupation Tax Act or under the
3 Service Occupation Tax Act shall permit the registrant to
4 engage in a business that is taxable under any ordinance or
5 resolution enacted pursuant to this subsection without
6 registering separately with the Department under that
7 ordinance or resolution or under this subsection. The
8 Department of Revenue shall have full power to administer and
9 enforce this subsection, to collect all taxes and penalties due
10 under this subsection, to dispose of taxes and penalties so
11 collected in the manner hereinafter provided, and to determine
12 all rights to credit memoranda arising on account of the
13 erroneous payment of tax or penalty under this subsection. In
14 the administration of, and compliance with this subsection, the
15 Department and persons who are subject to this subsection shall
16 have the same rights, remedies, privileges, immunities,
17 powers, and duties, and be subject to the same conditions,
18 restrictions, limitations, penalties, exclusions, exemptions,
19 and definitions of terms and employ the same modes of procedure
20 as are prescribed in Sections 2, 2a through 2d, 3 through 3-50
21 (in respect to all provisions therein other than the State rate
22 of tax), 4 (except that the reference to the State shall be to
23 the STAR bond district), 5, 7, 8 (except that the jurisdiction
24 to which the tax shall be a debt to the extent indicated in
25 that Section 8 shall be the political subdivision), 9 (except
26 as to the disposition of taxes and penalties collected, and

1 except that the returned merchandise credit for this tax may
2 not be taken against any State tax), 10, 11, 12 (except the
3 reference therein to Section 2b of the Retailers' Occupation
4 Tax Act), 13 (except that any reference to the State shall mean
5 the political subdivision), the first paragraph of Section 15,
6 and Sections 16, 17, 18, 19 and 20 of the Service Occupation
7 Tax Act and all provisions of the Uniform Penalty and Interest
8 Act, as fully as if those provisions were set forth herein.

9 If a tax is imposed under this subsection (c), a tax shall
10 also be imposed under subsection (b) of this Section.

11 (d) Persons subject to any tax imposed under this Section
12 may reimburse themselves for their seller's tax liability under
13 this Section by separately stating the tax as an additional
14 charge, which charge may be stated in combination, in a single
15 amount, with State taxes that sellers are required to collect
16 under the Use Tax Act, in accordance with such bracket
17 schedules as the Department may prescribe.

18 Whenever the Department determines that a refund should be
19 made under this Section to a claimant instead of issuing a
20 credit memorandum, the Department shall notify the State
21 Comptroller, who shall cause the order to be drawn for the
22 amount specified and to the person named in the notification
23 from the Department. The refund shall be paid by the State
24 Treasurer out of the STAR Bond Retailers' Occupation Tax Fund.

25 The Department shall immediately pay over to the State
26 Treasurer, ex officio, as trustee, all taxes, penalties, and

1 interest collected under this Section for deposit into the STAR
2 Bond Retailers' Occupation Tax Fund. On or before the 25th day
3 of each calendar month, the Department shall prepare and
4 certify to the Comptroller the disbursement of stated sums of
5 money to named political subdivisions from the STAR Bond
6 Retailers' Occupation Tax Fund, the political subdivisions to
7 be those from which retailers have paid taxes or penalties
8 under this Section to the Department during the second
9 preceding calendar month. The amount to be paid to each
10 political subdivision shall be the amount (not including credit
11 memoranda) collected under this Section during the second
12 preceding calendar month by the Department plus an amount the
13 Department determines is necessary to offset any amounts that
14 were erroneously paid to a different taxing body, and not
15 including an amount equal to the amount of refunds made during
16 the second preceding calendar month by the Department, less 3%
17 of that amount, which shall be deposited into the Tax
18 Compliance and Administration Fund and shall be used by the
19 Department, subject to appropriation, to cover the costs of the
20 Department in administering and enforcing the provisions of
21 this Section, on behalf of such political subdivision, and not
22 including any amount that the Department determines is
23 necessary to offset any amounts that were payable to a
24 different taxing body but were erroneously paid to the
25 political subdivision. Within 10 days after receipt by the
26 Comptroller of the disbursement certification to the political

1 subdivisions provided for in this Section to be given to the
2 Comptroller by the Department, the Comptroller shall cause the
3 orders to be drawn for the respective amounts in accordance
4 with the directions contained in the certification. The
5 proceeds of the tax paid to political subdivisions under this
6 Section shall be deposited into either (i) the STAR Bonds Tax
7 Allocation Fund by the political subdivision if the political
8 subdivision has designated them as pledged STAR revenues by
9 resolution or ordinance or (ii) the political subdivision's
10 general corporate fund if the political subdivision has not
11 designated them as pledged STAR revenues.

12 An ordinance or resolution imposing or discontinuing the
13 tax under this Section or effecting a change in the rate
14 thereof shall either (i) be adopted and a certified copy
15 thereof filed with the Department on or before the first day of
16 April, whereupon the Department, if all other requirements of
17 this Section are met, shall proceed to administer and enforce
18 this Section as of the first day of July next following the
19 adoption and filing; or (ii) be adopted and a certified copy
20 thereof filed with the Department on or before the first day of
21 October, whereupon, if all other requirements of this Section
22 are met, the Department shall proceed to administer and enforce
23 this Section as of the first day of January next following the
24 adoption and filing.

25 The Department of Revenue shall not administer or enforce
26 an ordinance imposing, discontinuing, or changing the rate of

1 the tax under this Section until the political subdivision also
2 provides, in the manner prescribed by the Department, the
3 boundaries of the STAR bond district and each address in the
4 STAR bond district in such a way that the Department can
5 determine by its address whether a business is located in the
6 STAR bond district. The political subdivision must provide this
7 boundary and address information to the Department on or before
8 April 1 for administration and enforcement of the tax under
9 this Section by the Department beginning on the following July
10 1 and on or before October 1 for administration and enforcement
11 of the tax under this Section by the Department beginning on
12 the following January 1. The Department of Revenue shall not
13 administer or enforce any change made to the boundaries of a
14 STAR bond district or any address change, addition, or deletion
15 until the political subdivision reports the boundary change or
16 address change, addition, or deletion to the Department in the
17 manner prescribed by the Department. The political subdivision
18 must provide this boundary change or address change, addition,
19 or deletion information to the Department on or before April 1
20 for administration and enforcement by the Department of the
21 change, addition, or deletion beginning on the following July 1
22 and on or before October 1 for administration and enforcement
23 by the Department of the change, addition, or deletion
24 beginning on the following January 1. The retailers in the STAR
25 bond district shall be responsible for charging the tax imposed
26 under this Section. If a retailer is incorrectly included or

1 excluded from the list of those required to collect the tax
2 under this Section, both the Department of Revenue and the
3 retailer shall be held harmless if they reasonably relied on
4 information provided by the political subdivision.

5 A political subdivision that imposes the tax under this
6 Section must submit to the Department of Revenue any other
7 information as the Department may require that is necessary for
8 the administration and enforcement of the tax.

9 When certifying the amount of a monthly disbursement to a
10 political subdivision under this Section, the Department shall
11 increase or decrease the amount by an amount necessary to
12 offset any misallocation of previous disbursements. The offset
13 amount shall be the amount erroneously disbursed within the
14 previous 6 months from the time a misallocation is discovered.

15 Nothing in this Section shall be construed to authorize the
16 political subdivision to impose a tax upon the privilege of
17 engaging in any business which under the Constitution of the
18 United States may not be made the subject of taxation by this
19 State.

20 (e) When STAR bond project costs, including, without
21 limitation, all political subdivision obligations financing
22 STAR bond project costs, have been paid, any surplus funds then
23 remaining in the STAR Bonds Tax Allocation Fund shall be
24 distributed to the treasurer of the political subdivision for
25 deposit into the political subdivision's general corporate
26 fund. Upon payment of all STAR bond project costs and

1 retirement of obligations, but in no event later than the
2 maximum maturity date of the last of the STAR bonds issued in
3 the STAR bond district, the political subdivision shall adopt
4 an ordinance immediately rescinding the taxes imposed pursuant
5 to this Section and file a certified copy of the ordinance with
6 the Department in the form and manner as described in this
7 Section.

8 (Source: P.A. 96-939, eff. 6-24-10.)

9 Section 350. The Emergency Telephone System Act is amended
10 by changing Section 15.2a as follows:

11 (50 ILCS 750/15.2a) (from Ch. 134, par. 45.2a)

12 Sec. 15.2a. The installation of or connection to a
13 telephone company's network of any automatic alarm, automatic
14 alerting device, or mechanical dialer that causes the number
15 9-1-1 to be dialed in order to directly access emergency
16 services is prohibited in a 9-1-1 system.

17 This Section does not apply to devices used to enable
18 access to the 9-1-1 system for cognitively-impaired, ~~disabled,~~
19 or special needs persons or for persons with disabilities in an
20 emergency situation reported by a caregiver after initiating a
21 missing person's report. The device must have the capability to
22 be activated and controlled remotely by trained personnel at a
23 service center to prevent falsely activated or repeated calls
24 to the 9-1-1 system in a single incident. The device must have

1 the technical capability to generate location information to
2 the 9-1-1 system. Under no circumstances shall a device be sold
3 for use in a geographical jurisdiction where the 9-1-1 system
4 has not deployed wireless phase II location technology. The
5 alerting device shall also provide for either 2-way
6 communication or send a pre-recorded message to a 9-1-1
7 provider explaining the nature of the emergency so that the
8 9-1-1 provider will be able to dispatch the appropriate
9 emergency responder.

10 Violation of this Section is a Class A misdemeanor. A
11 second or subsequent violation of this Section is a Class 4
12 felony.

13 (Source: P.A. 97-82, eff. 1-1-12.)

14 Section 355. The Counties Code is amended by changing
15 Section 5-1006.7 as follows:

16 (55 ILCS 5/5-1006.7)

17 Sec. 5-1006.7. School facility occupation taxes.

18 (a) In any county, a tax shall be imposed upon all persons
19 engaged in the business of selling tangible personal property,
20 other than personal property titled or registered with an
21 agency of this State's government, at retail in the county on
22 the gross receipts from the sales made in the course of
23 business to provide revenue to be used exclusively for school
24 facility purposes if a proposition for the tax has been

1 submitted to the electors of that county and approved by a
2 majority of those voting on the question as provided in
3 subsection (c). The tax under this Section shall be imposed
4 only in one-quarter percent increments and may not exceed 1%.

5 This additional tax may not be imposed on the sale of food
6 for human consumption that is to be consumed off the premises
7 where it is sold (other than alcoholic beverages, soft drinks,
8 and food that has been prepared for immediate consumption) and
9 prescription and non-prescription medicines, drugs, medical
10 appliances and insulin, urine testing materials, syringes and
11 needles used by diabetics. The Department of Revenue has full
12 power to administer and enforce this subsection, to collect all
13 taxes and penalties due under this subsection, to dispose of
14 taxes and penalties so collected in the manner provided in this
15 subsection, and to determine all rights to credit memoranda
16 arising on account of the erroneous payment of a tax or penalty
17 under this subsection. The Department shall deposit all taxes
18 and penalties collected under this subsection into a special
19 fund created for that purpose.

20 In the administration of and compliance with this
21 subsection, the Department and persons who are subject to this
22 subsection (i) have the same rights, remedies, privileges,
23 immunities, powers, and duties, (ii) are subject to the same
24 conditions, restrictions, limitations, penalties, and
25 definitions of terms, and (iii) shall employ the same modes of
26 procedure as are set forth in Sections 1 through 10, 2 through

1 2-70 (in respect to all provisions contained in those Sections
2 other than the State rate of tax), 2a through 2h, 3 (except as
3 to the disposition of taxes and penalties collected), 4, 5, 5a,
4 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8,
5 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation Tax Act
6 and all provisions of the Uniform Penalty and Interest Act as
7 if those provisions were set forth in this subsection.

8 The certificate of registration that is issued by the
9 Department to a retailer under the Retailers' Occupation Tax
10 Act permits the retailer to engage in a business that is
11 taxable without registering separately with the Department
12 under an ordinance or resolution under this subsection.

13 Persons subject to any tax imposed under the authority
14 granted in this subsection may reimburse themselves for their
15 seller's tax liability by separately stating that tax as an
16 additional charge, which may be stated in combination, in a
17 single amount, with State tax that sellers are required to
18 collect under the Use Tax Act, pursuant to any bracketed
19 schedules set forth by the Department.

20 (b) If a tax has been imposed under subsection (a), then a
21 service occupation tax must also be imposed at the same rate
22 upon all persons engaged, in the county, in the business of
23 making sales of service, who, as an incident to making those
24 sales of service, transfer tangible personal property within
25 the county as an incident to a sale of service.

26 This tax may not be imposed on sales of food for human

1 consumption that is to be consumed off the premises where it is
2 sold (other than alcoholic beverages, soft drinks, and food
3 prepared for immediate consumption) and prescription and
4 non-prescription medicines, drugs, medical appliances and
5 insulin, urine testing materials, syringes, and needles used by
6 diabetics.

7 The tax imposed under this subsection and all civil
8 penalties that may be assessed as an incident thereof shall be
9 collected and enforced by the Department and deposited into a
10 special fund created for that purpose. The Department has full
11 power to administer and enforce this subsection, to collect all
12 taxes and penalties due under this subsection, to dispose of
13 taxes and penalties so collected in the manner provided in this
14 subsection, and to determine all rights to credit memoranda
15 arising on account of the erroneous payment of a tax or penalty
16 under this subsection.

17 In the administration of and compliance with this
18 subsection, the Department and persons who are subject to this
19 subsection shall (i) have the same rights, remedies,
20 privileges, immunities, powers and duties, (ii) be subject to
21 the same conditions, restrictions, limitations, penalties and
22 definition of terms, and (iii) employ the same modes of
23 procedure as are set forth in Sections 2 (except that that
24 reference to State in the definition of supplier maintaining a
25 place of business in this State means the county), 2a through
26 2d, 3 through 3-50 (in respect to all provisions contained in

1 those Sections other than the State rate of tax), 4 (except
2 that the reference to the State shall be to the county), 5, 7,
3 8 (except that the jurisdiction to which the tax is a debt to
4 the extent indicated in that Section 8 is the county), 9
5 (except as to the disposition of taxes and penalties
6 collected), 10, 11, 12 (except the reference therein to Section
7 2b of the Retailers' Occupation Tax Act), 13 (except that any
8 reference to the State means the county), Section 15, 16, 17,
9 18, 19, and 20 of the Service Occupation Tax Act and all
10 provisions of the Uniform Penalty and Interest Act, as fully as
11 if those provisions were set forth herein.

12 Persons subject to any tax imposed under the authority
13 granted in this subsection may reimburse themselves for their
14 serviceman's tax liability by separately stating the tax as an
15 additional charge, which may be stated in combination, in a
16 single amount, with State tax that servicemen are authorized to
17 collect under the Service Use Tax Act, pursuant to any
18 bracketed schedules set forth by the Department.

19 (c) The tax under this Section may not be imposed until the
20 question of imposing the tax has been submitted to the electors
21 of the county at a regular election and approved by a majority
22 of the electors voting on the question. For all regular
23 elections held prior to the effective date of this amendatory
24 Act of the 97th General Assembly, upon a resolution by the
25 county board or a resolution by school district boards that
26 represent at least 51% of the student enrollment within the

1 county, the county board must certify the question to the
2 proper election authority in accordance with the Election Code.

3 For all regular elections held prior to the effective date
4 of this amendatory Act of the 97th General Assembly, the
5 election authority must submit the question in substantially
6 the following form:

7 Shall (name of county) be authorized to impose a
8 retailers' occupation tax and a service occupation tax
9 (commonly referred to as a "sales tax") at a rate of
10 (insert rate) to be used exclusively for school facility
11 purposes?

12 The election authority must record the votes as "Yes" or "No".

13 If a majority of the electors voting on the question vote
14 in the affirmative, then the county may, thereafter, impose the
15 tax.

16 For all regular elections held on or after the effective
17 date of this amendatory Act of the 97th General Assembly, the
18 regional superintendent of schools for the county must, upon
19 receipt of a resolution or resolutions of school district
20 boards that represent more than 50% of the student enrollment
21 within the county, certify the question to the proper election
22 authority for submission to the electors of the county at the
23 next regular election at which the question lawfully may be
24 submitted to the electors, all in accordance with the Election
25 Code.

26 For all regular elections held on or after the effective

1 date of this amendatory Act of the 97th General Assembly, the
2 election authority must submit the question in substantially
3 the following form:

4 Shall a retailers' occupation tax and a service
5 occupation tax (commonly referred to as a "sales tax") be
6 imposed in (name of county) at a rate of (insert rate) to
7 be used exclusively for school facility purposes?

8 The election authority must record the votes as "Yes" or "No".

9 If a majority of the electors voting on the question vote
10 in the affirmative, then the tax shall be imposed at the rate
11 set forth in the question.

12 For the purposes of this subsection (c), "enrollment" means
13 the head count of the students residing in the county on the
14 last school day of September of each year, which must be
15 reported on the Illinois State Board of Education Public School
16 Fall Enrollment/Housing Report.

17 (d) The Department shall immediately pay over to the State
18 Treasurer, ex officio, as trustee, all taxes and penalties
19 collected under this Section to be deposited into the School
20 Facility Occupation Tax Fund, which shall be an unappropriated
21 trust fund held outside the State treasury.

22 On or before the 25th day of each calendar month, the
23 Department shall prepare and certify to the Comptroller the
24 disbursement of stated sums of money to the regional
25 superintendents of schools in counties from which retailers or
26 servicemen have paid taxes or penalties to the Department

1 during the second preceding calendar month. The amount to be
2 paid to each regional superintendent of schools and disbursed
3 to him or her in accordance with Section 3-14.31 of the School
4 Code, is equal to the amount (not including credit memoranda)
5 collected from the county under this Section during the second
6 preceding calendar month by the Department, (i) less 2% of that
7 amount, which shall be deposited into the Tax Compliance and
8 Administration Fund and shall be used by the Department,
9 subject to appropriation, to cover the costs of the Department
10 in administering and enforcing the provisions of this Section,
11 on behalf of the county, (ii) plus an amount that the
12 Department determines is necessary to offset any amounts that
13 were erroneously paid to a different taxing body; (iii) less an
14 amount equal to the amount of refunds made during the second
15 preceding calendar month by the Department on behalf of the
16 county; and (iv) less any amount that the Department determines
17 is necessary to offset any amounts that were payable to a
18 different taxing body but were erroneously paid to the county.
19 When certifying the amount of a monthly disbursement to a
20 regional superintendent of schools under this Section, the
21 Department shall increase or decrease the amounts by an amount
22 necessary to offset any miscalculation of previous
23 disbursements within the previous 6 months from the time a
24 miscalculation is discovered.

25 Within 10 days after receipt by the Comptroller from the
26 Department of the disbursement certification to the regional

1 superintendents of the schools provided for in this Section,
2 the Comptroller shall cause the orders to be drawn for the
3 respective amounts in accordance with directions contained in
4 the certification.

5 If the Department determines that a refund should be made
6 under this Section to a claimant instead of issuing a credit
7 memorandum, then the Department shall notify the Comptroller,
8 who shall cause the order to be drawn for the amount specified
9 and to the person named in the notification from the
10 Department. The refund shall be paid by the Treasurer out of
11 the School Facility Occupation Tax Fund.

12 (e) For the purposes of determining the local governmental
13 unit whose tax is applicable, a retail sale by a producer of
14 coal or another mineral mined in Illinois is a sale at retail
15 at the place where the coal or other mineral mined in Illinois
16 is extracted from the earth. This subsection does not apply to
17 coal or another mineral when it is delivered or shipped by the
18 seller to the purchaser at a point outside Illinois so that the
19 sale is exempt under the United States Constitution as a sale
20 in interstate or foreign commerce.

21 (f) Nothing in this Section may be construed to authorize a
22 tax to be imposed upon the privilege of engaging in any
23 business that under the Constitution of the United States may
24 not be made the subject of taxation by this State.

25 (g) If a county board imposes a tax under this Section
26 pursuant to a referendum held before the effective date of this

1 amendatory Act of the 97th General Assembly at a rate below the
2 rate set forth in the question approved by a majority of
3 electors of that county voting on the question as provided in
4 subsection (c), then the county board may, by ordinance,
5 increase the rate of the tax up to the rate set forth in the
6 question approved by a majority of electors of that county
7 voting on the question as provided in subsection (c). If a
8 county board imposes a tax under this Section pursuant to a
9 referendum held before the effective date of this amendatory
10 Act of the 97th General Assembly, then the board may, by
11 ordinance, discontinue or reduce the rate of the tax. If a tax
12 is imposed under this Section pursuant to a referendum held on
13 or after the effective date of this amendatory Act of the 97th
14 General Assembly, then the county board may reduce or
15 discontinue the tax, but only in accordance with subsection
16 (h-5) of this Section. If, however, a school board issues bonds
17 that are secured by the proceeds of the tax under this Section,
18 then the county board may not reduce the tax rate or
19 discontinue the tax if that rate reduction or discontinuance
20 would adversely affect the school board's ability to pay the
21 principal and interest on those bonds as they become due or
22 necessitate the extension of additional property taxes to pay
23 the principal and interest on those bonds. If the county board
24 reduces the tax rate or discontinues the tax, then a referendum
25 must be held in accordance with subsection (c) of this Section
26 in order to increase the rate of the tax or to reimpose the

1 discontinued tax.

2 Until January 1, 2014, the results of any election that
3 imposes, reduces, or discontinues a tax under this Section must
4 be certified by the election authority, and any ordinance that
5 increases or lowers the rate or discontinues the tax must be
6 certified by the county clerk and, in each case, filed with the
7 Illinois Department of Revenue either (i) on or before the
8 first day of April, whereupon the Department shall proceed to
9 administer and enforce the tax or change in the rate as of the
10 first day of July next following the filing; or (ii) on or
11 before the first day of October, whereupon the Department shall
12 proceed to administer and enforce the tax or change in the rate
13 as of the first day of January next following the filing.

14 Beginning January 1, 2014, the results of any election that
15 imposes, reduces, or discontinues a tax under this Section must
16 be certified by the election authority, and any ordinance that
17 increases or lowers the rate or discontinues the tax must be
18 certified by the county clerk and, in each case, filed with the
19 Illinois Department of Revenue either (i) on or before the
20 first day of May, whereupon the Department shall proceed to
21 administer and enforce the tax or change in the rate as of the
22 first day of July next following the filing; or (ii) on or
23 before the first day of October, whereupon the Department shall
24 proceed to administer and enforce the tax or change in the rate
25 as of the first day of January next following the filing.

26 (h) For purposes of this Section, "school facility

1 purposes" means (i) the acquisition, development,
2 construction, reconstruction, rehabilitation, improvement,
3 financing, architectural planning, and installation of capital
4 facilities consisting of buildings, structures, and durable
5 equipment and for the acquisition and improvement of real
6 property and interest in real property required, or expected to
7 be required, in connection with the capital facilities and (ii)
8 the payment of bonds or other obligations heretofore or
9 hereafter issued, including bonds or other obligations
10 heretofore or hereafter issued to refund or to continue to
11 refund bonds or other obligations issued, for school facility
12 purposes, provided that the taxes levied to pay those bonds are
13 abated by the amount of the taxes imposed under this Section
14 that are used to pay those bonds. "School-facility purposes"
15 also includes fire prevention, safety, energy conservation,
16 ~~disabled~~ accessibility, school security, and specified repair
17 purposes set forth under Section 17-2.11 of the School Code.

18 (h-5) A county board in a county where a tax has been
19 imposed under this Section pursuant to a referendum held on or
20 after the effective date of this amendatory Act of the 97th
21 General Assembly may, by ordinance or resolution, submit to the
22 voters of the county the question of reducing or discontinuing
23 the tax. In the ordinance or resolution, the county board shall
24 certify the question to the proper election authority in
25 accordance with the Election Code. The election authority must
26 submit the question in substantially the following form:

1 Shall the school facility retailers' occupation tax
2 and service occupation tax (commonly referred to as the
3 "school facility sales tax") currently imposed in (name of
4 county) at a rate of (insert rate) be (reduced to (insert
5 rate)) (discontinued)?

6 If a majority of the electors voting on the question vote in
7 the affirmative, then, subject to the provisions of subsection
8 (g) of this Section, the tax shall be reduced or discontinued
9 as set forth in the question.

10 (i) This Section does not apply to Cook County.

11 (j) This Section may be cited as the County School Facility
12 Occupation Tax Law.

13 (Source: P.A. 97-542, eff. 8-23-11; 97-813, eff. 7-13-12;
14 98-584, eff. 8-27-13.)

15 Section 360. The County Care for Persons with Developmental
16 Disabilities Act is amended by changing the title of the Act
17 and Sections 1, 1.1, and 1.2 as follows:

18 (55 ILCS 105/Act title)

19 An Act concerning the care and treatment of persons with
20 intellectual or developmental disabilities ~~who are~~
21 ~~intellectually disabled or under developmental disability.~~

22 (55 ILCS 105/1) (from Ch. 91 1/2, par. 201)

23 Sec. 1. Facilities or services; tax levy. Any county may

1 provide facilities or services for the benefit of its residents
2 who are persons with intellectual or developmental
3 disabilities ~~intellectually disabled or under a developmental~~
4 ~~disability~~ and who are not eligible to participate in any such
5 program conducted under Article 14 of the School Code, or may
6 contract therefor with any privately or publicly operated
7 entity which provides facilities or services either in or out
8 of such county.

9 For such purpose, the county board may levy an annual tax
10 of not to exceed .1% upon all of the taxable property in the
11 county at the value thereof, as equalized or assessed by the
12 Department of Revenue. Taxes first levied under this Section on
13 or after the effective date of this amendatory Act of the 96th
14 General Assembly are subject to referendum approval under
15 Section 1.1 or 1.2 of this Act. Such tax shall be levied and
16 collected in the same manner as other county taxes, but shall
17 not be included in any limitation otherwise prescribed as to
18 the rate or amount of county taxes but shall be in addition
19 thereto and in excess thereof. When collected, such tax shall
20 be paid into a special fund in the county treasury, to be
21 designated as the "Fund for Persons With a Developmental
22 Disability", and shall be used only for the purpose specified
23 in this Section. The levying of this annual tax shall not
24 preclude the county from the use of other federal, State, or
25 local funds for the purpose of providing facilities or services
26 for the care and treatment of its residents who are mentally

1 retarded or under a developmental disability.

2 (Source: P.A. 96-1350, eff. 7-28-10; 97-227, eff. 1-1-12.)

3 (55 ILCS 105/1.1)

4 Sec. 1.1. Petition for submission to referendum by county.

5 (a) If, on and after the effective date of this amendatory
6 Act of the 96th General Assembly, the county board passes an
7 ordinance or resolution as provided in Section 1 of this Act
8 asking that an annual tax may be levied for the purpose of
9 providing facilities or services set forth in that Section and
10 so instructs the county clerk, the clerk shall certify the
11 proposition to the proper election officials for submission at
12 the next general county election. The proposition shall be in
13 substantially the following form:

14 Shall County levy an annual tax not to exceed
15 0.1% upon the equalized assessed value of all taxable
16 property in the county for the purposes of providing
17 facilities or services for the benefit of its residents who
18 are persons with intellectual or developmental
19 disabilities ~~intellectually disabled or under a~~
20 ~~developmental disability~~ and who are not eligible to
21 participate in any program provided under Article 14 of the
22 School Code, 105 ILCS 5/14-1.01 et seq., including
23 contracting for those facilities or services with any
24 privately or publicly operated entity that provides those
25 facilities or services either in or out of the county?

1 (b) If a majority of the votes cast upon the proposition
2 are in favor thereof, such tax levy shall be authorized and the
3 county shall levy a tax not to exceed the rate set forth in
4 Section 1 of this Act.

5 (Source: P.A. 96-1350, eff. 7-28-10; 97-227, eff. 1-1-12;
6 97-813, eff. 7-13-12.)

7 (55 ILCS 105/1.2)

8 Sec. 1.2. Petition for submission to referendum by
9 electors.

10 (a) Whenever a petition for submission to referendum by the
11 electors which requests the establishment and maintenance of
12 facilities or services for the benefit of its residents with a
13 developmental disability and the levy of an annual tax not to
14 exceed 0.1% upon all the taxable property in the county at the
15 value thereof, as equalized or assessed by the Department of
16 Revenue, is signed by electors of the county equal in number to
17 at least 10% of the total votes cast for the office that
18 received the greatest total number of votes at the last
19 preceding general county election and is presented to the
20 county clerk, the clerk shall certify the proposition to the
21 proper election authorities for submission at the next general
22 county election. The proposition shall be in substantially the
23 following form:

24 Shall County levy an annual tax not to exceed
25 0.1% upon the equalized assessed value of all taxable

1 property in the county for the purposes of establishing and
2 maintaining facilities or services for the benefit of its
3 residents who are persons with intellectual or
4 developmental disabilities ~~intellectually disabled or~~
5 ~~under a developmental disability~~ and who are not eligible
6 to participate in any program provided under Article 14 of
7 the School Code, 105 ILCS 5/14-1.01 et seq., including
8 contracting for those facilities or services with any
9 privately or publicly operated entity that provides those
10 facilities or services either in or out of the county?

11 (b) If a majority of the votes cast upon the proposition
12 are in favor thereof, such tax levy shall be authorized and the
13 county shall levy a tax not to exceed the rate set forth in
14 Section 1 of this Act.

15 (Source: P.A. 96-1350, eff. 7-28-10; 97-227, eff. 1-1-12;
16 97-813, eff. 7-13-12.)

17 Section 365. The Township Code is amended by changing
18 Section 30-145 and the heading of Article 185 and Section
19 190-10 and the heading of Article 225 and Sections 225-5 and
20 260-5 as follows:

21 (60 ILCS 1/30-145)

22 Sec. 30-145. Mental health services. If a township is not
23 included in a mental health district organized under the
24 Community Mental Health Act, the electors may authorize the

1 board of trustees to provide mental health services (~~τ~~
2 including services for the alcoholic and ~~τ~~ the drug addicted,
3 and for persons with intellectual disabilities) ~~the~~
4 ~~intellectually disabled,~~ for residents of the township by
5 disbursing existing funds if available by contracting with
6 mental health agencies approved by the Department of Human
7 Services, alcoholism treatment programs licensed by the
8 Department of Public Health, and drug abuse facilities and
9 other alcohol and drug abuse services approved by the
10 Department of Human Services. To be eligible to receive
11 township funds, an agency, program, facility, or other service
12 provider must have been in existence for more than one year and
13 must serve the township area.

14 (Source: P.A. 97-227, eff. 1-1-12.)

15 (60 ILCS 1/Art. 185 heading)

16 ARTICLE 185. FACILITIES AND SERVICES

17 FOR PERSONS WITH DEVELOPMENTAL DISABILITIES ~~DEVELOPMENTALLY~~
18 ~~DISABLED PERSONS~~

19 (60 ILCS 1/190-10)

20 Sec. 190-10. Mental health services. If a township is not
21 included in a mental health district organized under the
22 Community Mental Health Act, the township board may provide
23 mental health services (including services for the alcoholic
24 and ~~τ~~the drug addicted, and for persons with intellectual

1 disabilities ~~the intellectually disabled~~) for residents of the
2 township by disbursing funds, pursuant to an appropriation, to
3 mental health agencies approved by the Department of Human
4 Services, alcoholism treatment programs licensed by the
5 Department of Public Health, drug abuse facilities approved by
6 the Department of Human Services, and other alcoholism and drug
7 abuse services approved by the Department of Human Services. To
8 be eligible for township funds disbursed under this Section, an
9 agency, program, facility, or other service provider must have
10 been in existence for more than one year and serve the township
11 area.

12 (Source: P.A. 97-227, eff. 1-1-12.)

13 (60 ILCS 1/Art. 225 heading)

14 ARTICLE 225. SERVICES FOR

15 PERSONS WITH DISABILITIES ~~THE DISABLED~~

16 (60 ILCS 1/225-5)

17 Sec. 225-5. Township committee on persons with
18 disabilities ~~the disabled~~.

19 (a) The township board may appoint a township committee on
20 persons with disabilities ~~the disabled~~, comprised of not more
21 than 10 members, one of whom shall be a township trustee
22 appointed by the chairman of the township board. A majority of
23 the committee shall consist of persons with disabilities ~~be~~
24 ~~disabled~~. The initial members shall serve their terms as

1 follows: 3 members for 1 year, 3 members for 2 years, and 3
2 members for 3 years. Succeeding members shall serve 3-year
3 terms. The initial and succeeding trustee members shall serve
4 3-year terms or until termination of their service as township
5 trustees, whichever occurs first.

6 (b) Members of the committee shall select one of their
7 number to serve as chairman and may select other officers
8 deemed necessary.

9 (c) Members of the committee shall serve without
10 compensation but shall be allowed necessary expenses incurred
11 in the performance of their duties under this Section.

12 (d) The committee shall cooperate with any appropriate
13 public or private entity to develop and administer programs
14 designed to enhance the self-sufficiency and quality of life of
15 citizens with disabilities ~~disabled citizens~~ residing within
16 the jurisdiction of the township.

17 (e) The committee may receive any available monies from
18 private sources. The township board may provide funding from
19 the township general fund. The township board may establish and
20 administer a separate fund for the committee on persons with
21 disabilities ~~the disabled~~ and shall authorize all committee
22 expenditures from that fund.

23 (f) The committee may enter into service agreements or
24 contracts for the purpose of providing needed or required
25 services or make grants to another governmental entity,
26 not-for-profit corporation, or community service agency to

1 fund programs for persons with disabilities ~~the disabled~~,
2 subject to the approval of the township board.

3 (g) The committee shall report monthly to the township
4 board on its activities and operation.

5 (h) For purposes of this Section, "persons with
6 disabilities ~~disabled~~" means any persons ~~any person~~ with a
7 physical or developmental disability.

8 (Source: P.A. 83-1362; 88-62.)

9 (60 ILCS 1/260-5)

10 Sec. 260-5. Distributions from general fund, generally. To
11 the extent that moneys in the township general fund have not
12 been appropriated for other purposes, the township board may
13 direct that distributions be made from that fund as follows:

14 (1) To (i) school districts maintaining grades 1
15 through 8 that are wholly or partly located within the
16 township or (ii) governmental units as defined in Section 1
17 of the Community Mental Health Act that provide mental
18 health facilities and services (including facilities and
19 services for persons with intellectual disabilities ~~the~~
20 ~~intellectually disabled~~) under that Act within the
21 township, or (iii) both.

22 (2) To community action agencies that serve township
23 residents. "Community action agencies" are defined as in
24 Part A of Title II of the federal Economic Opportunity Act
25 of 1964.

1 (Source: P.A. 97-227, eff. 1-1-12.)

2 Section 370. The Illinois Municipal Code is amended by
3 changing Sections 8-3-7a, 10-5-2, 11-11.1-1, 11-20-14,
4 11-74.3-6, 11-95-13, and 11-95-14 as follows:

5 (65 ILCS 5/8-3-7a) (from Ch. 24, par. 8-3-7a)

6 Sec. 8-3-7a. (a) Whenever a petition containing the
7 signatures of at least 1,000 or 10% of the registered voters,
8 whichever is less, residing in a municipality of 500,000 or
9 fewer inhabitants is presented to the corporate authorities of
10 the municipality requesting the submission of a proposition to
11 levy a tax at a rate not exceeding .075% upon the value, as
12 equalized or assessed by the Department of Revenue, of all
13 property within the municipality subject to taxation, for the
14 purpose of financing a public transportation system for elderly
15 persons and persons with disabilities ~~and handicapped persons~~,
16 the corporate authorities of such municipality shall adopt an
17 ordinance or resolution directing the proper election
18 officials to place the proposition on the ballot at the next
19 election at which such proposition may be voted upon. The
20 petition shall be filed with the corporate authorities at least
21 90 days prior to the next election at which such proposition
22 may be voted upon. The petition may specify whether the
23 transportation system financed by a tax levy under this Section
24 is to serve only the municipality levying such tax or specified

1 regions outside the corporate boundaries of such municipality
2 in addition thereto. The petition shall be in substantially the
3 following form:

4 We, the undersigned registered voters residing in
5 (specify the municipality), in the County of and State of
6 Illinois, do hereby petition that the corporate authorities of
7 (specify the municipality) be required to place on the
8 ballot the proposition requiring the municipality to levy an
9 annual tax at the rate of (specify a rate not exceeding
10 .075%) on all taxable property in (specify the
11 municipality) for the purpose of financing a public
12 transportation system for elderly persons and persons with
13 disabilities ~~and handicapped persons~~ within (specify
14 the municipality and any regions outside the corporate
15 boundaries to be served by the transportation system).

16 Name..... Address.....

17 State of Illinois)

18)ss

19 County of...)

20 I, do hereby certify that I am a registered voter,
21 that I reside at No..... street, in the of
22 County of and State of Illinois, and that signatures
23 in this sheet were signed in my presence, and are genuine, and
24 that to the best of my knowledge and belief the persons so
25 signing were at the time of signing the petitions registered
26 voters, and that their respective residences are correctly

1 stated, as above set forth.

2

3 Subscribed and sworn to me this day of
4 A.D....

5 The proposition shall be in substantially the following
6 form:

7 -----

8 Shall a tax of % (specify
9 a rate not exceeding .075%) be levied
10 annually on all taxable property in
11(specify the municipality) to pay YES
12 the cost of operating and maintaining
13 a public transportation system for -----
14 elderly persons and persons with disabilities ~~and handicapped~~
15 ~~persons~~
16 within.....(specify the municipality NO
17 and any regions outside the corporate
18 boundaries to be served by the
19 transportation system)?

20 -----

21 If the majority of the voters of the municipality voting
22 therein vote in favor of the proposition, the corporate
23 authorities of the municipality shall levy such annual tax at
24 the rate specified in the proposition. If the majority of the
25 vote is against such proposition, such tax may not be levied.

26 (b) Municipalities under this Section may contract with any

1 not-for-profit corporation, subject to the General Not for
2 Profit Corporation Act and incorporated primarily for the
3 purpose of providing transportation to elderly persons and
4 persons with disabilities ~~and handicapped persons~~, for such
5 corporation to provide transportation-related services for the
6 purposes of this Section. Municipalities should utilize where
7 possible existing facilities and systems already operating for
8 the purposes outlined in this Section.

9 (c) Taxes authorized under this Section may be used only
10 for the purpose of financing a transportation system for
11 elderly persons and persons with disabilities ~~and handicapped~~
12 ~~persons~~ as authorized in this Section.

13 (d) For purposes of this Section, "persons with
14 disabilities ~~handicapped person~~" means any individuals
15 ~~individual~~ who, by reason of illness, injury, age, congenital
16 malfunction, or other permanent or temporary disability, are ~~is~~
17 unable without special public transportation facilities or
18 special planning or design to utilize ordinary public
19 transportation facilities and services as effectively as
20 persons who are not so affected.

21 "Public transportation for elderly persons and persons with
22 disabilities ~~and handicapped~~" means a transportation system
23 for persons who have mental or physical difficulty in accessing
24 or using the conventional public mass transportation system, or
25 for any other reason.

26 (Source: P.A. 83-656.)

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

2 Sec. 10-5-2.

3 Each such policy of insurance shall provide for the payment
4 to every volunteer member of such fire department receiving any
5 injury, which injury was sustained through accidental means and
6 was caused by and arose out of the duties of such member as a
7 volunteer fireman, causing a disability which prevents such
8 member from pursuing his usual vocation, as follows:

9 In such cities, villages and incorporated towns having a
10 population of less than 1,000, a weekly indemnity of not less
11 than \$20,

12 In such cities, villages and incorporated towns having a
13 population of 1,000 or more, a weekly indemnity of not less
14 than \$30.

15 Every such policy shall further provide:

16 (a) That the weekly indemnity payable thereunder shall be
17 paid as long as such disability shall continue, not however, to
18 exceed a period of 52 weeks.

19 (b) That in the event of the death or total permanent
20 disability of such volunteer fireman, the sum of not less than
21 \$3,500 shall be paid to the estate of any such volunteer
22 fireman or to such volunteer fireman with a total permanent
23 disability ~~total permanently disabled volunteer fireman~~, as
24 the case may be.

25 (c) For the payment of such medical, surgical, hospital and

1 nurse services and supplies, as may be necessary on account of
2 such injury, the total sum thereof, however, not to exceed
3 \$750, for injuries sustained as the result of any one accident.

4 This amendatory act of 1973 does not apply to any
5 municipality which is a home rule unit.

6 (Source: P.A. 78-481.)

7 (65 ILCS 5/11-11.1-1) (from Ch. 24, par. 11-11.1-1)

8 Sec. 11-11.1-1. The corporate authorities of any
9 municipality may enact ordinances prescribing fair housing
10 practices, defining unfair housing practices, establishing
11 Fair Housing or Human Relations Commissions and standards for
12 the operation of such Commissions in the administering and
13 enforcement of such ordinances, prohibiting discrimination
14 based on race, color, religion, sex, creed, ancestry, national
15 origin, or physical or mental disability ~~handicap~~ in the
16 listing, sale, assignment, exchange, transfer, lease, rental
17 or financing of real property for the purpose of the
18 residential occupancy thereof, and prescribing penalties for
19 violations of such ordinances.

20 Such ordinances may provide for closed meetings of the
21 Commissions or other administrative agencies responsible for
22 administering and enforcing such ordinances for the purpose of
23 conciliating complaints of discrimination and such meetings
24 shall not be subject to the provisions of "An Act in relation
25 to meetings", approved July 11, 1957, as amended. No final

1 action for the imposition or recommendation of a penalty by
2 such Commissions or agencies shall be taken, except at a
3 meeting open to the public.

4 To secure and guarantee the rights established by Sections
5 17, 18 and 19 of Article I of the Illinois Constitution, it is
6 declared that any ordinance or standard enacted under the
7 authority of this Section or under general home rule power and
8 any standard, rule or regulation of such a Commission which
9 prohibits, restricts, narrows or limits the housing choice of
10 any person is unenforceable and void. Nothing in this
11 amendatory Act of 1981 prohibits such a commission or a unit of
12 local government from making special outreach efforts to inform
13 members of minority groups of housing opportunities available
14 in areas of majority white concentration and make similar
15 efforts to inform the majority white population of available
16 housing opportunities located in areas of minority
17 concentration.

18 This amendatory Act of 1981 applies to municipalities which
19 are home rule units. Pursuant to Article VII, Section 6,
20 paragraph (i) of the Illinois Constitution, this amendatory Act
21 of 1981 is a limit on the power of municipalities that are home
22 rule units.

23 (Source: P.A. 82-340.)

24 (65 ILCS 5/11-20-14)

25 Sec. 11-20-14. Companion dogs; restaurants.

1 Notwithstanding any other prohibition to the contrary, a
2 municipality with a population of 1,000,000 or more may, by
3 ordinance, authorize the presence of companion dogs in outdoor
4 areas of restaurants where food is served, if the ordinance
5 provides for adequate controls to ensure compliance with the
6 Illinois Food, Drug, and Cosmetic Act, the Food Handling
7 Regulation Enforcement Act, the Sanitary Food Preparation Act,
8 and any other applicable statutes and ordinances. An ordinance
9 enacted under this Section shall provide that: (i) no companion
10 dog shall be present in the interior of any restaurant or in
11 any area where food is prepared; and (ii) the restaurant shall
12 have the right to refuse to serve the owner of a companion dog
13 if the owner fails to exercise reasonable control over the
14 companion dog or the companion dog is otherwise behaving in a
15 manner that compromises or threatens to compromise the health
16 or safety of any person present in the restaurant, including,
17 but not limited to, violations and potential violations of any
18 applicable health code or other statute or ordinance. An
19 ordinance enacted under this Section may also provide for a
20 permitting process to authorize individual restaurants to
21 permit dogs as provided in this Section and to charge
22 applicants and authorized restaurants a reasonable permit fee
23 as the ordinance may establish.

24 For the purposes of this Section, "companion dog" means a
25 dog other than a service dog assisting a person with a
26 disability ~~handicapped person~~.

1 (Source: P.A. 95-276, eff. 1-1-08.)

2 (65 ILCS 5/11-74.3-6)

3 Sec. 11-74.3-6. Business district revenue and obligations;
4 business district tax allocation fund.

5 (a) If the corporate authorities of a municipality have
6 approved a business district plan, have designated a business
7 district, and have elected to impose a tax by ordinance
8 pursuant to subsection (10) or (11) of Section 11-74.3-3, then
9 each year after the date of the approval of the ordinance but
10 terminating upon the date all business district project costs
11 and all obligations paying or reimbursing business district
12 project costs, if any, have been paid, but in no event later
13 than the dissolution date, all amounts generated by the
14 retailers' occupation tax and service occupation tax shall be
15 collected and the tax shall be enforced by the Department of
16 Revenue in the same manner as all retailers' occupation taxes
17 and service occupation taxes imposed in the municipality
18 imposing the tax and all amounts generated by the hotel
19 operators' occupation tax shall be collected and the tax shall
20 be enforced by the municipality in the same manner as all hotel
21 operators' occupation taxes imposed in the municipality
22 imposing the tax. The corporate authorities of the municipality
23 shall deposit the proceeds of the taxes imposed under
24 subsections (10) and (11) of Section 11-74.3-3 into a special
25 fund of the municipality called the "[Name of] Business

1 District Tax Allocation Fund" for the purpose of paying or
2 reimbursing business district project costs and obligations
3 incurred in the payment of those costs.

4 (b) The corporate authorities of a municipality that has
5 designated a business district under this Law may, by
6 ordinance, impose a Business District Retailers' Occupation
7 Tax upon all persons engaged in the business of selling
8 tangible personal property, other than an item of tangible
9 personal property titled or registered with an agency of this
10 State's government, at retail in the business district at a
11 rate not to exceed 1% of the gross receipts from the sales made
12 in the course of such business, to be imposed only in 0.25%
13 increments. The tax may not be imposed on food for human
14 consumption that is to be consumed off the premises where it is
15 sold (other than alcoholic beverages, soft drinks, and food
16 that has been prepared for immediate consumption),
17 prescription and nonprescription medicines, drugs, medical
18 appliances, modifications to a motor vehicle for the purpose of
19 rendering it usable by a person with a disability ~~disabled~~
20 ~~person~~, and insulin, urine testing materials, syringes, and
21 needles used by diabetics, for human use.

22 The tax imposed under this subsection and all civil
23 penalties that may be assessed as an incident thereof shall be
24 collected and enforced by the Department of Revenue. The
25 certificate of registration that is issued by the Department to
26 a retailer under the Retailers' Occupation Tax Act shall permit

1 the retailer to engage in a business that is taxable under any
2 ordinance or resolution enacted pursuant to this subsection
3 without registering separately with the Department under such
4 ordinance or resolution or under this subsection. The
5 Department of Revenue shall have full power to administer and
6 enforce this subsection; to collect all taxes and penalties due
7 under this subsection in the manner hereinafter provided; and
8 to determine all rights to credit memoranda arising on account
9 of the erroneous payment of tax or penalty under this
10 subsection. In the administration of, and compliance with, this
11 subsection, the Department and persons who are subject to this
12 subsection shall have the same rights, remedies, privileges,
13 immunities, powers and duties, and be subject to the same
14 conditions, restrictions, limitations, penalties, exclusions,
15 exemptions, and definitions of terms and employ the same modes
16 of procedure, as are prescribed in Sections 1, 1a through 1o, 2
17 through 2-65 (in respect to all provisions therein other than
18 the State rate of tax), 2c through 2h, 3 (except as to the
19 disposition of taxes and penalties collected), 4, 5, 5a, 5c,
20 5d, 5e, 5f, 5g, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11,
21 12, 13, and 14 of the Retailers' Occupation Tax Act and all
22 provisions of the Uniform Penalty and Interest Act, as fully as
23 if those provisions were set forth herein.

24 Persons subject to any tax imposed under this subsection
25 may reimburse themselves for their seller's tax liability under
26 this subsection by separately stating the tax as an additional

1 charge, which charge may be stated in combination, in a single
2 amount, with State taxes that sellers are required to collect
3 under the Use Tax Act, in accordance with such bracket
4 schedules as the Department may prescribe.

5 Whenever the Department determines that a refund should be
6 made under this subsection to a claimant instead of issuing a
7 credit memorandum, the Department shall notify the State
8 Comptroller, who shall cause the order to be drawn for the
9 amount specified and to the person named in the notification
10 from the Department. The refund shall be paid by the State
11 Treasurer out of the business district retailers' occupation
12 tax fund.

13 The Department shall immediately pay over to the State
14 Treasurer, ex officio, as trustee, all taxes, penalties, and
15 interest collected under this subsection for deposit into the
16 business district retailers' occupation tax fund.

17 As soon as possible after the first day of each month,
18 beginning January 1, 2011, upon certification of the Department
19 of Revenue, the Comptroller shall order transferred, and the
20 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
21 local sales tax increment, as defined in the Innovation
22 Development and Economy Act, collected under this subsection
23 during the second preceding calendar month for sales within a
24 STAR bond district.

25 After the monthly transfer to the STAR Bonds Revenue Fund,
26 on or before the 25th day of each calendar month, the

1 Department shall prepare and certify to the Comptroller the
2 disbursement of stated sums of money to named municipalities
3 from the business district retailers' occupation tax fund, the
4 municipalities to be those from which retailers have paid taxes
5 or penalties under this subsection to the Department during the
6 second preceding calendar month. The amount to be paid to each
7 municipality shall be the amount (not including credit
8 memoranda) collected under this subsection during the second
9 preceding calendar month by the Department plus an amount the
10 Department determines is necessary to offset any amounts that
11 were erroneously paid to a different taxing body, and not
12 including an amount equal to the amount of refunds made during
13 the second preceding calendar month by the Department, less 2%
14 of that amount, which shall be deposited into the Tax
15 Compliance and Administration Fund and shall be used by the
16 Department, subject to appropriation, to cover the costs of the
17 Department in administering and enforcing the provisions of
18 this subsection, on behalf of such municipality, and not
19 including any amount that the Department determines is
20 necessary to offset any amounts that were payable to a
21 different taxing body but were erroneously paid to the
22 municipality, and not including any amounts that are
23 transferred to the STAR Bonds Revenue Fund. Within 10 days
24 after receipt by the Comptroller of the disbursement
25 certification to the municipalities provided for in this
26 subsection to be given to the Comptroller by the Department,

1 the Comptroller shall cause the orders to be drawn for the
2 respective amounts in accordance with the directions contained
3 in the certification. The proceeds of the tax paid to
4 municipalities under this subsection shall be deposited into
5 the Business District Tax Allocation Fund by the municipality.

6 An ordinance imposing or discontinuing the tax under this
7 subsection or effecting a change in the rate thereof shall
8 either (i) be adopted and a certified copy thereof filed with
9 the Department on or before the first day of April, whereupon
10 the Department, if all other requirements of this subsection
11 are met, shall proceed to administer and enforce this
12 subsection as of the first day of July next following the
13 adoption and filing; or (ii) be adopted and a certified copy
14 thereof filed with the Department on or before the first day of
15 October, whereupon, if all other requirements of this
16 subsection are met, the Department shall proceed to administer
17 and enforce this subsection as of the first day of January next
18 following the adoption and filing.

19 The Department of Revenue shall not administer or enforce
20 an ordinance imposing, discontinuing, or changing the rate of
21 the tax under this subsection, until the municipality also
22 provides, in the manner prescribed by the Department, the
23 boundaries of the business district and each address in the
24 business district in such a way that the Department can
25 determine by its address whether a business is located in the
26 business district. The municipality must provide this boundary

1 and address information to the Department on or before April 1
2 for administration and enforcement of the tax under this
3 subsection by the Department beginning on the following July 1
4 and on or before October 1 for administration and enforcement
5 of the tax under this subsection by the Department beginning on
6 the following January 1. The Department of Revenue shall not
7 administer or enforce any change made to the boundaries of a
8 business district or address change, addition, or deletion
9 until the municipality reports the boundary change or address
10 change, addition, or deletion to the Department in the manner
11 prescribed by the Department. The municipality must provide
12 this boundary change information or address change, addition,
13 or deletion to the Department on or before April 1 for
14 administration and enforcement by the Department of the change
15 beginning on the following July 1 and on or before October 1
16 for administration and enforcement by the Department of the
17 change beginning on the following January 1. The retailers in
18 the business district shall be responsible for charging the tax
19 imposed under this subsection. If a retailer is incorrectly
20 included or excluded from the list of those required to collect
21 the tax under this subsection, both the Department of Revenue
22 and the retailer shall be held harmless if they reasonably
23 relied on information provided by the municipality.

24 A municipality that imposes the tax under this subsection
25 must submit to the Department of Revenue any other information
26 as the Department may require for the administration and

1 enforcement of the tax.

2 When certifying the amount of a monthly disbursement to a
3 municipality under this subsection, the Department shall
4 increase or decrease the amount by an amount necessary to
5 offset any misallocation of previous disbursements. The offset
6 amount shall be the amount erroneously disbursed within the
7 previous 6 months from the time a misallocation is discovered.

8 Nothing in this subsection shall be construed to authorize
9 the municipality to impose a tax upon the privilege of engaging
10 in any business which under the Constitution of the United
11 States may not be made the subject of taxation by this State.

12 If a tax is imposed under this subsection (b), a tax shall
13 also be imposed under subsection (c) of this Section.

14 (c) If a tax has been imposed under subsection (b), a
15 Business District Service Occupation Tax shall also be imposed
16 upon all persons engaged, in the business district, in the
17 business of making sales of service, who, as an incident to
18 making those sales of service, transfer tangible personal
19 property within the business district, either in the form of
20 tangible personal property or in the form of real estate as an
21 incident to a sale of service. The tax shall be imposed at the
22 same rate as the tax imposed in subsection (b) and shall not
23 exceed 1% of the selling price of tangible personal property so
24 transferred within the business district, to be imposed only in
25 0.25% increments. The tax may not be imposed on food for human
26 consumption that is to be consumed off the premises where it is

1 sold (other than alcoholic beverages, soft drinks, and food
2 that has been prepared for immediate consumption),
3 prescription and nonprescription medicines, drugs, medical
4 appliances, modifications to a motor vehicle for the purpose of
5 rendering it usable by a person with a disability ~~disabled~~
6 ~~person~~, and insulin, urine testing materials, syringes, and
7 needles used by diabetics, for human use.

8 The tax imposed under this subsection and all civil
9 penalties that may be assessed as an incident thereof shall be
10 collected and enforced by the Department of Revenue. The
11 certificate of registration which is issued by the Department
12 to a retailer under the Retailers' Occupation Tax Act or under
13 the Service Occupation Tax Act shall permit such registrant to
14 engage in a business which is taxable under any ordinance or
15 resolution enacted pursuant to this subsection without
16 registering separately with the Department under such
17 ordinance or resolution or under this subsection. The
18 Department of Revenue shall have full power to administer and
19 enforce this subsection; to collect all taxes and penalties due
20 under this subsection; to dispose of taxes and penalties so
21 collected in the manner hereinafter provided; and to determine
22 all rights to credit memoranda arising on account of the
23 erroneous payment of tax or penalty under this subsection. In
24 the administration of, and compliance with this subsection, the
25 Department and persons who are subject to this subsection shall
26 have the same rights, remedies, privileges, immunities, powers

1 and duties, and be subject to the same conditions,
2 restrictions, limitations, penalties, exclusions, exemptions,
3 and definitions of terms and employ the same modes of procedure
4 as are prescribed in Sections 2, 2a through 2d, 3 through 3-50
5 (in respect to all provisions therein other than the State rate
6 of tax), 4 (except that the reference to the State shall be to
7 the business district), 5, 7, 8 (except that the jurisdiction
8 to which the tax shall be a debt to the extent indicated in
9 that Section 8 shall be the municipality), 9 (except as to the
10 disposition of taxes and penalties collected, and except that
11 the returned merchandise credit for this tax may not be taken
12 against any State tax), 10, 11, 12 (except the reference
13 therein to Section 2b of the Retailers' Occupation Tax Act), 13
14 (except that any reference to the State shall mean the
15 municipality), the first paragraph of Section 15, and Sections
16 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and all
17 provisions of the Uniform Penalty and Interest Act, as fully as
18 if those provisions were set forth herein.

19 Persons subject to any tax imposed under the authority
20 granted in this subsection may reimburse themselves for their
21 serviceman's tax liability hereunder by separately stating the
22 tax as an additional charge, which charge may be stated in
23 combination, in a single amount, with State tax that servicemen
24 are authorized to collect under the Service Use Tax Act, in
25 accordance with such bracket schedules as the Department may
26 prescribe.

1 Whenever the Department determines that a refund should be
2 made under this subsection to a claimant instead of issuing
3 credit memorandum, the Department shall notify the State
4 Comptroller, who shall cause the order to be drawn for the
5 amount specified, and to the person named, in such notification
6 from the Department. Such refund shall be paid by the State
7 Treasurer out of the business district retailers' occupation
8 tax fund.

9 The Department shall forthwith pay over to the State
10 Treasurer, ex-officio, as trustee, all taxes, penalties, and
11 interest collected under this subsection for deposit into the
12 business district retailers' occupation tax fund.

13 As soon as possible after the first day of each month,
14 beginning January 1, 2011, upon certification of the Department
15 of Revenue, the Comptroller shall order transferred, and the
16 Treasurer shall transfer, to the STAR Bonds Revenue Fund the
17 local sales tax increment, as defined in the Innovation
18 Development and Economy Act, collected under this subsection
19 during the second preceding calendar month for sales within a
20 STAR bond district.

21 After the monthly transfer to the STAR Bonds Revenue Fund,
22 on or before the 25th day of each calendar month, the
23 Department shall prepare and certify to the Comptroller the
24 disbursement of stated sums of money to named municipalities
25 from the business district retailers' occupation tax fund, the
26 municipalities to be those from which suppliers and servicemen

1 have paid taxes or penalties under this subsection to the
2 Department during the second preceding calendar month. The
3 amount to be paid to each municipality shall be the amount (not
4 including credit memoranda) collected under this subsection
5 during the second preceding calendar month by the Department,
6 less 2% of that amount, which shall be deposited into the Tax
7 Compliance and Administration Fund and shall be used by the
8 Department, subject to appropriation, to cover the costs of the
9 Department in administering and enforcing the provisions of
10 this subsection, and not including an amount equal to the
11 amount of refunds made during the second preceding calendar
12 month by the Department on behalf of such municipality, and not
13 including any amounts that are transferred to the STAR Bonds
14 Revenue Fund. Within 10 days after receipt, by the Comptroller,
15 of the disbursement certification to the municipalities,
16 provided for in this subsection to be given to the Comptroller
17 by the Department, the Comptroller shall cause the orders to be
18 drawn for the respective amounts in accordance with the
19 directions contained in such certification. The proceeds of the
20 tax paid to municipalities under this subsection shall be
21 deposited into the Business District Tax Allocation Fund by the
22 municipality.

23 An ordinance imposing or discontinuing the tax under this
24 subsection or effecting a change in the rate thereof shall
25 either (i) be adopted and a certified copy thereof filed with
26 the Department on or before the first day of April, whereupon

1 the Department, if all other requirements of this subsection
2 are met, shall proceed to administer and enforce this
3 subsection as of the first day of July next following the
4 adoption and filing; or (ii) be adopted and a certified copy
5 thereof filed with the Department on or before the first day of
6 October, whereupon, if all other conditions of this subsection
7 are met, the Department shall proceed to administer and enforce
8 this subsection as of the first day of January next following
9 the adoption and filing.

10 The Department of Revenue shall not administer or enforce
11 an ordinance imposing, discontinuing, or changing the rate of
12 the tax under this subsection, until the municipality also
13 provides, in the manner prescribed by the Department, the
14 boundaries of the business district in such a way that the
15 Department can determine by its address whether a business is
16 located in the business district. The municipality must provide
17 this boundary and address information to the Department on or
18 before April 1 for administration and enforcement of the tax
19 under this subsection by the Department beginning on the
20 following July 1 and on or before October 1 for administration
21 and enforcement of the tax under this subsection by the
22 Department beginning on the following January 1. The Department
23 of Revenue shall not administer or enforce any change made to
24 the boundaries of a business district or address change,
25 addition, or deletion until the municipality reports the
26 boundary change or address change, addition, or deletion to the

1 Department in the manner prescribed by the Department. The
2 municipality must provide this boundary change information or
3 address change, addition, or deletion to the Department on or
4 before April 1 for administration and enforcement by the
5 Department of the change beginning on the following July 1 and
6 on or before October 1 for administration and enforcement by
7 the Department of the change beginning on the following January
8 1. The retailers in the business district shall be responsible
9 for charging the tax imposed under this subsection. If a
10 retailer is incorrectly included or excluded from the list of
11 those required to collect the tax under this subsection, both
12 the Department of Revenue and the retailer shall be held
13 harmless if they reasonably relied on information provided by
14 the municipality.

15 A municipality that imposes the tax under this subsection
16 must submit to the Department of Revenue any other information
17 as the Department may require for the administration and
18 enforcement of the tax.

19 Nothing in this subsection shall be construed to authorize
20 the municipality to impose a tax upon the privilege of engaging
21 in any business which under the Constitution of the United
22 States may not be made the subject of taxation by the State.

23 If a tax is imposed under this subsection (c), a tax shall
24 also be imposed under subsection (b) of this Section.

25 (d) By ordinance, a municipality that has designated a
26 business district under this Law may impose an occupation tax

1 upon all persons engaged in the business district in the
2 business of renting, leasing, or letting rooms in a hotel, as
3 defined in the Hotel Operators' Occupation Tax Act, at a rate
4 not to exceed 1% of the gross rental receipts from the renting,
5 leasing, or letting of hotel rooms within the business
6 district, to be imposed only in 0.25% increments, excluding,
7 however, from gross rental receipts the proceeds of renting,
8 leasing, or letting to permanent residents of a hotel, as
9 defined in the Hotel Operators' Occupation Tax Act, and
10 proceeds from the tax imposed under subsection (c) of Section
11 13 of the Metropolitan Pier and Exposition Authority Act.

12 The tax imposed by the municipality under this subsection
13 and all civil penalties that may be assessed as an incident to
14 that tax shall be collected and enforced by the municipality
15 imposing the tax. The municipality shall have full power to
16 administer and enforce this subsection, to collect all taxes
17 and penalties due under this subsection, to dispose of taxes
18 and penalties so collected in the manner provided in this
19 subsection, and to determine all rights to credit memoranda
20 arising on account of the erroneous payment of tax or penalty
21 under this subsection. In the administration of and compliance
22 with this subsection, the municipality and persons who are
23 subject to this subsection shall have the same rights,
24 remedies, privileges, immunities, powers, and duties, shall be
25 subject to the same conditions, restrictions, limitations,
26 penalties, and definitions of terms, and shall employ the same

1 modes of procedure as are employed with respect to a tax
2 adopted by the municipality under Section 8-3-14 of this Code.

3 Persons subject to any tax imposed under the authority
4 granted in this subsection may reimburse themselves for their
5 tax liability for that tax by separately stating that tax as an
6 additional charge, which charge may be stated in combination,
7 in a single amount, with State taxes imposed under the Hotel
8 Operators' Occupation Tax Act, and with any other tax.

9 Nothing in this subsection shall be construed to authorize
10 a municipality to impose a tax upon the privilege of engaging
11 in any business which under the Constitution of the United
12 States may not be made the subject of taxation by this State.

13 The proceeds of the tax imposed under this subsection shall
14 be deposited into the Business District Tax Allocation Fund.

15 (e) Obligations secured by the Business District Tax
16 Allocation Fund may be issued to provide for the payment or
17 reimbursement of business district project costs. Those
18 obligations, when so issued, shall be retired in the manner
19 provided in the ordinance authorizing the issuance of those
20 obligations by the receipts of taxes imposed pursuant to
21 subsections (10) and (11) of Section 11-74.3-3 and by other
22 revenue designated or pledged by the municipality. A
23 municipality may in the ordinance pledge, for any period of
24 time up to and including the dissolution date, all or any part
25 of the funds in and to be deposited in the Business District
26 Tax Allocation Fund to the payment of business district project

1 costs and obligations. Whenever a municipality pledges all of
2 the funds to the credit of a business district tax allocation
3 fund to secure obligations issued or to be issued to pay or
4 reimburse business district project costs, the municipality
5 may specifically provide that funds remaining to the credit of
6 such business district tax allocation fund after the payment of
7 such obligations shall be accounted for annually and shall be
8 deemed to be "surplus" funds, and such "surplus" funds shall be
9 expended by the municipality for any business district project
10 cost as approved in the business district plan. Whenever a
11 municipality pledges less than all of the monies to the credit
12 of a business district tax allocation fund to secure
13 obligations issued or to be issued to pay or reimburse business
14 district project costs, the municipality shall provide that
15 monies to the credit of the business district tax allocation
16 fund and not subject to such pledge or otherwise encumbered or
17 required for payment of contractual obligations for specific
18 business district project costs shall be calculated annually
19 and shall be deemed to be "surplus" funds, and such "surplus"
20 funds shall be expended by the municipality for any business
21 district project cost as approved in the business district
22 plan.

23 No obligation issued pursuant to this Law and secured by a
24 pledge of all or any portion of any revenues received or to be
25 received by the municipality from the imposition of taxes
26 pursuant to subsection (10) of Section 11-74.3-3, shall be

1 deemed to constitute an economic incentive agreement under
2 Section 8-11-20, notwithstanding the fact that such pledge
3 provides for the sharing, rebate, or payment of retailers'
4 occupation taxes or service occupation taxes imposed pursuant
5 to subsection (10) of Section 11-74.3-3 and received or to be
6 received by the municipality from the development or
7 redevelopment of properties in the business district.

8 Without limiting the foregoing in this Section, the
9 municipality may further secure obligations secured by the
10 business district tax allocation fund with a pledge, for a
11 period not greater than the term of the obligations and in any
12 case not longer than the dissolution date, of any part or any
13 combination of the following: (i) net revenues of all or part
14 of any business district project; (ii) taxes levied or imposed
15 by the municipality on any or all property in the municipality,
16 including, specifically, taxes levied or imposed by the
17 municipality in a special service area pursuant to the Special
18 Service Area Tax Law; (iii) the full faith and credit of the
19 municipality; (iv) a mortgage on part or all of the business
20 district project; or (v) any other taxes or anticipated
21 receipts that the municipality may lawfully pledge.

22 Such obligations may be issued in one or more series, bear
23 such date or dates, become due at such time or times as therein
24 provided, but in any case not later than (i) 20 years after the
25 date of issue or (ii) the dissolution date, whichever is
26 earlier, bear interest payable at such intervals and at such

1 rate or rates as set forth therein, except as may be limited by
2 applicable law, which rate or rates may be fixed or variable,
3 be in such denominations, be in such form, either coupon,
4 registered, or book-entry, carry such conversion, registration
5 and exchange privileges, be subject to defeasance upon such
6 terms, have such rank or priority, be executed in such manner,
7 be payable in such medium or payment at such place or places
8 within or without the State, make provision for a corporate
9 trustee within or without the State with respect to such
10 obligations, prescribe the rights, powers, and duties thereof
11 to be exercised for the benefit of the municipality and the
12 benefit of the owners of such obligations, provide for the
13 holding in trust, investment, and use of moneys, funds, and
14 accounts held under an ordinance, provide for assignment of and
15 direct payment of the moneys to pay such obligations or to be
16 deposited into such funds or accounts directly to such trustee,
17 be subject to such terms of redemption with or without premium,
18 and be sold at such price, all as the corporate authorities
19 shall determine. No referendum approval of the electors shall
20 be required as a condition to the issuance of obligations
21 pursuant to this Law except as provided in this Section.

22 In the event the municipality authorizes the issuance of
23 obligations pursuant to the authority of this Law secured by
24 the full faith and credit of the municipality, or pledges ad
25 valorem taxes pursuant to this subsection, which obligations
26 are other than obligations which may be issued under home rule

1 powers provided by Section 6 of Article VII of the Illinois
2 Constitution or which ad valorem taxes are other than ad
3 valorem taxes which may be pledged under home rule powers
4 provided by Section 6 of Article VII of the Illinois
5 Constitution or which are levied in a special service area
6 pursuant to the Special Service Area Tax Law, the ordinance
7 authorizing the issuance of those obligations or pledging those
8 taxes shall be published within 10 days after the ordinance has
9 been adopted, in a newspaper having a general circulation
10 within the municipality. The publication of the ordinance shall
11 be accompanied by a notice of (i) the specific number of voters
12 required to sign a petition requesting the question of the
13 issuance of the obligations or pledging such ad valorem taxes
14 to be submitted to the electors; (ii) the time within which the
15 petition must be filed; and (iii) the date of the prospective
16 referendum. The municipal clerk shall provide a petition form
17 to any individual requesting one.

18 If no petition is filed with the municipal clerk, as
19 hereinafter provided in this Section, within 21 days after the
20 publication of the ordinance, the ordinance shall be in effect.
21 However, if within that 21-day period a petition is filed with
22 the municipal clerk, signed by electors numbering not less than
23 15% of the number of electors voting for the mayor or president
24 at the last general municipal election, asking that the
25 question of issuing obligations using full faith and credit of
26 the municipality as security for the cost of paying or

1 reimbursing business district project costs, or of pledging
2 such ad valorem taxes for the payment of those obligations, or
3 both, be submitted to the electors of the municipality, the
4 municipality shall not be authorized to issue obligations of
5 the municipality using the full faith and credit of the
6 municipality as security or pledging such ad valorem taxes for
7 the payment of those obligations, or both, until the
8 proposition has been submitted to and approved by a majority of
9 the voters voting on the proposition at a regularly scheduled
10 election. The municipality shall certify the proposition to the
11 proper election authorities for submission in accordance with
12 the general election law.

13 The ordinance authorizing the obligations may provide that
14 the obligations shall contain a recital that they are issued
15 pursuant to this Law, which recital shall be conclusive
16 evidence of their validity and of the regularity of their
17 issuance.

18 In the event the municipality authorizes issuance of
19 obligations pursuant to this Law secured by the full faith and
20 credit of the municipality, the ordinance authorizing the
21 obligations may provide for the levy and collection of a direct
22 annual tax upon all taxable property within the municipality
23 sufficient to pay the principal thereof and interest thereon as
24 it matures, which levy may be in addition to and exclusive of
25 the maximum of all other taxes authorized to be levied by the
26 municipality, which levy, however, shall be abated to the

1 extent that monies from other sources are available for payment
2 of the obligations and the municipality certifies the amount of
3 those monies available to the county clerk.

4 A certified copy of the ordinance shall be filed with the
5 county clerk of each county in which any portion of the
6 municipality is situated, and shall constitute the authority
7 for the extension and collection of the taxes to be deposited
8 in the business district tax allocation fund.

9 A municipality may also issue its obligations to refund, in
10 whole or in part, obligations theretofore issued by the
11 municipality under the authority of this Law, whether at or
12 prior to maturity. However, the last maturity of the refunding
13 obligations shall not be expressed to mature later than the
14 dissolution date.

15 In the event a municipality issues obligations under home
16 rule powers or other legislative authority, the proceeds of
17 which are pledged to pay or reimburse business district project
18 costs, the municipality may, if it has followed the procedures
19 in conformance with this Law, retire those obligations from
20 funds in the business district tax allocation fund in amounts
21 and in such manner as if those obligations had been issued
22 pursuant to the provisions of this Law.

23 No obligations issued pursuant to this Law shall be
24 regarded as indebtedness of the municipality issuing those
25 obligations or any other taxing district for the purpose of any
26 limitation imposed by law.

1 Obligations issued pursuant to this Law shall not be
2 subject to the provisions of the Bond Authorization Act.

3 (f) When business district project costs, including,
4 without limitation, all obligations paying or reimbursing
5 business district project costs have been paid, any surplus
6 funds then remaining in the Business District Tax Allocation
7 Fund shall be distributed to the municipal treasurer for
8 deposit into the general corporate fund of the municipality.
9 Upon payment of all business district project costs and
10 retirement of all obligations paying or reimbursing business
11 district project costs, but in no event more than 23 years
12 after the date of adoption of the ordinance imposing taxes
13 pursuant to subsection (10) or (11) of Section 11-74.3-3, the
14 municipality shall adopt an ordinance immediately rescinding
15 the taxes imposed pursuant to subsection (10) or (11) of
16 Section 11-74.3-3.

17 (Source: P.A. 96-939, eff. 6-24-10; 96-1394, eff. 7-29-10;
18 96-1555, eff. 3-18-11; 97-333, eff. 8-12-11.)

19 (65 ILCS 5/11-95-13) (from Ch. 24, par. 11-95-13)

20 Sec. 11-95-13. The corporate authorities of a municipality
21 specified in Section 11-95-2 and a recreation board specified
22 in Section 11-95-3 are authorized to establish, maintain and
23 manage recreational programs for persons with disabilities ~~the~~
24 ~~handicapped~~, including both persons with mental disabilities
25 and persons with physical disabilities ~~mentally and physically~~

1 ~~handicapped~~, to provide transportation for persons with
2 disabilities ~~the handicapped~~ to and from such programs, to
3 provide for such examination of participants in such programs
4 as may be deemed necessary, to charge fees for participating in
5 such programs, the fee charged for non-residents of such
6 municipality need not be the same as the fees charged the
7 residents of the municipality, and to charge fees for
8 transportation furnished to participants.

9 (Source: P.A. 76-806.)

10 (65 ILCS 5/11-95-14) (from Ch. 24, par. 11-95-14)

11 Sec. 11-95-14. The corporate authorities of any 2 or more
12 municipalities specified in Section 11-95-2 and any 2 or more
13 recreation boards specified in Section 11-95-3, or any
14 combination thereof, are authorized to take any action jointly
15 relating to recreational programs for persons with
16 disabilities ~~the handicapped~~ that could be taken individually
17 and to enter into agreements with other such recreation boards,
18 corporate authorities and park districts or any combination
19 thereof, for the purpose of providing for the establishment,
20 maintenance and management of joint recreational programs for
21 persons with disabilities ~~the handicapped~~ of all the
22 participating districts and municipal areas, including
23 provisions for transportation of participants, procedures for
24 approval of budgets, authorization of expenditures and sharing
25 of expenses, location of recreational areas in the area of any

1 of the participating districts and municipalities, acquisition
2 of real estate by gift, legacy, grant, or purchase, employment
3 of a director and other professional workers for such program
4 who may be employed by one participating district, municipality
5 or board which shall be reimbursed on a mutually agreed basis
6 by the other municipalities, districts and boards that are
7 parties to the joint agreement, authorization for one
8 municipality, board or district to supply professional workers
9 for a joint program conducted in another municipality or
10 district and to provide other requirements for operation of
11 such joint program as may be desirable. The corporate
12 authorities of any municipality that is a party to a joint
13 agreement entered into under this Section may levy and collect
14 a tax, in the manner provided by law for the levy and
15 collection of other municipal taxes in the municipality but in
16 addition to taxes for general purposes authorized by Section
17 8-3-1 or levied as limited by any provision of a special
18 charter under which the municipality is incorporated, at not to
19 exceed .04% of the value, as equalized or assessed by the
20 Department of Revenue, of all taxable property within the
21 municipality for the purpose of funding that municipality's
22 share of the expenses for providing the programs under that
23 joint agreement. However, no tax may be levied pursuant to this
24 Section in any area in which a tax is levied under Section 5-8
25 of the Park District Code.

26 (Source: P.A. 92-230, eff. 1-1-02.)

1 Section 375. The Flood Prevention District Act is amended
2 by changing Section 25 as follows:

3 (70 ILCS 750/25)

4 Sec. 25. Flood prevention retailers' and service
5 occupation taxes.

6 (a) If the Board of Commissioners of a flood prevention
7 district determines that an emergency situation exists
8 regarding levee repair or flood prevention, and upon an
9 ordinance confirming the determination adopted by the
10 affirmative vote of a majority of the members of the county
11 board of the county in which the district is situated, the
12 county may impose a flood prevention retailers' occupation tax
13 upon all persons engaged in the business of selling tangible
14 personal property at retail within the territory of the
15 district to provide revenue to pay the costs of providing
16 emergency levee repair and flood prevention and to secure the
17 payment of bonds, notes, and other evidences of indebtedness
18 issued under this Act for a period not to exceed 25 years or as
19 required to repay the bonds, notes, and other evidences of
20 indebtedness issued under this Act. The tax rate shall be 0.25%
21 of the gross receipts from all taxable sales made in the course
22 of that business. The tax imposed under this Section and all
23 civil penalties that may be assessed as an incident thereof
24 shall be collected and enforced by the State Department of

1 Revenue. The Department shall have full power to administer and
2 enforce this Section; to collect all taxes and penalties so
3 collected in the manner hereinafter provided; and to determine
4 all rights to credit memoranda arising on account of the
5 erroneous payment of tax or penalty hereunder.

6 In the administration of and compliance with this
7 subsection, the Department and persons who are subject to this
8 subsection (i) have the same rights, remedies, privileges,
9 immunities, powers, and duties, (ii) are subject to the same
10 conditions, restrictions, limitations, penalties, and
11 definitions of terms, and (iii) shall employ the same modes of
12 procedure as are set forth in Sections 1 through 1o, 2 through
13 2-70 (in respect to all provisions contained in those Sections
14 other than the State rate of tax), 2a through 2h, 3 (except as
15 to the disposition of taxes and penalties collected), 4, 5, 5a,
16 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10,
17 11, 11a, 12, and 13 of the Retailers' Occupation Tax Act and
18 all provisions of the Uniform Penalty and Interest Act as if
19 those provisions were set forth in this subsection.

20 Persons subject to any tax imposed under this Section may
21 reimburse themselves for their seller's tax liability
22 hereunder by separately stating the tax as an additional
23 charge, which charge may be stated in combination in a single
24 amount with State taxes that sellers are required to collect
25 under the Use Tax Act, under any bracket schedules the
26 Department may prescribe.

1 If a tax is imposed under this subsection (a), a tax shall
2 also be imposed under subsection (b) of this Section.

3 (b) If a tax has been imposed under subsection (a), a flood
4 prevention service occupation tax shall also be imposed upon
5 all persons engaged within the territory of the district in the
6 business of making sales of service, who, as an incident to
7 making the sales of service, transfer tangible personal
8 property, either in the form of tangible personal property or
9 in the form of real estate as an incident to a sale of service
10 to provide revenue to pay the costs of providing emergency
11 levee repair and flood prevention and to secure the payment of
12 bonds, notes, and other evidences of indebtedness issued under
13 this Act for a period not to exceed 25 years or as required to
14 repay the bonds, notes, and other evidences of indebtedness.
15 The tax rate shall be 0.25% of the selling price of all
16 tangible personal property transferred.

17 The tax imposed under this subsection and all civil
18 penalties that may be assessed as an incident thereof shall be
19 collected and enforced by the State Department of Revenue. The
20 Department shall have full power to administer and enforce this
21 subsection; to collect all taxes and penalties due hereunder;
22 to dispose of taxes and penalties collected in the manner
23 hereinafter provided; and to determine all rights to credit
24 memoranda arising on account of the erroneous payment of tax or
25 penalty hereunder.

26 In the administration of and compliance with this

1 subsection, the Department and persons who are subject to this
2 subsection shall (i) have the same rights, remedies,
3 privileges, immunities, powers, and duties, (ii) be subject to
4 the same conditions, restrictions, limitations, penalties, and
5 definitions of terms, and (iii) employ the same modes of
6 procedure as are set forth in Sections 2 (except that the
7 reference to State in the definition of supplier maintaining a
8 place of business in this State means the district), 2a through
9 2d, 3 through 3-50 (in respect to all provisions contained in
10 those Sections other than the State rate of tax), 4 (except
11 that the reference to the State shall be to the district), 5,
12 7, 8 (except that the jurisdiction to which the tax is a debt
13 to the extent indicated in that Section 8 is the district), 9
14 (except as to the disposition of taxes and penalties
15 collected), 10, 11, 12 (except the reference therein to Section
16 2b of the Retailers' Occupation Tax Act), 13 (except that any
17 reference to the State means the district), Section 15, 16, 17,
18 18, 19, and 20 of the Service Occupation Tax Act and all
19 provisions of the Uniform Penalty and Interest Act, as fully as
20 if those provisions were set forth herein.

21 Persons subject to any tax imposed under the authority
22 granted in this subsection may reimburse themselves for their
23 serviceman's tax liability hereunder by separately stating the
24 tax as an additional charge, that charge may be stated in
25 combination in a single amount with State tax that servicemen
26 are authorized to collect under the Service Use Tax Act, under

1 any bracket schedules the Department may prescribe.

2 (c) The taxes imposed in subsections (a) and (b) may not be
3 imposed on personal property titled or registered with an
4 agency of the State; food for human consumption that is to be
5 consumed off the premises where it is sold (other than
6 alcoholic beverages, soft drinks, and food that has been
7 prepared for immediate consumption); prescription and
8 non-prescription medicines, drugs, and medical appliances;
9 modifications to a motor vehicle for the purpose of rendering
10 it usable by a person with a disability ~~disabled person~~; or
11 insulin, urine testing materials, and syringes and needles used
12 by diabetics.

13 (d) Nothing in this Section shall be construed to authorize
14 the district to impose a tax upon the privilege of engaging in
15 any business that under the Constitution of the United States
16 may not be made the subject of taxation by the State.

17 (e) The certificate of registration that is issued by the
18 Department to a retailer under the Retailers' Occupation Tax
19 Act or a serviceman under the Service Occupation Tax Act
20 permits the retailer or serviceman to engage in a business that
21 is taxable without registering separately with the Department
22 under an ordinance or resolution under this Section.

23 (f) The Department shall immediately pay over to the State
24 Treasurer, ex officio, as trustee, all taxes and penalties
25 collected under this Section to be deposited into the Flood
26 Prevention Occupation Tax Fund, which shall be an

1 unappropriated trust fund held outside the State treasury.

2 On or before the 25th day of each calendar month, the
3 Department shall prepare and certify to the Comptroller the
4 disbursement of stated sums of money to the counties from which
5 retailers or servicemen have paid taxes or penalties to the
6 Department during the second preceding calendar month. The
7 amount to be paid to each county is equal to the amount (not
8 including credit memoranda) collected from the county under
9 this Section during the second preceding calendar month by the
10 Department, (i) less 2% of that amount, which shall be
11 deposited into the Tax Compliance and Administration Fund and
12 shall be used by the Department in administering and enforcing
13 the provisions of this Section on behalf of the county, (ii)
14 plus an amount that the Department determines is necessary to
15 offset any amounts that were erroneously paid to a different
16 taxing body; (iii) less an amount equal to the amount of
17 refunds made during the second preceding calendar month by the
18 Department on behalf of the county; and (iv) less any amount
19 that the Department determines is necessary to offset any
20 amounts that were payable to a different taxing body but were
21 erroneously paid to the county. When certifying the amount of a
22 monthly disbursement to a county under this Section, the
23 Department shall increase or decrease the amounts by an amount
24 necessary to offset any miscalculation of previous
25 disbursements within the previous 6 months from the time a
26 miscalculation is discovered.

1 Within 10 days after receipt by the Comptroller from the
2 Department of the disbursement certification to the counties
3 provided for in this Section, the Comptroller shall cause the
4 orders to be drawn for the respective amounts in accordance
5 with directions contained in the certification.

6 If the Department determines that a refund should be made
7 under this Section to a claimant instead of issuing a credit
8 memorandum, then the Department shall notify the Comptroller,
9 who shall cause the order to be drawn for the amount specified
10 and to the person named in the notification from the
11 Department. The refund shall be paid by the Treasurer out of
12 the Flood Prevention Occupation Tax Fund.

13 (g) If a county imposes a tax under this Section, then the
14 county board shall, by ordinance, discontinue the tax upon the
15 payment of all indebtedness of the flood prevention district.
16 The tax shall not be discontinued until all indebtedness of the
17 District has been paid.

18 (h) Any ordinance imposing the tax under this Section, or
19 any ordinance that discontinues the tax, must be certified by
20 the county clerk and filed with the Illinois Department of
21 Revenue either (i) on or before the first day of April,
22 whereupon the Department shall proceed to administer and
23 enforce the tax or change in the rate as of the first day of
24 July next following the filing; or (ii) on or before the first
25 day of October, whereupon the Department shall proceed to
26 administer and enforce the tax or change in the rate as of the

1 first day of January next following the filing.

2 (j) County Flood Prevention Occupation Tax Fund. All
3 proceeds received by a county from a tax distribution under
4 this Section must be maintained in a special fund known as the
5 [name of county] flood prevention occupation tax fund. The
6 county shall, at the direction of the flood prevention
7 district, use moneys in the fund to pay the costs of providing
8 emergency levee repair and flood prevention and to pay bonds,
9 notes, and other evidences of indebtedness issued under this
10 Act.

11 (k) This Section may be cited as the Flood Prevention
12 Occupation Tax Law.

13 (Source: P.A. 96-939, eff. 6-24-10; 97-188, eff. 7-22-11.)

14 Section 380. The Downstate Forest Preserve District Act is
15 amended by changing Section 6 as follows:

16 (70 ILCS 805/6) (from Ch. 96 1/2, par. 6309)

17 Sec. 6. Acquisition of property. Any such District shall
18 have power to acquire lands and grounds for the aforesaid
19 purposes by lease, or in fee simple by gift, grant, legacy,
20 purchase or condemnation, or to acquire easements in land, and
21 to construct, lay out, improve and maintain wells, power
22 plants, comfort stations, shelter houses, paths, driveways,
23 public roads, roadways and other improvements and facilities in
24 and through such forest preserves as they shall deem necessary

1 or desirable for the use of such forest preserves by the public
2 and may acquire, develop, improve and maintain waterways in
3 conjunction with the district. No district with a population
4 less than 600,000 shall have the power to purchase, condemn,
5 lease or acquire an easement in property within a municipality
6 without the concurrence of the governing body of the
7 municipality, except where such district is acquiring land for
8 a linear park or trail not to exceed 100 yards in width or is
9 acquiring land contiguous to an existing park or forest
10 preserve, and no municipality shall annex any land for the
11 purpose of defeating a District acquisition once the District
12 has given notice of intent to acquire a specified parcel of
13 land. No district with a population of less than 500,000 shall
14 (i) have the power to condemn property for a linear park or
15 trail within a municipality without the concurrence of the
16 governing body of the municipality or (ii) have the power to
17 condemn property for a linear park or trail in an
18 unincorporated area without the concurrence of the governing
19 body of the township within which the property is located or
20 (iii) once having commenced a proceeding to acquire land by
21 condemnation, dismiss or abandon that proceeding without the
22 consent of the property owners. No district shall establish a
23 trail surface within 50 feet of an occupied dwelling which was
24 in existence prior to the approval of the acquisition by the
25 district without obtaining permission of the owners of the
26 premises or the concurrence of the governing body of the

1 municipality or township within which the property is located.
2 All acquisitions of land by a district with a population less
3 than 600,000 within 1 1/2 miles of a municipality shall be
4 preceded by a conference with the mayor or president of the
5 municipality or his designated agent. If a forest preserve
6 district is in negotiations for acquisition of land with owners
7 of land adjacent to a municipality, the annexation of that land
8 shall be deferred for 6 months. The district shall have no
9 power to acquire an interest in real estate situated outside
10 the district by the exercise of the right of eminent domain, by
11 purchase or by lease, but shall have the power to acquire any
12 such property, or an easement in any such property, which is
13 contiguous to the district by gift, legacy, grant, or lease by
14 the State of Illinois, subject to approval of the county board
15 of the county, and of any forest preserve district or
16 conservation district, within which the property is located.
17 The district shall have the same control of and power over
18 land, an interest in which it has so acquired, as over forest
19 preserves within the district. If any of the powers to acquire
20 lands and hold or improve the same given to Forest Preserve
21 Districts, by Sections 5 and 6 of this Act should be held
22 invalid, such invalidity shall not invalidate the remainder of
23 this Act or any of the other powers herein given and conferred
24 upon the Forest Preserve Districts. Such Forest Preserve
25 Districts shall also have power to lease not to exceed 40 acres
26 of the lands and grounds acquired by it, for a term of not more

1 than 99 years to veterans' organizations as grounds for
2 convalescing sick veterans and veterans with disabilities ~~and~~
3 ~~disabled veterans~~, and as a place upon which to construct
4 rehabilitation quarters, or to a county as grounds for a county
5 nursing home or convalescent home. Any such Forest Preserve
6 District shall also have power to grant licenses, easements and
7 rights-of-way for the construction, operation and maintenance
8 upon, under or across any property of such District of
9 facilities for water, sewage, telephone, telegraph, electric,
10 gas or other public service, subject to such terms and
11 conditions as may be determined by such District.

12 Any such District may purchase, but not condemn, a parcel
13 of land and sell a portion thereof for not less than fair
14 market value pursuant to resolution of the Board. Such
15 resolution shall be passed by the affirmative vote of at least
16 2/3 of all members of the board within 30 days after
17 acquisition by the district of such parcel.

18 The corporate authorities of a forest preserve district
19 that (i) is located in a county that has more than 700,000
20 inhabitants, (ii) borders a county that has 1,000,000 or more
21 inhabitants, and (iii) also borders another state, by ordinance
22 or resolution, may authorize the sale or public auction of a
23 structure located on land owned by the district if (i) the
24 structure existed on the land prior to the district's
25 acquisition of the land, (ii) two-thirds of the members of the
26 board of commissioners then holding office find that the

1 structure is not necessary or is not useful to or for the best
2 interest of the forest preserve district, (iii) a condition of
3 sale or auction requires the transferee of the structure to
4 remove the structure from district land, and (iv) prior to the
5 sale or auction, the fair market value of the structure is
6 determined by a written MAI-certified appraisal or by a written
7 certified appraisal of a State certified or licensed real
8 estate appraiser and the appraisal is available for public
9 inspection. The ordinance or resolution shall (i) direct the
10 sale to be conducted by the staff of the district, a listing
11 with local licensed real estate agencies (in which case the
12 terms of the agent's compensation shall be included in the
13 ordinance or resolution), or by public auction, (ii) be
14 published within 7 days after its passage in a newspaper
15 published in the district, and (iii) contain pertinent
16 information concerning the nature of the structure and any
17 terms or conditions of sale or auction. No earlier than 14 days
18 after the publication, the corporate authorities may accept any
19 offer for the structure determined by them to be in the best
20 interest of the district by a vote of two-thirds of the
21 corporate authorities then holding office.

22 Whenever the board of any forest preserve district
23 determines that the public interest will be subserved by
24 vacating any street, roadway, or driveway, or part thereof,
25 located within a forest preserve, it may vacate that street,
26 roadway, or driveway, or part thereof, by an ordinance passed

1 by the affirmative vote of at least 3/4 of all the members of
2 the board, except that the affirmative vote of at least 6/7 of
3 all the members of the board is required if the board members
4 are elected under Section 3c of this Act. This vote shall be
5 taken by ayes and nays and entered in the records of the board.

6 The determination of the board that the nature and extent
7 of the public use or public interest to be subserved is such as
8 to warrant the vacation of any street, roadway, or driveway, or
9 part thereof, is conclusive, and the passage of such an
10 ordinance is sufficient evidence of that determination,
11 whether so recited in the ordinance or not. The relief to the
12 public from further burden and responsibility of maintaining
13 any street, roadway or driveway, or part thereof, constitutes a
14 public use or public interest authorizing the vacation.

15 Nothing contained in this Section shall be construed to
16 authorize the board of any forest preserve district to vacate
17 any street, roadway, or driveway, or part thereof, that is part
18 of any State or county highway.

19 When property is damaged by the vacation or closing of any
20 street, roadway, or driveway, or part thereof, damage shall be
21 ascertained and paid as provided by law.

22 Except in cases where the deed, or other instrument
23 dedicating a street, roadway, or driveway, or part thereof, has
24 expressly provided for a specific devolution of the title
25 thereto upon the abandonment or vacation thereof, and except
26 where such street, roadway or driveway, or part thereof, is

1 held by the district by lease, or where the district holds an
2 easement in the land included within the street, roadway or
3 driveway, whenever any street, roadway, or driveway, or part
4 thereof is vacated under or by virtue of any ordinance of any
5 forest preserve district, the title to the land in fee simple
6 included within the street, roadway, or driveway, or part
7 thereof, so vacated vests in the forest preserve district.

8 The board of any forest preserve district is authorized to
9 sell at fair market price, gravel, sand, earth and any other
10 material obtained from the lands and waters owned by the
11 district.

12 For the purposes of this Section, "acquiring land" includes
13 acquiring a fee simple, lease or easement in land.

14 (Source: P.A. 97-851, eff. 7-26-12.)

15 Section 385. The Cook County Forest Preserve District Act
16 is amended by changing Section 8 as follows:

17 (70 ILCS 810/8) (from Ch. 96 1/2, par. 6411)

18 Sec. 8. Any forest preserve district shall have power to
19 acquire easements in land, lands in fee simple and grounds
20 within such district for the aforesaid purposes by gift, grant,
21 legacy, purchase or condemnation and to construct, lay out,
22 improve and maintain wells, power plants, comfort stations,
23 shelter houses, paths, driveways, roadways and other
24 improvements and facilities in and through such forest

1 preserves as it shall deem necessary or desirable for the use
2 of such forest preserves by the public. Such forest preserve
3 districts shall also have power to lease not to exceed 40 acres
4 of the lands and grounds acquired by it, for a term of not more
5 than 99 years to veterans' organizations as grounds for
6 convalescing sick veterans and veterans with disabilities ~~and~~
7 ~~disabled veterans~~, and as a place upon which to construct
8 rehabilitation quarters, or to a county as grounds for a county
9 nursing home or convalescent home. Any such forest preserve
10 district shall also have power to grant licenses, easements and
11 rights-of-way for the construction, operation and maintenance
12 upon, under or across any property of such district of
13 facilities for water, sewage, telephone, telegraph, electric,
14 gas or other public service, subject to such terms and
15 conditions as may be determined by such district.

16 Whenever the board determines that the public interest will
17 be subserved by vacating any street, roadway, or driveway, or
18 part thereof, located within a forest preserve, it may vacate
19 that street, roadway, or driveway, or part thereof, by an
20 ordinance passed by the affirmative vote of at least 3/4 of all
21 the members of the board.

22 The determination of the board that the nature and extent
23 of the public use or public interest to be subserved is such as
24 to warrant the vacation of any street, roadway, or driveway, or
25 part thereof, is conclusive, and the passage of such an
26 ordinance is sufficient evidence of that determination,

1 whether so recited in the ordinance or not. The relief to the
2 public from further burden and responsibility of maintaining
3 any street, roadway or driveway, or part thereof, constitutes a
4 public use or public interest authorizing the vacation.

5 Nothing contained in this Section shall be construed to
6 authorize the board to vacate any street, roadway, or driveway,
7 or part thereof, that is part of any State or county highway.

8 When property is damaged by the vacation or closing of any
9 street, roadway, or driveway, or part thereof, damage shall be
10 ascertained and paid as provided by law.

11 Except in cases where the deed, or other instrument
12 dedicating a street, roadway, or driveway, or part thereof, has
13 expressly provided for a specific devolution of the title
14 thereto upon the abandonment or vacation thereof, whenever any
15 street, roadway, or driveway, or part thereof is vacated under
16 or by virtue of any ordinance of any forest preserve district,
17 the title to the land in fee simple included within the street,
18 roadway, or driveway, or part thereof, so vacated vests in the
19 forest preserve district.

20 The board of any forest preserve district is authorized to
21 sell at fair market price, gravel, sand, earth and any other
22 material obtained from the lands and waters owned by the
23 district.

24 (Source: P.A. 98-281, eff. 8-9-13.)

25 Section 390. The Park District Code is amended by changing

1 Sections 5-8, 5-10, 8-10a, and 8-10b as follows:

2 (70 ILCS 1205/5-8) (from Ch. 105, par. 5-8)

3 Sec. 5-8. Any park district that is a party to a joint
4 agreement to provide recreational programs for persons with
5 disabilities ~~the handicapped~~ under Section 8-10b of this Code
6 may levy and collect annually a tax of not to exceed .04% of
7 the value, as equalized or assessed by the Department of
8 Revenue of all taxable property in the district for the purpose
9 of funding the district's share of the expenses of providing
10 these programs under that joint agreement, which tax shall be
11 levied and collected in like manner as the general taxes for
12 the district. Such tax shall be in addition to all other taxes
13 authorized by law to be levied and collected in the district
14 and shall not be included within any limitation of rate
15 contained in this Code or any other law, but shall be excluded
16 therefrom, in addition thereto and in excess thereof. However,
17 no tax may be levied pursuant to this Section in any area in
18 which a tax is levied under Section 11-95-14 of the Illinois
19 Municipal Code.

20 (Source: P.A. 85-124.)

21 (70 ILCS 1205/5-10) (from Ch. 105, par. 5-10)

22 Sec. 5-10. Whenever, as a result of any lawful order of any
23 agency, other than a park district board, having authority to
24 enforce any law or regulation designed for the protection,

1 health or safety of employees or visitors, or any law or
2 regulation for the protection and safety of the environment,
3 pursuant to the "Environmental Protection Act", any local park
4 district, is required to alter or repair any physical
5 facilities, or whenever after the effective date of this
6 amendatory Act of 1985 any such district determines that it is
7 necessary for health and safety, environmental protection,
8 ~~handicapped~~ accessibility or energy conservation purposes that
9 any physical facilities be altered or repaired, such district
10 may, by proper resolution which specifically identifies the
11 project and which is adopted pursuant to the provisions of the
12 Open Meetings Act and upon the approval of a proposition by a
13 majority of the electors voting thereon specifying the rate,
14 levy a tax for the purpose of paying such alterations or
15 repairs, or survey by a licensed architect or engineer, upon
16 the equalized assessed value of all the taxable property of the
17 district at the specified rate not to exceed .10% per year for
18 a period sufficient to finance such alterations or repairs,
19 upon the following conditions:

20 (a) When in the judgment of the local park district board
21 of commissioners there are not sufficient funds available in
22 the operations, building and maintenance fund of the district
23 to pay for such alterations or repairs so ordered or determined
24 as necessary.

25 (b) When a certified estimate of a licensed architect or
26 engineer stating the estimated amount of not less than \$25,000

1 that is necessary to make the alterations or repairs so ordered
2 or determined as necessary has been secured by the local park
3 district.

4 The filing of a certified copy of the resolution or
5 ordinance levying the tax shall be the authority of the county
6 clerk or clerks to extend such tax; provided, that in no event
7 shall the extension of such tax for the current and preceding
8 years, if any, under this Section be greater than the amount so
9 approved, and in the event such current extension and preceding
10 extensions exceed such approval and interest, it shall be
11 reduced proportionately.

12 The county clerk of each of the counties in which any park
13 district levying a tax under the authority of this Section is
14 located, in reducing raised levies, shall not consider any such
15 tax as a part of the general levy for park district purposes
16 and shall not include the same in the limitation of any other
17 tax rate which may be extended. Such tax shall be levied and
18 collected in like manner as all other taxes of park districts.

19 The proposition to impose a tax under this Section may be
20 initiated by resolution of the local park district board and
21 shall be certified by the secretary of the local park district
22 board to the proper election authorities for submission in
23 accordance with the general election law.

24 (Source: P.A. 84-849.)

25 (70 ILCS 1205/8-10a) (from Ch. 105, par. 8-10.1)

1 Sec. 8-10a.

2 Every Park District is authorized to establish, maintain
3 and manage recreational programs for persons with disabilities
4 ~~the handicapped~~, including both persons with mental
5 disabilities and persons with physical disabilities ~~mentally~~
6 ~~and physically handicapped~~, to provide transportation for
7 persons with disabilities ~~the handicapped~~ to and from such
8 programs, to provide for such examination of participants in
9 such programs as may be deemed necessary, to charge fees for
10 participating in such programs, the fee charged for
11 non-residents of such district need not be the same as the fees
12 charged the residents of the district, and to charge fees for
13 transportation furnished to participants.

14 (Source: P.A. 76-805.)

15 (70 ILCS 1205/8-10b) (from Ch. 105, par. 8-10.2)

16 Sec. 8-10b. Joint recreational programs for persons with
17 disabilities ~~the handicapped~~. Any 2 or more park districts, or
18 in counties with a population of 300,000 or less, a single park
19 district and another unit of local government, are authorized
20 to take any action jointly relating to recreational programs
21 for persons with disabilities ~~the handicapped~~ that could be
22 taken individually and to enter into agreements with other park
23 districts and recreation boards and the corporate authorities
24 of cities, villages and incorporated towns specified in
25 Sections 11-95-2 and 11-95-3 of the "Illinois Municipal Code",

1 approved May 29, 1961, as amended, or any combination thereof,
2 for the purpose of providing for the establishment, maintenance
3 and management of joint recreational programs for persons with
4 disabilities ~~the handicapped~~ of all the participating
5 districts and municipal areas, including provisions for
6 transportation of participants, procedures for approval of
7 budgets, authorization of expenditures and sharing of
8 expenses, location of recreational areas in the area of any of
9 the participating districts and municipalities, acquisition of
10 real estate by gift, legacy, grant, or purchase, employment of
11 a director and other professional workers for such program who
12 may be employed by one participating district, municipality or
13 board which shall be reimbursed on a mutually agreed basis by
14 the other districts, municipalities and boards that are parties
15 to the joint agreement, authorization for one municipality,
16 board or district to supply professional workers for a joint
17 program conducted in another municipality or district and to
18 provide other requirements for operation of such joint program
19 as may be desirable.

20 (Source: P.A. 92-230, eff. 1-1-02.)

21 Section 395. The Chicago Park District Act is amended by
22 changing Section 7.06 as follows:

23 (70 ILCS 1505/7.06)

24 Sec. 7.06. Recreational programs for persons with

1 disabilities ~~the handicapped~~; tax.

2 (a) The Chicago Park District is authorized to establish,
3 maintain, and manage recreational programs for persons with
4 disabilities ~~the handicapped~~, including both persons with
5 mental disabilities and persons with physical disabilities
6 ~~mentally and physically handicapped~~, to provide transportation
7 for persons with disabilities ~~the handicapped~~ to and from these
8 programs, to provide for the examination of participants in
9 such programs as deemed necessary, to charge fees for
10 participating in the programs (the fee charged for
11 non-residents of the district need not be the same as the fees
12 charged the residents of the district), and to charge fees for
13 transportation furnished to participants.

14 (b) For the purposes of the recreational programs for
15 persons with disabilities ~~the handicapped~~ established under
16 this Section, the Chicago Park District is authorized to adopt
17 procedures for approval of budgets, authorization of
18 expenditures, location of recreational areas, acquisition of
19 real estate by gift, legacy, grant, or purchase, and employment
20 of a director and other professional workers for the programs.

21 (c) For the purposes of providing recreational programs for
22 persons with disabilities ~~the handicapped~~ under this Section,
23 the Chicago Park District may levy and collect annually a tax
24 of not to exceed .04% of the value, as equalized or assessed by
25 the Department of Revenue, of all taxable property in the
26 district for the purpose of funding the district's expenses of

1 providing these programs. This tax shall be levied and
2 collected in like manner as the general taxes for the district.
3 The tax shall be in addition to all other taxes authorized by
4 law to be levied and collected in the district and shall not be
5 included within any limitation of rate contained in this Act or
6 any other law, but shall be excluded therefrom, in addition
7 thereto, and in excess thereof.

8 (Source: P.A. 93-612, eff. 11-18-03.)

9 Section 400. The Metro-East Park and Recreation District
10 Act is amended by changing Section 15 as follows:

11 (70 ILCS 1605/15)

12 Sec. 15. Creation of District; referendum.

13 (a) The governing body of a county may, by resolution,
14 elect to create the Metro-East Park and Recreation District.
15 The Metro-East District shall be established at a referendum on
16 the question of the formation of the District that is submitted
17 to the electors of a county at a regular election and approved
18 by a majority of the electors voting on the question. The
19 governing body must certify the question to the proper election
20 authority, which must submit the question at an election in
21 accordance with the Election Code.

22 The question must be submitted in substantially the
23 following form:

24 Shall the Metro-East Park and Recreation District be

1 created for the purposes of improving water quality;
2 increasing park safety; providing neighborhood trails;
3 improving, restoring, and expanding parks; providing
4 ~~disabled and~~ expanded public access and access to persons
5 with disabilities to recreational areas; preserving
6 natural lands for wildlife; and maintaining other
7 recreation grounds within the boundaries of the Metro-East
8 Park and Recreation District; and shall (name of county)
9 join any other counties in the Metro-East region that
10 approve the formation of the Metro-East Park and Recreation
11 District, with the authority to impose a Metro-East Park
12 and Recreation District Retailers' Occupation Tax at a rate
13 of one-tenth of 1% upon all persons engaged in the business
14 of selling tangible personal property at retail in the
15 district on gross receipts on the sales made in the course
16 of their business for the purposes stated above, with 50%
17 of the revenue going to the Metro-East Park and Recreation
18 District and 50% of the revenue returned to the county from
19 which the tax was collected?

20 The votes must be recorded as "Yes" or "No"

21 In the proposed Metro-East District that consists of only
22 one county, if a majority of the electors in that county voting
23 on the question vote in the affirmative, the Metro-East
24 District may be organized. In the proposed Metro-East District
25 that consists of more than one county, if a majority of the
26 electors in any county proposed for inclusion in the District

1 voting on the question vote in the affirmative, the Metro-East
2 District may be organized and that county may be included in
3 the District.

4 (b) After the Metro-East District has been created, any
5 county eligible for inclusion in the Metro-East District may
6 join the District after the county submits the question of
7 joining the District to the electors of the county at a regular
8 election. The county board must submit the question to the
9 proper election authority, which must submit the question at an
10 election in accordance with the Election Code.

11 The question must be submitted in substantially the
12 following form:

13 Shall (name of county) join the Metro-East Park and
14 Recreation District with the authority to impose a
15 Metro-East Park and Recreation District Retailers'
16 Occupation Tax at a rate of one-tenth of 1% upon all
17 persons engaged in the business of selling tangible
18 personal property at retail in the district on gross
19 receipts on the sales made in the course of their business,
20 with 50% of the revenue going to the Metro-East Park and
21 Recreation District and 50% of the revenue returned to the
22 county from which the tax was collected?

23 The votes must be recorded as "Yes" or "No".

24 If a majority of the electors voting on the question vote
25 in the affirmative, the county shall be included in the
26 District.

1 (Source: P.A. 91-103, eff. 7-13-99.)

2 Section 405. The Metro East Police District Act is amended
3 by changing Section 10 as follows:

4 (70 ILCS 1750/10)

5 (Section scheduled to be repealed on December 31, 2019)

6 Sec. 10. Metro East Police District Commission.

7 (a) The governing and administrative powers of the Metro
8 East Police District shall be vested in a body politic and
9 corporate named the Metro East Police District Commission,
10 whose powers are the following:

11 (1) To apply for, accept and expend grants, loans, or
12 appropriations from the State of Illinois, the federal
13 government, any State or federal agency or
14 instrumentality, any unit of local government, or any other
15 person or entity to be used for any of the purposes of the
16 District. The Commission may enter into any agreement with
17 the State of Illinois, the federal government, any State or
18 federal instrumentality, any unit of local government, or
19 any other person or entity in relation to grants, matching
20 grants, loans, or appropriations. The Commission may
21 provide grants, loans, or appropriations for law
22 enforcement purposes to any unit of local government within
23 the District.

24 (2) To enter into contracts or agreements with persons

1 or entities for the supply of goods or services as may be
2 necessary for the purposes of the District.

3 (3) To acquire fee simple title to real property lying
4 within the District and personal property required for its
5 purposes, by gift, purchase, contract, or otherwise for law
6 enforcement purposes including evidence storage, records
7 storage, equipment storage, detainment facilities,
8 training facilities, office space and other purposes of the
9 District. Title shall be taken in the name of the
10 Commission. The Commission may acquire by lease any real
11 property located within the District and personal property
12 found by the Commission to be necessary for its purposes
13 and to which the Commission finds that it need not acquire
14 fee simple title for carrying out of those purposes. The
15 Commission has no eminent domain powers or quick-take
16 powers under this provision.

17 (4) To establish by resolution rules and regulations
18 that the police departments within the District may adopt
19 concerning: officer ethics; the carry and use of weapons;
20 search and seizure procedures; procedures for arrests with
21 and without warrants; alternatives to arrest; the use of
22 officer discretion; strip searches and body cavity
23 searches; profiling; use of reasonable force; use of deadly
24 force; use of authorized less than lethal weapons;
25 reporting uses of force; weapons and ammunition; weapons
26 proficiency and training; crime analysis; purchasing and

1 requisitions; department property; inventory and control;
2 issue and reissue; recruitment; training attendance;
3 lesson plans; remedial training; officer training record
4 maintenance; department animals; response procedures;
5 pursuit of motor vehicles; roadblocks and forcible stops;
6 missing or mentally ill persons; use of equipment; use of
7 vehicle lights and sirens; equipment specifications and
8 maintenance; vehicle safety restraints; authorized
9 personal equipment; protective vests and high risk
10 situations; mobile data access; in-car video and audio;
11 case file management; investigative checklists;
12 informants; cold cases; polygraphs; shift briefings;
13 interviews of witnesses and suspects; line-ups and
14 show-ups; confidential information; juvenile operations;
15 offenders, custody, and interrogation; crime prevention
16 and community interface; critical incident response and
17 planning; hostage negotiation; search and rescue; special
18 events; personnel, equipment, and facility inspections;
19 victim/witness rights, preliminary contact, and follow up;
20 next of kin notification; traffic stops and approaches;
21 speed-measuring devices; DUI procedures; traffic collision
22 reporting and investigation; citation inventory, control
23 and administration; escorts; towing procedures; detainee
24 searches and transportation; search and inventory of
25 vehicles; escape prevention procedures and detainee
26 restraint; sick and injured detainees and detainees with

1 disabilities ~~, injured, and disabled detainees~~; vehicle
2 safety; holding facility standards; collection and
3 preservation of evidence including but not limited to
4 photos, video, fingerprints, computers, records, DNA
5 samples, controlled substances, weapons, and physical
6 evidence; police report standards and format; submission
7 of evidence to laboratories; follow up of outstanding
8 cases; and application for charges with the State's
9 Attorney, United States Attorney, Attorney General, or
10 other prosecuting authority.

11 Any police department located within the Metro East
12 Police District that does not adopt any rule or regulation
13 established by resolution by the Commission shall not be
14 eligible to receive funds from the Metro East Police
15 District Fund.

16 The adoption of any policies or procedures pursuant to
17 this Section shall not be inconsistent with any rights
18 under current collective bargaining agreements, the
19 Illinois Public Labor Relations Act or other laws governing
20 collective bargaining.

21 (5) No later than one year after the effective date of
22 this Act, to assume for police departments within the
23 District the authority to make application for and accept
24 financial grants or contributions of services from any
25 public or private source for law enforcement purposes.

26 (6) To develop a comprehensive plan for improvement and

1 maintenance of law enforcement facilities within the
2 District.

3 (7) To advance police departments within the District
4 towards accreditation by the national Commission for the
5 Accreditation of Law Enforcement Agencies (CALEA) within 3
6 years after creation of the District.

7 (b) The Commission shall consist of 14 appointed members
8 and 3 ex-officio members. Seven members shall be appointed by
9 the Governor with the advice and consent of the Senate, one of
10 whom shall represent an organization that represents the
11 largest number of police officers employed by the
12 municipalities described by Section 5 of this Act. Four members
13 shall be appointed by the Mayor of East Saint Louis, with the
14 advice and consent of the city council. One member each shall
15 be appointed by the Village Presidents of Washington Park,
16 Alorton, and Brooklyn, with the advice and consent of the
17 respective village boards. All appointed members shall hold
18 office for a term of 2 years ending on December 31 and until
19 their successors are appointed and qualified. The Mayor of East
20 Saint Louis, with the approval of the city council, may serve
21 as one of the members appointed for East Saint Louis, and the
22 Village Presidents of Washington Park, Alorton, and Brooklyn,
23 with the approval of their respective boards, may serve as the
24 member for their respective municipalities.

25 A member may be removed by his or her appointing authority
26 for incompetence, neglect of duty, or malfeasance in office.

1 The Director of the Illinois State Police, or his or her
2 designee, the State's Attorney of St. Clair County, or his or
3 her designee, and the Director of the Southern Illinois Law
4 Enforcement Commission, or his or her designee, shall serve as
5 ex-officio members. Ex-officio members may only vote on matters
6 before the Commission in the event of a tie vote.

7 (c) Any vacancy in the appointed membership of the
8 Commission occurring by reason of the death, resignation,
9 disqualification, removal, or inability or refusal to act of
10 any of the members of the Commission shall be filled by the
11 authority that had appointed the particular member, and for the
12 unexpired term of office of that particular member.

13 (d) The Commission shall hold regular meetings annually for
14 the election of a chair, vice-chair, secretary, and treasurer,
15 for the adoption of a budget, and monthly for other business as
16 may be necessary. The Commission shall establish the duties and
17 responsibilities of its officers by rule. The chair, or any 9
18 members of the Commission, may call special meetings of the
19 Commission. Each member shall take an oath of office for the
20 faithful performance of his or her duties. The Commission may
21 not transact business at a meeting of the Commission unless
22 there is present at the meeting a quorum consisting of at least
23 9 members. Meetings may be held by telephone conference or
24 other communications equipment by means of which all persons
25 participating in the meeting can communicate with each other
26 consistent with the Open Meetings Act.

1 (e) The Commission shall submit to the General Assembly, no
2 later than March 1 of each odd-numbered year, a detailed report
3 covering its operations for the 2 preceding calendar years and
4 a statement of its program for the next 2 years, as provided by
5 Section 3.1 of the General Assembly Organization Act.

6 (f) The Auditor General shall conduct audits of the
7 Commission in the same manner as the Auditor General conducts
8 audits of State agencies under the Illinois State Auditing Act.

9 (g) The Commission is a public body for purposes of the
10 Open Meetings Act and the Freedom of Information Act.

11 (h) This Section is a limitation under subsection (i) of
12 Section 6 of Article VII of the Illinois Constitution on the
13 concurrent exercise by home rule units of powers and functions
14 exercised by the State.

15 (Source: P.A. 97-971, eff. 1-1-13.)

16 Section 410. The Metropolitan Water Reclamation District
17 Act is amended by changing Section 9.6d as follows:

18 (70 ILCS 2605/9.6d)

19 Sec. 9.6d. Other Post Employment Benefit Trusts. The Board
20 of Commissioners (the Board) may establish one or more trusts
21 (Other Post Employment Benefit ("OPEB") Trusts) for the purpose
22 of providing for the funding and payment of health and other
23 fringe benefits for retired, ~~disabled,~~ or terminated employees
24 of the District or employees of the District with disabilities

1 or for their dependents and beneficiaries. Trusts created under
2 this Section are in addition to pension benefits for those
3 persons which are currently funded pursuant to Article 13 of
4 the Illinois Pension Code. The OPEB Trusts may employ such
5 personnel and enter into such investment, advisory, or
6 professional services or similar contracts as deemed
7 appropriate by the trustees and recommended by the Treasurer of
8 the Metropolitan Water Reclamation District of Greater Chicago
9 (the District). The OPEB Trusts may be established in such
10 manner so as to be exempt from taxation under the provisions of
11 applicable federal and State tax laws. The trustee of the OPEB
12 Trusts shall be the District. The Treasurer of the District and
13 the trustee shall be indemnified by the District to the fullest
14 extent permitted by law for their actions taken with respect to
15 the OPEB Trust. The Board may deposit money with the OPEB
16 Trusts derived from the funds of the District from time to time
17 as such money may in the discretion of the Board be
18 appropriated for that purpose; and, in addition, the Board may
19 lawfully agree with the OPEB Trusts to a binding level of
20 funding for periods of time not to exceed 5 fiscal years. In
21 addition, the OPEB Trust documents may permit employees of the
22 District to contribute money to provide for such benefits. To
23 the extent participants do not direct the investment of their
24 own account, the assets of the OPEB Trusts shall be managed by
25 the Treasurer of the District in any manner, subject only to
26 the prudent investor standard and any requirements of

1 applicable federal law. The limitations of any other statute
2 affecting the investment of District funds shall not apply to
3 the OPEB Trusts. The trustee shall adopt an investment policy
4 consistent with the standards articulated in Section 2.5 of the
5 Public Funds Investment Act. The investment policy shall also
6 provide for the availability of training for Board members.
7 Funds of the OPEB Trusts may be used to pay for costs of
8 administering the OPEB Trusts and for the benefits for which
9 such trusts have been established in accordance with the terms
10 of the OPEB Trust documents.

11 (Source: P.A. 95-394, eff. 8-23-07.)

12 Section 415. The Metropolitan Transit Authority Act is
13 amended by changing Sections 27a, 28, 28a, 51, and 52 as
14 follows:

15 (70 ILCS 3605/27a) (from Ch. 111 2/3, par. 327a)

16 Sec. 27a. In addition to annually expending moneys equal to
17 moneys expended by the Authority in the fiscal year ending
18 December 31, 1988 for the protection against crime of its
19 properties, employees and consumers of its public
20 transportation services, the Authority also shall annually
21 expend for the protection against crime of its employees and
22 consumers, an amount that is equal to not less than 15 percent
23 of all direct grants it receives from the State of Illinois as
24 reimbursement for providing reduced fares for mass

1 transportation services to students, persons with
2 disabilities, ~~handicapped persons~~ and the elderly. The
3 Authority shall provide to the Regional Transportation
4 Authority such information as is required by the Regional
5 Transportation Authority in determining whether the Authority
6 has expended moneys in compliance with the provisions of this
7 Section. The provisions of this Section shall apply in any
8 fiscal year of the Authority only after all debt service
9 requirements are met for that fiscal year.

10 (Source: P.A. 90-273, eff. 7-30-97.)

11 (70 ILCS 3605/28) (from Ch. 111 2/3, par. 328)

12 Sec. 28. The Board shall classify all the offices,
13 positions and grades of regular and exempt employment required,
14 excepting that of the Chairman of the Board, the Executive
15 Director, Secretary, Treasurer, General Counsel, and Chief
16 Engineer, with reference to the duties, job title, job schedule
17 number, and the compensation fixed therefor, and adopt rules
18 governing appointments to any of such offices or positions on
19 the basis of merit and efficiency. The job title shall be
20 generally descriptive of the duties performed in that job, and
21 the job schedule number shall be used to identify a job title
22 and to further classify positions within a job title. No
23 discrimination shall be made in any appointment or promotion to
24 any office, position, or grade of regular employment because of
25 race, creed, color, sex, national origin, physical or mental

1 disability ~~handicap~~ unrelated to ability, or political or
2 religious affiliations. No officer or employee in regular
3 employment shall be discharged or demoted except for cause
4 which is detrimental to the service. Any officer or employee in
5 regular employment who is discharged or demoted may file a
6 complaint in writing with the Board within ten days after
7 notice of his or her discharge or demotion. If an employee is a
8 member of a labor organization the complaint may be filed by
9 such organization for and in behalf of such employee. The Board
10 shall grant a hearing on such complaint within thirty (30) days
11 after it is filed. The time and place of the hearing shall be
12 fixed by the Board and due notice thereof given to the
13 complainant, the labor organization by or through which the
14 complaint was filed and the Executive Director. The hearing
15 shall be conducted by the Board, or any member thereof or any
16 officers' committee or employees' committee appointed by the
17 Board. The complainant may be represented by counsel. If the
18 Board finds, or approves a finding of the member or committee
19 appointed by the Board, that the complainant has been unjustly
20 discharged or demoted, he or she shall be restored to his or
21 her office or position with back pay. The decision of the Board
22 shall be final and not subject to review. The Board may
23 designate such offices, positions, and grades of employment as
24 exempt as it deems necessary for the efficient operation of the
25 business of the Authority. The total number of employees
26 occupying exempt offices, positions, or grades of employment

1 may not exceed 3% of the total employment of the Authority. All
2 exempt offices, positions, and grades of employment shall be at
3 will. No discrimination shall be made in any appointment or
4 promotion to any office, position, or grade of exempt
5 employment because of race, creed, color, sex, national origin,
6 physical or mental disability ~~handicap~~ unrelated to ability, or
7 religious or political affiliation. The Board may abolish any
8 vacant or occupied office or position. Additionally, the Board
9 may reduce the force of employees for lack of work or lack of
10 funds as determined by the Board. When the number of positions
11 or employees holding positions of regular employment within a
12 particular job title and job schedule number are reduced, those
13 employees with the least company seniority in that job title
14 and job schedule number shall be first released from regular
15 employment service. For a period of one year, an employee
16 released from service shall be eligible for reinstatement to
17 the job title and job schedule number from which he or she was
18 released, in order of company seniority, if additional force of
19 employees is required. "Company seniority" as used in this
20 Section means the overall employment service credited to an
21 employee by the Authority since the employee's most recent date
22 of hire irrespective of job titles held. If 2 or more employees
23 have the same company seniority date, time in the affected job
24 title and job schedule number shall be used to break the
25 company seniority tie. For purposes of this Section, company
26 seniority shall be considered a working condition. When

1 employees are represented by a labor organization that has a
2 labor agreement with the Authority, the wages, hours, and
3 working conditions (including, but not limited to, seniority
4 rights) shall be governed by the terms of the agreement. Exempt
5 employment shall not include any employees who are represented
6 by a labor organization that has a labor agreement with the
7 Authority.

8 No employee, officer, or agent of the Chicago Transit Board
9 may receive a bonus that exceeds 10% of his or her annual
10 salary unless that bonus has been reviewed for a period of 14
11 days by the Regional Transportation Authority Board. After 14
12 days, the bonus shall be considered reviewed. This Section does
13 not apply to usual and customary salary adjustments.

14 (Source: P.A. 98-1027, eff. 1-1-15.)

15 (70 ILCS 3605/28a) (from Ch. 111 2/3, par. 328a)

16 Sec. 28a. (a) The Board may deal with and enter into
17 written contracts with the employees of the Authority through
18 accredited representatives of such employees or
19 representatives of any labor organization authorized to act for
20 such employees, concerning wages, salaries, hours, working
21 conditions and pension or retirement provisions; provided,
22 nothing herein shall be construed to permit hours of labor in
23 excess of those provided by law or to permit working conditions
24 prohibited by law. In case of dispute over wages, salaries,
25 hours, working conditions, or pension or retirement provisions

1 the Board may arbitrate any question or questions and may agree
2 with such accredited representatives or labor organization
3 that the decision of a majority of any arbitration board shall
4 be final, provided each party shall agree in advance to pay
5 half of the expense of such arbitration.

6 No contract or agreement shall be made with any labor
7 organization, association, group or individual for the
8 employment of members of such organization, association, group
9 or individual for the construction, improvement, maintenance,
10 operation or administration of any property, plant or
11 facilities under the jurisdiction of the Authority, where such
12 organization, association, group or individual denies on the
13 ground of race, creed, color, sex, religion, physical or mental
14 disability ~~handicap~~ unrelated to ability, or national origin
15 membership and equal opportunities for employment to any
16 citizen of Illinois.

17 (b)(1) The provisions of this paragraph (b) apply to
18 collective bargaining agreements (including extensions and
19 amendments of existing agreements) entered into on or after
20 January 1, 1984.

21 (2) The Board shall deal with and enter into written
22 contracts with their employees, through accredited
23 representatives of such employees authorized to act for such
24 employees concerning wages, salaries, hours, working
25 conditions, and pension or retirement provisions about which a
26 collective bargaining agreement has been entered prior to the

1 effective date of this amendatory Act of 1983. Any such
2 agreement of the Authority shall provide that the agreement may
3 be reopened if the amended budget submitted pursuant to Section
4 2.18a of the Regional Transportation Authority Act is not
5 approved by the Board of the Regional Transportation Authority.
6 The agreement may not include a provision requiring the payment
7 of wage increases based on changes in the Consumer Price Index.
8 The Board shall not have the authority to enter into collective
9 bargaining agreements with respect to inherent management
10 rights, which include such areas of discretion or policy as the
11 functions of the employer, standards of services, its overall
12 budget, the organizational structure and selection of new
13 employees and direction of personnel. Employers, however,
14 shall be required to bargain collectively with regard to policy
15 matters directly affecting wages, hours and terms and
16 conditions of employment, as well as the impact thereon upon
17 request by employee representatives. To preserve the rights of
18 employers and exclusive representatives which have established
19 collective bargaining relationships or negotiated collective
20 bargaining agreements prior to the effective date of this
21 amendatory Act of 1983, employers shall be required to bargain
22 collectively with regard to any matter concerning wages, hours
23 or conditions of employment about which they have bargained
24 prior to the effective date of this amendatory Act of 1983.

25 (3) The collective bargaining agreement may not include a
26 prohibition on the use of part-time operators on any service

1 operated by or funded by the Board, except where prohibited by
2 federal law.

3 (4) Within 30 days of the signing of any such collective
4 bargaining agreement, the Board shall determine the costs of
5 each provision of the agreement, prepare an amended budget
6 incorporating the costs of the agreement, and present the
7 amended budget to the Board of the Regional Transportation
8 Authority for its approval under Section 4.11 of the Regional
9 Transportation Act. The Board of the Regional Transportation
10 Authority may approve the amended budget by an affirmative vote
11 of 12 of its then Directors. If the budget is not approved by
12 the Board of the Regional Transportation Authority, the
13 agreement may be reopened and its terms may be renegotiated.
14 Any amended budget which may be prepared following
15 renegotiation shall be presented to the Board of the Regional
16 Transportation Authority for its approval in like manner.

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

18 (70 ILCS 3605/51)

19 Sec. 51. Free services; eligibility.

20 (a) Notwithstanding any law to the contrary, no later than
21 60 days following the effective date of this amendatory Act of
22 the 95th General Assembly and until subsection (b) is
23 implemented, any fixed route public transportation services
24 provided by, or under grant or purchase of service contracts
25 of, the Board shall be provided without charge to all senior

1 citizens of the Metropolitan Region (as such term is defined in
2 70 ILCS 3615/1.03) aged 65 and older, under such conditions as
3 shall be prescribed by the Board.

4 (b) Notwithstanding any law to the contrary, no later than
5 180 days following the effective date of this amendatory Act of
6 the 96th General Assembly, any fixed route public
7 transportation services provided by, or under grant or purchase
8 of service contracts of, the Board shall be provided without
9 charge to senior citizens aged 65 and older who meet the income
10 eligibility limitation set forth in subsection (a-5) of Section
11 4 of the Senior Citizens and Persons with Disabilities ~~Disabled~~
12 ~~Persons~~ Property Tax Relief Act, under such conditions as shall
13 be prescribed by the Board. The Department on Aging shall
14 furnish all information reasonably necessary to determine
15 eligibility, including updated lists of individuals who are
16 eligible for services without charge under this Section.
17 Nothing in this Section shall relieve the Board from providing
18 reduced fares as may be required by federal law.

19 (Source: P.A. 96-1527, eff. 2-14-11; 97-689, eff. 6-14-12.)

20 (70 ILCS 3605/52)

21 Sec. 52. Transit services for individuals with
22 disabilities ~~disabled individuals~~. Notwithstanding any law to
23 the contrary, no later than 60 days following the effective
24 date of this amendatory Act of the 95th General Assembly, all
25 fixed route public transportation services provided by, or

1 under grant or purchase of service contract of, the Board shall
2 be provided without charge to all persons with disabilities
3 ~~disabled persons~~ who meet the income eligibility limitation set
4 forth in subsection (a-5) of Section 4 of the Senior Citizens
5 and Persons with Disabilities ~~Disabled Persons~~ Property Tax
6 Relief Act, under such procedures as shall be prescribed by the
7 Board. The Department on Aging shall furnish all information
8 reasonably necessary to determine eligibility, including
9 updated lists of individuals who are eligible for services
10 without charge under this Section.

11 (Source: P.A. 97-689, eff. 6-14-12.)

12 Section 420. The Local Mass Transit District Act is amended
13 by changing Sections 8.6 and 8.7 as follows:

14 (70 ILCS 3610/8.6)

15 Sec. 8.6. Free services; eligibility.

16 (a) Notwithstanding any law to the contrary, no later than
17 60 days following the effective date of this amendatory Act of
18 the 95th General Assembly and until subsection (b) is
19 implemented, any fixed route public transportation services
20 provided by, or under grant or purchase of service contracts
21 of, every District shall be provided without charge to all
22 senior citizens of the District aged 65 and older, under such
23 conditions as shall be prescribed by the District.

24 (b) Notwithstanding any law to the contrary, no later than

1 180 days following the effective date of this amendatory Act of
2 the 96th General Assembly, any fixed route public
3 transportation services provided by, or under grant or purchase
4 of service contracts of, every District shall be provided
5 without charge to senior citizens aged 65 and older who meet
6 the income eligibility limitation set forth in subsection (a-5)
7 of Section 4 of the Senior Citizens and Persons with
8 Disabilities ~~Disabled Persons~~ Property Tax Relief Act, under
9 such conditions as shall be prescribed by the District. The
10 Department on Aging shall furnish all information reasonably
11 necessary to determine eligibility, including updated lists of
12 individuals who are eligible for services without charge under
13 this Section. Nothing in this Section shall relieve the
14 District from providing reduced fares as may be required by
15 federal law.

16 (Source: P.A. 96-1527, eff. 2-14-11; 97-689, eff. 6-14-12.)

17 (70 ILCS 3610/8.7)

18 Sec. 8.7. Transit services for individuals with
19 disabilities ~~disabled individuals~~. Notwithstanding any law to
20 the contrary, no later than 60 days following the effective
21 date of this amendatory Act of the 95th General Assembly, all
22 fixed route public transportation services provided by, or
23 under grant or purchase of service contract of, any District
24 shall be provided without charge to all persons with
25 disabilities ~~disabled persons~~ who meet the income eligibility

1 limitation set forth in subsection (a-5) of Section 4 of the
2 Senior Citizens and Persons with Disabilities ~~Disabled Persons~~
3 Property Tax Relief Act, under such procedures as shall be
4 prescribed by the District. The Department on Aging shall
5 furnish all information reasonably necessary to determine
6 eligibility, including updated lists of individuals who are
7 eligible for services without charge under this Section.

8 (Source: P.A. 97-689, eff. 6-14-12.)

9 Section 425. The Regional Transportation Authority Act is
10 amended by changing Sections 1.02, 3A.15, 3A.16, 3B.14, and
11 3B.15 as follows:

12 (70 ILCS 3615/1.02) (from Ch. 111 2/3, par. 701.02)

13 Sec. 1.02. Findings and Purpose.

14 (a) The General Assembly finds;

15 (i) Public transportation is, as provided in Section 7
16 of Article XIII of the Illinois Constitution, an essential
17 public purpose for which public funds may be expended and
18 that Section authorizes the State to provide financial
19 assistance to units of local government for distribution to
20 providers of public transportation. There is an urgent need
21 to reform and continue a unit of local government to assure
22 the proper management of public transportation and to
23 receive and distribute State or federal operating
24 assistance and to raise and distribute revenues for local

1 operating assistance. System generated revenues are not
2 adequate for such service and a public need exists to
3 provide for, aid and assist public transportation in the
4 northeastern area of the State, consisting of Cook, DuPage,
5 Kane, Lake, McHenry and Will Counties.

6 (ii) Comprehensive and coordinated regional public
7 transportation is essential to the public health, safety
8 and welfare. It is essential to economic well-being,
9 maintenance of full employment, conservation of sources of
10 energy and land for open space and reduction of traffic
11 congestion and for providing and maintaining a healthful
12 environment for the benefit of present and future
13 generations in the metropolitan region. Public
14 transportation improves the mobility of the public and
15 improves access to jobs, commercial facilities, schools
16 and cultural attractions. Public transportation decreases
17 air pollution and other environmental hazards resulting
18 from excessive use of automobiles and allows for more
19 efficient land use and planning.

20 (iii) Because system generated receipts are not
21 presently adequate, public transportation facilities and
22 services in the northeastern area are in grave financial
23 condition. With existing methods of financing,
24 coordination and management, and relative convenience of
25 automobiles, such public transportation facilities are not
26 providing adequate public transportation to insure the

1 public health, safety and welfare.

2 (iv) Additional commitments to the public
3 transportation needs of persons with disabilities ~~the~~
4 ~~disabled~~, the economically disadvantaged, and the elderly
5 are necessary.

6 (v) To solve these problems, it is necessary to provide
7 for the creation of a regional transportation authority
8 with the powers necessary to insure adequate public
9 transportation.

10 (b) The General Assembly further finds, in connection with
11 this amendatory Act of 1983:

12 (i) Substantial, recurring deficits in the operations
13 of public transportation services subject to the
14 jurisdiction of the Regional Transportation Authority and
15 periodic cash shortages have occurred either of which could
16 bring about a loss of public transportation services
17 throughout the metropolitan region at any time;

18 (ii) A substantial or total loss of public
19 transportation services or any segment thereof would
20 create an emergency threatening the safety and well-being
21 of the people in the northeastern area of the State; and

22 (iii) To meet the urgent needs of the people of the
23 metropolitan region that such an emergency be averted and
24 to provide financially sound methods of managing the
25 provision of public transportation services in the
26 northeastern area of the State, it is necessary, while

1 maintaining and continuing the existing Authority, to
2 modify the powers and responsibilities of the Authority, to
3 reallocate responsibility for operating decisions, to
4 change the composition and appointment of the Board of
5 Directors thereof, and to immediately establish a new Board
6 of Directors.

7 (c) The General Assembly further finds in connection with
8 this amendatory Act of the 95th General Assembly:

9 (i) The economic vitality of northeastern Illinois
10 requires regionwide and systemwide efforts to increase
11 ridership on the transit systems, constrain road
12 congestion within the metropolitan region, and allocate
13 resources for transportation so as to assist in the
14 development of an adequate, efficient, geographically
15 equitable and coordinated regional transportation system
16 that is in a state of good repair.

17 (ii) To achieve the purposes of this amendatory Act of
18 the 95th General Assembly, the powers and duties of the
19 Authority must be enhanced to improve overall planning and
20 coordination, to achieve an integrated and efficient
21 regional transit system, to advance the mobility of transit
22 users, and to increase financial transparency of the
23 Authority and the Service Boards.

24 (d) It is the purpose of this Act to provide for, aid and
25 assist public transportation in the northeastern area of the
26 State without impairing the overall quality of existing public

1 transportation by providing for the creation of a single
2 authority responsive to the people and elected officials of the
3 area and with the power and competence to develop, implement,
4 and enforce plans that promote adequate, efficient,
5 geographically equitable and coordinated public
6 transportation, provide financial review of the providers of
7 public transportation in the metropolitan region and
8 facilitate public transportation provided by Service Boards
9 which is attractive and economical to users, comprehensive,
10 coordinated among its various elements, economical, safe,
11 efficient and coordinated with area and State plans.

12 (Source: P.A. 98-1027, eff. 1-1-15.)

13 (70 ILCS 3615/3A.15)

14 Sec. 3A.15. Free services; eligibility.

15 (a) Notwithstanding any law to the contrary, no later than
16 60 days following the effective date of this amendatory Act of
17 the 95th General Assembly and until subsection (b) is
18 implemented, any fixed route public transportation services
19 provided by, or under grant or purchase of service contracts
20 of, the Suburban Bus Board shall be provided without charge to
21 all senior citizens of the Metropolitan Region aged 65 and
22 older, under such conditions as shall be prescribed by the
23 Suburban Bus Board.

24 (b) Notwithstanding any law to the contrary, no later than
25 180 days following the effective date of this amendatory Act of

1 the 96th General Assembly, any fixed route public
2 transportation services provided by, or under grant or purchase
3 of service contracts of, the Suburban Bus Board shall be
4 provided without charge to senior citizens aged 65 and older
5 who meet the income eligibility limitation set forth in
6 subsection (a-5) of Section 4 of the Senior Citizens and
7 Persons with Disabilities ~~Disabled Persons~~ Property Tax Relief
8 Act, under such conditions as shall be prescribed by the
9 Suburban Bus Board. The Department on Aging shall furnish all
10 information reasonably necessary to determine eligibility,
11 including updated lists of individuals who are eligible for
12 services without charge under this Section. Nothing in this
13 Section shall relieve the Suburban Bus Board from providing
14 reduced fares as may be required by federal law.

15 (Source: P.A. 96-1527, eff. 2-14-11; 97-689, eff. 6-14-12.)

16 (70 ILCS 3615/3A.16)

17 Sec. 3A.16. Transit services for individuals with
18 disabilities ~~disabled individuals~~. Notwithstanding any law to
19 the contrary, no later than 60 days following the effective
20 date of this amendatory Act of the 95th General Assembly, all
21 fixed route public transportation services provided by, or
22 under grant or purchase of service contract of, the Suburban
23 Bus Board shall be provided without charge to all persons with
24 disabilities ~~disabled persons~~ who meet the income eligibility
25 limitation set forth in subsection (a-5) of Section 4 of the

1 Senior Citizens and Persons with Disabilities ~~Disabled Persons~~
2 Property Tax Relief Act, under such procedures as shall be
3 prescribed by the Board. The Department on Aging shall furnish
4 all information reasonably necessary to determine eligibility,
5 including updated lists of individuals who are eligible for
6 services without charge under this Section.

7 (Source: P.A. 97-689, eff. 6-14-12.)

8 (70 ILCS 3615/3B.14)

9 Sec. 3B.14. Free services; eligibility.

10 (a) Notwithstanding any law to the contrary, no later than
11 60 days following the effective date of this amendatory Act of
12 the 95th General Assembly and until subsection (b) is
13 implemented, any fixed route public transportation services
14 provided by, or under grant or purchase of service contracts
15 of, the Commuter Rail Board shall be provided without charge to
16 all senior citizens of the Metropolitan Region aged 65 and
17 older, under such conditions as shall be prescribed by the
18 Commuter Rail Board.

19 (b) Notwithstanding any law to the contrary, no later than
20 180 days following the effective date of this amendatory Act of
21 the 96th General Assembly, any fixed route public
22 transportation services provided by, or under grant or purchase
23 of service contracts of, the Commuter Rail Board shall be
24 provided without charge to senior citizens aged 65 and older
25 who meet the income eligibility limitation set forth in

1 subsection (a-5) of Section 4 of the Senior Citizens and
2 Persons with Disabilities ~~Disabled Persons~~ Property Tax Relief
3 Act, under such conditions as shall be prescribed by the
4 Commuter Rail Board. The Department on Aging shall furnish all
5 information reasonably necessary to determine eligibility,
6 including updated lists of individuals who are eligible for
7 services without charge under this Section. Nothing in this
8 Section shall relieve the Commuter Rail Board from providing
9 reduced fares as may be required by federal law.

10 (Source: P.A. 96-1527, eff. 2-14-11; 97-689, eff. 6-14-12.)

11 (70 ILCS 3615/3B.15)

12 Sec. 3B.15. Transit services for individuals with
13 disabilities ~~disabled individuals~~. Notwithstanding any law to
14 the contrary, no later than 60 days following the effective
15 date of this amendatory Act of the 95th General Assembly, all
16 fixed route public transportation services provided by, or
17 under grant or purchase of service contract of, the Commuter
18 Rail Board shall be provided without charge to all persons with
19 disabilities ~~disabled persons~~ who meet the income eligibility
20 limitation set forth in subsection (a-5) of Section 4 of the
21 Senior Citizens and Persons with Disabilities ~~Disabled Persons~~
22 Property Tax Relief Act, under such procedures as shall be
23 prescribed by the Board. The Department on Aging shall furnish
24 all information reasonably necessary to determine eligibility,
25 including updated lists of individuals who are eligible for

1 services without charge under this Section.

2 (Source: P.A. 97-689, eff. 6-14-12.)

3 Section 430. The School Code is amended by changing
4 Sections 2-3.83, 2-3.98, 10-22.11, 10-22.33B, 14-6.01,
5 14-7.02, 14-7.03, 14-8.01, 14-8.02, 14-8.04, 14-11.01,
6 17-2.11, 19-1, 21B-20, 30-14.2, 34-2.4, 34-18, and 34-128 as
7 follows:

8 (105 ILCS 5/2-3.83) (from Ch. 122, par. 2-3.83)

9 Sec. 2-3.83. Individual transition plan model pilot
10 program.

11 (a) The General Assembly finds that transition services for
12 special education students in secondary schools are needed for
13 the increasing numbers of students exiting school programs.
14 Therefore, to ensure coordinated and timely delivery of
15 services, the State shall establish a model pilot program to
16 provide such services. Local school districts, using joint
17 agreements and regional service delivery systems for special
18 and vocational education selected by the Governor's Planning
19 Council on Developmental Disabilities, shall have the primary
20 responsibility to convene transition planning meetings for
21 these students who will require post-school adult services.

22 (b) For purposes of this Section:

23 (1) "Post-secondary Service Provider" means a provider
24 of services for adults who have any developmental

1 disability as defined in Section 1-106 of the Mental Health
2 and Developmental Disabilities Code or who are persons with
3 one or more disabilities ~~disabled~~ as defined in the
4 Rehabilitation of Persons with Disabilities ~~Disabled~~
5 ~~Persons Rehabilitation~~ Act.

6 (2) "Individual Education Plan" means a written
7 statement for an exceptional child that provides at least a
8 statement of: the child's present levels of educational
9 performance, annual goals and short-term instructional
10 objectives; specific special education and related
11 services; the extent of participation in the regular
12 education program; the projected dates for initiation of
13 services; anticipated duration of services; appropriate
14 objective criteria and evaluation procedures; and a
15 schedule for annual determination of short-term
16 objectives.

17 (3) "Individual Transition Plan" (ITP) means a
18 multi-agency informal assessment of a student's needs for
19 post-secondary adult services including but not limited to
20 employment, post-secondary education or training and
21 residential independent living.

22 (4) "Developmental Disability" means a disability
23 which is attributable to: (a) an intellectual disability,
24 cerebral palsy, epilepsy or autism; or to (b) any other
25 condition which results in impairment similar to that
26 caused by an intellectual disability and which requires

1 services similar to those required by persons with an
2 intellectual disability ~~intellectually disabled persons.~~

3 Such disability must originate before the age of 18 years,
4 be expected to continue indefinitely, and constitute a
5 substantial disability ~~handicap~~.

6 (5) "Exceptional Characteristic" means any disabling
7 or exceptional characteristic which interferes with a
8 student's education including, but not limited to, a
9 determination that the student has a severe or profound
10 mental disability, has mental disability but is trainable,
11 is ~~is severely or profoundly mentally disabled, trainably~~
12 ~~mentally disabled,~~ deaf-blind, or has some other health
13 impairment.

14 (c) The model pilot program required by this Section shall
15 be established and administered by the Governor's Planning
16 Council on Developmental Disabilities in conjunction with the
17 case coordination pilot projects established by the Department
18 of Human Services pursuant to Section 4.1 of the Community
19 Services Act, as amended.

20 (d) The model pilot program shall include the following
21 features:

22 (1) Written notice shall be sent to the student and,
23 when appropriate, his or her parent or guardian giving the
24 opportunity to consent to having the student's name and
25 relevant information shared with the local case
26 coordination unit and other appropriate State or local

1 agencies for purposes of inviting participants to the
2 individual transition plan meeting.

3 (2) Meetings to develop and modify, as needed, an
4 Individual Transition Plan shall be conducted annually for
5 all students with a developmental disability in the pilot
6 program area who are age 16 or older and who are receiving
7 special education services for 50% or more of their public
8 school program. These meetings shall be convened by the
9 local school district and conducted in conjunction with any
10 other regularly scheduled meetings such as the student's
11 annual individual educational plan meeting. The Governor's
12 Planning Council on Developmental Disabilities shall
13 cooperate with and may enter into any necessary written
14 agreements with the Department of Human Services and the
15 State Board of Education to identify the target group of
16 students for transition planning and the appropriate case
17 coordination unit to serve these individuals.

18 (3) The ITP meetings shall be co-chaired by the
19 individual education plan coordinator and the case
20 coordinator. The ITP meeting shall include but not be
21 limited to discussion of the following: the student's
22 projected date of exit from the public schools; his
23 projected post-school goals in the areas of employment,
24 residential living arrangement and post-secondary
25 education or training; specific school or post-school
26 services needed during the following year to achieve the

1 student's goals, including but not limited to vocational
2 evaluation, vocational education, work experience or
3 vocational training, placement assistance, independent
4 living skills training, recreational or leisure training,
5 income support, medical needs and transportation; and
6 referrals and linkage to needed services, including a
7 proposed time frame for services and the responsible agency
8 or provider. The individual transition plan shall be signed
9 by participants in the ITP discussion, including but not
10 limited to the student's parents or guardian, the student
11 (where appropriate), multi-disciplinary team
12 representatives from the public schools, the case
13 coordinator and any other individuals who have
14 participated in the ITP meeting at the discretion of the
15 individual education plan coordinator, the developmental
16 disability case coordinator or the parents or guardian.

17 (4) At least 10 days prior to the ITP meeting, the
18 parents or guardian of the student shall be notified in
19 writing of the time and place of the meeting by the local
20 school district. The ITP discussion shall be documented by
21 the assigned case coordinator, and an individual student
22 file shall be maintained by each case coordination unit.
23 One year following a student's exit from public school the
24 case coordinator shall conduct a follow up interview with
25 the student.

26 (5) Determinations with respect to individual

1 transition plans made under this Section shall not be
2 subject to any due process requirements prescribed in
3 Section 14-8.02 of this Code.

4 (e) (Blank).

5 (Source: P.A. 97-227, eff. 1-1-12.)

6 (105 ILCS 5/2-3.98) (from Ch. 122, par. 2-3.98)

7 Sec. 2-3.98. Transition program for persons with
8 developmental disabilities ~~Developmentally disabled transition~~
9 ~~program~~. The State Board of Education shall establish and
10 implement, in conjunction with the Department of Human
11 Services, a pilot program for the provision of transitional,
12 educational services to persons with a developmental
13 disability 18 years of age or older who have completed public
14 school programs.

15 (Source: P.A. 88-380; 89-507, eff. 7-1-97.)

16 (105 ILCS 5/10-22.11) (from Ch. 122, par. 10-22.11)

17 Sec. 10-22.11. Lease of school property.

18 (a) To lease school property to another school district,
19 municipality or body politic and corporate for a term of not to
20 exceed 25 years, except as otherwise provided in this Section,
21 and upon such terms and conditions as may be agreed if in the
22 opinion of the school board use of such property will not be
23 needed by the district during the term of such lease; provided,
24 the school board shall not make or renew any lease for a term

1 longer than 10 years, nor alter the terms of any lease whose
2 unexpired term may exceed 10 years without the vote of 2/3 of
3 the full membership of the board.

4 (b) Whenever the school board considers such action
5 advisable and in the best interests of the school district, to
6 lease vacant school property for a period not exceeding 51
7 years to a private not for profit school organization for use
8 in the care of persons with a mental disability who are
9 trainable and educable ~~the trainable and educable mentally~~
10 ~~disabled persons~~ in the district or in the education of the
11 gifted children in the district. Before leasing such property
12 to a private not for profit school organization, the school
13 board must adopt a resolution for the leasing of such property,
14 fixing the period and price therefor, and order submitted to
15 referendum at an election to be held in the district as
16 provided in the general election law, the question of whether
17 the lease should be entered into. Thereupon, the secretary
18 shall certify to the proper election authorities the
19 proposition for submission in accordance with the general
20 election law. If the majority of the voters voting upon the
21 proposition vote in favor of the leasing, the school board may
22 proceed with the leasing. The proposition shall be in
23 substantially the following form:

24 -----

25 Shall School District No. of

26 County, Illinois lease to YES

1 (here name and identify the
 2 lessee) the following described vacant -----
 3 school property (here describe the
 4 property) for a term of years NO
 5 for the sum of Dollars?

6 -----

7 This paragraph (b) shall not be construed in such a manner
 8 as to relieve the responsibility of the Board of Education as
 9 set out in Article 14 of the School Code.

10 (c) To lease school buildings and land to suitable lessees
 11 for educational purposes or for any other purpose which serves
 12 the interests of the community, for a term not to exceed 25
 13 years and upon such terms and conditions as may be agreed upon
 14 by the parties, when such buildings and land are declared by
 15 the board to be unnecessary or unsuitable or inconvenient for a
 16 school or the uses of the district during the term of the lease
 17 and when, in the opinion of the board, the best interests of
 18 the residents of the school district will be enhanced by
 19 entering into such a lease. Such leases shall include
 20 provisions for adequate insurance for both liability and
 21 property damage or loss, and reasonable charges for maintenance
 22 and depreciation of such buildings and land.

23 (Source: P.A. 89-397, eff. 8-20-95.)

24 (105 ILCS 5/10-22.33B)

25 Sec. 10-22.33B. Summer school; required attendance. To

1 conduct a high quality summer school program for those resident
2 students identified by the school district as being
3 academically at risk in such critical subject areas as language
4 arts (reading and writing) and mathematics who will be entering
5 any of the school district's grades for the next school term
6 and to require attendance at such program by such students who
7 have not been identified as a person with a disability ~~disabled~~
8 under Article 14, but who meet criteria established under this
9 Section. Summer school programs established under this Section
10 shall be designed to raise the level of achievement and improve
11 opportunities for success in subsequent grade levels of those
12 students required to attend. The parent or guardian of any
13 student required to attend summer school shall be given written
14 notice from the school district requiring attendance not later
15 than the close of the school term which immediately precedes
16 the required summer school program.

17 (Source: P.A. 89-610, eff. 8-6-96.)

18 (105 ILCS 5/14-6.01) (from Ch. 122, par. 14-6.01)

19 Sec. 14-6.01. Powers and duties of school boards. School
20 boards of one or more school districts establishing and
21 maintaining any of the educational facilities described in this
22 Article shall, in connection therewith, exercise similar
23 powers and duties as are prescribed by law for the
24 establishment, maintenance and management of other recognized
25 educational facilities. Such school boards shall include only

1 eligible children in the program and shall comply with all the
2 requirements of this Article and all rules and regulations
3 established by the State Board of Education. Such school boards
4 shall accept in part-time attendance children with
5 disabilities of the types described in Sections 14-1.02 through
6 14-1.07 who are enrolled in nonpublic schools. A request for
7 part-time attendance must be submitted by a parent or guardian
8 of the child with a disability ~~disabled child~~ and may be made
9 only to those public schools located in the district where the
10 child attending the nonpublic school resides; however, nothing
11 in this Section shall be construed as prohibiting an agreement
12 between the district where the child resides and another public
13 school district to provide special educational services if such
14 an arrangement is deemed more convenient and economical.
15 Special education and related services must be provided in
16 accordance with the student's IEP no later than 10 school
17 attendance days after notice is provided to the parents
18 pursuant to Section 300.503 of Title 34 of the Code of Federal
19 Regulations and implementing rules adopted by the State Board
20 of Education. Transportation for students in part time
21 attendance shall be provided only if required in the child's
22 individualized educational program on the basis of the child's
23 disabling condition or as the special education program
24 location may require.

25 A school board shall publish a public notice in its
26 newsletter of general circulation or in the newsletter of

1 another governmental entity of general circulation in the
2 district or if neither is available in the district, then in a
3 newspaper of general circulation in the district, the right of
4 all children with disabilities to a free appropriate public
5 education as provided under this Code. Such notice shall
6 identify the location and phone number of the office or agent
7 of the school district to whom inquiries should be directed
8 regarding the identification, assessment and placement of such
9 children.

10 School boards shall immediately provide upon request by any
11 person written materials and other information that indicates
12 the specific policies, procedures, rules and regulations
13 regarding the identification, evaluation or educational
14 placement of children with disabilities under Section 14-8.02
15 of the School Code. Such information shall include information
16 regarding all rights and entitlements of such children under
17 this Code, and of the opportunity to present complaints with
18 respect to any matter relating to educational placement of the
19 student, or the provision of a free appropriate public
20 education and to have an impartial due process hearing on the
21 complaint. The notice shall inform the parents or guardian in
22 the parents' or guardian's native language, unless it is
23 clearly not feasible to do so, of their rights and all
24 procedures available pursuant to this Act and federal Public
25 Law 94-142; it shall be the responsibility of the State
26 Superintendent to develop uniform notices setting forth the

1 procedures available under this Act and federal Public Law
2 94-142, as amended, to be used by all school boards. The notice
3 shall also inform the parents or guardian of the availability
4 upon request of a list of free or low-cost legal and other
5 relevant services available locally to assist parents or
6 guardians in exercising rights or entitlements under this Code.

7 Any parent or guardian who is deaf, or does not normally
8 communicate using spoken English, who participates in a meeting
9 with a representative of a local educational agency for the
10 purposes of developing an individualized educational program
11 shall be entitled to the services of an interpreter.

12 No student with a disability ~~disabled student~~ may be denied
13 promotion, graduation or a general diploma on the basis of
14 failing a minimal competency test when such failure can be
15 directly related to the disabling condition of the student. For
16 the purpose of this Act, "minimal competency testing" is
17 defined as tests which are constructed to measure the
18 acquisition of skills to or beyond a certain defined standard.

19 Effective July 1, 1966, high school districts are
20 financially responsible for the education of pupils with
21 disabilities who are residents in their districts when such
22 pupils have reached age 15 but may admit children with
23 disabilities into special educational facilities without
24 regard to graduation from the eighth grade after such pupils
25 have reached the age of 14 1/2 years. Upon a pupil with a
26 disability ~~disabled pupil's~~ attaining the age of 14 1/2 years,

1 it shall be the duty of the elementary school district in which
2 the pupil resides to notify the high school district in which
3 the pupil resides of the pupil's current eligibility for
4 special education services, of the pupil's current program, and
5 of all evaluation data upon which the current program is based.
6 After an examination of that information the high school
7 district may accept the current placement and all subsequent
8 timelines shall be governed by the current individualized
9 educational program; or the high school district may elect to
10 conduct its own evaluation and multidisciplinary staff
11 conference and formulate its own individualized educational
12 program, in which case the procedures and timelines contained
13 in Section 14-8.02 shall apply.

14 (Source: P.A. 98-219, eff. 8-9-13.)

15 (105 ILCS 5/14-7.02) (from Ch. 122, par. 14-7.02)

16 Sec. 14-7.02. Children attending private schools, public
17 out-of-state schools, public school residential facilities or
18 private special education facilities. The General Assembly
19 recognizes that non-public schools or special education
20 facilities provide an important service in the educational
21 system in Illinois.

22 If because of his or her disability the special education
23 program of a district is unable to meet the needs of a child
24 and the child attends a non-public school or special education
25 facility, a public out-of-state school or a special education

1 facility owned and operated by a county government unit that
2 provides special educational services required by the child and
3 is in compliance with the appropriate rules and regulations of
4 the State Superintendent of Education, the school district in
5 which the child is a resident shall pay the actual cost of
6 tuition for special education and related services provided
7 during the regular school term and during the summer school
8 term if the child's educational needs so require, excluding
9 room, board and transportation costs charged the child by that
10 non-public school or special education facility, public
11 out-of-state school or county special education facility, or
12 \$4,500 per year, whichever is less, and shall provide him any
13 necessary transportation. "Nonpublic special education
14 facility" shall include a residential facility, within or
15 without the State of Illinois, which provides special education
16 and related services to meet the needs of the child by
17 utilizing private schools or public schools, whether located on
18 the site or off the site of the residential facility.

19 The State Board of Education shall promulgate rules and
20 regulations for determining when placement in a private special
21 education facility is appropriate. Such rules and regulations
22 shall take into account the various types of services needed by
23 a child and the availability of such services to the particular
24 child in the public school. In developing these rules and
25 regulations the State Board of Education shall consult with the
26 Advisory Council on Education of Children with Disabilities and

1 hold public hearings to secure recommendations from parents,
2 school personnel, and others concerned about this matter.

3 The State Board of Education shall also promulgate rules
4 and regulations for transportation to and from a residential
5 school. Transportation to and from home to a residential school
6 more than once each school term shall be subject to prior
7 approval by the State Superintendent in accordance with the
8 rules and regulations of the State Board.

9 A school district making tuition payments pursuant to this
10 Section is eligible for reimbursement from the State for the
11 amount of such payments actually made in excess of the district
12 per capita tuition charge for students not receiving special
13 education services. Such reimbursement shall be approved in
14 accordance with Section 14-12.01 and each district shall file
15 its claims, computed in accordance with rules prescribed by the
16 State Board of Education, on forms prescribed by the State
17 Superintendent of Education. Data used as a basis of
18 reimbursement claims shall be for the preceding regular school
19 term and summer school term. Each school district shall
20 transmit its claims to the State Board of Education on or
21 before August 15. The State Board of Education, before
22 approving any such claims, shall determine their accuracy and
23 whether they are based upon services and facilities provided
24 under approved programs. Upon approval the State Board shall
25 cause vouchers to be prepared showing the amount due for
26 payment of reimbursement claims to school districts, for

1 transmittal to the State Comptroller on the 30th day of
2 September, December, and March, respectively, and the final
3 voucher, no later than June 20. If the money appropriated by
4 the General Assembly for such purpose for any year is
5 insufficient, it shall be apportioned on the basis of the
6 claims approved.

7 No child shall be placed in a special education program
8 pursuant to this Section if the tuition cost for special
9 education and related services increases more than 10 percent
10 over the tuition cost for the previous school year or exceeds
11 \$4,500 per year unless such costs have been approved by the
12 Illinois Purchased Care Review Board. The Illinois Purchased
13 Care Review Board shall consist of the following persons, or
14 their designees: the Directors of Children and Family Services,
15 Public Health, Public Aid, and the Governor's Office of
16 Management and Budget; the Secretary of Human Services; the
17 State Superintendent of Education; and such other persons as
18 the Governor may designate. The Review Board shall also consist
19 of one non-voting member who is an administrator of a private,
20 nonpublic, special education school. The Review Board shall
21 establish rules and regulations for its determination of
22 allowable costs and payments made by local school districts for
23 special education, room and board, and other related services
24 provided by non-public schools or special education facilities
25 and shall establish uniform standards and criteria which it
26 shall follow. The Review Board shall approve the usual and

1 customary rate or rates of a special education program that (i)
2 is offered by an out-of-state, non-public provider of
3 integrated autism specific educational and autism specific
4 residential services, (ii) offers 2 or more levels of
5 residential care, including at least one locked facility, and
6 (iii) serves 12 or fewer Illinois students.

7 The Review Board shall establish uniform definitions and
8 criteria for accounting separately by special education, room
9 and board and other related services costs. The Board shall
10 also establish guidelines for the coordination of services and
11 financial assistance provided by all State agencies to assure
12 that no otherwise qualified child with a disability ~~disabled~~
13 ~~child~~ receiving services under Article 14 shall be excluded
14 from participation in, be denied the benefits of or be
15 subjected to discrimination under any program or activity
16 provided by any State agency.

17 The Review Board shall review the costs for special
18 education and related services provided by non-public schools
19 or special education facilities and shall approve or disapprove
20 such facilities in accordance with the rules and regulations
21 established by it with respect to allowable costs.

22 The State Board of Education shall provide administrative
23 and staff support for the Review Board as deemed reasonable by
24 the State Superintendent of Education. This support shall not
25 include travel expenses or other compensation for any Review
26 Board member other than the State Superintendent of Education.

1 The Review Board shall seek the advice of the Advisory
2 Council on Education of Children with Disabilities on the rules
3 and regulations to be promulgated by it relative to providing
4 special education services.

5 If a child has been placed in a program in which the actual
6 per pupil costs of tuition for special education and related
7 services based on program enrollment, excluding room, board and
8 transportation costs, exceed \$4,500 and such costs have been
9 approved by the Review Board, the district shall pay such total
10 costs which exceed \$4,500. A district making such tuition
11 payments in excess of \$4,500 pursuant to this Section shall be
12 responsible for an amount in excess of \$4,500 equal to the
13 district per capita tuition charge and shall be eligible for
14 reimbursement from the State for the amount of such payments
15 actually made in excess of the districts per capita tuition
16 charge for students not receiving special education services.

17 If a child has been placed in an approved individual
18 program and the tuition costs including room and board costs
19 have been approved by the Review Board, then such room and
20 board costs shall be paid by the appropriate State agency
21 subject to the provisions of Section 14-8.01 of this Act. Room
22 and board costs not provided by a State agency other than the
23 State Board of Education shall be provided by the State Board
24 of Education on a current basis. In no event, however, shall
25 the State's liability for funding of these tuition costs begin
26 until after the legal obligations of third party payors have

1 been subtracted from such costs. If the money appropriated by
2 the General Assembly for such purpose for any year is
3 insufficient, it shall be apportioned on the basis of the
4 claims approved. Each district shall submit estimated claims to
5 the State Superintendent of Education. Upon approval of such
6 claims, the State Superintendent of Education shall direct the
7 State Comptroller to make payments on a monthly basis. The
8 frequency for submitting estimated claims and the method of
9 determining payment shall be prescribed in rules and
10 regulations adopted by the State Board of Education. Such
11 current state reimbursement shall be reduced by an amount equal
12 to the proceeds which the child or child's parents are eligible
13 to receive under any public or private insurance or assistance
14 program. Nothing in this Section shall be construed as
15 relieving an insurer or similar third party from an otherwise
16 valid obligation to provide or to pay for services provided to
17 a child with a disability ~~disabled child~~.

18 If it otherwise qualifies, a school district is eligible
19 for the transportation reimbursement under Section 14-13.01
20 and for the reimbursement of tuition payments under this
21 Section whether the non-public school or special education
22 facility, public out-of-state school or county special
23 education facility, attended by a child who resides in that
24 district and requires special educational services, is within
25 or outside of the State of Illinois. However, a district is not
26 eligible to claim transportation reimbursement under this

1 Section unless the district certifies to the State
2 Superintendent of Education that the district is unable to
3 provide special educational services required by the child for
4 the current school year.

5 Nothing in this Section authorizes the reimbursement of a
6 school district for the amount paid for tuition of a child
7 attending a non-public school or special education facility,
8 public out-of-state school or county special education
9 facility unless the school district certifies to the State
10 Superintendent of Education that the special education program
11 of that district is unable to meet the needs of that child
12 because of his disability and the State Superintendent of
13 Education finds that the school district is in substantial
14 compliance with Section 14-4.01. However, if a child is
15 unilaterally placed by a State agency or any court in a
16 non-public school or special education facility, public
17 out-of-state school, or county special education facility, a
18 school district shall not be required to certify to the State
19 Superintendent of Education, for the purpose of tuition
20 reimbursement, that the special education program of that
21 district is unable to meet the needs of a child because of his
22 or her disability.

23 Any educational or related services provided, pursuant to
24 this Section in a non-public school or special education
25 facility or a special education facility owned and operated by
26 a county government unit shall be at no cost to the parent or

1 guardian of the child. However, current law and practices
2 relative to contributions by parents or guardians for costs
3 other than educational or related services are not affected by
4 this amendatory Act of 1978.

5 Reimbursement for children attending public school
6 residential facilities shall be made in accordance with the
7 provisions of this Section.

8 Notwithstanding any other provision of law, any school
9 district receiving a payment under this Section or under
10 Section 14-7.02b, 14-13.01, or 29-5 of this Code may classify
11 all or a portion of the funds that it receives in a particular
12 fiscal year or from general State aid pursuant to Section
13 18-8.05 of this Code as funds received in connection with any
14 funding program for which it is entitled to receive funds from
15 the State in that fiscal year (including, without limitation,
16 any funding program referenced in this Section), regardless of
17 the source or timing of the receipt. The district may not
18 classify more funds as funds received in connection with the
19 funding program than the district is entitled to receive in
20 that fiscal year for that program. Any classification by a
21 district must be made by a resolution of its board of
22 education. The resolution must identify the amount of any
23 payments or general State aid to be classified under this
24 paragraph and must specify the funding program to which the
25 funds are to be treated as received in connection therewith.
26 This resolution is controlling as to the classification of

1 funds referenced therein. A certified copy of the resolution
2 must be sent to the State Superintendent of Education. The
3 resolution shall still take effect even though a copy of the
4 resolution has not been sent to the State Superintendent of
5 Education in a timely manner. No classification under this
6 paragraph by a district shall affect the total amount or timing
7 of money the district is entitled to receive under this Code.
8 No classification under this paragraph by a district shall in
9 any way relieve the district from or affect any requirements
10 that otherwise would apply with respect to that funding
11 program, including any accounting of funds by source, reporting
12 expenditures by original source and purpose, reporting
13 requirements, or requirements of providing services.

14 (Source: P.A. 98-636, eff. 6-6-14; 98-1008, eff. 1-1-15;
15 revised 10-1-14.)

16 (105 ILCS 5/14-7.03) (from Ch. 122, par. 14-7.03)

17 Sec. 14-7.03. Special Education Classes for Children from
18 Orphanages, Foster Family Homes, Children's Homes, or in State
19 Housing Units. If a school district maintains special education
20 classes on the site of orphanages and children's homes, or if
21 children from the orphanages, children's homes, foster family
22 homes, other State agencies, or State residential units for
23 children attend classes for children with disabilities in which
24 the school district is a participating member of a joint
25 agreement, or if the children from the orphanages, children's

1 homes, foster family homes, other State agencies, or State
2 residential units attend classes for the children with
3 disabilities maintained by the school district, then
4 reimbursement shall be paid to eligible districts in accordance
5 with the provisions of this Section by the Comptroller as
6 directed by the State Superintendent of Education.

7 The amount of tuition for such children shall be determined
8 by the actual cost of maintaining such classes, using the per
9 capita cost formula set forth in Section 14-7.01, such program
10 and cost to be pre-approved by the State Superintendent of
11 Education.

12 If a school district makes a claim for reimbursement under
13 Section 18-3 or 18-4 of this Act it shall not include in any
14 claim filed under this Section a claim for such children.
15 Payments authorized by law, including State or federal grants
16 for education of children included in this Section, shall be
17 deducted in determining the tuition amount.

18 Nothing in this Act shall be construed so as to prohibit
19 reimbursement for the tuition of children placed in for profit
20 facilities. Private facilities shall provide adequate space at
21 the facility for special education classes provided by a school
22 district or joint agreement for children with disabilities who
23 are residents of the facility at no cost to the school district
24 or joint agreement upon request of the school district or joint
25 agreement. If such a private facility provides space at no cost
26 to the district or joint agreement for special education

1 classes provided to children with disabilities who are
2 residents of the facility, the district or joint agreement
3 shall not include any costs for the use of those facilities in
4 its claim for reimbursement.

5 Reimbursement for tuition may include the cost of providing
6 summer school programs for children with severe and profound
7 disabilities served under this Section. Claims for that
8 reimbursement shall be filed by November 1 and shall be paid on
9 or before December 15 from appropriations made for the purposes
10 of this Section.

11 The State Board of Education shall establish such rules and
12 regulations as may be necessary to implement the provisions of
13 this Section.

14 Claims filed on behalf of programs operated under this
15 Section housed in a jail, detention center, or county-owned
16 shelter care facility shall be on an individual student basis
17 only for eligible students with disabilities. These claims
18 shall be in accordance with applicable rules.

19 Each district claiming reimbursement for a program
20 operated as a group program shall have an approved budget on
21 file with the State Board of Education prior to the initiation
22 of the program's operation. On September 30, December 31, and
23 March 31, the State Board of Education shall voucher payments
24 to group programs based upon the approved budget during the
25 year of operation. Final claims for group payments shall be
26 filed on or before July 15. Final claims for group programs

1 received at the State Board of Education on or before June 15
2 shall be vouchered by June 30. Final claims received at the
3 State Board of Education between June 16 and July 15 shall be
4 vouchered by August 30. Claims for group programs received
5 after July 15 shall not be honored.

6 Each district claiming reimbursement for individual
7 students shall have the eligibility of those students verified
8 by the State Board of Education. On September 30, December 31,
9 and March 31, the State Board of Education shall voucher
10 payments for individual students based upon an estimated cost
11 calculated from the prior year's claim. Final claims for
12 individual students for the regular school term must be
13 received at the State Board of Education by July 15. Claims for
14 individual students received after July 15 shall not be
15 honored. Final claims for individual students shall be
16 vouchered by August 30.

17 Reimbursement shall be made based upon approved group
18 programs or individual students. The State Superintendent of
19 Education shall direct the Comptroller to pay a specified
20 amount to the district by the 30th day of September, December,
21 March, June, or August, respectively. However, notwithstanding
22 any other provisions of this Section or the School Code,
23 beginning with fiscal year 1994 and each fiscal year
24 thereafter, if the amount appropriated for any fiscal year is
25 less than the amount required for purposes of this Section, the
26 amount required to eliminate any insufficient reimbursement

1 for each district claim under this Section shall be reimbursed
2 on August 30 of the next fiscal year. Payments required to
3 eliminate any insufficiency for prior fiscal year claims shall
4 be made before any claims are paid for the current fiscal year.

5 The claim of a school district otherwise eligible to be
6 reimbursed in accordance with Section 14-12.01 for the 1976-77
7 school year but for this amendatory Act of 1977 shall not be
8 paid unless the district ceases to maintain such classes for
9 one entire school year.

10 If a school district's current reimbursement payment for
11 the 1977-78 school year only is less than the prior year's
12 reimbursement payment owed, the district shall be paid the
13 amount of the difference between the payments in addition to
14 the current reimbursement payment, and the amount so paid shall
15 be subtracted from the amount of prior year's reimbursement
16 payment owed to the district.

17 Regional superintendents may operate special education
18 classes for children from orphanages, foster family homes,
19 children's homes or State housing units located within the
20 educational services region upon consent of the school board
21 otherwise so obligated. In electing to assume the powers and
22 duties of a school district in providing and maintaining such a
23 special education program, the regional superintendent may
24 enter into joint agreements with other districts and may
25 contract with public or private schools or the orphanage,
26 foster family home, children's home or State housing unit for

1 provision of the special education program. The regional
2 superintendent exercising the powers granted under this
3 Section shall claim the reimbursement authorized by this
4 Section directly from the State Board of Education.

5 Any child who is not a resident of Illinois who is placed
6 in a child welfare institution, private facility, foster family
7 home, State operated program, orphanage or children's home
8 shall have the payment for his educational tuition and any
9 related services assured by the placing agent.

10 For each student with a disability ~~disabled student~~ who is
11 placed in a residential facility by an Illinois public agency
12 or by any court in this State, the costs for educating the
13 student are eligible for reimbursement under this Section.

14 The district of residence of the student with a disability
15 ~~disabled student~~ as defined in Section 14-1.11a is responsible
16 for the actual costs of the student's special education program
17 and is eligible for reimbursement under this Section when
18 placement is made by a State agency or the courts.

19 When a dispute arises over the determination of the
20 district of residence under this Section, the district or
21 districts may appeal the decision in writing to the State
22 Superintendent of Education, who, upon review of materials
23 submitted and any other items or information he or she may
24 request for submission, shall issue a written decision on the
25 matter. The decision of the State Superintendent of Education
26 shall be final.

1 In the event a district does not make a tuition payment to
2 another district that is providing the special education
3 program and services, the State Board of Education shall
4 immediately withhold 125% of the then remaining annual tuition
5 cost from the State aid or categorical aid payment due to the
6 school district that is determined to be the resident school
7 district. All funds withheld by the State Board of Education
8 shall immediately be forwarded to the school district where the
9 student is being served.

10 When a child eligible for services under this Section
11 14-7.03 must be placed in a nonpublic facility, that facility
12 shall meet the programmatic requirements of Section 14-7.02 and
13 its regulations, and the educational services shall be funded
14 only in accordance with this Section 14-7.03.

15 (Source: P.A. 98-739, eff. 7-16-14.)

16 (105 ILCS 5/14-8.01) (from Ch. 122, par. 14-8.01)

17 Sec. 14-8.01. Supervision of special education buildings
18 and facilities. All special educational facilities, building
19 programs, housing, and all educational programs for the types
20 of children with disabilities ~~disabled children~~ defined in
21 Section 14-1.02 shall be under the supervision of and subject
22 to the approval of the State Board of Education.

23 All special education facilities, building programs, and
24 housing shall comply with the building code authorized by
25 Section 2-3.12.

1 All educational programs for children with disabilities as
2 defined in Section 14-1.02 administered by any State agency
3 shall be under the general supervision of the State Board of
4 Education. Such supervision shall be limited to insuring that
5 such educational programs meet standards jointly developed and
6 agreed to by both the State Board of Education and the
7 operating State agency, including standards for educational
8 personnel.

9 Any State agency providing special educational programs
10 for children with disabilities as defined in Section 14-1.02
11 shall promulgate rules and regulations, in consultation with
12 the State Board of Education and pursuant to the Illinois
13 Administrative Procedure Act as now or hereafter amended, to
14 insure that all such programs comply with this Section and
15 Section 14-8.02.

16 No otherwise qualified child with a disability ~~disabled~~
17 ~~child~~ receiving special education and related services under
18 Article 14 shall solely by reason of his or her disability be
19 excluded from the participation in or be denied the benefits of
20 or be subjected to discrimination under any program or activity
21 provided by a State agency.

22 State agencies providing special education and related
23 services, including room and board, either directly or through
24 grants or purchases of services shall continue to provide these
25 services according to current law and practice. Room and board
26 costs not provided by a State agency other than the State Board

1 of Education shall be provided by the State Board of Education
2 to the extent of available funds. An amount equal to one-half
3 of the State education agency's share of IDEA PART B federal
4 monies, or so much thereof as may actually be needed, shall
5 annually be appropriated to pay for the additional costs of
6 providing for room and board for those children placed pursuant
7 to Section 14-7.02 of this Code and, after all such room and
8 board costs are paid, for similar expenditures for children
9 served pursuant to Section 14-7.02 or 14-7.02b of this Code.
10 Any such excess room and board funds must first be directed to
11 those school districts with students costing in excess of 4
12 times the district's per capita tuition charge and then to
13 community based programs that serve as alternatives to
14 residential placements.

15 Beginning with Fiscal Year 1997 and continuing through
16 Fiscal Year 2000, 100% of the former Chapter I, Section 89-313
17 federal funds shall be allocated by the State Board of
18 Education in the same manner as IDEA, PART B "flow through"
19 funding to local school districts, joint agreements, and
20 special education cooperatives for the maintenance of
21 instructional and related support services to students with
22 disabilities. However, beginning with Fiscal Year 1998, the
23 total IDEA Part B discretionary funds available to the State
24 Board of Education shall not exceed the maximum permissible
25 under federal law or 20% of the total federal funds available
26 to the State, whichever is less. After all room and board

1 payments and similar expenditures are made by the State Board
2 of Education as required by this Section, the State Board of
3 Education may use the remaining funds for administration and
4 for providing discretionary activities. However, the State
5 Board of Education may use no more than 25% of its available
6 IDEA Part B discretionary funds for administrative services.

7 Special education and related services included in the
8 child's individualized educational program which are not
9 provided by another State agency shall be included in the
10 special education and related services provided by the State
11 Board of Education and the local school district.

12 The State Board of Education with the advice of the
13 Advisory Council shall prescribe the standards and make the
14 necessary rules and regulations for special education programs
15 administered by local school boards, including but not limited
16 to establishment of classes, training requirements of teachers
17 and other professional personnel, eligibility and admission of
18 pupils, the curriculum, class size limitation, building
19 programs, housing, transportation, special equipment and
20 instructional supplies, and the applications for claims for
21 reimbursement. The State Board of Education shall promulgate
22 rules and regulations for annual evaluations of the
23 effectiveness of all special education programs and annual
24 evaluation by the local school district of the individualized
25 educational program for each child for whom it provides special
26 education services.

1 A school district is responsible for the provision of
2 educational services for all school age children residing
3 within its boundaries excluding any student placed under the
4 provisions of Section 14-7.02 or any student with a disability
5 ~~disabled student~~ whose parent or guardian lives outside of the
6 State of Illinois as described in Section 14-1.11.

7 (Source: P.A. 93-1022, eff. 8-24-04; 94-69, eff. 7-1-05.)

8 (105 ILCS 5/14-8.02) (from Ch. 122, par. 14-8.02)

9 Sec. 14-8.02. Identification, Evaluation and Placement of
10 Children.

11 (a) The State Board of Education shall make rules under
12 which local school boards shall determine the eligibility of
13 children to receive special education. Such rules shall ensure
14 that a free appropriate public education be available to all
15 children with disabilities as defined in Section 14-1.02. The
16 State Board of Education shall require local school districts
17 to administer non-discriminatory procedures or tests to
18 limited English proficiency students coming from homes in which
19 a language other than English is used to determine their
20 eligibility to receive special education. The placement of low
21 English proficiency students in special education programs and
22 facilities shall be made in accordance with the test results
23 reflecting the student's linguistic, cultural and special
24 education needs. For purposes of determining the eligibility of
25 children the State Board of Education shall include in the

1 rules definitions of "case study", "staff conference",
2 "individualized educational program", and "qualified
3 specialist" appropriate to each category of children with
4 disabilities as defined in this Article. For purposes of
5 determining the eligibility of children from homes in which a
6 language other than English is used, the State Board of
7 Education shall include in the rules definitions for "qualified
8 bilingual specialists" and "linguistically and culturally
9 appropriate individualized educational programs". For purposes
10 of this Section, as well as Sections 14-8.02a, 14-8.02b, and
11 14-8.02c of this Code, "parent" means a parent as defined in
12 the federal Individuals with Disabilities Education Act (20
13 U.S.C. 1401(23)).

14 (b) No child shall be eligible for special education
15 facilities except with a carefully completed case study fully
16 reviewed by professional personnel in a multidisciplinary
17 staff conference and only upon the recommendation of qualified
18 specialists or a qualified bilingual specialist, if available.
19 At the conclusion of the multidisciplinary staff conference,
20 the parent of the child shall be given a copy of the
21 multidisciplinary conference summary report and
22 recommendations, which includes options considered, and be
23 informed of their right to obtain an independent educational
24 evaluation if they disagree with the evaluation findings
25 conducted or obtained by the school district. If the school
26 district's evaluation is shown to be inappropriate, the school

1 district shall reimburse the parent for the cost of the
2 independent evaluation. The State Board of Education shall,
3 with advice from the State Advisory Council on Education of
4 Children with Disabilities on the inclusion of specific
5 independent educational evaluators, prepare a list of
6 suggested independent educational evaluators. The State Board
7 of Education shall include on the list clinical psychologists
8 licensed pursuant to the Clinical Psychologist Licensing Act.
9 Such psychologists shall not be paid fees in excess of the
10 amount that would be received by a school psychologist for
11 performing the same services. The State Board of Education
12 shall supply school districts with such list and make the list
13 available to parents at their request. School districts shall
14 make the list available to parents at the time they are
15 informed of their right to obtain an independent educational
16 evaluation. However, the school district may initiate an
17 impartial due process hearing under this Section within 5 days
18 of any written parent request for an independent educational
19 evaluation to show that its evaluation is appropriate. If the
20 final decision is that the evaluation is appropriate, the
21 parent still has a right to an independent educational
22 evaluation, but not at public expense. An independent
23 educational evaluation at public expense must be completed
24 within 30 days of a parent written request unless the school
25 district initiates an impartial due process hearing or the
26 parent or school district offers reasonable grounds to show

1 that such 30 day time period should be extended. If the due
2 process hearing decision indicates that the parent is entitled
3 to an independent educational evaluation, it must be completed
4 within 30 days of the decision unless the parent or the school
5 district offers reasonable grounds to show that such 30 day
6 period should be extended. If a parent disagrees with the
7 summary report or recommendations of the multidisciplinary
8 conference or the findings of any educational evaluation which
9 results therefrom, the school district shall not proceed with a
10 placement based upon such evaluation and the child shall remain
11 in his or her regular classroom setting. No child shall be
12 eligible for admission to a special class for children with a
13 mental disability who are educable or for children with a
14 mental disability who are trainable ~~the educable mentally~~
15 ~~disabled or for the trainable mentally disabled~~ except with a
16 psychological evaluation and recommendation by a school
17 psychologist. Consent shall be obtained from the parent of a
18 child before any evaluation is conducted. If consent is not
19 given by the parent or if the parent disagrees with the
20 findings of the evaluation, then the school district may
21 initiate an impartial due process hearing under this Section.
22 The school district may evaluate the child if that is the
23 decision resulting from the impartial due process hearing and
24 the decision is not appealed or if the decision is affirmed on
25 appeal. The determination of eligibility shall be made and the
26 IEP meeting shall be completed within 60 school days from the

1 date of written parental consent. In those instances when
2 written parental consent is obtained with fewer than 60 pupil
3 attendance days left in the school year, the eligibility
4 determination shall be made and the IEP meeting shall be
5 completed prior to the first day of the following school year.
6 Special education and related services must be provided in
7 accordance with the student's IEP no later than 10 school
8 attendance days after notice is provided to the parents
9 pursuant to Section 300.503 of Title 34 of the Code of Federal
10 Regulations and implementing rules adopted by the State Board
11 of Education. The appropriate program pursuant to the
12 individualized educational program of students whose native
13 tongue is a language other than English shall reflect the
14 special education, cultural and linguistic needs. No later than
15 September 1, 1993, the State Board of Education shall establish
16 standards for the development, implementation and monitoring
17 of appropriate bilingual special individualized educational
18 programs. The State Board of Education shall further
19 incorporate appropriate monitoring procedures to verify
20 implementation of these standards. The district shall indicate
21 to the parent and the State Board of Education the nature of
22 the services the child will receive for the regular school term
23 while waiting placement in the appropriate special education
24 class.

25 If the child is deaf, hard of hearing, blind, or visually
26 impaired and he or she might be eligible to receive services

1 from the Illinois School for the Deaf or the Illinois School
2 for the Visually Impaired, the school district shall notify the
3 parents, in writing, of the existence of these schools and the
4 services they provide and shall make a reasonable effort to
5 inform the parents of the existence of other, local schools
6 that provide similar services and the services that these other
7 schools provide. This notification shall include without
8 limitation information on school services, school admissions
9 criteria, and school contact information.

10 In the development of the individualized education program
11 for a student who has a disability on the autism spectrum
12 (which includes autistic disorder, Asperger's disorder,
13 pervasive developmental disorder not otherwise specified,
14 childhood disintegrative disorder, and Rett Syndrome, as
15 defined in the Diagnostic and Statistical Manual of Mental
16 Disorders, fourth edition (DSM-IV, 2000)), the IEP team shall
17 consider all of the following factors:

18 (1) The verbal and nonverbal communication needs of the
19 child.

20 (2) The need to develop social interaction skills and
21 proficiencies.

22 (3) The needs resulting from the child's unusual
23 responses to sensory experiences.

24 (4) The needs resulting from resistance to
25 environmental change or change in daily routines.

26 (5) The needs resulting from engagement in repetitive

1 activities and stereotyped movements.

2 (6) The need for any positive behavioral
3 interventions, strategies, and supports to address any
4 behavioral difficulties resulting from autism spectrum
5 disorder.

6 (7) Other needs resulting from the child's disability
7 that impact progress in the general curriculum, including
8 social and emotional development.

9 Public Act 95-257 does not create any new entitlement to a
10 service, program, or benefit, but must not affect any
11 entitlement to a service, program, or benefit created by any
12 other law.

13 If the student may be eligible to participate in the
14 Home-Based Support Services Program for Adults with Mental
15 Disabilities ~~Mentally Disabled Adults~~ authorized under the
16 Developmental Disability and Mental Disability Services Act
17 upon becoming an adult, the student's individualized education
18 program shall include plans for (i) determining the student's
19 eligibility for those home-based services, (ii) enrolling the
20 student in the program of home-based services, and (iii)
21 developing a plan for the student's most effective use of the
22 home-based services after the student becomes an adult and no
23 longer receives special educational services under this
24 Article. The plans developed under this paragraph shall include
25 specific actions to be taken by specified individuals,
26 agencies, or officials.

1 (c) In the development of the individualized education
2 program for a student who is functionally blind, it shall be
3 presumed that proficiency in Braille reading and writing is
4 essential for the student's satisfactory educational progress.
5 For purposes of this subsection, the State Board of Education
6 shall determine the criteria for a student to be classified as
7 functionally blind. Students who are not currently identified
8 as functionally blind who are also entitled to Braille
9 instruction include: (i) those whose vision loss is so severe
10 that they are unable to read and write at a level comparable to
11 their peers solely through the use of vision, and (ii) those
12 who show evidence of progressive vision loss that may result in
13 functional blindness. Each student who is functionally blind
14 shall be entitled to Braille reading and writing instruction
15 that is sufficient to enable the student to communicate with
16 the same level of proficiency as other students of comparable
17 ability. Instruction should be provided to the extent that the
18 student is physically and cognitively able to use Braille.
19 Braille instruction may be used in combination with other
20 special education services appropriate to the student's
21 educational needs. The assessment of each student who is
22 functionally blind for the purpose of developing the student's
23 individualized education program shall include documentation
24 of the student's strengths and weaknesses in Braille skills.
25 Each person assisting in the development of the individualized
26 education program for a student who is functionally blind shall

1 receive information describing the benefits of Braille
2 instruction. The individualized education program for each
3 student who is functionally blind shall specify the appropriate
4 learning medium or media based on the assessment report.

5 (d) To the maximum extent appropriate, the placement shall
6 provide the child with the opportunity to be educated with
7 children who do not have a disability ~~are not disabled;~~
8 provided that children with disabilities who are recommended to
9 be placed into regular education classrooms are provided with
10 supplementary services to assist the children with
11 disabilities to benefit from the regular classroom instruction
12 and are included on the teacher's regular education class
13 register. Subject to the limitation of the preceding sentence,
14 placement in special classes, separate schools or other removal
15 of the child with a disability ~~disabled child~~ from the regular
16 educational environment shall occur only when the nature of the
17 severity of the disability is such that education in the
18 regular classes with the use of supplementary aids and services
19 cannot be achieved satisfactorily. The placement of limited
20 English proficiency students with disabilities shall be in
21 non-restrictive environments which provide for integration
22 with ~~non-disabled~~ peers who do not have disabilities in
23 bilingual classrooms. Annually, each January, school districts
24 shall report data on students from non-English speaking
25 backgrounds receiving special education and related services
26 in public and private facilities as prescribed in Section

1 2-3.30. If there is a disagreement between parties involved
2 regarding the special education placement of any child, either
3 in-state or out-of-state, the placement is subject to impartial
4 due process procedures described in Article 10 of the Rules and
5 Regulations to Govern the Administration and Operation of
6 Special Education.

7 (e) No child who comes from a home in which a language
8 other than English is the principal language used may be
9 assigned to any class or program under this Article until he
10 has been given, in the principal language used by the child and
11 used in his home, tests reasonably related to his cultural
12 environment. All testing and evaluation materials and
13 procedures utilized for evaluation and placement shall not be
14 linguistically, racially or culturally discriminatory.

15 (f) Nothing in this Article shall be construed to require
16 any child to undergo any physical examination or medical
17 treatment whose parents object thereto on the grounds that such
18 examination or treatment conflicts with his religious beliefs.

19 (g) School boards or their designee shall provide to the
20 parents of a child prior written notice of any decision (a)
21 proposing to initiate or change, or (b) refusing to initiate or
22 change, the identification, evaluation, or educational
23 placement of the child or the provision of a free appropriate
24 public education to their child, and the reasons therefor. Such
25 written notification shall also inform the parent of the
26 opportunity to present complaints with respect to any matter

1 relating to the educational placement of the student, or the
2 provision of a free appropriate public education and to have an
3 impartial due process hearing on the complaint. The notice
4 shall inform the parents in the parents' native language,
5 unless it is clearly not feasible to do so, of their rights and
6 all procedures available pursuant to this Act and the federal
7 Individuals with Disabilities Education Improvement Act of
8 2004 (Public Law 108-446); it shall be the responsibility of
9 the State Superintendent to develop uniform notices setting
10 forth the procedures available under this Act and the federal
11 Individuals with Disabilities Education Improvement Act of
12 2004 (Public Law 108-446) to be used by all school boards. The
13 notice shall also inform the parents of the availability upon
14 request of a list of free or low-cost legal and other relevant
15 services available locally to assist parents in initiating an
16 impartial due process hearing. Any parent who is deaf, or does
17 not normally communicate using spoken English, who
18 participates in a meeting with a representative of a local
19 educational agency for the purposes of developing an
20 individualized educational program shall be entitled to the
21 services of an interpreter.

22 (g-5) For purposes of this subsection (g-5), "qualified
23 professional" means an individual who holds credentials to
24 evaluate the child in the domain or domains for which an
25 evaluation is sought or an intern working under the direct
26 supervision of a qualified professional, including a master's

1 or doctoral degree candidate.

2 To ensure that a parent can participate fully and
3 effectively with school personnel in the development of
4 appropriate educational and related services for his or her
5 child, the parent, an independent educational evaluator, or a
6 qualified professional retained by or on behalf of a parent or
7 child must be afforded reasonable access to educational
8 facilities, personnel, classrooms, and buildings and to the
9 child as provided in this subsection (g-5). The requirements of
10 this subsection (g-5) apply to any public school facility,
11 building, or program and to any facility, building, or program
12 supported in whole or in part by public funds. Prior to
13 visiting a school, school building, or school facility, the
14 parent, independent educational evaluator, or qualified
15 professional may be required by the school district to inform
16 the building principal or supervisor in writing of the proposed
17 visit, the purpose of the visit, and the approximate duration
18 of the visit. The visitor and the school district shall arrange
19 the visit or visits at times that are mutually agreeable.
20 Visitors shall comply with school safety, security, and
21 visitation policies at all times. School district visitation
22 policies must not conflict with this subsection (g-5). Visitors
23 shall be required to comply with the requirements of applicable
24 privacy laws, including those laws protecting the
25 confidentiality of education records such as the federal Family
26 Educational Rights and Privacy Act and the Illinois School

1 Student Records Act. The visitor shall not disrupt the
2 educational process.

3 (1) A parent must be afforded reasonable access of
4 sufficient duration and scope for the purpose of observing
5 his or her child in the child's current educational
6 placement, services, or program or for the purpose of
7 visiting an educational placement or program proposed for
8 the child.

9 (2) An independent educational evaluator or a
10 qualified professional retained by or on behalf of a parent
11 or child must be afforded reasonable access of sufficient
12 duration and scope for the purpose of conducting an
13 evaluation of the child, the child's performance, the
14 child's current educational program, placement, services,
15 or environment, or any educational program, placement,
16 services, or environment proposed for the child, including
17 interviews of educational personnel, child observations,
18 assessments, tests or assessments of the child's
19 educational program, services, or placement or of any
20 proposed educational program, services, or placement. If
21 one or more interviews of school personnel are part of the
22 evaluation, the interviews must be conducted at a mutually
23 agreed upon time, date, and place that do not interfere
24 with the school employee's school duties. The school
25 district may limit interviews to personnel having
26 information relevant to the child's current educational

1 services, program, or placement or to a proposed
2 educational service, program, or placement.

3 (h) (Blank).

4 (i) (Blank).

5 (j) (Blank).

6 (k) (Blank).

7 (l) (Blank).

8 (m) (Blank).

9 (n) (Blank).

10 (o) (Blank).

11 (Source: P.A. 98-219, eff. 8-9-13.)

12 (105 ILCS 5/14-8.04) (from Ch. 122, par. 14-8.04)

13 Sec. 14-8.04. Supported employment. The school board that
14 is the governing body of any secondary school in this State
15 that provides special education services and facilities for
16 children with disabilities shall include, as part of preparing
17 the transition planning for children with disabilities
18 ~~disabled children~~ who are 16 years of age or more,
19 consideration of a supported employment component with
20 experiences in integrated community settings for those
21 eligible children with disabilities who have been determined at
22 an IEP meeting to be in need of participation in the supported
23 employment services offered pursuant to this Section.

24 Supported employment services made available as part of
25 transition planning under this Section shall be designed and

1 developed for school boards by the State Board of Education, in
2 consultation with programs such as Project CHOICES (Children
3 Have Opportunities In Integrated Community Environments),
4 parents and advocates of children with disabilities, and the
5 Departments of Central Management Services and Human Services.
6 (Source: P.A. 98-44, eff. 6-28-13.)

7 (105 ILCS 5/14-11.01) (from Ch. 122, par. 14-11.01)

8 Sec. 14-11.01. Educational materials coordinating unit.

9 The State Board of Education shall maintain or contract for an
10 educational materials coordinating unit for children with
11 disabilities to provide:

12 (1) Staff and resources for the coordination, cataloging,
13 standardizing, production, procurement, storage, and
14 distribution of educational materials needed by children with
15 visual disabilities ~~visually disabled children~~ and adults with
16 disabilities.

17 (2) Staff and resources of an instructional materials
18 center to include library, audio-visual, programmed, and other
19 types of instructional materials peculiarly adapted to the
20 instruction of pupils with disabilities.

21 The educational materials coordinating unit shall have as
22 its major purpose the improvement of instructional programs for
23 children with disabilities and the in-service training of all
24 professional personnel associated with programs of special
25 education and to these ends is authorized to operate under

1 rules and regulations of the State Board of Education with the
2 advice of the Advisory Council.

3 (Source: P.A. 89-397, eff. 8-20-95.)

4 (105 ILCS 5/17-2.11) (from Ch. 122, par. 17-2.11)

5 Sec. 17-2.11. School board power to levy a tax or to borrow
6 money and issue bonds for fire prevention, safety, energy
7 conservation, ~~disabled~~ accessibility, school security, and
8 specified repair purposes.

9 (a) Whenever, as a result of any lawful order of any
10 agency, other than a school board, having authority to enforce
11 any school building code applicable to any facility that houses
12 students, or any law or regulation for the protection and
13 safety of the environment, pursuant to the Environmental
14 Protection Act, any school district having a population of less
15 than 500,000 inhabitants is required to alter or reconstruct
16 any school building or permanent, fixed equipment; the district
17 may, by proper resolution, levy a tax for the purpose of making
18 such alteration or reconstruction, based on a survey report by
19 an architect or engineer licensed in this State, upon all of
20 the taxable property of the district at the value as assessed
21 by the Department of Revenue and at a rate not to exceed 0.05%
22 per year for a period sufficient to finance such alteration or
23 reconstruction, upon the following conditions:

24 (1) When there are not sufficient funds available in
25 the operations and maintenance fund of the school district,

1 the school facility occupation tax fund of the district, or
2 the fire prevention and safety fund of the district, as
3 determined by the district on the basis of rules adopted by
4 the State Board of Education, to make such alteration or
5 reconstruction or to purchase and install such permanent,
6 fixed equipment so ordered or determined as necessary.
7 Appropriate school district records must be made available
8 to the State Superintendent of Education, upon request, to
9 confirm this insufficiency.

10 (2) When a certified estimate of an architect or
11 engineer licensed in this State stating the estimated
12 amount necessary to make the alteration or reconstruction
13 or to purchase and install the equipment so ordered has
14 been secured by the school district, and the estimate has
15 been approved by the regional superintendent of schools
16 having jurisdiction over the district and the State
17 Superintendent of Education. Approval must not be granted
18 for any work that has already started without the prior
19 express authorization of the State Superintendent of
20 Education. If the estimate is not approved or is denied
21 approval by the regional superintendent of schools within 3
22 months after the date on which it is submitted to him or
23 her, the school board of the district may submit the
24 estimate directly to the State Superintendent of Education
25 for approval or denial.

26 In the case of an emergency situation, where the estimated

1 cost to effectuate emergency repairs is less than the amount
2 specified in Section 10-20.21 of this Code, the school district
3 may proceed with such repairs prior to approval by the State
4 Superintendent of Education, but shall comply with the
5 provisions of subdivision (2) of this subsection (a) as soon
6 thereafter as may be as well as Section 10-20.21 of this Code.
7 If the estimated cost to effectuate emergency repairs is
8 greater than the amount specified in Section 10-20.21 of this
9 Code, then the school district shall proceed in conformity with
10 Section 10-20.21 of this Code and with rules established by the
11 State Board of Education to address such situations. The rules
12 adopted by the State Board of Education to deal with these
13 situations shall stipulate that emergency situations must be
14 expedited and given priority consideration. For purposes of
15 this paragraph, an emergency is a situation that presents an
16 imminent and continuing threat to the health and safety of
17 students or other occupants of a facility, requires complete or
18 partial evacuation of a building or part of a building, or
19 consumes one or more of the 5 emergency days built into the
20 adopted calendar of the school or schools or would otherwise be
21 expected to cause such school or schools to fall short of the
22 minimum school calendar requirements.

23 (b) Whenever any such district determines that it is
24 necessary for energy conservation purposes that any school
25 building or permanent, fixed equipment should be altered or
26 reconstructed and that such alterations or reconstruction will

1 be made with funds not necessary for the completion of approved
2 and recommended projects contained in any safety survey report
3 or amendments thereto authorized by Section 2-3.12 of this Act;
4 the district may levy a tax or issue bonds as provided in
5 subsection (a) of this Section.

6 (c) Whenever any such district determines that it is
7 necessary for ~~disabled~~ accessibility purposes and to comply
8 with the school building code that any school building or
9 equipment should be altered or reconstructed and that such
10 alterations or reconstruction will be made with funds not
11 necessary for the completion of approved and recommended
12 projects contained in any safety survey report or amendments
13 thereto authorized under Section 2-3.12 of this Act, the
14 district may levy a tax or issue bonds as provided in
15 subsection (a) of this Section.

16 (d) Whenever any such district determines that it is
17 necessary for school security purposes and the related
18 protection and safety of pupils and school personnel that any
19 school building or property should be altered or reconstructed
20 or that security systems and equipment (including but not
21 limited to intercom, early detection and warning, access
22 control and television monitoring systems) should be purchased
23 and installed, and that such alterations, reconstruction or
24 purchase and installation of equipment will be made with funds
25 not necessary for the completion of approved and recommended
26 projects contained in any safety survey report or amendment

1 thereto authorized by Section 2-3.12 of this Act and will deter
2 and prevent unauthorized entry or activities upon school
3 property by unknown or dangerous persons, assure early
4 detection and advance warning of any such actual or attempted
5 unauthorized entry or activities and help assure the continued
6 safety of pupils and school staff if any such unauthorized
7 entry or activity is attempted or occurs; the district may levy
8 a tax or issue bonds as provided in subsection (a) of this
9 Section.

10 (e) If a school district does not need funds for other fire
11 prevention and safety projects, including the completion of
12 approved and recommended projects contained in any safety
13 survey report or amendments thereto authorized by Section
14 2-3.12 of this Act, and it is determined after a public hearing
15 (which is preceded by at least one published notice (i)
16 occurring at least 7 days prior to the hearing in a newspaper
17 of general circulation within the school district and (ii)
18 setting forth the time, date, place, and general subject matter
19 of the hearing) that there is a substantial, immediate, and
20 otherwise unavoidable threat to the health, safety, or welfare
21 of pupils due to disrepair of school sidewalks, playgrounds,
22 parking lots, or school bus turnarounds and repairs must be
23 made; then the district may levy a tax or issue bonds as
24 provided in subsection (a) of this Section.

25 (f) For purposes of this Section a school district may
26 replace a school building or build additions to replace

1 portions of a building when it is determined that the
2 effectuation of the recommendations for the existing building
3 will cost more than the replacement costs. Such determination
4 shall be based on a comparison of estimated costs made by an
5 architect or engineer licensed in the State of Illinois. The
6 new building or addition shall be equivalent in area (square
7 feet) and comparable in purpose and grades served and may be on
8 the same site or another site. Such replacement may only be
9 done upon order of the regional superintendent of schools and
10 the approval of the State Superintendent of Education.

11 (g) The filing of a certified copy of the resolution
12 levying the tax when accompanied by the certificates of the
13 regional superintendent of schools and State Superintendent of
14 Education shall be the authority of the county clerk to extend
15 such tax.

16 (h) The county clerk of the county in which any school
17 district levying a tax under the authority of this Section is
18 located, in reducing raised levies, shall not consider any such
19 tax as a part of the general levy for school purposes and shall
20 not include the same in the limitation of any other tax rate
21 which may be extended.

22 Such tax shall be levied and collected in like manner as
23 all other taxes of school districts, subject to the provisions
24 contained in this Section.

25 (i) The tax rate limit specified in this Section may be
26 increased to .10% upon the approval of a proposition to effect

1 such increase by a majority of the electors voting on that
2 proposition at a regular scheduled election. Such proposition
3 may be initiated by resolution of the school board and shall be
4 certified by the secretary to the proper election authorities
5 for submission in accordance with the general election law.

6 (j) When taxes are levied by any school district for fire
7 prevention, safety, energy conservation, and school security
8 purposes as specified in this Section, and the purposes for
9 which the taxes have been levied are accomplished and paid in
10 full, and there remain funds on hand in the Fire Prevention and
11 Safety Fund from the proceeds of the taxes levied, including
12 interest earnings thereon, the school board by resolution shall
13 use such excess and other board restricted funds, excluding
14 bond proceeds and earnings from such proceeds, as follows:

15 (1) for other authorized fire prevention, safety,
16 energy conservation, and school security purposes and for
17 required safety inspections; or

18 (2) for transfer to the Operations and Maintenance Fund
19 for the purpose of abating an equal amount of operations
20 and maintenance purposes taxes.

21 Notwithstanding subdivision (2) of this subsection (j) and
22 subsection (k) of this Section, through June 30, 2016, the
23 school board may, by proper resolution following a public
24 hearing set by the school board or the president of the school
25 board (that is preceded (i) by at least one published notice
26 over the name of the clerk or secretary of the board, occurring

1 at least 7 days and not more than 30 days prior to the hearing,
2 in a newspaper of general circulation within the school
3 district and (ii) by posted notice over the name of the clerk
4 or secretary of the board, at least 48 hours before the
5 hearing, at the principal office of the school board or at the
6 building where the hearing is to be held if a principal office
7 does not exist, with both notices setting forth the time, date,
8 place, and subject matter of the hearing), transfer surplus
9 life safety taxes and interest earnings thereon to the
10 Operations and Maintenance Fund for building repair work.

11 (k) If any transfer is made to the Operation and
12 Maintenance Fund, the secretary of the school board shall
13 within 30 days notify the county clerk of the amount of that
14 transfer and direct the clerk to abate the taxes to be extended
15 for the purposes of operations and maintenance authorized under
16 Section 17-2 of this Act by an amount equal to such transfer.

17 (l) If the proceeds from the tax levy authorized by this
18 Section are insufficient to complete the work approved under
19 this Section, the school board is authorized to sell bonds
20 without referendum under the provisions of this Section in an
21 amount that, when added to the proceeds of the tax levy
22 authorized by this Section, will allow completion of the
23 approved work.

24 (m) Any bonds issued pursuant to this Section shall bear
25 interest at a rate not to exceed the maximum rate authorized by
26 law at the time of the making of the contract, shall mature

1 within 20 years from date, and shall be signed by the president
2 of the school board and the treasurer of the school district.

3 (n) In order to authorize and issue such bonds, the school
4 board shall adopt a resolution fixing the amount of bonds, the
5 date thereof, the maturities thereof, rates of interest
6 thereof, place of payment and denomination, which shall be in
7 denominations of not less than \$100 and not more than \$5,000,
8 and provide for the levy and collection of a direct annual tax
9 upon all the taxable property in the school district sufficient
10 to pay the principal and interest on such bonds to maturity.
11 Upon the filing in the office of the county clerk of the county
12 in which the school district is located of a certified copy of
13 the resolution, it is the duty of the county clerk to extend
14 the tax therefor in addition to and in excess of all other
15 taxes heretofore or hereafter authorized to be levied by such
16 school district.

17 (o) After the time such bonds are issued as provided for by
18 this Section, if additional alterations or reconstructions are
19 required to be made because of surveys conducted by an
20 architect or engineer licensed in the State of Illinois, the
21 district may levy a tax at a rate not to exceed .05% per year
22 upon all the taxable property of the district or issue
23 additional bonds, whichever action shall be the most feasible.

24 (p) This Section is cumulative and constitutes complete
25 authority for the issuance of bonds as provided in this Section
26 notwithstanding any other statute or law to the contrary.

1 (q) With respect to instruments for the payment of money
2 issued under this Section either before, on, or after the
3 effective date of Public Act 86-004 (June 6, 1989), it is, and
4 always has been, the intention of the General Assembly (i) that
5 the Omnibus Bond Acts are, and always have been, supplementary
6 grants of power to issue instruments in accordance with the
7 Omnibus Bond Acts, regardless of any provision of this Act that
8 may appear to be or to have been more restrictive than those
9 Acts, (ii) that the provisions of this Section are not a
10 limitation on the supplementary authority granted by the
11 Omnibus Bond Acts, and (iii) that instruments issued under this
12 Section within the supplementary authority granted by the
13 Omnibus Bond Acts are not invalid because of any provision of
14 this Act that may appear to be or to have been more restrictive
15 than those Acts.

16 (r) When the purposes for which the bonds are issued have
17 been accomplished and paid for in full and there remain funds
18 on hand from the proceeds of the bond sale and interest
19 earnings therefrom, the board shall, by resolution, use such
20 excess funds in accordance with the provisions of Section
21 10-22.14 of this Act.

22 (s) Whenever any tax is levied or bonds issued for fire
23 prevention, safety, energy conservation, and school security
24 purposes, such proceeds shall be deposited and accounted for
25 separately within the Fire Prevention and Safety Fund.

26 (Source: P.A. 98-26, eff. 6-21-13; 98-1066, eff. 8-26-14.)

1 (105 ILCS 5/19-1)

2 Sec. 19-1. Debt limitations of school districts.

3 (a) School districts shall not be subject to the provisions
4 limiting their indebtedness prescribed in "An Act to limit the
5 indebtedness of counties having a population of less than
6 500,000 and townships, school districts and other municipal
7 corporations having a population of less than 300,000",
8 approved February 15, 1928, as amended.

9 No school districts maintaining grades K through 8 or 9
10 through 12 shall become indebted in any manner or for any
11 purpose to an amount, including existing indebtedness, in the
12 aggregate exceeding 6.9% on the value of the taxable property
13 therein to be ascertained by the last assessment for State and
14 county taxes or, until January 1, 1983, if greater, the sum
15 that is produced by multiplying the school district's 1978
16 equalized assessed valuation by the debt limitation percentage
17 in effect on January 1, 1979, previous to the incurring of such
18 indebtedness.

19 No school districts maintaining grades K through 12 shall
20 become indebted in any manner or for any purpose to an amount,
21 including existing indebtedness, in the aggregate exceeding
22 13.8% on the value of the taxable property therein to be
23 ascertained by the last assessment for State and county taxes
24 or, until January 1, 1983, if greater, the sum that is produced
25 by multiplying the school district's 1978 equalized assessed

1 valuation by the debt limitation percentage in effect on
2 January 1, 1979, previous to the incurring of such
3 indebtedness.

4 No partial elementary unit district, as defined in Article
5 11E of this Code, shall become indebted in any manner or for
6 any purpose in an amount, including existing indebtedness, in
7 the aggregate exceeding 6.9% of the value of the taxable
8 property of the entire district, to be ascertained by the last
9 assessment for State and county taxes, plus an amount,
10 including existing indebtedness, in the aggregate exceeding
11 6.9% of the value of the taxable property of that portion of
12 the district included in the elementary and high school
13 classification, to be ascertained by the last assessment for
14 State and county taxes. Moreover, no partial elementary unit
15 district, as defined in Article 11E of this Code, shall become
16 indebted on account of bonds issued by the district for high
17 school purposes in the aggregate exceeding 6.9% of the value of
18 the taxable property of the entire district, to be ascertained
19 by the last assessment for State and county taxes, nor shall
20 the district become indebted on account of bonds issued by the
21 district for elementary purposes in the aggregate exceeding
22 6.9% of the value of the taxable property for that portion of
23 the district included in the elementary and high school
24 classification, to be ascertained by the last assessment for
25 State and county taxes.

26 Notwithstanding the provisions of any other law to the

1 contrary, in any case in which the voters of a school district
2 have approved a proposition for the issuance of bonds of such
3 school district at an election held prior to January 1, 1979,
4 and all of the bonds approved at such election have not been
5 issued, the debt limitation applicable to such school district
6 during the calendar year 1979 shall be computed by multiplying
7 the value of taxable property therein, including personal
8 property, as ascertained by the last assessment for State and
9 county taxes, previous to the incurring of such indebtedness,
10 by the percentage limitation applicable to such school district
11 under the provisions of this subsection (a).

12 (b) Notwithstanding the debt limitation prescribed in
13 subsection (a) of this Section, additional indebtedness may be
14 incurred in an amount not to exceed the estimated cost of
15 acquiring or improving school sites or constructing and
16 equipping additional building facilities under the following
17 conditions:

18 (1) Whenever the enrollment of students for the next
19 school year is estimated by the board of education to
20 increase over the actual present enrollment by not less
21 than 35% or by not less than 200 students or the actual
22 present enrollment of students has increased over the
23 previous school year by not less than 35% or by not less
24 than 200 students and the board of education determines
25 that additional school sites or building facilities are
26 required as a result of such increase in enrollment; and

1 (2) When the Regional Superintendent of Schools having
2 jurisdiction over the school district and the State
3 Superintendent of Education concur in such enrollment
4 projection or increase and approve the need for such
5 additional school sites or building facilities and the
6 estimated cost thereof; and

7 (3) When the voters in the school district approve a
8 proposition for the issuance of bonds for the purpose of
9 acquiring or improving such needed school sites or
10 constructing and equipping such needed additional building
11 facilities at an election called and held for that purpose.
12 Notice of such an election shall state that the amount of
13 indebtedness proposed to be incurred would exceed the debt
14 limitation otherwise applicable to the school district.
15 The ballot for such proposition shall state what percentage
16 of the equalized assessed valuation will be outstanding in
17 bonds if the proposed issuance of bonds is approved by the
18 voters; or

19 (4) Notwithstanding the provisions of paragraphs (1)
20 through (3) of this subsection (b), if the school board
21 determines that additional facilities are needed to
22 provide a quality educational program and not less than 2/3
23 of those voting in an election called by the school board
24 on the question approve the issuance of bonds for the
25 construction of such facilities, the school district may
26 issue bonds for this purpose; or

1 (5) Notwithstanding the provisions of paragraphs (1)
2 through (3) of this subsection (b), if (i) the school
3 district has previously availed itself of the provisions of
4 paragraph (4) of this subsection (b) to enable it to issue
5 bonds, (ii) the voters of the school district have not
6 defeated a proposition for the issuance of bonds since the
7 referendum described in paragraph (4) of this subsection
8 (b) was held, (iii) the school board determines that
9 additional facilities are needed to provide a quality
10 educational program, and (iv) a majority of those voting in
11 an election called by the school board on the question
12 approve the issuance of bonds for the construction of such
13 facilities, the school district may issue bonds for this
14 purpose.

15 In no event shall the indebtedness incurred pursuant to
16 this subsection (b) and the existing indebtedness of the school
17 district exceed 15% of the value of the taxable property
18 therein to be ascertained by the last assessment for State and
19 county taxes, previous to the incurring of such indebtedness
20 or, until January 1, 1983, if greater, the sum that is produced
21 by multiplying the school district's 1978 equalized assessed
22 valuation by the debt limitation percentage in effect on
23 January 1, 1979.

24 The indebtedness provided for by this subsection (b) shall
25 be in addition to and in excess of any other debt limitation.

26 (c) Notwithstanding the debt limitation prescribed in

1 subsection (a) of this Section, in any case in which a public
2 question for the issuance of bonds of a proposed school
3 district maintaining grades kindergarten through 12 received
4 at least 60% of the valid ballots cast on the question at an
5 election held on or prior to November 8, 1994, and in which the
6 bonds approved at such election have not been issued, the
7 school district pursuant to the requirements of Section 11A-10
8 (now repealed) may issue the total amount of bonds approved at
9 such election for the purpose stated in the question.

10 (d) Notwithstanding the debt limitation prescribed in
11 subsection (a) of this Section, a school district that meets
12 all the criteria set forth in paragraphs (1) and (2) of this
13 subsection (d) may incur an additional indebtedness in an
14 amount not to exceed \$4,500,000, even though the amount of the
15 additional indebtedness authorized by this subsection (d),
16 when incurred and added to the aggregate amount of indebtedness
17 of the district existing immediately prior to the district
18 incurring the additional indebtedness authorized by this
19 subsection (d), causes the aggregate indebtedness of the
20 district to exceed the debt limitation otherwise applicable to
21 that district under subsection (a):

22 (1) The additional indebtedness authorized by this
23 subsection (d) is incurred by the school district through
24 the issuance of bonds under and in accordance with Section
25 17-2.11a for the purpose of replacing a school building
26 which, because of mine subsidence damage, has been closed

1 as provided in paragraph (2) of this subsection (d) or
2 through the issuance of bonds under and in accordance with
3 Section 19-3 for the purpose of increasing the size of, or
4 providing for additional functions in, such replacement
5 school buildings, or both such purposes.

6 (2) The bonds issued by the school district as provided
7 in paragraph (1) above are issued for the purposes of
8 construction by the school district of a new school
9 building pursuant to Section 17-2.11, to replace an
10 existing school building that, because of mine subsidence
11 damage, is closed as of the end of the 1992-93 school year
12 pursuant to action of the regional superintendent of
13 schools of the educational service region in which the
14 district is located under Section 3-14.22 or are issued for
15 the purpose of increasing the size of, or providing for
16 additional functions in, the new school building being
17 constructed to replace a school building closed as the
18 result of mine subsidence damage, or both such purposes.

19 (e) (Blank).

20 (f) Notwithstanding the provisions of subsection (a) of
21 this Section or of any other law, bonds in not to exceed the
22 aggregate amount of \$5,500,000 and issued by a school district
23 meeting the following criteria shall not be considered
24 indebtedness for purposes of any statutory limitation and may
25 be issued in an amount or amounts, including existing
26 indebtedness, in excess of any heretofore or hereafter imposed

1 statutory limitation as to indebtedness:

2 (1) At the time of the sale of such bonds, the board of
3 education of the district shall have determined by
4 resolution that the enrollment of students in the district
5 is projected to increase by not less than 7% during each of
6 the next succeeding 2 school years.

7 (2) The board of education shall also determine by
8 resolution that the improvements to be financed with the
9 proceeds of the bonds are needed because of the projected
10 enrollment increases.

11 (3) The board of education shall also determine by
12 resolution that the projected increases in enrollment are
13 the result of improvements made or expected to be made to
14 passenger rail facilities located in the school district.

15 Notwithstanding the provisions of subsection (a) of this
16 Section or of any other law, a school district that has availed
17 itself of the provisions of this subsection (f) prior to July
18 22, 2004 (the effective date of Public Act 93-799) may also
19 issue bonds approved by referendum up to an amount, including
20 existing indebtedness, not exceeding 25% of the equalized
21 assessed value of the taxable property in the district if all
22 of the conditions set forth in items (1), (2), and (3) of this
23 subsection (f) are met.

24 (g) Notwithstanding the provisions of subsection (a) of
25 this Section or any other law, bonds in not to exceed an
26 aggregate amount of 25% of the equalized assessed value of the

1 taxable property of a school district and issued by a school
2 district meeting the criteria in paragraphs (i) through (iv) of
3 this subsection shall not be considered indebtedness for
4 purposes of any statutory limitation and may be issued pursuant
5 to resolution of the school board in an amount or amounts,
6 including existing indebtedness, in excess of any statutory
7 limitation of indebtedness heretofore or hereafter imposed:

8 (i) The bonds are issued for the purpose of
9 constructing a new high school building to replace two
10 adjacent existing buildings which together house a single
11 high school, each of which is more than 65 years old, and
12 which together are located on more than 10 acres and less
13 than 11 acres of property.

14 (ii) At the time the resolution authorizing the
15 issuance of the bonds is adopted, the cost of constructing
16 a new school building to replace the existing school
17 building is less than 60% of the cost of repairing the
18 existing school building.

19 (iii) The sale of the bonds occurs before July 1, 1997.

20 (iv) The school district issuing the bonds is a unit
21 school district located in a county of less than 70,000 and
22 more than 50,000 inhabitants, which has an average daily
23 attendance of less than 1,500 and an equalized assessed
24 valuation of less than \$29,000,000.

25 (h) Notwithstanding any other provisions of this Section or
26 the provisions of any other law, until January 1, 1998, a

1 community unit school district maintaining grades K through 12
2 may issue bonds up to an amount, including existing
3 indebtedness, not exceeding 27.6% of the equalized assessed
4 value of the taxable property in the district, if all of the
5 following conditions are met:

6 (i) The school district has an equalized assessed
7 valuation for calendar year 1995 of less than \$24,000,000;

8 (ii) The bonds are issued for the capital improvement,
9 renovation, rehabilitation, or replacement of existing
10 school buildings of the district, all of which buildings
11 were originally constructed not less than 40 years ago;

12 (iii) The voters of the district approve a proposition
13 for the issuance of the bonds at a referendum held after
14 March 19, 1996; and

15 (iv) The bonds are issued pursuant to Sections 19-2
16 through 19-7 of this Code.

17 (i) Notwithstanding any other provisions of this Section or
18 the provisions of any other law, until January 1, 1998, a
19 community unit school district maintaining grades K through 12
20 may issue bonds up to an amount, including existing
21 indebtedness, not exceeding 27% of the equalized assessed value
22 of the taxable property in the district, if all of the
23 following conditions are met:

24 (i) The school district has an equalized assessed
25 valuation for calendar year 1995 of less than \$44,600,000;

26 (ii) The bonds are issued for the capital improvement,

1 renovation, rehabilitation, or replacement of existing
2 school buildings of the district, all of which existing
3 buildings were originally constructed not less than 80
4 years ago;

5 (iii) The voters of the district approve a proposition
6 for the issuance of the bonds at a referendum held after
7 December 31, 1996; and

8 (iv) The bonds are issued pursuant to Sections 19-2
9 through 19-7 of this Code.

10 (j) Notwithstanding any other provisions of this Section or
11 the provisions of any other law, until January 1, 1999, a
12 community unit school district maintaining grades K through 12
13 may issue bonds up to an amount, including existing
14 indebtedness, not exceeding 27% of the equalized assessed value
15 of the taxable property in the district if all of the following
16 conditions are met:

17 (i) The school district has an equalized assessed
18 valuation for calendar year 1995 of less than \$140,000,000
19 and a best 3 months average daily attendance for the
20 1995-96 school year of at least 2,800;

21 (ii) The bonds are issued to purchase a site and build
22 and equip a new high school, and the school district's
23 existing high school was originally constructed not less
24 than 35 years prior to the sale of the bonds;

25 (iii) At the time of the sale of the bonds, the board
26 of education determines by resolution that a new high

1 school is needed because of projected enrollment
2 increases;

3 (iv) At least 60% of those voting in an election held
4 after December 31, 1996 approve a proposition for the
5 issuance of the bonds; and

6 (v) The bonds are issued pursuant to Sections 19-2
7 through 19-7 of this Code.

8 (k) Notwithstanding the debt limitation prescribed in
9 subsection (a) of this Section, a school district that meets
10 all the criteria set forth in paragraphs (1) through (4) of
11 this subsection (k) may issue bonds to incur an additional
12 indebtedness in an amount not to exceed \$4,000,000 even though
13 the amount of the additional indebtedness authorized by this
14 subsection (k), when incurred and added to the aggregate amount
15 of indebtedness of the school district existing immediately
16 prior to the school district incurring such additional
17 indebtedness, causes the aggregate indebtedness of the school
18 district to exceed or increases the amount by which the
19 aggregate indebtedness of the district already exceeds the debt
20 limitation otherwise applicable to that school district under
21 subsection (a):

22 (1) the school district is located in 2 counties, and a
23 referendum to authorize the additional indebtedness was
24 approved by a majority of the voters of the school district
25 voting on the proposition to authorize that indebtedness;

26 (2) the additional indebtedness is for the purpose of

1 financing a multi-purpose room addition to the existing
2 high school;

3 (3) the additional indebtedness, together with the
4 existing indebtedness of the school district, shall not
5 exceed 17.4% of the value of the taxable property in the
6 school district, to be ascertained by the last assessment
7 for State and county taxes; and

8 (4) the bonds evidencing the additional indebtedness
9 are issued, if at all, within 120 days of the effective
10 date of this amendatory Act of 1998.

11 (1) Notwithstanding any other provisions of this Section or
12 the provisions of any other law, until January 1, 2000, a
13 school district maintaining grades kindergarten through 8 may
14 issue bonds up to an amount, including existing indebtedness,
15 not exceeding 15% of the equalized assessed value of the
16 taxable property in the district if all of the following
17 conditions are met:

18 (i) the district has an equalized assessed valuation
19 for calendar year 1996 of less than \$10,000,000;

20 (ii) the bonds are issued for capital improvement,
21 renovation, rehabilitation, or replacement of one or more
22 school buildings of the district, which buildings were
23 originally constructed not less than 70 years ago;

24 (iii) the voters of the district approve a proposition
25 for the issuance of the bonds at a referendum held on or
26 after March 17, 1998; and

1 (iv) the bonds are issued pursuant to Sections 19-2
2 through 19-7 of this Code.

3 (m) Notwithstanding any other provisions of this Section or
4 the provisions of any other law, until January 1, 1999, an
5 elementary school district maintaining grades K through 8 may
6 issue bonds up to an amount, excluding existing indebtedness,
7 not exceeding 18% of the equalized assessed value of the
8 taxable property in the district, if all of the following
9 conditions are met:

10 (i) The school district has an equalized assessed
11 valuation for calendar year 1995 or less than \$7,700,000;

12 (ii) The school district operates 2 elementary
13 attendance centers that until 1976 were operated as the
14 attendance centers of 2 separate and distinct school
15 districts;

16 (iii) The bonds are issued for the construction of a
17 new elementary school building to replace an existing
18 multi-level elementary school building of the school
19 district that is not ~~handicapped~~ accessible at all levels
20 and parts of which were constructed more than 75 years ago;

21 (iv) The voters of the school district approve a
22 proposition for the issuance of the bonds at a referendum
23 held after July 1, 1998; and

24 (v) The bonds are issued pursuant to Sections 19-2
25 through 19-7 of this Code.

26 (n) Notwithstanding the debt limitation prescribed in

1 subsection (a) of this Section or any other provisions of this
2 Section or of any other law, a school district that meets all
3 of the criteria set forth in paragraphs (i) through (vi) of
4 this subsection (n) may incur additional indebtedness by the
5 issuance of bonds in an amount not exceeding the amount
6 certified by the Capital Development Board to the school
7 district as provided in paragraph (iii) of this subsection (n),
8 even though the amount of the additional indebtedness so
9 authorized, when incurred and added to the aggregate amount of
10 indebtedness of the district existing immediately prior to the
11 district incurring the additional indebtedness authorized by
12 this subsection (n), causes the aggregate indebtedness of the
13 district to exceed the debt limitation otherwise applicable by
14 law to that district:

15 (i) The school district applies to the State Board of
16 Education for a school construction project grant and
17 submits a district facilities plan in support of its
18 application pursuant to Section 5-20 of the School
19 Construction Law.

20 (ii) The school district's application and facilities
21 plan are approved by, and the district receives a grant
22 entitlement for a school construction project issued by,
23 the State Board of Education under the School Construction
24 Law.

25 (iii) The school district has exhausted its bonding
26 capacity or the unused bonding capacity of the district is

1 less than the amount certified by the Capital Development
2 Board to the district under Section 5-15 of the School
3 Construction Law as the dollar amount of the school
4 construction project's cost that the district will be
5 required to finance with non-grant funds in order to
6 receive a school construction project grant under the
7 School Construction Law.

8 (iv) The bonds are issued for a "school construction
9 project", as that term is defined in Section 5-5 of the
10 School Construction Law, in an amount that does not exceed
11 the dollar amount certified, as provided in paragraph (iii)
12 of this subsection (n), by the Capital Development Board to
13 the school district under Section 5-15 of the School
14 Construction Law.

15 (v) The voters of the district approve a proposition
16 for the issuance of the bonds at a referendum held after
17 the criteria specified in paragraphs (i) and (iii) of this
18 subsection (n) are met.

19 (vi) The bonds are issued pursuant to Sections 19-2
20 through 19-7 of the School Code.

21 (o) Notwithstanding any other provisions of this Section or
22 the provisions of any other law, until November 1, 2007, a
23 community unit school district maintaining grades K through 12
24 may issue bonds up to an amount, including existing
25 indebtedness, not exceeding 20% of the equalized assessed value
26 of the taxable property in the district if all of the following

1 conditions are met:

2 (i) the school district has an equalized assessed
3 valuation for calendar year 2001 of at least \$737,000,000
4 and an enrollment for the 2002-2003 school year of at least
5 8,500;

6 (ii) the bonds are issued to purchase school sites,
7 build and equip a new high school, build and equip a new
8 junior high school, build and equip 5 new elementary
9 schools, and make technology and other improvements and
10 additions to existing schools;

11 (iii) at the time of the sale of the bonds, the board
12 of education determines by resolution that the sites and
13 new or improved facilities are needed because of projected
14 enrollment increases;

15 (iv) at least 57% of those voting in a general election
16 held prior to January 1, 2003 approved a proposition for
17 the issuance of the bonds; and

18 (v) the bonds are issued pursuant to Sections 19-2
19 through 19-7 of this Code.

20 (p) Notwithstanding any other provisions of this Section or
21 the provisions of any other law, a community unit school
22 district maintaining grades K through 12 may issue bonds up to
23 an amount, including indebtedness, not exceeding 27% of the
24 equalized assessed value of the taxable property in the
25 district if all of the following conditions are met:

26 (i) The school district has an equalized assessed

1 valuation for calendar year 2001 of at least \$295,741,187
2 and a best 3 months' average daily attendance for the
3 2002-2003 school year of at least 2,394.

4 (ii) The bonds are issued to build and equip 3
5 elementary school buildings; build and equip one middle
6 school building; and alter, repair, improve, and equip all
7 existing school buildings in the district.

8 (iii) At the time of the sale of the bonds, the board
9 of education determines by resolution that the project is
10 needed because of expanding growth in the school district
11 and a projected enrollment increase.

12 (iv) The bonds are issued pursuant to Sections 19-2
13 through 19-7 of this Code.

14 (p-5) Notwithstanding any other provisions of this Section
15 or the provisions of any other law, bonds issued by a community
16 unit school district maintaining grades K through 12 shall not
17 be considered indebtedness for purposes of any statutory
18 limitation and may be issued in an amount or amounts, including
19 existing indebtedness, in excess of any heretofore or hereafter
20 imposed statutory limitation as to indebtedness, if all of the
21 following conditions are met:

22 (i) For each of the 4 most recent years, residential
23 property comprises more than 80% of the equalized assessed
24 valuation of the district.

25 (ii) At least 2 school buildings that were constructed
26 40 or more years prior to the issuance of the bonds will be

1 demolished and will be replaced by new buildings or
2 additions to one or more existing buildings.

3 (iii) Voters of the district approve a proposition for
4 the issuance of the bonds at a regularly scheduled
5 election.

6 (iv) At the time of the sale of the bonds, the school
7 board determines by resolution that the new buildings or
8 building additions are needed because of an increase in
9 enrollment projected by the school board.

10 (v) The principal amount of the bonds, including
11 existing indebtedness, does not exceed 25% of the equalized
12 assessed value of the taxable property in the district.

13 (vi) The bonds are issued prior to January 1, 2007,
14 pursuant to Sections 19-2 through 19-7 of this Code.

15 (p-10) Notwithstanding any other provisions of this
16 Section or the provisions of any other law, bonds issued by a
17 community consolidated school district maintaining grades K
18 through 8 shall not be considered indebtedness for purposes of
19 any statutory limitation and may be issued in an amount or
20 amounts, including existing indebtedness, in excess of any
21 heretofore or hereafter imposed statutory limitation as to
22 indebtedness, if all of the following conditions are met:

23 (i) For each of the 4 most recent years, residential
24 and farm property comprises more than 80% of the equalized
25 assessed valuation of the district.

26 (ii) The bond proceeds are to be used to acquire and

1 improve school sites and build and equip a school building.

2 (iii) Voters of the district approve a proposition for
3 the issuance of the bonds at a regularly scheduled
4 election.

5 (iv) At the time of the sale of the bonds, the school
6 board determines by resolution that the school sites and
7 building additions are needed because of an increase in
8 enrollment projected by the school board.

9 (v) The principal amount of the bonds, including
10 existing indebtedness, does not exceed 20% of the equalized
11 assessed value of the taxable property in the district.

12 (vi) The bonds are issued prior to January 1, 2007,
13 pursuant to Sections 19-2 through 19-7 of this Code.

14 (p-15) In addition to all other authority to issue bonds,
15 the Oswego Community Unit School District Number 308 may issue
16 bonds with an aggregate principal amount not to exceed
17 \$450,000,000, but only if all of the following conditions are
18 met:

19 (i) The voters of the district have approved a
20 proposition for the bond issue at the general election held
21 on November 7, 2006.

22 (ii) At the time of the sale of the bonds, the school
23 board determines, by resolution, that: (A) the building and
24 equipping of the new high school building, new junior high
25 school buildings, new elementary school buildings, early
26 childhood building, maintenance building, transportation

1 facility, and additions to existing school buildings, the
2 altering, repairing, equipping, and provision of
3 technology improvements to existing school buildings, and
4 the acquisition and improvement of school sites, as the
5 case may be, are required as a result of a projected
6 increase in the enrollment of students in the district; and
7 (B) the sale of bonds for these purposes is authorized by
8 legislation that exempts the debt incurred on the bonds
9 from the district's statutory debt limitation.

10 (iii) The bonds are issued, in one or more bond issues,
11 on or before November 7, 2011, but the aggregate principal
12 amount issued in all such bond issues combined must not
13 exceed \$450,000,000.

14 (iv) The bonds are issued in accordance with this
15 Article 19.

16 (v) The proceeds of the bonds are used only to
17 accomplish those projects approved by the voters at the
18 general election held on November 7, 2006.

19 The debt incurred on any bonds issued under this subsection
20 (p-15) shall not be considered indebtedness for purposes of any
21 statutory debt limitation.

22 (p-20) In addition to all other authority to issue bonds,
23 the Lincoln-Way Community High School District Number 210 may
24 issue bonds with an aggregate principal amount not to exceed
25 \$225,000,000, but only if all of the following conditions are
26 met:

1 (i) The voters of the district have approved a
2 proposition for the bond issue at the general primary
3 election held on March 21, 2006.

4 (ii) At the time of the sale of the bonds, the school
5 board determines, by resolution, that: (A) the building and
6 equipping of the new high school buildings, the altering,
7 repairing, and equipping of existing school buildings, and
8 the improvement of school sites, as the case may be, are
9 required as a result of a projected increase in the
10 enrollment of students in the district; and (B) the sale of
11 bonds for these purposes is authorized by legislation that
12 exempts the debt incurred on the bonds from the district's
13 statutory debt limitation.

14 (iii) The bonds are issued, in one or more bond issues,
15 on or before March 21, 2011, but the aggregate principal
16 amount issued in all such bond issues combined must not
17 exceed \$225,000,000.

18 (iv) The bonds are issued in accordance with this
19 Article 19.

20 (v) The proceeds of the bonds are used only to
21 accomplish those projects approved by the voters at the
22 primary election held on March 21, 2006.

23 The debt incurred on any bonds issued under this subsection
24 (p-20) shall not be considered indebtedness for purposes of any
25 statutory debt limitation.

26 (p-25) In addition to all other authority to issue bonds,

1 Rochester Community Unit School District 3A may issue bonds
2 with an aggregate principal amount not to exceed \$18,500,000,
3 but only if all of the following conditions are met:

4 (i) The voters of the district approve a proposition
5 for the bond issuance at the general primary election held
6 in 2008.

7 (ii) At the time of the sale of the bonds, the school
8 board determines, by resolution, that: (A) the building and
9 equipping of a new high school building; the addition of
10 classrooms and support facilities at the high school,
11 middle school, and elementary school; the altering,
12 repairing, and equipping of existing school buildings; and
13 the improvement of school sites, as the case may be, are
14 required as a result of a projected increase in the
15 enrollment of students in the district; and (B) the sale of
16 bonds for these purposes is authorized by a law that
17 exempts the debt incurred on the bonds from the district's
18 statutory debt limitation.

19 (iii) The bonds are issued, in one or more bond issues,
20 on or before December 31, 2012, but the aggregate principal
21 amount issued in all such bond issues combined must not
22 exceed \$18,500,000.

23 (iv) The bonds are issued in accordance with this
24 Article 19.

25 (v) The proceeds of the bonds are used to accomplish
26 only those projects approved by the voters at the primary

1 election held in 2008.

2 The debt incurred on any bonds issued under this subsection
3 (p-25) shall not be considered indebtedness for purposes of any
4 statutory debt limitation.

5 (p-30) In addition to all other authority to issue bonds,
6 Prairie Grove Consolidated School District 46 may issue bonds
7 with an aggregate principal amount not to exceed \$30,000,000,
8 but only if all of the following conditions are met:

9 (i) The voters of the district approve a proposition
10 for the bond issuance at an election held in 2008.

11 (ii) At the time of the sale of the bonds, the school
12 board determines, by resolution, that (A) the building and
13 equipping of a new school building and additions to
14 existing school buildings are required as a result of a
15 projected increase in the enrollment of students in the
16 district and (B) the altering, repairing, and equipping of
17 existing school buildings are required because of the age
18 of the existing school buildings.

19 (iii) The bonds are issued, in one or more bond
20 issuances, on or before December 31, 2012; however, the
21 aggregate principal amount issued in all such bond
22 issuances combined must not exceed \$30,000,000.

23 (iv) The bonds are issued in accordance with this
24 Article.

25 (v) The proceeds of the bonds are used to accomplish
26 only those projects approved by the voters at an election

1 held in 2008.

2 The debt incurred on any bonds issued under this subsection
3 (p-30) shall not be considered indebtedness for purposes of any
4 statutory debt limitation.

5 (p-35) In addition to all other authority to issue bonds,
6 Prairie Hill Community Consolidated School District 133 may
7 issue bonds with an aggregate principal amount not to exceed
8 \$13,900,000, but only if all of the following conditions are
9 met:

10 (i) The voters of the district approved a proposition
11 for the bond issuance at an election held on April 17,
12 2007.

13 (ii) At the time of the sale of the bonds, the school
14 board determines, by resolution, that (A) the improvement
15 of the site of and the building and equipping of a school
16 building are required as a result of a projected increase
17 in the enrollment of students in the district and (B) the
18 repairing and equipping of the Prairie Hill Elementary
19 School building is required because of the age of that
20 school building.

21 (iii) The bonds are issued, in one or more bond
22 issuances, on or before December 31, 2011, but the
23 aggregate principal amount issued in all such bond
24 issuances combined must not exceed \$13,900,000.

25 (iv) The bonds are issued in accordance with this
26 Article.

1 (v) The proceeds of the bonds are used to accomplish
2 only those projects approved by the voters at an election
3 held on April 17, 2007.

4 The debt incurred on any bonds issued under this subsection
5 (p-35) shall not be considered indebtedness for purposes of any
6 statutory debt limitation.

7 (p-40) In addition to all other authority to issue bonds,
8 Mascoutah Community Unit District 19 may issue bonds with an
9 aggregate principal amount not to exceed \$55,000,000, but only
10 if all of the following conditions are met:

11 (1) The voters of the district approve a proposition
12 for the bond issuance at a regular election held on or
13 after November 4, 2008.

14 (2) At the time of the sale of the bonds, the school
15 board determines, by resolution, that (i) the building and
16 equipping of a new high school building is required as a
17 result of a projected increase in the enrollment of
18 students in the district and the age and condition of the
19 existing high school building, (ii) the existing high
20 school building will be demolished, and (iii) the sale of
21 bonds is authorized by statute that exempts the debt
22 incurred on the bonds from the district's statutory debt
23 limitation.

24 (3) The bonds are issued, in one or more bond
25 issuances, on or before December 31, 2011, but the
26 aggregate principal amount issued in all such bond

1 issuances combined must not exceed \$55,000,000.

2 (4) The bonds are issued in accordance with this
3 Article.

4 (5) The proceeds of the bonds are used to accomplish
5 only those projects approved by the voters at a regular
6 election held on or after November 4, 2008.

7 The debt incurred on any bonds issued under this subsection
8 (p-40) shall not be considered indebtedness for purposes of any
9 statutory debt limitation.

10 (p-45) Notwithstanding the provisions of subsection (a) of
11 this Section or of any other law, bonds issued pursuant to
12 Section 19-3.5 of this Code shall not be considered
13 indebtedness for purposes of any statutory limitation if the
14 bonds are issued in an amount or amounts, including existing
15 indebtedness of the school district, not in excess of 18.5% of
16 the value of the taxable property in the district to be
17 ascertained by the last assessment for State and county taxes.

18 (p-50) Notwithstanding the provisions of subsection (a) of
19 this Section or of any other law, bonds issued pursuant to
20 Section 19-3.10 of this Code shall not be considered
21 indebtedness for purposes of any statutory limitation if the
22 bonds are issued in an amount or amounts, including existing
23 indebtedness of the school district, not in excess of 43% of
24 the value of the taxable property in the district to be
25 ascertained by the last assessment for State and county taxes.

26 (p-55) In addition to all other authority to issue bonds,

1 Belle Valley School District 119 may issue bonds with an
2 aggregate principal amount not to exceed \$47,500,000, but only
3 if all of the following conditions are met:

4 (1) The voters of the district approve a proposition
5 for the bond issuance at an election held on or after April
6 7, 2009.

7 (2) Prior to the issuance of the bonds, the school
8 board determines, by resolution, that (i) the building and
9 equipping of a new school building is required as a result
10 of mine subsidence in an existing school building and
11 because of the age and condition of another existing school
12 building and (ii) the issuance of bonds is authorized by
13 statute that exempts the debt incurred on the bonds from
14 the district's statutory debt limitation.

15 (3) The bonds are issued, in one or more bond
16 issuances, on or before March 31, 2014, but the aggregate
17 principal amount issued in all such bond issuances combined
18 must not exceed \$47,500,000.

19 (4) The bonds are issued in accordance with this
20 Article.

21 (5) The proceeds of the bonds are used to accomplish
22 only those projects approved by the voters at an election
23 held on or after April 7, 2009.

24 The debt incurred on any bonds issued under this subsection
25 (p-55) shall not be considered indebtedness for purposes of any
26 statutory debt limitation. Bonds issued under this subsection

1 (p-55) must mature within not to exceed 30 years from their
2 date, notwithstanding any other law to the contrary.

3 (p-60) In addition to all other authority to issue bonds,
4 Wilmington Community Unit School District Number 209-U may
5 issue bonds with an aggregate principal amount not to exceed
6 \$2,285,000, but only if all of the following conditions are
7 met:

8 (1) The proceeds of the bonds are used to accomplish
9 only those projects approved by the voters at the general
10 primary election held on March 21, 2006.

11 (2) Prior to the issuance of the bonds, the school
12 board determines, by resolution, that (i) the projects
13 approved by the voters were and are required because of the
14 age and condition of the school district's prior and
15 existing school buildings and (ii) the issuance of the
16 bonds is authorized by legislation that exempts the debt
17 incurred on the bonds from the district's statutory debt
18 limitation.

19 (3) The bonds are issued in one or more bond issuances
20 on or before March 1, 2011, but the aggregate principal
21 amount issued in all those bond issuances combined must not
22 exceed \$2,285,000.

23 (4) The bonds are issued in accordance with this
24 Article.

25 The debt incurred on any bonds issued under this subsection
26 (p-60) shall not be considered indebtedness for purposes of any

1 statutory debt limitation.

2 (p-65) In addition to all other authority to issue bonds,
3 West Washington County Community Unit School District 10 may
4 issue bonds with an aggregate principal amount not to exceed
5 \$32,200,000 and maturing over a period not exceeding 25 years,
6 but only if all of the following conditions are met:

7 (1) The voters of the district approve a proposition
8 for the bond issuance at an election held on or after
9 February 2, 2010.

10 (2) Prior to the issuance of the bonds, the school
11 board determines, by resolution, that (A) all or a portion
12 of the existing Okawville Junior/Senior High School
13 Building will be demolished; (B) the building and equipping
14 of a new school building to be attached to and the
15 alteration, repair, and equipping of the remaining portion
16 of the Okawville Junior/Senior High School Building is
17 required because of the age and current condition of that
18 school building; and (C) the issuance of bonds is
19 authorized by a statute that exempts the debt incurred on
20 the bonds from the district's statutory debt limitation.

21 (3) The bonds are issued, in one or more bond
22 issuances, on or before March 31, 2014, but the aggregate
23 principal amount issued in all such bond issuances combined
24 must not exceed \$32,200,000.

25 (4) The bonds are issued in accordance with this
26 Article.

1 (5) The proceeds of the bonds are used to accomplish
2 only those projects approved by the voters at an election
3 held on or after February 2, 2010.

4 The debt incurred on any bonds issued under this subsection
5 (p-65) shall not be considered indebtedness for purposes of any
6 statutory debt limitation.

7 (p-70) In addition to all other authority to issue bonds,
8 Cahokia Community Unit School District 187 may issue bonds with
9 an aggregate principal amount not to exceed \$50,000,000, but
10 only if all the following conditions are met:

11 (1) The voters of the district approve a proposition
12 for the bond issuance at an election held on or after
13 November 2, 2010.

14 (2) Prior to the issuance of the bonds, the school
15 board determines, by resolution, that (i) the building and
16 equipping of a new school building is required as a result
17 of the age and condition of an existing school building and
18 (ii) the issuance of bonds is authorized by a statute that
19 exempts the debt incurred on the bonds from the district's
20 statutory debt limitation.

21 (3) The bonds are issued, in one or more issuances, on
22 or before July 1, 2016, but the aggregate principal amount
23 issued in all such bond issuances combined must not exceed
24 \$50,000,000.

25 (4) The bonds are issued in accordance with this
26 Article.

1 (5) The proceeds of the bonds are used to accomplish
2 only those projects approved by the voters at an election
3 held on or after November 2, 2010.

4 The debt incurred on any bonds issued under this subsection
5 (p-70) shall not be considered indebtedness for purposes of any
6 statutory debt limitation. Bonds issued under this subsection
7 (p-70) must mature within not to exceed 25 years from their
8 date, notwithstanding any other law, including Section 19-3 of
9 this Code, to the contrary.

10 (p-75) Notwithstanding the debt limitation prescribed in
11 subsection (a) of this Section or any other provisions of this
12 Section or of any other law, the execution of leases on or
13 after January 1, 2007 and before July 1, 2011 by the Board of
14 Education of Peoria School District 150 with a public building
15 commission for leases entered into pursuant to the Public
16 Building Commission Act shall not be considered indebtedness
17 for purposes of any statutory debt limitation.

18 This subsection (p-75) applies only if the State Board of
19 Education or the Capital Development Board makes one or more
20 grants to Peoria School District 150 pursuant to the School
21 Construction Law. The amount exempted from the debt limitation
22 as prescribed in this subsection (p-75) shall be no greater
23 than the amount of one or more grants awarded to Peoria School
24 District 150 by the State Board of Education or the Capital
25 Development Board.

26 (p-80) In addition to all other authority to issue bonds,

1 Ridgeland School District 122 may issue bonds with an aggregate
2 principal amount not to exceed \$50,000,000 for the purpose of
3 refunding or continuing to refund bonds originally issued
4 pursuant to voter approval at the general election held on
5 November 7, 2000, and the debt incurred on any bonds issued
6 under this subsection (p-80) shall not be considered
7 indebtedness for purposes of any statutory debt limitation.
8 Bonds issued under this subsection (p-80) may be issued in one
9 or more issuances and must mature within not to exceed 25 years
10 from their date, notwithstanding any other law, including
11 Section 19-3 of this Code, to the contrary.

12 (p-85) In addition to all other authority to issue bonds,
13 Hall High School District 502 may issue bonds with an aggregate
14 principal amount not to exceed \$32,000,000, but only if all the
15 following conditions are met:

16 (1) The voters of the district approve a proposition
17 for the bond issuance at an election held on or after April
18 9, 2013.

19 (2) Prior to the issuance of the bonds, the school
20 board determines, by resolution, that (i) the building and
21 equipping of a new school building is required as a result
22 of the age and condition of an existing school building,
23 (ii) the existing school building should be demolished in
24 its entirety or the existing school building should be
25 demolished except for the 1914 west wing of the building,
26 and (iii) the issuance of bonds is authorized by a statute

1 that exempts the debt incurred on the bonds from the
2 district's statutory debt limitation.

3 (3) The bonds are issued, in one or more issuances, not
4 later than 5 years after the date of the referendum
5 approving the issuance of the bonds, but the aggregate
6 principal amount issued in all such bond issuances combined
7 must not exceed \$32,000,000.

8 (4) The bonds are issued in accordance with this
9 Article.

10 (5) The proceeds of the bonds are used to accomplish
11 only those projects approved by the voters at an election
12 held on or after April 9, 2013.

13 The debt incurred on any bonds issued under this subsection
14 (p-85) shall not be considered indebtedness for purposes of any
15 statutory debt limitation. Bonds issued under this subsection
16 (p-85) must mature within not to exceed 30 years from their
17 date, notwithstanding any other law, including Section 19-3 of
18 this Code, to the contrary.

19 (p-90) In addition to all other authority to issue bonds,
20 Lebanon Community Unit School District 9 may issue bonds with
21 an aggregate principal amount not to exceed \$7,500,000, but
22 only if all of the following conditions are met:

23 (1) The voters of the district approved a proposition
24 for the bond issuance at the general primary election on
25 February 2, 2010.

26 (2) At or prior to the time of the sale of the bonds,

1 the school board determines, by resolution, that (i) the
2 building and equipping of a new elementary school building
3 is required as a result of a projected increase in the
4 enrollment of students in the district and the age and
5 condition of the existing Lebanon Elementary School
6 building, (ii) a portion of the existing Lebanon Elementary
7 School building will be demolished and the remaining
8 portion will be altered, repaired, and equipped, and (iii)
9 the sale of bonds is authorized by a statute that exempts
10 the debt incurred on the bonds from the district's
11 statutory debt limitation.

12 (3) The bonds are issued, in one or more bond
13 issuances, on or before April 1, 2014, but the aggregate
14 principal amount issued in all such bond issuances combined
15 must not exceed \$7,500,000.

16 (4) The bonds are issued in accordance with this
17 Article.

18 (5) The proceeds of the bonds are used to accomplish
19 only those projects approved by the voters at the general
20 primary election held on February 2, 2010.

21 The debt incurred on any bonds issued under this subsection
22 (p-90) shall not be considered indebtedness for purposes of any
23 statutory debt limitation.

24 (p-95) In addition to all other authority to issue bonds,
25 Monticello Community Unit School District 25 may issue bonds
26 with an aggregate principal amount not to exceed \$35,000,000,

1 but only if all of the following conditions are met:

2 (1) The voters of the district approve a proposition
3 for the bond issuance at an election held on or after
4 November 4, 2014.

5 (2) Prior to the issuance of the bonds, the school
6 board determines, by resolution, that (i) the building and
7 equipping of a new school building is required as a result
8 of the age and condition of an existing school building and
9 (ii) the issuance of bonds is authorized by a statute that
10 exempts the debt incurred on the bonds from the district's
11 statutory debt limitation.

12 (3) The bonds are issued, in one or more issuances, on
13 or before July 1, 2020, but the aggregate principal amount
14 issued in all such bond issuances combined must not exceed
15 \$35,000,000.

16 (4) The bonds are issued in accordance with this
17 Article.

18 (5) The proceeds of the bonds are used to accomplish
19 only those projects approved by the voters at an election
20 held on or after November 4, 2014.

21 The debt incurred on any bonds issued under this subsection
22 (p-95) shall not be considered indebtedness for purposes of any
23 statutory debt limitation. Bonds issued under this subsection
24 (p-95) must mature within not to exceed 25 years from their
25 date, notwithstanding any other law, including Section 19-3 of
26 this Code, to the contrary.

1 (p-100) ~~(p-95)~~ In addition to all other authority to issue
2 bonds, the community unit school district created in the
3 territory comprising Milford Community Consolidated School
4 District 280 and Milford Township High School District 233, as
5 approved at the general primary election held on March 18,
6 2014, may issue bonds with an aggregate principal amount not to
7 exceed \$17,500,000, but only if all the following conditions
8 are met:

9 (1) The voters of the district approve a proposition
10 for the bond issuance at an election held on or after
11 November 4, 2014.

12 (2) Prior to the issuance of the bonds, the school
13 board determines, by resolution, that (i) the building and
14 equipping of a new school building is required as a result
15 of the age and condition of an existing school building and
16 (ii) the issuance of bonds is authorized by a statute that
17 exempts the debt incurred on the bonds from the district's
18 statutory debt limitation.

19 (3) The bonds are issued, in one or more issuances, on
20 or before July 1, 2020, but the aggregate principal amount
21 issued in all such bond issuances combined must not exceed
22 \$17,500,000.

23 (4) The bonds are issued in accordance with this
24 Article.

25 (5) The proceeds of the bonds are used to accomplish
26 only those projects approved by the voters at an election

1 held on or after November 4, 2014.

2 The debt incurred on any bonds issued under this subsection
3 (p-100) ~~(p-95)~~ shall not be considered indebtedness for
4 purposes of any statutory debt limitation. Bonds issued under
5 this subsection (p-100) ~~(p-95)~~ must mature within not to exceed
6 25 years from their date, notwithstanding any other law,
7 including Section 19-3 of this Code, to the contrary.

8 (q) A school district must notify the State Board of
9 Education prior to issuing any form of long-term or short-term
10 debt that will result in outstanding debt that exceeds 75% of
11 the debt limit specified in this Section or any other provision
12 of law.

13 (Source: P.A. 97-333, eff. 8-12-11; 97-834, eff. 7-20-12;
14 97-1146, eff. 1-18-13; 98-617, eff. 1-7-14; 98-912, eff.
15 8-15-14; 98-916, eff. 8-15-14; revised 10-1-14.)

16 (105 ILCS 5/21B-20)

17 Sec. 21B-20. Types of licenses. Before July 1, 2013, the
18 State Board of Education shall implement a system of educator
19 licensure, whereby individuals employed in school districts
20 who are required to be licensed must have one of the following
21 licenses: (i) a professional educator license; (ii) a
22 professional educator license with stipulations; or (iii) a
23 substitute teaching license. References in law regarding
24 individuals certified or certificated or required to be
25 certified or certificated under Article 21 of this Code shall

1 also include individuals licensed or required to be licensed
2 under this Article. The first year of all licenses ends on June
3 30 following one full year of the license being issued.

4 The State Board of Education, in consultation with the
5 State Educator Preparation and Licensure Board, may adopt such
6 rules as may be necessary to govern the requirements for
7 licenses and endorsements under this Section.

8 (1) Professional Educator License. Persons who (i)
9 have successfully completed an approved educator
10 preparation program and are recommended for licensure by
11 the Illinois institution offering the educator preparation
12 program, (ii) have successfully completed the required
13 testing under Section 21B-30 of this Code, (iii) have
14 successfully completed coursework on the psychology of,
15 the identification of, and the methods of instruction for
16 the exceptional child, including without limitation
17 children with learning disabilities ~~the learning disabled~~,
18 (iv) have successfully completed coursework in methods of
19 reading and reading in the content area, and (v) have met
20 all other criteria established by rule of the State Board
21 of Education shall be issued a Professional Educator
22 License. All Professional Educator Licenses are valid
23 until June 30 immediately following 5 years of the license
24 being issued. The Professional Educator License shall be
25 endorsed with specific areas and grade levels in which the
26 individual is eligible to practice.

1 Individuals can receive subsequent endorsements on the
2 Professional Educator License. Subsequent endorsements
3 shall require a minimum of 24 semester hours of coursework
4 in the endorsement area, unless otherwise specified by
5 rule, and passage of the applicable content area test.

6 (2) Educator License with Stipulations. An Educator
7 License with Stipulations shall be issued an endorsement
8 that limits the license holder to one particular position
9 or does not require completion of an approved educator
10 program or both.

11 An individual with an Educator License with
12 Stipulations must not be employed by a school district or
13 any other entity to replace any presently employed teacher
14 who otherwise would not be replaced for any reason.

15 An Educator License with Stipulations may be issued
16 with the following endorsements:

17 (A) Provisional educator. A provisional educator
18 endorsement in a specific content area or areas on an
19 Educator License with Stipulations may be issued to an
20 applicant who holds an educator license with a minimum
21 of 15 semester hours in content coursework from another
22 state, U.S. territory, or foreign country and who, at
23 the time of applying for an Illinois license, does not
24 meet the minimum requirements under Section 21B-35 of
25 this Code, but does, at a minimum, meet both of the
26 following requirements:

1 (i) Holds the equivalent of a minimum of a
2 bachelor's degree, unless a master's degree is
3 required for the endorsement, from a regionally
4 accredited college or university or, for
5 individuals educated in a country other than the
6 United States, the equivalent of a minimum of a
7 bachelor's degree issued in the United States,
8 unless a master's degree is required for the
9 endorsement.

10 (ii) Has passed a test of basic skills and
11 content area test, as required by Section 21B-30 of
12 this Code.

13 However, a provisional educator endorsement for
14 principals may not be issued, nor may any person with a
15 provisional educator endorsement serve as a principal
16 in a public school in this State. In addition,
17 out-of-state applicants shall not receive a
18 provisional educator endorsement if the person
19 completed an alternative licensure program in another
20 state, unless the program has been determined to be
21 equivalent to Illinois program requirements.

22 Notwithstanding any other requirements of this
23 Section, a service member or spouse of a service member
24 may obtain a Professional Educator License with
25 Stipulations, and a provisional educator endorsement
26 in a specific content area or areas, if he or she holds

1 a valid teaching certificate or license in good
2 standing from another state, meets the qualifications
3 of educators outlined in Section 21B-15 of this Code,
4 and has not engaged in any misconduct that would
5 prohibit an individual from obtaining a license
6 pursuant to Illinois law, including without limitation
7 any administrative rules of the State Board of
8 Education; however, the service member or spouse may
9 not serve as a principal under the Professional
10 Educator License with Stipulations or provisional
11 educator endorsement.

12 In this Section, "service member" means any person
13 who, at the time of application under this Section, is
14 an active duty member of the United States Armed Forces
15 or any reserve component of the United States Armed
16 Forces or the National Guard of any state,
17 commonwealth, or territory of the United States or the
18 District of Columbia.

19 A provisional educator endorsement is valid until
20 June 30 immediately following 2 years of the license
21 being issued, during which time any remaining testing
22 and coursework deficiencies must be met. Failure to
23 satisfy all stated deficiencies shall mean the
24 individual, including any service member or spouse who
25 has obtained a Professional Educator License with
26 Stipulations and a provisional educator endorsement in

1 a specific content area or areas, is ineligible to
2 receive a Professional Educator License at that time. A
3 provisional educator endorsement on an Educator
4 License with Stipulations shall not be renewed.

5 (B) Alternative provisional educator. An
6 alternative provisional educator endorsement on an
7 Educator License with Stipulations may be issued to an
8 applicant who, at the time of applying for the
9 endorsement, has done all of the following:

10 (i) Graduated from a regionally accredited
11 college or university with a minimum of a
12 bachelor's degree.

13 (ii) Successfully completed the first phase of
14 the Alternative Educator Licensure Program for
15 Teachers, as described in Section 21B-50 of this
16 Code.

17 (iii) Passed a test of basic skills and content
18 area test, as required under Section 21B-30 of this
19 Code.

20 The alternative provisional educator endorsement
21 is valid for 2 years of teaching and may be renewed for
22 a third year by an individual meeting the requirements
23 set forth in Section 21B-50 of this Code.

24 (C) Alternative provisional superintendent. An
25 alternative provisional superintendent endorsement on
26 an Educator License with Stipulations entitles the

1 holder to serve only as a superintendent or assistant
2 superintendent in a school district's central office.
3 This endorsement may only be issued to an applicant
4 who, at the time of applying for the endorsement, has
5 done all of the following:

6 (i) Graduated from a regionally accredited
7 college or university with a minimum of a master's
8 degree in a management field other than education.

9 (ii) Been employed for a period of at least 5
10 years in a management level position in a field
11 other than education.

12 (iii) Successfully completed the first phase
13 of an alternative route to superintendent
14 endorsement program, as provided in Section 21B-55
15 of this Code.

16 (iv) Passed a test of basic skills and content
17 area tests required under Section 21B-30 of this
18 Code.

19 The endorsement may be registered for 2 fiscal
20 years in order to complete one full year of serving as
21 a superintendent or assistant superintendent.

22 (D) Resident teacher endorsement. A resident
23 teacher endorsement on an Educator License with
24 Stipulations may be issued to an applicant who, at the
25 time of applying for the endorsement, has done all of
26 the following:

1 (i) Graduated from a regionally accredited
2 institution of higher education with a minimum of a
3 bachelor's degree.

4 (ii) Enrolled in an approved Illinois educator
5 preparation program.

6 (iii) Passed a test of basic skills and content
7 area test, as required under Section 21B-30 of this
8 Code.

9 The resident teacher endorsement on an Educator
10 License with Stipulations is valid for 4 years of
11 teaching and shall not be renewed.

12 A resident teacher may teach only under the
13 direction of a licensed teacher, who shall act as the
14 resident mentor teacher, and may not teach in place of
15 a licensed teacher. A resident teacher endorsement on
16 an Educator License with Stipulations shall no longer
17 be valid after June 30, 2017.

18 (E) Career and technical educator. A career and
19 technical educator endorsement on an Educator License
20 with Stipulations may be issued to an applicant who has
21 a minimum of 60 semester hours of coursework from a
22 regionally accredited institution of higher education
23 and has a minimum of 2,000 hours of experience in the
24 last 10 years outside of education in each area to be
25 taught.

26 The career and technical educator endorsement on

1 an Educator License with Stipulations is valid until
2 June 30 immediately following 5 years of the
3 endorsement being issued and may be renewed if the
4 individual passes a test of basic skills, as required
5 under Section 21B-30 of this Code.

6 (F) Part-time provisional career and technical
7 educator or provisional career and technical educator.
8 A part-time provisional career and technical educator
9 endorsement or a provisional career and technical
10 educator endorsement on an Educator License with
11 Stipulations may be issued to an applicant who has a
12 minimum of 8,000 hours of work experience in the skill
13 for which the applicant is seeking the endorsement. It
14 is the responsibility of each employing school board
15 and regional office of education to provide
16 verification, in writing, to the State Superintendent
17 of Education at the time the application is submitted
18 that no qualified teacher holding a Professional
19 Educator License or an Educator License with
20 Stipulations with a career and technical educator
21 endorsement is available and that actual circumstances
22 require such issuance.

23 The provisional career and technical educator
24 endorsement on an Educator License with Stipulations
25 is valid until June 30 immediately following 5 years of
26 the endorsement being issued and may be renewed only

1 one time for 5 years if the individual passes a test of
2 basic skills, as required under Section 21B-30 of this
3 Code, and has completed a minimum of 20 semester hours
4 from a regionally accredited institution.

5 A part-time provisional career and technical
6 educator endorsement on an Educator License with
7 Stipulations may be issued for teaching no more than 2
8 courses of study for grades 6 through 12. The part-time
9 provisional career and technical educator endorsement
10 on an Educator License with Stipulations is valid until
11 June 30 immediately following 5 years of the
12 endorsement being issued and may be renewed for 5 years
13 if the individual makes application for renewal.

14 (G) Transitional bilingual educator. A
15 transitional bilingual educator endorsement on an
16 Educator License with Stipulations may be issued for
17 the purpose of providing instruction in accordance
18 with Article 14C of this Code to an applicant who
19 provides satisfactory evidence that he or she meets all
20 of the following requirements:

21 (i) Possesses adequate speaking, reading, and
22 writing ability in the language other than English
23 in which transitional bilingual education is
24 offered.

25 (ii) Has the ability to successfully
26 communicate in English.

1 (iii) Either possessed, within 5 years
2 previous to his or her applying for a transitional
3 bilingual educator endorsement, a valid and
4 comparable teaching certificate or comparable
5 authorization issued by a foreign country or holds
6 a degree from an institution of higher learning in
7 a foreign country that the State Educator
8 Preparation and Licensure Board determines to be
9 the equivalent of a bachelor's degree from a
10 regionally accredited institution of higher
11 learning in the United States.

12 A transitional bilingual educator endorsement
13 shall be valid for prekindergarten through grade 12, is
14 valid until June 30 immediately following 5 years of
15 the endorsement being issued, and shall not be renewed.

16 Persons holding a transitional bilingual educator
17 endorsement shall not be employed to replace any
18 presently employed teacher who otherwise would not be
19 replaced for any reason.

20 (H) Language endorsement. In an effort to
21 alleviate the shortage of teachers speaking a language
22 other than English in the public schools, an individual
23 who holds an Educator License with Stipulations may
24 also apply for a language endorsement, provided that
25 the applicant provides satisfactory evidence that he
26 or she meets all of the following requirements:

1 (i) Holds a transitional bilingual
2 endorsement.

3 (ii) Has demonstrated proficiency in the
4 language for which the endorsement is to be issued
5 by passing the applicable language content test
6 required by the State Board of Education.

7 (iii) Holds a bachelor's degree or higher from
8 a regionally accredited institution of higher
9 education or, for individuals educated in a
10 country other than the United States, holds a
11 degree from an institution of higher learning in a
12 foreign country that the State Educator
13 Preparation and Licensure Board determines to be
14 the equivalent of a bachelor's degree from a
15 regionally accredited institution of higher
16 learning in the United States.

17 (iv) Has passed a test of basic skills, as
18 required under Section 21B-30 of this Code.

19 A language endorsement on an Educator License with
20 Stipulations is valid for prekindergarten through
21 grade 12 for the same validity period as the
22 individual's transitional bilingual educator
23 endorsement on the Educator License with Stipulations
24 and shall not be renewed.

25 (I) Visiting international educator. A visiting
26 international educator endorsement on an Educator

1 License with Stipulations may be issued to an
2 individual who is being recruited by a particular
3 school district that conducts formal recruitment
4 programs outside of the United States to secure the
5 services of qualified teachers and who meets all of the
6 following requirements:

7 (i) Holds the equivalent of a minimum of a
8 bachelor's degree issued in the United States.

9 (ii) Has been prepared as a teacher at the
10 grade level for which he or she will be employed.

11 (iii) Has adequate content knowledge in the
12 subject to be taught.

13 (iv) Has an adequate command of the English
14 language.

15 A holder of a visiting international educator
16 endorsement on an Educator License with Stipulations
17 shall be permitted to teach in bilingual education
18 programs in the language that was the medium of
19 instruction in his or her teacher preparation program,
20 provided that he or she passes the English Language
21 Proficiency Examination or another test of writing
22 skills in English identified by the State Board of
23 Education, in consultation with the State Educator
24 Preparation and Licensure Board.

25 A visiting international educator endorsement on
26 an Educator License with Stipulations is valid for 3

1 years and shall not be renewed.

2 (J) Paraprofessional educator. A paraprofessional
3 educator endorsement on an Educator License with
4 Stipulations may be issued to an applicant who holds a
5 high school diploma or its recognized equivalent and
6 either holds an associate's degree or a minimum of 60
7 semester hours of credit from a regionally accredited
8 institution of higher education or has passed a test of
9 basic skills required under Section 21B-30 of this
10 Code. The paraprofessional educator endorsement is
11 valid until June 30 immediately following 5 years of
12 the endorsement being issued and may be renewed through
13 application and payment of the appropriate fee, as
14 required under Section 21B-40 of this Code. An
15 individual who holds only a paraprofessional educator
16 endorsement is not subject to additional requirements
17 in order to renew the endorsement.

18 (3) Substitute Teaching License. A Substitute Teaching
19 License may be issued to qualified applicants for
20 substitute teaching in all grades of the public schools,
21 prekindergarten through grade 12. Substitute Teaching
22 Licenses are not eligible for endorsements. Applicants for
23 a Substitute Teaching License must hold a bachelor's degree
24 or higher from a regionally accredited institution of
25 higher education.

26 Substitute Teaching Licenses are valid for 5 years and

1 may be renewed if the individual has passed a test of basic
2 skills, as authorized under Section 21B-30 of this Code. An
3 individual who has passed a test of basic skills for the
4 first licensure renewal is not required to retake the test
5 again for further renewals.

6 Substitute Teaching Licenses are valid for substitute
7 teaching in every county of this State. If an individual
8 has had his or her Professional Educator License or
9 Educator License with Stipulations suspended or revoked or
10 has not met the renewal requirements for licensure, then
11 that individual is not eligible to obtain a Substitute
12 Teaching License.

13 A substitute teacher may only teach in the place of a
14 licensed teacher who is under contract with the employing
15 board. If, however, there is no licensed teacher under
16 contract because of an emergency situation, then a district
17 may employ a substitute teacher for no longer than 30
18 calendar days per each vacant position in the district if
19 the district notifies the appropriate regional office of
20 education within 5 business days after the employment of
21 the substitute teacher in the emergency situation. An
22 emergency situation is one in which an unforeseen vacancy
23 has occurred and (i) a teacher is unable to fulfill his or
24 her contractual duties or (ii) teacher capacity needs of
25 the district exceed previous indications, and the district
26 is actively engaged in advertising to hire a fully licensed

1 teacher for the vacant position.

2 There is no limit on the number of days that a
3 substitute teacher may teach in a single school district,
4 provided that no substitute teacher may teach for longer
5 than 90 school days for any one licensed teacher under
6 contract in the same school year. A substitute teacher who
7 holds a Professional Educator License or Educator License
8 with Stipulations shall not teach for more than 120 school
9 days for any one licensed teacher under contract in the
10 same school year. The limitations in this paragraph (3) on
11 the number of days a substitute teacher may be employed do
12 not apply to any school district operating under Article 34
13 of this Code.

14 (Source: P.A. 97-607, eff. 8-26-11; 97-710, eff. 1-1-13; 98-28,
15 eff. 7-1-13; 98-751, eff. 1-1-15.)

16 (105 ILCS 5/30-14.2) (from Ch. 122, par. 30-14.2)
17 Sec. 30-14.2. MIA/POW scholarships.

18 (a) Any spouse, natural child, legally adopted child, or
19 ~~any~~ step-child of an eligible veteran or serviceperson who
20 possesses all necessary entrance requirements shall, upon
21 application and proper proof, be awarded a MIA/POW Scholarship
22 consisting of the equivalent of 4 calendar years of full-time
23 enrollment including summer terms, to the state supported
24 Illinois institution of higher learning of his choice, subject
25 to the restrictions listed below.

1 "Eligible veteran or serviceperson" means any veteran or
2 serviceperson, including an Illinois National Guard member who
3 is on active duty or is active on a training assignment, who
4 has been declared by the U.S. Department of Defense or the U.S.
5 Department of Veterans' Affairs to be a prisoner of war, be
6 missing in action, have died as the result of a
7 service-connected disability or have become a person with a
8 permanent disability ~~be permanently disabled~~ from
9 service-connected causes with 100% disability and who (i) at
10 the time of entering service was an Illinois resident, (ii) was
11 an Illinois resident within 6 months after entering such
12 service, or (iii) until July 1, 2014, became an Illinois
13 resident within 6 months after leaving the service and can
14 establish at least 30 years of continuous residency in the
15 State of Illinois.

16 Full-time enrollment means 12 or more semester hours of
17 courses per semester, or 12 or more quarter hours of courses
18 per quarter, or the equivalent thereof per term. Scholarships
19 utilized by dependents enrolled in less than full-time study
20 shall be computed in the proportion which the number of hours
21 so carried bears to full-time enrollment.

22 Scholarships awarded under this Section may be used by a
23 spouse or child without regard to his or her age. The holder of
24 a Scholarship awarded under this Section shall be subject to
25 all examinations and academic standards, including the
26 maintenance of minimum grade levels, that are applicable

1 generally to other enrolled students at the Illinois
2 institution of higher learning where the Scholarship is being
3 used. If the surviving spouse remarries or if there is a
4 divorce between the veteran or serviceperson and his or her
5 spouse while the dependent is pursuing his or her course of
6 study, Scholarship benefits will be terminated at the end of
7 the term for which he or she is presently enrolled. Such
8 dependents shall also be entitled, upon proper proof and
9 application, to enroll in any extension course offered by a
10 State supported Illinois institution of higher learning
11 without payment of tuition and approved fees.

12 The holder of a MIA/POW Scholarship authorized under this
13 Section shall not be required to pay any matriculation or
14 application fees, tuition, activities fees, graduation fees or
15 other fees, except multipurpose building fees or similar fees
16 for supplies and materials.

17 Any dependent who has been or shall be awarded a MIA/POW
18 Scholarship shall be reimbursed by the appropriate institution
19 of higher learning for any fees which he or she has paid and
20 for which exemption is granted under this Section if
21 application for reimbursement is made within 2 months following
22 the end of the school term for which the fees were paid.

23 (b) In lieu of the benefit provided in subsection (a), any
24 spouse, natural child, legally adopted child, or step-child of
25 an eligible veteran or serviceperson, which spouse or child has
26 a physical, mental or developmental disability, shall be

1 entitled to receive, upon application and proper proof, a
2 benefit to be used for the purpose of defraying the cost of the
3 attendance or treatment of such spouse or child at one or more
4 appropriate therapeutic, rehabilitative or educational
5 facilities. The application and proof may be made by the parent
6 or legal guardian of the spouse or child on his or her behalf.

7 The total benefit provided to any beneficiary under this
8 subsection shall not exceed the cost equivalent of 4 calendar
9 years of full-time enrollment, including summer terms, at the
10 University of Illinois. Whenever practicable in the opinion of
11 the Department of Veterans' Affairs, payment of benefits under
12 this subsection shall be made directly to the facility, the
13 cost of attendance or treatment at which is being defrayed, as
14 such costs accrue.

15 (c) The benefits of this Section shall be administered by
16 and paid for out of funds made available to the Illinois
17 Department of Veterans' Affairs. The amounts that become due to
18 any state supported Illinois institution of higher learning
19 shall be payable by the Comptroller to such institution on
20 vouchers approved by the Illinois Department of Veterans'
21 Affairs. The amounts that become due under subsection (b) of
22 this Section shall be payable by warrant upon vouchers issued
23 by the Illinois Department of Veterans' Affairs and approved by
24 the Comptroller. The Illinois Department of Veterans' Affairs
25 shall determine the eligibility of the persons who make
26 application for the benefits provided for in this Section.

1 (Source: P.A. 96-1415, eff. 7-30-10; revised 12-1-14.)

2 (105 ILCS 5/34-2.4) (from Ch. 122, par. 34-2.4)

3 Sec. 34-2.4. School improvement plan. A 3 year local school
4 improvement plan shall be developed and implemented at each
5 attendance center. This plan shall reflect the overriding
6 purpose of the attendance center to improve educational
7 quality. The local school principal shall develop a school
8 improvement plan in consultation with the local school council,
9 all categories of school staff, parents and community
10 residents. Once the plan is developed, reviewed by the
11 professional personnel leadership committee, and approved by
12 the local school council, the principal shall be responsible
13 for directing implementation of the plan, and the local school
14 council shall monitor its implementation. After the
15 termination of the initial 3 year plan, a new 3 year plan shall
16 be developed and modified as appropriate on an annual basis.

17 The school improvement plan shall be designed to achieve
18 priority goals including but not limited to:

19 (a) assuring that students show significant progress
20 toward meeting and exceeding State performance standards
21 in State mandated learning areas, including the mastery of
22 higher order thinking skills in these areas;

23 (b) assuring that students attend school regularly and
24 graduate from school at such rates that the district
25 average equals or surpasses national norms;

1 (c) assuring that students are adequately prepared for
2 and aided in making a successful transition to further
3 education and life experience;

4 (d) assuring that students are adequately prepared for
5 and aided in making a successful transition to employment;
6 and

7 (e) assuring that students are, to the maximum extent
8 possible, provided with a common learning experience that
9 is of high academic quality and that reflects high
10 expectations for all students' capacities to learn.

11 With respect to these priority goals, the school
12 improvement plan shall include but not be limited to the
13 following:

14 (a) an analysis of data collected in the attendance
15 center and community indicating the specific strengths and
16 weaknesses of the attendance center in light of the goals
17 specified above, including data and analysis specified by
18 the State Board of Education pertaining to specific
19 measurable outcomes for student performance, the
20 attendance centers, and their instructional programs;

21 (b) a description of specific annual objectives the
22 attendance center will pursue in achieving the goals
23 specified above;

24 (c) a description of the specific activities the
25 attendance center will undertake to achieve its
26 objectives;

1 (d) an analysis of the attendance center's staffing
2 pattern and material resources, and an explanation of how
3 the attendance center's planned staffing pattern, the
4 deployment of staff, and the use of material resources
5 furthers the objectives of the plan;

6 (e) a description of the key assumptions and directions
7 of the school's curriculum and the academic and
8 non-academic programs of the attendance center, and an
9 explanation of how this curriculum and these programs
10 further the goals and objectives of the plan;

11 (f) a description of the steps that will be taken to
12 enhance educational opportunities for all students,
13 regardless of gender, including limited English proficient
14 students, students with disabilities ~~disabled students~~,
15 low-income students and minority students;

16 (g) a description of any steps which may be taken by
17 the attendance center to educate parents as to how they can
18 assist children at home in preparing their children to
19 learn effectively;

20 (h) a description of the steps the attendance center
21 will take to coordinate its efforts with, and to gain the
22 participation and support of, community residents,
23 business organizations, and other local institutions and
24 individuals;

25 (i) a description of any staff development program for
26 all school staff and volunteers tied to the priority goals,

1 objectives, and activities specified in the plan;

2 (j) a description of the steps the local school council
3 will undertake to monitor implementation of the plan on an
4 ongoing basis;

5 (k) a description of the steps the attendance center
6 will take to ensure that teachers have working conditions
7 that provide a professional environment conducive to
8 fulfilling their responsibilities;

9 (l) a description of the steps the attendance center
10 will take to ensure teachers the time and opportunity to
11 incorporate new ideas and techniques, both in subject
12 matter and teaching skills, into their own work;

13 (m) a description of the steps the attendance center
14 will take to encourage pride and positive identification
15 with the attendance center through various athletic
16 activities; and

17 (n) a description of the student need for and provision
18 of services to special populations, beyond the standard
19 school programs provided for students in grades K through
20 12 and those enumerated in the categorical programs cited
21 in item d of part 4 of Section 34-2.3, including financial
22 costs of providing same and a timeline for implementing the
23 necessary services, including but not limited, when
24 applicable, to ensuring the provisions of educational
25 services to all eligible children aged 4 years for the
26 1990-91 school year and thereafter, reducing class size to

1 State averages in grades K-3 for the 1991-92 school year
2 and thereafter and in all grades for the 1993-94 school
3 year and thereafter, and providing sufficient staff and
4 facility resources for students not served in the regular
5 classroom setting.

6 Based on the analysis of data collected indicating specific
7 strengths and weaknesses of the attendance center, the school
8 improvement plan may place greater emphasis from year to year
9 on particular priority goals, objectives, and activities.

10 (Source: P.A. 93-48, eff. 7-1-03.)

11 (105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

12 Sec. 34-18. Powers of the board. The board shall exercise
13 general supervision and jurisdiction over the public education
14 and the public school system of the city, and, except as
15 otherwise provided by this Article, shall have power:

16 1. To make suitable provision for the establishment and
17 maintenance throughout the year or for such portion thereof
18 as it may direct, not less than 9 months, of schools of all
19 grades and kinds, including normal schools, high schools,
20 night schools, schools for defectives and delinquents,
21 parental and truant schools, schools for the blind, the
22 deaf and persons with physical disabilities ~~the physically~~
23 ~~disabled~~, schools or classes in manual training,
24 constructural and vocational teaching, domestic arts and
25 physical culture, vocation and extension schools and

1 lecture courses, and all other educational courses and
2 facilities, including establishing, equipping, maintaining
3 and operating playgrounds and recreational programs, when
4 such programs are conducted in, adjacent to, or connected
5 with any public school under the general supervision and
6 jurisdiction of the board; provided that the calendar for
7 the school term and any changes must be submitted to and
8 approved by the State Board of Education before the
9 calendar or changes may take effect, and provided that in
10 allocating funds from year to year for the operation of all
11 attendance centers within the district, the board shall
12 ensure that supplemental general State aid funds are
13 allocated and applied in accordance with Section 18-8 or
14 18-8.05. To admit to such schools without charge foreign
15 exchange students who are participants in an organized
16 exchange student program which is authorized by the board.
17 The board shall permit all students to enroll in
18 apprenticeship programs in trade schools operated by the
19 board, whether those programs are union-sponsored or not.
20 No student shall be refused admission into or be excluded
21 from any course of instruction offered in the common
22 schools by reason of that student's sex. No student shall
23 be denied equal access to physical education and
24 interscholastic athletic programs supported from school
25 district funds or denied participation in comparable
26 physical education and athletic programs solely by reason

1 of the student's sex. Equal access to programs supported
2 from school district funds and comparable programs will be
3 defined in rules promulgated by the State Board of
4 Education in consultation with the Illinois High School
5 Association. Notwithstanding any other provision of this
6 Article, neither the board of education nor any local
7 school council or other school official shall recommend
8 that children with disabilities be placed into regular
9 education classrooms unless those children with
10 disabilities are provided with supplementary services to
11 assist them so that they benefit from the regular classroom
12 instruction and are included on the teacher's regular
13 education class register;

14 2. To furnish lunches to pupils, to make a reasonable
15 charge therefor, and to use school funds for the payment of
16 such expenses as the board may determine are necessary in
17 conducting the school lunch program;

18 3. To co-operate with the circuit court;

19 4. To make arrangements with the public or quasi-public
20 libraries and museums for the use of their facilities by
21 teachers and pupils of the public schools;

22 5. To employ dentists and prescribe their duties for
23 the purpose of treating the pupils in the schools, but
24 accepting such treatment shall be optional with parents or
25 guardians;

26 6. To grant the use of assembly halls and classrooms

1 when not otherwise needed, including light, heat, and
2 attendants, for free public lectures, concerts, and other
3 educational and social interests, free of charge, under
4 such provisions and control as the principal of the
5 affected attendance center may prescribe;

6 7. To apportion the pupils to the several schools;
7 provided that no pupil shall be excluded from or segregated
8 in any such school on account of his color, race, sex, or
9 nationality. The board shall take into consideration the
10 prevention of segregation and the elimination of
11 separation of children in public schools because of color,
12 race, sex, or nationality. Except that children may be
13 committed to or attend parental and social adjustment
14 schools established and maintained either for boys or girls
15 only. All records pertaining to the creation, alteration or
16 revision of attendance areas shall be open to the public.
17 Nothing herein shall limit the board's authority to
18 establish multi-area attendance centers or other student
19 assignment systems for desegregation purposes or
20 otherwise, and to apportion the pupils to the several
21 schools. Furthermore, beginning in school year 1994-95,
22 pursuant to a board plan adopted by October 1, 1993, the
23 board shall offer, commencing on a phased-in basis, the
24 opportunity for families within the school district to
25 apply for enrollment of their children in any attendance
26 center within the school district which does not have

1 selective admission requirements approved by the board.
2 The appropriate geographical area in which such open
3 enrollment may be exercised shall be determined by the
4 board of education. Such children may be admitted to any
5 such attendance center on a space available basis after all
6 children residing within such attendance center's area
7 have been accommodated. If the number of applicants from
8 outside the attendance area exceed the space available,
9 then successful applicants shall be selected by lottery.
10 The board of education's open enrollment plan must include
11 provisions that allow low income students to have access to
12 transportation needed to exercise school choice. Open
13 enrollment shall be in compliance with the provisions of
14 the Consent Decree and Desegregation Plan cited in Section
15 34-1.01;

16 8. To approve programs and policies for providing
17 transportation services to students. Nothing herein shall
18 be construed to permit or empower the State Board of
19 Education to order, mandate, or require busing or other
20 transportation of pupils for the purpose of achieving
21 racial balance in any school;

22 9. Subject to the limitations in this Article, to
23 establish and approve system-wide curriculum objectives
24 and standards, including graduation standards, which
25 reflect the multi-cultural diversity in the city and are
26 consistent with State law, provided that for all purposes

1 of this Article courses or proficiency in American Sign
2 Language shall be deemed to constitute courses or
3 proficiency in a foreign language; and to employ principals
4 and teachers, appointed as provided in this Article, and
5 fix their compensation. The board shall prepare such
6 reports related to minimal competency testing as may be
7 requested by the State Board of Education, and in addition
8 shall monitor and approve special education and bilingual
9 education programs and policies within the district to
10 assure that appropriate services are provided in
11 accordance with applicable State and federal laws to
12 children requiring services and education in those areas;

13 10. To employ non-teaching personnel or utilize
14 volunteer personnel for: (i) non-teaching duties not
15 requiring instructional judgment or evaluation of pupils,
16 including library duties; and (ii) supervising study
17 halls, long distance teaching reception areas used
18 incident to instructional programs transmitted by
19 electronic media such as computers, video, and audio,
20 detention and discipline areas, and school-sponsored
21 extracurricular activities. The board may further utilize
22 volunteer non-certificated personnel or employ
23 non-certificated personnel to assist in the instruction of
24 pupils under the immediate supervision of a teacher holding
25 a valid certificate, directly engaged in teaching subject
26 matter or conducting activities; provided that the teacher

1 shall be continuously aware of the non-certificated
2 persons' activities and shall be able to control or modify
3 them. The general superintendent shall determine
4 qualifications of such personnel and shall prescribe rules
5 for determining the duties and activities to be assigned to
6 such personnel;

7 10.5. To utilize volunteer personnel from a regional
8 School Crisis Assistance Team (S.C.A.T.), created as part
9 of the Safe to Learn Program established pursuant to
10 Section 25 of the Illinois Violence Prevention Act of 1995,
11 to provide assistance to schools in times of violence or
12 other traumatic incidents within a school community by
13 providing crisis intervention services to lessen the
14 effects of emotional trauma on individuals and the
15 community; the School Crisis Assistance Team Steering
16 Committee shall determine the qualifications for
17 volunteers;

18 11. To provide television studio facilities in not to
19 exceed one school building and to provide programs for
20 educational purposes, provided, however, that the board
21 shall not construct, acquire, operate, or maintain a
22 television transmitter; to grant the use of its studio
23 facilities to a licensed television station located in the
24 school district; and to maintain and operate not to exceed
25 one school radio transmitting station and provide programs
26 for educational purposes;

1 12. To offer, if deemed appropriate, outdoor education
2 courses, including field trips within the State of
3 Illinois, or adjacent states, and to use school educational
4 funds for the expense of the said outdoor educational
5 programs, whether within the school district or not;

6 13. During that period of the calendar year not
7 embraced within the regular school term, to provide and
8 conduct courses in subject matters normally embraced in the
9 program of the schools during the regular school term and
10 to give regular school credit for satisfactory completion
11 by the student of such courses as may be approved for
12 credit by the State Board of Education;

13 14. To insure against any loss or liability of the
14 board, the former School Board Nominating Commission,
15 Local School Councils, the Chicago Schools Academic
16 Accountability Council, or the former Subdistrict Councils
17 or of any member, officer, agent or employee thereof,
18 resulting from alleged violations of civil rights arising
19 from incidents occurring on or after September 5, 1967 or
20 from the wrongful or negligent act or omission of any such
21 person whether occurring within or without the school
22 premises, provided the officer, agent or employee was, at
23 the time of the alleged violation of civil rights or
24 wrongful act or omission, acting within the scope of his
25 employment or under direction of the board, the former
26 School Board Nominating Commission, the Chicago Schools

1 Academic Accountability Council, Local School Councils, or
2 the former Subdistrict Councils; and to provide for or
3 participate in insurance plans for its officers and
4 employees, including but not limited to retirement
5 annuities, medical, surgical and hospitalization benefits
6 in such types and amounts as may be determined by the
7 board; provided, however, that the board shall contract for
8 such insurance only with an insurance company authorized to
9 do business in this State. Such insurance may include
10 provision for employees who rely on treatment by prayer or
11 spiritual means alone for healing, in accordance with the
12 tenets and practice of a recognized religious
13 denomination;

14 15. To contract with the corporate authorities of any
15 municipality or the county board of any county, as the case
16 may be, to provide for the regulation of traffic in parking
17 areas of property used for school purposes, in such manner
18 as is provided by Section 11-209 of The Illinois Vehicle
19 Code, approved September 29, 1969, as amended;

20 16. (a) To provide, on an equal basis, access to a high
21 school campus and student directory information to the
22 official recruiting representatives of the armed forces of
23 Illinois and the United States for the purposes of
24 informing students of the educational and career
25 opportunities available in the military if the board has
26 provided such access to persons or groups whose purpose is

1 to acquaint students with educational or occupational
2 opportunities available to them. The board is not required
3 to give greater notice regarding the right of access to
4 recruiting representatives than is given to other persons
5 and groups. In this paragraph 16, "directory information"
6 means a high school student's name, address, and telephone
7 number.

8 (b) If a student or his or her parent or guardian
9 submits a signed, written request to the high school before
10 the end of the student's sophomore year (or if the student
11 is a transfer student, by another time set by the high
12 school) that indicates that the student or his or her
13 parent or guardian does not want the student's directory
14 information to be provided to official recruiting
15 representatives under subsection (a) of this Section, the
16 high school may not provide access to the student's
17 directory information to these recruiting representatives.
18 The high school shall notify its students and their parents
19 or guardians of the provisions of this subsection (b).

20 (c) A high school may require official recruiting
21 representatives of the armed forces of Illinois and the
22 United States to pay a fee for copying and mailing a
23 student's directory information in an amount that is not
24 more than the actual costs incurred by the high school.

25 (d) Information received by an official recruiting
26 representative under this Section may be used only to

1 provide information to students concerning educational and
2 career opportunities available in the military and may not
3 be released to a person who is not involved in recruiting
4 students for the armed forces of Illinois or the United
5 States;

6 17. (a) To sell or market any computer program
7 developed by an employee of the school district, provided
8 that such employee developed the computer program as a
9 direct result of his or her duties with the school district
10 or through the utilization of the school district resources
11 or facilities. The employee who developed the computer
12 program shall be entitled to share in the proceeds of such
13 sale or marketing of the computer program. The distribution
14 of such proceeds between the employee and the school
15 district shall be as agreed upon by the employee and the
16 school district, except that neither the employee nor the
17 school district may receive more than 90% of such proceeds.
18 The negotiation for an employee who is represented by an
19 exclusive bargaining representative may be conducted by
20 such bargaining representative at the employee's request.

21 (b) For the purpose of this paragraph 17:

22 (1) "Computer" means an internally programmed,
23 general purpose digital device capable of
24 automatically accepting data, processing data and
25 supplying the results of the operation.

26 (2) "Computer program" means a series of coded

1 instructions or statements in a form acceptable to a
2 computer, which causes the computer to process data in
3 order to achieve a certain result.

4 (3) "Proceeds" means profits derived from
5 marketing or sale of a product after deducting the
6 expenses of developing and marketing such product;

7 18. To delegate to the general superintendent of
8 schools, by resolution, the authority to approve contracts
9 and expenditures in amounts of \$10,000 or less;

10 19. Upon the written request of an employee, to
11 withhold from the compensation of that employee any dues,
12 payments or contributions payable by such employee to any
13 labor organization as defined in the Illinois Educational
14 Labor Relations Act. Under such arrangement, an amount
15 shall be withheld from each regular payroll period which is
16 equal to the pro rata share of the annual dues plus any
17 payments or contributions, and the board shall transmit
18 such withholdings to the specified labor organization
19 within 10 working days from the time of the withholding;

20 19a. Upon receipt of notice from the comptroller of a
21 municipality with a population of 500,000 or more, a county
22 with a population of 3,000,000 or more, the Cook County
23 Forest Preserve District, the Chicago Park District, the
24 Metropolitan Water Reclamation District, the Chicago
25 Transit Authority, or a housing authority of a municipality
26 with a population of 500,000 or more that a debt is due and

1 owing the municipality, the county, the Cook County Forest
2 Preserve District, the Chicago Park District, the
3 Metropolitan Water Reclamation District, the Chicago
4 Transit Authority, or the housing authority by an employee
5 of the Chicago Board of Education, to withhold, from the
6 compensation of that employee, the amount of the debt that
7 is due and owing and pay the amount withheld to the
8 municipality, the county, the Cook County Forest Preserve
9 District, the Chicago Park District, the Metropolitan
10 Water Reclamation District, the Chicago Transit Authority,
11 or the housing authority; provided, however, that the
12 amount deducted from any one salary or wage payment shall
13 not exceed 25% of the net amount of the payment. Before the
14 Board deducts any amount from any salary or wage of an
15 employee under this paragraph, the municipality, the
16 county, the Cook County Forest Preserve District, the
17 Chicago Park District, the Metropolitan Water Reclamation
18 District, the Chicago Transit Authority, or the housing
19 authority shall certify that (i) the employee has been
20 afforded an opportunity for a hearing to dispute the debt
21 that is due and owing the municipality, the county, the
22 Cook County Forest Preserve District, the Chicago Park
23 District, the Metropolitan Water Reclamation District, the
24 Chicago Transit Authority, or the housing authority and
25 (ii) the employee has received notice of a wage deduction
26 order and has been afforded an opportunity for a hearing to

1 object to the order. For purposes of this paragraph, "net
2 amount" means that part of the salary or wage payment
3 remaining after the deduction of any amounts required by
4 law to be deducted and "debt due and owing" means (i) a
5 specified sum of money owed to the municipality, the
6 county, the Cook County Forest Preserve District, the
7 Chicago Park District, the Metropolitan Water Reclamation
8 District, the Chicago Transit Authority, or the housing
9 authority for services, work, or goods, after the period
10 granted for payment has expired, or (ii) a specified sum of
11 money owed to the municipality, the county, the Cook County
12 Forest Preserve District, the Chicago Park District, the
13 Metropolitan Water Reclamation District, the Chicago
14 Transit Authority, or the housing authority pursuant to a
15 court order or order of an administrative hearing officer
16 after the exhaustion of, or the failure to exhaust,
17 judicial review;

18 20. The board is encouraged to employ a sufficient
19 number of certified school counselors to maintain a
20 student/counselor ratio of 250 to 1 by July 1, 1990. Each
21 counselor shall spend at least 75% of his work time in
22 direct contact with students and shall maintain a record of
23 such time;

24 21. To make available to students vocational and career
25 counseling and to establish 5 special career counseling
26 days for students and parents. On these days

1 representatives of local businesses and industries shall
2 be invited to the school campus and shall inform students
3 of career opportunities available to them in the various
4 businesses and industries. Special consideration shall be
5 given to counseling minority students as to career
6 opportunities available to them in various fields. For the
7 purposes of this paragraph, minority student means a person
8 who is any of the following:

9 (a) American Indian or Alaska Native (a person having
10 origins in any of the original peoples of North and South
11 America, including Central America, and who maintains
12 tribal affiliation or community attachment).

13 (b) Asian (a person having origins in any of the
14 original peoples of the Far East, Southeast Asia, or the
15 Indian subcontinent, including, but not limited to,
16 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
17 the Philippine Islands, Thailand, and Vietnam).

18 (c) Black or African American (a person having origins
19 in any of the black racial groups of Africa). Terms such as
20 "Haitian" or "Negro" can be used in addition to "Black or
21 African American".

22 (d) Hispanic or Latino (a person of Cuban, Mexican,
23 Puerto Rican, South or Central American, or other Spanish
24 culture or origin, regardless of race).

25 (e) Native Hawaiian or Other Pacific Islander (a person
26 having origins in any of the original peoples of Hawaii,

1 Guam, Samoa, or other Pacific Islands).

2 Counseling days shall not be in lieu of regular school
3 days;

4 22. To report to the State Board of Education the
5 annual student dropout rate and number of students who
6 graduate from, transfer from or otherwise leave bilingual
7 programs;

8 23. Except as otherwise provided in the Abused and
9 Neglected Child Reporting Act or other applicable State or
10 federal law, to permit school officials to withhold, from
11 any person, information on the whereabouts of any child
12 removed from school premises when the child has been taken
13 into protective custody as a victim of suspected child
14 abuse. School officials shall direct such person to the
15 Department of Children and Family Services, or to the local
16 law enforcement agency if appropriate;

17 24. To develop a policy, based on the current state of
18 existing school facilities, projected enrollment and
19 efficient utilization of available resources, for capital
20 improvement of schools and school buildings within the
21 district, addressing in that policy both the relative
22 priority for major repairs, renovations and additions to
23 school facilities, and the advisability or necessity of
24 building new school facilities or closing existing schools
25 to meet current or projected demographic patterns within
26 the district;

1 25. To make available to the students in every high
2 school attendance center the ability to take all courses
3 necessary to comply with the Board of Higher Education's
4 college entrance criteria effective in 1993;

5 26. To encourage mid-career changes into the teaching
6 profession, whereby qualified professionals become
7 certified teachers, by allowing credit for professional
8 employment in related fields when determining point of
9 entry on teacher pay scale;

10 27. To provide or contract out training programs for
11 administrative personnel and principals with revised or
12 expanded duties pursuant to this Act in order to assure
13 they have the knowledge and skills to perform their duties;

14 28. To establish a fund for the prioritized special
15 needs programs, and to allocate such funds and other lump
16 sum amounts to each attendance center in a manner
17 consistent with the provisions of part 4 of Section 34-2.3.
18 Nothing in this paragraph shall be construed to require any
19 additional appropriations of State funds for this purpose;

20 29. (Blank);

21 30. Notwithstanding any other provision of this Act or
22 any other law to the contrary, to contract with third
23 parties for services otherwise performed by employees,
24 including those in a bargaining unit, and to layoff those
25 employees upon 14 days written notice to the affected
26 employees. Those contracts may be for a period not to

1 exceed 5 years and may be awarded on a system-wide basis.
2 The board may not operate more than 30 contract schools,
3 provided that the board may operate an additional 5
4 contract turnaround schools pursuant to item (5.5) of
5 subsection (d) of Section 34-8.3 of this Code;

6 31. To promulgate rules establishing procedures
7 governing the layoff or reduction in force of employees and
8 the recall of such employees, including, but not limited
9 to, criteria for such layoffs, reductions in force or
10 recall rights of such employees and the weight to be given
11 to any particular criterion. Such criteria shall take into
12 account factors including, but not be limited to,
13 qualifications, certifications, experience, performance
14 ratings or evaluations, and any other factors relating to
15 an employee's job performance;

16 32. To develop a policy to prevent nepotism in the
17 hiring of personnel or the selection of contractors;

18 33. To enter into a partnership agreement, as required
19 by Section 34-3.5 of this Code, and, notwithstanding any
20 other provision of law to the contrary, to promulgate
21 policies, enter into contracts, and take any other action
22 necessary to accomplish the objectives and implement the
23 requirements of that agreement; and

24 34. To establish a Labor Management Council to the
25 board comprised of representatives of the board, the chief
26 executive officer, and those labor organizations that are

1 the exclusive representatives of employees of the board and
2 to promulgate policies and procedures for the operation of
3 the Council.

4 The specifications of the powers herein granted are not to
5 be construed as exclusive but the board shall also exercise all
6 other powers that they may be requisite or proper for the
7 maintenance and the development of a public school system, not
8 inconsistent with the other provisions of this Article or
9 provisions of this Code which apply to all school districts.

10 In addition to the powers herein granted and authorized to
11 be exercised by the board, it shall be the duty of the board to
12 review or to direct independent reviews of special education
13 expenditures and services. The board shall file a report of
14 such review with the General Assembly on or before May 1, 1990.
15 (Source: P.A. 96-105, eff. 7-30-09; 97-227, eff. 1-1-12;
16 97-396, eff. 1-1-12; 97-813, eff. 7-13-12.)

17 (105 ILCS 5/34-128) (from Ch. 122, par. 34-128)

18 Sec. 34-128. The Board shall provide free bus
19 transportation for every child who is a child with a mental
20 disability who is trainable ~~trainable mentally disabled~~, as
21 defined in Article 14, who resides at a distance of one mile or
22 more from any school to which he is assigned for attendance and
23 who the State Board of Education determines in advance requires
24 special transportation service in order to take advantage of
25 special educational facilities.

1 The board may levy, without regard to any other legally
2 authorized tax and in addition to such taxes, an annual tax
3 upon all the taxable property in the school district at a rate
4 not to exceed .005% of the value, as equalized or assessed by
5 the Department of Revenue, that will produce an amount not to
6 exceed the annual cost of transportation provided in accordance
7 with this Section. The board shall deduct from the cost of such
8 transportation any amount reimbursed by the State under Article
9 14. Such levy is authorized in the year following the school
10 year in which the transportation costs were incurred by the
11 district.

12 (Source: P.A. 89-397, eff. 8-20-95.)

13 Section 435. The State Universities Civil Service Act is
14 amended by changing Sections 36d and 36s as follows:

15 (110 ILCS 70/36d) (from Ch. 24 1/2, par. 38b3)

16 Sec. 36d. Powers and duties of the Merit Board.

17 The Merit Board shall have the power and duty-

18 (1) To approve a classification plan prepared under its
19 direction, assigning to each class positions of substantially
20 similar duties. The Merit Board shall have power to delegate to
21 its Director the duty of assigning each position in the
22 classified service to the appropriate class in the
23 classification plan approved by the Merit Board.

24 (2) To prescribe the duties of each class of positions and

1 the qualifications required by employment in that class.

2 (3) To prescribe the range of compensation for each class
3 or to fix a single rate of compensation for employees in a
4 particular class; and to establish other conditions of
5 employment which an employer and employee representatives have
6 agreed upon as fair and equitable. The Merit Board shall direct
7 the payment of the "prevailing rate of wages" in those
8 classifications in which, on January 1, 1952, any employer is
9 paying such prevailing rate and in such other classes as the
10 Merit Board may thereafter determine. "Prevailing rate of
11 wages" as used herein shall be the wages paid generally in the
12 locality in which the work is being performed to employees
13 engaged in work of a similar character. Each employer covered
14 by the University System shall be authorized to negotiate with
15 representatives of employees to determine appropriate ranges
16 or rates of compensation or other conditions of employment and
17 may recommend to the Merit Board for establishment the rates or
18 ranges or other conditions of employment which the employer and
19 employee representatives have agreed upon as fair and
20 equitable. Any rates or ranges established prior to January 1,
21 1952, and hereafter, shall not be changed except in accordance
22 with the procedures herein provided.

23 (4) To recommend to the institutions and agencies specified
24 in Section 36e standards for hours of work, holidays, sick
25 leave, overtime compensation and vacation for the purpose of
26 improving conditions of employment covered therein and for the

1 purpose of insuring conformity with the prevailing rate
2 principal.

3 (5) To prescribe standards of examination for each class,
4 the examinations to be related to the duties of such class. The
5 Merit Board shall have power to delegate to the Director and
6 his staff the preparation, conduct and grading of examinations.
7 Examinations may be written, oral, by statement of training and
8 experience, in the form of tests of knowledge, skill, capacity,
9 intellect, aptitude; or, by any other method, which in the
10 judgment of the Merit Board is reasonable and practical for any
11 particular classification. Different examining procedures may
12 be determined for the examinations in different
13 classifications but all examinations in the same
14 classification shall be uniform.

15 (6) To authorize the continuous recruitment of personnel
16 and to that end, to delegate to the Director and his staff the
17 power and the duty to conduct open and continuous competitive
18 examinations for all classifications of employment.

19 (7) To cause to be established from the results of
20 examinations registers for each class of positions in the
21 classified service of the State Universities Civil Service
22 System, of the persons who shall attain the minimum mark fixed
23 by the Merit Board for the examination; and such persons shall
24 take rank upon the registers as candidates in the order of
25 their relative excellence as determined by examination,
26 without reference to priority of time of examination.

1 (8) To provide by its rules for promotions in the
2 classified service. Vacancies shall be filled by promotion
3 whenever practicable. For the purpose of this paragraph, an
4 advancement in class shall constitute a promotion.

5 (9) To set a probationary period of employment of no less
6 than 6 months and no longer than 12 months for each class of
7 positions in the classification plan, the length of the
8 probationary period for each class to be determined by the
9 Director.

10 (10) To provide by its rules for employment at regular
11 rates of compensation of persons with physical disabilities
12 ~~physically handicapped persons~~ in positions in which the
13 disability handicap does not prevent the individual from
14 furnishing satisfactory service.

15 (11) To make and publish rules, to carry out the purpose of
16 the State Universities Civil Service System and for
17 examination, appointments, transfers and removals and for
18 maintaining and keeping records of the efficiency of officers
19 and employees and groups of officers and employees in
20 accordance with the provisions of Sections 36b to 36q,
21 inclusive, and said Merit Board may from time to time make
22 changes in such rules.

23 (12) To appoint a Director and such assistants and other
24 clerical and technical help as may be necessary efficiently to
25 administer Sections 36b to 36q, inclusive. To authorize the
26 Director to appoint an assistant resident at the place of

1 employment of each employer specified in Section 36e and this
2 assistant may be authorized to give examinations and to certify
3 names from the regional registers provided in Section 36k.

4 (13) To submit to the Governor of this state on or before
5 November 1 of each year prior to the regular session of the
6 General Assembly a report of the University System's business
7 and an estimate of the amount of appropriation from state funds
8 required for the purpose of administering the University
9 System.

10 (Source: P.A. 82-524.)

11 (110 ILCS 70/36s) (from Ch. 24 1/2, par. 38b18)

12 Sec. 36s. Supported employees.

13 (a) The Merit Board shall develop and implement a supported
14 employment program. It shall be the goal of the program to
15 appoint a minimum of 10 supported employees to State University
16 civil service positions before June 30, 1992.

17 (b) The Merit Board shall designate a liaison to work with
18 State agencies and departments, any funder or provider or both,
19 and State universities in the implementation of a supported
20 employment program.

21 (c) As used in this Section:

22 (1) "Supported employee" means any individual who:

23 (A) has a severe physical or mental disability
24 which seriously limits functional capacities,
25 including but not limited to, mobility, communication,

1 self-care, self-direction, work tolerance or work
2 skills, in terms of employability as defined,
3 determined and certified by the Department of Human
4 Services; and

5 (B) has one or more physical or mental disabilities
6 resulting from amputation; arthritis; blindness;
7 cancer; cerebral palsy; cystic fibrosis; deafness;
8 heart disease; hemiplegia; respiratory or pulmonary
9 dysfunction; an intellectual disability; mental
10 illness; multiple sclerosis; muscular dystrophy;
11 musculoskeletal disorders; neurological disorders,
12 including stroke and epilepsy; paraplegia;
13 quadriplegia and other spinal cord conditions; sickle
14 cell anemia; and end-stage renal disease; or another
15 disability or combination of disabilities determined
16 on the basis of an evaluation of rehabilitation
17 potential to cause comparable substantial functional
18 limitation.

19 (2) "Supported employment" means competitive work in
20 integrated work settings:

21 (A) for individuals with severe disabilities
22 ~~handicaps~~ for whom competitive employment has not
23 traditionally occurred, or

24 (B) for individuals for whom competitive
25 employment has been interrupted or intermittent as a
26 result of a severe disability, and who because of their

1 disability ~~handicap~~, need on-going support services to
2 perform such work. The term includes transitional
3 employment for individuals with chronic mental
4 illness.

5 (3) "Participation in a supported employee program"
6 means participation as a supported employee that is not
7 based on the expectation that an individual will have the
8 skills to perform all the duties in a job class, but on the
9 assumption that with support and adaptation, or both, a job
10 can be designed to take advantage of the supported
11 employee's special strengths.

12 (4) "Funder" means any entity either State, local or
13 federal, or private not-for-profit or for-profit that
14 provides monies to programs that provide services related
15 to supported employment.

16 (5) "Provider" means any entity either public or
17 private that provides technical support and services to any
18 department or agency subject to the control of the
19 Governor, the Secretary of State or the University Civil
20 Service System.

21 (d) The Merit Board shall establish job classifications for
22 supported employees who may be appointed into the
23 classifications without open competitive testing requirements.
24 Supported employees shall serve in a trial employment capacity
25 for not less than 3 or more than 12 months.

26 (e) The Merit Board shall maintain a record of all

1 individuals hired as supported employees. The record shall
2 include:

3 (1) the number of supported employees initially
4 appointed;

5 (2) the number of supported employees who successfully
6 complete the trial employment periods; and

7 (3) the number of permanent targeted positions by
8 titles.

9 (f) The Merit Board shall submit an annual report to the
10 General Assembly regarding the employment progress of
11 supported employees, with recommendations for legislative
12 action.

13 (Source: P.A. 97-227, eff. 1-1-12.)

14 Section 440. The Board of Higher Education Act is amended
15 by changing Section 9.16 as follows:

16 (110 ILCS 205/9.16) (from Ch. 144, par. 189.16)

17 Sec. 9.16. Underrepresentation of certain groups in higher
18 education. To require public institutions of higher education
19 to develop and implement methods and strategies to increase the
20 participation of minorities, women and individuals with
21 disabilities ~~handicapped individuals~~ who are traditionally
22 underrepresented in education programs and activities. For the
23 purpose of this Section, minorities shall mean persons who are
24 citizens of the United States or lawful permanent resident

1 aliens of the United States and who are any of the following:

2 (1) American Indian or Alaska Native (a person having
3 origins in any of the original peoples of North and South
4 America, including Central America, and who maintains
5 tribal affiliation or community attachment).

6 (2) Asian (a person having origins in any of the
7 original peoples of the Far East, Southeast Asia, or the
8 Indian subcontinent, including, but not limited to,
9 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
10 the Philippine Islands, Thailand, and Vietnam).

11 (3) Black or African American (a person having origins
12 in any of the black racial groups of Africa). Terms such as
13 "Haitian" or "Negro" can be used in addition to "Black or
14 African American".

15 (4) Hispanic or Latino (a person of Cuban, Mexican,
16 Puerto Rican, South or Central American, or other Spanish
17 culture or origin, regardless of race).

18 (5) Native Hawaiian or Other Pacific Islander (a person
19 having origins in any of the original peoples of Hawaii,
20 Guam, Samoa, or other Pacific Islands).

21 The Board shall adopt any rules necessary to administer
22 this Section. The Board shall also do the following:

23 (a) require all public institutions of higher education to
24 develop and submit plans for the implementation of this
25 Section;

26 (b) conduct periodic review of public institutions of

1 higher education to determine compliance with this Section; and
2 if the Board finds that a public institution of higher
3 education is not in compliance with this Section, it shall
4 notify the institution of steps to take to attain compliance;

5 (c) provide advice and counsel pursuant to this Section;

6 (d) conduct studies of the effectiveness of methods and
7 strategies designed to increase participation of students in
8 education programs and activities in which minorities, women
9 and individuals with disabilities ~~handicapped individuals~~ are
10 traditionally underrepresented, and monitor the success of
11 students in such education programs and activities;

12 (e) encourage minority student recruitment and retention
13 in colleges and universities. In implementing this paragraph,
14 the Board shall undertake but need not be limited to the
15 following: the establishment of guidelines and plans for public
16 institutions of higher education for minority student
17 recruitment and retention, the review and monitoring of
18 minority student programs implemented at public institutions
19 of higher education to determine their compliance with any
20 guidelines and plans so established, the determination of the
21 effectiveness and funding requirements of minority student
22 programs at public institutions of higher education, the
23 dissemination of successful programs as models, and the
24 encouragement of cooperative partnerships between community
25 colleges and local school attendance centers which are
26 experiencing difficulties in enrolling minority students in

1 four-year colleges and universities;

2 (f) mandate all public institutions of higher education to
3 submit data and information essential to determine compliance
4 with this Section. The Board shall prescribe the format and the
5 date for submission of this data and any other education equity
6 data; and

7 (g) report to the General Assembly and the Governor
8 annually with a description of the plans submitted by each
9 public institution of higher education for implementation of
10 this Section, including financial data relating to the most
11 recent fiscal year expenditures for specific minority
12 programs, the effectiveness of such plans and programs and the
13 effectiveness of the methods and strategies developed by the
14 Board in meeting the purposes of this Section, the degree of
15 compliance with this Section by each public institution of
16 higher education as determined by the Board pursuant to its
17 periodic review responsibilities, and the findings made by the
18 Board in conducting its studies and monitoring student success
19 as required by paragraph d) of this Section. With respect to
20 each public institution of higher education such report also
21 shall include, but need not be limited to, information with
22 respect to each institution's minority program budget
23 allocations; minority student admission, retention and
24 graduation statistics; admission, retention, and graduation
25 statistics of all students who are the first in their immediate
26 family to attend an institution of higher education; number of

1 financial assistance awards to undergraduate and graduate
2 minority students; and minority faculty representation. This
3 paragraph shall not be construed to prohibit the Board from
4 making, preparing or issuing additional surveys or studies with
5 respect to minority education in Illinois.

6 (Source: P.A. 97-396, eff. 1-1-12; 97-588, eff. 1-1-12; 97-813,
7 eff. 7-13-12.)

8 Section 445. The University of Illinois Act is amended by
9 changing Section 9 as follows:

10 (110 ILCS 305/9) (from Ch. 144, par. 30)

11 Sec. 9. Scholarships for children of veterans. For each of
12 the following periods of hostilities, each county shall be
13 entitled, annually, to one honorary scholarship in the
14 University, for the benefit of the children of persons who
15 served in the armed forces of the United States: the Civil War,
16 World War I, any time between September 16, 1940 and the
17 termination of World War II, any time during the national
18 emergency between June 25, 1950 and January 31, 1955, any time
19 during the Viet Nam conflict between January 1, 1961 and May 7,
20 1975, any time on or after August 2, 1990 and until Congress or
21 the President orders that persons in service are no longer
22 eligible for the Southwest Asia Service Medal, Operation
23 Enduring Freedom, and Operation Iraqi Freedom. Preference
24 shall be given to the children of persons who are deceased or

1 to the children of persons who have a disability ~~disabled~~. Such
2 scholarships shall be granted to such pupils as shall, upon
3 public examination, conducted as the board of trustees of the
4 University may determine, be decided to have attained the
5 greatest proficiency in the branches of learning usually taught
6 in the secondary schools, and who shall be of good moral
7 character, and not less than 15 years of age. Such pupils, so
8 selected, shall be entitled to receive, without charge for
9 tuition, instruction in any or all departments of the
10 University for a term of at least 4 consecutive years. Such
11 pupils shall conform, in all respects, to the rules and
12 regulations of the University, established for the government
13 of the pupils in attendance.

14 (Source: P.A. 95-64, eff. 1-1-08.)

15 Section 450. The University of Illinois Hospital Act is
16 amended by changing Section 6 as follows:

17 (110 ILCS 330/6) (from Ch. 23, par. 1376)

18 Sec. 6. No otherwise qualified child with a disability
19 ~~handicapped child~~ receiving special education and related
20 services under Article 14 of The School Code shall solely by
21 reason of his or her disability ~~handicap~~ be excluded from the
22 participation in or be denied the benefits of or be subjected
23 to discrimination under any program or activity provided by the
24 University of Illinois Hospital.

1 (Source: P.A. 80-1403.)

2 Section 455. The Specialized Care for Children Act is
3 amended by changing Sections 1 and 3 as follows:

4 (110 ILCS 345/1) (from Ch. 144, par. 67.1)

5 Sec. 1. The University of Illinois is hereby designated as
6 the agency to receive, administer, and to hold in its own
7 treasury federal funds and aid in relation to the
8 administration of its Division of Specialized Care for
9 Children. The Board of Trustees of the University of Illinois
10 shall have a charge upon all claims, demands and causes of
11 action for injuries to an applicant for or recipient of
12 financial aid for the total amount of medical assistance
13 provided the recipient by the Division from the time of injury
14 to the date of recovery upon such claim, demand or cause of
15 action. The Board of Trustees of the University of Illinois may
16 cooperate with the United States Children's Bureau of the
17 Department of Health, Education and Welfare, or with any
18 successor or other federal agency, in the administration of the
19 Division of Specialized Care for Children, and shall have full
20 responsibility for the expenditure of federal and state funds,
21 or monies recovered as the result of a judgment or settlement
22 of a lawsuit or from an insurance or personal settlement
23 arising from a claim relating to a recipient child's medical
24 condition, as well as any aid which may be made available to

1 the Board of Trustees for administering, through the Division
2 of Specialized Care for Children, a program of services for
3 children with physical disabilities or who are ~~who are~~
4 ~~physically disabled or~~ suffering from conditions which may lead
5 to a physical disability, including medical, surgical,
6 corrective and other services and care, and facilities for
7 diagnosis, hospitalization and aftercare of such children.

8 (Source: P.A. 97-227, eff. 1-1-12.)

9 (110 ILCS 345/3) (from Ch. 144, par. 67.3)

10 Sec. 3. No otherwise qualified child with a disability
11 ~~handicapped child~~ receiving special education services under
12 Article 14 of The School Code shall solely by reason of his or
13 her disability ~~handicap~~ be excluded from the participation in
14 or be denied the benefits of or be subjected to discrimination
15 under any program or activity provided by the Division of
16 Specialized Care for Children.

17 (Source: P.A. 87-203.)

18 Section 460. The Public Community College Act is amended by
19 changing Sections 3-20.3.01 and 3-49 as follows:

20 (110 ILCS 805/3-20.3.01) (from Ch. 122, par. 103-20.3.01)

21 Sec. 3-20.3.01. Whenever, as a result of any lawful order
22 of any agency, other than a local community college board,
23 having authority to enforce any law or regulation designed for

1 the protection, health or safety of community college students,
2 employees or visitors, or any law or regulation for the
3 protection and safety of the environment, pursuant to the
4 "Environmental Protection Act", any local community college
5 district, including any district to which Article VII of this
6 Act applies, is required to alter or repair any physical
7 facilities, or whenever any district determines that it is
8 necessary for energy conservation, health or safety,
9 environmental protection or ~~handicapped~~ accessibility purposes
10 that any physical facilities should be altered or repaired and
11 that such alterations or repairs will be made with funds not
12 necessary for the completion of approved and recommended
13 projects for fire prevention and safety, or whenever after the
14 effective date of this amendatory Act of 1984 any district,
15 including any district to which Article VII applies, provides
16 for alterations or repairs determined by the local community
17 college board to be necessary for health and safety,
18 environmental protection, ~~handicapped~~ accessibility or energy
19 conservation purposes, such district may, by proper resolution
20 which specifically identifies the project and which is adopted
21 pursuant to the provisions of the Open Meetings Act, levy a tax
22 for the purpose of paying for such alterations or repairs, or
23 survey by a licensed architect or engineer, upon the equalized
24 assessed value of all the taxable property of the district at a
25 rate not to exceed .05% per year for a period sufficient to
26 finance such alterations or repairs, upon the following

1 conditions:

2 (a) When in the judgment of the local community college
3 board of trustees there are not sufficient funds available in
4 the operations and maintenance fund of the district to
5 permanently pay for such alterations or repairs so ordered,
6 determined as necessary.

7 (b) When a certified estimate of a licensed architect or
8 engineer stating the estimated amount that is necessary to make
9 the alterations or repairs so ordered or determined as
10 necessary has been secured by the local community college
11 district and the project and estimated amount have been
12 approved by the Executive Director of the State Board.

13 The filing of a certified copy of the resolution or
14 ordinance levying the tax when accompanied by the certificate
15 of approval of the Executive Director of the State Board shall
16 be the authority of the county clerk or clerks to extend such
17 tax; provided, however, that in no event shall the extension
18 for the current and preceding years, if any, under this Section
19 be greater than the amount so approved, and interest on bonds
20 issued pursuant to this Section and in the event such current
21 extension and preceding extensions exceed such approval and
22 interest, it shall be reduced proportionately.

23 The county clerk of each of the counties in which any
24 community college district levying a tax under the authority of
25 this Section is located, in reducing raised levies, shall not
26 consider any such tax as a part of the general levy for

1 community college purposes and shall not include the same in
2 the limitation of any other tax rate which may be extended.
3 Such tax shall be levied and collected in like manner as all
4 other taxes of community college districts.

5 The tax rate limit hereinabove specified in this Section
6 may be increased to .10% upon the approval of a proposition to
7 effect such increase by a majority of the electors voting on
8 that proposition at a regular scheduled election. Such
9 proposition may be initiated by resolution of the local
10 community college board and shall be certified by the secretary
11 of the local community college board to the proper election
12 authorities for submission in accordance with the general
13 election law.

14 Each local community college district authorized to levy
15 any tax pursuant to this Section may also or in the alternative
16 by proper resolution or ordinance borrow money for such
17 specifically identified purposes not in excess of \$4,500,000 in
18 the aggregate at any one time when in the judgment of the local
19 community college board of trustees there are not sufficient
20 funds available in the operations and maintenance fund of the
21 district to permanently pay for such alterations or repairs so
22 ordered or determined as necessary and a certified estimate of
23 a licensed architect or engineer stating the estimated amount
24 has been secured by the local community college district and
25 the project and the estimated amount have been approved by the
26 State Board, and as evidence of such indebtedness may issue

1 bonds without referendum. However, Community College District
2 No. 522 and Community College District No. 536 may or in the
3 alternative by proper resolution or ordinance borrow money for
4 such specifically identified purposes not in excess of
5 \$20,000,000 in the aggregate at any one time when in the
6 judgment of the community college board of trustees there are
7 not sufficient funds available in the operations and
8 maintenance fund of the district to permanently pay for such
9 alterations or repairs so ordered or determined as necessary
10 and a certified estimate of a licensed architect or engineer
11 stating the estimated amount has been secured by the community
12 college district and the project and the estimated amount have
13 been approved by the State Board, and as evidence of such
14 indebtedness may issue bonds without referendum. Such bonds
15 shall bear interest at a rate or rates authorized by "An Act to
16 authorize public corporations to issue bonds, other evidences
17 of indebtedness and tax anticipation warrants subject to
18 interest rate limitations set forth therein", approved May 26,
19 1970, as now or hereafter amended, shall mature within 20 years
20 from date, and shall be signed by the chairman, secretary and
21 treasurer of the local community college board.

22 In order to authorize and issue such bonds the local
23 community college board shall adopt a resolution fixing the
24 amount of bonds, the date thereof, the maturities thereof and
25 rates of interest thereof, and the board by such resolution, or
26 in a district to which Article VII applies the city council

1 upon demand and under the direction of the board by ordinance,
2 shall provide for the levy and collection of a direct annual
3 tax upon all the taxable property in the local community
4 college district sufficient to pay the principal and interest
5 on such bonds to maturity. Upon the filing in the office of the
6 county clerk of each of the counties in which the community
7 college district is located of a certified copy of such
8 resolution or ordinance it is the duty of the county clerk or
9 clerks to extend the tax therefor without limit as to rate or
10 amount and in addition to and in excess of all other taxes
11 heretofore or hereafter authorized to be levied by such
12 community college district.

13 The State Board shall prepare and enforce regulations and
14 specifications for minimum requirements for the construction,
15 remodeling or rehabilitation of heating, ventilating, air
16 conditioning, lighting, seating, water supply, toilet,
17 ~~handicapped~~ accessibility, fire safety and any other matter
18 that will conserve, preserve or provide for the protection and
19 the health or safety of individuals in or on community college
20 property and will conserve the integrity of the physical
21 facilities of the district.

22 This Section is cumulative and constitutes complete
23 authority for the issuance of bonds as provided in this Section
24 notwithstanding any other statute or law to the contrary.

25 (Source: P.A. 96-561, eff. 1-1-10.)

1 (110 ILCS 805/3-49) (from Ch. 122, par. 103-49)

2 Sec. 3-49. Each Board of Trustees of a Community College
3 District may, at its discretion, appoint an Employment Advisory
4 Board. Such Employment Advisory Board shall consist of not more
5 than 15 members appointed to terms of 4 years, and their
6 membership shall include, but not be limited to,
7 representatives of the following groups:

8 (a) small businesses;

9 (b) large businesses which employ residents of the
10 Community College District;

11 (c) governmental units which employ residents of the
12 Community College District;

13 (d) non-profit private organizations;

14 (e) organizations which serve as advocates for persons with
15 disabilities ~~the handicapped~~; and

16 (f) employee organizations.

17 (Source: P.A. 85-458.)

18 Section 465. The Higher Education Student Assistance Act is
19 amended by changing Sections 50, 52, 55, 60, 65.15, 65.70, and
20 105 as follows:

21 (110 ILCS 947/50)

22 Sec. 50. Minority Teachers of Illinois scholarship
23 program.

24 (a) As used in this Section:

1 "Eligible applicant" means a minority student who has
2 graduated from high school or has received a high school
3 equivalency certificate and has maintained a cumulative
4 grade point average of no less than 2.5 on a 4.0 scale, and
5 who by reason thereof is entitled to apply for scholarships
6 to be awarded under this Section.

7 "Minority student" means a student who is any of the
8 following:

9 (1) American Indian or Alaska Native (a person
10 having origins in any of the original peoples of North
11 and South America, including Central America, and who
12 maintains tribal affiliation or community attachment).

13 (2) Asian (a person having origins in any of the
14 original peoples of the Far East, Southeast Asia, or
15 the Indian subcontinent, including, but not limited
16 to, Cambodia, China, India, Japan, Korea, Malaysia,
17 Pakistan, the Philippine Islands, Thailand, and
18 Vietnam).

19 (3) Black or African American (a person having
20 origins in any of the black racial groups of Africa).
21 Terms such as "Haitian" or "Negro" can be used in
22 addition to "Black or African American".

23 (4) Hispanic or Latino (a person of Cuban, Mexican,
24 Puerto Rican, South or Central American, or other
25 Spanish culture or origin, regardless of race).

26 (5) Native Hawaiian or Other Pacific Islander (a

1 person having origins in any of the original peoples of
2 Hawaii, Guam, Samoa, or other Pacific Islands).

3 "Qualified student" means a person (i) who is a
4 resident of this State and a citizen or permanent resident
5 of the United States; (ii) who is a minority student, as
6 defined in this Section; (iii) who, as an eligible
7 applicant, has made a timely application for a minority
8 teaching scholarship under this Section; (iv) who is
9 enrolled on at least a half-time basis at a qualified
10 Illinois institution of higher learning; (v) who is
11 enrolled in a course of study leading to teacher
12 certification, including alternative teacher
13 certification; (vi) who maintains a grade point average of
14 no less than 2.5 on a 4.0 scale; and (vii) who continues to
15 advance satisfactorily toward the attainment of a degree.

16 (b) In order to encourage academically talented Illinois
17 minority students to pursue teaching careers at the preschool
18 or elementary or secondary school level, each qualified student
19 shall be awarded a minority teacher scholarship to any
20 qualified Illinois institution of higher learning. However,
21 preference may be given to qualified applicants enrolled at or
22 above the junior level.

23 (c) Each minority teacher scholarship awarded under this
24 Section shall be in an amount sufficient to pay the tuition and
25 fees and room and board costs of the qualified Illinois
26 institution of higher learning at which the recipient is

1 enrolled, up to an annual maximum of \$5,000; except that in the
2 case of a recipient who does not reside on-campus at the
3 institution at which he or she is enrolled, the amount of the
4 scholarship shall be sufficient to pay tuition and fee expenses
5 and a commuter allowance, up to an annual maximum of \$5,000.

6 (d) The total amount of minority teacher scholarship
7 assistance awarded by the Commission under this Section to an
8 individual in any given fiscal year, when added to other
9 financial assistance awarded to that individual for that year,
10 shall not exceed the cost of attendance at the institution at
11 which the student is enrolled. If the amount of minority
12 teacher scholarship to be awarded to a qualified student as
13 provided in subsection (c) of this Section exceeds the cost of
14 attendance at the institution at which the student is enrolled,
15 the minority teacher scholarship shall be reduced by an amount
16 equal to the amount by which the combined financial assistance
17 available to the student exceeds the cost of attendance.

18 (e) The maximum number of academic terms for which a
19 qualified student can receive minority teacher scholarship
20 assistance shall be 8 semesters or 12 quarters.

21 (f) In any academic year for which an eligible applicant
22 under this Section accepts financial assistance through the
23 Paul Douglas Teacher Scholarship Program, as authorized by
24 Section 551 et seq. of the Higher Education Act of 1965, the
25 applicant shall not be eligible for scholarship assistance
26 awarded under this Section.

1 (g) All applications for minority teacher scholarships to
2 be awarded under this Section shall be made to the Commission
3 on forms which the Commission shall provide for eligible
4 applicants. The form of applications and the information
5 required to be set forth therein shall be determined by the
6 Commission, and the Commission shall require eligible
7 applicants to submit with their applications such supporting
8 documents or recommendations as the Commission deems
9 necessary.

10 (h) Subject to a separate appropriation for such purposes,
11 payment of any minority teacher scholarship awarded under this
12 Section shall be determined by the Commission. All scholarship
13 funds distributed in accordance with this subsection shall be
14 paid to the institution and used only for payment of the
15 tuition and fee and room and board expenses incurred by the
16 student in connection with his or her attendance as an
17 undergraduate student at a qualified Illinois institution of
18 higher learning. Any minority teacher scholarship awarded
19 under this Section shall be applicable to 2 semesters or 3
20 quarters of enrollment. If a qualified student withdraws from
21 enrollment prior to completion of the first semester or quarter
22 for which the minority teacher scholarship is applicable, the
23 school shall refund to the Commission the full amount of the
24 minority teacher scholarship.

25 (i) The Commission shall administer the minority teacher
26 scholarship aid program established by this Section and shall

1 make all necessary and proper rules not inconsistent with this
2 Section for its effective implementation.

3 (j) When an appropriation to the Commission for a given
4 fiscal year is insufficient to provide scholarships to all
5 qualified students, the Commission shall allocate the
6 appropriation in accordance with this subsection. If funds are
7 insufficient to provide all qualified students with a
8 scholarship as authorized by this Section, the Commission shall
9 allocate the available scholarship funds for that fiscal year
10 on the basis of the date the Commission receives a complete
11 application form.

12 (k) Notwithstanding the provisions of subsection (j) or any
13 other provision of this Section, at least 30% of the funds
14 appropriated for scholarships awarded under this Section in
15 each fiscal year shall be reserved for qualified male minority
16 applicants. If the Commission does not receive enough
17 applications from qualified male minorities on or before
18 January 1 of each fiscal year to award 30% of the funds
19 appropriated for these scholarships to qualified male minority
20 applicants, then the Commission may award a portion of the
21 reserved funds to qualified female minority applicants.

22 (l) Prior to receiving scholarship assistance for any
23 academic year, each recipient of a minority teacher scholarship
24 awarded under this Section shall be required by the Commission
25 to sign an agreement under which the recipient pledges that,
26 within the one-year period following the termination of the

1 program for which the recipient was awarded a minority teacher
2 scholarship, the recipient (i) shall begin teaching for a
3 period of not less than one year for each year of scholarship
4 assistance he or she was awarded under this Section; and (ii)
5 shall fulfill this teaching obligation at a nonprofit Illinois
6 public, private, or parochial preschool, elementary school, or
7 secondary school at which no less than 30% of the enrolled
8 students are minority students in the year during which the
9 recipient begins teaching at the school; and (iii) shall, upon
10 request by the Commission, provide the Commission with evidence
11 that he or she is fulfilling or has fulfilled the terms of the
12 teaching agreement provided for in this subsection.

13 (m) If a recipient of a minority teacher scholarship
14 awarded under this Section fails to fulfill the teaching
15 obligation set forth in subsection (l) of this Section, the
16 Commission shall require the recipient to repay the amount of
17 the scholarships received, prorated according to the fraction
18 of the teaching obligation not completed, at a rate of interest
19 equal to 5%, and, if applicable, reasonable collection fees.
20 The Commission is authorized to establish rules relating to its
21 collection activities for repayment of scholarships under this
22 Section. All repayments collected under this Section shall be
23 forwarded to the State Comptroller for deposit into the State's
24 General Revenue Fund.

25 (n) A recipient of minority teacher scholarship shall not
26 be considered in violation of the agreement entered into

1 pursuant to subsection (1) if the recipient (i) enrolls on a
2 full time basis as a graduate student in a course of study
3 related to the field of teaching at a qualified Illinois
4 institution of higher learning; (ii) is serving, not in excess
5 of 3 years, as a member of the armed services of the United
6 States; (iii) is a person with a temporary total disability
7 ~~temporarily totally disabled~~ for a period of time not to exceed
8 3 years as established by sworn affidavit of a qualified
9 physician; (iv) is seeking and unable to find full time
10 employment as a teacher at an Illinois public, private, or
11 parochial preschool or elementary or secondary school that
12 satisfies the criteria set forth in subsection (1) of this
13 Section and is able to provide evidence of that fact; (v)
14 becomes a person with a permanent total disability ~~permanently~~
15 ~~totally disabled~~ as established by sworn affidavit of a
16 qualified physician; (vi) is taking additional courses, on at
17 least a half-time basis, needed to obtain certification as a
18 teacher in Illinois; or (vii) is fulfilling teaching
19 requirements associated with other programs administered by
20 the Commission and cannot concurrently fulfill them under this
21 Section in a period of time equal to the length of the teaching
22 obligation.

23 (o) Scholarship recipients under this Section who withdraw
24 from a program of teacher education but remain enrolled in
25 school to continue their postsecondary studies in another
26 academic discipline shall not be required to commence repayment

1 of their Minority Teachers of Illinois scholarship so long as
2 they remain enrolled in school on a full-time basis or if they
3 can document for the Commission special circumstances that
4 warrant extension of repayment.

5 (Source: P.A. 97-396, eff. 1-1-12; 98-718, eff. 1-1-15.)

6 (110 ILCS 947/52)

7 Sec. 52. Golden Apple Scholars of Illinois Program; Golden
8 Apple Foundation for Excellence in Teaching.

9 (a) In this Section, "Foundation" means the Golden Apple
10 Foundation for Excellence in Teaching, a registered 501(c)(3)
11 not-for-profit corporation.

12 (a-2) In order to encourage academically talented Illinois
13 students, especially minority students, to pursue teaching
14 careers, especially in teacher shortage disciplines (which
15 shall be defined to include early childhood education) or at
16 hard-to-staff schools (as defined by the Commission in
17 consultation with the State Board of Education), to provide
18 those students with the crucial mentoring, guidance, and
19 in-service support that will significantly increase the
20 likelihood that they will complete their full teaching
21 commitments and elect to continue teaching in targeted
22 disciplines and hard-to-staff schools, and to ensure that
23 students in this State will continue to have access to a pool
24 of highly-qualified teachers, each qualified student shall be
25 awarded a Golden Apple Scholars of Illinois Program scholarship

1 to any Illinois institution of higher learning. The Commission
2 shall administer the Golden Apple Scholars of Illinois Program,
3 which shall be managed by the Foundation pursuant to the terms
4 of a grant agreement meeting the requirements of Section 4 of
5 the Illinois Grant Funds Recovery Act.

6 (a-3) For purposes of this Section, a qualified student
7 shall be a student who meets the following qualifications:

8 (1) is a resident of this State and a citizen or
9 eligible noncitizen of the United States;

10 (2) is a high school graduate or a person who has
11 received a high school equivalency certificate;

12 (3) is enrolled or accepted, on at least a half-time
13 basis, at an institution of higher learning;

14 (4) is pursuing a postsecondary course of study leading
15 to initial certification or pursuing additional course
16 work needed to gain State Board of Education approval to
17 teach, including alternative teacher licensure; and

18 (5) is a participant in programs managed by and is
19 approved to receive a scholarship from the Foundation.

20 (a-5) (Blank).

21 (b) (Blank).

22 (b-5) Funds designated for the Golden Apple Scholars of
23 Illinois Program shall be used by the Commission for the
24 payment of scholarship assistance under this Section or for the
25 award of grant funds, subject to the Illinois Grant Funds
26 Recovery Act, to the Foundation. Subject to appropriation,

1 awards of grant funds to the Foundation shall be made on an
2 annual basis and following an application for grant funds by
3 the Foundation.

4 (b-10) Each year, the Foundation shall include in its
5 application to the Commission for grant funds an estimate of
6 the amount of scholarship assistance to be provided to
7 qualified students during the grant period. Any amount of
8 appropriated funds exceeding the estimated amount of
9 scholarship assistance may be awarded by the Commission to the
10 Foundation for management expenses expected to be incurred by
11 the Foundation in providing the mentoring, guidance, and
12 in-service supports that will increase the likelihood that
13 qualified students will complete their teaching commitments
14 and elect to continue teaching in hard-to-staff schools. If the
15 estimate of the amount of scholarship assistance described in
16 the Foundation's application is less than the actual amount
17 required for the award of scholarship assistance to qualified
18 students, the Foundation shall be responsible for using awarded
19 grant funds to ensure all qualified students receive
20 scholarship assistance under this Section.

21 (b-15) All grant funds not expended or legally obligated
22 within the time specified in a grant agreement between the
23 Foundation and the Commission shall be returned to the
24 Commission within 45 days. Any funds legally obligated by the
25 end of a grant agreement shall be liquidated within 45 days or
26 otherwise returned to the Commission within 90 days after the

1 end of the grant agreement that resulted in the award of grant
2 funds.

3 (c) Each scholarship awarded under this Section shall be in
4 an amount sufficient to pay the tuition and fees and room and
5 board costs of the Illinois institution of higher learning at
6 which the recipient is enrolled, up to an annual maximum of
7 \$5,000; except that in the case of a recipient who does not
8 reside on-campus at the institution of higher learning at which
9 he or she is enrolled, the amount of the scholarship shall be
10 sufficient to pay tuition and fee expenses and a commuter
11 allowance, up to an annual maximum of \$5,000. All scholarship
12 funds distributed in accordance with this Section shall be paid
13 to the institution on behalf of recipients.

14 (d) The total amount of scholarship assistance awarded by
15 the Commission under this Section to an individual in any given
16 fiscal year, when added to other financial assistance awarded
17 to that individual for that year, shall not exceed the cost of
18 attendance at the institution of higher learning at which the
19 student is enrolled. In any academic year for which a qualified
20 student under this Section accepts financial assistance
21 through any other teacher scholarship program administered by
22 the Commission, a qualified student shall not be eligible for
23 scholarship assistance awarded under this Section.

24 (e) A recipient may receive up to 8 semesters or 12
25 quarters of scholarship assistance under this Section.
26 Scholarship funds are applicable toward 2 semesters or 3

1 quarters of enrollment each academic year.

2 (f) All applications for scholarship assistance to be
3 awarded under this Section shall be made to the Foundation in a
4 form determined by the Foundation. Each year, the Foundation
5 shall notify the Commission of the individuals awarded
6 scholarship assistance under this Section. Each year, at least
7 30% of the Golden Apple Scholars of Illinois Program
8 scholarships shall be awarded to students residing in counties
9 having a population of less than 500,000.

10 (g) (Blank).

11 (h) The Commission shall administer the payment of
12 scholarship assistance provided through the Golden Apple
13 Scholars of Illinois Program and shall make all necessary and
14 proper rules not inconsistent with this Section for the
15 effective implementation of this Section.

16 (i) Prior to receiving scholarship assistance for any
17 academic year, each recipient of a scholarship awarded under
18 this Section shall be required by the Foundation to sign an
19 agreement under which the recipient pledges that, within the
20 2-year period following the termination of the academic program
21 for which the recipient was awarded a scholarship, the
22 recipient: (i) shall begin teaching for a period of not less
23 than 5 years, (ii) shall fulfill this teaching obligation at a
24 nonprofit Illinois public, private, or parochial preschool or
25 an Illinois public elementary or secondary school that
26 qualifies for teacher loan cancellation under Section

1 465(a)(2)(A) of the federal Higher Education Act of 1965 (20
2 U.S.C. 1087ee(a)(2)(A)) or other Illinois schools deemed
3 eligible for fulfilling the teaching commitment as designated
4 by the Foundation, and (iii) shall, upon request of the
5 Foundation, provide the Foundation with evidence that he or she
6 is fulfilling or has fulfilled the terms of the teaching
7 agreement provided for in this subsection. Upon request, the
8 Foundation shall provide evidence of teacher fulfillment to the
9 Commission.

10 (j) If a recipient of a scholarship awarded under this
11 Section fails to fulfill the teaching obligation set forth in
12 subsection (i) of this Section, the Commission shall require
13 the recipient to repay the amount of the scholarships received,
14 prorated according to the fraction of the teaching obligation
15 not completed, plus interest at a rate of 5% and if applicable,
16 reasonable collection fees. Payments received by the
17 Commission under this subsection (j) shall be remitted to the
18 State Comptroller for deposit into the General Revenue Fund,
19 except that that portion of a recipient's repayment that equals
20 the amount in expenses that the Commission has reasonably
21 incurred in attempting collection from that recipient shall be
22 remitted to the State Comptroller for deposit into the
23 Commission's Accounts Receivable Fund.

24 (k) A recipient of a scholarship awarded by the Foundation
25 under this Section shall not be considered to have failed to
26 fulfill the teaching obligations of the agreement entered into

1 pursuant to subsection (i) if the recipient (i) enrolls on a
2 full-time basis as a graduate student in a course of study
3 related to the field of teaching at an institution of higher
4 learning; (ii) is serving as a member of the armed services of
5 the United States; (iii) is a person with a temporary total
6 disability ~~temporarily totally disabled~~, as established by
7 sworn affidavit of a qualified physician; (iv) is seeking and
8 unable to find full-time employment as a teacher at a school
9 that satisfies the criteria set forth in subsection (i) and is
10 able to provide evidence of that fact; (v) is taking additional
11 courses, on at least a half-time basis, needed to obtain
12 certification as a teacher in Illinois; (vi) is fulfilling
13 teaching requirements associated with other programs
14 administered by the Commission and cannot concurrently fulfill
15 them under this Section in a period of time equal to the length
16 of the teaching obligation; or (vii) is participating in a
17 program established under Executive Order 10924 of the
18 President of the United States or the federal National
19 Community Service Act of 1990 (42 U.S.C. 12501 et seq.). Any
20 such extension of the period during which the teaching
21 requirement must be fulfilled shall be subject to limitations
22 of duration as established by the Commission.

23 (1) A recipient who fails to fulfill the teaching
24 obligations of the agreement entered into pursuant to
25 subsection (i) of this Section shall repay the amount of
26 scholarship assistance awarded to them under this Section

1 within 10 years.

2 (m) Annually, at a time determined by the Commission in
3 consultation with the Foundation, the Foundation shall submit a
4 report to assist the Commission in monitoring the Foundation's
5 performance of grant activities. The report shall describe the
6 following:

7 (1) the Foundation's anticipated expenditures for the
8 next fiscal year;

9 (2) the number of qualified students receiving
10 scholarship assistance at each institution of higher
11 learning where a qualified student was enrolled under this
12 Section during the previous fiscal year;

13 (3) the total monetary value of scholarship funds paid
14 to each institution of higher learning at which a qualified
15 student was enrolled during the previous fiscal year;

16 (4) the number of scholarship recipients who completed
17 a baccalaureate degree during the previous fiscal year;

18 (5) the number of scholarship recipients who fulfilled
19 their teaching obligation during the previous fiscal year;

20 (6) the number of scholarship recipients who failed to
21 fulfill their teaching obligation during the previous
22 fiscal year;

23 (7) the number of scholarship recipients granted an
24 extension described in subsection (k) of this Section
25 during the previous fiscal year;

26 (8) the number of scholarship recipients required to

1 repay scholarship assistance in accordance with subsection
2 (j) of this Section during the previous fiscal year;

3 (9) the number of scholarship recipients who
4 successfully repaid scholarship assistance in full during
5 the previous fiscal year;

6 (10) the number of scholarship recipients who
7 defaulted on their obligation to repay scholarship
8 assistance during the previous fiscal year;

9 (11) the amount of scholarship assistance subject to
10 collection in accordance with subsection (j) of this
11 Section at the end of the previous fiscal year;

12 (12) the amount of collected funds to be remitted to
13 the Comptroller in accordance with subsection (j) of this
14 Section at the end of the previous fiscal year; and

15 (13) other information that the Commission may
16 reasonably request.

17 (n) Nothing in this Section shall affect the rights of the
18 Commission to collect moneys owed to it by recipients of
19 scholarship assistance through the Illinois Future Teacher
20 Corps Program, repealed by this amendatory Act of the 98th
21 General Assembly.

22 (o) The Auditor General shall prepare an annual audit of
23 the operations and finances of the Golden Apple Scholars of
24 Illinois Program. This audit shall be provided to the Governor,
25 General Assembly, and the Commission.

26 (p) The suspension of grant making authority found in

1 Section 4.2 of the Illinois Grant Funds Recovery Act shall not
2 apply to grants made pursuant to this Section.

3 (Source: P.A. 98-533, eff. 8-23-13; 98-718, eff. 1-1-15.)

4 (110 ILCS 947/55)

5 Sec. 55. Police officer or fire officer survivor grant.
6 Grants shall be provided for any spouse, natural child, legally
7 adopted child, or child in the legal custody of police officers
8 and fire officers who are killed or who become a person with a
9 permanent disability ~~permanently disabled~~ with 90% to 100%
10 disability in the line of duty while employed by, or in the
11 voluntary service of, this State or any local public entity in
12 this State. Beneficiaries need not be Illinois residents at the
13 time of enrollment in order to receive this grant.
14 Beneficiaries are entitled to 8 semesters or 12 quarters of
15 full payment of tuition and mandatory fees at any
16 State-sponsored Illinois institution of higher learning for
17 either full or part-time study, or the equivalent of 8
18 semesters or 12 quarters of payment of tuition and mandatory
19 fees at the rate established by the Commission for private
20 institutions in the State of Illinois, provided the recipient
21 is maintaining satisfactory academic progress. This benefit
22 may be used for undergraduate or graduate study. The benefits
23 of this Section shall be administered by and paid out of funds
24 available to the Commission and shall accrue to the bona fide
25 applicant without the requirement of demonstrating financial

1 need to qualify for those benefits.

2 (Source: P.A. 91-670, eff. 12-22-99.)

3 (110 ILCS 947/60)

4 Sec. 60. Grants for dependents of Department of Corrections
5 employees who are killed or who become a person with a
6 permanent disability ~~permanently disabled~~ in the line of duty.
7 Any spouse, natural child, legally adopted child, or child in
8 the legal custody of an employee of the Department of
9 Corrections who is assigned to a security position with the
10 Department with responsibility for inmates of any correctional
11 institution under the jurisdiction of the Department and who is
12 killed or who becomes a person with a permanent disability
13 ~~permanently disabled~~ with 90% to 100% disability in the line of
14 duty is entitled to 8 semesters or 12 quarters of full payment
15 of tuition and mandatory fees at any State-supported Illinois
16 institution of higher learning for either full or part-time
17 study, or the equivalent of 8 semesters or 12 quarters of
18 payment of tuition and mandatory fees at the rate established
19 by the Commission for private institutions in the State of
20 Illinois, provided the recipient is maintaining satisfactory
21 academic progress. This benefit may be used for undergraduate
22 or graduate study. Beneficiaries need not be Illinois residents
23 at the time of enrollment in order to receive this grant. The
24 benefits of this Section shall be administered by and paid out
25 of funds available to the Commission and shall accrue to the

1 bona fide applicant without the requirement of demonstrating
2 financial need to qualify for those benefits.

3 (Source: P.A. 91-670, eff. 12-22-99.)

4 (110 ILCS 947/65.15)

5 Sec. 65.15. Special education teacher scholarships.

6 (a) There shall be awarded annually 250 scholarships to
7 persons qualifying as members of any of the following groups:

8 (1) Students who are otherwise qualified to receive a
9 scholarship as provided in subsections (b) and (c) of this
10 Section and who make application to the Commission for such
11 scholarship and agree to take courses that will prepare the
12 student for the teaching of children described in Section
13 14-1 of the School Code.

14 (2) Persons holding a valid certificate issued under
15 the laws relating to the certification of teachers and who
16 make application to the Commission for such scholarship and
17 agree to take courses that will prepare them for the
18 teaching of children described in Section 14-1 of the
19 School Code.

20 (3) Persons who (A) have graduated high school; (B)
21 have not been certified as a teacher; and (C) make
22 application to the Commission for such scholarship and
23 agree to take courses that will prepare them for the
24 teaching of children described in Section 14-1 of the
25 School Code.

1 Scholarships awarded under this Section shall be issued
2 pursuant to regulations promulgated by the Commission;
3 provided that no rule or regulation promulgated by the State
4 Board of Education prior to the effective date of this
5 amendatory Act of 1993 pursuant to the exercise of any right,
6 power, duty, responsibility or matter of pending business
7 transferred from the State Board of Education to the Commission
8 under this Section shall be affected thereby, and all such
9 rules and regulations shall become the rules and regulations of
10 the Commission until modified or changed by the Commission in
11 accordance with law.

12 For the purposes of this Section scholarships awarded each
13 school year shall be deemed to be issued on July 1 of the year
14 prior to the start of the postsecondary school term and all
15 calculations for use of the scholarship shall be based on such
16 date. Each scholarship shall entitle its holder to exemption
17 from fees as provided in subsection (a) of Section 65.40 while
18 enrolled in a special education program of teacher education,
19 for a period of not more than 4 calendar years and shall be
20 available for use at any time during such period of study
21 except as provided in subsection (b) of Section 65.40.

22 Scholarships issued to holders of a valid certificate
23 issued under the laws relating to the certification of teachers
24 as provided in paragraph (2) of this subsection may also
25 entitle the holder thereof to a program of teacher education
26 that will prepare the student for the teaching of children

1 described in Section 14-1 of the School Code at the graduate
2 level.

3 (b) The principal, or his or her designee, of an approved
4 high school shall certify to the Commission, for students who
5 are Illinois residents and are completing an application, that
6 the students ranked scholastically in the upper one-half of
7 their graduating class at the end of the sixth semester.

8 (c) Each holder of a scholarship must furnish proof to the
9 Commission, in such form and at such intervals as the
10 Commission prescribes, of the holder's continued enrollment in
11 a teacher education program qualifying the holder for the
12 scholarship. Any holder of a scholarship who fails to register
13 in a special education program of teacher education at the
14 university within 10 days after the commencement of the term,
15 quarter or semester immediately following the receipt of the
16 scholarship or who, having registered, withdraws from the
17 university or transfers out of teacher education, shall
18 thereupon forfeit the right to use it and it may be granted to
19 the person having the next highest rank as shown on the list
20 held by the Commission. If the person having the next highest
21 rank, within 10 days after notification thereof by the
22 Commission, fails to register at any such university in a
23 special education program of teacher education, or who, having
24 registered, withdraws from the university or transfers out of
25 teacher education, the scholarship may then be granted to the
26 person shown on the list as having the rank next below such

1 person.

2 (d) Any person who has accepted a scholarship under the
3 preceding subsections of this Section must, within one year
4 after graduation from or termination of enrollment in a teacher
5 education program, begin teaching at a nonprofit Illinois
6 public, private, or parochial preschool or elementary or
7 secondary school for a period of at least 2 of the 5 years
8 immediately following that graduation or termination,
9 excluding, however, from the computation of that 5 year period
10 (i) any time up to 3 years spent in the military service,
11 whether such service occurs before or after the person
12 graduates; (ii) any time that person is enrolled full-time in
13 an academic program related to the field of teaching leading to
14 a graduate or postgraduate degree; (iii) the time that person
15 is a person with a temporary total disability ~~temporarily~~
16 ~~totally disabled~~ for a period of time not to exceed 3 years, as
17 established by the sworn affidavit of a qualified physician;
18 (iv) the time that person is seeking and unable to find full
19 time employment as a teacher at an Illinois public, private, or
20 parochial school; (v) the time that person is taking additional
21 courses, on at least a half-time basis, needed to obtain
22 certification as a teacher in Illinois; or (vi) the time that
23 person is fulfilling teaching requirements associated with
24 other programs administered by the Commission if he or she
25 cannot concurrently fulfill them under this Section in a period
26 of time equal to the length of the teaching obligation.

1 A person who has accepted a scholarship under the preceding
2 subsections of this Section and who has been unable to fulfill
3 the teaching requirements of this Section may receive a
4 deferment from the obligation of repayment under this
5 subsection (d) under guidelines established by the Commission;
6 provided that no guideline established for any such purpose by
7 the State Board of Education prior to the effective date of
8 this amendatory Act of 1993 shall be affected by the transfer
9 to the Commission of the responsibility for administering and
10 implementing the provisions of this Section, and all guidelines
11 so established shall become the guidelines of the Commission
12 until modified or changed by the Commission.

13 Any such person who fails to fulfill this teaching
14 requirement shall pay to the Commission the amount of tuition
15 waived by virtue of his or her acceptance of the scholarship,
16 together with interest at 5% per year on that amount. However,
17 this obligation to repay the amount of tuition waived plus
18 interest does not apply when the failure to fulfill the
19 teaching requirement results from the death or adjudication as
20 a person under legal disability of the person holding the
21 scholarship, and no claim for repayment may be filed against
22 the estate of such a decedent or person under legal disability.
23 Payments received by the Commission under this subsection (d)
24 shall be remitted to the State Treasurer for deposit in the
25 General Revenue Fund. Each person receiving a scholarship shall
26 be provided with a description of the provisions of this

1 subsection (d) at the time he or she qualifies for the benefits
2 of such a scholarship.

3 (e) This Section is basically the same as Sections 30-1,
4 30-2, 30-3, and 30-4a of the School Code, which are repealed by
5 this amendatory Act of 1993, and shall be construed as a
6 continuation of the teacher scholarship program established by
7 that prior law, and not as a new or different teacher
8 scholarship program. The State Board of Education shall
9 transfer to the Commission, as the successor to the State Board
10 of Education for all purposes of administering and implementing
11 the provisions of this Section, all books, accounts, records,
12 papers, documents, contracts, agreements, and pending business
13 in any way relating to the teacher scholarship program
14 continued under this Section; and all scholarships at any time
15 awarded under that program by, and all applications for any
16 such scholarships at any time made to, the State Board of
17 Education shall be unaffected by the transfer to the Commission
18 of all responsibility for the administration and
19 implementation of the teacher scholarship program continued
20 under this Section. The State Board of Education shall furnish
21 to the Commission such other information as the Commission may
22 request to assist it in administering this Section.

23 (Source: P.A. 94-133, eff. 7-1-06.)

24 (110 ILCS 947/65.70)

25 Sec. 65.70. Optometric Education Scholarship Program.

1 (a) The General Assembly finds and declares that the
2 provision of graduate education leading to a doctoral degree in
3 optometry for persons of this State who desire such an
4 education is important to the health and welfare of this State
5 and Nation and, consequently, is an important public purpose.
6 Many qualified potential optometrists are deterred by
7 financial considerations from pursuing their optometric
8 education with consequent irreparable loss to the State and
9 Nation of talents vital to health and welfare. A program of
10 scholarships, repayment of which may be excused if the
11 individual practices professional optometry in this State,
12 will enable such individuals to attend qualified public or
13 private institutions of their choice in the State.

14 (b) Beginning with the 2003-2004 academic year, the
15 Commission shall, each year, consider applications for
16 scholarship assistance under this Section. An applicant is
17 eligible for a scholarship under this Section if the Commission
18 finds that the applicant is:

19 (1) a United States citizen or eligible noncitizen;

20 (2) a resident of Illinois; and

21 (3) enrolled on a full-time basis in a public or
22 private college of optometry located in this State that
23 awards a doctorate degree in optometry and is approved by
24 the Department of Professional Regulation.

25 (c) Each year the Commission shall award 10 scholarships
26 under this Section among applicants qualified pursuant to

1 subsection (b). Two of these scholarships each shall be awarded
2 to eligible applicants enrolled in their first year, second
3 year, third year, and fourth year. The remaining 2 scholarships
4 shall be awarded to any level of student. The Commission shall
5 receive funding for the scholarships through appropriations
6 from the Optometric Licensing and Disciplinary Board Fund. If
7 in any year the number of qualified applicants exceeds the
8 number of scholarships to be awarded, the Commission shall give
9 priority in awarding scholarships to students demonstrating
10 exceptional merit and who are in financial need. A scholarship
11 shall be in the amount of \$5,000 each year applicable to
12 tuition and fees.

13 (d) The total amount of scholarship assistance awarded by
14 the Commission under this Section to an individual in any given
15 fiscal year, when added to other financial assistance awarded
16 to that individual for that year, shall not exceed the cost of
17 attendance at the institution at which the student is enrolled.

18 (e) A recipient may receive up to 8 semesters or 12
19 quarters of scholarship assistance under this Section.

20 (f) Subject to a separate appropriation made for such
21 purposes, payment of any scholarship awarded under this Section
22 shall be determined by the Commission. All scholarship funds
23 distributed in accordance with this Section shall be paid to
24 the institution on behalf of the recipients. Scholarship funds
25 are applicable toward 2 semesters or 3 quarters of enrollment
26 within an academic year.

1 (g) The Commission shall administer the Optometric
2 Education Scholarship Program established by this Section and
3 shall make all necessary and proper rules not inconsistent with
4 this Section for its effective implementation.

5 (h) Prior to receiving scholarship assistance for any
6 academic year, each recipient of a scholarship awarded under
7 this Section shall be required by the Commission to sign an
8 agreement under which the recipient pledges that, within the
9 one-year period following the termination of the academic
10 program for which the recipient was awarded a scholarship, the
11 recipient shall practice in this State as a licensed
12 optometrist under the Illinois Optometric Practice Act of 1987
13 for a period of not less than one year for each year of
14 scholarship assistance awarded under this Section. Each
15 recipient shall, upon request of the Commission, provide the
16 Commission with evidence that he or she is fulfilling or has
17 fulfilled the terms of the practice agreement provided for in
18 this subsection.

19 (i) If a recipient of a scholarship awarded under this
20 Section fails to fulfill the practice obligation set forth in
21 subsection (h) of this Section, the Commission shall require
22 the recipient to repay the amount of the scholarships received,
23 prorated according to the fraction of the obligation not
24 completed, plus interest at a rate of 5% and, if applicable,
25 reasonable collection fees. The Commission is authorized to
26 establish rules relating to its collection activities for

1 repayment of scholarships under this Section.

2 (j) A recipient of a scholarship awarded by the Commission
3 under this Section shall not be in violation of the agreement
4 entered into pursuant to subsection (h) if the recipient (i) is
5 serving as a member of the armed services of the United States;
6 (ii) is enrolled in a residency program following graduation at
7 an approved institution; (iii) is a person with a temporary
8 total disability ~~temporarily totally disabled~~, as established
9 by sworn affidavit of a qualified physician; or (iii) cannot
10 fulfill the employment obligation due to his or her death,
11 disability, or incompetency, as established by sworn affidavit
12 of a qualified physician. No claim for repayment may be filed
13 against the estate of such a decedent or incompetent. Any
14 extension of the period during which the employment requirement
15 must be fulfilled shall be subject to limitations of duration
16 as established by the Commission.

17 (Source: P.A. 92-569, eff. 6-26-02.)

18 (110 ILCS 947/105)

19 Sec. 105. Procedure on default. Upon default by the
20 borrower on any loan guaranteed under this Act, upon the death
21 of the borrower, or upon report from the lender that the
22 borrower has become a person with a total and permanent
23 disability ~~totally and permanently disabled~~, as determined in
24 accordance with the Higher Education Act of 1965, the lender
25 shall promptly notify the Commission, and the Commission shall

1 pay to the lender the amount of loss sustained by the lender
2 upon that loan as soon as that amount has been determined. The
3 amount of loss on any loan shall be determined in accordance
4 with the definitions, rules, and regulations of the Commission,
5 and shall not exceed (1) the unpaid balance of the principal
6 amount; (2) the unpaid accrued interest; and (3) the unpaid
7 late charges.

8 Upon payment by the Commission of the guaranteed portion of
9 the loss, the Commission shall be subrogated to the rights of
10 the holder of the obligation upon the insured loan and shall be
11 entitled to an assignment of the note or other evidence of the
12 guaranteed loan by the lender. The Commission shall file any
13 and all lawsuits on delinquent and defaulted student loans in
14 the County of Cook where venue shall be deemed to be proper. A
15 defendant may request a change of venue to the county where he
16 resides, and the court has the authority to grant the change.
17 Any defendant, within 30 days of service of summons, may file a
18 written request by mail with the Commission to change venue.
19 Upon receipt, the Commission shall move the court for the
20 change of venue.

21 The Commission shall upon the filing and completion of the
22 requirements for the "Adjustment of Debts of an Individual with
23 Regular Income", pursuant to Title 11, Chapter 13 of the United
24 States Code, proceed to collect the outstanding balance of the
25 loan guaranteed under this Act. Educational loans guaranteed
26 under this Act shall not be discharged by the filing of the

1 "Adjustment of Debts of an Individual with Regular Income",
2 unless the loan first became due more than 5 years, exclusive
3 of any applicable suspension period, prior to the filing of the
4 petition; or unless excepting the debt from discharge will
5 impose an undue hardship on the debtor and the debtor's
6 dependents.

7 The Commission shall proceed to recover educational loans
8 upon the filing of a petition under "Individual Liquidation",
9 pursuant to Title 11, Chapter 7 of the United States Code,
10 unless the loan first became due more than 5 years, exclusive
11 of any applicable suspension period, prior to the filing of the
12 petition; or unless excepting the debt from discharge will
13 impose an undue hardship on the debtor and the debtor's
14 dependents.

15 Nothing in this Section shall be construed to preclude any
16 forbearance for the benefit of the borrower which may be agreed
17 upon by the party to the guaranteed loan and approved by the
18 Commission, to preclude forbearance by the Commission in the
19 enforcement of the guaranteed obligation after payment on that
20 guarantee, or to require collection of the amount of any loan
21 by the lender or by the Commission from the estate of a
22 deceased borrower or from a borrower found by the lender to
23 have become a person with a total and permanent disability
24 ~~permanently and totally disabled~~.

25 Nothing in this Section shall be construed to excuse the
26 holder of a loan from exercising reasonable care and diligence

1 in the making and collection of loans under this Act. If the
2 Commission after reasonable notice and opportunity for hearing
3 to a lender finds that it has substantially failed to exercise
4 such care and diligence, the Commission shall disqualify that
5 lender for the guarantee of further loans until the Commission
6 is satisfied that the lender's failure has ceased and finds
7 that there is reasonable assurance that the lender will in the
8 future exercise necessary care and diligence or comply with the
9 rules and regulations of the Commission.

10 (Source: P.A. 87-997.)

11 Section 470. The Nurse Educator Assistance Act is amended
12 by changing Section 15-30 as follows:

13 (110 ILCS 967/15-30)

14 Sec. 15-30. Repayment upon default; exception.

15 (a) If a recipient of a scholarship awarded under this
16 Section fails to fulfill the work agreement required under the
17 program, the Commission shall require the recipient to repay
18 the amount of the scholarship or scholarships received,
19 prorated according to the fraction of the work agreement not
20 completed, plus interest at a rate of 5% and, if applicable,
21 reasonable collection fees.

22 (b) Payments received by the Commission under this Section
23 shall be remitted to the State Comptroller for deposit into the
24 General Revenue Fund, except that that portion of a recipient's

1 repayment that equals the amount in expenses that the
2 Commission has reasonably incurred in attempting collection
3 from that recipient shall be remitted to the State Comptroller
4 for deposit into the Commission's Accounts Receivable Fund.

5 (c) A recipient of a scholarship awarded by the Commission
6 under the program shall not be in violation of the agreement
7 entered into pursuant to this Article if the recipient is (i)
8 serving as a member of the armed services of the United States,
9 (ii) a person with a temporary total disability ~~temporarily~~
10 ~~totally disabled~~, as established by a sworn affidavit of a
11 qualified physician, (iii) seeking and unable to find full-time
12 employment as a nursing educator and is able to provide
13 evidence of that fact, or (iv) taking additional courses, on at
14 least a half-time basis, related to nursing education. Any
15 extension of the period during which the work requirement must
16 be fulfilled shall be subject to limitations of duration
17 established by the Commission.

18 (Source: P.A. 94-1020, eff. 7-11-06.)

19 Section 475. The Senior Citizen Courses Act is amended by
20 changing Section 1 as follows:

21 (110 ILCS 990/1) (from Ch. 144, par. 1801)

22 Sec. 1. Definitions. For the purposes of this Act:

23 (a) "Public institutions of higher education" means the
24 University of Illinois, Southern Illinois University, Chicago

1 State University, Eastern Illinois University, Governors State
2 University, Illinois State University, Northeastern Illinois
3 University, Northern Illinois University, Western Illinois
4 University, and the public community colleges subject to the
5 "Public Community College Act".

6 (b) "Credit Course" means any program of study for which
7 public institutions of higher education award credit hours.

8 (c) "Senior citizen" means any person 65 years or older
9 whose annual household income is less than the threshold amount
10 provided in Section 4 of the "Senior Citizens and Persons with
11 Disabilities ~~Disabled Persons~~ Property Tax Relief Act",
12 approved July 17, 1972, as amended.

13 (Source: P.A. 97-689, eff. 6-14-12.)

14 Section 480. The Illinois Banking Act is amended by
15 changing Section 48.1 as follows:

16 (205 ILCS 5/48.1) (from Ch. 17, par. 360)

17 Sec. 48.1. Customer financial records; confidentiality.

18 (a) For the purpose of this Section, the term "financial
19 records" means any original, any copy, or any summary of:

20 (1) a document granting signature authority over a
21 deposit or account;

22 (2) a statement, ledger card or other record on any
23 deposit or account, which shows each transaction in or with
24 respect to that account;

1 (3) a check, draft or money order drawn on a bank or
2 issued and payable by a bank; or

3 (4) any other item containing information pertaining
4 to any relationship established in the ordinary course of a
5 bank's business between a bank and its customer, including
6 financial statements or other financial information
7 provided by the customer.

8 (b) This Section does not prohibit:

9 (1) The preparation, examination, handling or
10 maintenance of any financial records by any officer,
11 employee or agent of a bank having custody of the records,
12 or the examination of the records by a certified public
13 accountant engaged by the bank to perform an independent
14 audit.

15 (2) The examination of any financial records by, or the
16 furnishing of financial records by a bank to, any officer,
17 employee or agent of (i) the Commissioner of Banks and Real
18 Estate, (ii) after May 31, 1997, a state regulatory
19 authority authorized to examine a branch of a State bank
20 located in another state, (iii) the Comptroller of the
21 Currency, (iv) the Federal Reserve Board, or (v) the
22 Federal Deposit Insurance Corporation for use solely in the
23 exercise of his duties as an officer, employee, or agent.

24 (3) The publication of data furnished from financial
25 records relating to customers where the data cannot be
26 identified to any particular customer or account.

1 (4) The making of reports or returns required under
2 Chapter 61 of the Internal Revenue Code of 1986.

3 (5) Furnishing information concerning the dishonor of
4 any negotiable instrument permitted to be disclosed under
5 the Uniform Commercial Code.

6 (6) The exchange in the regular course of business of
7 (i) credit information between a bank and other banks or
8 financial institutions or commercial enterprises, directly
9 or through a consumer reporting agency or (ii) financial
10 records or information derived from financial records
11 between a bank and other banks or financial institutions or
12 commercial enterprises for the purpose of conducting due
13 diligence pursuant to a purchase or sale involving the bank
14 or assets or liabilities of the bank.

15 (7) The furnishing of information to the appropriate
16 law enforcement authorities where the bank reasonably
17 believes it has been the victim of a crime.

18 (8) The furnishing of information under the Uniform
19 Disposition of Unclaimed Property Act.

20 (9) The furnishing of information under the Illinois
21 Income Tax Act and the Illinois Estate and
22 Generation-Skipping Transfer Tax Act.

23 (10) The furnishing of information under the federal
24 Currency and Foreign Transactions Reporting Act Title 31,
25 United States Code, Section 1051 et seq.

26 (11) The furnishing of information under any other

1 statute that by its terms or by regulations promulgated
2 thereunder requires the disclosure of financial records
3 other than by subpoena, summons, warrant, or court order.

4 (12) The furnishing of information about the existence
5 of an account of a person to a judgment creditor of that
6 person who has made a written request for that information.

7 (13) The exchange in the regular course of business of
8 information between commonly owned banks in connection
9 with a transaction authorized under paragraph (23) of
10 Section 5 and conducted at an affiliate facility.

11 (14) The furnishing of information in accordance with
12 the federal Personal Responsibility and Work Opportunity
13 Reconciliation Act of 1996. Any bank governed by this Act
14 shall enter into an agreement for data exchanges with a
15 State agency provided the State agency pays to the bank a
16 reasonable fee not to exceed its actual cost incurred. A
17 bank providing information in accordance with this item
18 shall not be liable to any account holder or other person
19 for any disclosure of information to a State agency, for
20 encumbering or surrendering any assets held by the bank in
21 response to a lien or order to withhold and deliver issued
22 by a State agency, or for any other action taken pursuant
23 to this item, including individual or mechanical errors,
24 provided the action does not constitute gross negligence or
25 willful misconduct. A bank shall have no obligation to
26 hold, encumber, or surrender assets until it has been

1 served with a subpoena, summons, warrant, court or
2 administrative order, lien, or levy.

3 (15) The exchange in the regular course of business of
4 information between a bank and any commonly owned affiliate
5 of the bank, subject to the provisions of the Financial
6 Institutions Insurance Sales Law.

7 (16) The furnishing of information to law enforcement
8 authorities, the Illinois Department on Aging and its
9 regional administrative and provider agencies, the
10 Department of Human Services Office of Inspector General,
11 or public guardians: (i) upon subpoena by the investigatory
12 entity or the guardian, or (ii) if there is suspicion by
13 the bank that a customer who is an elderly person or person
14 with a disability ~~or disabled person~~ has been or may become
15 the victim of financial exploitation. For the purposes of
16 this item (16), the term: (i) "elderly person" means a
17 person who is 60 or more years of age, (ii) "disabled
18 person" means a person who has or reasonably appears to the
19 bank to have a physical or mental disability that impairs
20 his or her ability to seek or obtain protection from or
21 prevent financial exploitation, and (iii) "financial
22 exploitation" means tortious or illegal use of the assets
23 or resources of an elderly or disabled person, and
24 includes, without limitation, misappropriation of the
25 elderly or disabled person's assets or resources by undue
26 influence, breach of fiduciary relationship, intimidation,

1 fraud, deception, extortion, or the use of assets or
2 resources in any manner contrary to law. A bank or person
3 furnishing information pursuant to this item (16) shall be
4 entitled to the same rights and protections as a person
5 furnishing information under the Adult Protective Services
6 Act and the Illinois Domestic Violence Act of 1986.

7 (17) The disclosure of financial records or
8 information as necessary to effect, administer, or enforce
9 a transaction requested or authorized by the customer, or
10 in connection with:

11 (A) servicing or processing a financial product or
12 service requested or authorized by the customer;

13 (B) maintaining or servicing a customer's account
14 with the bank; or

15 (C) a proposed or actual securitization or
16 secondary market sale (including sales of servicing
17 rights) related to a transaction of a customer.

18 Nothing in this item (17), however, authorizes the sale
19 of the financial records or information of a customer
20 without the consent of the customer.

21 (18) The disclosure of financial records or
22 information as necessary to protect against actual or
23 potential fraud, unauthorized transactions, claims, or
24 other liability.

25 (19) (a) The disclosure of financial records or
26 information related to a private label credit program

1 between a financial institution and a private label party
2 in connection with that private label credit program. Such
3 information is limited to outstanding balance, available
4 credit, payment and performance and account history,
5 product references, purchase information, and information
6 related to the identity of the customer.

7 (b) (1) For purposes of this paragraph (19) of
8 subsection (b) of Section 48.1, a "private label credit
9 program" means a credit program involving a financial
10 institution and a private label party that is used by a
11 customer of the financial institution and the private label
12 party primarily for payment for goods or services sold,
13 manufactured, or distributed by a private label party.

14 (2) For purposes of this paragraph (19) of subsection
15 (b) of Section 48.1, a "private label party" means, with
16 respect to a private label credit program, any of the
17 following: a retailer, a merchant, a manufacturer, a trade
18 group, or any such person's affiliate, subsidiary, member,
19 agent, or service provider.

20 (c) Except as otherwise provided by this Act, a bank may
21 not disclose to any person, except to the customer or his duly
22 authorized agent, any financial records or financial
23 information obtained from financial records relating to that
24 customer of that bank unless:

25 (1) the customer has authorized disclosure to the
26 person;

1 (2) the financial records are disclosed in response to
2 a lawful subpoena, summons, warrant, citation to discover
3 assets, or court order which meets the requirements of
4 subsection (d) of this Section; or

5 (3) the bank is attempting to collect an obligation
6 owed to the bank and the bank complies with the provisions
7 of Section 2I of the Consumer Fraud and Deceptive Business
8 Practices Act.

9 (d) A bank shall disclose financial records under paragraph
10 (2) of subsection (c) of this Section under a lawful subpoena,
11 summons, warrant, citation to discover assets, or court order
12 only after the bank mails a copy of the subpoena, summons,
13 warrant, citation to discover assets, or court order to the
14 person establishing the relationship with the bank, if living,
15 and, otherwise his personal representative, if known, at his
16 last known address by first class mail, postage prepaid, unless
17 the bank is specifically prohibited from notifying the person
18 by order of court or by applicable State or federal law. A bank
19 shall not mail a copy of a subpoena to any person pursuant to
20 this subsection if the subpoena was issued by a grand jury
21 under the Statewide Grand Jury Act.

22 (e) Any officer or employee of a bank who knowingly and
23 willfully furnishes financial records in violation of this
24 Section is guilty of a business offense and, upon conviction,
25 shall be fined not more than \$1,000.

26 (f) Any person who knowingly and willfully induces or

1 attempts to induce any officer or employee of a bank to
2 disclose financial records in violation of this Section is
3 guilty of a business offense and, upon conviction, shall be
4 fined not more than \$1,000.

5 (g) A bank shall be reimbursed for costs that are
6 reasonably necessary and that have been directly incurred in
7 searching for, reproducing, or transporting books, papers,
8 records, or other data of a customer required or requested to
9 be produced pursuant to a lawful subpoena, summons, warrant,
10 citation to discover assets, or court order. The Commissioner
11 shall determine the rates and conditions under which payment
12 may be made.

13 (Source: P.A. 98-49, eff. 7-1-13.)

14 Section 485. The Savings Bank Act is amended by changing
15 Section 4013 as follows:

16 (205 ILCS 205/4013) (from Ch. 17, par. 7304-13)

17 Sec. 4013. Access to books and records; communication with
18 members and shareholders.

19 (a) Every member or shareholder shall have the right to
20 inspect books and records of the savings bank that pertain to
21 his accounts. Otherwise, the right of inspection and
22 examination of the books and records shall be limited as
23 provided in this Act, and no other person shall have access to
24 the books and records nor shall be entitled to a list of the

1 members or shareholders.

2 (b) For the purpose of this Section, the term "financial
3 records" means any original, any copy, or any summary of (1) a
4 document granting signature authority over a deposit or
5 account; (2) a statement, ledger card, or other record on any
6 deposit or account that shows each transaction in or with
7 respect to that account; (3) a check, draft, or money order
8 drawn on a savings bank or issued and payable by a savings
9 bank; or (4) any other item containing information pertaining
10 to any relationship established in the ordinary course of a
11 savings bank's business between a savings bank and its
12 customer, including financial statements or other financial
13 information provided by the member or shareholder.

14 (c) This Section does not prohibit:

15 (1) The preparation examination, handling, or
16 maintenance of any financial records by any officer,
17 employee, or agent of a savings bank having custody of
18 records or examination of records by a certified public
19 accountant engaged by the savings bank to perform an
20 independent audit.

21 (2) The examination of any financial records by, or the
22 furnishing of financial records by a savings bank to, any
23 officer, employee, or agent of the Commissioner of Banks
24 and Real Estate or the federal depository institution
25 regulator for use solely in the exercise of his duties as
26 an officer, employee, or agent.

1 (3) The publication of data furnished from financial
2 records relating to members or holders of capital where the
3 data cannot be identified to any particular member,
4 shareholder, or account.

5 (4) The making of reports or returns required under
6 Chapter 61 of the Internal Revenue Code of 1986.

7 (5) Furnishing information concerning the dishonor of
8 any negotiable instrument permitted to be disclosed under
9 the Uniform Commercial Code.

10 (6) The exchange in the regular course of business of
11 (i) credit information between a savings bank and other
12 savings banks or financial institutions or commercial
13 enterprises, directly or through a consumer reporting
14 agency or (ii) financial records or information derived
15 from financial records between a savings bank and other
16 savings banks or financial institutions or commercial
17 enterprises for the purpose of conducting due diligence
18 pursuant to a purchase or sale involving the savings bank
19 or assets or liabilities of the savings bank.

20 (7) The furnishing of information to the appropriate
21 law enforcement authorities where the savings bank
22 reasonably believes it has been the victim of a crime.

23 (8) The furnishing of information pursuant to the
24 Uniform Disposition of Unclaimed Property Act.

25 (9) The furnishing of information pursuant to the
26 Illinois Income Tax Act and the Illinois Estate and

1 Generation-Skipping Transfer Tax Act.

2 (10) The furnishing of information pursuant to the
3 federal "Currency and Foreign Transactions Reporting Act",
4 (Title 31, United States Code, Section 1051 et seq.).

5 (11) The furnishing of information pursuant to any
6 other statute which by its terms or by regulations
7 promulgated thereunder requires the disclosure of
8 financial records other than by subpoena, summons,
9 warrant, or court order.

10 (12) The furnishing of information in accordance with
11 the federal Personal Responsibility and Work Opportunity
12 Reconciliation Act of 1996. Any savings bank governed by
13 this Act shall enter into an agreement for data exchanges
14 with a State agency provided the State agency pays to the
15 savings bank a reasonable fee not to exceed its actual cost
16 incurred. A savings bank providing information in
17 accordance with this item shall not be liable to any
18 account holder or other person for any disclosure of
19 information to a State agency, for encumbering or
20 surrendering any assets held by the savings bank in
21 response to a lien or order to withhold and deliver issued
22 by a State agency, or for any other action taken pursuant
23 to this item, including individual or mechanical errors,
24 provided the action does not constitute gross negligence or
25 willful misconduct. A savings bank shall have no obligation
26 to hold, encumber, or surrender assets until it has been

1 served with a subpoena, summons, warrant, court or
2 administrative order, lien, or levy.

3 (13) The furnishing of information to law enforcement
4 authorities, the Illinois Department on Aging and its
5 regional administrative and provider agencies, the
6 Department of Human Services Office of Inspector General,
7 or public guardians: (i) upon subpoena by the investigatory
8 entity or the guardian, or (ii) if there is suspicion by
9 the savings bank that a customer who is an elderly person
10 or person with a disability ~~or disabled person~~ has been or
11 may become the victim of financial exploitation. For the
12 purposes of this item (13), the term: (i) "elderly person"
13 means a person who is 60 or more years of age, (ii) "person
14 with a disability ~~disabled person~~" means a person who has
15 or reasonably appears to the savings bank to have a
16 physical or mental disability that impairs his or her
17 ability to seek or obtain protection from or prevent
18 financial exploitation, and (iii) "financial exploitation"
19 means tortious or illegal use of the assets or resources of
20 an elderly person or person with a disability ~~or disabled~~
21 ~~person~~, and includes, without limitation, misappropriation
22 of the ~~elderly or disabled person's~~ assets or resources of
23 the elderly person or person with a disability by undue
24 influence, breach of fiduciary relationship, intimidation,
25 fraud, deception, extortion, or the use of assets or
26 resources in any manner contrary to law. A savings bank or

1 person furnishing information pursuant to this item (13)
2 shall be entitled to the same rights and protections as a
3 person furnishing information under the Adult Protective
4 Services Act and the Illinois Domestic Violence Act of
5 1986.

6 (14) The disclosure of financial records or
7 information as necessary to effect, administer, or enforce
8 a transaction requested or authorized by the member or
9 holder of capital, or in connection with:

10 (A) servicing or processing a financial product or
11 service requested or authorized by the member or holder
12 of capital;

13 (B) maintaining or servicing an account of a member
14 or holder of capital with the savings bank; or

15 (C) a proposed or actual securitization or
16 secondary market sale (including sales of servicing
17 rights) related to a transaction of a member or holder
18 of capital.

19 Nothing in this item (14), however, authorizes the sale
20 of the financial records or information of a member or
21 holder of capital without the consent of the member or
22 holder of capital.

23 (15) The exchange in the regular course of business of
24 information between a savings bank and any commonly owned
25 affiliate of the savings bank, subject to the provisions of
26 the Financial Institutions Insurance Sales Law.

1 (16) The disclosure of financial records or
2 information as necessary to protect against or prevent
3 actual or potential fraud, unauthorized transactions,
4 claims, or other liability.

5 (17)(a) The disclosure of financial records or
6 information related to a private label credit program
7 between a financial institution and a private label party
8 in connection with that private label credit program. Such
9 information is limited to outstanding balance, available
10 credit, payment and performance and account history,
11 product references, purchase information, and information
12 related to the identity of the customer.

13 (b)(1) For purposes of this paragraph (17) of
14 subsection (c) of Section 4013, a "private label credit
15 program" means a credit program involving a financial
16 institution and a private label party that is used by a
17 customer of the financial institution and the private label
18 party primarily for payment for goods or services sold,
19 manufactured, or distributed by a private label party.

20 (2) For purposes of this paragraph (17) of subsection
21 (c) of Section 4013, a "private label party" means, with
22 respect to a private label credit program, any of the
23 following: a retailer, a merchant, a manufacturer, a trade
24 group, or any such person's affiliate, subsidiary, member,
25 agent, or service provider.

26 (d) A savings bank may not disclose to any person, except

1 to the member or holder of capital or his duly authorized
2 agent, any financial records relating to that member or
3 shareholder of the savings bank unless:

4 (1) the member or shareholder has authorized
5 disclosure to the person; or

6 (2) the financial records are disclosed in response to
7 a lawful subpoena, summons, warrant, citation to discover
8 assets, or court order that meets the requirements of
9 subsection (e) of this Section.

10 (e) A savings bank shall disclose financial records under
11 subsection (d) of this Section pursuant to a lawful subpoena,
12 summons, warrant, citation to discover assets, or court order
13 only after the savings bank mails a copy of the subpoena,
14 summons, warrant, citation to discover assets, or court order
15 to the person establishing the relationship with the savings
16 bank, if living, and otherwise, his personal representative, if
17 known, at his last known address by first class mail, postage
18 prepaid, unless the savings bank is specifically prohibited
19 from notifying the person by order of court.

20 (f) Any officer or employee of a savings bank who knowingly
21 and willfully furnishes financial records in violation of this
22 Section is guilty of a business offense and, upon conviction,
23 shall be fined not more than \$1,000.

24 (g) Any person who knowingly and willfully induces or
25 attempts to induce any officer or employee of a savings bank to
26 disclose financial records in violation of this Section is

1 guilty of a business offense and, upon conviction, shall be
2 fined not more than \$1,000.

3 (h) If any member or shareholder desires to communicate
4 with the other members or shareholders of the savings bank with
5 reference to any question pending or to be presented at an
6 annual or special meeting, the savings bank shall give that
7 person, upon request, a statement of the approximate number of
8 members or shareholders entitled to vote at the meeting and an
9 estimate of the cost of preparing and mailing the
10 communication. The requesting member shall submit the
11 communication to the Commissioner who, upon finding it to be
12 appropriate and truthful, shall direct that it be prepared and
13 mailed to the members upon the requesting member's or
14 shareholder's payment or adequate provision for payment of the
15 expenses of preparation and mailing.

16 (i) A savings bank shall be reimbursed for costs that are
17 necessary and that have been directly incurred in searching
18 for, reproducing, or transporting books, papers, records, or
19 other data of a customer required to be reproduced pursuant to
20 a lawful subpoena, warrant, citation to discover assets, or
21 court order.

22 (j) Notwithstanding the provisions of this Section, a
23 savings bank may sell or otherwise make use of lists of
24 customers' names and addresses. All other information
25 regarding a customer's account are subject to the disclosure
26 provisions of this Section. At the request of any customer,

1 that customer's name and address shall be deleted from any list
2 that is to be sold or used in any other manner beyond
3 identification of the customer's accounts.

4 (Source: P.A. 98-49, eff. 7-1-13.)

5 Section 490. The Illinois Credit Union Act is amended by
6 changing Section 10 as follows:

7 (205 ILCS 305/10) (from Ch. 17, par. 4411)

8 Sec. 10. Credit union records; member financial records.

9 (1) A credit union shall establish and maintain books,
10 records, accounting systems and procedures which accurately
11 reflect its operations and which enable the Department to
12 readily ascertain the true financial condition of the credit
13 union and whether it is complying with this Act.

14 (2) A photostatic or photographic reproduction of any
15 credit union records shall be admissible as evidence of
16 transactions with the credit union.

17 (3) (a) For the purpose of this Section, the term "financial
18 records" means any original, any copy, or any summary of (1) a
19 document granting signature authority over an account, (2) a
20 statement, ledger card or other record on any account which
21 shows each transaction in or with respect to that account, (3)
22 a check, draft or money order drawn on a financial institution
23 or other entity or issued and payable by or through a financial
24 institution or other entity, or (4) any other item containing

1 information pertaining to any relationship established in the
2 ordinary course of business between a credit union and its
3 member, including financial statements or other financial
4 information provided by the member.

5 (b) This Section does not prohibit:

6 (1) The preparation, examination, handling or
7 maintenance of any financial records by any officer,
8 employee or agent of a credit union having custody of such
9 records, or the examination of such records by a certified
10 public accountant engaged by the credit union to perform an
11 independent audit.

12 (2) The examination of any financial records by or the
13 furnishing of financial records by a credit union to any
14 officer, employee or agent of the Department, the National
15 Credit Union Administration, Federal Reserve board or any
16 insurer of share accounts for use solely in the exercise of
17 his duties as an officer, employee or agent.

18 (3) The publication of data furnished from financial
19 records relating to members where the data cannot be
20 identified to any particular customer of account.

21 (4) The making of reports or returns required under
22 Chapter 61 of the Internal Revenue Code of 1954.

23 (5) Furnishing information concerning the dishonor of
24 any negotiable instrument permitted to be disclosed under
25 the Uniform Commercial Code.

26 (6) The exchange in the regular course of business of

1 (i) credit information between a credit union and other
2 credit unions or financial institutions or commercial
3 enterprises, directly or through a consumer reporting
4 agency or (ii) financial records or information derived
5 from financial records between a credit union and other
6 credit unions or financial institutions or commercial
7 enterprises for the purpose of conducting due diligence
8 pursuant to a merger or a purchase or sale of assets or
9 liabilities of the credit union.

10 (7) The furnishing of information to the appropriate
11 law enforcement authorities where the credit union
12 reasonably believes it has been the victim of a crime.

13 (8) The furnishing of information pursuant to the
14 Uniform Disposition of Unclaimed Property Act.

15 (9) The furnishing of information pursuant to the
16 Illinois Income Tax Act and the Illinois Estate and
17 Generation-Skipping Transfer Tax Act.

18 (10) The furnishing of information pursuant to the
19 federal "Currency and Foreign Transactions Reporting Act",
20 Title 31, United States Code, Section 1051 et sequentia.

21 (11) The furnishing of information pursuant to any
22 other statute which by its terms or by regulations
23 promulgated thereunder requires the disclosure of
24 financial records other than by subpoena, summons, warrant
25 or court order.

26 (12) The furnishing of information in accordance with

1 the federal Personal Responsibility and Work Opportunity
2 Reconciliation Act of 1996. Any credit union governed by
3 this Act shall enter into an agreement for data exchanges
4 with a State agency provided the State agency pays to the
5 credit union a reasonable fee not to exceed its actual cost
6 incurred. A credit union providing information in
7 accordance with this item shall not be liable to any
8 account holder or other person for any disclosure of
9 information to a State agency, for encumbering or
10 surrendering any assets held by the credit union in
11 response to a lien or order to withhold and deliver issued
12 by a State agency, or for any other action taken pursuant
13 to this item, including individual or mechanical errors,
14 provided the action does not constitute gross negligence or
15 willful misconduct. A credit union shall have no obligation
16 to hold, encumber, or surrender assets until it has been
17 served with a subpoena, summons, warrant, court or
18 administrative order, lien, or levy.

19 (13) The furnishing of information to law enforcement
20 authorities, the Illinois Department on Aging and its
21 regional administrative and provider agencies, the
22 Department of Human Services Office of Inspector General,
23 or public guardians: (i) upon subpoena by the investigatory
24 entity or the guardian, or (ii) if there is suspicion by
25 the credit union that a member who is an elderly person or
26 person with a disability ~~or disabled person~~ has been or may

1 become the victim of financial exploitation. For the
2 purposes of this item (13), the term: (i) "elderly person"
3 means a person who is 60 or more years of age, (ii) "person
4 with a disability" ~~"disabled person"~~ means a person who has
5 or reasonably appears to the credit union to have a
6 physical or mental disability that impairs his or her
7 ability to seek or obtain protection from or prevent
8 financial exploitation, and (iii) "financial exploitation"
9 means tortious or illegal use of the assets or resources of
10 an elderly person or person with a disability ~~or disabled~~
11 ~~person~~, and includes, without limitation, misappropriation
12 of the elderly or disabled person's assets or resources by
13 undue influence, breach of fiduciary relationship,
14 intimidation, fraud, deception, extortion, or the use of
15 assets or resources in any manner contrary to law. A credit
16 union or person furnishing information pursuant to this
17 item (13) shall be entitled to the same rights and
18 protections as a person furnishing information under the
19 Adult Protective Services Act and the Illinois Domestic
20 Violence Act of 1986.

21 (14) The disclosure of financial records or
22 information as necessary to effect, administer, or enforce
23 a transaction requested or authorized by the member, or in
24 connection with:

25 (A) servicing or processing a financial product or
26 service requested or authorized by the member;

1 (B) maintaining or servicing a member's account
2 with the credit union; or

3 (C) a proposed or actual securitization or
4 secondary market sale (including sales of servicing
5 rights) related to a transaction of a member.

6 Nothing in this item (14), however, authorizes the sale
7 of the financial records or information of a member without
8 the consent of the member.

9 (15) The disclosure of financial records or
10 information as necessary to protect against or prevent
11 actual or potential fraud, unauthorized transactions,
12 claims, or other liability.

13 (16) (a) The disclosure of financial records or
14 information related to a private label credit program
15 between a financial institution and a private label party
16 in connection with that private label credit program. Such
17 information is limited to outstanding balance, available
18 credit, payment and performance and account history,
19 product references, purchase information, and information
20 related to the identity of the customer.

21 (b) (1) For purposes of this paragraph (16) of
22 subsection (b) of Section 10, a "private label credit
23 program" means a credit program involving a financial
24 institution and a private label party that is used by a
25 customer of the financial institution and the private label
26 party primarily for payment for goods or services sold,

1 manufactured, or distributed by a private label party.

2 (2) For purposes of this paragraph (16) of subsection
3 (b) of Section 10, a "private label party" means, with
4 respect to a private label credit program, any of the
5 following: a retailer, a merchant, a manufacturer, a trade
6 group, or any such person's affiliate, subsidiary, member,
7 agent, or service provider.

8 (c) Except as otherwise provided by this Act, a credit
9 union may not disclose to any person, except to the member or
10 his duly authorized agent, any financial records relating to
11 that member of the credit union unless:

12 (1) the member has authorized disclosure to the person;

13 (2) the financial records are disclosed in response to
14 a lawful subpoena, summons, warrant, citation to discover
15 assets, or court order that meets the requirements of
16 subparagraph (d) of this Section; or

17 (3) the credit union is attempting to collect an
18 obligation owed to the credit union and the credit union
19 complies with the provisions of Section 2I of the Consumer
20 Fraud and Deceptive Business Practices Act.

21 (d) A credit union shall disclose financial records under
22 subparagraph (c)(2) of this Section pursuant to a lawful
23 subpoena, summons, warrant, citation to discover assets, or
24 court order only after the credit union mails a copy of the
25 subpoena, summons, warrant, citation to discover assets, or
26 court order to the person establishing the relationship with

1 the credit union, if living, and otherwise his personal
2 representative, if known, at his last known address by first
3 class mail, postage prepaid unless the credit union is
4 specifically prohibited from notifying the person by order of
5 court or by applicable State or federal law. In the case of a
6 grand jury subpoena, a credit union shall not mail a copy of a
7 subpoena to any person pursuant to this subsection if the
8 subpoena was issued by a grand jury under the Statewide Grand
9 Jury Act or notifying the person would constitute a violation
10 of the federal Right to Financial Privacy Act of 1978.

11 (e)(1) Any officer or employee of a credit union who
12 knowingly and wilfully furnishes financial records in
13 violation of this Section is guilty of a business offense and
14 upon conviction thereof shall be fined not more than \$1,000.

15 (2) Any person who knowingly and wilfully induces or
16 attempts to induce any officer or employee of a credit union to
17 disclose financial records in violation of this Section is
18 guilty of a business offense and upon conviction thereof shall
19 be fined not more than \$1,000.

20 (f) A credit union shall be reimbursed for costs which are
21 reasonably necessary and which have been directly incurred in
22 searching for, reproducing or transporting books, papers,
23 records or other data of a member required or requested to be
24 produced pursuant to a lawful subpoena, summons, warrant,
25 citation to discover assets, or court order. The Secretary and
26 the Director may determine, by rule, the rates and conditions

1 under which payment shall be made. Delivery of requested
2 documents may be delayed until final reimbursement of all costs
3 is received.

4 (Source: P.A. 97-133, eff. 1-1-12; 98-49, eff. 7-1-13.)

5 Section 495. The Assisted Living and Shared Housing Act is
6 amended by changing Section 75 as follows:

7 (210 ILCS 9/75)

8 Sec. 75. Residency Requirements.

9 (a) No individual shall be accepted for residency or remain
10 in residence if the establishment cannot provide or secure
11 appropriate services, if the individual requires a level of
12 service or type of service for which the establishment is not
13 licensed or which the establishment does not provide, or if the
14 establishment does not have the staff appropriate in numbers
15 and with appropriate skill to provide such services.

16 (b) Only adults may be accepted for residency.

17 (c) A person shall not be accepted for residency if:

18 (1) the person poses a serious threat to himself or
19 herself or to others;

20 (2) the person is not able to communicate his or her
21 needs and no resident representative residing in the
22 establishment, and with a prior relationship to the person,
23 has been appointed to direct the provision of services;

24 (3) the person requires total assistance with 2 or more

1 activities of daily living;

2 (4) the person requires the assistance of more than one
3 paid caregiver at any given time with an activity of daily
4 living;

5 (5) the person requires more than minimal assistance in
6 moving to a safe area in an emergency;

7 (6) the person has a severe mental illness, which for
8 the purposes of this Section means a condition that is
9 characterized by the presence of a major mental disorder as
10 classified in the Diagnostic and Statistical Manual of
11 Mental Disorders, Fourth Edition (DSM-IV) (American
12 Psychiatric Association, 1994), where the individual is a
13 person with a substantial disability ~~substantially~~
14 ~~disabled~~ due to mental illness in the areas of
15 self-maintenance, social functioning, activities of
16 community living and work skills, and the disability
17 specified is expected to be present for a period of not
18 less than one year, but does not mean Alzheimer's disease
19 and other forms of dementia based on organic or physical
20 disorders;

21 (7) the person requires intravenous therapy or
22 intravenous feedings unless self-administered or
23 administered by a qualified, licensed health care
24 professional;

25 (8) the person requires gastrostomy feedings unless
26 self-administered or administered by a licensed health

1 care professional;

2 (9) the person requires insertion, sterile irrigation,
3 and replacement of catheter, except for routine
4 maintenance of urinary catheters, unless the catheter care
5 is self-administered or administered by a licensed health
6 care professional;

7 (10) the person requires sterile wound care unless care
8 is self-administered or administered by a licensed health
9 care professional;

10 (11) the person requires sliding scale insulin
11 administration unless self-performed or administered by a
12 licensed health care professional;

13 (12) the person is a diabetic requiring routine insulin
14 injections unless the injections are self-administered or
15 administered by a licensed health care professional;

16 (13) the person requires treatment of stage 3 or stage
17 4 decubitus ulcers or exfoliative dermatitis;

18 (14) the person requires 5 or more skilled nursing
19 visits per week for conditions other than those listed in
20 items (13) and (15) of this subsection for a period of 3
21 consecutive weeks or more except when the course of
22 treatment is expected to extend beyond a 3 week period for
23 rehabilitative purposes and is certified as temporary by a
24 physician; or

25 (15) other reasons prescribed by the Department by
26 rule.

1 (d) A resident with a condition listed in items (1) through
2 (15) of subsection (c) shall have his or her residency
3 terminated.

4 (e) Residency shall be terminated when services available
5 to the resident in the establishment are no longer adequate to
6 meet the needs of the resident. This provision shall not be
7 interpreted as limiting the authority of the Department to
8 require the residency termination of individuals.

9 (f) Subsection (d) of this Section shall not apply to
10 terminally ill residents who receive or would qualify for
11 hospice care and such care is coordinated by a hospice program
12 licensed under the Hospice Program Licensing Act or other
13 licensed health care professional employed by a licensed home
14 health agency and the establishment and all parties agree to
15 the continued residency.

16 (g) Items (3), (4), (5), and (9) of subsection (c) shall
17 not apply to a quadriplegic, paraplegic, or individual with
18 neuro-muscular diseases, such as muscular dystrophy and
19 multiple sclerosis, or other chronic diseases and conditions as
20 defined by rule if the individual is able to communicate his or
21 her needs and does not require assistance with complex medical
22 problems, and the establishment is able to accommodate the
23 individual's needs. The Department shall prescribe rules
24 pursuant to this Section that address special safety and
25 service needs of these individuals.

26 (h) For the purposes of items (7) through (10) of

1 subsection (c), a licensed health care professional may not be
2 employed by the owner or operator of the establishment, its
3 parent entity, or any other entity with ownership common to
4 either the owner or operator of the establishment or parent
5 entity, including but not limited to an affiliate of the owner
6 or operator of the establishment. Nothing in this Section is
7 meant to limit a resident's right to choose his or her health
8 care provider.

9 (i) Subsection (h) is not applicable to residents admitted
10 to an assisted living establishment under a life care contract
11 as defined in the Life Care Facilities Act if the life care
12 facility has both an assisted living establishment and a
13 skilled nursing facility. A licensed health care professional
14 providing health-related or supportive services at a life care
15 assisted living or shared housing establishment must be
16 employed by an entity licensed by the Department under the
17 Nursing Home Care Act or the Home Health, Home Services, and
18 Home Nursing Agency Licensing Act.

19 (Source: P.A. 94-256, eff. 7-19-05; 94-570, eff. 8-12-05;
20 95-216, eff. 8-16-07; 95-331, eff. 8-21-07.)

21 Section 500. The Abused and Neglected Long Term Care
22 Facility Residents Reporting Act is amended by changing Section
23 6 as follows:

24 (210 ILCS 30/6) (from Ch. 111 1/2, par. 4166)

1 Sec. 6. All reports of suspected abuse or neglect made
2 under this Act shall be made immediately by telephone to the
3 Department's central register established under Section 14 on
4 the single, State-wide, toll-free telephone number established
5 under Section 13, or in person or by telephone through the
6 nearest Department office. No long term care facility
7 administrator, agent or employee, or any other person, shall
8 screen reports or otherwise withhold any reports from the
9 Department, and no long term care facility, department of State
10 government, or other agency shall establish any rules,
11 criteria, standards or guidelines to the contrary. Every long
12 term care facility, department of State government and other
13 agency whose employees are required to make or cause to be made
14 reports under Section 4 shall notify its employees of the
15 provisions of that Section and of this Section, and provide to
16 the Department documentation that such notification has been
17 given. The Department of Human Services shall train all of its
18 mental health and developmental disabilities employees in the
19 detection and reporting of suspected abuse and neglect of
20 residents. Reports made to the central register through the
21 State-wide, toll-free telephone number shall be transmitted to
22 appropriate Department offices and municipal health
23 departments that have responsibility for licensing long term
24 care facilities under the Nursing Home Care Act, the
25 Specialized Mental Health Rehabilitation Act of 2013, or the
26 ID/DD Community Care Act. All reports received through offices

1 of the Department shall be forwarded to the central register,
2 in a manner and form described by the Department. The
3 Department shall be capable of receiving reports of suspected
4 abuse and neglect 24 hours a day, 7 days a week. Reports shall
5 also be made in writing deposited in the U.S. mail, postage
6 prepaid, within 24 hours after having reasonable cause to
7 believe that the condition of the resident resulted from abuse
8 or neglect. Such reports may in addition be made to the local
9 law enforcement agency in the same manner. However, in the
10 event a report is made to the local law enforcement agency, the
11 reporter also shall immediately so inform the Department. The
12 Department shall initiate an investigation of each report of
13 resident abuse and neglect under this Act, whether oral or
14 written, as provided for in Section 3-702 of the Nursing Home
15 Care Act, Section 2-208 of the Specialized Mental Health
16 Rehabilitation Act of 2013, or Section 3-702 of the ID/DD
17 Community Care Act, except that reports of abuse which indicate
18 that a resident's life or safety is in imminent danger shall be
19 investigated within 24 hours of such report. The Department may
20 delegate to law enforcement officials or other public agencies
21 the duty to perform such investigation.

22 With respect to investigations of reports of suspected
23 abuse or neglect of residents of mental health and
24 developmental disabilities institutions under the jurisdiction
25 of the Department of Human Services, the Department shall
26 transmit copies of such reports to the Department of State

1 Police, the Department of Human Services, and the Inspector
2 General appointed under Section 1-17 of the Department of Human
3 Services Act. If the Department receives a report of suspected
4 abuse or neglect of a recipient of services as defined in
5 Section 1-123 of the Mental Health and Developmental
6 Disabilities Code, the Department shall transmit copies of such
7 report to the Inspector General and the Directors of the
8 Guardianship and Advocacy Commission and the agency designated
9 by the Governor pursuant to the Protection and Advocacy for
10 Persons with Developmental Disabilities ~~Developmentally~~
11 ~~Disabled Persons~~ Act. When requested by the Director of the
12 Guardianship and Advocacy Commission, the agency designated by
13 the Governor pursuant to the Protection and Advocacy for
14 Persons with Developmental Disabilities ~~Developmentally~~
15 ~~Disabled Persons~~ Act, or the Department of Financial and
16 Professional Regulation, the Department, the Department of
17 Human Services and the Department of State Police shall make
18 available a copy of the final investigative report regarding
19 investigations conducted by their respective agencies on
20 incidents of suspected abuse or neglect of residents of mental
21 health and developmental disabilities institutions or
22 individuals receiving services at community agencies under the
23 jurisdiction of the Department of Human Services. Such final
24 investigative report shall not contain witness statements,
25 investigation notes, draft summaries, results of lie detector
26 tests, investigative files or other raw data which was used to

1 compile the final investigative report. Specifically, the
2 final investigative report of the Department of State Police
3 shall mean the Director's final transmittal letter. The
4 Department of Human Services shall also make available a copy
5 of the results of disciplinary proceedings of employees
6 involved in incidents of abuse or neglect to the Directors. All
7 identifiable information in reports provided shall not be
8 further disclosed except as provided by the Mental Health and
9 Developmental Disabilities Confidentiality Act. Nothing in
10 this Section is intended to limit or construe the power or
11 authority granted to the agency designated by the Governor
12 pursuant to the Protection and Advocacy for Persons with
13 Developmental Disabilities ~~Developmentally Disabled Persons~~
14 Act, pursuant to any other State or federal statute.

15 With respect to investigations of reported resident abuse
16 or neglect, the Department shall effect with appropriate law
17 enforcement agencies formal agreements concerning methods and
18 procedures for the conduct of investigations into the criminal
19 histories of any administrator, staff assistant or employee of
20 the nursing home or other person responsible for the residents
21 care, as well as for other residents in the nursing home who
22 may be in a position to abuse, neglect or exploit the patient.
23 Pursuant to the formal agreements entered into with appropriate
24 law enforcement agencies, the Department may request
25 information with respect to whether the person or persons set
26 forth in this paragraph have ever been charged with a crime and

1 if so, the disposition of those charges. Unless the criminal
2 histories of the subjects involved crimes of violence or
3 resident abuse or neglect, the Department shall be entitled
4 only to information limited in scope to charges and their
5 dispositions. In cases where prior crimes of violence or
6 resident abuse or neglect are involved, a more detailed report
7 can be made available to authorized representatives of the
8 Department, pursuant to the agreements entered into with
9 appropriate law enforcement agencies. Any criminal charges and
10 their disposition information obtained by the Department shall
11 be confidential and may not be transmitted outside the
12 Department, except as required herein, to authorized
13 representatives or delegates of the Department, and may not be
14 transmitted to anyone within the Department who is not duly
15 authorized to handle resident abuse or neglect investigations.

16 The Department shall effect formal agreements with
17 appropriate law enforcement agencies in the various counties
18 and communities to encourage cooperation and coordination in
19 the handling of resident abuse or neglect cases pursuant to
20 this Act. The Department shall adopt and implement methods and
21 procedures to promote statewide uniformity in the handling of
22 reports of abuse and neglect under this Act, and those methods
23 and procedures shall be adhered to by personnel of the
24 Department involved in such investigations and reporting. The
25 Department shall also make information required by this Act
26 available to authorized personnel within the Department, as

1 well as its authorized representatives.

2 The Department shall keep a continuing record of all
3 reports made pursuant to this Act, including indications of the
4 final determination of any investigation and the final
5 disposition of all reports.

6 The Department shall report annually to the General
7 Assembly on the incidence of abuse and neglect of long term
8 care facility residents, with special attention to residents
9 who are persons with mental disabilities ~~mentally disabled~~. The
10 report shall include but not be limited to data on the number
11 and source of reports of suspected abuse or neglect filed under
12 this Act, the nature of any injuries to residents, the final
13 determination of investigations, the type and number of cases
14 where abuse or neglect is determined to exist, and the final
15 disposition of cases.

16 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-813,
17 eff. 7-13-12; 98-104, eff. 7-22-13.)

18 Section 505. The Nursing Home Care Act is amended by
19 changing Sections 2-202, 3-807, and 3A-101 as follows:

20 (210 ILCS 45/2-202) (from Ch. 111 1/2, par. 4152-202)

21 Sec. 2-202. (a) Before a person is admitted to a facility,
22 or at the expiration of the period of previous contract, or
23 when the source of payment for the resident's care changes from
24 private to public funds or from public to private funds, a

1 written contract shall be executed between a licensee and the
2 following in order of priority:

3 (1) the person, or if the person is a minor, his parent
4 or guardian; or

5 (2) the person's guardian, if any, or agent, if any, as
6 defined in Section 2-3 of the Illinois Power of Attorney
7 Act; or

8 (3) a member of the person's immediate family.

9 An adult person shall be presumed to have the capacity to
10 contract for admission to a long term care facility unless he
11 has been adjudicated a "person with a disability ~~disabled~~
12 ~~person~~" within the meaning of Section 11a-2 of the Probate Act
13 of 1975, or unless a petition for such an adjudication is
14 pending in a circuit court of Illinois.

15 If there is no guardian, agent or member of the person's
16 immediate family available, able or willing to execute the
17 contract required by this Section and a physician determines
18 that a person is so disabled as to be unable to consent to
19 placement in a facility, or if a person has already been found
20 to be a "person with a disability ~~disabled person~~", but no
21 order has been entered allowing residential placement of the
22 person, that person may be admitted to a facility before the
23 execution of a contract required by this Section; provided that
24 a petition for guardianship or for modification of guardianship
25 is filed within 15 days of the person's admission to a
26 facility, and provided further that such a contract is executed

1 within 10 days of the disposition of the petition.

2 No adult shall be admitted to a facility if he objects,
3 orally or in writing, to such admission, except as otherwise
4 provided in Chapters III and IV of the Mental Health and
5 Developmental Disabilities Code or Section 11a-14.1 of the
6 Probate Act of 1975.

7 If a person has not executed a contract as required by this
8 Section, then such a contract shall be executed on or before
9 July 1, 1981, or within 10 days after the disposition of a
10 petition for guardianship or modification of guardianship that
11 was filed prior to July 1, 1981, whichever is later.

12 Before a licensee enters a contract under this Section, it
13 shall provide the prospective resident and his or her guardian,
14 if any, with written notice of the licensee's policy regarding
15 discharge of a resident whose private funds for payment of care
16 are exhausted.

17 Before a licensee enters into a contract under this
18 Section, it shall provide the resident or prospective resident
19 and his or her guardian, if any, with a copy of the licensee's
20 policy regarding the assignment of Social Security
21 representative payee status as a condition of the contract when
22 the resident's or prospective resident's care is being funded
23 under Title XIX of the Social Security Act and Article V of the
24 Illinois Public Aid Code.

25 (b) A resident shall not be discharged or transferred at
26 the expiration of the term of a contract, except as provided in

1 Sections 3-401 through 3-423.

2 (c) At the time of the resident's admission to the
3 facility, a copy of the contract shall be given to the
4 resident, his guardian, if any, and any other person who
5 executed the contract.

6 (d) A copy of the contract for a resident who is supported
7 by nonpublic funds other than the resident's own funds shall be
8 made available to the person providing the funds for the
9 resident's support.

10 (e) The original or a copy of the contract shall be
11 maintained in the facility and be made available upon request
12 to representatives of the Department and the Department of
13 Healthcare and Family Services.

14 (f) The contract shall be written in clear and unambiguous
15 language and shall be printed in not less than 12-point type.
16 The general form of the contract shall be prescribed by the
17 Department.

18 (g) The contract shall specify:

19 (1) the term of the contract;

20 (2) the services to be provided under the contract and
21 the charges for the services;

22 (3) the services that may be provided to supplement the
23 contract and the charges for the services;

24 (4) the sources liable for payments due under the
25 contract;

26 (5) the amount of deposit paid; and

1 (6) the rights, duties and obligations of the resident,
2 except that the specification of a resident's rights may be
3 furnished on a separate document which complies with the
4 requirements of Section 2-211.

5 (h) The contract shall designate the name of the resident's
6 representative, if any. The resident shall provide the facility
7 with a copy of the written agreement between the resident and
8 the resident's representative which authorizes the resident's
9 representative to inspect and copy the resident's records and
10 authorizes the resident's representative to execute the
11 contract on behalf of the resident required by this Section.

12 (i) The contract shall provide that if the resident is
13 compelled by a change in physical or mental health to leave the
14 facility, the contract and all obligations under it shall
15 terminate on 7 days notice. No prior notice of termination of
16 the contract shall be required, however, in the case of a
17 resident's death. The contract shall also provide that in all
18 other situations, a resident may terminate the contract and all
19 obligations under it with 30 days notice. All charges shall be
20 prorated as of the date on which the contract terminates, and,
21 if any payments have been made in advance, the excess shall be
22 refunded to the resident. This provision shall not apply to
23 life-care contracts through which a facility agrees to provide
24 maintenance and care for a resident throughout the remainder of
25 his life nor to continuing-care contracts through which a
26 facility agrees to supplement all available forms of financial

1 support in providing maintenance and care for a resident
2 throughout the remainder of his life.

3 (j) In addition to all other contract specifications
4 contained in this Section admission contracts shall also
5 specify:

6 (1) whether the facility accepts Medicaid clients;

7 (2) whether the facility requires a deposit of the
8 resident or his family prior to the establishment of
9 Medicaid eligibility;

10 (3) in the event that a deposit is required, a clear
11 and concise statement of the procedure to be followed for
12 the return of such deposit to the resident or the
13 appropriate family member or guardian of the person;

14 (4) that all deposits made to a facility by a resident,
15 or on behalf of a resident, shall be returned by the
16 facility within 30 days of the establishment of Medicaid
17 eligibility, unless such deposits must be drawn upon or
18 encumbered in accordance with Medicaid eligibility
19 requirements established by the Department of Healthcare
20 and Family Services.

21 (k) It shall be a business offense for a facility to
22 knowingly and intentionally both retain a resident's deposit
23 and accept Medicaid payments on behalf of that resident.

24 (Source: P.A. 98-104, eff. 7-22-13.)

25 (210 ILCS 45/3-807)

1 Sec. 3-807. Review of shelter care licensure standards. On
2 or before March 1, 1994, the Department shall submit to the
3 Governor and the General Assembly a report concerning the
4 necessity of revising the current statutory and regulatory
5 standards of licensure under the category of shelter care. The
6 Department shall conduct a review of those standards for that
7 category, taking into consideration the Department on Aging's
8 report on board and care homes prepared pursuant to Section
9 4.02a of the Illinois Act on the Aging. The Department's report
10 shall include recommendations for statutory or regulatory
11 changes necessary to address the regulation of facilities
12 providing room, board, and personal care to older persons and
13 persons with disabilities ~~disabled persons~~.

14 (Source: P.A. 88-252.)

15 (210 ILCS 45/3A-101)

16 Sec. 3A-101. Cooperative arrangements. Not later than June
17 30, 1996, the Department shall enter into one or more
18 cooperative arrangements with the Illinois Department of
19 Public Aid, the Department on Aging, the Office of the State
20 Fire Marshal, and any other appropriate entity for the purpose
21 of developing a single survey for nursing facilities, including
22 but not limited to facilities funded under Title XVIII or Title
23 XIX of the federal Social Security Act, or both, which shall be
24 administered and conducted solely by the Department. The
25 Departments shall test the single survey process on a pilot

1 basis, with both the Departments of Public Aid and Public
2 Health represented on the consolidated survey team. The pilot
3 will sunset June 30, 1997. After June 30, 1997, unless
4 otherwise determined by the Governor, a single survey shall be
5 implemented by the Department of Public Health which would not
6 preclude staff from the Department of Healthcare and Family
7 Services (formerly Department of Public Aid) from going on-site
8 to nursing facilities to perform necessary audits and reviews
9 which shall not replicate the single State agency survey
10 required by this Act. This Article shall not apply to community
11 or intermediate care facilities for persons with developmental
12 disabilities ~~the developmentally disabled~~.

13 (Source: P.A. 95-331, eff. 8-21-07.)

14 Section 510. The ID/DD Community Care Act is amended by
15 changing Sections 1-101.05, 1-113, and 2-202 as follows:

16 (210 ILCS 47/1-101.05)

17 Sec. 1-101.05. Prior law.

18 (a) This Act provides for licensure of intermediate care
19 facilities for persons with developmental disabilities ~~the~~
20 ~~developmentally disabled~~ and long-term care for under age 22
21 facilities under this Act instead of under the Nursing Home
22 Care Act. On and after the effective date of this Act, those
23 facilities shall be governed by this Act instead of the Nursing
24 Home Care Act.

1 (b) If any other Act of the General Assembly changes, adds,
2 or repeals a provision of the Nursing Home Care Act that is the
3 same as or substantially similar to a provision of this Act,
4 then that change, addition, or repeal in the Nursing Home Care
5 Act shall be construed together with this Act until July 1,
6 2010 and not thereafter.

7 (c) Nothing in this Act affects the validity or effect of
8 any finding, decision, or action made or taken by the
9 Department or the Director under the Nursing Home Care Act
10 before the effective date of this Act with respect to a
11 facility subject to licensure under this Act. That finding,
12 decision, or action shall continue to apply to the facility on
13 and after the effective date of this Act. Any finding,
14 decision, or action with respect to the facility made or taken
15 on or after the effective date of this Act shall be made or
16 taken as provided in this Act.

17 (Source: P.A. 96-339, eff. 7-1-10; 96-1187, eff. 7-22-10.)

18 (210 ILCS 47/1-113)

19 Sec. 1-113. Facility. "ID/DD facility" or "facility" means
20 an intermediate care facility for persons with developmental
21 disabilities ~~the developmentally disabled~~ or a long-term care
22 for under age 22 facility, whether operated for profit or not,
23 which provides, through its ownership or management, personal
24 care or nursing for 3 or more persons not related to the
25 applicant or owner by blood or marriage. It includes

1 intermediate care facilities for the intellectually disabled
2 as the term is defined in Title XVIII and Title XIX of the
3 federal Social Security Act.

4 "Facility" does not include the following:

5 (1) A home, institution, or other place operated by the
6 federal government or agency thereof, or by the State of
7 Illinois, other than homes, institutions, or other places
8 operated by or under the authority of the Illinois
9 Department of Veterans' Affairs;

10 (2) A hospital, sanitarium, or other institution whose
11 principal activity or business is the diagnosis, care, and
12 treatment of human illness through the maintenance and
13 operation as organized facilities therefore, which is
14 required to be licensed under the Hospital Licensing Act;

15 (3) Any "facility for child care" as defined in the
16 Child Care Act of 1969;

17 (4) Any "community living facility" as defined in the
18 Community Living Facilities Licensing Act;

19 (5) Any "community residential alternative" as defined
20 in the Community Residential Alternatives Licensing Act;

21 (6) Any nursing home or sanatorium operated solely by
22 and for persons who rely exclusively upon treatment by
23 spiritual means through prayer, in accordance with the
24 creed or tenets of any well recognized church or religious
25 denomination. However, such nursing home or sanatorium
26 shall comply with all local laws and rules relating to

1 sanitation and safety;

2 (7) Any facility licensed by the Department of Human
3 Services as a community-integrated living arrangement as
4 defined in the Community-Integrated Living Arrangements
5 Licensure and Certification Act;

6 (8) Any "supportive residence" licensed under the
7 Supportive Residences Licensing Act;

8 (9) Any "supportive living facility" in good standing
9 with the program established under Section 5-5.01a of the
10 Illinois Public Aid Code, except only for purposes of the
11 employment of persons in accordance with Section 3-206.01;

12 (10) Any assisted living or shared housing
13 establishment licensed under the Assisted Living and
14 Shared Housing Act, except only for purposes of the
15 employment of persons in accordance with Section 3-206.01;

16 (11) An Alzheimer's disease management center
17 alternative health care model licensed under the
18 Alternative Health Care Delivery Act; or

19 (12) A home, institution, or other place operated by or
20 under the authority of the Illinois Department of Veterans'
21 Affairs.

22 (Source: P.A. 96-339, eff. 7-1-10; 96-1000, eff. 7-2-10;
23 97-227, eff. 1-1-12.)

24 (210 ILCS 47/2-202)

25 Sec. 2-202. Contract required.

1 (a) Before a person is admitted to a facility, or at the
2 expiration of the period of previous contract, or when the
3 source of payment for the resident's care changes from private
4 to public funds or from public to private funds, a written
5 contract shall be executed between a licensee and the following
6 in order of priority:

7 (1) the person, or if the person is a minor, his parent
8 or guardian; or

9 (2) the person's guardian, if any, or agent, if any, as
10 defined in Section 2-3 of the Illinois Power of Attorney
11 Act; or

12 (3) a member of the person's immediate family.

13 An adult person shall be presumed to have the capacity to
14 contract for admission to a long term care facility unless he
15 or she has been adjudicated a "person with a disability
16 ~~disabled person~~" within the meaning of Section 11a-2 of the
17 Probate Act of 1975, or unless a petition for such an
18 adjudication is pending in a circuit court of Illinois.

19 If there is no guardian, agent or member of the person's
20 immediate family available, able or willing to execute the
21 contract required by this Section and a physician determines
22 that a person is so disabled as to be unable to consent to
23 placement in a facility, or if a person has already been found
24 to be a "person with a disability ~~disabled person~~", but no
25 order has been entered allowing residential placement of the
26 person, that person may be admitted to a facility before the

1 execution of a contract required by this Section; provided that
2 a petition for guardianship or for modification of guardianship
3 is filed within 15 days of the person's admission to a
4 facility, and provided further that such a contract is executed
5 within 10 days of the disposition of the petition.

6 No adult shall be admitted to a facility if he or she
7 objects, orally or in writing, to such admission, except as
8 otherwise provided in Chapters III and IV of the Mental Health
9 and Developmental Disabilities Code or Section 11a-14.1 of the
10 Probate Act of 1975.

11 Before a licensee enters a contract under this Section, it
12 shall provide the prospective resident and his or her guardian,
13 if any, with written notice of the licensee's policy regarding
14 discharge of a resident whose private funds for payment of care
15 are exhausted.

16 (b) A resident shall not be discharged or transferred at
17 the expiration of the term of a contract, except as provided in
18 Sections 3-401 through 3-423.

19 (c) At the time of the resident's admission to the
20 facility, a copy of the contract shall be given to the
21 resident, his or her guardian, if any, and any other person who
22 executed the contract.

23 (d) A copy of the contract for a resident who is supported
24 by nonpublic funds other than the resident's own funds shall be
25 made available to the person providing the funds for the
26 resident's support.

1 (e) The original or a copy of the contract shall be
2 maintained in the facility and be made available upon request
3 to representatives of the Department and the Department of
4 Healthcare and Family Services.

5 (f) The contract shall be written in clear and unambiguous
6 language and shall be printed in not less than 12-point type.
7 The general form of the contract shall be prescribed by the
8 Department.

9 (g) The contract shall specify:

10 (1) the term of the contract;

11 (2) the services to be provided under the contract and
12 the charges for the services;

13 (3) the services that may be provided to supplement the
14 contract and the charges for the services;

15 (4) the sources liable for payments due under the
16 contract;

17 (5) the amount of deposit paid; and

18 (6) the rights, duties and obligations of the resident,
19 except that the specification of a resident's rights may be
20 furnished on a separate document which complies with the
21 requirements of Section 2-211.

22 (h) The contract shall designate the name of the resident's
23 representative, if any. The resident shall provide the facility
24 with a copy of the written agreement between the resident and
25 the resident's representative which authorizes the resident's
26 representative to inspect and copy the resident's records and

1 authorizes the resident's representative to execute the
2 contract on behalf of the resident required by this Section.

3 (i) The contract shall provide that if the resident is
4 compelled by a change in physical or mental health to leave the
5 facility, the contract and all obligations under it shall
6 terminate on 7 days' notice. No prior notice of termination of
7 the contract shall be required, however, in the case of a
8 resident's death. The contract shall also provide that in all
9 other situations, a resident may terminate the contract and all
10 obligations under it with 30 days' notice. All charges shall be
11 prorated as of the date on which the contract terminates, and,
12 if any payments have been made in advance, the excess shall be
13 refunded to the resident. This provision shall not apply to
14 life care contracts through which a facility agrees to provide
15 maintenance and care for a resident throughout the remainder of
16 his life nor to continuing care contracts through which a
17 facility agrees to supplement all available forms of financial
18 support in providing maintenance and care for a resident
19 throughout the remainder of his or her life.

20 (j) In addition to all other contract specifications
21 contained in this Section admission contracts shall also
22 specify:

23 (1) whether the facility accepts Medicaid clients;

24 (2) whether the facility requires a deposit of the
25 resident or his or her family prior to the establishment of
26 Medicaid eligibility;

1 (3) in the event that a deposit is required, a clear
2 and concise statement of the procedure to be followed for
3 the return of such deposit to the resident or the
4 appropriate family member or guardian of the person;

5 (4) that all deposits made to a facility by a resident,
6 or on behalf of a resident, shall be returned by the
7 facility within 30 days of the establishment of Medicaid
8 eligibility, unless such deposits must be drawn upon or
9 encumbered in accordance with Medicaid eligibility
10 requirements established by the Department of Healthcare
11 and Family Services.

12 (k) It shall be a business offense for a facility to
13 knowingly and intentionally both retain a resident's deposit
14 and accept Medicaid payments on behalf of that resident.

15 (Source: P.A. 96-339, eff. 7-1-10.)

16 Section 515. The Supportive Residences Licensing Act is
17 amended by changing Section 20 as follows:

18 (210 ILCS 65/20) (from Ch. 111 1/2, par. 9020)

19 Sec. 20. Licensing standards.

20 (a) The Department shall promulgate rules establishing
21 minimum standards for licensing and operating Supportive
22 Residences in municipalities with a population over 500,000. No
23 such municipality shall have more than 12 Supportive
24 Residences. These rules shall regulate the operation and

1 conduct of Supportive Residences and shall include but not be
2 limited to:

3 (1) development and maintenance of a case management
4 system by which an integrated care plan is to be created
5 for each resident;

6 (2) the training and qualifications of personnel
7 directly responsible for providing care to residents;

8 (3) provisions and criteria for admission, discharge,
9 and transfer of residents;

10 (4) provisions for residents to receive appropriate
11 programming and support services commensurate with their
12 individual needs;

13 (5) agreements between Supportive Residences and
14 hospitals or other health care providers;

15 (6) residents' rights and responsibilities and those
16 of their families and guardians;

17 (7) fee and other contractual agreements between
18 Supportive Residences and residents;

19 (8) medical and supportive services for residents;

20 (9) the safety, cleanliness, and general adequacy of
21 the premises, including provision for maintenance of fire
22 and health standards that conform to State laws and
23 municipal codes, to provide for the physical comfort,
24 well-being, care, and protection of the residents;

25 (10) maintenance of records and residents' rights of
26 access to those records; and

1 (11) procedures for reporting abuse or neglect of
2 residents.

3 (b) The rules shall also regulate the general financial
4 ability, competence, character, and qualifications of the
5 applicant to provide appropriate care and comply with this Act.

6 (c) The Department may promulgate special rules and
7 regulations establishing minimum standards for Supportive
8 Residences that permit the admission of:

9 (1) residents who are parents with children, whether
10 either or both have HIV Disease; or

11 (2) residents with HIV Disease who are also persons
12 with developmental or physical disabilities
13 ~~developmentally or physically disabled.~~

14 (d) Nothing in this Act shall be construed to impair or
15 abridge the power of municipalities to enforce municipal zoning
16 or land use ordinances.

17 (Source: P.A. 95-331, eff. 8-21-07.)

18 Section 520. The Hospital Licensing Act is amended by
19 changing Sections 6.09 and 6.11 as follows:

20 (210 ILCS 85/6.09) (from Ch. 111 1/2, par. 147.09)

21 Sec. 6.09. (a) In order to facilitate the orderly
22 transition of aged patients and patients with disabilities ~~and~~
23 ~~disabled patients~~ from hospitals to post-hospital care,
24 whenever a patient who qualifies for the federal Medicare

1 program is hospitalized, the patient shall be notified of
2 discharge at least 24 hours prior to discharge from the
3 hospital. With regard to pending discharges to a skilled
4 nursing facility, the hospital must notify the case
5 coordination unit, as defined in 89 Ill. Adm. Code 240.260, at
6 least 24 hours prior to discharge. When the assessment is
7 completed in the hospital, the case coordination unit shall
8 provide the discharge planner with a copy of the prescreening
9 information and accompanying materials, which the discharge
10 planner shall transmit when the patient is discharged to a
11 skilled nursing facility. If home health services are ordered,
12 the hospital must inform its designated case coordination unit,
13 as defined in 89 Ill. Adm. Code 240.260, of the pending
14 discharge and must provide the patient with the case
15 coordination unit's telephone number and other contact
16 information.

17 (b) Every hospital shall develop procedures for a physician
18 with medical staff privileges at the hospital or any
19 appropriate medical staff member to provide the discharge
20 notice prescribed in subsection (a) of this Section. The
21 procedures must include prohibitions against discharging or
22 referring a patient to any of the following if unlicensed,
23 uncertified, or unregistered: (i) a board and care facility, as
24 defined in the Board and Care Home Act; (ii) an assisted living
25 and shared housing establishment, as defined in the Assisted
26 Living and Shared Housing Act; (iii) a facility licensed under

1 the Nursing Home Care Act, the Specialized Mental Health
2 Rehabilitation Act of 2013, or the ID/DD Community Care Act;
3 (iv) a supportive living facility, as defined in Section
4 5-5.01a of the Illinois Public Aid Code; or (v) a free-standing
5 hospice facility licensed under the Hospice Program Licensing
6 Act if licensure, certification, or registration is required.
7 The Department of Public Health shall annually provide
8 hospitals with a list of licensed, certified, or registered
9 board and care facilities, assisted living and shared housing
10 establishments, nursing homes, supportive living facilities,
11 facilities licensed under the ID/DD Community Care Act or the
12 Specialized Mental Health Rehabilitation Act of 2013, and
13 hospice facilities. Reliance upon this list by a hospital shall
14 satisfy compliance with this requirement. The procedure may
15 also include a waiver for any case in which a discharge notice
16 is not feasible due to a short length of stay in the hospital
17 by the patient, or for any case in which the patient
18 voluntarily desires to leave the hospital before the expiration
19 of the 24 hour period.

20 (c) At least 24 hours prior to discharge from the hospital,
21 the patient shall receive written information on the patient's
22 right to appeal the discharge pursuant to the federal Medicare
23 program, including the steps to follow to appeal the discharge
24 and the appropriate telephone number to call in case the
25 patient intends to appeal the discharge.

26 (d) Before transfer of a patient to a long term care

1 facility licensed under the Nursing Home Care Act where elderly
2 persons reside, a hospital shall as soon as practicable
3 initiate a name-based criminal history background check by
4 electronic submission to the Department of State Police for all
5 persons between the ages of 18 and 70 years; provided, however,
6 that a hospital shall be required to initiate such a background
7 check only with respect to patients who:

8 (1) are transferring to a long term care facility for
9 the first time;

10 (2) have been in the hospital more than 5 days;

11 (3) are reasonably expected to remain at the long term
12 care facility for more than 30 days;

13 (4) have a known history of serious mental illness or
14 substance abuse; and

15 (5) are independently ambulatory or mobile for more
16 than a temporary period of time.

17 A hospital may also request a criminal history background
18 check for a patient who does not meet any of the criteria set
19 forth in items (1) through (5).

20 A hospital shall notify a long term care facility if the
21 hospital has initiated a criminal history background check on a
22 patient being discharged to that facility. In all circumstances
23 in which the hospital is required by this subsection to
24 initiate the criminal history background check, the transfer to
25 the long term care facility may proceed regardless of the
26 availability of criminal history results. Upon receipt of the

1 results, the hospital shall promptly forward the results to the
2 appropriate long term care facility. If the results of the
3 background check are inconclusive, the hospital shall have no
4 additional duty or obligation to seek additional information
5 from, or about, the patient.

6 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-813,
7 eff. 7-13-12; 98-104, eff. 7-22-13; 98-651, eff. 6-16-14.)

8 (210 ILCS 85/6.11) (from Ch. 111 1/2, par. 147.11)

9 Sec. 6.11. In licensing any hospital which provides for the
10 diagnosis, care or treatment for persons suffering from mental
11 or emotional disorders or for persons with intellectual
12 disabilities ~~intellectually disabled persons~~, the Department
13 shall consult with the Department of Human Services in
14 developing standards for and evaluating the psychiatric
15 programs of such hospitals.

16 (Source: P.A. 97-227, eff. 1-1-12.)

17 Section 525. The Community-Integrated Living Arrangements
18 Licensure and Certification Act is amended by changing the
19 title of the Act and Section 3 as follows:

20 (210 ILCS 135/Act title)

21 An Act in relation to community-integrated living
22 arrangements for the mentally ill and for persons with
23 developmental disabilities ~~developmentally disabled~~.

1 (210 ILCS 135/3) (from Ch. 91 1/2, par. 1703)

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

4 (a) "Applicant" means a person, group of persons,
5 association, partnership or corporation that applies for a
6 license as a community mental health or developmental services
7 agency under this Act.

8 (b) "Community mental health or developmental services
9 agency" or "agency" means a public or private agency,
10 association, partnership, corporation or organization which,
11 pursuant to this Act, certifies community-integrated living
12 arrangements for persons with mental illness or persons with a
13 developmental disability.

14 (c) "Department" means the Department of Human Services (as
15 successor to the Department of Mental Health and Developmental
16 Disabilities).

17 (d) "Community-integrated living arrangement" means a
18 living arrangement certified by a community mental health or
19 developmental services agency under this Act where 8 or fewer
20 recipients with mental illness or recipients with a
21 developmental disability who reside under the supervision of
22 the agency. Examples of community integrated living
23 arrangements include but are not limited to the following:

24 (1) "Adult foster care", a living arrangement for
25 recipients in residences of families unrelated to them, for

1 the purpose of providing family care for the recipients on
2 a full-time basis;

3 (2) "Assisted residential care", an independent living
4 arrangement where recipients are intermittently supervised
5 by off-site staff;

6 (3) "Crisis residential care", a non-medical living
7 arrangement where recipients in need of non-medical,
8 crisis services are supervised by on-site staff 24 hours a
9 day;

10 (4) "Home individual programs", living arrangements
11 for 2 unrelated adults outside the family home;

12 (5) "Supported residential care", a living arrangement
13 where recipients are supervised by on-site staff and such
14 supervision is provided less than 24 hours a day;

15 (6) "Community residential alternatives", as defined
16 in the Community Residential Alternatives Licensing Act;
17 and

18 (7) "Special needs trust-supported residential care",
19 a living arrangement where recipients are supervised by
20 on-site staff and that supervision is provided 24 hours per
21 day or less, as dictated by the needs of the recipients,
22 and determined by service providers. As used in this item
23 (7), "special needs trust" means a trust for the benefit of
24 a beneficiary with a disability ~~disabled beneficiary~~ as
25 described in Section 15.1 of the Trusts and Trustees Act.

26 (e) "Recipient" means a person who has received, is

1 receiving, or is in need of treatment or habilitation as those
2 terms are defined in the Mental Health and Developmental
3 Disabilities Code.

4 (f) "Unrelated" means that persons residing together in
5 programs or placements certified by a community mental health
6 or developmental services agency under this Act do not have any
7 of the following relationships by blood, marriage or adoption:
8 parent, son, daughter, brother, sister, grandparent, uncle,
9 aunt, nephew, niece, great grandparent, great uncle, great
10 aunt, stepbrother, stepsister, stepson, stepdaughter,
11 stepparent or first cousin.

12 (Source: P.A. 93-274, eff. 1-1-04.)

13 Section 530. The Illinois Insurance Code is amended by
14 changing Sections 4, 143.24, 143.24a, 155.52, 236, 356b,
15 356z.2, 357.3, 362a, 364, 367b, 367i, 424, 500-50, and 500-60
16 as follows:

17 (215 ILCS 5/4) (from Ch. 73, par. 616)

18 Sec. 4. Classes of insurance. Insurance and insurance
19 business shall be classified as follows:

20 Class 1. Life, Accident and Health.

21 (a) Life. Insurance on the lives of persons and every
22 insurance appertaining thereto or connected therewith and
23 granting, purchasing or disposing of annuities. Policies of
24 life or endowment insurance or annuity contracts or contracts

1 supplemental thereto which contain provisions for additional
2 benefits in case of death by accidental means and provisions
3 operating to safeguard such policies or contracts against
4 lapse, to give a special surrender value, or special benefit,
5 or an annuity, in the event, that the insured or annuitant
6 shall become a person with a total and permanent disability
7 ~~totally and permanently disabled~~ as defined by the policy or
8 contract, or which contain benefits providing acceleration of
9 life or endowment or annuity benefits in advance of the time
10 they would otherwise be payable, as an indemnity for long term
11 care which is certified or ordered by a physician, including
12 but not limited to, professional nursing care, medical care
13 expenses, custodial nursing care, non-nursing custodial care
14 provided in a nursing home or at a residence of the insured, or
15 which contain benefits providing acceleration of life or
16 endowment or annuity benefits in advance of the time they would
17 otherwise be payable, at any time during the insured's
18 lifetime, as an indemnity for a terminal illness shall be
19 deemed to be policies of life or endowment insurance or annuity
20 contracts within the intent of this clause.

21 Also to be deemed as policies of life or endowment
22 insurance or annuity contracts within the intent of this clause
23 shall be those policies or riders that provide for the payment
24 of up to 75% of the face amount of benefits in advance of the
25 time they would otherwise be payable upon a diagnosis by a
26 physician licensed to practice medicine in all of its branches

1 that the insured has incurred a covered condition listed in the
2 policy or rider.

3 "Covered condition", as used in this clause, means: heart
4 attack, stroke, coronary artery surgery, life threatening
5 cancer, renal failure, alzheimer's disease, paraplegia, major
6 organ transplantation, total and permanent disability, and any
7 other medical condition that the Department may approve for any
8 particular filing.

9 The Director may issue rules that specify prohibited policy
10 provisions, not otherwise specifically prohibited by law,
11 which in the opinion of the Director are unjust, unfair, or
12 unfairly discriminatory to the policyholder, any person
13 insured under the policy, or beneficiary.

14 (b) Accident and health. Insurance against bodily injury,
15 disablement or death by accident and against disablement
16 resulting from sickness or old age and every insurance
17 appertaining thereto, including stop-loss insurance. Stop-loss
18 insurance is insurance against the risk of economic loss issued
19 to a single employer self-funded employee disability benefit
20 plan or an employee welfare benefit plan as described in 29
21 U.S.C. 100 et seq. The insurance laws of this State, including
22 this Code, do not apply to arrangements between a religious
23 organization and the organization's members or participants
24 when the arrangement and organization meet all of the following
25 criteria:

26 (i) the organization is described in Section 501(c)(3)

1 of the Internal Revenue Code and is exempt from taxation
2 under Section 501(a) of the Internal Revenue Code;

3 (ii) members of the organization share a common set of
4 ethical or religious beliefs and share medical expenses
5 among members in accordance with those beliefs and without
6 regard to the state in which a member resides or is
7 employed;

8 (iii) no funds that have been given for the purpose of
9 the sharing of medical expenses among members described in
10 paragraph (ii) of this subsection (b) are held by the
11 organization in an off-shore trust or bank account;

12 (iv) the organization provides at least monthly to all
13 of its members a written statement listing the dollar
14 amount of qualified medical expenses that members have
15 submitted for sharing, as well as the amount of expenses
16 actually shared among the members;

17 (v) members of the organization retain membership even
18 after they develop a medical condition;

19 (vi) the organization or a predecessor organization
20 has been in existence at all times since December 31, 1999,
21 and medical expenses of its members have been shared
22 continuously and without interruption since at least
23 December 31, 1999;

24 (vii) the organization conducts an annual audit that is
25 performed by an independent certified public accounting
26 firm in accordance with generally accepted accounting

1 principles and is made available to the public upon
2 request;

3 (viii) the organization includes the following
4 statement, in writing, on or accompanying all applications
5 and guideline materials:

6 "Notice: The organization facilitating the sharing of
7 medical expenses is not an insurance company, and
8 neither its guidelines nor plan of operation
9 constitute or create an insurance policy. Any
10 assistance you receive with your medical bills will be
11 totally voluntary. As such, participation in the
12 organization or a subscription to any of its documents
13 should never be considered to be insurance. Whether or
14 not you receive any payments for medical expenses and
15 whether or not this organization continues to operate,
16 you are always personally responsible for the payment
17 of your own medical bills.";

18 (ix) any membership card or similar document issued by
19 the organization and any written communication sent by the
20 organization to a hospital, physician, or other health care
21 provider shall include a statement that the organization
22 does not issue health insurance and that the member or
23 participant is personally liable for payment of his or her
24 medical bills;

25 (x) the organization provides to a participant, within
26 30 days after the participant joins, a complete set of its

1 rules for the sharing of medical expenses, appeals of
2 decisions made by the organization, and the filing of
3 complaints;

4 (xi) the organization does not offer any other services
5 that are regulated under any provision of the Illinois
6 Insurance Code or other insurance laws of this State; and

7 (xii) the organization does not amass funds as reserves
8 intended for payment of medical services, rather the
9 organization facilitates the payments provided for in this
10 subsection (b) through payments made directly from one
11 participant to another.

12 (c) Legal Expense Insurance. Insurance which involves the
13 assumption of a contractual obligation to reimburse the
14 beneficiary against or pay on behalf of the beneficiary, all or
15 a portion of his fees, costs, or expenses related to or arising
16 out of services performed by or under the supervision of an
17 attorney licensed to practice in the jurisdiction wherein the
18 services are performed, regardless of whether the payment is
19 made by the beneficiaries individually or by a third person for
20 them, but does not include the provision of or reimbursement
21 for legal services incidental to other insurance coverages. The
22 insurance laws of this State, including this Act do not apply
23 to:

24 (i) Retainer contracts made by attorneys at law with
25 individual clients with fees based on estimates of the
26 nature and amount of services to be provided to the

1 specific client, and similar contracts made with a group of
2 clients involved in the same or closely related legal
3 matters;

4 (ii) Plans owned or operated by attorneys who are the
5 providers of legal services to the plan;

6 (iii) Plans providing legal service benefits to groups
7 where such plans are owned or operated by authority of a
8 state, county, local or other bar association;

9 (iv) Any lawyer referral service authorized or
10 operated by a state, county, local or other bar
11 association;

12 (v) The furnishing of legal assistance by labor unions
13 and other employee organizations to their members in
14 matters relating to employment or occupation;

15 (vi) The furnishing of legal assistance to members or
16 dependents, by churches, consumer organizations,
17 cooperatives, educational institutions, credit unions, or
18 organizations of employees, where such organizations
19 contract directly with lawyers or law firms for the
20 provision of legal services, and the administration and
21 marketing of such legal services is wholly conducted by the
22 organization or its subsidiary;

23 (vii) Legal services provided by an employee welfare
24 benefit plan defined by the Employee Retirement Income
25 Security Act of 1974;

26 (viii) Any collectively bargained plan for legal

1 services between a labor union and an employer negotiated
2 pursuant to Section 302 of the Labor Management Relations
3 Act as now or hereafter amended, under which plan legal
4 services will be provided for employees of the employer
5 whether or not payments for such services are funded to or
6 through an insurance company.

7 Class 2. Casualty, Fidelity and Surety.

8 (a) Accident and health. Insurance against bodily injury,
9 disablement or death by accident and against disablement
10 resulting from sickness or old age and every insurance
11 appertaining thereto, including stop-loss insurance. Stop-loss
12 insurance is insurance against the risk of economic loss issued
13 to a single employer self-funded employee disability benefit
14 plan or an employee welfare benefit plan as described in 29
15 U.S.C. 1001 et seq.

16 (b) Vehicle. Insurance against any loss or liability
17 resulting from or incident to the ownership, maintenance or use
18 of any vehicle (motor or otherwise), draft animal or aircraft.
19 Any policy insuring against any loss or liability on account of
20 the bodily injury or death of any person may contain a
21 provision for payment of disability benefits to injured persons
22 and death benefits to dependents, beneficiaries or personal
23 representatives of persons who are killed, including the named
24 insured, irrespective of legal liability of the insured, if the
25 injury or death for which benefits are provided is caused by
26 accident and sustained while in or upon or while entering into

1 or alighting from or through being struck by a vehicle (motor
2 or otherwise), draft animal or aircraft, and such provision
3 shall not be deemed to be accident insurance.

4 (c) Liability. Insurance against the liability of the
5 insured for the death, injury or disability of an employee or
6 other person, and insurance against the liability of the
7 insured for damage to or destruction of another person's
8 property.

9 (d) Workers' compensation. Insurance of the obligations
10 accepted by or imposed upon employers under laws for workers'
11 compensation.

12 (e) Burglary and forgery. Insurance against loss or damage
13 by burglary, theft, larceny, robbery, forgery, fraud or
14 otherwise; including all householders' personal property
15 floater risks.

16 (f) Glass. Insurance against loss or damage to glass
17 including lettering, ornamentation and fittings from any
18 cause.

19 (g) Fidelity and surety. Become surety or guarantor for any
20 person, copartnership or corporation in any position or place
21 of trust or as custodian of money or property, public or
22 private; or, becoming a surety or guarantor for the performance
23 of any person, copartnership or corporation of any lawful
24 obligation, undertaking, agreement or contract of any kind,
25 except contracts or policies of insurance; and underwriting
26 blanket bonds. Such obligations shall be known and treated as

1 suretyship obligations and such business shall be known as
2 surety business.

3 (h) Miscellaneous. Insurance against loss or damage to
4 property and any liability of the insured caused by accidents
5 to boilers, pipes, pressure containers, machinery and
6 apparatus of any kind and any apparatus connected thereto, or
7 used for creating, transmitting or applying power, light, heat,
8 steam or refrigeration, making inspection of and issuing
9 certificates of inspection upon elevators, boilers, machinery
10 and apparatus of any kind and all mechanical apparatus and
11 appliances appertaining thereto; insurance against loss or
12 damage by water entering through leaks or openings in
13 buildings, or from the breakage or leakage of a sprinkler,
14 pumps, water pipes, plumbing and all tanks, apparatus, conduits
15 and containers designed to bring water into buildings or for
16 its storage or utilization therein, or caused by the falling of
17 a tank, tank platform or supports, or against loss or damage
18 from any cause (other than causes specifically enumerated under
19 Class 3 of this Section) to such sprinkler, pumps, water pipes,
20 plumbing, tanks, apparatus, conduits or containers; insurance
21 against loss or damage which may result from the failure of
22 debtors to pay their obligations to the insured; and insurance
23 of the payment of money for personal services under contracts
24 of hiring.

25 (i) Other casualty risks. Insurance against any other
26 casualty risk not otherwise specified under Classes 1 or 3,

1 which may lawfully be the subject of insurance and may properly
2 be classified under Class 2.

3 (j) Contingent losses. Contingent, consequential and
4 indirect coverages wherein the proximate cause of the loss is
5 attributable to any one of the causes enumerated under Class 2.
6 Such coverages shall, for the purpose of classification, be
7 included in the specific grouping of the kinds of insurance
8 wherein such cause is specified.

9 (k) Livestock and domestic animals. Insurance against
10 mortality, accident and health of livestock and domestic
11 animals.

12 (l) Legal expense insurance. Insurance against risk
13 resulting from the cost of legal services as defined under
14 Class 1(c).

15 Class 3. Fire and Marine, etc.

16 (a) Fire. Insurance against loss or damage by fire, smoke
17 and smudge, lightning or other electrical disturbances.

18 (b) Elements. Insurance against loss or damage by
19 earthquake, windstorms, cyclone, tornado, tempests, hail,
20 frost, snow, ice, sleet, flood, rain, drought or other weather
21 or climatic conditions including excess or deficiency of
22 moisture, rising of the waters of the ocean or its tributaries.

23 (c) War, riot and explosion. Insurance against loss or
24 damage by bombardment, invasion, insurrection, riot, strikes,
25 civil war or commotion, military or usurped power, or explosion
26 (other than explosion of steam boilers and the breaking of fly

1 wheels on premises owned, controlled, managed, or maintained by
2 the insured.)

3 (d) Marine and transportation. Insurance against loss or
4 damage to vessels, craft, aircraft, vehicles of every kind,
5 (excluding vehicles operating under their own power or while in
6 storage not incidental to transportation) as well as all goods,
7 freights, cargoes, merchandise, effects, disbursements,
8 profits, moneys, bullion, precious stones, securities, choses
9 in action, evidences of debt, valuable papers, bottomry and
10 respondentia interests and all other kinds of property and
11 interests therein, in respect to, appertaining to or in
12 connection with any or all risks or perils of navigation,
13 transit, or transportation, including war risks, on or under
14 any seas or other waters, on land or in the air, or while being
15 assembled, packed, crated, baled, compressed or similarly
16 prepared for shipment or while awaiting the same or during any
17 delays, storage, transshipment, or reshipment incident
18 thereto, including marine builder's risks and all personal
19 property floater risks; and for loss or damage to persons or
20 property in connection with or appertaining to marine, inland
21 marine, transit or transportation insurance, including
22 liability for loss of or damage to either arising out of or in
23 connection with the construction, repair, operation,
24 maintenance, or use of the subject matter of such insurance,
25 (but not including life insurance or surety bonds); but, except
26 as herein specified, shall not mean insurances against loss by

1 reason of bodily injury to the person; and insurance against
2 loss or damage to precious stones, jewels, jewelry, gold,
3 silver and other precious metals whether used in business or
4 trade or otherwise and whether the same be in course of
5 transportation or otherwise, which shall include jewelers'
6 block insurance; and insurance against loss or damage to
7 bridges, tunnels and other instrumentalities of transportation
8 and communication (excluding buildings, their furniture and
9 furnishings, fixed contents and supplies held in storage)
10 unless fire, tornado, sprinkler leakage, hail, explosion,
11 earthquake, riot and civil commotion are the only hazards to be
12 covered; and to piers, wharves, docks and slips, excluding the
13 risks of fire, tornado, sprinkler leakage, hail, explosion,
14 earthquake, riot and civil commotion; and to other aids to
15 navigation and transportation, including dry docks and marine
16 railways, against all risk.

17 (e) Vehicle. Insurance against loss or liability resulting
18 from or incident to the ownership, maintenance or use of any
19 vehicle (motor or otherwise), draft animal or aircraft,
20 excluding the liability of the insured for the death, injury or
21 disability of another person.

22 (f) Property damage, sprinkler leakage and crop. Insurance
23 against the liability of the insured for loss or damage to
24 another person's property or property interests from any cause
25 enumerated in this class; insurance against loss or damage by
26 water entering through leaks or openings in buildings, or from

1 the breakage or leakage of a sprinkler, pumps, water pipes,
2 plumbing and all tanks, apparatus, conduits and containers
3 designed to bring water into buildings or for its storage or
4 utilization therein, or caused by the falling of a tank, tank
5 platform or supports or against loss or damage from any cause
6 to such sprinklers, pumps, water pipes, plumbing, tanks,
7 apparatus, conduits or containers; insurance against loss or
8 damage from insects, diseases or other causes to trees, crops
9 or other products of the soil.

10 (g) Other fire and marine risks. Insurance against any
11 other property risk not otherwise specified under Classes 1 or
12 2, which may lawfully be the subject of insurance and may
13 properly be classified under Class 3.

14 (h) Contingent losses. Contingent, consequential and
15 indirect coverages wherein the proximate cause of the loss is
16 attributable to any of the causes enumerated under Class 3.
17 Such coverages shall, for the purpose of classification, be
18 included in the specific grouping of the kinds of insurance
19 wherein such cause is specified.

20 (i) Legal expense insurance. Insurance against risk
21 resulting from the cost of legal services as defined under
22 Class 1(c).

23 (Source: P.A. 97-705, eff. 1-1-13; 97-707, eff. 1-1-13.)

24 (215 ILCS 5/143.24) (from Ch. 73, par. 755.24)

25 Sec. 143.24. Limited Nonrenewal of Automobile Insurance

1 Policy. A policy of automobile insurance, as defined in
2 subsection (a) of Section 143.13, may not be nonrenewed for any
3 of the following reasons:

- 4 a. Age;
- 5 b. Sex;
- 6 c. Race;
- 7 d. Color;
- 8 e. Creed;
- 9 f. Ancestry;
- 10 g. Occupation;
- 11 h. Marital Status;
- 12 i. Employer of the insured;
- 13 j. Physical disability ~~handicap~~ as defined in Section
14 143.24a of this Act.

15 (Source: P.A. 86-437.)

16 (215 ILCS 5/143.24a) (from Ch. 73, par. 755.24a)

17 Sec. 143.24a. (a) No insurer, licensed to issue a policy of
18 automobile insurance, as defined in subsection (a) of Section
19 143.13, shall fail or refuse to accept an application from a
20 person with a physical disability ~~physically handicapped~~
21 ~~person~~ for such insurance, refuse to issue such insurance to an
22 applicant with a physical disability ~~a physically handicapped~~
23 ~~applicant~~ therefor solely because of a physical disability
24 ~~handicap~~, or issue or cancel such insurance under conditions
25 less favorable to persons with physical disabilities

1 ~~physically handicapped persons~~ than persons without physical
2 disabilities ~~nonhandicapped persons~~; nor shall a physical
3 disability handicap itself constitute a condition or risk for
4 which a higher premium may be required of a person with a
5 physical disability ~~physically handicapped person~~ for such
6 insurance.

7 (b) As used in this Section, "physical disability handicap"
8 refers only to an impairment of physical ability because of
9 amputation or loss of function which impairment has been
10 compensated for, when necessary, by vehicle equipment
11 adaptation or modification; or an impairment of hearing which
12 impairment has been compensated for, when necessary, either by
13 sensory equipment adaptation or modification, or an impairment
14 of speech; provided, that the insurer may require an applicant
15 with a physical disability ~~a physically handicapped applicant~~
16 for such insurance on the renewal of such insurance to furnish
17 proof that he or she has qualified for a new or renewed drivers
18 license since the occurrence of the disabling handicapping
19 condition.

20 (Source: P.A. 85-762.)

21 (215 ILCS 5/155.52) (from Ch. 73, par. 767.52)

22 Sec. 155.52. Definitions.

23 For the purpose of this Article:

24 (a) "Credit life insurance" means insurance on the life of
25 a debtor pursuant to or in connection with a specific loan or

1 other credit transaction;

2 (b) "Credit Accident and health insurance" means insurance
3 on a debtor to provide indemnity for payments becoming due on a
4 specific loan or other credit transaction while the debtor is a
5 person with a disability ~~disabled~~ as defined in the policy;

6 (c) "Creditor" means the lender of money or vendor or
7 lessor of goods, services, property, rights or privileges, for
8 which payment is arranged through a credit transaction or any
9 successor to the right, title or interest of any such lender,
10 vendor or lessor, and an affiliate, associate or subsidiary of
11 any of them or any director, officer or employee of any of them
12 or any other person in any way associated with any of them;

13 (d) "Debtor" means a borrower of money or a purchaser or
14 lessee of goods, services, property, rights or privileges for
15 which payment is arranged through a credit transaction;

16 (e) "Indebtedness" means the total amount payable by a
17 debtor to a creditor in connection with a loan or other credit
18 transaction;

19 (f) "Director" means the Director of Insurance of the State
20 of Illinois.

21 (Source: Laws 1959, p. 1140.)

22 (215 ILCS 5/236) (from Ch. 73, par. 848)

23 Sec. 236. Discrimination prohibited.

24 (a) No life company doing business in this State shall make
25 or permit any distinction or discrimination in favor of

1 individuals among insured persons of the same class and equal
2 expectation of life in the issuance of its policies, in the
3 amount of payment of premiums or rates charged for policies of
4 insurance, in the amount of any dividends or other benefits
5 payable thereon, or in any other of the terms and conditions of
6 the contracts it makes.

7 (b) No life company shall make or permit any distinction or
8 discrimination against individuals with ~~handicaps~~ or
9 disabilities in the amount of payment of premiums or rates
10 charged for policies of life insurance, in the amount of any
11 dividends or death benefits payable thereon, or in any other
12 terms and conditions of the contract it makes unless the rate
13 differential is based on sound actuarial principles and a
14 reasonable system of classification and is related to actual or
15 reasonably anticipated experience directly associated with the
16 ~~handicap~~ or disability.

17 (c) No life company shall refuse to insure, or refuse to
18 continue to insure, or limit the amount or extent or kind of
19 coverage available to an individual, or charge an individual a
20 different rate for the same coverage solely because of
21 blindness or partial blindness. With respect to all other
22 conditions, including the underlying cause of the blindness or
23 partial blindness, persons who are blind or partially blind
24 shall be subject to the same standards of sound actuarial
25 principles or actual or reasonably anticipated experience as
26 are sighted persons. Refusal to insure includes denial by an

1 insurer of disability insurance coverage on the grounds that
2 the policy defines "disability" as being presumed in the event
3 that the insured loses his or her eyesight. However, an insurer
4 may exclude from coverage disabilities consisting solely of
5 blindness or partial blindness when such condition existed at
6 the time the policy was issued.

7 (d) No life company shall refuse to insure or to continue
8 to insure an individual solely because of the individual's
9 status as a member of the United States Air Force, Army, Coast
10 Guard, Marines, or Navy or solely because of the individual's
11 status as a member of the National Guard or Armed Forces
12 Reserve.

13 (e) An insurer or producer authorized to issue policies of
14 insurance in this State may not make a distinction or otherwise
15 discriminate between persons, reject an applicant, cancel a
16 policy, or demand or require a higher rate of premium for
17 reasons based solely upon an applicant's or insured's past
18 lawful travel experiences or future lawful travel plans. This
19 subsection (e) does not prohibit an insurer or producer from
20 excluding or limiting coverage under a policy or refusing to
21 offer the policy based upon past lawful travel or future lawful
22 travel plans or from charging a different rate for that
23 coverage when that action is based upon sound actuarial
24 principles or is related to actual or reasonably expected
25 experience and is not based solely on the destination's
26 inclusion on the United States Department of State's travel

1 warning list.

2 (Source: P.A. 95-163, eff. 1-1-08.)

3 (215 ILCS 5/356b) (from Ch. 73, par. 968b)

4 Sec. 356b. (a) This Section applies to the hospital and
5 medical expense provisions of an accident or health insurance
6 policy.

7 (b) If a policy provides that coverage of a dependent
8 person terminates upon attainment of the limiting age for
9 dependent persons specified in the policy, the attainment of
10 such limiting age does not operate to terminate the hospital
11 and medical coverage of a person who, because of a disabling
12 ~~handicapped~~ condition that occurred before attainment of the
13 limiting age, is incapable of self-sustaining employment and is
14 dependent on his or her parents or other care providers for
15 lifetime care and supervision.

16 (c) For purposes of subsection (b), "dependent on other
17 care providers" is defined as requiring a Community Integrated
18 Living Arrangement, group home, supervised apartment, or other
19 residential services licensed or certified by the Department of
20 Human Services (as successor to the Department of Mental Health
21 and Developmental Disabilities), the Department of Public
22 Health, or the Department of Healthcare and Family Services
23 (formerly Department of Public Aid).

24 (d) The insurer may inquire of the policyholder 2 months
25 prior to attainment by a dependent of the limiting age set

1 forth in the policy, or at any reasonable time thereafter,
2 whether such dependent is in fact a person who has a disability
3 and is dependent ~~disabled and dependent person~~ and, in the
4 absence of proof submitted within 60 days of such inquiry that
5 such dependent is a person who has a disability and is
6 dependent ~~disabled and dependent person~~ may terminate coverage
7 of such person at or after attainment of the limiting age. In
8 the absence of such inquiry, coverage of any person who has a
9 disability and is dependent ~~disabled and dependent person~~ shall
10 continue through the term of such policy or any extension or
11 renewal thereof.

12 (e) This amendatory Act of 1969 is applicable to policies
13 issued or renewed more than 60 days after the effective date of
14 this amendatory Act of 1969.

15 (Source: P.A. 95-331, eff. 8-21-07.)

16 (215 ILCS 5/356z.2)

17 Sec. 356z.2. Coverage for adjunctive services in dental
18 care.

19 (a) An individual or group policy of accident and health
20 insurance amended, delivered, issued, or renewed after the
21 effective date of this amendatory Act of the 92nd General
22 Assembly shall cover charges incurred, and anesthetics
23 provided, in conjunction with dental care that is provided to a
24 covered individual in a hospital or an ambulatory surgical
25 treatment center if any of the following applies:

1 (1) the individual is a child age 6 or under;

2 (2) the individual has a medical condition that
3 requires hospitalization or general anesthesia for dental
4 care; or

5 (3) the individual is a person with a disability
6 ~~disabled~~.

7 (b) For purposes of this Section, "ambulatory surgical
8 treatment center" has the meaning given to that term in Section
9 3 of the Ambulatory Surgical Treatment Center Act.

10 For purposes of this Section, "person with a disability
11 ~~disabled~~" means a person, regardless of age, with a chronic
12 disability if the chronic disability meets all of the following
13 conditions:

14 (1) It is attributable to a mental or physical
15 impairment or combination of mental and physical
16 impairments.

17 (2) It is likely to continue.

18 (3) It results in substantial functional limitations
19 in one or more of the following areas of major life
20 activity:

21 (A) self-care;

22 (B) receptive and expressive language;

23 (C) learning;

24 (D) mobility;

25 (E) capacity for independent living; or

26 (F) economic self-sufficiency.

1 (c) The coverage required under this Section may be subject
2 to any limitations, exclusions, or cost-sharing provisions
3 that apply generally under the insurance policy.

4 (d) This Section does not apply to a policy that covers
5 only dental care.

6 (e) Nothing in this Section requires that the dental
7 services be covered.

8 (f) The provisions of this Section do not apply to
9 short-term travel, accident-only, limited, or specified
10 disease policies, nor to policies or contracts designed for
11 issuance to persons eligible for coverage under Title XVIII of
12 the Social Security Act, known as Medicare, or any other
13 similar coverage under State or federal governmental plans.

14 (Source: P.A. 95-331, eff. 8-21-07.)

15 (215 ILCS 5/357.3) (from Ch. 73, par. 969.3)

16 Sec. 357.3. "TIME LIMIT ON CERTAIN DEFENSES: (1) After 2
17 years from the date of issue of this policy no misstatements,
18 except fraudulent misstatements, made by the applicant in the
19 application for such policy shall be used to void the policy or
20 to deny a claim for loss incurred or disability (as defined in
21 the policy) commencing after the expiration of such 2 year
22 period."

23 (The foregoing policy provision shall not be so construed
24 as to affect any legal requirement for avoidance of a policy or
25 denial of a claim during such initial 2 year period, nor to

1 limit the application of section 357.15 through section 357.19
2 in the event of misstatement with respect to age or occupation
3 or other insurance.)

4 A policy which the insured has the right to continue in
5 force subject to its terms by the timely payment of premium (1)
6 until at least age 50 or, (2) in the case of a policy issued
7 after age 44, for at least 5 years from its date of issue, may
8 contain in lieu of the foregoing the following provisions (from
9 which the clause in parentheses may be omitted at the company's
10 option) under the caption "INCONTESTABLE":

11 "After this policy has been in force for a period of 2
12 years during the lifetime of the insured (excluding any period
13 during which the insured is a person with a disability
14 ~~disabled~~), it shall become incontestable as to the statements
15 contained in the application."

16 (2) "No claim for loss incurred or disability (as defined
17 in the policy) commencing after 2 years from the date of issue
18 of this policy shall be reduced or denied on the ground that a
19 disease or physical condition not excluded from coverage by
20 name or specific description effective on the date of loss had
21 existed prior to the effective date of coverage of this
22 policy."

23 (Source: Laws 1967, p. 1735.)

24 (215 ILCS 5/362a) (from Ch. 73, par. 974a)

25 Sec. 362a. Non-application to certain policies. The

1 provisions of sections 356a to 359a, both inclusive, shall not
2 apply to or affect (1) any policy of workers' compensation
3 insurance or any policy of liability insurance with or without
4 supplementary expense coverage therein; or (2) any policy or
5 contract of reinsurance; or (3) any group policy of insurance
6 (unless otherwise specifically provided); or (4) life
7 insurance, endowment or annuity contracts, or contracts
8 supplemental thereto which contain only such provisions
9 relating to accident and sickness insurance as (a) provide
10 additional benefits in case of death or dismemberment or loss
11 of sight by accident, or as (b) operate to safeguard such
12 contracts against lapse, or to give a special surrender value
13 or special benefit or an annuity in the event that the insured
14 or annuitant shall become a person with a total and permanent
15 disability ~~totally and permanently disabled~~, as defined by the
16 contract or supplemental contract.

17 (Source: P.A. 81-992.)

18 (215 ILCS 5/364) (from Ch. 73, par. 976)

19 Sec. 364. Discrimination prohibited. Discrimination
20 between individuals of the same class of risk in the issuance
21 of its policies or in the amount of premiums or rates charged
22 for any insurance covered by this article, or in the benefits
23 payable thereon, or in any of the terms or conditions of such
24 policy, or in any other manner whatsoever is prohibited.
25 Nothing in this provision shall prohibit an insurer from

1 providing incentives for insureds to utilize the services of a
2 particular hospital or person. It is hereby expressly provided
3 that whenever the terms "physician" or "doctor" appear or are
4 used in any way in any policy of accident or health insurance
5 issued in this state, said terms shall include within their
6 meaning persons licensed to practice dentistry under the
7 Illinois Dental Practice Act with regard to benefits payable
8 for services performed by a person so licensed, which such
9 services are within the coverage provided by the particular
10 policy or contract of insurance and are within the professional
11 services authorized to be performed by such person under and in
12 accordance with the said Act.

13 No company, in any policy of accident or health insurance
14 issued in this State, shall make or permit any distinction or
15 discrimination against individuals solely because of the
16 individuals' disabilities ~~handicaps or disabilities~~ in the
17 amount of payment of premiums or rates charged for policies of
18 insurance, in the amount of any dividends or other benefits
19 payable thereon, or in any other terms and conditions of the
20 contract it makes, except where the distinction or
21 discrimination is based on sound actuarial principles or is
22 related to actual or reasonably anticipated experience.

23 No company shall refuse to insure, or refuse to continue to
24 insure, or limit the amount or extent or kind of coverage
25 available to an individual, or charge an individual a different
26 rate for the same coverage solely because of blindness or

1 partial blindness. With respect to all other conditions,
2 including the underlying cause of the blindness or partial
3 blindness, persons who are blind or partially blind shall be
4 subject to the same standards of sound actuarial principles or
5 actual or reasonably anticipated experience as are sighted
6 persons. Refusal to insure includes denial by an insurer of
7 disability insurance coverage on the grounds that the policy
8 defines "disability" as being presumed in the event that the
9 insured loses his or her eyesight.

10 (Source: P.A. 91-549, eff. 8-14-99.)

11 (215 ILCS 5/367b) (from Ch. 73, par. 979b)

12 Sec. 367b. (a) This Section applies to the hospital and
13 medical expense provisions of a group accident or health
14 insurance policy.

15 (b) If a policy provides that coverage of a dependent of an
16 employee or other member of the covered group terminates upon
17 attainment of the limiting age for dependent persons specified
18 in the policy, the attainment of such limiting age does not
19 operate to terminate the hospital and medical coverage of a
20 person who, because of a disabling ~~handicapped~~ condition that
21 occurred before attainment of the limiting age, is incapable of
22 self-sustaining employment and is dependent on his or her
23 parents or other care providers for lifetime care and
24 supervision.

25 (c) For purposes of subsection (b), "dependent on other

1 care providers" is defined as requiring a Community Integrated
2 Living Arrangement, group home, supervised apartment, or other
3 residential services licensed or certified by the Department of
4 Human Services (as successor to the Department of Mental Health
5 and Developmental Disabilities), the Department of Public
6 Health, or the Department of Healthcare and Family Services
7 (formerly Department of Public Aid).

8 (d) The insurer may inquire of the person insured 2 months
9 prior to attainment by a dependent of the limiting age set
10 forth in the policy, or at any reasonable time thereafter,
11 whether such dependent is in fact a person who has a disability
12 and is dependent ~~disabled and dependent person~~ and, in the
13 absence of proof submitted within 31 days of such inquiry that
14 such dependent is a person who has a disability and is
15 dependent ~~disabled and dependent person~~ may terminate coverage
16 of such person at or after attainment of the limiting age. In
17 the absence of such inquiry, coverage of any person who has a
18 disability and is dependent ~~disabled and dependent person~~ shall
19 continue through the term of such policy or any extension or
20 renewal.

21 (e) This amendatory Act of 1969 is applicable to policies
22 issued or renewed more than 60 days after the effective date of
23 this amendatory Act of 1969.

24 (Source: P.A. 95-331, eff. 8-21-07.)

25 (215 ILCS 5/367i) (from Ch. 73, par. 979i)

1 Sec. 367i. Discontinuance and replacement of coverage.
2 Group health insurance policies issued, amended, delivered or
3 renewed on and after the effective date of this amendatory Act
4 of 1989, shall provide a reasonable extension of benefits in
5 the event of total disability on the date the policy is
6 discontinued for any reason.

7 Any applicable extension of benefits or accrued liability
8 shall be described in the policy and group certificate.
9 Benefits payable during any extension of benefits may be
10 subject to the policy's regular benefit limits.

11 Any insurer discontinuing a group health insurance policy
12 shall provide to the policyholder for delivery to covered
13 employees or members a notice as to the date such
14 discontinuation is to be effective and urging them to refer to
15 their group certificates to determine what contract rights, if
16 any, are available to them.

17 In the event a discontinued policy is replaced by another
18 group policy, the prior insurer or plan shall be liable only to
19 the extent of its accrued liabilities and extension of
20 benefits. Persons eligible for coverage under the succeeding
21 insurer's plan shall include all employees and dependents
22 covered under the prior insurer's plan, including individuals
23 with disabilities ~~disabled individuals~~ covered under the prior
24 plan but absent from work on the effective date and thereafter.
25 The prior insurer shall provide extension of benefits for an
26 insured's disabling condition when no coverage is available

1 under the succeeding insurer's plan whether due to the absence
2 of coverage in the contract or lack of required creditable
3 coverage for a preexisting condition.

4 The Director shall promulgate reasonable rules as
5 necessary to carry out this Section.

6 (Source: P.A. 91-549, eff. 8-14-99.)

7 (215 ILCS 5/424) (from Ch. 73, par. 1031)

8 Sec. 424. Unfair methods of competition and unfair or
9 deceptive acts or practices defined. The following are hereby
10 defined as unfair methods of competition and unfair and
11 deceptive acts or practices in the business of insurance:

12 (1) The commission by any person of any one or more of the
13 acts defined or prohibited by Sections 134, 143.24c, 147, 148,
14 149, 151, 155.22, 155.22a, 155.42, 236, 237, 364, and 469 of
15 this Code.

16 (2) Entering into any agreement to commit, or by any
17 concerted action committing, any act of boycott, coercion or
18 intimidation resulting in or tending to result in unreasonable
19 restraint of, or monopoly in, the business of insurance.

20 (3) Making or permitting, in the case of insurance of the
21 types enumerated in Classes 1, 2, and 3 of Section 4, any
22 unfair discrimination between individuals or risks of the same
23 class or of essentially the same hazard and expense element
24 because of the race, color, religion, or national origin of
25 such insurance risks or applicants. The application of this

1 Article to the types of insurance enumerated in Class 1 of
2 Section 4 shall in no way limit, reduce, or impair the
3 protections and remedies already provided for by Sections 236
4 and 364 of this Code or any other provision of this Code.

5 (4) Engaging in any of the acts or practices defined in or
6 prohibited by Sections 154.5 through 154.8 of this Code.

7 (5) Making or charging any rate for insurance against
8 losses arising from the use or ownership of a motor vehicle
9 which requires a higher premium of any person by reason of his
10 physical disability ~~handicap~~, race, color, religion, or
11 national origin.

12 (Source: P.A. 97-527, eff. 8-23-11.)

13 (215 ILCS 5/500-50)

14 (Section scheduled to be repealed on January 1, 2017)

15 Sec. 500-50. Insurance producers; examination statistics.

16 (a) The use of examinations for the purpose of determining
17 qualifications of persons to be licensed as insurance producers
18 has a direct and far-reaching effect on persons seeking those
19 licenses, on insurance companies, and on the public. It is in
20 the public interest and it will further the public welfare to
21 insure that examinations for licensing do not have the effect
22 of unlawfully discriminating against applicants for licensing
23 as insurance producers on the basis of race, color, national
24 origin, or sex.

25 (b) As used in this Section, the following words have the

1 meanings given in this subsection.

2 Examination. "Examination" means the examination in each
3 line of insurance administered pursuant to Section 500-30.

4 Examinee. "Examinee" means a person who takes an
5 examination.

6 Part. "Part" means a portion of an examination for which a
7 score is calculated.

8 Operational item. "Operational item" means a test question
9 considered in determining an examinee's score.

10 Test form. "Test form" means the test booklet or instrument
11 used for a part of an examination.

12 Pretest item. "Pretest item" means a prospective test
13 question that is included in a test form in order to assess its
14 performance, but is not considered in determining an examinee's
15 score.

16 Minority group or examinees. "Minority group" or "minority
17 examinees" means examinees who are American Indian or Alaska
18 Native, Asian, Black or African American, Hispanic or Latino,
19 or Native Hawaiian or Other Pacific Islander.

20 Correct-answer rate. "Correct-answer rate" for an item
21 means the number of examinees who provided the correct answer
22 on an item divided by the number of examinees who answered the
23 item.

24 Correlation. "Correlation" means a statistical measure of
25 the relationship between performance on an item and performance
26 on a part of the examination.

1 (c) The Director shall ask each examinee to self-report on
2 a voluntary basis on the answer sheet, application form, or by
3 other appropriate means, the following information:

4 (1) race or ethnicity (American Indian or Alaska
5 Native, Asian, Black or African American, Hispanic or
6 Latino, Native Hawaiian or Other Pacific Islander, or
7 White);

8 (2) education (8th grade or less; less than 12th grade;
9 high school diploma or high school equivalency
10 certificate; some college, but no 4-year degree; or 4-year
11 degree or more); and

12 (3) gender (male or female).

13 The Director must advise all examinees that they are not
14 required to provide this information, that they will not be
15 penalized for not doing so, and that the Director will use the
16 information provided exclusively for research and statistical
17 purposes and to improve the quality and fairness of the
18 examinations.

19 (d) No later than May 1 of each year, the Director must
20 prepare, publicly announce, and publish an Examination Report
21 of summary statistical information relating to each
22 examination administered during the preceding calendar year.
23 Each Examination Report shall show with respect to each
24 examination:

25 (1) For all examinees combined and separately by race
26 or ethnicity, by educational level, by gender, by

1 educational level within race or ethnicity, by education
2 level within gender, and by race or ethnicity within
3 gender:

4 (A) number of examinees;

5 (B) percentage and number of examinees who passed
6 each part;

7 (C) percentage and number of examinees who passed
8 all parts;

9 (D) mean scaled scores on each part; and

10 (E) standard deviation of scaled scores on each
11 part.

12 (2) For male examinees, female examinees, Black or
13 African American examinees, white examinees, American
14 Indian or Alaska Native examinees, Asian examinees,
15 Hispanic or Latino examinees, and Native Hawaiian or Other
16 Pacific Islander, respectively, with a high school diploma
17 or high school equivalency certificate, the distribution
18 of scaled scores on each part.

19 No later than May 1 of each year, the Director must prepare
20 and make available on request an Item Report of summary
21 statistical information relating to each operational item on
22 each test form administered during the preceding calendar year.
23 The Item Report shall show, for each operational item, for all
24 examinees combined and separately for Black or African American
25 examinees, white examinees, American Indian or Alaska Native
26 examinees, Asian examinees, Hispanic or Latino examinees, and

1 Native Hawaiian or Other Pacific Islander, the correct-answer
2 rates and correlations.

3 The Director is not required to report separate statistical
4 information for any group or subgroup comprising fewer than 50
5 examinees.

6 (e) The Director must obtain a regular analysis of the data
7 collected under this Section, and any other relevant
8 information, for purposes of the development of new test forms.
9 The analysis shall continue the implementation of the item
10 selection methodology as recommended in the Final Report of the
11 Illinois Insurance Producer's Licensing Examination Advisory
12 Committee dated November 19, 1991, and filed with the
13 Department unless some other methodology is determined by the
14 Director to be as effective in minimizing differences between
15 white and minority examinee pass-fail rates.

16 (f) The Director has the discretion to set cutoff scores
17 for the examinations, provided that scaled scores on test forms
18 administered after July 1, 1993, shall be made comparable to
19 scaled scores on test forms administered in 1991 by use of
20 professionally acceptable methods so as to minimize changes in
21 passing rates related to the presence or absence of or changes
22 in equating or scaling equations or methods or content
23 outlines. Each calendar year, the scaled cutoff score for each
24 part of each examination shall fluctuate by no more than the
25 standard error of measurement from the scaled cutoff score
26 employed during the preceding year.

1 (g) No later than May 1, 2003 and no later than May 1 of
2 every fourth year thereafter, the Director must release to the
3 public and make generally available one representative test
4 form and set of answer keys for each part of each examination.

5 (h) The Director must maintain, for a period of 3 years
6 after they are prepared or used, all registration forms, test
7 forms, answer sheets, operational items and pretest items, item
8 analyses, and other statistical analyses relating to the
9 examinations. All personal identifying information regarding
10 examinees and the content of test items must be maintained
11 confidentially as necessary for purposes of protecting the
12 personal privacy of examinees and the maintenance of test
13 security.

14 (i) In administering the examinations, the Director must
15 make such accommodations for examinees with disabilities
16 ~~disabled examinees~~ as are reasonably warranted by the
17 particular disability involved, including the provision of
18 additional time if necessary to complete an examination or
19 special assistance in taking an examination.

20 (j) For the purposes of this Section:

21 (1) "American Indian or Alaska Native" means a person
22 having origins in any of the original peoples of North and
23 South America, including Central America, and who
24 maintains tribal affiliation or community attachment.

25 (2) "Asian" means a person having origins in any of the
26 original peoples of the Far East, Southeast Asia, or the

1 Indian subcontinent, including, but not limited to,
2 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
3 the Philippine Islands, Thailand, and Vietnam.

4 (3) "Black or African American" means a person having
5 origins in any of the black racial groups of Africa. Terms
6 such as "Haitian" or "Negro" can be used in addition to
7 "Black or African American".

8 (4) "Hispanic or Latino" means a person of Cuban,
9 Mexican, Puerto Rican, South or Central American, or other
10 Spanish culture or origin, regardless of race.

11 (5) "Native Hawaiian or Other Pacific Islander" means a
12 person having origins in any of the original peoples of
13 Hawaii, Guam, Samoa, or other Pacific Islands.

14 (6) "White" means a person having origins in any of the
15 original peoples of Europe, the Middle East, or North
16 Africa.

17 (Source: P.A. 97-396, eff. 1-1-12; 98-718, eff. 1-1-15.)

18 (215 ILCS 5/500-60)

19 (Section scheduled to be repealed on January 1, 2017)

20 Sec. 500-60. Temporary licensing.

21 (a) The Director may issue a temporary insurance producer
22 license for a period not to exceed 180 days and, at the
23 discretion of the Director, may renew the temporary producer
24 license for an additional 180 days without requiring an
25 examination if the Director deems that the temporary license is

1 necessary for the servicing of an insurance business in the
2 following cases:

3 (1) to the surviving spouse or court-appointed
4 personal representative of a licensed insurance producer
5 who dies or becomes a person with a mental or physical
6 disability ~~mentally or physically disabled~~ to allow
7 adequate time for the sale of the insurance business owned
8 by the producer or for the recovery or return of the
9 producer to the business or to provide for the training and
10 licensing of new personnel to operate the producer's
11 business;

12 (2) to a member or employee of a business entity
13 licensed as an insurance producer, upon the death or
14 disability of an individual designated in the business
15 entity application or the license; or

16 (3) to the designee of a licensed insurance producer
17 entering active service in the armed forces of the United
18 States of America.

19 (b) The Director may by order limit the authority of any
20 temporary licensee in any way deemed necessary to protect
21 insureds and the public. The Director may require the temporary
22 licensee to have a suitable sponsor who is a licensed producer
23 or insurer and who assumes responsibility for all acts of the
24 temporary licensee and may impose other similar requirements
25 designed to protect insureds and the public. The Director may
26 by order revoke a temporary license if the interest of insureds

1 or the public are endangered. A temporary license may not
2 continue after the owner or the personal representative
3 disposes of the business.

4 (c) Before any temporary insurance producer license is
5 issued, there must be filed with the Director a written
6 application by the person desiring the license in the form,
7 with the supplements, and containing the information that the
8 Director requires. License fees, as provided for in Section
9 500-135, must be paid upon the issuance of the original
10 temporary insurance producer license, but not for any renewal
11 thereof.

12 (Source: P.A. 92-386, eff. 1-1-02.)

13 Section 535. The Comprehensive Health Insurance Plan Act is
14 amended by changing Section 2 as follows:

15 (215 ILCS 105/2) (from Ch. 73, par. 1302)

16 Sec. 2. Definitions. As used in this Act, unless the
17 context otherwise requires:

18 "Plan administrator" means the insurer or third party
19 administrator designated under Section 5 of this Act.

20 "Benefits plan" means the coverage to be offered by the
21 Plan to eligible persons and federally eligible individuals
22 pursuant to this Act.

23 "Board" means the Illinois Comprehensive Health Insurance
24 Board.

1 "Church plan" has the same meaning given that term in the
2 federal Health Insurance Portability and Accountability Act of
3 1996.

4 "Continuation coverage" means continuation of coverage
5 under a group health plan or other health insurance coverage
6 for former employees or dependents of former employees that
7 would otherwise have terminated under the terms of that
8 coverage pursuant to any continuation provisions under federal
9 or State law, including the Consolidated Omnibus Budget
10 Reconciliation Act of 1985 (COBRA), as amended, Sections 367.2,
11 367e, and 367e.1 of the Illinois Insurance Code, or any other
12 similar requirement in another State.

13 "Covered person" means a person who is and continues to
14 remain eligible for Plan coverage and is covered under one of
15 the benefit plans offered by the Plan.

16 "Creditable coverage" means, with respect to a federally
17 eligible individual, coverage of the individual under any of
18 the following:

19 (A) A group health plan.

20 (B) Health insurance coverage (including group health
21 insurance coverage).

22 (C) Medicare.

23 (D) Medical assistance.

24 (E) Chapter 55 of title 10, United States Code.

25 (F) A medical care program of the Indian Health Service
26 or of a tribal organization.

1 (G) A state health benefits risk pool.

2 (H) A health plan offered under Chapter 89 of title 5,
3 United States Code.

4 (I) A public health plan (as defined in regulations
5 consistent with Section 104 of the Health Care Portability
6 and Accountability Act of 1996 that may be promulgated by
7 the Secretary of the U.S. Department of Health and Human
8 Services).

9 (J) A health benefit plan under Section 5(e) of the
10 Peace Corps Act (22 U.S.C. 2504(e)).

11 (K) Any other qualifying coverage required by the
12 federal Health Insurance Portability and Accountability
13 Act of 1996, as it may be amended, or regulations under
14 that Act.

15 "Creditable coverage" does not include coverage consisting
16 solely of coverage of excepted benefits, as defined in Section
17 2791(c) of title XXVII of the Public Health Service Act (42
18 U.S.C. 300 gg-91), nor does it include any period of coverage
19 under any of items (A) through (K) that occurred before a break
20 of more than 90 days or, if the individual has been certified
21 as eligible pursuant to the federal Trade Act of 2002, a break
22 of more than 63 days during all of which the individual was not
23 covered under any of items (A) through (K) above.

24 Any period that an individual is in a waiting period for
25 any coverage under a group health plan (or for group health
26 insurance coverage) or is in an affiliation period under the

1 terms of health insurance coverage offered by a health
2 maintenance organization shall not be taken into account in
3 determining if there has been a break of more than 90 days in
4 any creditable coverage.

5 "Department" means the Illinois Department of Insurance.

6 "Dependent" means an Illinois resident: who is a spouse; or
7 who is claimed as a dependent by the principal insured for
8 purposes of filing a federal income tax return and resides in
9 the principal insured's household, and is a resident unmarried
10 child under the age of 19 years; or who is an unmarried child
11 who also is a full-time student under the age of 23 years and
12 who is financially dependent upon the principal insured; or who
13 is a child of any age and who is a person with a disability
14 ~~disabled~~ and financially dependent upon the principal insured.

15 "Direct Illinois premiums" means, for Illinois business,
16 an insurer's direct premium income for the kinds of business
17 described in clause (b) of Class 1 or clause (a) of Class 2 of
18 Section 4 of the Illinois Insurance Code, and direct premium
19 income of a health maintenance organization or a voluntary
20 health services plan, except it shall not include credit health
21 insurance as defined in Article IX 1/2 of the Illinois
22 Insurance Code.

23 "Director" means the Director of the Illinois Department of
24 Insurance.

25 "Effective date of medical assistance" means the date that
26 eligibility for medical assistance for a person is approved by

1 the Department of Human Services or the Department of
2 Healthcare and Family Services, except when the Department of
3 Human Services or the Department of Healthcare and Family
4 Services determines eligibility retroactively. In such
5 circumstances, the effective date of the medical assistance is
6 the date the Department of Human Services or the Department of
7 Healthcare and Family Services determines the person to be
8 eligible for medical assistance. As it pertains to Medicare,
9 the effective date is 24 months after the entitlement date as
10 approved by the Social Security Administration, except when
11 eligibility is made retroactive to a prior date. In such
12 circumstances, the effective date of Medicare is the date on
13 the Notice of Award letter issued by the Social Security
14 Administration.

15 "Eligible person" means a resident of this State who
16 qualifies for Plan coverage under Section 7 of this Act.

17 "Employee" means a resident of this State who is employed
18 by an employer or has entered into the employment of or works
19 under contract or service of an employer including the
20 officers, managers and employees of subsidiary or affiliated
21 corporations and the individual proprietors, partners and
22 employees of affiliated individuals and firms when the business
23 of the subsidiary or affiliated corporations, firms or
24 individuals is controlled by a common employer through stock
25 ownership, contract, or otherwise.

26 "Employer" means any individual, partnership, association,

1 corporation, business trust, or any person or group of persons
2 acting directly or indirectly in the interest of an employer in
3 relation to an employee, for which one or more persons is
4 gainfully employed.

5 "Family" coverage means the coverage provided by the Plan
6 for the covered person and his or her eligible dependents who
7 also are covered persons.

8 "Federally eligible individual" means an individual
9 resident of this State:

10 (1) (A) for whom, as of the date on which the individual
11 seeks Plan coverage under Section 15 of this Act, the
12 aggregate of the periods of creditable coverage is 18 or
13 more months or, if the individual has been certified as
14 eligible pursuant to the federal Trade Act of 2002, 3 or
15 more months, and (B) whose most recent prior creditable
16 coverage was under group health insurance coverage offered
17 by a health insurance issuer, a group health plan, a
18 governmental plan, or a church plan (or health insurance
19 coverage offered in connection with any such plans) or any
20 other type of creditable coverage that may be required by
21 the federal Health Insurance Portability and
22 Accountability Act of 1996, as it may be amended, or the
23 regulations under that Act;

24 (2) who is not eligible for coverage under (A) a group
25 health plan (other than an individual who has been
26 certified as eligible pursuant to the federal Trade Act of

1 2002), (B) part A or part B of Medicare due to age (other
2 than an individual who has been certified as eligible
3 pursuant to the federal Trade Act of 2002), or (C) medical
4 assistance, and does not have other health insurance
5 coverage (other than an individual who has been certified
6 as eligible pursuant to the federal Trade Act of 2002);

7 (3) with respect to whom (other than an individual who
8 has been certified as eligible pursuant to the federal
9 Trade Act of 2002) the most recent coverage within the
10 coverage period described in paragraph (1)(A) of this
11 definition was not terminated based upon a factor relating
12 to nonpayment of premiums or fraud;

13 (4) if the individual (other than an individual who has
14 been certified as eligible pursuant to the federal Trade
15 Act of 2002) had been offered the option of continuation
16 coverage under a COBRA continuation provision or under a
17 similar State program, who elected such coverage; and

18 (5) who, if the individual elected such continuation
19 coverage, has exhausted such continuation coverage under
20 such provision or program.

21 However, an individual who has been certified as eligible
22 pursuant to the federal Trade Act of 2002 shall not be required
23 to elect continuation coverage under a COBRA continuation
24 provision or under a similar state program.

25 "Group health insurance coverage" means, in connection
26 with a group health plan, health insurance coverage offered in

1 connection with that plan.

2 "Group health plan" has the same meaning given that term in
3 the federal Health Insurance Portability and Accountability
4 Act of 1996.

5 "Governmental plan" has the same meaning given that term in
6 the federal Health Insurance Portability and Accountability
7 Act of 1996.

8 "Health insurance coverage" means benefits consisting of
9 medical care (provided directly, through insurance or
10 reimbursement, or otherwise and including items and services
11 paid for as medical care) under any hospital and medical
12 expense-incurred policy, certificate, or contract provided by
13 an insurer, non-profit health care service plan contract,
14 health maintenance organization or other subscriber contract,
15 or any other health care plan or arrangement that pays for or
16 furnishes medical or health care services whether by insurance
17 or otherwise. Health insurance coverage shall not include short
18 term, accident only, disability income, hospital confinement
19 or fixed indemnity, dental only, vision only, limited benefit,
20 or credit insurance, coverage issued as a supplement to
21 liability insurance, insurance arising out of a workers'
22 compensation or similar law, automobile medical-payment
23 insurance, or insurance under which benefits are payable with
24 or without regard to fault and which is statutorily required to
25 be contained in any liability insurance policy or equivalent
26 self-insurance.

1 "Health insurance issuer" means an insurance company,
2 insurance service, or insurance organization (including a
3 health maintenance organization and a voluntary health
4 services plan) that is authorized to transact health insurance
5 business in this State. Such term does not include a group
6 health plan.

7 "Health Maintenance Organization" means an organization as
8 defined in the Health Maintenance Organization Act.

9 "Hospice" means a program as defined in and licensed under
10 the Hospice Program Licensing Act.

11 "Hospital" means a duly licensed institution as defined in
12 the Hospital Licensing Act, an institution that meets all
13 comparable conditions and requirements in effect in the state
14 in which it is located, or the University of Illinois Hospital
15 as defined in the University of Illinois Hospital Act.

16 "Individual health insurance coverage" means health
17 insurance coverage offered to individuals in the individual
18 market, but does not include short-term, limited-duration
19 insurance.

20 "Insured" means any individual resident of this State who
21 is eligible to receive benefits from any insurer (including
22 health insurance coverage offered in connection with a group
23 health plan) or health insurance issuer as defined in this
24 Section.

25 "Insurer" means any insurance company authorized to
26 transact health insurance business in this State and any

1 corporation that provides medical services and is organized
2 under the Voluntary Health Services Plans Act or the Health
3 Maintenance Organization Act.

4 "Medical assistance" means the State medical assistance or
5 medical assistance no grant (MANG) programs provided under
6 Title XIX of the Social Security Act and Articles V (Medical
7 Assistance) and VI (General Assistance) of the Illinois Public
8 Aid Code (or any successor program) or under any similar
9 program of health care benefits in a state other than Illinois.

10 "Medically necessary" means that a service, drug, or supply
11 is necessary and appropriate for the diagnosis or treatment of
12 an illness or injury in accord with generally accepted
13 standards of medical practice at the time the service, drug, or
14 supply is provided. When specifically applied to a confinement
15 it further means that the diagnosis or treatment of the covered
16 person's medical symptoms or condition cannot be safely
17 provided to that person as an outpatient. A service, drug, or
18 supply shall not be medically necessary if it: (i) is
19 investigational, experimental, or for research purposes; or
20 (ii) is provided solely for the convenience of the patient, the
21 patient's family, physician, hospital, or any other provider;
22 or (iii) exceeds in scope, duration, or intensity that level of
23 care that is needed to provide safe, adequate, and appropriate
24 diagnosis or treatment; or (iv) could have been omitted without
25 adversely affecting the covered person's condition or the
26 quality of medical care; or (v) involves the use of a medical

1 device, drug, or substance not formally approved by the United
2 States Food and Drug Administration.

3 "Medical care" means the ordinary and usual professional
4 services rendered by a physician or other specified provider
5 during a professional visit for treatment of an illness or
6 injury.

7 "Medicare" means coverage under both Part A and Part B of
8 Title XVIII of the Social Security Act, 42 U.S.C. Sec. 1395, et
9 seq.

10 "Minimum premium plan" means an arrangement whereby a
11 specified amount of health care claims is self-funded, but the
12 insurance company assumes the risk that claims will exceed that
13 amount.

14 "Participating transplant center" means a hospital
15 designated by the Board as a preferred or exclusive provider of
16 services for one or more specified human organ or tissue
17 transplants for which the hospital has signed an agreement with
18 the Board to accept a transplant payment allowance for all
19 expenses related to the transplant during a transplant benefit
20 period.

21 "Physician" means a person licensed to practice medicine
22 pursuant to the Medical Practice Act of 1987.

23 "Plan" means the Comprehensive Health Insurance Plan
24 established by this Act.

25 "Plan of operation" means the plan of operation of the
26 Plan, including articles, bylaws and operating rules, adopted

1 by the board pursuant to this Act.

2 "Provider" means any hospital, skilled nursing facility,
3 hospice, home health agency, physician, registered pharmacist
4 acting within the scope of that registration, or any other
5 person or entity licensed in Illinois to furnish medical care.

6 "Qualified high risk pool" has the same meaning given that
7 term in the federal Health Insurance Portability and
8 Accountability Act of 1996.

9 "Resident" means a person who is and continues to be
10 legally domiciled and physically residing on a permanent and
11 full-time basis in a place of permanent habitation in this
12 State that remains that person's principal residence and from
13 which that person is absent only for temporary or transitory
14 purpose.

15 "Skilled nursing facility" means a facility or that portion
16 of a facility that is licensed by the Illinois Department of
17 Public Health under the Nursing Home Care Act or a comparable
18 licensing authority in another state to provide skilled nursing
19 care.

20 "Stop-loss coverage" means an arrangement whereby an
21 insurer insures against the risk that any one claim will exceed
22 a specific dollar amount or that the entire loss of a
23 self-insurance plan will exceed a specific amount.

24 "Third party administrator" means an administrator as
25 defined in Section 511.101 of the Illinois Insurance Code who
26 is licensed under Article XXXI 1/4 of that Code.

1 (Source: P.A. 97-346, eff. 8-12-11.)

2 Section 540. The Health Maintenance Organization Act is
3 amended by changing Section 4-9.1 as follows:

4 (215 ILCS 125/4-9.1) (from Ch. 111 1/2, par. 1409.2-1)

5 Sec. 4-9.1. Dependent Coverage Termination.

6 (a) The attainment of a limiting age under a group contract
7 or evidence of coverage which provides that coverage of a
8 dependent person of an enrollee shall terminate upon attainment
9 of the limiting age for dependent persons does not operate to
10 terminate the coverage of a person who, because of a disabling
11 ~~handicapped~~ condition that occurred before attainment of the
12 limiting age, is incapable of self-sustaining employment and is
13 dependent on his or her parents or other care providers for
14 lifetime care and supervision.

15 (b) For purposes of subsection (a), "dependent on other
16 care providers" is defined as requiring a Community Integrated
17 Living Arrangement, group home, supervised apartment, or other
18 residential services licensed or certified by the Department of
19 Human Services (as successor to the Department of Mental Health
20 and Developmental Disabilities), the Department of Public
21 Health, or the Department of Healthcare and Family Services
22 (formerly Department of Public Aid).

23 (c) Proof of such incapacity and dependency shall be
24 furnished to the health maintenance organization by the

1 enrollee within 31 days of a request for the information by the
2 health maintenance organization and subsequently as may be
3 required by the health maintenance organization, but not more
4 frequently than annually. In the absence of proof submitted
5 within 31 days of such inquiry that such dependent is a person
6 who has a disability and is a dependent ~~disabled and dependent~~
7 ~~person~~, the health maintenance organization may terminate
8 coverage of such person at or after attainment of the limiting
9 age. In the absence of such inquiry, coverage of any person who
10 has a disability and is a dependent ~~disabled and dependent~~
11 ~~person~~ shall continue through the term of the group contract or
12 evidence of coverage or any extension or renewal thereof.

13 (Source: P.A. 95-331, eff. 8-21-07.)

14 Section 545. The Viatical Settlements Act of 2009 is
15 amended by changing Section 50 as follows:

16 (215 ILCS 159/50)

17 Sec. 50. Prohibited practices.

18 (a) It is a violation of this Act for any person to enter
19 into a viatical settlement contract prior to the application of
20 or issuance of a policy that is the subject of the viatical
21 settlement contract. It is a violation of this Act for any
22 person to enter into stranger-originated life insurance or
23 STOLI as defined by this Act.

24 (b) It is a violation of this Act for any person to enter

1 into a viatical settlement contract within a 2-year period
2 commencing with the date of issuance of the insurance policy
3 unless the viator certifies to the viatical settlement provider
4 that one or more of the following conditions have been met
5 within the 2-year period:

6 (1) The policy was issued upon the viator's exercise of
7 conversion rights arising out of a group or individual
8 policy, provided the total of the time covered under the
9 conversion policy plus the time covered under the prior
10 policy is at least 24 months. The time covered under a
11 group policy shall be calculated without regard to any
12 change in insurance carriers, provided the coverage has
13 been continuous and under the same group sponsorship.

14 (2) The viator certifies and submits independent
15 evidence to the viatical settlement provider that one or
16 more of the following conditions have been met within the
17 2-year period:

18 (A) the viator or insured is terminally or
19 chronically ill;

20 (B) the viator's spouse dies;

21 (C) the viator divorces his or her spouse;

22 (D) the viator retires from full-time employment;

23 (E) the viator becomes a person with a physical or
24 mental disability ~~physically or mentally disabled~~ and
25 a physician determines that the disability prevents
26 the viator from maintaining full-time employment;

1 (F) a court of competent jurisdiction enters a
2 final order, judgment, or decree on the application of
3 a creditor of the viator, adjudicating the viator
4 bankrupt or insolvent, or approving a petition seeking
5 reorganization of the viator or appointing a receiver,
6 trustee, or liquidator to all or a substantial part of
7 the viator's assets;

8 (G) the sole beneficiary of the policy is a family
9 member of the viator and the beneficiary dies; or

10 (H) any other condition that the Director may
11 determine by regulation to be an extraordinary
12 circumstance for the viator or the insured.

13 (c) Copies of the independent evidence described in
14 paragraph (2) of subsection (b) of this Section and documents
15 required by Section 45 shall be submitted to the insurer when
16 the viatical settlement provider or any other party entering
17 into a viatical settlement contract with a viator submits a
18 request to the insurer for verification of coverage. The copies
19 shall be accompanied by a letter of attestation from the
20 viatical settlement provider that the copies are true and
21 correct copies of the documents received by the viatical
22 settlement provider.

23 (d) If the viatical settlement provider submits to the
24 insurer a copy of the owner or insured's certification
25 described in and the independent evidence required by paragraph
26 (2) of subsection (b) of this Section when the viatical

1 settlement provider submits a request to the insurer to effect
2 the transfer of the policy to the viatical settlement provider,
3 then the copy shall be deemed to conclusively establish that
4 the viatical settlement contract satisfies the requirements of
5 this Section, and the insurer shall timely respond to the
6 request.

7 (e) No insurer may, as a condition of responding to a
8 request for verification of coverage or effecting the transfer
9 of a policy pursuant to a viatical settlement contract, require
10 that the viator, insured, viatical settlement provider, or
11 viatical settlement broker sign any forms, disclosures,
12 consent, or waiver form that has not been expressly approved by
13 the Director for use in connection with viatical settlement
14 contracts in this State.

15 (f) Upon receipt of a properly completed request for change
16 of ownership or beneficiary of a policy, the insurer shall
17 respond in writing within 30 calendar days to confirm that the
18 change has been effected or specifying the reasons why the
19 requested change cannot be processed. No insurer shall
20 unreasonably delay effecting change of ownership or
21 beneficiary or seek to interfere with any viatical settlement
22 contract lawfully entered into in this State.

23 (Source: P.A. 96-736, eff. 7-1-10.)

24 Section 550. The Voluntary Health Services Plans Act is
25 amended by changing Section 15a as follows:

1 (215 ILCS 165/15a) (from Ch. 32, par. 609a)

2 Sec. 15a. Dependent Coverage Termination.

3 (a) The attainment of a limiting age under a voluntary
4 health services plan which provides that coverage of a
5 dependent of a subscriber terminates upon attainment of the
6 limiting age for dependent persons specified in the
7 subscription certificate does not operate to terminate the
8 coverage of a person who, because of a disabling ~~handicapped~~
9 condition that occurred before attainment of the limiting age,
10 is incapable of self-sustaining employment and is dependent on
11 his or her parents or other care providers for lifetime care
12 and supervision.

13 (b) For purposes of subsection (a), "dependent on other
14 care providers" is defined as requiring a Community Integrated
15 Living Arrangement, group home, supervised apartment, or other
16 residential services licensed or certified by the Department of
17 Human Services (as successor to the Department of Mental Health
18 and Developmental Disabilities), the Department of Public
19 Health, or the Department of Healthcare and Family Services
20 (formerly Department of Public Aid).

21 (c) The corporation may require, at reasonable intervals
22 from the date of the first claim filed on behalf of the person
23 with a disability who is dependent ~~disabled and dependent~~
24 ~~person~~ or from the date the corporation receives notice of a
25 covered person's disability and dependency, proof of the

1 person's disability and dependency.

2 (d) This amendatory Act of 1969 is applicable to
3 subscription certificates issued or renewed after October 27,
4 1969.

5 (Source: P.A. 95-331, eff. 8-21-07.)

6 Section 555. The Public Utilities Act is amended by
7 changing Sections 13-703 and 16-108.5 as follows:

8 (220 ILCS 5/13-703) (from Ch. 111 2/3, par. 13-703)

9 (Section scheduled to be repealed on July 1, 2015)

10 Sec. 13-703. (a) The Commission shall design and implement
11 a program whereby each telecommunications carrier providing
12 local exchange service shall provide a telecommunications
13 device capable of servicing the needs of those persons with a
14 hearing or speech disability together with a single party line,
15 at no charge additional to the basic exchange rate, to any
16 subscriber who is certified as having a hearing or speech
17 disability by a licensed physician, speech-language
18 pathologist, audiologist or a qualified State agency and to any
19 subscriber which is an organization serving the needs of those
20 persons with a hearing or speech disability as determined and
21 specified by the Commission pursuant to subsection (d).

22 (b) The Commission shall design and implement a program,
23 whereby each telecommunications carrier providing local
24 exchange service shall provide a telecommunications relay

1 system, using third party intervention to connect those persons
2 having a hearing or speech disability with persons of normal
3 hearing by way of intercommunications devices and the telephone
4 system, making available reasonable access to all phases of
5 public telephone service to persons who have a hearing or
6 speech disability. In order to design a telecommunications
7 relay system which will meet the requirements of those persons
8 with a hearing or speech disability available at a reasonable
9 cost, the Commission shall initiate an investigation and
10 conduct public hearings to determine the most cost-effective
11 method of providing telecommunications relay service to those
12 persons who have a hearing or speech disability when using
13 telecommunications devices and therein solicit the advice,
14 counsel, and physical assistance of Statewide nonprofit
15 consumer organizations that serve persons with hearing or
16 speech disabilities in such hearings and during the development
17 and implementation of the system. The Commission shall phase in
18 this program, on a geographical basis, as soon as is
19 practicable, but no later than June 30, 1990.

20 (c) The Commission shall establish a rate recovery
21 mechanism, authorizing charges in an amount to be determined by
22 the Commission for each line of a subscriber to allow
23 telecommunications carriers providing local exchange service
24 to recover costs as they are incurred under this Section.

25 (d) The Commission shall determine and specify those
26 organizations serving the needs of those persons having a

1 hearing or speech disability that shall receive a
2 telecommunications device and in which offices the equipment
3 shall be installed in the case of an organization having more
4 than one office. For the purposes of this Section,
5 "organizations serving the needs of those persons with hearing
6 or speech disabilities" means centers for independent living as
7 described in Section 12a of the Rehabilitation of Persons with
8 Disabilities ~~Disabled Persons Rehabilitation~~ Act and
9 not-for-profit organizations whose primary purpose is serving
10 the needs of those persons with hearing or speech disabilities.
11 The Commission shall direct the telecommunications carriers
12 subject to its jurisdiction and this Section to comply with its
13 determinations and specifications in this regard.

14 (e) As used in this Section, the phrase "telecommunications
15 carrier providing local exchange service" includes, without
16 otherwise limiting the meaning of the term, telecommunications
17 carriers which are purely mutual concerns, having no rates or
18 charges for services, but paying the operating expenses by
19 assessment upon the members of such a company and no other
20 person.

21 (f) Interconnected VoIP service providers in Illinois
22 shall collect and remit assessments determined in accordance
23 with this Section in a competitively neutral manner in the same
24 manner as a telecommunications carrier providing local
25 exchange service. Interconnected VoIP services shall not be
26 considered an intrastate telecommunications service for the

1 purposes of this Section in a manner inconsistent with federal
2 law or Federal Communications Commission regulation.

3 (g) The provisions of this Section are severable under
4 Section 1.31 of the Statute on Statutes.

5 (Source: P.A. 96-927, eff. 6-15-10.)

6 (220 ILCS 5/16-108.5)

7 Sec. 16-108.5. Infrastructure investment and
8 modernization; regulatory reform.

9 (a) (Blank).

10 (b) For purposes of this Section, "participating utility"
11 means an electric utility or a combination utility serving more
12 than 1,000,000 customers in Illinois that voluntarily elects
13 and commits to undertake (i) the infrastructure investment
14 program consisting of the commitments and obligations
15 described in this subsection (b) and (ii) the customer
16 assistance program consisting of the commitments and
17 obligations described in subsection (b-10) of this Section,
18 notwithstanding any other provisions of this Act and without
19 obtaining any approvals from the Commission or any other agency
20 other than as set forth in this Section, regardless of whether
21 any such approval would otherwise be required. "Combination
22 utility" means a utility that, as of January 1, 2011, provided
23 electric service to at least one million retail customers in
24 Illinois and gas service to at least 500,000 retail customers
25 in Illinois. A participating utility shall recover the

1 expenditures made under the infrastructure investment program
2 through the ratemaking process, including, but not limited to,
3 the performance-based formula rate and process set forth in
4 this Section.

5 During the infrastructure investment program's peak
6 program year, a participating utility other than a combination
7 utility shall create 2,000 full-time equivalent jobs in
8 Illinois, and a participating utility that is a combination
9 utility shall create 450 full-time equivalent jobs in Illinois
10 related to the provision of electric service. These jobs shall
11 include direct jobs, contractor positions, and induced jobs,
12 but shall not include any portion of a job commitment, not
13 specifically contingent on an amendatory Act of the 97th
14 General Assembly becoming law, between a participating utility
15 and a labor union that existed on the effective date of this
16 amendatory Act of the 97th General Assembly and that has not
17 yet been fulfilled. A portion of the full-time equivalent jobs
18 created by each participating utility shall include
19 incremental personnel hired subsequent to the effective date of
20 this amendatory Act of the 97th General Assembly. For purposes
21 of this Section, "peak program year" means the consecutive
22 12-month period with the highest number of full-time equivalent
23 jobs that occurs between the beginning of investment year 2 and
24 the end of investment year 4.

25 A participating utility shall meet one of the following
26 commitments, as applicable:

1 (1) Beginning no later than 180 days after a
2 participating utility other than a combination utility
3 files a performance-based formula rate tariff pursuant to
4 subsection (c) of this Section, or, beginning no later than
5 January 1, 2012 if such utility files such
6 performance-based formula rate tariff within 14 days of the
7 effective date of this amendatory Act of the 97th General
8 Assembly, the participating utility shall, except as
9 provided in subsection (b-5):

10 (A) over a 5-year period, invest an estimated
11 \$1,300,000,000 in electric system upgrades,
12 modernization projects, and training facilities,
13 including, but not limited to:

14 (i) distribution infrastructure improvements
15 totaling an estimated \$1,000,000,000, including
16 underground residential distribution cable
17 injection and replacement and mainline cable
18 system refurbishment and replacement projects;

19 (ii) training facility construction or upgrade
20 projects totaling an estimated \$10,000,000,
21 provided that, at a minimum, one such facility
22 shall be located in a municipality having a
23 population of more than 2 million residents and one
24 such facility shall be located in a municipality
25 having a population of more than 150,000 residents
26 but fewer than 170,000 residents; any such new

1 facility located in a municipality having a
2 population of more than 2 million residents must be
3 designed for the purpose of obtaining, and the
4 owner of the facility shall apply for,
5 certification under the United States Green
6 Building Council's Leadership in Energy Efficiency
7 Design Green Building Rating System;

8 (iii) wood pole inspection, treatment, and
9 replacement programs;

10 (iv) an estimated \$200,000,000 for reducing
11 the susceptibility of certain circuits to
12 storm-related damage, including, but not limited
13 to, high winds, thunderstorms, and ice storms;
14 improvements may include, but are not limited to,
15 overhead to underground conversion and other
16 engineered outcomes for circuits; the
17 participating utility shall prioritize the
18 selection of circuits based on each circuit's
19 historical susceptibility to storm-related damage
20 and the ability to provide the greatest customer
21 benefit upon completion of the improvements; to be
22 eligible for improvement, the participating
23 utility's ability to maintain proper tree
24 clearances surrounding the overhead circuit must
25 not have been impeded by third parties; and

26 (B) over a 10-year period, invest an estimated

1 \$1,300,000,000 to upgrade and modernize its
2 transmission and distribution infrastructure and in
3 Smart Grid electric system upgrades, including, but
4 not limited to:

5 (i) additional smart meters;

6 (ii) distribution automation;

7 (iii) associated cyber secure data
8 communication network; and

9 (iv) substation micro-processor relay
10 upgrades.

11 (2) Beginning no later than 180 days after a
12 participating utility that is a combination utility files a
13 performance-based formula rate tariff pursuant to
14 subsection (c) of this Section, or, beginning no later than
15 January 1, 2012 if such utility files such
16 performance-based formula rate tariff within 14 days of the
17 effective date of this amendatory Act of the 97th General
18 Assembly, the participating utility shall, except as
19 provided in subsection (b-5):

20 (A) over a 10-year period, invest an estimated
21 \$265,000,000 in electric system upgrades,
22 modernization projects, and training facilities,
23 including, but not limited to:

24 (i) distribution infrastructure improvements
25 totaling an estimated \$245,000,000, which may
26 include bulk supply substations, transformers,

1 reconductoring, and rebuilding overhead
2 distribution and sub-transmission lines,
3 underground residential distribution cable
4 injection and replacement and mainline cable
5 system refurbishment and replacement projects;

6 (ii) training facility construction or upgrade
7 projects totaling an estimated \$1,000,000; any
8 such new facility must be designed for the purpose
9 of obtaining, and the owner of the facility shall
10 apply for, certification under the United States
11 Green Building Council's Leadership in Energy
12 Efficiency Design Green Building Rating System;
13 and

14 (iii) wood pole inspection, treatment, and
15 replacement programs; and

16 (B) over a 10-year period, invest an estimated
17 \$360,000,000 to upgrade and modernize its transmission
18 and distribution infrastructure and in Smart Grid
19 electric system upgrades, including, but not limited
20 to:

21 (i) additional smart meters;

22 (ii) distribution automation;

23 (iii) associated cyber secure data
24 communication network; and

25 (iv) substation micro-processor relay
26 upgrades.

1 For purposes of this Section, "Smart Grid electric system
2 upgrades" shall have the meaning set forth in subsection (a) of
3 Section 16-108.6 of this Act.

4 The investments in the infrastructure investment program
5 described in this subsection (b) shall be incremental to the
6 participating utility's annual capital investment program, as
7 defined by, for purposes of this subsection (b), the
8 participating utility's average capital spend for calendar
9 years 2008, 2009, and 2010 as reported in the applicable
10 Federal Energy Regulatory Commission (FERC) Form 1; provided
11 that where one or more utilities have merged, the average
12 capital spend shall be determined using the aggregate of the
13 merged utilities' capital spend reported in FERC Form 1 for the
14 years 2008, 2009, and 2010. A participating utility may add
15 reasonable construction ramp-up and ramp-down time to the
16 investment periods specified in this subsection (b). For each
17 such investment period, the ramp-up and ramp-down time shall
18 not exceed a total of 6 months.

19 Within 60 days after filing a tariff under subsection (c)
20 of this Section, a participating utility shall submit to the
21 Commission its plan, including scope, schedule, and staffing,
22 for satisfying its infrastructure investment program
23 commitments pursuant to this subsection (b). The submitted plan
24 shall include a schedule and staffing plan for the next
25 calendar year. The plan shall also include a plan for the
26 creation, operation, and administration of a Smart Grid test

1 bed as described in subsection (c) of Section 16-108.8. The
2 plan need not allocate the work equally over the respective
3 periods, but should allocate material increments throughout
4 such periods commensurate with the work to be undertaken. No
5 later than April 1 of each subsequent year, the utility shall
6 submit to the Commission a report that includes any updates to
7 the plan, a schedule for the next calendar year, the
8 expenditures made for the prior calendar year and cumulatively,
9 and the number of full-time equivalent jobs created for the
10 prior calendar year and cumulatively. If the utility is
11 materially deficient in satisfying a schedule or staffing plan,
12 then the report must also include a corrective action plan to
13 address the deficiency. The fact that the plan, implementation
14 of the plan, or a schedule changes shall not imply the
15 imprudence or unreasonableness of the infrastructure
16 investment program, plan, or schedule. Further, no later than
17 45 days following the last day of the first, second, and third
18 quarters of each year of the plan, a participating utility
19 shall submit to the Commission a verified quarterly report for
20 the prior quarter that includes (i) the total number of
21 full-time equivalent jobs created during the prior quarter,
22 (ii) the total number of employees as of the last day of the
23 prior quarter, (iii) the total number of full-time equivalent
24 hours in each job classification or job title, (iv) the total
25 number of incremental employees and contractors in support of
26 the investments undertaken pursuant to this subsection (b) for

1 the prior quarter, and (v) any other information that the
2 Commission may require by rule.

3 With respect to the participating utility's peak job
4 commitment, if, after considering the utility's corrective
5 action plan and compliance thereunder, the Commission enters an
6 order finding, after notice and hearing, that a participating
7 utility did not satisfy its peak job commitment described in
8 this subsection (b) for reasons that are reasonably within its
9 control, then the Commission shall also determine, after
10 consideration of the evidence, including, but not limited to,
11 evidence submitted by the Department of Commerce and Economic
12 Opportunity and the utility, the deficiency in the number of
13 full-time equivalent jobs during the peak program year due to
14 such failure. The Commission shall notify the Department of any
15 proceeding that is initiated pursuant to this paragraph. For
16 each full-time equivalent job deficiency during the peak
17 program year that the Commission finds as set forth in this
18 paragraph, the participating utility shall, within 30 days
19 after the entry of the Commission's order, pay \$6,000 to a fund
20 for training grants administered under Section 605-800 of The
21 Department of Commerce and Economic Opportunity Law, which
22 shall not be a recoverable expense.

23 With respect to the participating utility's investment
24 amount commitments, if, after considering the utility's
25 corrective action plan and compliance thereunder, the
26 Commission enters an order finding, after notice and hearing,

1 that a participating utility is not satisfying its investment
2 amount commitments described in this subsection (b), then the
3 utility shall no longer be eligible to annually update the
4 performance-based formula rate tariff pursuant to subsection
5 (d) of this Section. In such event, the then current rates
6 shall remain in effect until such time as new rates are set
7 pursuant to Article IX of this Act, subject to retroactive
8 adjustment, with interest, to reconcile rates charged with
9 actual costs.

10 If the Commission finds that a participating utility is no
11 longer eligible to update the performance-based formula rate
12 tariff pursuant to subsection (d) of this Section, or the
13 performance-based formula rate is otherwise terminated, then
14 the participating utility's voluntary commitments and
15 obligations under this subsection (b) shall immediately
16 terminate, except for the utility's obligation to pay an amount
17 already owed to the fund for training grants pursuant to a
18 Commission order.

19 In meeting the obligations of this subsection (b), to the
20 extent feasible and consistent with State and federal law, the
21 investments under the infrastructure investment program should
22 provide employment opportunities for all segments of the
23 population and workforce, including minority-owned and
24 female-owned business enterprises, and shall not, consistent
25 with State and federal law, discriminate based on race or
26 socioeconomic status.

1 (b-5) Nothing in this Section shall prohibit the Commission
2 from investigating the prudence and reasonableness of the
3 expenditures made under the infrastructure investment program
4 during the annual review required by subsection (d) of this
5 Section and shall, as part of such investigation, determine
6 whether the utility's actual costs under the program are
7 prudent and reasonable. The fact that a participating utility
8 invests more than the minimum amounts specified in subsection
9 (b) of this Section or its plan shall not imply imprudence or
10 unreasonableness.

11 If the participating utility finds that it is implementing
12 its plan for satisfying the infrastructure investment program
13 commitments described in subsection (b) of this Section at a
14 cost below the estimated amounts specified in subsection (b) of
15 this Section, then the utility may file a petition with the
16 Commission requesting that it be permitted to satisfy its
17 commitments by spending less than the estimated amounts
18 specified in subsection (b) of this Section. The Commission
19 shall, after notice and hearing, enter its order approving, or
20 approving as modified, or denying each such petition within 150
21 days after the filing of the petition.

22 In no event, absent General Assembly approval, shall the
23 capital investment costs incurred by a participating utility
24 other than a combination utility in satisfying its
25 infrastructure investment program commitments described in
26 subsection (b) of this Section exceed \$3,000,000,000 or, for a

1 participating utility that is a combination utility,
2 \$720,000,000. If the participating utility's updated cost
3 estimates for satisfying its infrastructure investment program
4 commitments described in subsection (b) of this Section exceed
5 the limitation imposed by this subsection (b-5), then it shall
6 submit a report to the Commission that identifies the increased
7 costs and explains the reason or reasons for the increased
8 costs no later than the year in which the utility estimates it
9 will exceed the limitation. The Commission shall review the
10 report and shall, within 90 days after the participating
11 utility files the report, report to the General Assembly its
12 findings regarding the participating utility's report. If the
13 General Assembly does not amend the limitation imposed by this
14 subsection (b-5), then the utility may modify its plan so as
15 not to exceed the limitation imposed by this subsection (b-5)
16 and may propose corresponding changes to the metrics
17 established pursuant to subparagraphs (5) through (8) of
18 subsection (f) of this Section, and the Commission may modify
19 the metrics and incremental savings goals established pursuant
20 to subsection (f) of this Section accordingly.

21 (b-10) All participating utilities shall make
22 contributions for an energy low-income and support program in
23 accordance with this subsection. Beginning no later than 180
24 days after a participating utility files a performance-based
25 formula rate tariff pursuant to subsection (c) of this Section,
26 or beginning no later than January 1, 2012 if such utility

1 files such performance-based formula rate tariff within 14 days
2 of the effective date of this amendatory Act of the 97th
3 General Assembly, and without obtaining any approvals from the
4 Commission or any other agency other than as set forth in this
5 Section, regardless of whether any such approval would
6 otherwise be required, a participating utility other than a
7 combination utility shall pay \$10,000,000 per year for 5 years
8 and a participating utility that is a combination utility shall
9 pay \$1,000,000 per year for 10 years to the energy low-income
10 and support program, which is intended to fund customer
11 assistance programs with the primary purpose being avoidance of
12 imminent disconnection. Such programs may include:

13 (1) a residential hardship program that may partner
14 with community-based organizations, including senior
15 citizen organizations, and provides grants to low-income
16 residential customers, including low-income senior
17 citizens, who demonstrate a hardship;

18 (2) a program that provides grants and other bill
19 payment concessions to veterans with disabilities ~~disabled~~
20 ~~veterans~~ who demonstrate a hardship and members of the
21 armed services or reserve forces of the United States or
22 members of the Illinois National Guard who are on active
23 duty pursuant to an executive order of the President of the
24 United States, an act of the Congress of the United States,
25 or an order of the Governor and who demonstrate a hardship;

26 (3) a budget assistance program that provides tools and

1 education to low-income senior citizens to assist them with
2 obtaining information regarding energy usage and effective
3 means of managing energy costs;

4 (4) a non-residential special hardship program that
5 provides grants to non-residential customers such as small
6 businesses and non-profit organizations that demonstrate a
7 hardship, including those providing services to senior
8 citizen and low-income customers; and

9 (5) a performance-based assistance program that
10 provides grants to encourage residential customers to make
11 on-time payments by matching a portion of the customer's
12 payments or providing credits towards arrearages.

13 The payments made by a participating utility pursuant to
14 this subsection (b-10) shall not be a recoverable expense. A
15 participating utility may elect to fund either new or existing
16 customer assistance programs, including, but not limited to,
17 those that are administered by the utility.

18 Programs that use funds that are provided by a
19 participating utility to reduce utility bills may be
20 implemented through tariffs that are filed with and reviewed by
21 the Commission. If a utility elects to file tariffs with the
22 Commission to implement all or a portion of the programs, those
23 tariffs shall, regardless of the date actually filed, be deemed
24 accepted and approved, and shall become effective on the
25 effective date of this amendatory Act of the 97th General
26 Assembly. The participating utilities whose customers benefit

1 from the funds that are disbursed as contemplated in this
2 Section shall file annual reports documenting the disbursement
3 of those funds with the Commission. The Commission has the
4 authority to audit disbursement of the funds to ensure they
5 were disbursed consistently with this Section.

6 If the Commission finds that a participating utility is no
7 longer eligible to update the performance-based formula rate
8 tariff pursuant to subsection (d) of this Section, or the
9 performance-based formula rate is otherwise terminated, then
10 the participating utility's voluntary commitments and
11 obligations under this subsection (b-10) shall immediately
12 terminate.

13 (c) A participating utility may elect to recover its
14 delivery services costs through a performance-based formula
15 rate approved by the Commission, which shall specify the cost
16 components that form the basis of the rate charged to customers
17 with sufficient specificity to operate in a standardized manner
18 and be updated annually with transparent information that
19 reflects the utility's actual costs to be recovered during the
20 applicable rate year, which is the period beginning with the
21 first billing day of January and extending through the last
22 billing day of the following December. In the event the utility
23 recovers a portion of its costs through automatic adjustment
24 clause tariffs on the effective date of this amendatory Act of
25 the 97th General Assembly, the utility may elect to continue to
26 recover these costs through such tariffs, but then these costs

1 shall not be recovered through the performance-based formula
2 rate. In the event the participating utility, prior to the
3 effective date of this amendatory Act of the 97th General
4 Assembly, filed electric delivery services tariffs with the
5 Commission pursuant to Section 9-201 of this Act that are
6 related to the recovery of its electric delivery services costs
7 that are still pending on the effective date of this amendatory
8 Act of the 97th General Assembly, the participating utility
9 shall, at the time it files its performance-based formula rate
10 tariff with the Commission, also file a notice of withdrawal
11 with the Commission to withdraw the electric delivery services
12 tariffs previously filed pursuant to Section 9-201 of this Act.
13 Upon receipt of such notice, the Commission shall dismiss with
14 prejudice any docket that had been initiated to investigate the
15 electric delivery services tariffs filed pursuant to Section
16 9-201 of this Act, and such tariffs and the record related
17 thereto shall not be the subject of any further hearing,
18 investigation, or proceeding of any kind related to rates for
19 electric delivery services.

20 The performance-based formula rate shall be implemented
21 through a tariff filed with the Commission consistent with the
22 provisions of this subsection (c) that shall be applicable to
23 all delivery services customers. The Commission shall initiate
24 and conduct an investigation of the tariff in a manner
25 consistent with the provisions of this subsection (c) and the
26 provisions of Article IX of this Act to the extent they do not

1 conflict with this subsection (c). Except in the case where the
2 Commission finds, after notice and hearing, that a
3 participating utility is not satisfying its investment amount
4 commitments under subsection (b) of this Section, the
5 performance-based formula rate shall remain in effect at the
6 discretion of the utility. The performance-based formula rate
7 approved by the Commission shall do the following:

8 (1) Provide for the recovery of the utility's actual
9 costs of delivery services that are prudently incurred and
10 reasonable in amount consistent with Commission practice
11 and law. The sole fact that a cost differs from that
12 incurred in a prior calendar year or that an investment is
13 different from that made in a prior calendar year shall not
14 imply the imprudence or unreasonableness of that cost or
15 investment.

16 (2) Reflect the utility's actual year-end capital
17 structure for the applicable calendar year, excluding
18 goodwill, subject to a determination of prudence and
19 reasonableness consistent with Commission practice and
20 law.

21 (3) Include a cost of equity, which shall be calculated
22 as the sum of the following:

23 (A) the average for the applicable calendar year of
24 the monthly average yields of 30-year U.S. Treasury
25 bonds published by the Board of Governors of the
26 Federal Reserve System in its weekly H.15 Statistical

1 Release or successor publication; and

2 (B) 580 basis points.

3 At such time as the Board of Governors of the Federal
4 Reserve System ceases to include the monthly average yields
5 of 30-year U.S. Treasury bonds in its weekly H.15
6 Statistical Release or successor publication, the monthly
7 average yields of the U.S. Treasury bonds then having the
8 longest duration published by the Board of Governors in its
9 weekly H.15 Statistical Release or successor publication
10 shall instead be used for purposes of this paragraph (3).

11 (4) Permit and set forth protocols, subject to a
12 determination of prudence and reasonableness consistent
13 with Commission practice and law, for the following:

14 (A) recovery of incentive compensation expense
15 that is based on the achievement of operational
16 metrics, including metrics related to budget controls,
17 outage duration and frequency, safety, customer
18 service, efficiency and productivity, and
19 environmental compliance. Incentive compensation
20 expense that is based on net income or an affiliate's
21 earnings per share shall not be recoverable under the
22 performance-based formula rate;

23 (B) recovery of pension and other post-employment
24 benefits expense, provided that such costs are
25 supported by an actuarial study;

26 (C) recovery of severance costs, provided that if

1 the amount is over \$3,700,000 for a participating
2 utility that is a combination utility or \$10,000,000
3 for a participating utility that serves more than 3
4 million retail customers, then the full amount shall be
5 amortized consistent with subparagraph (F) of this
6 paragraph (4);

7 (D) investment return at a rate equal to the
8 utility's weighted average cost of long-term debt, on
9 the pension assets as, and in the amount, reported in
10 Account 186 (or in such other Account or Accounts as
11 such asset may subsequently be recorded) of the
12 utility's most recently filed FERC Form 1, net of
13 deferred tax benefits;

14 (E) recovery of the expenses related to the
15 Commission proceeding under this subsection (c) to
16 approve this performance-based formula rate and
17 initial rates or to subsequent proceedings related to
18 the formula, provided that the recovery shall be
19 amortized over a 3-year period; recovery of expenses
20 related to the annual Commission proceedings under
21 subsection (d) of this Section to review the inputs to
22 the performance-based formula rate shall be expensed
23 and recovered through the performance-based formula
24 rate;

25 (F) amortization over a 5-year period of the full
26 amount of each charge or credit that exceeds \$3,700,000

1 for a participating utility that is a combination
2 utility or \$10,000,000 for a participating utility
3 that serves more than 3 million retail customers in the
4 applicable calendar year and that relates to a
5 workforce reduction program's severance costs, changes
6 in accounting rules, changes in law, compliance with
7 any Commission-initiated audit, or a single storm or
8 other similar expense, provided that any unamortized
9 balance shall be reflected in rate base. For purposes
10 of this subparagraph (F), changes in law includes any
11 enactment, repeal, or amendment in a law, ordinance,
12 rule, regulation, interpretation, permit, license,
13 consent, or order, including those relating to taxes,
14 accounting, or to environmental matters, or in the
15 interpretation or application thereof by any
16 governmental authority occurring after the effective
17 date of this amendatory Act of the 97th General
18 Assembly;

19 (G) recovery of existing regulatory assets over
20 the periods previously authorized by the Commission;

21 (H) historical weather normalized billing
22 determinants; and

23 (I) allocation methods for common costs.

24 (5) Provide that if the participating utility's earned
25 rate of return on common equity related to the provision of
26 delivery services for the prior rate year (calculated using

1 costs and capital structure approved by the Commission as
2 provided in subparagraph (2) of this subsection (c),
3 consistent with this Section, in accordance with
4 Commission rules and orders, including, but not limited to,
5 adjustments for goodwill, and after any Commission-ordered
6 disallowances and taxes) is more than 50 basis points
7 higher than the rate of return on common equity calculated
8 pursuant to paragraph (3) of this subsection (c) (after
9 adjusting for any penalties to the rate of return on common
10 equity applied pursuant to the performance metrics
11 provision of subsection (f) of this Section), then the
12 participating utility shall apply a credit through the
13 performance-based formula rate that reflects an amount
14 equal to the value of that portion of the earned rate of
15 return on common equity that is more than 50 basis points
16 higher than the rate of return on common equity calculated
17 pursuant to paragraph (3) of this subsection (c) (after
18 adjusting for any penalties to the rate of return on common
19 equity applied pursuant to the performance metrics
20 provision of subsection (f) of this Section) for the prior
21 rate year, adjusted for taxes. If the participating
22 utility's earned rate of return on common equity related to
23 the provision of delivery services for the prior rate year
24 (calculated using costs and capital structure approved by
25 the Commission as provided in subparagraph (2) of this
26 subsection (c), consistent with this Section, in

1 accordance with Commission rules and orders, including,
2 but not limited to, adjustments for goodwill, and after any
3 Commission-ordered disallowances and taxes) is more than
4 50 basis points less than the return on common equity
5 calculated pursuant to paragraph (3) of this subsection (c)
6 (after adjusting for any penalties to the rate of return on
7 common equity applied pursuant to the performance metrics
8 provision of subsection (f) of this Section), then the
9 participating utility shall apply a charge through the
10 performance-based formula rate that reflects an amount
11 equal to the value of that portion of the earned rate of
12 return on common equity that is more than 50 basis points
13 less than the rate of return on common equity calculated
14 pursuant to paragraph (3) of this subsection (c) (after
15 adjusting for any penalties to the rate of return on common
16 equity applied pursuant to the performance metrics
17 provision of subsection (f) of this Section) for the prior
18 rate year, adjusted for taxes.

19 (6) Provide for an annual reconciliation, as described
20 in subsection (d) of this Section, with interest, of the
21 revenue requirement reflected in rates for each calendar
22 year, beginning with the calendar year in which the utility
23 files its performance-based formula rate tariff pursuant
24 to subsection (c) of this Section, with what the revenue
25 requirement would have been had the actual cost information
26 for the applicable calendar year been available at the

1 filing date.

2 The utility shall file, together with its tariff, final
3 data based on its most recently filed FERC Form 1, plus
4 projected plant additions and correspondingly updated
5 depreciation reserve and expense for the calendar year in which
6 the tariff and data are filed, that shall populate the
7 performance-based formula rate and set the initial delivery
8 services rates under the formula. For purposes of this Section,
9 "FERC Form 1" means the Annual Report of Major Electric
10 Utilities, Licensees and Others that electric utilities are
11 required to file with the Federal Energy Regulatory Commission
12 under the Federal Power Act, Sections 3, 4(a), 304 and 209,
13 modified as necessary to be consistent with 83 Ill. Admin. Code
14 Part 415 as of May 1, 2011. Nothing in this Section is intended
15 to allow costs that are not otherwise recoverable to be
16 recoverable by virtue of inclusion in FERC Form 1.

17 After the utility files its proposed performance-based
18 formula rate structure and protocols and initial rates, the
19 Commission shall initiate a docket to review the filing. The
20 Commission shall enter an order approving, or approving as
21 modified, the performance-based formula rate, including the
22 initial rates, as just and reasonable within 270 days after the
23 date on which the tariff was filed, or, if the tariff is filed
24 within 14 days after the effective date of this amendatory Act
25 of the 97th General Assembly, then by May 31, 2012. Such review
26 shall be based on the same evidentiary standards, including,

1 but not limited to, those concerning the prudence and
2 reasonableness of the costs incurred by the utility, the
3 Commission applies in a hearing to review a filing for a
4 general increase in rates under Article IX of this Act. The
5 initial rates shall take effect within 30 days after the
6 Commission's order approving the performance-based formula
7 rate tariff.

8 Until such time as the Commission approves a different rate
9 design and cost allocation pursuant to subsection (e) of this
10 Section, rate design and cost allocation across customer
11 classes shall be consistent with the Commission's most recent
12 order regarding the participating utility's request for a
13 general increase in its delivery services rates.

14 Subsequent changes to the performance-based formula rate
15 structure or protocols shall be made as set forth in Section
16 9-201 of this Act, but nothing in this subsection (c) is
17 intended to limit the Commission's authority under Article IX
18 and other provisions of this Act to initiate an investigation
19 of a participating utility's performance-based formula rate
20 tariff, provided that any such changes shall be consistent with
21 paragraphs (1) through (6) of this subsection (c). Any change
22 ordered by the Commission shall be made at the same time new
23 rates take effect following the Commission's next order
24 pursuant to subsection (d) of this Section, provided that the
25 new rates take effect no less than 30 days after the date on
26 which the Commission issues an order adopting the change.

1 A participating utility that files a tariff pursuant to
2 this subsection (c) must submit a one-time \$200,000 filing fee
3 at the time the Chief Clerk of the Commission accepts the
4 filing, which shall be a recoverable expense.

5 In the event the performance-based formula rate is
6 terminated, the then current rates shall remain in effect until
7 such time as new rates are set pursuant to Article IX of this
8 Act, subject to retroactive rate adjustment, with interest, to
9 reconcile rates charged with actual costs. At such time that
10 the performance-based formula rate is terminated, the
11 participating utility's voluntary commitments and obligations
12 under subsection (b) of this Section shall immediately
13 terminate, except for the utility's obligation to pay an amount
14 already owed to the fund for training grants pursuant to a
15 Commission order issued under subsection (b) of this Section.

16 (d) Subsequent to the Commission's issuance of an order
17 approving the utility's performance-based formula rate
18 structure and protocols, and initial rates under subsection (c)
19 of this Section, the utility shall file, on or before May 1 of
20 each year, with the Chief Clerk of the Commission its updated
21 cost inputs to the performance-based formula rate for the
22 applicable rate year and the corresponding new charges. Each
23 such filing shall conform to the following requirements and
24 include the following information:

25 (1) The inputs to the performance-based formula rate
26 for the applicable rate year shall be based on final

1 historical data reflected in the utility's most recently
2 filed annual FERC Form 1 plus projected plant additions and
3 correspondingly updated depreciation reserve and expense
4 for the calendar year in which the inputs are filed. The
5 filing shall also include a reconciliation of the revenue
6 requirement that was in effect for the prior rate year (as
7 set by the cost inputs for the prior rate year) with the
8 actual revenue requirement for the prior rate year
9 (determined using a year-end rate base) that uses amounts
10 reflected in the applicable FERC Form 1 that reports the
11 actual costs for the prior rate year. Any over-collection
12 or under-collection indicated by such reconciliation shall
13 be reflected as a credit against, or recovered as an
14 additional charge to, respectively, with interest
15 calculated at a rate equal to the utility's weighted
16 average cost of capital approved by the Commission for the
17 prior rate year, the charges for the applicable rate year.
18 Provided, however, that the first such reconciliation
19 shall be for the calendar year in which the utility files
20 its performance-based formula rate tariff pursuant to
21 subsection (c) of this Section and shall reconcile (i) the
22 revenue requirement or requirements established by the
23 rate order or orders in effect from time to time during
24 such calendar year (weighted, as applicable) with (ii) the
25 revenue requirement determined using a year-end rate base
26 for that calendar year calculated pursuant to the

1 performance-based formula rate using (A) actual costs for
2 that year as reflected in the applicable FERC Form 1, and
3 (B) for the first such reconciliation only, the cost of
4 equity, which shall be calculated as the sum of 590 basis
5 points plus the average for the applicable calendar year of
6 the monthly average yields of 30-year U.S. Treasury bonds
7 published by the Board of Governors of the Federal Reserve
8 System in its weekly H.15 Statistical Release or successor
9 publication. The first such reconciliation is not intended
10 to provide for the recovery of costs previously excluded
11 from rates based on a prior Commission order finding of
12 imprudence or unreasonableness. Each reconciliation shall
13 be certified by the participating utility in the same
14 manner that FERC Form 1 is certified. The filing shall also
15 include the charge or credit, if any, resulting from the
16 calculation required by paragraph (6) of subsection (c) of
17 this Section.

18 Notwithstanding anything that may be to the contrary,
19 the intent of the reconciliation is to ultimately reconcile
20 the revenue requirement reflected in rates for each
21 calendar year, beginning with the calendar year in which
22 the utility files its performance-based formula rate
23 tariff pursuant to subsection (c) of this Section, with
24 what the revenue requirement determined using a year-end
25 rate base for the applicable calendar year would have been
26 had the actual cost information for the applicable calendar

1 year been available at the filing date.

2 (2) The new charges shall take effect beginning on the
3 first billing day of the following January billing period
4 and remain in effect through the last billing day of the
5 next December billing period regardless of whether the
6 Commission enters upon a hearing pursuant to this
7 subsection (d).

8 (3) The filing shall include relevant and necessary
9 data and documentation for the applicable rate year that is
10 consistent with the Commission's rules applicable to a
11 filing for a general increase in rates or any rules adopted
12 by the Commission to implement this Section. Normalization
13 adjustments shall not be required. Notwithstanding any
14 other provision of this Section or Act or any rule or other
15 requirement adopted by the Commission, a participating
16 utility that is a combination utility with more than one
17 rate zone shall not be required to file a separate set of
18 such data and documentation for each rate zone and may
19 combine such data and documentation into a single set of
20 schedules.

21 Within 45 days after the utility files its annual update of
22 cost inputs to the performance-based formula rate, the
23 Commission shall have the authority, either upon complaint or
24 its own initiative, but with reasonable notice, to enter upon a
25 hearing concerning the prudence and reasonableness of the costs
26 incurred by the utility to be recovered during the applicable

1 rate year that are reflected in the inputs to the
2 performance-based formula rate derived from the utility's FERC
3 Form 1. During the course of the hearing, each objection shall
4 be stated with particularity and evidence provided in support
5 thereof, after which the utility shall have the opportunity to
6 rebut the evidence. Discovery shall be allowed consistent with
7 the Commission's Rules of Practice, which Rules shall be
8 enforced by the Commission or the assigned hearing examiner.
9 The Commission shall apply the same evidentiary standards,
10 including, but not limited to, those concerning the prudence
11 and reasonableness of the costs incurred by the utility, in the
12 hearing as it would apply in a hearing to review a filing for a
13 general increase in rates under Article IX of this Act. The
14 Commission shall not, however, have the authority in a
15 proceeding under this subsection (d) to consider or order any
16 changes to the structure or protocols of the performance-based
17 formula rate approved pursuant to subsection (c) of this
18 Section. In a proceeding under this subsection (d), the
19 Commission shall enter its order no later than the earlier of
20 240 days after the utility's filing of its annual update of
21 cost inputs to the performance-based formula rate or December
22 31. The Commission's determinations of the prudence and
23 reasonableness of the costs incurred for the applicable
24 calendar year shall be final upon entry of the Commission's
25 order and shall not be subject to reopening, reexamination, or
26 collateral attack in any other Commission proceeding, case,

1 docket, order, rule or regulation, provided, however, that
2 nothing in this subsection (d) shall prohibit a party from
3 petitioning the Commission to rehear or appeal to the courts
4 the order pursuant to the provisions of this Act.

5 In the event the Commission does not, either upon complaint
6 or its own initiative, enter upon a hearing within 45 days
7 after the utility files the annual update of cost inputs to its
8 performance-based formula rate, then the costs incurred for the
9 applicable calendar year shall be deemed prudent and
10 reasonable, and the filed charges shall not be subject to
11 reopening, reexamination, or collateral attack in any other
12 proceeding, case, docket, order, rule, or regulation.

13 A participating utility's first filing of the updated cost
14 inputs, and any Commission investigation of such inputs
15 pursuant to this subsection (d) shall proceed notwithstanding
16 the fact that the Commission's investigation under subsection
17 (c) of this Section is still pending and notwithstanding any
18 other law, order, rule, or Commission practice to the contrary.

19 (e) Nothing in subsections (c) or (d) of this Section shall
20 prohibit the Commission from investigating, or a participating
21 utility from filing, revenue-neutral tariff changes related to
22 rate design of a performance-based formula rate that has been
23 placed into effect for the utility. Following approval of a
24 participating utility's performance-based formula rate tariff
25 pursuant to subsection (c) of this Section, the utility shall
26 make a filing with the Commission within one year after the

1 effective date of the performance-based formula rate tariff
2 that proposes changes to the tariff to incorporate the findings
3 of any final rate design orders of the Commission applicable to
4 the participating utility and entered subsequent to the
5 Commission's approval of the tariff. The Commission shall,
6 after notice and hearing, enter its order approving, or
7 approving with modification, the proposed changes to the
8 performance-based formula rate tariff within 240 days after the
9 utility's filing. Following such approval, the utility shall
10 make a filing with the Commission during each subsequent 3-year
11 period that either proposes revenue-neutral tariff changes or
12 re-files the existing tariffs without change, which shall
13 present the Commission with an opportunity to suspend the
14 tariffs and consider revenue-neutral tariff changes related to
15 rate design.

16 (f) Within 30 days after the filing of a tariff pursuant to
17 subsection (c) of this Section, each participating utility
18 shall develop and file with the Commission multi-year metrics
19 designed to achieve, ratably (i.e., in equal segments) over a
20 10-year period, improvement over baseline performance values
21 as follows:

22 (1) Twenty percent improvement in the System Average
23 Interruption Frequency Index, using a baseline of the
24 average of the data from 2001 through 2010.

25 (2) Fifteen percent improvement in the system Customer
26 Average Interruption Duration Index, using a baseline of

1 the average of the data from 2001 through 2010.

2 (3) For a participating utility other than a
3 combination utility, 20% improvement in the System Average
4 Interruption Frequency Index for its Southern Region,
5 using a baseline of the average of the data from 2001
6 through 2010. For purposes of this paragraph (3), Southern
7 Region shall have the meaning set forth in the
8 participating utility's most recent report filed pursuant
9 to Section 16-125 of this Act.

10 (3.5) For a participating utility other than a
11 combination utility, 20% improvement in the System Average
12 Interruption Frequency Index for its Northeastern Region,
13 using a baseline of the average of the data from 2001
14 through 2010. For purposes of this paragraph (3.5),
15 Northeastern Region shall have the meaning set forth in the
16 participating utility's most recent report filed pursuant
17 to Section 16-125 of this Act.

18 (4) Seventy-five percent improvement in the total
19 number of customers who exceed the service reliability
20 targets as set forth in subparagraphs (A) through (C) of
21 paragraph (4) of subsection (b) of 83 Ill. Admin. Code Part
22 411.140 as of May 1, 2011, using 2010 as the baseline year.

23 (5) Reduction in issuance of estimated electric bills:
24 90% improvement for a participating utility other than a
25 combination utility, and 56% improvement for a
26 participating utility that is a combination utility, using

1 a baseline of the average number of estimated bills for the
2 years 2008 through 2010.

3 (6) Consumption on inactive meters: 90% improvement
4 for a participating utility other than a combination
5 utility, and 56% improvement for a participating utility
6 that is a combination utility, using a baseline of the
7 average unbilled kilowatthours for the years 2009 and 2010.

8 (7) Unaccounted for energy: 50% improvement for a
9 participating utility other than a combination utility
10 using a baseline of the non-technical line loss unaccounted
11 for energy kilowatthours for the year 2009.

12 (8) Uncollectible expense: reduce uncollectible
13 expense by at least \$30,000,000 for a participating utility
14 other than a combination utility and by at least \$3,500,000
15 for a participating utility that is a combination utility,
16 using a baseline of the average uncollectible expense for
17 the years 2008 through 2010.

18 (9) Opportunities for minority-owned and female-owned
19 business enterprises: design a performance metric
20 regarding the creation of opportunities for minority-owned
21 and female-owned business enterprises consistent with
22 State and federal law using a base performance value of the
23 percentage of the participating utility's capital
24 expenditures that were paid to minority-owned and
25 female-owned business enterprises in 2010.

26 The definitions set forth in 83 Ill. Admin. Code Part

1 411.20 as of May 1, 2011 shall be used for purposes of
2 calculating performance under paragraphs (1) through (3.5) of
3 this subsection (f), provided, however, that the participating
4 utility may exclude up to 9 extreme weather event days from
5 such calculation for each year, and provided further that the
6 participating utility shall exclude 9 extreme weather event
7 days when calculating each year of the baseline period to the
8 extent that there are 9 such days in a given year of the
9 baseline period. For purposes of this Section, an extreme
10 weather event day is a 24-hour calendar day (beginning at 12:00
11 a.m. and ending at 11:59 p.m.) during which any weather event
12 (e.g., storm, tornado) caused interruptions for 10,000 or more
13 of the participating utility's customers for 3 hours or more.
14 If there are more than 9 extreme weather event days in a year,
15 then the utility may choose no more than 9 extreme weather
16 event days to exclude, provided that the same extreme weather
17 event days are excluded from each of the calculations performed
18 under paragraphs (1) through (3.5) of this subsection (f).

19 The metrics shall include incremental performance goals
20 for each year of the 10-year period, which shall be designed to
21 demonstrate that the utility is on track to achieve the
22 performance goal in each category at the end of the 10-year
23 period. The utility shall elect when the 10-year period shall
24 commence for the metrics set forth in subparagraphs (1) through
25 (4) and (9) of this subsection (f), provided that it begins no
26 later than 14 months following the date on which the utility

1 begins investing pursuant to subsection (b) of this Section,
2 and when the 10-year period shall commence for the metrics set
3 forth in subparagraphs (5) through (8) of this subsection (f),
4 provided that it begins no later than 14 months following the
5 date on which the Commission enters its order approving the
6 utility's Advanced Metering Infrastructure Deployment Plan
7 pursuant to subsection (c) of Section 16-108.6 of this Act.

8 The metrics and performance goals set forth in
9 subparagraphs (5) through (8) of this subsection (f) are based
10 on the assumptions that the participating utility may fully
11 implement the technology described in subsection (b) of this
12 Section, including utilizing the full functionality of such
13 technology and that there is no requirement for personal
14 on-site notification. If the utility is unable to meet the
15 metrics and performance goals set forth in subparagraphs (5)
16 through (8) of this subsection (f) for such reasons, and the
17 Commission so finds after notice and hearing, then the utility
18 shall be excused from compliance, but only to the limited
19 extent achievement of the affected metrics and performance
20 goals was hindered by the less than full implementation.

21 (f-5) The financial penalties applicable to the metrics
22 described in subparagraphs (1) through (8) of subsection (f) of
23 this Section, as applicable, shall be applied through an
24 adjustment to the participating utility's return on equity of
25 no more than a total of 30 basis points in each of the first 3
26 years, of no more than a total of 34 basis points in each of the

1 3 years thereafter, and of no more than a total of 38 basis
2 points in each of the 4 years thereafter, as follows:

3 (1) With respect to each of the incremental annual
4 performance goals established pursuant to paragraph (1) of
5 subsection (f) of this Section,

6 (A) for each year that a participating utility
7 other than a combination utility does not achieve the
8 annual goal, the participating utility's return on
9 equity shall be reduced as follows: during years 1
10 through 3, by 5 basis points; during years 4 through 6,
11 by 6 basis points; and during years 7 through 10, by 7
12 basis points; and

13 (B) for each year that a participating utility that
14 is a combination utility does not achieve the annual
15 goal, the participating utility's return on equity
16 shall be reduced as follows: during years 1 through 3,
17 by 10 basis points; during years 4 through 6, by 12
18 basis points; and during years 7 through 10, by 14
19 basis points.

20 (2) With respect to each of the incremental annual
21 performance goals established pursuant to paragraph (2) of
22 subsection (f) of this Section, for each year that the
23 participating utility does not achieve each such goal, the
24 participating utility's return on equity shall be reduced
25 as follows: during years 1 through 3, by 5 basis points;
26 during years 4 through 6, by 6 basis points; and during

1 years 7 through 10, by 7 basis points.

2 (3) With respect to each of the incremental annual
3 performance goals established pursuant to paragraphs (3)
4 and (3.5) of subsection (f) of this Section, for each year
5 that a participating utility other than a combination
6 utility does not achieve both such goals, the participating
7 utility's return on equity shall be reduced as follows:
8 during years 1 through 3, by 5 basis points; during years 4
9 through 6, by 6 basis points; and during years 7 through
10 10, by 7 basis points.

11 (4) With respect to each of the incremental annual
12 performance goals established pursuant to paragraph (4) of
13 subsection (f) of this Section, for each year that the
14 participating utility does not achieve each such goal, the
15 participating utility's return on equity shall be reduced
16 as follows: during years 1 through 3, by 5 basis points;
17 during years 4 through 6, by 6 basis points; and during
18 years 7 through 10, by 7 basis points.

19 (5) With respect to each of the incremental annual
20 performance goals established pursuant to subparagraph (5)
21 of subsection (f) of this Section, for each year that the
22 participating utility does not achieve at least 95% of each
23 such goal, the participating utility's return on equity
24 shall be reduced by 5 basis points for each such unachieved
25 goal.

26 (6) With respect to each of the incremental annual

1 performance goals established pursuant to paragraphs (6),
2 (7), and (8) of subsection (f) of this Section, as
3 applicable, which together measure non-operational
4 customer savings and benefits relating to the
5 implementation of the Advanced Metering Infrastructure
6 Deployment Plan, as defined in Section 16-108.6 of this
7 Act, the performance under each such goal shall be
8 calculated in terms of the percentage of the goal achieved.
9 The percentage of goal achieved for each of the goals shall
10 be aggregated, and an average percentage value calculated,
11 for each year of the 10-year period. If the utility does
12 not achieve an average percentage value in a given year of
13 at least 95%, the participating utility's return on equity
14 shall be reduced by 5 basis points.

15 The financial penalties shall be applied as described in
16 this subsection (f-5) for the 12-month period in which the
17 deficiency occurred through a separate tariff mechanism, which
18 shall be filed by the utility together with its metrics. In the
19 event the formula rate tariff established pursuant to
20 subsection (c) of this Section terminates, the utility's
21 obligations under subsection (f) of this Section and this
22 subsection (f-5) shall also terminate, provided, however, that
23 the tariff mechanism established pursuant to subsection (f) of
24 this Section and this subsection (f-5) shall remain in effect
25 until any penalties due and owing at the time of such
26 termination are applied.

1 The Commission shall, after notice and hearing, enter an
2 order within 120 days after the metrics are filed approving, or
3 approving with modification, a participating utility's tariff
4 or mechanism to satisfy the metrics set forth in subsection (f)
5 of this Section. On June 1 of each subsequent year, each
6 participating utility shall file a report with the Commission
7 that includes, among other things, a description of how the
8 participating utility performed under each metric and an
9 identification of any extraordinary events that adversely
10 impacted the utility's performance. Whenever a participating
11 utility does not satisfy the metrics required pursuant to
12 subsection (f) of this Section, the Commission shall, after
13 notice and hearing, enter an order approving financial
14 penalties in accordance with this subsection (f-5). The
15 Commission-approved financial penalties shall be applied
16 beginning with the next rate year. Nothing in this Section
17 shall authorize the Commission to reduce or otherwise obviate
18 the imposition of financial penalties for failing to achieve
19 one or more of the metrics established pursuant to subparagraph
20 (1) through (4) of subsection (f) of this Section.

21 (g) On or before July 31, 2014, each participating utility
22 shall file a report with the Commission that sets forth the
23 average annual increase in the average amount paid per
24 kilowatthour for residential eligible retail customers,
25 exclusive of the effects of energy efficiency programs,
26 comparing the 12-month period ending May 31, 2012; the 12-month

1 period ending May 31, 2013; and the 12-month period ending May
2 31, 2014. For a participating utility that is a combination
3 utility with more than one rate zone, the weighted average
4 aggregate increase shall be provided. The report shall be filed
5 together with a statement from an independent auditor attesting
6 to the accuracy of the report. The cost of the independent
7 auditor shall be borne by the participating utility and shall
8 not be a recoverable expense. "The average amount paid per
9 kilowatthour" shall be based on the participating utility's
10 tariffed rates actually in effect and shall not be calculated
11 using any hypothetical rate or adjustments to actual charges
12 (other than as specified for energy efficiency) as an input.

13 In the event that the average annual increase exceeds 2.5%
14 as calculated pursuant to this subsection (g), then Sections
15 16-108.5, 16-108.6, 16-108.7, and 16-108.8 of this Act, other
16 than this subsection, shall be inoperative as they relate to
17 the utility and its service area as of the date of the report
18 due to be submitted pursuant to this subsection and the utility
19 shall no longer be eligible to annually update the
20 performance-based formula rate tariff pursuant to subsection
21 (d) of this Section. In such event, the then current rates
22 shall remain in effect until such time as new rates are set
23 pursuant to Article IX of this Act, subject to retroactive
24 adjustment, with interest, to reconcile rates charged with
25 actual costs, and the participating utility's voluntary
26 commitments and obligations under subsection (b) of this

1 Section shall immediately terminate, except for the utility's
2 obligation to pay an amount already owed to the fund for
3 training grants pursuant to a Commission order issued under
4 subsection (b) of this Section.

5 In the event that the average annual increase is 2.5% or
6 less as calculated pursuant to this subsection (g), then the
7 performance-based formula rate shall remain in effect as set
8 forth in this Section.

9 For purposes of this Section, the amount per kilowatthour
10 means the total amount paid for electric service expressed on a
11 per kilowatthour basis, and the total amount paid for electric
12 service includes without limitation amounts paid for supply,
13 transmission, distribution, surcharges, and add-on taxes
14 exclusive of any increases in taxes or new taxes imposed after
15 the effective date of this amendatory Act of the 97th General
16 Assembly. For purposes of this Section, "eligible retail
17 customers" shall have the meaning set forth in Section 16-111.5
18 of this Act.

19 The fact that this Section becomes inoperative as set forth
20 in this subsection shall not be construed to mean that the
21 Commission may reexamine or otherwise reopen prudence or
22 reasonableness determinations already made.

23 (h) Sections 16-108.5, 16-108.6, 16-108.7, and 16-108.8 of
24 this Act, other than this subsection, are inoperative after
25 December 31, 2017 for every participating utility, after which
26 time a participating utility shall no longer be eligible to

1 annually update the performance-based formula rate tariff
2 pursuant to subsection (d) of this Section. At such time, the
3 then current rates shall remain in effect until such time as
4 new rates are set pursuant to Article IX of this Act, subject
5 to retroactive adjustment, with interest, to reconcile rates
6 charged with actual costs.

7 By December 31, 2017, the Commission shall prepare and file
8 with the General Assembly a report on the infrastructure
9 program and the performance-based formula rate. The report
10 shall include the change in the average amount per kilowatthour
11 paid by residential customers between June 1, 2011 and May 31,
12 2017. If the change in the total average rate paid exceeds 2.5%
13 compounded annually, the Commission shall include in the report
14 an analysis that shows the portion of the change due to the
15 delivery services component and the portion of the change due
16 to the supply component of the rate. The report shall include
17 separate sections for each participating utility.

18 In the event Sections 16-108.5, 16-108.6, 16-108.7, and
19 16-108.8 of this Act do not become inoperative after December
20 31, 2017, then these Sections are inoperative after December
21 31, 2022 for every participating utility, after which time a
22 participating utility shall no longer be eligible to annually
23 update the performance-based formula rate tariff pursuant to
24 subsection (d) of this Section. At such time, the then current
25 rates shall remain in effect until such time as new rates are
26 set pursuant to Article IX of this Act, subject to retroactive

1 adjustment, with interest, to reconcile rates charged with
2 actual costs.

3 The fact that this Section becomes inoperative as set forth
4 in this subsection shall not be construed to mean that the
5 Commission may reexamine or otherwise reopen prudence or
6 reasonableness determinations already made.

7 (i) While a participating utility may use, develop, and
8 maintain broadband systems and the delivery of broadband
9 services, voice-over-internet-protocol services,
10 telecommunications services, and cable and video programming
11 services for use in providing delivery services and Smart Grid
12 functionality or application to its retail customers,
13 including, but not limited to, the installation,
14 implementation and maintenance of Smart Grid electric system
15 upgrades as defined in Section 16-108.6 of this Act, a
16 participating utility is prohibited from offering to its retail
17 customers broadband services or the delivery of broadband
18 services, voice-over-internet-protocol services,
19 telecommunications services, or cable or video programming
20 services, unless they are part of a service directly related to
21 delivery services or Smart Grid functionality or applications
22 as defined in Section 16-108.6 of this Act, and from recovering
23 the costs of such offerings from retail customers.

24 (j) Nothing in this Section is intended to legislatively
25 overturn the opinion issued in Commonwealth Edison Co. v. Ill.
26 Commerce Comm'n, Nos. 2-08-0959, 2-08-1037, 2-08-1137,

1 1-08-3008, 1-08-3030, 1-08-3054, 1-08-3313 cons. (Ill. App.
2 Ct. 2d Dist. Sept. 30, 2010). This amendatory Act of the 97th
3 General Assembly shall not be construed as creating a contract
4 between the General Assembly and the participating utility, and
5 shall not establish a property right in the participating
6 utility.

7 (k) The changes made in subsections (c) and (d) of this
8 Section by this amendatory Act of the 98th General Assembly are
9 intended to be a restatement and clarification of existing law,
10 and intended to give binding effect to the provisions of House
11 Resolution 1157 adopted by the House of Representatives of the
12 97th General Assembly and Senate Resolution 821 adopted by the
13 Senate of the 97th General Assembly that are reflected in
14 paragraph (3) of this subsection. In addition, this amendatory
15 Act of the 98th General Assembly preempts and supersedes any
16 final Commission orders entered in Docket Nos. 11-0721,
17 12-0001, 12-0293, and 12-0321 to the extent inconsistent with
18 the amendatory language added to subsections (c) and (d).

19 (1) No earlier than 5 business days after the effective
20 date of this amendatory Act of the 98th General Assembly,
21 each participating utility shall file any tariff changes
22 necessary to implement the amendatory language set forth in
23 subsections (c) and (d) of this Section by this amendatory
24 Act of the 98th General Assembly and a revised revenue
25 requirement under the participating utility's
26 performance-based formula rate. The Commission shall enter

1 a final order approving such tariff changes and revised
2 revenue requirement within 21 days after the participating
3 utility's filing.

4 (2) Notwithstanding anything that may be to the
5 contrary, a participating utility may file a tariff to
6 retroactively recover its previously unrecovered actual
7 costs of delivery service that are no longer subject to
8 recovery through a reconciliation adjustment under
9 subsection (d) of this Section. This retroactive recovery
10 shall include any derivative adjustments resulting from
11 the changes to subsections (c) and (d) of this Section by
12 this amendatory Act of the 98th General Assembly. Such
13 tariff shall allow the utility to assess, on current
14 customer bills over a period of 12 monthly billing periods,
15 a charge or credit related to those unrecovered costs with
16 interest at the utility's weighted average cost of capital
17 during the period in which those costs were unrecovered. A
18 participating utility may file a tariff that implements a
19 retroactive charge or credit as described in this paragraph
20 for amounts not otherwise included in the tariff filing
21 provided for in paragraph (1) of this subsection (k). The
22 Commission shall enter a final order approving such tariff
23 within 21 days after the participating utility's filing.

24 (3) The tariff changes described in paragraphs (1) and
25 (2) of this subsection (k) shall relate only to, and be
26 consistent with, the following provisions of this

1 amendatory Act of the 98th General Assembly: paragraph (2)
2 of subsection (c) regarding year-end capital structure,
3 subparagraph (D) of paragraph (4) of subsection (c)
4 regarding pension assets, and subsection (d) regarding the
5 reconciliation components related to year-end rate base
6 and interest calculated at a rate equal to the utility's
7 weighted average cost of capital.

8 (4) Nothing in this subsection is intended to effect a
9 dismissal of or otherwise affect an appeal from any final
10 Commission orders entered in Docket Nos. 11-0721, 12-0001,
11 12-0293, and 12-0321 other than to the extent of the
12 amendatory language contained in subsections (c) and (d) of
13 this amendatory Act of the 98th General Assembly.

14 (1) Each participating utility shall be deemed to have been
15 in full compliance with all requirements of subsection (b) of
16 this Section, subsection (c) of this Section, Section 16-108.6
17 of this Act, and all Commission orders entered pursuant to
18 Sections 16-108.5 and 16-108.6 of this Act, up to and including
19 the effective date of this amendatory Act of the 98th General
20 Assembly. The Commission shall not undertake any investigation
21 of such compliance and no penalty shall be assessed or adverse
22 action taken against a participating utility for noncompliance
23 with Commission orders associated with subsection (b) of this
24 Section, subsection (c) of this Section, and Section 16-108.6
25 of this Act prior to such date. Each participating utility
26 other than a combination utility shall be permitted, without

1 penalty, a period of 12 months after such effective date to
2 take actions required to ensure its infrastructure investment
3 program is in compliance with subsection (b) of this Section
4 and with Section 16-108.6 of this Act. Provided further:

5 (1) if this amendatory Act of the 98th General Assembly
6 takes effect on or before June 15, 2013, the following
7 subparagraphs shall apply to a participating utility other
8 than a combination utility:

9 (A) if the Commission has initiated a proceeding
10 pursuant to subsection (e) of Section 16-108.6 of this
11 Act that is pending as of the effective date of this
12 amendatory Act of the 98th General Assembly, then the
13 order entered in such proceeding shall, after notice
14 and hearing, accelerate the commencement of the meter
15 deployment schedule approved in the final Commission
16 order on rehearing entered in Docket No. 12-0298;

17 (B) if the Commission has entered an order pursuant
18 to subsection (e) of Section 16-108.6 of this Act prior
19 to the effective date of this amendatory Act of the
20 98th General Assembly that does not accelerate the
21 commencement of the meter deployment schedule approved
22 in the final Commission order on rehearing entered in
23 Docket No. 12-0298, then the utility shall file with
24 the Commission, within 45 days after such effective
25 date, a plan for accelerating the commencement of the
26 utility's meter deployment schedule approved in the

1 final Commission order on rehearing entered in Docket
2 No. 12-0298; the Commission shall reopen the
3 proceeding in which it entered its order pursuant to
4 subsection (e) of Section 16-108.6 of this Act and
5 shall, after notice and hearing, enter an amendatory
6 order that approves or approves as modified such
7 accelerated plan within 90 days after the utility's
8 filing; or

9 (C) if the Commission has not initiated a
10 proceeding pursuant to subsection (e) of Section
11 16-108.6 of this Act prior to the effective date of
12 this amendatory Act of the 98th General Assembly, then
13 the utility shall file with the Commission, within 45
14 days after such effective date, a plan for accelerating
15 the commencement of the utility's meter deployment
16 schedule approved in the final Commission order on
17 rehearing entered in Docket No. 12-0298 and the
18 Commission shall, after notice and hearing, approve or
19 approve as modified such plan within 90 days after the
20 utility's filing;

21 (2) if this amendatory Act of the 98th General Assembly
22 takes effect after June 15, 2013, then each participating
23 utility other than a combination utility shall file with
24 the Commission, within 45 days after such effective date, a
25 plan for accelerating the commencement of the utility's
26 meter deployment schedule approved in the final Commission

1 order on rehearing entered in Docket No. 12-0298; the
2 Commission shall reopen the most recent proceeding in which
3 it entered an order pursuant to subsection (e) of Section
4 16-108.6 of this Act and within 90 days after the utility's
5 filing shall, after notice and hearing, enter an amendatory
6 order that approves or approves as modified such
7 accelerated plan, provided that if there was no such prior
8 proceeding the Commission shall open a new proceeding and
9 within 90 days after the utility's filing shall, after
10 notice and hearing, enter an order that approves or
11 approves as modified such accelerated plan.

12 Any schedule for meter deployment approved by the
13 Commission pursuant to subparagraphs (1) or (2) of this
14 subsection (1) shall take into consideration procurement times
15 for meters and other equipment and operational issues. Nothing
16 in this amendatory Act of the 98th General Assembly shall
17 shorten or extend the end dates for the 5-year or 10-year
18 periods set forth in subsection (b) of this Section or Section
19 16-108.6 of this Act. Nothing in this subsection is intended to
20 address whether a participating utility has, or has not,
21 satisfied any or all of the metrics and performance goals
22 established pursuant to subsection (f) of this Section.

23 (m) The provisions of this amendatory Act of the 98th
24 General Assembly are severable under Section 1.31 of the
25 Statute on Statutes.

26 (Source: P.A. 97-616, eff. 10-26-11; 97-646, eff. 12-30-11;

1 98-15, eff. 5-22-13.)

2 Section 560. The Citizens Utility Board Act is amended by
3 changing Section 9 as follows:

4 (220 ILCS 10/9) (from Ch. 111 2/3, par. 909)

5 Sec. 9. Mailing procedure.

6 (1) As used in this Section:

7 (a) "Enclosure" means a card, leaflet, envelope or
8 combination thereof furnished by the corporation under
9 this Section.

10 (b) "Mailing" means any communication by a State
11 agency, other than a mailing made under the Senior Citizens
12 and Persons with Disabilities ~~Disabled Persons~~ Property
13 Tax Relief Act, that is sent through the United States
14 Postal Service to more than 50,000 persons within a
15 12-month period.

16 (c) "State agency" means any officer, department,
17 board, commission, institution or entity of the executive
18 or legislative branches of State government.

19 (2) To accomplish its powers and duties under Section 5
20 this Act, the corporation, subject to the following
21 limitations, may prepare and furnish to any State agency an
22 enclosure to be included with a mailing by that agency.

23 (a) A State agency furnished with an enclosure shall
24 include the enclosure within the mailing designated by the

1 corporation.

2 (b) An enclosure furnished by the corporation under
3 this Section shall be provided to the State agency a
4 reasonable period of time in advance of the mailing.

5 (c) An enclosure furnished by the corporation under
6 this Section shall be limited to informing the reader of
7 the purpose, nature and activities of the corporation as
8 set forth in this Act and informing the reader that it may
9 become a member in the corporation, maintain membership in
10 the corporation and contribute money to the corporation
11 directly.

12 (d) Prior to furnishing an enclosure to the State
13 agency, the corporation shall seek and obtain approval of
14 the content of the enclosure from the Illinois Commerce
15 Commission. The Commission shall approve the enclosure if
16 it determines that the enclosure (i) is not false or
17 misleading and (ii) satisfies the requirements of this Act.
18 The Commission shall be deemed to have approved the
19 enclosure unless it disapproves the enclosure within 14
20 days from the date of receipt.

21 (3) The corporation shall reimburse each State agency for
22 all reasonable incremental costs incurred by the State agency
23 in complying with this Section above the agency's normal
24 mailing and handling costs, provided that:

25 (a) The State agency shall first furnish the
26 corporation with an itemized accounting of such additional

1 cost; and

2 (b) The corporation shall not be required to reimburse
3 the State agency for postage costs if the weight of the
4 corporation's enclosure does not exceed .35 ounce
5 avoirdupois. If the corporation's enclosure exceeds that
6 weight, then it shall only be required to reimburse the
7 State agency for postage cost over and above what the
8 agency's postage cost would have been had the enclosure
9 weighed only .35 ounce avoirdupois.

10 (Source: P.A. 96-804, eff. 1-1-10; 97-689, eff. 6-14-12.)

11 Section 565. The Child Care Act of 1969 is amended by
12 changing Sections 2.06, 2.09, 4.2, and 7 as follows:

13 (225 ILCS 10/2.06) (from Ch. 23, par. 2212.06)

14 Sec. 2.06. "Child care institution" means a child care
15 facility where more than 7 children are received and maintained
16 for the purpose of providing them with care or training or
17 both. The term "child care institution" includes residential
18 schools, primarily serving ambulatory children with
19 disabilities ~~handicapped children~~, and those operating a full
20 calendar year, but does not include:

21 (a) Any State-operated institution for child care
22 established by legislative action;

23 (b) Any juvenile detention or shelter care home established
24 and operated by any county or child protection district

1 established under the "Child Protection Act";

2 (c) Any institution, home, place or facility operating
3 under a license pursuant to the Nursing Home Care Act, the
4 Specialized Mental Health Rehabilitation Act of 2013, or the
5 ID/DD Community Care Act;

6 (d) Any bona fide boarding school in which children are
7 primarily taught branches of education corresponding to those
8 taught in public schools, grades one through 12, or taught in
9 public elementary schools, high schools, or both elementary and
10 high schools, and which operates on a regular academic school
11 year basis; or

12 (e) Any facility licensed as a "group home" as defined in
13 this Act.

14 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-813,
15 eff. 7-13-12; 98-104, eff. 7-22-13.)

16 (225 ILCS 10/2.09) (from Ch. 23, par. 2212.09)

17 Sec. 2.09. "Day care center" means any child care facility
18 which regularly provides day care for less than 24 hours per
19 day for (1) more than 8 children in a family home, or (2) more
20 than 3 children in a facility other than a family home,
21 including senior citizen buildings. The term does not include
22 (a) programs operated by (i) public or private elementary
23 school systems or secondary level school units or institutions
24 of higher learning that serve children who shall have attained
25 the age of 3 years or (ii) private entities on the grounds of

1 public or private elementary or secondary schools and that
2 serve children who have attained the age of 3 years, except
3 that this exception applies only to the facility and not to the
4 private entities' personnel operating the program; (b)
5 programs or that portion of the program which serves children
6 who shall have attained the age of 3 years and which are
7 recognized by the State Board of Education; (c) educational
8 program or programs serving children who shall have attained
9 the age of 3 years and which are operated by a school which is
10 registered with the State Board of Education and which is
11 recognized or accredited by a recognized national or multistate
12 educational organization or association which regularly
13 recognizes or accredits schools; (d) programs which
14 exclusively serve or that portion of the program which serves
15 children with disabilities ~~handicapped children~~ who shall have
16 attained the age of 3 years but are less than 21 years of age
17 and which are registered and approved as meeting standards of
18 the State Board of Education and applicable fire marshal
19 standards; (e) facilities operated in connection with a
20 shopping center or service, religious services, or other
21 similar facility, where transient children are cared for
22 temporarily while parents or custodians of the children are
23 occupied on the premises and readily available; (f) any type of
24 day care center that is conducted on federal government
25 premises; (g) special activities programs, including
26 athletics, crafts instruction and similar activities conducted

1 on an organized and periodic basis by civic, charitable and
2 governmental organizations; (h) part day child care
3 facilities, as defined in Section 2.10 of this Act; or (i)
4 programs or that portion of the program which (1) serves
5 children who shall have attained the age of 3 years, (2) is
6 operated by churches or religious institutions as described in
7 Section 501 (c) (3) of the federal Internal Revenue Code, (3)
8 receives no governmental aid, (4) is operated as a component of
9 a religious, nonprofit elementary school, (5) operates
10 primarily to provide religious education, and (6) meets
11 appropriate State or local health and fire safety standards.

12 For purposes of (a), (b), (c), (d) and (i) of this Section,
13 "children who shall have attained the age of 3 years" shall
14 mean children who are 3 years of age, but less than 4 years of
15 age, at the time of enrollment in the program.

16 (Source: P.A. 92-659, eff. 7-16-02.)

17 (225 ILCS 10/4.2) (from Ch. 23, par. 2214.2)

18 Sec. 4.2. (a) No applicant may receive a license from the
19 Department and no person may be employed by a licensed child
20 care facility who refuses to authorize an investigation as
21 required by Section 4.1.

22 (b) In addition to the other provisions of this Section, no
23 applicant may receive a license from the Department and no
24 person may be employed by a child care facility licensed by the
25 Department who has been declared a sexually dangerous person

1 under "An Act in relation to sexually dangerous persons, and
2 providing for their commitment, detention and supervision",
3 approved July 6, 1938, as amended, or convicted of committing
4 or attempting to commit any of the following offenses
5 stipulated under the Criminal Code of 1961 or the Criminal Code
6 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) harboring a runaway;

25 (3.4) aiding and abetting child abduction;

26 (4) aggravated kidnapping;

- 1 (5) child abduction;
- 2 (6) aggravated battery of a child as described in
- 3 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;
- 4 (7) criminal sexual assault;
- 5 (8) aggravated criminal sexual assault;
- 6 (8.1) predatory criminal sexual assault of a child;
- 7 (9) criminal sexual abuse;
- 8 (10) aggravated sexual abuse;
- 9 (11) heinous battery as described in Section 12-4.1 or
- 10 subdivision (a) (2) of Section 12-3.05;
- 11 (12) aggravated battery with a firearm as described in
- 12 Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
- 13 (e) (4) of Section 12-3.05;
- 14 (13) tampering with food, drugs, or cosmetics;
- 15 (14) drug induced infliction of great bodily harm as
- 16 described in Section 12-4.7 or subdivision (g) (1) of
- 17 Section 12-3.05;
- 18 (15) hate crime;
- 19 (16) stalking;
- 20 (17) aggravated stalking;
- 21 (18) threatening public officials;
- 22 (19) home invasion;
- 23 (20) vehicular invasion;
- 24 (21) criminal transmission of HIV;
- 25 (22) criminal abuse or neglect of an elderly person or
- 26 person with a disability ~~or disabled person~~ as described in

1 Section 12-21 or subsection (e) ~~(b)~~ of Section 12-4.4a;

2 (23) child abandonment;

3 (24) endangering the life or health of a child;

4 (25) ritual mutilation;

5 (26) ritualized abuse of a child;

6 (27) an offense in any other jurisdiction the elements
7 of which are similar and bear a substantial relationship to
8 any of the foregoing offenses.

9 (b-1) In addition to the other provisions of this Section,
10 beginning January 1, 2004, no new applicant and, on the date of
11 licensure renewal, no current licensee may operate or receive a
12 license from the Department to operate, no person may be
13 employed by, and no adult person may reside in a child care
14 facility licensed by the Department who has been convicted of
15 committing or attempting to commit any of the following
16 offenses or an offense in any other jurisdiction the elements
17 of which are similar and bear a substantial relationship to any
18 of the following offenses:

19 (I) BODILY HARM

20 (1) Felony aggravated assault.

21 (2) Vehicular endangerment.

22 (3) Felony domestic battery.

23 (4) Aggravated battery.

24 (5) Heinous battery.

- 1 (6) Aggravated battery with a firearm.
- 2 (7) Aggravated battery of an unborn child.
- 3 (8) Aggravated battery of a senior citizen.
- 4 (9) Intimidation.
- 5 (10) Compelling organization membership of persons.
- 6 (11) Abuse and criminal neglect of a long term care
- 7 facility resident.
- 8 (12) Felony violation of an order of protection.

9 (II) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

- 10 (1) Felony unlawful use of weapons.
- 11 (2) Aggravated discharge of a firearm.
- 12 (3) Reckless discharge of a firearm.
- 13 (4) Unlawful use of metal piercing bullets.
- 14 (5) Unlawful sale or delivery of firearms on the
- 15 premises of any school.
- 16 (6) Disarming a police officer.
- 17 (7) Obstructing justice.
- 18 (8) Concealing or aiding a fugitive.
- 19 (9) Armed violence.
- 20 (10) Felony contributing to the criminal delinquency
- 21 of a juvenile.

22 (III) DRUG OFFENSES

- 1 (1) Possession of more than 30 grams of cannabis.
- 2 (2) Manufacture of more than 10 grams of cannabis.
- 3 (3) Cannabis trafficking.
- 4 (4) Delivery of cannabis on school grounds.
- 5 (5) Unauthorized production of more than 5 cannabis
6 sativa plants.
- 7 (6) Calculated criminal cannabis conspiracy.
- 8 (7) Unauthorized manufacture or delivery of controlled
9 substances.
- 10 (8) Controlled substance trafficking.
- 11 (9) Manufacture, distribution, or advertisement of
12 look-alike substances.
- 13 (10) Calculated criminal drug conspiracy.
- 14 (11) Street gang criminal drug conspiracy.
- 15 (12) Permitting unlawful use of a building.
- 16 (13) 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 (14) Using, engaging, or employing persons under 18 to
21 deliver controlled, counterfeit, or look-alike substances.
- 22 (15) Delivery of controlled substances.
- 23 (16) Sale or delivery of drug paraphernalia.
- 24 (17) Felony possession, sale, or exchange of
25 instruments adapted for use of a controlled substance,
26 methamphetamine, or cannabis by subcutaneous injection.

1 (18) Felony possession of a controlled substance.

2 (19) Any violation of the Methamphetamine Control and
3 Community Protection Act.

4 (b-1.5) In addition to any other provision of this Section,
5 for applicants with access to confidential financial
6 information or who submit documentation to support billing, no
7 applicant whose initial application was considered after the
8 effective date of this amendatory Act of the 97th General
9 Assembly may receive a license from the Department or a child
10 care facility licensed by the Department who has been convicted
11 of committing or attempting to commit any of the following
12 felony offenses:

13 (1) financial institution fraud under Section 17-10.6
14 of the Criminal Code of 1961 or the Criminal Code of 2012;

15 (2) identity theft under Section 16-30 of the Criminal
16 Code of 1961 or the Criminal Code of 2012;

17 (3) financial exploitation of an elderly person or a
18 person with a disability under Section 17-56 of the
19 Criminal Code of 1961 or the Criminal Code of 2012;

20 (4) computer tampering under Section 17-51 of the
21 Criminal Code of 1961 or the Criminal Code of 2012;

22 (5) aggravated computer tampering under Section 17-52
23 of the Criminal Code of 1961 or the Criminal Code of 2012;

24 (6) computer fraud under Section 17-50 of the Criminal
25 Code of 1961 or the Criminal Code of 2012;

26 (7) deceptive practices under Section 17-1 of the

1 Criminal Code of 1961 or the Criminal Code of 2012;

2 (8) forgery under Section 17-3 of the Criminal Code of
3 1961 or the Criminal Code of 2012;

4 (9) State benefits fraud under Section 17-6 of the
5 Criminal Code of 1961 or the Criminal Code of 2012;

6 (10) mail fraud and wire fraud under Section 17-24 of
7 the Criminal Code of 1961 or the Criminal Code of 2012;

8 (11) theft under paragraphs (1.1) through (11) of
9 subsection (b) of Section 16-1 of the Criminal Code of 1961
10 or the Criminal Code of 2012.

11 (b-2) Notwithstanding subsection (b-1), the Department may
12 make an exception and, for child care facilities other than
13 foster family homes, issue a new child care facility license to
14 or renew the existing child care facility license of an
15 applicant, a person employed by a child care facility, or an
16 applicant who has an adult residing in a home child care
17 facility who was convicted of an offense described in
18 subsection (b-1), provided that all of the following
19 requirements are met:

20 (1) The relevant criminal offense occurred more than 5
21 years prior to the date of application or renewal, except
22 for drug offenses. The relevant drug offense must have
23 occurred more than 10 years prior to the date of
24 application or renewal, unless the applicant passed a drug
25 test, arranged and paid for by the child care facility, no
26 less than 5 years after the offense.

1 (2) The Department must conduct a background check and
2 assess all convictions and recommendations of the child
3 care facility to determine if hiring or licensing the
4 applicant is in accordance with Department administrative
5 rules and procedures.

6 (3) The applicant meets all other requirements and
7 qualifications to be licensed as the pertinent type of
8 child care facility under this Act and the Department's
9 administrative rules.

10 (c) In addition to the other provisions of this Section, no
11 applicant may receive a license from the Department to operate
12 a foster family home, and no adult person may reside in a
13 foster family home licensed by the Department, who has been
14 convicted of committing or attempting to commit any of the
15 following offenses stipulated under the Criminal Code of 1961,
16 the Criminal Code of 2012, the Cannabis Control Act, the
17 Methamphetamine Control and Community Protection Act, and the
18 Illinois Controlled Substances Act:

19 (I) OFFENSES DIRECTED AGAINST THE PERSON

20 (A) KIDNAPPING AND RELATED OFFENSES

21 (1) Unlawful restraint.

22 (B) BODILY HARM

23 (2) Felony aggravated assault.

- 1 (3) Vehicular endangerment.
- 2 (4) Felony domestic battery.
- 3 (5) Aggravated battery.
- 4 (6) Heinous battery.
- 5 (7) Aggravated battery with a firearm.
- 6 (8) Aggravated battery of an unborn child.
- 7 (9) Aggravated battery of a senior citizen.
- 8 (10) Intimidation.
- 9 (11) Compelling organization membership of persons.
- 10 (12) Abuse and criminal neglect of a long term care
- 11 facility resident.
- 12 (13) Felony violation of an order of protection.

13 (II) OFFENSES DIRECTED AGAINST PROPERTY

- 14 (14) Felony theft.
- 15 (15) Robbery.
- 16 (16) Armed robbery.
- 17 (17) Aggravated robbery.
- 18 (18) Vehicular hijacking.
- 19 (19) Aggravated vehicular hijacking.
- 20 (20) Burglary.
- 21 (21) Possession of burglary tools.
- 22 (22) Residential burglary.
- 23 (23) Criminal fortification of a residence or
- 24 building.

1 (24) Arson.

2 (25) Aggravated arson.

3 (26) Possession of explosive or explosive incendiary
4 devices.

5 (III) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

6 (27) Felony unlawful use of weapons.

7 (28) Aggravated discharge of a firearm.

8 (29) Reckless discharge of a firearm.

9 (30) Unlawful use of metal piercing bullets.

10 (31) Unlawful sale or delivery of firearms on the
11 premises of any school.

12 (32) Disarming a police officer.

13 (33) Obstructing justice.

14 (34) Concealing or aiding a fugitive.

15 (35) Armed violence.

16 (36) Felony contributing to the criminal delinquency
17 of a juvenile.

18 (IV) DRUG OFFENSES

19 (37) Possession of more than 30 grams of cannabis.

20 (38) Manufacture of more than 10 grams of cannabis.

21 (39) Cannabis trafficking.

22 (40) Delivery of cannabis on school grounds.

1 (41) Unauthorized production of more than 5 cannabis
2 sativa plants.

3 (42) Calculated criminal cannabis conspiracy.

4 (43) Unauthorized manufacture or delivery of
5 controlled substances.

6 (44) Controlled substance trafficking.

7 (45) Manufacture, distribution, or advertisement of
8 look-alike substances.

9 (46) Calculated criminal drug conspiracy.

10 (46.5) Streetgang criminal drug conspiracy.

11 (47) Permitting unlawful use of a building.

12 (48) Delivery of controlled, counterfeit, or
13 look-alike substances to persons under age 18, or at truck
14 stops, rest stops, or safety rest areas, or on school
15 property.

16 (49) Using, engaging, or employing persons under 18 to
17 deliver controlled, counterfeit, or look-alike substances.

18 (50) Delivery of controlled substances.

19 (51) Sale or delivery of drug paraphernalia.

20 (52) Felony possession, sale, or exchange of
21 instruments adapted for use of a controlled substance,
22 methamphetamine, or cannabis by subcutaneous injection.

23 (53) Any violation of the Methamphetamine Control and
24 Community Protection Act.

25 (d) Notwithstanding subsection (c), the Department may
26 make an exception and issue a new foster family home license or

1 may renew an existing foster family home license of an
2 applicant who was convicted of an offense described in
3 subsection (c), provided all of the following requirements are
4 met:

5 (1) The relevant criminal offense or offenses occurred
6 more than 10 years prior to the date of application or
7 renewal.

8 (2) The applicant had previously disclosed the
9 conviction or convictions to the Department for purposes of
10 a background check.

11 (3) After the disclosure, the Department either placed
12 a child in the home or the foster family home license was
13 issued.

14 (4) During the background check, the Department had
15 assessed and waived the conviction in compliance with the
16 existing statutes and rules in effect at the time of the
17 hire or licensure.

18 (5) The applicant meets all other requirements and
19 qualifications to be licensed as a foster family home under
20 this Act and the Department's administrative rules.

21 (6) The applicant has a history of providing a safe,
22 stable home environment and appears able to continue to
23 provide a safe, stable home environment.

24 (e) In evaluating the exception pursuant to subsections
25 (b-2) and (d), the Department must carefully review any
26 relevant documents to determine whether the applicant, despite

1 the disqualifying convictions, poses a substantial risk to
2 State resources or clients. In making such a determination, the
3 following guidelines shall be used:

4 (1) the age of the applicant when the offense was
5 committed;

6 (2) the circumstances surrounding the offense;

7 (3) the length of time since the conviction;

8 (4) the specific duties and responsibilities
9 necessarily related to the license being applied for and
10 the bearing, if any, that the applicant's conviction
11 history may have on his or her fitness to perform these
12 duties and responsibilities;

13 (5) the applicant's employment references;

14 (6) the applicant's character references and any
15 certificates of achievement;

16 (7) an academic transcript showing educational
17 attainment since the disqualifying conviction;

18 (8) a Certificate of Relief from Disabilities or
19 Certificate of Good Conduct; and

20 (9) anything else that speaks to the applicant's
21 character.

22 (Source: P.A. 96-1551, Article 1, Section 925, eff. 7-1-11;
23 96-1551, Article 2, Section 990, eff. 7-1-11; 97-874, eff.
24 7-31-12; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

25 (225 ILCS 10/7) (from Ch. 23, par. 2217)

1 Sec. 7. (a) The Department must prescribe and publish
2 minimum standards for licensing that apply to the various types
3 of facilities for child care defined in this Act and that are
4 equally applicable to like institutions under the control of
5 the Department and to foster family homes used by and under the
6 direct supervision of the Department. The Department shall seek
7 the advice and assistance of persons representative of the
8 various types of child care facilities in establishing such
9 standards. The standards prescribed and published under this
10 Act take effect as provided in the Illinois Administrative
11 Procedure Act, and are restricted to regulations pertaining to
12 the following matters and to any rules and regulations required
13 or permitted by any other Section of this Act:

14 (1) The operation and conduct of the facility and
15 responsibility it assumes for child care;

16 (2) The character, suitability and qualifications of
17 the applicant and other persons directly responsible for
18 the care and welfare of children served. All child day care
19 center licensees and employees who are required to report
20 child abuse or neglect under the Abused and Neglected Child
21 Reporting Act shall be required to attend training on
22 recognizing child abuse and neglect, as prescribed by
23 Department rules;

24 (3) The general financial ability and competence of the
25 applicant to provide necessary care for children and to
26 maintain prescribed standards;

1 (4) The number of individuals or staff required to
2 insure adequate supervision and care of the children
3 received. The standards shall provide that each child care
4 institution, maternity center, day care center, group
5 home, day care home, and group day care home shall have on
6 its premises during its hours of operation at least one
7 staff member certified in first aid, in the Heimlich
8 maneuver and in cardiopulmonary resuscitation by the
9 American Red Cross or other organization approved by rule
10 of the Department. Child welfare agencies shall not be
11 subject to such a staffing requirement. The Department may
12 offer, or arrange for the offering, on a periodic basis in
13 each community in this State in cooperation with the
14 American Red Cross, the American Heart Association or other
15 appropriate organization, voluntary programs to train
16 operators of foster family homes and day care homes in
17 first aid and cardiopulmonary resuscitation;

18 (5) The appropriateness, safety, cleanliness and
19 general adequacy of the premises, including maintenance of
20 adequate fire prevention and health standards conforming
21 to State laws and municipal codes to provide for the
22 physical comfort, care and well-being of children
23 received;

24 (6) Provisions for food, clothing, educational
25 opportunities, program, equipment and individual supplies
26 to assure the healthy physical, mental and spiritual

1 development of children served;

2 (7) Provisions to safeguard the legal rights of
3 children served;

4 (8) Maintenance of records pertaining to the
5 admission, progress, health and discharge of children,
6 including, for day care centers and day care homes, records
7 indicating each child has been immunized as required by
8 State regulations. The Department shall require proof that
9 children enrolled in a facility have been immunized against
10 Haemophilus Influenzae B (HIB);

11 (9) Filing of reports with the Department;

12 (10) Discipline of children;

13 (11) Protection and fostering of the particular
14 religious faith of the children served;

15 (12) Provisions prohibiting firearms on day care
16 center premises except in the possession of peace officers;

17 (13) Provisions prohibiting handguns on day care home
18 premises except in the possession of peace officers or
19 other adults who must possess a handgun as a condition of
20 employment and who reside on the premises of a day care
21 home;

22 (14) Provisions requiring that any firearm permitted
23 on day care home premises, except handguns in the
24 possession of peace officers, shall be kept in a
25 disassembled state, without ammunition, in locked storage,
26 inaccessible to children and that ammunition permitted on

1 day care home premises shall be kept in locked storage
2 separate from that of disassembled firearms, inaccessible
3 to children;

4 (15) Provisions requiring notification of parents or
5 guardians enrolling children at a day care home of the
6 presence in the day care home of any firearms and
7 ammunition and of the arrangements for the separate, locked
8 storage of such firearms and ammunition; and

9 (16) Provisions requiring all licensed child care
10 facility employees who care for newborns and infants to
11 complete training every 3 years on the nature of sudden
12 unexpected infant death (SUID), sudden infant death
13 syndrome (SIDS), and the safe sleep recommendations of the
14 American Academy of Pediatrics.

15 (b) If, in a facility for general child care, there are
16 children diagnosed as mentally ill or children diagnosed as
17 having an intellectual or physical disability, ~~intellectually~~
18 ~~disabled or physically handicapped,~~ who are determined to be in
19 need of special mental treatment or of nursing care, or both
20 mental treatment and nursing care, the Department shall seek
21 the advice and recommendation of the Department of Human
22 Services, the Department of Public Health, or both Departments
23 regarding the residential treatment and nursing care provided
24 by the institution.

25 (c) The Department shall investigate any person applying to
26 be licensed as a foster parent to determine whether there is

1 any evidence of current drug or alcohol abuse in the
2 prospective foster family. The Department shall not license a
3 person as a foster parent if drug or alcohol abuse has been
4 identified in the foster family or if a reasonable suspicion of
5 such abuse exists, except that the Department may grant a
6 foster parent license to an applicant identified with an
7 alcohol or drug problem if the applicant has successfully
8 participated in an alcohol or drug treatment program, self-help
9 group, or other suitable activities.

10 (d) The Department, in applying standards prescribed and
11 published, as herein provided, shall offer consultation
12 through employed staff or other qualified persons to assist
13 applicants and licensees in meeting and maintaining minimum
14 requirements for a license and to help them otherwise to
15 achieve programs of excellence related to the care of children
16 served. Such consultation shall include providing information
17 concerning education and training in early childhood
18 development to providers of day care home services. The
19 Department may provide or arrange for such education and
20 training for those providers who request such assistance.

21 (e) The Department shall distribute copies of licensing
22 standards to all licensees and applicants for a license. Each
23 licensee or holder of a permit shall distribute copies of the
24 appropriate licensing standards and any other information
25 required by the Department to child care facilities under its
26 supervision. Each licensee or holder of a permit shall maintain

1 appropriate documentation of the distribution of the
2 standards. Such documentation shall be part of the records of
3 the facility and subject to inspection by authorized
4 representatives of the Department.

5 (f) The Department shall prepare summaries of day care
6 licensing standards. Each licensee or holder of a permit for a
7 day care facility shall distribute a copy of the appropriate
8 summary and any other information required by the Department,
9 to the legal guardian of each child cared for in that facility
10 at the time when the child is enrolled or initially placed in
11 the facility. The licensee or holder of a permit for a day care
12 facility shall secure appropriate documentation of the
13 distribution of the summary and brochure. Such documentation
14 shall be a part of the records of the facility and subject to
15 inspection by an authorized representative of the Department.

16 (g) The Department shall distribute to each licensee and
17 holder of a permit copies of the licensing or permit standards
18 applicable to such person's facility. Each licensee or holder
19 of a permit shall make available by posting at all times in a
20 common or otherwise accessible area a complete and current set
21 of licensing standards in order that all employees of the
22 facility may have unrestricted access to such standards. All
23 employees of the facility shall have reviewed the standards and
24 any subsequent changes. Each licensee or holder of a permit
25 shall maintain appropriate documentation of the current review
26 of licensing standards by all employees. Such records shall be

1 part of the records of the facility and subject to inspection
2 by authorized representatives of the Department.

3 (h) Any standards involving physical examinations,
4 immunization, or medical treatment shall include appropriate
5 exemptions for children whose parents object thereto on the
6 grounds that they conflict with the tenets and practices of a
7 recognized church or religious organization, of which the
8 parent is an adherent or member, and for children who should
9 not be subjected to immunization for clinical reasons.

10 (i) The Department, in cooperation with the Department of
11 Public Health, shall work to increase immunization awareness
12 and participation among parents of children enrolled in day
13 care centers and day care homes by publishing on the
14 Department's website information about the benefits of
15 immunization against vaccine preventable diseases, including
16 influenza and pertussis. The information for vaccine
17 preventable diseases shall include the incidence and severity
18 of the diseases, the availability of vaccines, and the
19 importance of immunizing children and persons who frequently
20 have close contact with children. The website content shall be
21 reviewed annually in collaboration with the Department of
22 Public Health to reflect the most current recommendations of
23 the Advisory Committee on Immunization Practices (ACIP). The
24 Department shall work with day care centers and day care homes
25 licensed under this Act to ensure that the information is
26 annually distributed to parents in August or September.

1 (j) Any standard adopted by the Department that requires an
2 applicant for a license to operate a day care home to include a
3 copy of a high school diploma or equivalent certificate with
4 his or her application shall be deemed to be satisfied if the
5 applicant includes a copy of a high school diploma or
6 equivalent certificate or a copy of a degree from an accredited
7 institution of higher education or vocational institution or
8 equivalent certificate.

9 (Source: P.A. 97-83, eff. 1-1-12; 97-227, eff. 1-1-12; 97-494,
10 eff. 8-22-11; 97-813, eff. 7-13-12; 98-817, eff. 1-1-15.)

11 Section 570. The Illinois Dental Practice Act is amended by
12 changing Section 13 as follows:

13 (225 ILCS 25/13) (from Ch. 111, par. 2313)

14 (Section scheduled to be repealed on January 1, 2016)

15 Sec. 13. Qualifications of Applicants for Dental
16 Hygienists. Every person who desires to obtain a license as a
17 dental hygienist shall apply to the Department in writing, upon
18 forms prepared and furnished by the Department. Each
19 application shall contain proof of the particular
20 qualifications required of the applicant, shall be verified by
21 the applicant, under oath, and shall be accompanied by the
22 required examination fee.

23 The Department shall require that every applicant for a
24 license as a dental hygienist shall:

1 (1) (Blank).

2 (2) Be a graduate of high school or its equivalent.

3 (3) Present satisfactory evidence of having successfully
4 completed 2 academic years of credit at a dental hygiene
5 program accredited by the Commission on Dental Accreditation of
6 the American Dental Association.

7 (4) Submit evidence that he or she holds a currently valid
8 certification to perform cardiopulmonary resuscitation. The
9 Department shall adopt rules establishing criteria for
10 certification in cardiopulmonary resuscitation. The rules of
11 the Department shall provide for variances only in instances
12 where the applicant is a person with a physical disability
13 ~~physically disabled~~ and therefore unable to secure such
14 certification.

15 (5) (Blank).

16 (6) Present satisfactory evidence that the applicant has
17 passed the National Board Dental Hygiene Examination
18 administered by the Joint Commission on National Dental
19 Examinations and has successfully completed an examination
20 conducted by one of the following regional testing services:
21 the Central Regional Dental Testing Service, Inc. (CRDTS), the
22 Southern Regional Testing Agency, Inc. (SRTA), the Western
23 Regional Examining Board (WREB), or the North East Regional
24 Board (NERB). For the purposes of this Section, successful
25 completion shall mean that the applicant has achieved a minimum
26 passing score as determined by the applicable regional testing

1 service. The Secretary may suspend a regional testing service
2 under this item (6) if, after proper notice and hearing, it is
3 established that (i) the integrity of the examination has been
4 breached so as to make future test results unreliable or (ii)
5 the examination is fundamentally deficient in testing clinical
6 competency.

7 (Source: P.A. 96-14, eff. 6-19-09; 97-1013, eff. 8-17-12.)

8 Section 575. The Health Care Worker Background Check Act is
9 amended by changing Section 5 as follows:

10 (225 ILCS 46/5)

11 Sec. 5. Purpose. The General Assembly finds that it is in
12 the public interest to protect the citizens of the State of
13 Illinois who are the most frail and who are persons with
14 disabilities ~~disabled citizens of the State of Illinois~~ from
15 possible harm through a criminal background check of certain
16 health care workers and all employees of licensed and certified
17 long-term care facilities who have or may have contact with
18 residents or have access to the living quarters or the
19 financial, medical, or personal records of residents.

20 (Source: P.A. 94-665, eff. 1-1-06.)

21 Section 580. The Home Medical Equipment and Services
22 Provider License Act is amended by changing Section 10 as
23 follows:

1 (225 ILCS 51/10)

2 (Section scheduled to be repealed on January 1, 2018)

3 Sec. 10. Definitions. As used in this Act:

4 (1) "Department" means the Department of Financial and
5 Professional Regulation.

6 (2) "Secretary" means the Secretary of Financial and
7 Professional Regulation.

8 (3) "Board" means the Home Medical Equipment and
9 Services Board.

10 (4) "Home medical equipment and services provider" or
11 "provider" means a legal entity, as defined by State law,
12 engaged in the business of providing home medical equipment
13 and services, whether directly or through a contractual
14 arrangement, to an unrelated sick individual or an
15 unrelated individual with a disability ~~or disabled~~
16 ~~individual~~ where that individual resides.

17 (5) "Home medical equipment and services" means the
18 delivery, installation, maintenance, replacement, or
19 instruction in the use of medical equipment used by a sick
20 individual or an individual with a disability ~~or disabled~~
21 ~~individual~~ to allow the individual to be maintained in his
22 or her residence.

23 (6) "Home medical equipment" means technologically
24 sophisticated medical devices, apparatuses, machines, or
25 other similar articles bearing a label that states

1 "Caution: federal law requires dispensing by or on the
2 order of a physician.", which are usable in a home care
3 setting, including but not limited to:

4 (A) oxygen and oxygen delivery systems;

5 (B) ventilators;

6 (C) respiratory disease management devices,
7 excluding compressor driven nebulizers;

8 (D) wheelchair seating systems;

9 (E) apnea monitors;

10 (F) transcutaneous electrical nerve stimulator
11 (TENS) units;

12 (G) low air-loss cutaneous pressure management
13 devices;

14 (H) sequential compression devices;

15 (I) neonatal home phototherapy devices;

16 (J) enteral feeding pumps; and

17 (K) other similar equipment as defined by the
18 Board.

19 "Home medical equipment" also includes hospital beds
20 and electronic and computer-driven wheelchairs, excluding
21 scooters.

22 (7) "Address of record" means the designated address
23 recorded by the Department in the applicant's or licensee's
24 application file or license file maintained by the
25 Department's licensure maintenance unit. It is the duty of
26 the applicant or licensee to inform the Department of any

1 change of address, and such changes must be made either
2 through the Department's website or by contacting the
3 Department's licensure maintenance unit.

4 (Source: P.A. 95-703, eff. 12-31-07.)

5 Section 585. The Medical Practice Act of 1987 is amended by
6 changing Section 23 as follows:

7 (225 ILCS 60/23) (from Ch. 111, par. 4400-23)

8 (Section scheduled to be repealed on December 31, 2015)

9 Sec. 23. Reports relating to professional conduct and
10 capacity.

11 (A) Entities required to report.

12 (1) Health care institutions. The chief administrator
13 or executive officer of any health care institution
14 licensed by the Illinois Department of Public Health shall
15 report to the Disciplinary Board when any person's clinical
16 privileges are terminated or are restricted based on a
17 final determination made in accordance with that
18 institution's by-laws or rules and regulations that a
19 person has either committed an act or acts which may
20 directly threaten patient care or that a person may have a
21 mental or physical disability that may ~~be mentally or~~
22 ~~physically disabled in such a manner as to~~ endanger
23 patients under that person's care. Such officer also shall
24 report if a person accepts voluntary termination or

1 restriction of clinical privileges in lieu of formal action
2 based upon conduct related directly to patient care or in
3 lieu of formal action seeking to determine whether a person
4 may have a mental or physical disability that may be
5 ~~mentally or physically disabled in such a manner as to~~
6 endanger patients under that person's care. The
7 Disciplinary Board shall, by rule, provide for the
8 reporting to it by health care institutions of all
9 instances in which a person, licensed under this Act, who
10 is impaired by reason of age, drug or alcohol abuse or
11 physical or mental impairment, is under supervision and,
12 where appropriate, is in a program of rehabilitation. Such
13 reports shall be strictly confidential and may be reviewed
14 and considered only by the members of the Disciplinary
15 Board, or by authorized staff as provided by rules of the
16 Disciplinary Board. Provisions shall be made for the
17 periodic report of the status of any such person not less
18 than twice annually in order that the Disciplinary Board
19 shall have current information upon which to determine the
20 status of any such person. Such initial and periodic
21 reports of impaired physicians shall not be considered
22 records within the meaning of The State Records Act and
23 shall be disposed of, following a determination by the
24 Disciplinary Board that such reports are no longer
25 required, in a manner and at such time as the Disciplinary
26 Board shall determine by rule. The filing of such reports

1 shall be construed as the filing of a report for purposes
2 of subsection (C) of this Section.

3 (1.5) Clinical training programs. The program director
4 of any post-graduate clinical training program shall
5 report to the Disciplinary Board if a person engaged in a
6 post-graduate clinical training program at the
7 institution, including, but not limited to, a residency or
8 fellowship, separates from the program for any reason prior
9 to its conclusion. The program director shall provide all
10 documentation relating to the separation if, after review
11 of the report, the Disciplinary Board determines that a
12 review of those documents is necessary to determine whether
13 a violation of this Act occurred.

14 (2) Professional associations. The President or chief
15 executive officer of any association or society, of persons
16 licensed under this Act, operating within this State shall
17 report to the Disciplinary Board when the association or
18 society renders a final determination that a person has
19 committed unprofessional conduct related directly to
20 patient care or that a person may have a mental or physical
21 disability that may ~~be mentally or physically disabled in~~
22 ~~such a manner as to~~ endanger patients under that person's
23 care.

24 (3) Professional liability insurers. Every insurance
25 company which offers policies of professional liability
26 insurance to persons licensed under this Act, or any other

1 entity which seeks to indemnify the professional liability
2 of a person licensed under this Act, shall report to the
3 Disciplinary Board the settlement of any claim or cause of
4 action, or final judgment rendered in any cause of action,
5 which alleged negligence in the furnishing of medical care
6 by such licensed person when such settlement or final
7 judgment is in favor of the plaintiff.

8 (4) State's Attorneys. The State's Attorney of each
9 county shall report to the Disciplinary Board, within 5
10 days, any instances in which a person licensed under this
11 Act is convicted of any felony or Class A misdemeanor. The
12 State's Attorney of each county may report to the
13 Disciplinary Board through a verified complaint any
14 instance in which the State's Attorney believes that a
15 physician has willfully violated the notice requirements
16 of the Parental Notice of Abortion Act of 1995.

17 (5) State agencies. All agencies, boards, commissions,
18 departments, or other instrumentalities of the government
19 of the State of Illinois shall report to the Disciplinary
20 Board any instance arising in connection with the
21 operations of such agency, including the administration of
22 any law by such agency, in which a person licensed under
23 this Act has either committed an act or acts which may be a
24 violation of this Act or which may constitute
25 unprofessional conduct related directly to patient care or
26 which indicates that a person licensed under this Act may

1 have a mental or physical disability that may ~~be mentally~~
2 ~~or physically disabled in such a manner as to~~ endanger
3 patients under that person's care.

4 (B) Mandatory reporting. All reports required by items
5 (34), (35), and (36) of subsection (A) of Section 22 and by
6 Section 23 shall be submitted to the Disciplinary Board in a
7 timely fashion. Unless otherwise provided in this Section, the
8 reports shall be filed in writing within 60 days after a
9 determination that a report is required under this Act. All
10 reports shall contain the following information:

11 (1) The name, address and telephone number of the
12 person making the report.

13 (2) The name, address and telephone number of the
14 person who is the subject of the report.

15 (3) The name and date of birth of any patient or
16 patients whose treatment is a subject of the report, if
17 available, or other means of identification if such
18 information is not available, identification of the
19 hospital or other healthcare facility where the care at
20 issue in the report was rendered, provided, however, no
21 medical records may be revealed.

22 (4) A brief description of the facts which gave rise to
23 the issuance of the report, including the dates of any
24 occurrences deemed to necessitate the filing of the report.

25 (5) If court action is involved, the identity of the
26 court in which the action is filed, along with the docket

1 number and date of filing of the action.

2 (6) Any further pertinent information which the
3 reporting party deems to be an aid in the evaluation of the
4 report.

5 The Disciplinary Board or Department may also exercise the
6 power under Section 38 of this Act to subpoena copies of
7 hospital or medical records in mandatory report cases alleging
8 death or permanent bodily injury. Appropriate rules shall be
9 adopted by the Department with the approval of the Disciplinary
10 Board.

11 When the Department has received written reports
12 concerning incidents required to be reported in items (34),
13 (35), and (36) of subsection (A) of Section 22, the licensee's
14 failure to report the incident to the Department under those
15 items shall not be the sole grounds for disciplinary action.

16 Nothing contained in this Section shall act to in any way,
17 waive or modify the confidentiality of medical reports and
18 committee reports to the extent provided by law. Any
19 information reported or disclosed shall be kept for the
20 confidential use of the Disciplinary Board, the Medical
21 Coordinators, the Disciplinary Board's attorneys, the medical
22 investigative staff, and authorized clerical staff, as
23 provided in this Act, and shall be afforded the same status as
24 is provided information concerning medical studies in Part 21
25 of Article VIII of the Code of Civil Procedure, except that the
26 Department may disclose information and documents to a federal,

1 State, or local law enforcement agency pursuant to a subpoena
2 in an ongoing criminal investigation or to a health care
3 licensing body or medical licensing authority of this State or
4 another state or jurisdiction pursuant to an official request
5 made by that licensing body or medical licensing authority.
6 Furthermore, information and documents disclosed to a federal,
7 State, or local law enforcement agency may be used by that
8 agency only for the investigation and prosecution of a criminal
9 offense, or, in the case of disclosure to a health care
10 licensing body or medical licensing authority, only for
11 investigations and disciplinary action proceedings with regard
12 to a license. Information and documents disclosed to the
13 Department of Public Health may be used by that Department only
14 for investigation and disciplinary action regarding the
15 license of a health care institution licensed by the Department
16 of Public Health.

17 (C) Immunity from prosecution. Any individual or
18 organization acting in good faith, and not in a wilful and
19 wanton manner, in complying with this Act by providing any
20 report or other information to the Disciplinary Board or a peer
21 review committee, or assisting in the investigation or
22 preparation of such information, or by voluntarily reporting to
23 the Disciplinary Board or a peer review committee information
24 regarding alleged errors or negligence by a person licensed
25 under this Act, or by participating in proceedings of the
26 Disciplinary Board or a peer review committee, or by serving as

1 a member of the Disciplinary Board or a peer review committee,
2 shall not, as a result of such actions, be subject to criminal
3 prosecution or civil damages.

4 (D) Indemnification. Members of the Disciplinary Board,
5 the Licensing Board, the Medical Coordinators, the
6 Disciplinary Board's attorneys, the medical investigative
7 staff, physicians retained under contract to assist and advise
8 the medical coordinators in the investigation, and authorized
9 clerical staff shall be indemnified by the State for any
10 actions occurring within the scope of services on the
11 Disciplinary Board or Licensing Board, done in good faith and
12 not wilful and wanton in nature. The Attorney General shall
13 defend all such actions unless he or she determines either that
14 there would be a conflict of interest in such representation or
15 that the actions complained of were not in good faith or were
16 wilful and wanton.

17 Should the Attorney General decline representation, the
18 member shall have the right to employ counsel of his or her
19 choice, whose fees shall be provided by the State, after
20 approval by the Attorney General, unless there is a
21 determination by a court that the member's actions were not in
22 good faith or were wilful and wanton.

23 The member must notify the Attorney General within 7 days
24 of receipt of notice of the initiation of any action involving
25 services of the Disciplinary Board. Failure to so notify the
26 Attorney General shall constitute an absolute waiver of the

1 right to a defense and indemnification.

2 The Attorney General shall determine within 7 days after
3 receiving such notice, whether he or she will undertake to
4 represent the member.

5 (E) Deliberations of Disciplinary Board. Upon the receipt
6 of any report called for by this Act, other than those reports
7 of impaired persons licensed under this Act required pursuant
8 to the rules of the Disciplinary Board, the Disciplinary Board
9 shall notify in writing, by certified mail, the person who is
10 the subject of the report. Such notification shall be made
11 within 30 days of receipt by the Disciplinary Board of the
12 report.

13 The notification shall include a written notice setting
14 forth the person's right to examine the report. Included in
15 such notification shall be the address at which the file is
16 maintained, the name of the custodian of the reports, and the
17 telephone number at which the custodian may be reached. The
18 person who is the subject of the report shall submit a written
19 statement responding, clarifying, adding to, or proposing the
20 amending of the report previously filed. The person who is the
21 subject of the report shall also submit with the written
22 statement any medical records related to the report. The
23 statement and accompanying medical records shall become a
24 permanent part of the file and must be received by the
25 Disciplinary Board no more than 30 days after the date on which
26 the person was notified by the Disciplinary Board of the

1 existence of the original report.

2 The Disciplinary Board shall review all reports received by
3 it, together with any supporting information and responding
4 statements submitted by persons who are the subject of reports.
5 The review by the Disciplinary Board shall be in a timely
6 manner but in no event, shall the Disciplinary Board's initial
7 review of the material contained in each disciplinary file be
8 less than 61 days nor more than 180 days after the receipt of
9 the initial report by the Disciplinary Board.

10 When the Disciplinary Board makes its initial review of the
11 materials contained within its disciplinary files, the
12 Disciplinary Board shall, in writing, make a determination as
13 to whether there are sufficient facts to warrant further
14 investigation or action. Failure to make such determination
15 within the time provided shall be deemed to be a determination
16 that there are not sufficient facts to warrant further
17 investigation or action.

18 Should the Disciplinary Board find that there are not
19 sufficient facts to warrant further investigation, or action,
20 the report shall be accepted for filing and the matter shall be
21 deemed closed and so reported to the Secretary. The Secretary
22 shall then have 30 days to accept the Disciplinary Board's
23 decision or request further investigation. The Secretary shall
24 inform the Board of the decision to request further
25 investigation, including the specific reasons for the
26 decision. The individual or entity filing the original report

1 or complaint and the person who is the subject of the report or
2 complaint shall be notified in writing by the Secretary of any
3 final action on their report or complaint. The Department shall
4 disclose to the individual or entity who filed the original
5 report or complaint, on request, the status of the Disciplinary
6 Board's review of a specific report or complaint. Such request
7 may be made at any time, including prior to the Disciplinary
8 Board's determination as to whether there are sufficient facts
9 to warrant further investigation or action.

10 (F) Summary reports. The Disciplinary Board shall prepare,
11 on a timely basis, but in no event less than once every other
12 month, a summary report of final disciplinary actions taken
13 upon disciplinary files maintained by the Disciplinary Board.
14 The summary reports shall be made available to the public upon
15 request and payment of the fees set by the Department. This
16 publication may be made available to the public on the
17 Department's website. Information or documentation relating to
18 any disciplinary file that is closed without disciplinary
19 action taken shall not be disclosed and shall be afforded the
20 same status as is provided by Part 21 of Article VIII of the
21 Code of Civil Procedure.

22 (G) Any violation of this Section shall be a Class A
23 misdemeanor.

24 (H) If any such person violates the provisions of this
25 Section an action may be brought in the name of the People of
26 the State of Illinois, through the Attorney General of the

1 State of Illinois, for an order enjoining such violation or for
2 an order enforcing compliance with this Section. Upon filing of
3 a verified petition in such court, the court may issue a
4 temporary restraining order without notice or bond and may
5 preliminarily or permanently enjoin such violation, and if it
6 is established that such person has violated or is violating
7 the injunction, the court may punish the offender for contempt
8 of court. Proceedings under this paragraph shall be in addition
9 to, and not in lieu of, all other remedies and penalties
10 provided for by this Section.

11 (Source: P.A. 97-449, eff. 1-1-12; 97-622, eff. 11-23-11;
12 98-601, eff. 12-30-13.)

13 Section 590. The Nurse Practice Act is amended by changing
14 Section 65-65 as follows:

15 (225 ILCS 65/65-65) (was 225 ILCS 65/15-55)

16 (Section scheduled to be repealed on January 1, 2018)

17 Sec. 65-65. Reports relating to APN professional conduct
18 and capacity.

19 (a) Entities Required to Report.

20 (1) Health Care Institutions. The chief administrator
21 or executive officer of a health care institution licensed
22 by the Department of Public Health, which provides the
23 minimum due process set forth in Section 10.4 of the
24 Hospital Licensing Act, shall report to the Board when an

1 advanced practice nurse's organized professional staff
2 clinical privileges are terminated or are restricted based
3 on a final determination, in accordance with that
4 institution's bylaws or rules and regulations, that (i) a
5 person has either committed an act or acts that may
6 directly threaten patient care and that are not of an
7 administrative nature or (ii) that a person may have a
8 mental or physical disability ~~be mentally or physically~~
9 ~~disabled in a manner~~ that may endanger patients under that
10 person's care. The chief administrator or officer shall
11 also report if an advanced practice nurse accepts voluntary
12 termination or restriction of clinical privileges in lieu
13 of formal action based upon conduct related directly to
14 patient care and not of an administrative nature, or in
15 lieu of formal action seeking to determine whether a person
16 may have a mental or physical disability ~~be mentally or~~
17 ~~physically disabled in a manner~~ that may endanger patients
18 under that person's care. The Board shall provide by rule
19 for the reporting to it of all instances in which a person
20 licensed under this Article, who is impaired by reason of
21 age, drug, or alcohol abuse or physical or mental
22 impairment, is under supervision and, where appropriate,
23 is in a program of rehabilitation. Reports submitted under
24 this subsection shall be strictly confidential and may be
25 reviewed and considered only by the members of the Board or
26 authorized staff as provided by rule of the Board.

1 Provisions shall be made for the periodic report of the
2 status of any such reported person not less than twice
3 annually in order that the Board shall have current
4 information upon which to determine the status of that
5 person. Initial and periodic reports of impaired advanced
6 practice nurses shall not be considered records within the
7 meaning of the State Records Act and shall be disposed of,
8 following a determination by the Board that such reports
9 are no longer required, in a manner and at an appropriate
10 time as the Board shall determine by rule. The filing of
11 reports submitted under this subsection shall be construed
12 as the filing of a report for purposes of subsection (c) of
13 this Section.

14 (2) Professional Associations. The President or chief
15 executive officer of an association or society of persons
16 licensed under this Article, operating within this State,
17 shall report to the Board when the association or society
18 renders a final determination that a person licensed under
19 this Article has committed unprofessional conduct related
20 directly to patient care or that a person may have a mental
21 or physical disability ~~be mentally or physically disabled~~
22 ~~in a manner~~ that may endanger patients under the person's
23 care.

24 (3) Professional Liability Insurers. Every insurance
25 company that offers policies of professional liability
26 insurance to persons licensed under this Article, or any

1 other entity that seeks to indemnify the professional
2 liability of a person licensed under this Article, shall
3 report to the Board the settlement of any claim or cause of
4 action, or final judgment rendered in any cause of action,
5 that alleged negligence in the furnishing of patient care
6 by the licensee when the settlement or final judgment is in
7 favor of the plaintiff.

8 (4) State's Attorneys. The State's Attorney of each
9 county shall report to the Board all instances in which a
10 person licensed under this Article is convicted or
11 otherwise found guilty of the commission of a felony.

12 (5) State Agencies. All agencies, boards, commissions,
13 departments, or other instrumentalities of the government
14 of this State shall report to the Board any instance
15 arising in connection with the operations of the agency,
16 including the administration of any law by the agency, in
17 which a person licensed under this Article has either
18 committed an act or acts that may constitute a violation of
19 this Article, that may constitute unprofessional conduct
20 related directly to patient care, or that indicates that a
21 person licensed under this Article may have a mental or
22 physical disability ~~be mentally or physically disabled in a~~
23 ~~manner~~ that may endanger patients under that person's care.

24 (b) Mandatory Reporting. All reports required under items
25 (16) and (17) of subsection (a) of Section 70-5 shall be
26 submitted to the Board in a timely fashion. The reports shall

1 be filed in writing within 60 days after a determination that a
2 report is required under this Article. All reports shall
3 contain the following information:

4 (1) The name, address, and telephone number of the
5 person making the report.

6 (2) The name, address, and telephone number of the
7 person who is the subject of the report.

8 (3) The name or other means of identification of any
9 patient or patients whose treatment is a subject of the
10 report, except that no medical records may be revealed
11 without the written consent of the patient or patients.

12 (4) A brief description of the facts that gave rise to
13 the issuance of the report, including but not limited to
14 the dates of any occurrences deemed to necessitate the
15 filing of the report.

16 (5) If court action is involved, the identity of the
17 court in which the action is filed, the docket number, and
18 date of filing of the action.

19 (6) Any further pertinent information that the
20 reporting party deems to be an aid in the evaluation of the
21 report.

22 Nothing contained in this Section shall be construed to in
23 any way waive or modify the confidentiality of medical reports
24 and committee reports to the extent provided by law. Any
25 information reported or disclosed shall be kept for the
26 confidential use of the Board, the Board's attorneys, the

1 investigative staff, and authorized clerical staff and shall be
2 afforded the same status as is provided information concerning
3 medical studies in Part 21 of Article VIII of the Code of Civil
4 Procedure.

5 (c) Immunity from Prosecution. An individual or
6 organization acting in good faith, and not in a wilful and
7 wanton manner, in complying with this Section by providing a
8 report or other information to the Board, by assisting in the
9 investigation or preparation of a report or information, by
10 participating in proceedings of the Board, or by serving as a
11 member of the Board shall not, as a result of such actions, be
12 subject to criminal prosecution or civil damages.

13 (d) Indemnification. Members of the Board, the Board's
14 attorneys, the investigative staff, advanced practice nurses
15 or physicians retained under contract to assist and advise in
16 the investigation, and authorized clerical staff shall be
17 indemnified by the State for any actions (i) occurring within
18 the scope of services on the Board, (ii) performed in good
19 faith, and (iii) not wilful and wanton in nature. The Attorney
20 General shall defend all actions taken against those persons
21 unless he or she determines either that there would be a
22 conflict of interest in the representation or that the actions
23 complained of were not performed in good faith or were wilful
24 and wanton in nature. If the Attorney General declines
25 representation, the member shall have the right to employ
26 counsel of his or her choice, whose fees shall be provided by

1 the State, after approval by the Attorney General, unless there
2 is a determination by a court that the member's actions were
3 not performed in good faith or were wilful and wanton in
4 nature. The member shall notify the Attorney General within 7
5 days of receipt of notice of the initiation of an action
6 involving services of the Board. Failure to so notify the
7 Attorney General shall constitute an absolute waiver of the
8 right to a defense and indemnification. The Attorney General
9 shall determine within 7 days after receiving the notice
10 whether he or she will undertake to represent the member.

11 (e) Deliberations of Board. Upon the receipt of a report
12 called for by this Section, other than those reports of
13 impaired persons licensed under this Article required pursuant
14 to the rules of the Board, the Board shall notify in writing by
15 certified mail the person who is the subject of the report. The
16 notification shall be made within 30 days of receipt by the
17 Board of the report. The notification shall include a written
18 notice setting forth the person's right to examine the report.
19 Included in the notification shall be the address at which the
20 file is maintained, the name of the custodian of the reports,
21 and the telephone number at which the custodian may be reached.
22 The person who is the subject of the report shall submit a
23 written statement responding to, clarifying, adding to, or
24 proposing to amend the report previously filed. The statement
25 shall become a permanent part of the file and shall be received
26 by the Board no more than 30 days after the date on which the

1 person was notified of the existence of the original report.
2 The Board shall review all reports received by it and any
3 supporting information and responding statements submitted by
4 persons who are the subject of reports. The review by the Board
5 shall be in a timely manner but in no event shall the Board's
6 initial review of the material contained in each disciplinary
7 file be less than 61 days nor more than 180 days after the
8 receipt of the initial report by the Board. When the Board
9 makes its initial review of the materials contained within its
10 disciplinary files, the Board shall, in writing, make a
11 determination as to whether there are sufficient facts to
12 warrant further investigation or action. Failure to make that
13 determination within the time provided shall be deemed to be a
14 determination that there are not sufficient facts to warrant
15 further investigation or action. Should the Board find that
16 there are not sufficient facts to warrant further investigation
17 or action, the report shall be accepted for filing and the
18 matter shall be deemed closed and so reported. The individual
19 or entity filing the original report or complaint and the
20 person who is the subject of the report or complaint shall be
21 notified in writing by the Board of any final action on their
22 report or complaint.

23 (f) Summary Reports. The Board shall prepare, on a timely
24 basis, but in no event less than one every other month, a
25 summary report of final actions taken upon disciplinary files
26 maintained by the Board. The summary reports shall be made

1 available to the public upon request and payment of the fees
2 set by the Department. This publication may be made available
3 to the public on the Department's Internet website.

4 (g) Any violation of this Section shall constitute a Class
5 A misdemeanor.

6 (h) If a person violates the provisions of this Section, an
7 action may be brought in the name of the People of the State of
8 Illinois, through the Attorney General of the State of
9 Illinois, for an order enjoining the violation or for an order
10 enforcing compliance with this Section. Upon filing of a
11 verified petition in court, the court may issue a temporary
12 restraining order without notice or bond and may preliminarily
13 or permanently enjoin the violation, and if it is established
14 that the person has violated or is violating the injunction,
15 the court may punish the offender for contempt of court.
16 Proceedings under this subsection shall be in addition to, and
17 not in lieu of, all other remedies and penalties provided for
18 by this Section.

19 (Source: P.A. 95-639, eff. 10-5-07.)

20 Section 595. The Nursing Home Administrators Licensing and
21 Disciplinary Act is amended by changing Section 17.1 as
22 follows:

23 (225 ILCS 70/17.1)

24 (Section scheduled to be repealed on January 1, 2018)

1 Sec. 17.1. Reports of violations of Act or other conduct.

2 (a) The owner or licensee of a long term care facility
3 licensed under the Nursing Home Care Act who employs or
4 contracts with a licensee under this Act shall report to the
5 Department any instance of which he or she has knowledge
6 arising in connection with operations of the health care
7 institution, including the administration of any law by the
8 institution, in which a licensee under this Act has either
9 committed an act or acts which may constitute a violation of
10 this Act or unprofessional conduct related directly to patient
11 care, or which may indicate that the licensee may have a mental
12 or physical disability that may ~~be mentally or physically~~
13 ~~disabled in such a manner as to~~ endanger patients under that
14 licensee's care. Additionally, every nursing home shall report
15 to the Department any instance when a licensee is terminated
16 for cause which would constitute a violation of this Act. The
17 Department may take disciplinary or non-disciplinary action if
18 the termination is based upon unprofessional conduct related to
19 planning, organizing, directing, or supervising the operation
20 of a nursing home as defined by this Act or other conduct by
21 the licensee that would be a violation of this Act or rules.

22 For the purposes of this subsection, "owner" does not mean
23 the owner of the real estate or physical plant who does not
24 hold management or operational control of the licensed long
25 term care facility.

26 (b) Any insurance company that offers policies of

1 professional liability insurance to licensees, or any other
2 entity that seeks to indemnify the professional liability of a
3 licensee, shall report the settlement of any claim or adverse
4 final judgment rendered in any action that alleged negligence
5 in planning, organizing, directing, or supervising the
6 operation of a nursing home by the licensee.

7 (c) The State's Attorney of each county shall report to the
8 Department each instance in which a licensee is convicted of or
9 enters a plea of guilty or nolo contendere to any crime that is
10 a felony, or of which an essential element is dishonesty, or
11 that is directly related to the practice of the profession of
12 nursing home administration.

13 (d) Any agency, board, commission, department, or other
14 instrumentality of the government of the State of Illinois
15 shall report to the Department any instance arising in
16 connection with the operations of the agency, including the
17 administration of any law by the agency, in which a licensee
18 under this Act has either committed an act or acts which may
19 constitute a violation of this Act or unprofessional conduct
20 related directly to planning, organizing, directing or
21 supervising the operation of a nursing home, or which may
22 indicate that a licensee may have a mental or physical
23 disability that may ~~be mentally or physically disabled in such~~
24 ~~a manner as to~~ endanger others.

25 (e) All reports required by items (19), (20), and (21) of
26 subsection (a) of Section 17 and by this Section 17.1 shall be

1 submitted to the Department in a timely fashion. The reports
2 shall be filed in writing within 60 days after a determination
3 that a report is required under this Section. All reports shall
4 contain the following information:

5 (1) The name, address, and telephone number of the
6 person making the report.

7 (2) The name, address, and telephone number of the
8 person who is the subject of the report.

9 (3) The name and date of birth of any person or persons
10 whose treatment is a subject of the report, or other means
11 of identification if that information is not available, and
12 identification of the nursing home facility where the care
13 at issue in the report was rendered.

14 (4) A brief description of the facts which gave rise to
15 the issuance of the report, including the dates of any
16 occurrences deemed to necessitate the filing of the report.

17 (5) If court action is involved, the identity of the
18 court in which the action is filed, along with the docket
19 number and the date the action was filed.

20 (6) Any further pertinent information that the
21 reporting party deems to be an aid in evaluating the
22 report.

23 If the Department receives a written report concerning an
24 incident required to be reported under item (19), (20), or (21)
25 of subsection (a) of Section 17, then the licensee's failure to
26 report the incident to the Department within 60 days may not be

1 the sole ground for any disciplinary action against the
2 licensee.

3 (f) Any individual or organization acting in good faith,
4 and not in a wilful and wanton manner, in complying with this
5 Section by providing any report or other information to the
6 Department, by assisting in the investigation or preparation of
7 such information, by voluntarily reporting to the Department
8 information regarding alleged errors or negligence by a
9 licensee, or by participating in proceedings of the Department,
10 shall not, as a result of such actions, be subject to criminal
11 prosecution or civil damages.

12 (g) Upon the receipt of any report required by this
13 Section, the Department shall notify in writing, by certified
14 mail, the person who is the subject of the report. The
15 notification shall be made within 30 days after the
16 Department's receipt of the report.

17 The notification shall include a written notice setting
18 forth the person's right to examine the report. The
19 notification shall also include the address at which the file
20 is maintained, the name of the custodian of the file, and the
21 telephone number at which the custodian may be reached. The
22 person who is the subject of the report shall submit a written
23 statement responding, clarifying, adding to, or proposing the
24 amending of the report previously filed. The statement shall
25 become a permanent part of the file and must be received by the
26 Department no more than 30 days after the date on which the

1 person was notified by the Department of the existence of the
2 original report.

3 The Department shall review a report received by it,
4 together with any supporting information and responding
5 statements submitted by the person who is the subject of the
6 report. The review by the Department shall be in a timely
7 manner, but in no event shall the Department's initial review
8 of the material contained in each disciplinary file last less
9 than 61 days nor more than 180 days after the receipt of the
10 initial report by the Department.

11 When the Department makes its initial review of the
12 materials contained within its disciplinary files, the
13 Department shall, in writing, make a determination as to
14 whether there are sufficient facts to warrant further
15 investigation or action. Failure to make such a determination
16 within the time provided shall be deemed to be a determination
17 that there are not sufficient facts to warrant further
18 investigation or action. The Department shall notify the person
19 who is the subject of the report of any final action on the
20 report.

21 (h) A violation of this Section is a Class A misdemeanor.

22 (i) If any person or entity violates this Section, then an
23 action may be brought in the name of the People of the State of
24 Illinois, through the Attorney General of the State of
25 Illinois, for an order enjoining the violation or for an order
26 enforcing compliance with this Section. Upon filing of a

1 verified petition in the court, the court may issue a temporary
2 restraining order without notice or bond and may preliminarily
3 or permanently enjoin the violation. If it is established that
4 the person or entity has violated or is violating the
5 injunction, the court may punish the offender for contempt of
6 court. Proceedings under this subsection (i) shall be in
7 addition to, and not in lieu of, all other remedies and
8 penalties provided for by this Section.

9 (Source: P.A. 96-1372, eff. 7-29-10.)

10 Section 600. The Podiatric Medical Practice Act of 1987 is
11 amended by changing Section 26 as follows:

12 (225 ILCS 100/26) (from Ch. 111, par. 4826)

13 (Section scheduled to be repealed on January 1, 2018)

14 Sec. 26. Reports relating to professional conduct and
15 capacity.

16 (A) The Board shall by rule provide for the reporting to it
17 of all instances in which a podiatric physician licensed under
18 this Act who is impaired by reason of age, drug or alcohol
19 abuse or physical or mental impairment, is under supervision
20 and, where appropriate, is in a program of rehabilitation.
21 Reports shall be strictly confidential and may be reviewed and
22 considered only by the members of the Board, or by authorized
23 staff of the Department as provided by the rules of the Board.
24 Provisions shall be made for the periodic report of the status

1 of any such podiatric physician not less than twice annually in
2 order that the Board shall have current information upon which
3 to determine the status of any such podiatric physician. Such
4 initial and periodic reports of impaired physicians shall not
5 be considered records within the meaning of the State Records
6 Act and shall be disposed of, following a determination by the
7 Board that such reports are no longer required, in a manner and
8 at such time as the Board shall determine by rule. The filing
9 of such reports shall be construed as the filing of a report
10 for the purposes of subsection (C) of this Section. Failure to
11 file a report under this Section shall be a Class A
12 misdemeanor.

13 (A-5) The following persons and entities shall report to
14 the Department or the Board in the instances and under the
15 conditions set forth in this subsection (A-5):

16 (1) Any administrator or officer of any hospital,
17 nursing home or other health care agency or facility who
18 has knowledge of any action or condition which reasonably
19 indicates to him or her that a licensed podiatric physician
20 practicing in such hospital, nursing home or other health
21 care agency or facility is habitually intoxicated or
22 addicted to the use of habit forming drugs, or is otherwise
23 impaired, to the extent that such intoxication, addiction,
24 or impairment adversely affects such podiatric physician's
25 professional performance, or has knowledge that reasonably
26 indicates to him or her that any podiatric physician

1 unlawfully possesses, uses, distributes or converts
2 habit-forming drugs belonging to the hospital, nursing
3 home or other health care agency or facility for such
4 podiatric physician's own use or benefit, shall promptly
5 file a written report thereof to the Department. The report
6 shall include the name of the podiatric physician, the name
7 of the patient or patients involved, if any, a brief
8 summary of the action, condition or occurrence that has
9 necessitated the report, and any other information as the
10 Department may deem necessary. The Department shall
11 provide forms on which such reports shall be filed.

12 (2) The president or chief executive officer of any
13 association or society of podiatric physicians licensed
14 under this Act, operating within this State shall report to
15 the Board when the association or society renders a final
16 determination relating to the professional competence or
17 conduct of the podiatric physician.

18 (3) Every insurance company that offers policies of
19 professional liability insurance to persons licensed under
20 this Act, or any other entity that seeks to indemnify the
21 professional liability of a podiatric physician licensed
22 under this Act, shall report to the Board the settlement of
23 any claim or cause of action, or final judgment rendered in
24 any cause of action that alleged negligence in the
25 furnishing of medical care by such licensed person when
26 such settlement or final judgement is in favor of the

1 plaintiff.

2 (4) The State's Attorney of each county shall report to
3 the Board all instances in which a person licensed under
4 this Act is convicted or otherwise found guilty of the
5 commission of any felony.

6 (5) All agencies, boards, commissions, departments, or
7 other instrumentalities of the government of the State of
8 Illinois shall report to the Board any instance arising in
9 connection with the operations of such agency, including
10 the administration of any law by such agency, in which a
11 podiatric physician licensed under this Act has either
12 committed an act or acts that may be a violation of this
13 Act or that may constitute unprofessional conduct related
14 directly to patient care or that indicates that a podiatric
15 physician licensed under this Act may have a mental or
16 physical disability that may ~~be mentally or physically~~
17 ~~disabled in such a manner as to~~ endanger patients under
18 that physician's care.

19 (B) All reports required by this Act shall be submitted to
20 the Board in a timely fashion. The reports shall be filed in
21 writing within 60 days after a determination that a report is
22 required under this Act. All reports shall contain the
23 following information:

24 (1) The name, address and telephone number of the
25 person making the report.

26 (2) The name, address and telephone number of the

1 podiatric physician who is the subject of the report.

2 (3) The name or other means of identification of any
3 patient or patients whose treatment is a subject of the
4 report, provided, however, no medical records may be
5 revealed without the written consent of the patient or
6 patients.

7 (4) A brief description of the facts that gave rise to
8 the issuance of the report, including the dates of any
9 occurrences deemed to necessitate the filing of the report.

10 (5) If court action is involved, the identity of the
11 court in which the action is filed, along with the docket
12 number and date of filing of the action.

13 (6) Any further pertinent information that the
14 reporting party deems to be an aid in the evaluation of the
15 report.

16 Nothing contained in this Section shall waive or modify the
17 confidentiality of medical reports and committee reports to the
18 extent provided by law. Any information reported or disclosed
19 shall be kept for the confidential use of the Board, the
20 Board's attorneys, the investigative staff and other
21 authorized Department staff, as provided in this Act, and shall
22 be afforded the same status as is provided information
23 concerning medical studies in Part 21 of Article VIII of the
24 Code of Civil Procedure.

25 (C) Any individual or organization acting in good faith,
26 and not in a willful and wanton manner, in complying with this

1 Act by providing any report or other information to the Board,
2 or assisting in the investigation or preparation of such
3 information, or by participating in proceedings of the Board,
4 or by serving as a member of the Board, shall not, as a result
5 of such actions, be subject to criminal prosecution or civil
6 damages.

7 (D) Members of the Board, the Board's attorneys, the
8 investigative staff, other podiatric physicians retained under
9 contract to assist and advise in the investigation, and other
10 authorized Department staff shall be indemnified by the State
11 for any actions occurring within the scope of services on the
12 Board, done in good faith and not willful and wanton in nature.
13 The Attorney General shall defend all such actions unless he or
14 she determines either that he or she would have a conflict of
15 interest in such representation or that the actions complained
16 of were not in good faith or were willful and wanton.

17 Should the Attorney General decline representation, the
18 member shall have the right to employ counsel of his or her
19 choice, whose fees shall be provided by the State, after
20 approval by the Attorney General, unless there is a
21 determination by a court that the member's actions were not in
22 good faith or were wilful and wanton. The member must notify
23 the Attorney General within 7 days of receipt of notice of the
24 initiation of any action involving services of the Board.
25 Failure to so notify the Attorney General shall constitute an
26 absolute waiver of the right to a defense and indemnification.

1 The Attorney General shall determine within 7 days after
2 receiving such notice, whether he or she will undertake to
3 represent the member.

4 (E) Upon the receipt of any report called for by this Act,
5 other than those reports of impaired persons licensed under
6 this Act required pursuant to the rules of the Board, the Board
7 shall notify in writing, by certified mail, the podiatric
8 physician who is the subject of the report. Such notification
9 shall be made within 30 days of receipt by the Board of the
10 report.

11 The notification shall include a written notice setting
12 forth the podiatric physician's right to examine the report.
13 Included in such notification shall be the address at which the
14 file is maintained, the name of the custodian of the reports,
15 and the telephone number at which the custodian may be reached.
16 The podiatric physician who is the subject of the report shall
17 be permitted to submit a written statement responding,
18 clarifying, adding to, or proposing the amending of the report
19 previously filed. The statement shall become a permanent part
20 of the file and must be received by the Board no more than 30
21 days after the date on which the podiatric physician was
22 notified of the existence of the original report.

23 The Board shall review all reports received by it, together
24 with any supporting information and responding statements
25 submitted by persons who are the subject of reports. The review
26 by the Board shall be in a timely manner but in no event shall

1 the Board's initial review of the material contained in each
2 disciplinary file be less than 61 days nor more than 180 days
3 after the receipt of the initial report by the Board.

4 When the Board makes its initial review of the materials
5 contained within its disciplinary files the Board shall, in
6 writing, make a determination as to whether there are
7 sufficient facts to warrant further investigation or action.
8 Failure to make such determination within the time provided
9 shall be deemed to be a determination that there are not
10 sufficient facts to warrant further investigation or action.

11 Should the Board find that there are not sufficient facts
12 to warrant further investigation, or action, the report shall
13 be accepted for filing and the matter shall be deemed closed
14 and so reported.

15 The individual or entity filing the original report or
16 complaint and the podiatric physician who is the subject of the
17 report or complaint shall be notified in writing by the Board
18 of any final action on their report or complaint.

19 (F) The Board shall prepare on a timely basis, but in no
20 event less than once every other month, a summary report of
21 final disciplinary actions taken upon disciplinary files
22 maintained by the Board. The summary reports shall be made
23 available on the Department's web site.

24 (G) Any violation of this Section shall be a Class A
25 misdemeanor.

26 (H) If any such podiatric physician violates the provisions

1 of this Section, an action may be brought in the name of the
2 People of the State of Illinois, through the Attorney General
3 of the State of Illinois, for an order enjoining such violation
4 or for an order enforcing compliance with this Section. Upon
5 filing of a verified petition in such court, the court may
6 issue a temporary restraining order without notice or bond and
7 may preliminarily or permanently enjoin such violation, and if
8 it is established that such podiatric physician has violated or
9 is violating the injunction, the Court may punish the offender
10 for contempt of court. Proceedings under this paragraph shall
11 be in addition to, and not in lieu of, all other remedies and
12 penalties provided for by this Section.

13 (Source: P.A. 95-235, eff. 8-17-07.)

14 Section 605. The Illinois Explosives Act is amended by
15 changing Section 2005 as follows:

16 (225 ILCS 210/2005) (from Ch. 96 1/2, par. 1-2005)

17 Sec. 2005. Qualifications for licensure.

18 (a) No person shall qualify to hold a license who:

19 (1) is under 21 years of age;

20 (2) has been convicted in any court of a crime
21 punishable by imprisonment for a term exceeding one year;

22 (3) is under indictment for a crime punishable by
23 imprisonment for a term exceeding one year;

24 (4) is a fugitive from justice;

1 (5) is an unlawful user of or addicted to any
2 controlled substance as defined in Section 102 of the
3 federal Controlled Substances Act (21 U.S.C. Sec. 802 et
4 seq.);

5 (6) has been adjudicated a person with a mental
6 disability ~~mentally disabled person~~ as defined in Section
7 1.1 of the Firearm Owners Identification Card Act; or

8 (7) is not a legal citizen of the United States.

9 (b) A person who has been granted a "relief from
10 disabilities" regarding criminal convictions and indictments,
11 pursuant to the federal Safe Explosives Act (18 U.S.C. Sec.
12 845) may receive a license provided all other qualifications
13 under this Act are met.

14 (Source: P.A. 98-63, eff. 7-9-13.)

15 Section 610. The Barber, Cosmetology, Esthetics, Hair
16 Braiding, and Nail Technology Act of 1985 is amended by
17 changing Section 3B-15 as follows:

18 (225 ILCS 410/3B-15)

19 (Section scheduled to be repealed on January 1, 2016)

20 Sec. 3B-15. Grounds for disciplinary action. In addition to
21 any other cause herein set forth the Department may refuse to
22 issue or renew and may suspend, place on probation, or revoke
23 any license to operate a school, or take any other disciplinary
24 or non-disciplinary action that the Department may deem proper,

1 including the imposition of fines not to exceed \$5,000 for each
2 violation, for any one or any combination of the following
3 causes:

4 (1) Repeated violation of any provision of this Act or
5 any standard or rule established under this Act.

6 (2) Knowingly furnishing false, misleading, or
7 incomplete information to the Department or failure to
8 furnish information requested by the Department.

9 (3) Violation of any commitment made in an application
10 for a license, including failure to maintain standards that
11 are the same as, or substantially equivalent to, those
12 represented in the school's applications and advertising.

13 (4) Presenting to prospective students information
14 relating to the school, or to employment opportunities or
15 opportunities for enrollment in institutions of higher
16 learning after entering into or completing courses offered
17 by the school, that is false, misleading, or fraudulent.

18 (5) Failure to provide premises or equipment or to
19 maintain them in a safe and sanitary condition as required
20 by law.

21 (6) Failure to maintain financial resources adequate
22 for the satisfactory conduct of the courses of instruction
23 offered or to retain a sufficient and qualified
24 instructional and administrative staff.

25 (7) Refusal to admit applicants on account of race,
26 color, creed, sex, physical or mental disability ~~handicap~~

1 unrelated to ability, religion, or national origin.

2 (8) Paying a commission or valuable consideration to
3 any person for acts or services performed in violation of
4 this Act.

5 (9) Attempting to confer a fraudulent degree, diploma,
6 or certificate upon a student.

7 (10) Failure to correct any deficiency or act of
8 noncompliance under this Act or the standards and rules
9 established under this Act within reasonable time limits
10 set by the Department.

11 (11) Conduct of business or instructional services
12 other than at locations approved by the Department.

13 (12) Failure to make all of the disclosures or making
14 inaccurate disclosures to the Department or in the
15 enrollment agreement as required under this Act.

16 (13) Failure to make appropriate refunds as required by
17 this Act.

18 (14) Denial, loss, or withdrawal of accreditation by
19 any accrediting agency.

20 (15) During any calendar year, having a failure rate of
21 25% or greater for those of its students who for the first
22 time take the examination authorized by the Department to
23 determine fitness to receive a license as a barber, barber
24 teacher, cosmetologist, cosmetology teacher, esthetician,
25 esthetician teacher, hair braider, hair braiding teacher,
26 nail technician, or nail technology teacher, provided that

1 a student who transfers into the school having completed
2 50% or more of the required program and who takes the
3 examination during that calendar year shall not be counted
4 for purposes of determining the school's failure rate on an
5 examination, without regard to whether that transfer
6 student passes or fails the examination.

7 (16) Failure to maintain a written record indicating
8 the funds received per student and funds paid out per
9 student. Such records shall be maintained for a minimum of
10 7 years and shall be made available to the Department upon
11 request. Such records shall identify the funding source and
12 amount for any student who has enrolled as well as any
13 other item set forth by rule.

14 (17) Failure to maintain a copy of the student record
15 as defined by rule.

16 (Source: P.A. 98-911, eff. 1-1-15.)

17 Section 615. The Real Estate License Act of 2000 is amended
18 by changing Section 25-40 as follows:

19 (225 ILCS 454/25-40)

20 (Section scheduled to be repealed on January 1, 2020)

21 Sec. 25-40. Exclusive State powers and functions;
22 municipal powers. It is declared to be the public policy of
23 this State, pursuant to paragraphs (h) and (i) of Section 6 of
24 Article VII of the Illinois Constitution of 1970, that any

1 power or function set forth in this Act to be exercised by the
2 State is an exclusive State power or function. Such power or
3 function shall not be exercised concurrently, either directly
4 or indirectly, by any unit of local government, including home
5 rule units, except as otherwise provided in this Act. Nothing
6 in this Section shall be construed to affect or impair the
7 validity of Section 11-11.1-1 of the Illinois Municipal Code,
8 as amended, or to deny to the corporate authorities of any
9 municipality the powers granted in the Illinois Municipal Code
10 to enact ordinances prescribing fair housing practices;
11 defining unfair housing practices; establishing Fair Housing
12 or Human Relations Commissions and standards for the operation
13 of these commissions in the administration and enforcement of
14 such ordinances; prohibiting discrimination based on race,
15 color, creed, ancestry, national origin or physical or mental
16 disability ~~handicap~~ in the listing, sale, assignment,
17 exchange, transfer, lease, rental, or financing of real
18 property for the purpose of the residential occupancy thereof;
19 and prescribing penalties for violations of such ordinances.

20 (Source: P.A. 91-245, eff. 12-31-99.)

21 Section 620. The Solicitation for Charity Act is amended by
22 changing Sections 1 and 11 as follows:

23 (225 ILCS 460/1) (from Ch. 23, par. 5101)

24 Sec. 1. The following words and phrases as used in this Act

1 shall have the following meanings unless a different meaning is
2 required by the context.

3 (a) "Charitable organization" means any benevolent,
4 philanthropic, patriotic, or eleemosynary person or one
5 purporting to be such which solicits and collects funds for
6 charitable purposes and includes each local, county, or area
7 division within this State of such charitable organization,
8 provided such local, county or area division has authority and
9 discretion to disburse funds or property otherwise than by
10 transfer to any parent organization.

11 (b) "Contribution" means the promise or grant of any money
12 or property of any kind or value, including the promise to pay,
13 except payments by union members of an organization. Reference
14 to the dollar amount of "contributions" in this Act means in
15 the case of promises to pay, or payments for merchandise or
16 rights of any other description, the value of the total amount
17 promised to be paid or paid for such merchandise or rights and
18 not merely that portion of the purchase price to be applied to
19 a charitable purpose. Contribution shall not include the
20 proceeds from the sale of admission tickets by any
21 not-for-profit music or dramatic arts organization which
22 establishes, by such proof as the Attorney General may require,
23 that it has received an exemption under Section 501(c)(3) of
24 the Internal Revenue Code and which is organized and operated
25 for the presentation of live public performances of musical or
26 theatrical works on a regular basis. For purposes of this

1 subsection, union member dues and donated services shall not be
2 deemed contributions.

3 (c) "Person" means any individual, organization, group,
4 association, partnership, corporation, trust or any
5 combination of them.

6 (d) "Professional fund raiser" means any person who for
7 compensation or other consideration, conducts, manages, or
8 carries on any solicitation or fund raising drive or campaign
9 in this State or from this State or on behalf of a charitable
10 organization residing within this State for the purpose of
11 soliciting, receiving, or collecting contributions for or on
12 behalf of any charitable organization or any other person, or
13 who engages in the business of, or holds himself out to persons
14 in this State as independently engaged in the business of
15 soliciting, receiving, or collecting contributions for such
16 purposes. A bona fide director, officer, employee or unpaid
17 volunteer of a charitable organization shall not be deemed a
18 professional fund raiser unless the person is in a management
19 position and the majority of the individual's salary or other
20 compensation is computed on a percentage basis of funds to be
21 raised, or actually raised.

22 (e) "Professional fund raising consultant" means any
23 person who is retained by a charitable organization or trustee
24 for a fixed fee or rate that is not computed on a percentage of
25 funds to be raised, or actually raised, under a written
26 agreement, to only plan, advise, consult, or prepare materials

1 for a solicitation of contributions in this State, but who does
2 not manage, conduct or carry on a fundraising campaign and who
3 does not solicit contributions or employ, procure, or engage
4 any compensated person to solicit contributions and who does
5 not at any time have custody or control of contributions. A
6 volunteer, employee or salaried officer of a charitable
7 organization or trustee maintaining a permanent establishment
8 or office in this State is not a professional fundraising
9 consultant. An attorney, investment counselor, or banker who
10 advises an individual, corporation or association to make a
11 charitable contribution is not a professional fundraising
12 consultant as a result of the advice.

13 (f) "Charitable purpose" means any charitable, benevolent,
14 philanthropic, patriotic, or eleemosynary purpose.

15 (g) "Charitable Trust" means any relationship whereby
16 property is held by a person for a charitable purpose.

17 (h) "Education Program Service" means any activity which
18 provides information to the public of a nature that is not
19 commonly known or facts which are not universally regarded as
20 obvious or as established by common understanding and which
21 informs the public of what it can or should do about a
22 particular issue.

23 (i) "Primary Program Service" means the program service
24 upon which an organization spends more than 50% of its program
25 service funds or the program activity which represents the
26 largest expenditure of funds in the fiscal period.

1 (j) "Professional solicitor" means any natural person who
2 is employed or retained for compensation by a professional fund
3 raiser to solicit, receive, or collect contributions for
4 charitable purposes from persons in this State or from this
5 State or on behalf of a charitable organization residing within
6 this State.

7 (k) "Program Service Activity" means the actual charitable
8 program activities of a charitable organization for which it
9 expends its resources.

10 (l) "Program Service Expense" means the expenses of
11 charitable program activity and not management expenses or fund
12 raising expenses. In determining Program Service Expense,
13 management and fund raising expenses may not be included.

14 (m) "Public Safety Personnel Organization" means any
15 person who uses any of the words "officer", "police",
16 "policeman", "policemen", "troopers", "sheriff", "law
17 enforcement", "fireman", "firemen", "paramedic", or similar
18 words in its name or in conjunction with solicitations, or in
19 the title or name of a magazine, newspaper, periodical,
20 advertisement book, or any other medium of electronic or print
21 publication, and is not a governmental entity. No organization
22 may be a Public Safety Personnel Organization unless 80% or
23 more of its voting members or trustees are active or ~~7~~ retired
24 police officers, police officers with disabilities ~~7~~ ~~or~~
25 ~~disabled police officers~~, peace officers, firemen, fire
26 fighters, emergency medical technicians - ambulance, emergency

1 medical technicians - intermediate, emergency medical
2 technicians - paramedic, ambulance drivers, or other medical
3 assistance or first aid personnel.

4 (m-5) "Public Safety Personnel" includes police officers,
5 peace officers, firemen, fire fighters, emergency medical
6 technicians - ambulance, emergency medical technicians -
7 intermediate, emergency medical technicians - paramedic,
8 ambulance drivers, and other medical assistance or first aid
9 personnel.

10 (n) "Trustee" means any person, individual, group of
11 individuals, association, corporation, not for profit
12 corporation, or other legal entity holding property for or
13 solicited for any charitable purpose; or any officer, director,
14 executive director or other controlling persons of a
15 corporation soliciting or holding property for a charitable
16 purpose.

17 (Source: P.A. 94-749, eff. 1-1-07.)

18 (225 ILCS 460/11) (from Ch. 23, par. 5111)

19 Sec. 11. (a) No person shall for the purpose of soliciting
20 contributions from persons in this State, use the name of any
21 other person, except that of an officer, director or trustee of
22 the charitable organization by or for which contributions are
23 solicited, without the written consent of such other persons.

24 (b) A person shall be deemed to have used the name of
25 another person for the purpose of soliciting contributions if

1 such latter person's name is listed on any stationery,
2 advertisement, brochure or correspondence in or by which a
3 contribution is solicited by or on behalf of a charitable
4 organization or his name is listed or referred to in connection
5 with a request for a contribution as one who has contributed
6 to, sponsored or endorsed the charitable organization or its
7 activities.

8 (c) Nothing contained in this Section shall prevent the
9 publication of names of contributors without their written
10 consents, in an annual or other periodic report issued by a
11 charitable organization for the purpose of reporting on its
12 operations and affairs to its membership or for the purpose of
13 reporting contributions to contributors.

14 (d) No charitable organization or professional fund raiser
15 soliciting contributions shall use a name, symbol, or statement
16 so closely related or similar to that used by another
17 charitable organization or governmental agency that the use
18 thereof would tend to confuse or mislead the public.

19 (d-1) No Public Safety Personnel Organization may by words
20 in its name or in its solicitations claim to be representing,
21 acting on behalf of, assisting, or affiliated with the public
22 safety personnel of a particular municipal, regional, or other
23 geographical area, unless: (1) 80% or more of the
24 organization's voting members and trustees are persons who are
25 actively employed or retired or disabled from employment within
26 the particular municipal, regional, or other geographical area

1 stated in the name or solicitation; (2) all of these members
2 are vested with the right to vote in the election of the
3 managing or controlling officers of the organization either
4 directly or through delegates; and (3) the organization
5 includes in any solicitation the actual number of active or ~~7~~
6 retired police officers, or police officers with disabilities ~~7~~
7 ~~or disabled police officers~~, peace officers, firemen, fire
8 fighters, emergency medical technicians - ambulance, emergency
9 medical technicians - intermediate, emergency medical
10 technicians - paramedic, ambulance drivers, or other medical
11 assistance or first aid personnel who are members of the
12 organization who are actively employed, retired, or disabled
13 from employment within the particular municipal, regional, or
14 other geographical area referenced in the solicitation.

15 (d-2) No person or organization may have a name or use a
16 name using the words "officer", "police", "policeman",
17 "policemen", "trooper", "sheriff", "law enforcement officer",
18 "deputy", "chief of police", or similar words therein unless
19 80% or more of its trustees and voting members are active or ~~7~~
20 retired law enforcement personnel or law enforcement personnel
21 with disabilities ~~7~~ ~~or disabled law enforcement personnel~~.

22 (d-3) No person or organization may have a name or use a
23 name using the words "fireman", "firemen", "fire fighter",
24 "fire chief", "paramedic", or similar words therein unless 80%
25 or more of its trustees and voting members are active or ~~7~~
26 retired fire fighters or fire fighters with disabilities ~~or~~

1 ~~disabled fire fighters~~, firemen, emergency medical technicians
2 - ambulance, emergency medical technicians - intermediate,
3 emergency medical technicians - paramedic, ambulance drivers,
4 or other medical assistance or first aid personnel.

5 (d-4) No person by words in a Public Safety Personnel
6 Organization name or in solicitations made therefor shall state
7 he or she or his or her organization is assisting or affiliated
8 with a local, municipal, regional, or other governmental body
9 or geographical area unless 80% of its trustees and voting
10 members are active or ~~7~~ retired police officers or police
11 officers with disabilities ~~, or disabled police officers~~, law
12 enforcement officials, firemen, fire fighters, emergency
13 medical technicians - ambulance, emergency medical technicians
14 - intermediate, emergency medical technicians - paramedic,
15 ambulance drivers, or other medical assistance or first aid
16 personnel of the local, municipal, regional, or other
17 geographical area so named or stated. Nothing in this Act shall
18 prohibit a Public Safety Personnel Organization from stating
19 the actual number of members it has in any geographical area.

20 (e) Any person or organization that willfully violates the
21 provisions of this Section is guilty of a Class A misdemeanor.
22 Any person or organization that willfully violates the
23 provisions of this Section may in addition to other remedies be
24 subject to a fine of \$2,000 for each violation, shall be
25 subject to forfeiture of all solicitation fees, and shall be
26 enjoined from operating as a fund raiser and soliciting the

1 public for fundraising purposes.

2 (Source: P.A. 91-301, eff. 7-29-99.)

3 Section 625. The Illinois Horse Racing Act of 1975 is
4 amended by changing Section 28 as follows:

5 (230 ILCS 5/28) (from Ch. 8, par. 37-28)

6 Sec. 28. Except as provided in subsection (g) of Section 27
7 of this Act, moneys collected shall be distributed according to
8 the provisions of this Section 28.

9 (a) Thirty per cent of the total of all monies received by
10 the State as privilege taxes shall be paid into the
11 Metropolitan Exposition Auditorium and Office Building Fund in
12 the State Treasury.

13 (b) In addition, 4.5% of the total of all monies received
14 by the State as privilege taxes shall be paid into the State
15 treasury into a special Fund to be known as the Metropolitan
16 Exposition, Auditorium, and Office Building Fund.

17 (c) Fifty per cent of the total of all monies received by
18 the State as privilege taxes under the provisions of this Act
19 shall be paid into the Agricultural Premium Fund.

20 (d) Seven per cent of the total of all monies received by
21 the State as privilege taxes shall be paid into the Fair and
22 Exposition Fund in the State treasury; provided, however, that
23 when all bonds issued prior to July 1, 1984 by the Metropolitan
24 Fair and Exposition Authority shall have been paid or payment

1 shall have been provided for upon a refunding of those bonds,
2 thereafter 1/12 of \$1,665,662 of such monies shall be paid each
3 month into the Build Illinois Fund, and the remainder into the
4 Fair and Exposition Fund. All excess monies shall be allocated
5 to the Department of Agriculture for distribution to county
6 fairs for premiums and rehabilitation as set forth in the
7 Agricultural Fair Act.

8 (e) The monies provided for in Section 30 shall be paid
9 into the Illinois Thoroughbred Breeders Fund.

10 (f) The monies provided for in Section 31 shall be paid
11 into the Illinois Standardbred Breeders Fund.

12 (g) Until January 1, 2000, that part representing 1/2 of
13 the total breakage in Thoroughbred, Harness, Appaloosa,
14 Arabian, and Quarter Horse racing in the State shall be paid
15 into the Illinois Race Track Improvement Fund as established in
16 Section 32.

17 (h) All other monies received by the Board under this Act
18 shall be paid into the Horse Racing Fund.

19 (i) The salaries of the Board members, secretary, stewards,
20 directors of mutuels, veterinarians, representatives,
21 accountants, clerks, stenographers, inspectors and other
22 employees of the Board, and all expenses of the Board incident
23 to the administration of this Act, including, but not limited
24 to, all expenses and salaries incident to the taking of saliva
25 and urine samples in accordance with the rules and regulations
26 of the Board shall be paid out of the Agricultural Premium

1 Fund.

2 (j) The Agricultural Premium Fund shall also be used:

3 (1) for the expenses of operating the Illinois State
4 Fair and the DuQuoin State Fair, including the payment of
5 prize money or premiums;

6 (2) for the distribution to county fairs, vocational
7 agriculture section fairs, agricultural societies, and
8 agricultural extension clubs in accordance with the
9 Agricultural Fair Act, as amended;

10 (3) for payment of prize monies and premiums awarded
11 and for expenses incurred in connection with the
12 International Livestock Exposition and the Mid-Continent
13 Livestock Exposition held in Illinois, which premiums, and
14 awards must be approved, and paid by the Illinois
15 Department of Agriculture;

16 (4) for personal service of county agricultural
17 advisors and county home advisors;

18 (5) for distribution to agricultural home economic
19 extension councils in accordance with "An Act in relation
20 to additional support and finance for the Agricultural and
21 Home Economic Extension Councils in the several counties in
22 this State and making an appropriation therefor", approved
23 July 24, 1967, as amended;

24 (6) for research on equine disease, including a
25 development center therefor;

26 (7) for training scholarships for study on equine

1 diseases to students at the University of Illinois College
2 of Veterinary Medicine;

3 (8) for the rehabilitation, repair and maintenance of
4 the Illinois and DuQuoin State Fair Grounds and the
5 structures and facilities thereon and the construction of
6 permanent improvements on such Fair Grounds, including
7 such structures, facilities and property located on such
8 State Fair Grounds which are under the custody and control
9 of the Department of Agriculture;

10 (9) for the expenses of the Department of Agriculture
11 under Section 5-530 of the Departments of State Government
12 Law (20 ILCS 5/5-530);

13 (10) for the expenses of the Department of Commerce and
14 Economic Opportunity under Sections 605-620, 605-625, and
15 605-630 of the Department of Commerce and Economic
16 Opportunity Law (20 ILCS 605/605-620, 605/605-625, and
17 605/605-630);

18 (11) for remodeling, expanding, and reconstructing
19 facilities destroyed by fire of any Fair and Exposition
20 Authority in counties with a population of 1,000,000 or
21 more inhabitants;

22 (12) for the purpose of assisting in the care and
23 general rehabilitation of veterans with disabilities
24 ~~disabled veterans~~ of any war and their surviving spouses
25 and orphans;

26 (13) for expenses of the Department of State Police for

1 duties performed under this Act;

2 (14) for the Department of Agriculture for soil surveys
3 and soil and water conservation purposes;

4 (15) for the Department of Agriculture for grants to
5 the City of Chicago for conducting the Chicagofest;

6 (16) for the State Comptroller for grants and operating
7 expenses authorized by the Illinois Global Partnership
8 Act.

9 (k) To the extent that monies paid by the Board to the
10 Agricultural Premium Fund are in the opinion of the Governor in
11 excess of the amount necessary for the purposes herein stated,
12 the Governor shall notify the Comptroller and the State
13 Treasurer of such fact, who, upon receipt of such notification,
14 shall transfer such excess monies from the Agricultural Premium
15 Fund to the General Revenue Fund.

16 (Source: P.A. 97-1060, eff. 8-24-12.)

17 Section 630. The Riverboat Gambling Act is amended by
18 changing Section 6 as follows:

19 (230 ILCS 10/6) (from Ch. 120, par. 2406)

20 Sec. 6. Application for Owners License.

21 (a) A qualified person may apply to the Board for an owners
22 license to conduct a riverboat gambling operation as provided
23 in this Act. The application shall be made on forms provided by
24 the Board and shall contain such information as the Board

1 prescribes, including but not limited to the identity of the
2 riverboat on which such gambling operation is to be conducted
3 and the exact location where such riverboat will be docked, a
4 certification that the riverboat will be registered under this
5 Act at all times during which gambling operations are conducted
6 on board, detailed information regarding the ownership and
7 management of the applicant, and detailed personal information
8 regarding the applicant. Any application for an owners license
9 to be re-issued on or after June 1, 2003 shall also include the
10 applicant's license bid in a form prescribed by the Board.
11 Information provided on the application shall be used as a
12 basis for a thorough background investigation which the Board
13 shall conduct with respect to each applicant. An incomplete
14 application shall be cause for denial of a license by the
15 Board.

16 (b) Applicants shall submit with their application all
17 documents, resolutions, and letters of support from the
18 governing body that represents the municipality or county
19 wherein the licensee will dock.

20 (c) Each applicant shall disclose the identity of every
21 person, association, trust or corporation having a greater than
22 1% direct or indirect pecuniary interest in the riverboat
23 gambling operation with respect to which the license is sought.
24 If the disclosed entity is a trust, the application shall
25 disclose the names and addresses of the beneficiaries; if a
26 corporation, the names and addresses of all stockholders and

1 directors; if a partnership, the names and addresses of all
2 partners, both general and limited.

3 (d) An application shall be filed and considered in
4 accordance with the rules of the Board. An application fee of
5 \$50,000 shall be paid at the time of filing to defray the costs
6 associated with the background investigation conducted by the
7 Board. If the costs of the investigation exceed \$50,000, the
8 applicant shall pay the additional amount to the Board. If the
9 costs of the investigation are less than \$50,000, the applicant
10 shall receive a refund of the remaining amount. All
11 information, records, interviews, reports, statements,
12 memoranda or other data supplied to or used by the Board in the
13 course of its review or investigation of an application for a
14 license or a renewal under this Act shall be privileged,
15 strictly confidential and shall be used only for the purpose of
16 evaluating an applicant for a license or a renewal. Such
17 information, records, interviews, reports, statements,
18 memoranda or other data shall not be admissible as evidence,
19 nor discoverable in any action of any kind in any court or
20 before any tribunal, board, agency or person, except for any
21 action deemed necessary by the Board.

22 (e) The Board shall charge each applicant a fee set by the
23 Department of State Police to defray the costs associated with
24 the search and classification of fingerprints obtained by the
25 Board with respect to the applicant's application. These fees
26 shall be paid into the State Police Services Fund.

1 (f) The licensed owner shall be the person primarily
2 responsible for the boat itself. Only one riverboat gambling
3 operation may be authorized by the Board on any riverboat. The
4 applicant must identify each riverboat it intends to use and
5 certify that the riverboat: (1) has the authorized capacity
6 required in this Act; (2) is accessible to persons with
7 disabilities ~~disabled persons~~; and (3) is fully registered and
8 licensed in accordance with any applicable laws.

9 (g) A person who knowingly makes a false statement on an
10 application is guilty of a Class A misdemeanor.

11 (Source: P.A. 96-1392, eff. 1-1-11.)

12 Section 635. The Bingo License and Tax Act is amended by
13 changing Section 1.3 as follows:

14 (230 ILCS 25/1.3)

15 Sec. 1.3. Restrictions on licensure. Licensing for the
16 conducting of bingo is subject to the following restrictions:

17 (1) The license application, when submitted to the
18 Department, must contain a sworn statement attesting to the
19 not-for-profit character of the prospective licensee
20 organization, signed by a person listed on the application
21 as an owner, officer, or other person in charge of the
22 necessary day-to-day operations of that organization.

23 (2) The license application shall be prepared in
24 accordance with the rules of the Department.

1 (3) The licensee shall prominently display the license
2 in the area where the licensee conducts bingo. The licensee
3 shall likewise display, in the form and manner as
4 prescribed by the Department, the provisions of Section 8
5 of this Act.

6 (4) Each license shall state the day of the week, hours
7 and at which location the licensee is permitted to conduct
8 bingo games.

9 (5) A license is not assignable or transferable.

10 (6) A license authorizes the licensee to conduct the
11 game commonly known as bingo, in which prizes are awarded
12 on the basis of designated numbers or symbols on a card
13 conforming to numbers or symbols selected at random.

14 (7) The Department may, on special application made by
15 any organization having a bingo license, issue a special
16 permit for conducting bingo at other premises and on other
17 days not exceeding 5 consecutive days, except that a
18 licensee may conduct bingo at the Illinois State Fair or
19 any county fair held in Illinois during each day that the
20 fair is held, without a fee. Bingo games conducted at the
21 Illinois State Fair or a county fair shall not require a
22 special permit. No more than 2 special permits may be
23 issued in one year to any one organization.

24 (8) Any organization qualified for a license but not
25 holding one may, upon application and payment of a
26 nonrefundable fee of \$50, receive a limited license to

1 conduct bingo games at no more than 2 indoor or outdoor
2 festivals in a year for a maximum of 5 consecutive days on
3 each occasion. No more than 2 limited licenses under this
4 item (7) may be issued to any organization in any year. A
5 limited license must be prominently displayed at the site
6 where the bingo games are conducted.

7 (9) Senior citizens organizations and units of local
8 government may conduct bingo without a license or fee,
9 subject to the following conditions:

10 (A) bingo shall be conducted only (i) at a facility
11 that is owned by a unit of local government to which
12 the corporate authorities have given their approval
13 and that is used to provide social services or a
14 meeting place to senior citizens, (ii) in common areas
15 in multi-unit federally assisted rental housing
16 maintained solely for elderly persons and persons with
17 disabilities ~~the elderly and handicapped~~, or (iii) at a
18 building owned by a church or veterans organization;

19 (B) the price paid for a single card shall not
20 exceed 50 cents;

21 (C) the aggregate retail value of all prizes or
22 merchandise awarded in any one game of bingo shall not
23 exceed \$10;

24 (D) no person or organization shall participate in
25 the management or operation of bingo under this item
26 (9) if the person or organization would be ineligible

1 for a license under this Section; and

2 (E) no license is required to provide premises for
3 bingo conducted under this item (9).

4 (10) Bingo equipment shall not be used for any purpose
5 other than for the play of bingo.

6 (Source: P.A. 96-210, eff. 8-10-09; 96-1055, eff. 7-14-10;
7 96-1150, eff. 7-21-10; 97-333, eff. 8-12-11.)

8 Section 640. The Illinois Public Aid Code is amended by
9 changing Sections 4-1.1, 4-1.6, 4-2, 4-3a, 5-1, 5-1.1, 5-2,
10 5-4, 5-5.4f, 5-5.17, 5-5a, and 5-13 and the heading of Article
11 V-C and Sections 5C-1, 5C-2, 5C-3, 5C-4, 5C-5, 5C-6, 5C-7,
12 5C-8, 5C-10, 6-1.2, 6-2, 6-11, 11-20, 12-4.42, and 12-5 as
13 follows:

14 (305 ILCS 5/4-1.1) (from Ch. 23, par. 4-1.1)

15 Sec. 4-1.1. Child age eligibility.

16 (a) Every assistance unit must include a child, except as
17 provided in subsections (b) and (c). The child or children must
18 have already been born and be under age 18, or, if age 18, must
19 be a full-time student in a secondary school or the equivalent
20 level of vocational or technical training.

21 (b) Grants shall be provided for assistance units
22 consisting exclusively of a pregnant woman with no dependent
23 child, and may include her husband if living with her, if the
24 pregnancy has been determined by medical diagnosis.

1 (c) Grants may be provided for assistance units consisting
2 of only adults if all the children living with those adults are
3 children with disabilities ~~disabled~~ and receive Supplemental
4 Security Income.

5 (Source: P.A. 92-111, eff. 1-1-02.)

6 (305 ILCS 5/4-1.6) (from Ch. 23, par. 4-1.6)

7 Sec. 4-1.6. Need. Income available to the family as defined
8 by the Illinois Department by rule, or to the child in the case
9 of a child removed from his or her home, when added to
10 contributions in money, substance or services from other
11 sources, including income available from parents absent from
12 the home or from a stepparent, contributions made for the
13 benefit of the parent or other persons necessary to provide
14 care and supervision to the child, and contributions from
15 legally responsible relatives, must be equal to or less than
16 the grant amount established by Department regulation for such
17 a person. For purposes of eligibility for aid under this
18 Article, the Department shall (a) disregard all earned income
19 between the grant amount and 50% of the Federal Poverty Level
20 and (b) disregard the value of all assets held by the family.

21 In considering income to be taken into account,
22 consideration shall be given to any expenses reasonably
23 attributable to the earning of such income. Three-fourths of
24 the earned income of a household eligible for aid under this
25 Article shall be disregarded when determining the level of

1 assistance for which a household is eligible. The Illinois
2 Department may also permit all or any portion of earned or
3 other income to be set aside for the future identifiable needs
4 of a child. The Illinois Department may provide by rule and
5 regulation for the exemptions thus permitted or required. The
6 eligibility of any applicant for or recipient of public aid
7 under this Article is not affected by the payment of any grant
8 under the "Senior Citizens and Persons with Disabilities
9 ~~Disabled Persons~~ Property Tax Relief Act" or any distributions
10 or items of income described under subparagraph (X) of
11 paragraph (2) of subsection (a) of Section 203 of the Illinois
12 Income Tax Act.

13 The Illinois Department may, by rule, set forth criteria
14 under which an assistance unit is ineligible for cash
15 assistance under this Article for a specified number of months
16 due to the receipt of a lump sum payment.

17 (Source: P.A. 97-689, eff. 6-14-12; 98-114, eff. 7-29-13.)

18 (305 ILCS 5/4-2) (from Ch. 23, par. 4-2)

19 Sec. 4-2. Amount of aid.

20 (a) The amount and nature of financial aid shall be
21 determined in accordance with the grant amounts, rules and
22 regulations of the Illinois Department. Due regard shall be
23 given to the self-sufficiency requirements of the family and to
24 the income, money contributions and other support and resources
25 available, from whatever source. However, the amount and nature

1 of any financial aid is not affected by the payment of any
2 grant under the "Senior Citizens and Persons with Disabilities
3 ~~Disabled Persons~~ Property Tax Relief Act" or any distributions
4 or items of income described under subparagraph (X) of
5 paragraph (2) of subsection (a) of Section 203 of the Illinois
6 Income Tax Act. The aid shall be sufficient, when added to all
7 other income, money contributions and support to provide the
8 family with a grant in the amount established by Department
9 regulation.

10 Subject to appropriation, beginning on July 1, 2008, the
11 Department of Human Services shall increase TANF grant amounts
12 in effect on June 30, 2008 by 15%. The Department is authorized
13 to administer this increase but may not otherwise adopt any
14 rule to implement this increase.

15 (b) The Illinois Department may conduct special projects,
16 which may be known as Grant Diversion Projects, under which
17 recipients of financial aid under this Article are placed in
18 jobs and their grants are diverted to the employer who in turn
19 makes payments to the recipients in the form of salary or other
20 employment benefits. The Illinois Department shall by rule
21 specify the terms and conditions of such Grant Diversion
22 Projects. Such projects shall take into consideration and be
23 coordinated with the programs administered under the Illinois
24 Emergency Employment Development Act.

25 (c) The amount and nature of the financial aid for a child
26 requiring care outside his own home shall be determined in

1 accordance with the rules and regulations of the Illinois
2 Department, with due regard to the needs and requirements of
3 the child in the foster home or institution in which he has
4 been placed.

5 (d) If the Department establishes grants for family units
6 consisting exclusively of a pregnant woman with no dependent
7 child or including her husband if living with her, the grant
8 amount for such a unit shall be equal to the grant amount for
9 an assistance unit consisting of one adult, or 2 persons if the
10 husband is included. Other than as herein described, an unborn
11 child shall not be counted in determining the size of an
12 assistance unit or for calculating grants.

13 Payments for basic maintenance requirements of a child or
14 children and the relative with whom the child or children are
15 living shall be prescribed, by rule, by the Illinois
16 Department.

17 Grants under this Article shall not be supplemented by
18 General Assistance provided under Article VI.

19 (e) Grants shall be paid to the parent or other person with
20 whom the child or children are living, except for such amount
21 as is paid in behalf of the child or his parent or other
22 relative to other persons or agencies pursuant to this Code or
23 the rules and regulations of the Illinois Department.

24 (f) Subject to subsection (f-5), an assistance unit,
25 receiving financial aid under this Article or temporarily
26 ineligible to receive aid under this Article under a penalty

1 imposed by the Illinois Department for failure to comply with
2 the eligibility requirements or that voluntarily requests
3 termination of financial assistance under this Article and
4 becomes subsequently eligible for assistance within 9 months,
5 shall not receive any increase in the amount of aid solely on
6 account of the birth of a child; except that an increase is not
7 prohibited when the birth is (i) of a child of a pregnant woman
8 who became eligible for aid under this Article during the
9 pregnancy, or (ii) of a child born within 10 months after the
10 date of implementation of this subsection, or (iii) of a child
11 conceived after a family became ineligible for assistance due
12 to income or marriage and at least 3 months of ineligibility
13 expired before any reapplication for assistance. This
14 subsection does not, however, prevent a unit from receiving a
15 general increase in the amount of aid that is provided to all
16 recipients of aid under this Article.

17 The Illinois Department is authorized to transfer funds,
18 and shall use any budgetary savings attributable to not
19 increasing the grants due to the births of additional children,
20 to supplement existing funding for employment and training
21 services for recipients of aid under this Article IV. The
22 Illinois Department shall target, to the extent the
23 supplemental funding allows, employment and training services
24 to the families who do not receive a grant increase after the
25 birth of a child. In addition, the Illinois Department shall
26 provide, to the extent the supplemental funding allows, such

1 families with up to 24 months of transitional child care
2 pursuant to Illinois Department rules. All remaining
3 supplemental funds shall be used for employment and training
4 services or transitional child care support.

5 In making the transfers authorized by this subsection, the
6 Illinois Department shall first determine, pursuant to
7 regulations adopted by the Illinois Department for this
8 purpose, the amount of savings attributable to not increasing
9 the grants due to the births of additional children. Transfers
10 may be made from General Revenue Fund appropriations for
11 distributive purposes authorized by Article IV of this Code
12 only to General Revenue Fund appropriations for employability
13 development services including operating and administrative
14 costs and related distributive purposes under Article IXA of
15 this Code. The Director, with the approval of the Governor,
16 shall certify the amount and affected line item appropriations
17 to the State Comptroller.

18 Nothing in this subsection shall be construed to prohibit
19 the Illinois Department from using funds under this Article IV
20 to provide assistance in the form of vouchers that may be used
21 to pay for goods and services deemed by the Illinois
22 Department, by rule, as suitable for the care of the child such
23 as diapers, clothing, school supplies, and cribs.

24 (f-5) Subsection (f) shall not apply to affect the monthly
25 assistance amount of any family as a result of the birth of a
26 child on or after January 1, 2004. As resources permit after

1 January 1, 2004, the Department may cease applying subsection
2 (f) to limit assistance to families receiving assistance under
3 this Article on January 1, 2004, with respect to children born
4 prior to that date. In any event, subsection (f) shall be
5 completely inoperative on and after July 1, 2007.

6 (g) (Blank).

7 (h) Notwithstanding any other provision of this Code, the
8 Illinois Department is authorized to reduce payment levels used
9 to determine cash grants under this Article after December 31
10 of any fiscal year if the Illinois Department determines that
11 the caseload upon which the appropriations for the current
12 fiscal year are based have increased by more than 5% and the
13 appropriation is not sufficient to ensure that cash benefits
14 under this Article do not exceed the amounts appropriated for
15 those cash benefits. Reductions in payment levels may be
16 accomplished by emergency rule under Section 5-45 of the
17 Illinois Administrative Procedure Act, except that the
18 limitation on the number of emergency rules that may be adopted
19 in a 24-month period shall not apply and the provisions of
20 Sections 5-115 and 5-125 of the Illinois Administrative
21 Procedure Act shall not apply. Increases in payment levels
22 shall be accomplished only in accordance with Section 5-40 of
23 the Illinois Administrative Procedure Act. Before any rule to
24 increase payment levels promulgated under this Section shall
25 become effective, a joint resolution approving the rule must be
26 adopted by a roll call vote by a majority of the members

1 elected to each chamber of the General Assembly.

2 (Source: P.A. 96-1000, eff. 7-2-10; 97-689, eff. 6-14-12.)

3 (305 ILCS 5/4-3a) (from Ch. 23, par. 4-3a)

4 Sec. 4-3a. No otherwise qualified child with a disability
5 ~~handicapped child~~ receiving special education and related
6 services under Article 14 of The School Code shall solely by
7 reason of his or her disability ~~handicap~~ be excluded from the
8 participation in or be denied the benefits of or be subjected
9 to discrimination under any program or activity provided by the
10 Department.

11 (Source: P.A. 80-1403.)

12 (305 ILCS 5/5-1) (from Ch. 23, par. 5-1)

13 Sec. 5-1. Declaration of purpose. It is the purpose of this
14 Article to provide a program of essential medical care and
15 rehabilitative services for persons receiving basic
16 maintenance grants under this Code and for other persons who
17 are unable, because of inadequate resources, to meet their
18 essential medical needs.

19 Preservation of health, alleviation of sickness, and
20 correction of disabling ~~handicapping~~ conditions for persons
21 requiring maintenance support are essential if they are to have
22 an opportunity to become self-supporting or to attain a greater
23 capacity for self-care. For persons who are medically indigent
24 but otherwise able to provide themselves with a livelihood, it

1 is of special importance to maintain their incentives for
2 continued independence and preserve their limited resources
3 for ordinary maintenance needs to prevent their total or
4 substantial dependency.

5 (Source: Laws 1967, p. 122.)

6 (305 ILCS 5/5-1.1) (from Ch. 23, par. 5-1.1)

7 Sec. 5-1.1. Definitions. The terms defined in this Section
8 shall have the meanings ascribed to them, except when the
9 context otherwise requires.

10 (a) "Nursing facility" means a facility, licensed by the
11 Department of Public Health under the Nursing Home Care Act,
12 that provides nursing facility services within the meaning of
13 Title XIX of the federal Social Security Act.

14 (b) "Intermediate care facility for persons with
15 developmental disabilities ~~the developmentally disabled~~" or
16 "ICF/DD" means a facility, licensed by the Department of Public
17 Health under the ID/DD Community Care Act, that is an
18 intermediate care facility for the mentally retarded within the
19 meaning of Title XIX of the federal Social Security Act.

20 (c) "Standard services" means those services required for
21 the care of all patients in the facility and shall, as a
22 minimum, include the following: (1) administration; (2)
23 dietary (standard); (3) housekeeping; (4) laundry and linen;
24 (5) maintenance of property and equipment, including
25 utilities; (6) medical records; (7) training of employees; (8)

1 utilization review; (9) activities services; (10) social
2 services; (11) disability services; and all other similar
3 services required by either the laws of the State of Illinois
4 or one of its political subdivisions or municipalities or by
5 Title XIX of the Social Security Act.

6 (d) "Patient services" means those which vary with the
7 number of personnel; professional and para-professional skills
8 of the personnel; specialized equipment, and reflect the
9 intensity of the medical and psycho-social needs of the
10 patients. Patient services shall as a minimum include: (1)
11 physical services; (2) nursing services, including restorative
12 nursing; (3) medical direction and patient care planning; (4)
13 health related supportive and habilitative services and all
14 similar services required by either the laws of the State of
15 Illinois or one of its political subdivisions or municipalities
16 or by Title XIX of the Social Security Act.

17 (e) "Ancillary services" means those services which
18 require a specific physician's order and defined as under the
19 medical assistance program as not being routine in nature for
20 skilled nursing facilities and ICF/DDs. Such services
21 generally must be authorized prior to delivery and payment as
22 provided for under the rules of the Department of Healthcare
23 and Family Services.

24 (f) "Capital" means the investment in a facility's assets
25 for both debt and non-debt funds. Non-debt capital is the
26 difference between an adjusted replacement value of the assets

1 and the actual amount of debt capital.

2 (g) "Profit" means the amount which shall accrue to a
3 facility as a result of its revenues exceeding its expenses as
4 determined in accordance with generally accepted accounting
5 principles.

6 (h) "Non-institutional services" means those services
7 provided under paragraph (f) of Section 3 of the Rehabilitation
8 of Persons with Disabilities ~~Disabled Persons Rehabilitation~~
9 Act and those services provided under Section 4.02 of the
10 Illinois Act on the Aging.

11 (i) (Blank).

12 (j) "Institutionalized person" means an individual who is
13 an inpatient in an ICF/DD or nursing facility, or who is an
14 inpatient in a medical institution receiving a level of care
15 equivalent to that of an ICF/DD or nursing facility, or who is
16 receiving services under Section 1915(c) of the Social Security
17 Act.

18 (k) "Institutionalized spouse" means an institutionalized
19 person who is expected to receive services at the same level of
20 care for at least 30 days and is married to a spouse who is not
21 an institutionalized person.

22 (l) "Community spouse" is the spouse of an
23 institutionalized spouse.

24 (m) "Health Benefits Service Package" means, subject to
25 federal approval, benefits covered by the medical assistance
26 program as determined by the Department by rule for individuals

1 eligible for medical assistance under paragraph 18 of Section
2 5-2 of this Code.

3 (n) "Federal poverty level" means the poverty guidelines
4 updated periodically in the Federal Register by the U.S.
5 Department of Health and Human Services. These guidelines set
6 poverty levels by family size.

7 (Source: P.A. 97-227, eff. 1-1-12; 97-820, eff. 7-17-12;
8 98-104, eff. 7-22-13.)

9 (305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

10 Sec. 5-2. Classes of Persons Eligible.

11 Medical assistance under this Article shall be available to
12 any of the following classes of persons in respect to whom a
13 plan for coverage has been submitted to the Governor by the
14 Illinois Department and approved by him. If changes made in
15 this Section 5-2 require federal approval, they shall not take
16 effect until such approval has been received:

17 1. Recipients of basic maintenance grants under
18 Articles III and IV.

19 2. Beginning January 1, 2014, persons otherwise
20 eligible for basic maintenance under Article III,
21 excluding any eligibility requirements that are
22 inconsistent with any federal law or federal regulation, as
23 interpreted by the U.S. Department of Health and Human
24 Services, but who fail to qualify thereunder on the basis
25 of need, and who have insufficient income and resources to

1 meet the costs of necessary medical care, including but not
2 limited to the following:

3 (a) All persons otherwise eligible for basic
4 maintenance under Article III but who fail to qualify
5 under that Article on the basis of need and who meet
6 either of the following requirements:

7 (i) their income, as determined by the
8 Illinois Department in accordance with any federal
9 requirements, is equal to or less than 100% of the
10 federal poverty level; or

11 (ii) their income, after the deduction of
12 costs incurred for medical care and for other types
13 of remedial care, is equal to or less than 100% of
14 the federal poverty level.

15 (b) (Blank).

16 3. (Blank).

17 4. Persons not eligible under any of the preceding
18 paragraphs who fall sick, are injured, or die, not having
19 sufficient money, property or other resources to meet the
20 costs of necessary medical care or funeral and burial
21 expenses.

22 5.(a) Women during pregnancy and during the 60-day
23 period beginning on the last day of the pregnancy, together
24 with their infants, whose income is at or below 200% of the
25 federal poverty level. Until September 30, 2019, or sooner
26 if the maintenance of effort requirements under the Patient

1 Protection and Affordable Care Act are eliminated or may be
2 waived before then, women during pregnancy and during the
3 60-day period beginning on the last day of the pregnancy,
4 whose countable monthly income, after the deduction of
5 costs incurred for medical care and for other types of
6 remedial care as specified in administrative rule, is equal
7 to or less than the Medical Assistance-No Grant(C)
8 (MANG(C)) Income Standard in effect on April 1, 2013 as set
9 forth in administrative rule.

10 (b) The plan for coverage shall provide ambulatory
11 prenatal care to pregnant women during a presumptive
12 eligibility period and establish an income eligibility
13 standard that is equal to 200% of the federal poverty
14 level, provided that costs incurred for medical care are
15 not taken into account in determining such income
16 eligibility.

17 (c) The Illinois Department may conduct a
18 demonstration in at least one county that will provide
19 medical assistance to pregnant women, together with their
20 infants and children up to one year of age, where the
21 income eligibility standard is set up to 185% of the
22 nonfarm income official poverty line, as defined by the
23 federal Office of Management and Budget. The Illinois
24 Department shall seek and obtain necessary authorization
25 provided under federal law to implement such a
26 demonstration. Such demonstration may establish resource

1 standards that are not more restrictive than those
2 established under Article IV of this Code.

3 6. (a) Children younger than age 19 when countable
4 income is at or below 133% of the federal poverty level.
5 Until September 30, 2019, or sooner if the maintenance of
6 effort requirements under the Patient Protection and
7 Affordable Care Act are eliminated or may be waived before
8 then, children younger than age 19 whose countable monthly
9 income, after the deduction of costs incurred for medical
10 care and for other types of remedial care as specified in
11 administrative rule, is equal to or less than the Medical
12 Assistance-No Grant(C) (MANG(C)) Income Standard in effect
13 on April 1, 2013 as set forth in administrative rule.

14 (b) Children and youth who are under temporary custody
15 or guardianship of the Department of Children and Family
16 Services or who receive financial assistance in support of
17 an adoption or guardianship placement from the Department
18 of Children and Family Services.

19 7. (Blank).

20 8. As required under federal law, persons who are
21 eligible for Transitional Medical Assistance as a result of
22 an increase in earnings or child or spousal support
23 received. The plan for coverage for this class of persons
24 shall:

25 (a) extend the medical assistance coverage to the
26 extent required by federal law; and

1 (b) offer persons who have initially received 6
2 months of the coverage provided in paragraph (a) above,
3 the option of receiving an additional 6 months of
4 coverage, subject to the following:

5 (i) such coverage shall be pursuant to
6 provisions of the federal Social Security Act;

7 (ii) such coverage shall include all services
8 covered under Illinois' State Medicaid Plan;

9 (iii) no premium shall be charged for such
10 coverage; and

11 (iv) such coverage shall be suspended in the
12 event of a person's failure without good cause to
13 file in a timely fashion reports required for this
14 coverage under the Social Security Act and
15 coverage shall be reinstated upon the filing of
16 such reports if the person remains otherwise
17 eligible.

18 9. Persons with acquired immunodeficiency syndrome
19 (AIDS) or with AIDS-related conditions with respect to whom
20 there has been a determination that but for home or
21 community-based services such individuals would require
22 the level of care provided in an inpatient hospital,
23 skilled nursing facility or intermediate care facility the
24 cost of which is reimbursed under this Article. Assistance
25 shall be provided to such persons to the maximum extent
26 permitted under Title XIX of the Federal Social Security

1 Act.

2 10. Participants in the long-term care insurance
3 partnership program established under the Illinois
4 Long-Term Care Partnership Program Act who meet the
5 qualifications for protection of resources described in
6 Section 15 of that Act.

7 11. Persons with disabilities who are employed and
8 eligible for Medicaid, pursuant to Section
9 1902(a)(10)(A)(ii)(xv) of the Social Security Act, and,
10 subject to federal approval, persons with a medically
11 improved disability who are employed and eligible for
12 Medicaid pursuant to Section 1902(a)(10)(A)(ii)(xvi) of
13 the Social Security Act, as provided by the Illinois
14 Department by rule. In establishing eligibility standards
15 under this paragraph 11, the Department shall, subject to
16 federal approval:

17 (a) set the income eligibility standard at not
18 lower than 350% of the federal poverty level;

19 (b) exempt retirement accounts that the person
20 cannot access without penalty before the age of 59 1/2,
21 and medical savings accounts established pursuant to
22 26 U.S.C. 220;

23 (c) allow non-exempt assets up to \$25,000 as to
24 those assets accumulated during periods of eligibility
25 under this paragraph 11; and

26 (d) continue to apply subparagraphs (b) and (c) in

1 determining the eligibility of the person under this
2 Article even if the person loses eligibility under this
3 paragraph 11.

4 12. Subject to federal approval, persons who are
5 eligible for medical assistance coverage under applicable
6 provisions of the federal Social Security Act and the
7 federal Breast and Cervical Cancer Prevention and
8 Treatment Act of 2000. Those eligible persons are defined
9 to include, but not be limited to, the following persons:

10 (1) persons who have been screened for breast or
11 cervical cancer under the U.S. Centers for Disease
12 Control and Prevention Breast and Cervical Cancer
13 Program established under Title XV of the federal
14 Public Health Services Act in accordance with the
15 requirements of Section 1504 of that Act as
16 administered by the Illinois Department of Public
17 Health; and

18 (2) persons whose screenings under the above
19 program were funded in whole or in part by funds
20 appropriated to the Illinois Department of Public
21 Health for breast or cervical cancer screening.

22 "Medical assistance" under this paragraph 12 shall be
23 identical to the benefits provided under the State's
24 approved plan under Title XIX of the Social Security Act.
25 The Department must request federal approval of the
26 coverage under this paragraph 12 within 30 days after the

1 effective date of this amendatory Act of the 92nd General
2 Assembly.

3 In addition to the persons who are eligible for medical
4 assistance pursuant to subparagraphs (1) and (2) of this
5 paragraph 12, and to be paid from funds appropriated to the
6 Department for its medical programs, any uninsured person
7 as defined by the Department in rules residing in Illinois
8 who is younger than 65 years of age, who has been screened
9 for breast and cervical cancer in accordance with standards
10 and procedures adopted by the Department of Public Health
11 for screening, and who is referred to the Department by the
12 Department of Public Health as being in need of treatment
13 for breast or cervical cancer is eligible for medical
14 assistance benefits that are consistent with the benefits
15 provided to those persons described in subparagraphs (1)
16 and (2). Medical assistance coverage for the persons who
17 are eligible under the preceding sentence is not dependent
18 on federal approval, but federal moneys may be used to pay
19 for services provided under that coverage upon federal
20 approval.

21 13. Subject to appropriation and to federal approval,
22 persons living with HIV/AIDS who are not otherwise eligible
23 under this Article and who qualify for services covered
24 under Section 5-5.04 as provided by the Illinois Department
25 by rule.

26 14. Subject to the availability of funds for this

1 purpose, the Department may provide coverage under this
2 Article to persons who reside in Illinois who are not
3 eligible under any of the preceding paragraphs and who meet
4 the income guidelines of paragraph 2(a) of this Section and
5 (i) have an application for asylum pending before the
6 federal Department of Homeland Security or on appeal before
7 a court of competent jurisdiction and are represented
8 either by counsel or by an advocate accredited by the
9 federal Department of Homeland Security and employed by a
10 not-for-profit organization in regard to that application
11 or appeal, or (ii) are receiving services through a
12 federally funded torture treatment center. Medical
13 coverage under this paragraph 14 may be provided for up to
14 24 continuous months from the initial eligibility date so
15 long as an individual continues to satisfy the criteria of
16 this paragraph 14. If an individual has an appeal pending
17 regarding an application for asylum before the Department
18 of Homeland Security, eligibility under this paragraph 14
19 may be extended until a final decision is rendered on the
20 appeal. The Department may adopt rules governing the
21 implementation of this paragraph 14.

22 15. Family Care Eligibility.

23 (a) On and after July 1, 2012, a parent or other
24 caretaker relative who is 19 years of age or older when
25 countable income is at or below 133% of the federal
26 poverty level. A person may not spend down to become

1 eligible under this paragraph 15.

2 (b) Eligibility shall be reviewed annually.

3 (c) (Blank).

4 (d) (Blank).

5 (e) (Blank).

6 (f) (Blank).

7 (g) (Blank).

8 (h) (Blank).

9 (i) Following termination of an individual's
10 coverage under this paragraph 15, the individual must
11 be determined eligible before the person can be
12 re-enrolled.

13 16. Subject to appropriation, uninsured persons who
14 are not otherwise eligible under this Section who have been
15 certified and referred by the Department of Public Health
16 as having been screened and found to need diagnostic
17 evaluation or treatment, or both diagnostic evaluation and
18 treatment, for prostate or testicular cancer. For the
19 purposes of this paragraph 16, uninsured persons are those
20 who do not have creditable coverage, as defined under the
21 Health Insurance Portability and Accountability Act, or
22 have otherwise exhausted any insurance benefits they may
23 have had, for prostate or testicular cancer diagnostic
24 evaluation or treatment, or both diagnostic evaluation and
25 treatment. To be eligible, a person must furnish a Social
26 Security number. A person's assets are exempt from

1 consideration in determining eligibility under this
2 paragraph 16. Such persons shall be eligible for medical
3 assistance under this paragraph 16 for so long as they need
4 treatment for the cancer. A person shall be considered to
5 need treatment if, in the opinion of the person's treating
6 physician, the person requires therapy directed toward
7 cure or palliation of prostate or testicular cancer,
8 including recurrent metastatic cancer that is a known or
9 presumed complication of prostate or testicular cancer and
10 complications resulting from the treatment modalities
11 themselves. Persons who require only routine monitoring
12 services are not considered to need treatment. "Medical
13 assistance" under this paragraph 16 shall be identical to
14 the benefits provided under the State's approved plan under
15 Title XIX of the Social Security Act. Notwithstanding any
16 other provision of law, the Department (i) does not have a
17 claim against the estate of a deceased recipient of
18 services under this paragraph 16 and (ii) does not have a
19 lien against any homestead property or other legal or
20 equitable real property interest owned by a recipient of
21 services under this paragraph 16.

22 17. Persons who, pursuant to a waiver approved by the
23 Secretary of the U.S. Department of Health and Human
24 Services, are eligible for medical assistance under Title
25 XIX or XXI of the federal Social Security Act.
26 Notwithstanding any other provision of this Code and

1 consistent with the terms of the approved waiver, the
2 Illinois Department, may by rule:

3 (a) Limit the geographic areas in which the waiver
4 program operates.

5 (b) Determine the scope, quantity, duration, and
6 quality, and the rate and method of reimbursement, of
7 the medical services to be provided, which may differ
8 from those for other classes of persons eligible for
9 assistance under this Article.

10 (c) Restrict the persons' freedom in choice of
11 providers.

12 18. Beginning January 1, 2014, persons aged 19 or
13 older, but younger than 65, who are not otherwise eligible
14 for medical assistance under this Section 5-2, who qualify
15 for medical assistance pursuant to 42 U.S.C.
16 1396a(a)(10)(A)(i)(VIII) and applicable federal
17 regulations, and who have income at or below 133% of the
18 federal poverty level plus 5% for the applicable family
19 size as determined pursuant to 42 U.S.C. 1396a(e)(14) and
20 applicable federal regulations. Persons eligible for
21 medical assistance under this paragraph 18 shall receive
22 coverage for the Health Benefits Service Package as that
23 term is defined in subsection (m) of Section 5-1.1 of this
24 Code. If Illinois' federal medical assistance percentage
25 (FMAP) is reduced below 90% for persons eligible for
26 medical assistance under this paragraph 18, eligibility

1 under this paragraph 18 shall cease no later than the end
2 of the third month following the month in which the
3 reduction in FMAP takes effect.

4 19. Beginning January 1, 2014, as required under 42
5 U.S.C. 1396a(a)(10)(A)(i)(IX), persons older than age 18
6 and younger than age 26 who are not otherwise eligible for
7 medical assistance under paragraphs (1) through (17) of
8 this Section who (i) were in foster care under the
9 responsibility of the State on the date of attaining age 18
10 or on the date of attaining age 21 when a court has
11 continued wardship for good cause as provided in Section
12 2-31 of the Juvenile Court Act of 1987 and (ii) received
13 medical assistance under the Illinois Title XIX State Plan
14 or waiver of such plan while in foster care.

15 In implementing the provisions of Public Act 96-20, the
16 Department is authorized to adopt only those rules necessary,
17 including emergency rules. Nothing in Public Act 96-20 permits
18 the Department to adopt rules or issue a decision that expands
19 eligibility for the FamilyCare Program to a person whose income
20 exceeds 185% of the Federal Poverty Level as determined from
21 time to time by the U.S. Department of Health and Human
22 Services, unless the Department is provided with express
23 statutory authority.

24 The eligibility of any such person for medical assistance
25 under this Article is not affected by the payment of any grant
26 under the Senior Citizens and Persons with Disabilities

1 ~~Disabled Persons~~ Property Tax Relief Act or any distributions
2 or items of income described under subparagraph (X) of
3 paragraph (2) of subsection (a) of Section 203 of the Illinois
4 Income Tax Act.

5 The Department shall by rule establish the amounts of
6 assets to be disregarded in determining eligibility for medical
7 assistance, which shall at a minimum equal the amounts to be
8 disregarded under the Federal Supplemental Security Income
9 Program. The amount of assets of a single person to be
10 disregarded shall not be less than \$2,000, and the amount of
11 assets of a married couple to be disregarded shall not be less
12 than \$3,000.

13 To the extent permitted under federal law, any person found
14 guilty of a second violation of Article VIII A shall be
15 ineligible for medical assistance under this Article, as
16 provided in Section 8A-8.

17 The eligibility of any person for medical assistance under
18 this Article shall not be affected by the receipt by the person
19 of donations or benefits from fundraisers held for the person
20 in cases of serious illness, as long as neither the person nor
21 members of the person's family have actual control over the
22 donations or benefits or the disbursement of the donations or
23 benefits.

24 Notwithstanding any other provision of this Code, if the
25 United States Supreme Court holds Title II, Subtitle A, Section
26 2001(a) of Public Law 111-148 to be unconstitutional, or if a

1 holding of Public Law 111-148 makes Medicaid eligibility
2 allowed under Section 2001(a) inoperable, the State or a unit
3 of local government shall be prohibited from enrolling
4 individuals in the Medical Assistance Program as the result of
5 federal approval of a State Medicaid waiver on or after the
6 effective date of this amendatory Act of the 97th General
7 Assembly, and any individuals enrolled in the Medical
8 Assistance Program pursuant to eligibility permitted as a
9 result of such a State Medicaid waiver shall become immediately
10 ineligible.

11 Notwithstanding any other provision of this Code, if an Act
12 of Congress that becomes a Public Law eliminates Section
13 2001(a) of Public Law 111-148, the State or a unit of local
14 government shall be prohibited from enrolling individuals in
15 the Medical Assistance Program as the result of federal
16 approval of a State Medicaid waiver on or after the effective
17 date of this amendatory Act of the 97th General Assembly, and
18 any individuals enrolled in the Medical Assistance Program
19 pursuant to eligibility permitted as a result of such a State
20 Medicaid waiver shall become immediately ineligible.

21 Effective October 1, 2013, the determination of
22 eligibility of persons who qualify under paragraphs 5, 6, 8,
23 15, 17, and 18 of this Section shall comply with the
24 requirements of 42 U.S.C. 1396a(e)(14) and applicable federal
25 regulations.

26 The Department of Healthcare and Family Services, the

1 Department of Human Services, and the Illinois health insurance
2 marketplace shall work cooperatively to assist persons who
3 would otherwise lose health benefits as a result of changes
4 made under this amendatory Act of the 98th General Assembly to
5 transition to other health insurance coverage.

6 (Source: P.A. 97-48, eff. 6-28-11; 97-74, eff. 6-30-11; 97-333,
7 eff. 8-12-11; 97-687, eff. 6-14-12; 97-689, eff. 6-14-12;
8 97-813, eff. 7-13-12; 98-104, eff. 7-22-13; 98-463, eff.
9 8-16-13.)

10 (305 ILCS 5/5-4) (from Ch. 23, par. 5-4)

11 Sec. 5-4. Amount and nature of medical assistance.

12 (a) The amount and nature of medical assistance shall be
13 determined in accordance with the standards, rules, and
14 regulations of the Department of Healthcare and Family
15 Services, with due regard to the requirements and conditions in
16 each case, including contributions available from legally
17 responsible relatives. However, the amount and nature of such
18 medical assistance shall not be affected by the payment of any
19 grant under the Senior Citizens and Persons with Disabilities
20 ~~Disabled Persons~~ Property Tax Relief Act or any distributions
21 or items of income described under subparagraph (X) of
22 paragraph (2) of subsection (a) of Section 203 of the Illinois
23 Income Tax Act. The amount and nature of medical assistance
24 shall not be affected by the receipt of donations or benefits
25 from fundraisers in cases of serious illness, as long as

1 neither the person nor members of the person's family have
2 actual control over the donations or benefits or the
3 disbursement of the donations or benefits.

4 In determining the income and resources available to the
5 institutionalized spouse and to the community spouse, the
6 Department of Healthcare and Family Services shall follow the
7 procedures established by federal law. If an institutionalized
8 spouse or community spouse refuses to comply with the
9 requirements of Title XIX of the federal Social Security Act
10 and the regulations duly promulgated thereunder by failing to
11 provide the total value of assets, including income and
12 resources, to the extent either the institutionalized spouse or
13 community spouse has an ownership interest in them pursuant to
14 42 U.S.C. 1396r-5, such refusal may result in the
15 institutionalized spouse being denied eligibility and
16 continuing to remain ineligible for the medical assistance
17 program based on failure to cooperate.

18 Subject to federal approval, the community spouse resource
19 allowance shall be established and maintained at the higher of
20 \$109,560 or the minimum level permitted pursuant to Section
21 1924(f)(2) of the Social Security Act, as now or hereafter
22 amended, or an amount set after a fair hearing, whichever is
23 greater. The monthly maintenance allowance for the community
24 spouse shall be established and maintained at the higher of
25 \$2,739 per month or the minimum level permitted pursuant to
26 Section 1924(d)(3) of the Social Security Act, as now or

1 hereafter amended, or an amount set after a fair hearing,
2 whichever is greater. Subject to the approval of the Secretary
3 of the United States Department of Health and Human Services,
4 the provisions of this Section shall be extended to persons who
5 but for the provision of home or community-based services under
6 Section 4.02 of the Illinois Act on the Aging, would require
7 the level of care provided in an institution, as is provided
8 for in federal law.

9 (b) Spousal support for institutionalized spouses
10 receiving medical assistance.

11 (i) The Department may seek support for an
12 institutionalized spouse, who has assigned his or her right
13 of support from his or her spouse to the State, from the
14 resources and income available to the community spouse.

15 (ii) The Department may bring an action in the circuit
16 court to establish support orders or itself establish
17 administrative support orders by any means and procedures
18 authorized in this Code, as applicable, except that the
19 standard and regulations for determining ability to
20 support in Section 10-3 shall not limit the amount of
21 support that may be ordered.

22 (iii) Proceedings may be initiated to obtain support,
23 or for the recovery of aid granted during the period such
24 support was not provided, or both, for the obtainment of
25 support and the recovery of the aid provided. Proceedings
26 for the recovery of aid may be taken separately or they may

1 be consolidated with actions to obtain support. Such
2 proceedings may be brought in the name of the person or
3 persons requiring support or may be brought in the name of
4 the Department, as the case requires.

5 (iv) The orders for the payment of moneys for the
6 support of the person shall be just and equitable and may
7 direct payment thereof for such period or periods of time
8 as the circumstances require, including support for a
9 period before the date the order for support is entered. In
10 no event shall the orders reduce the community spouse
11 resource allowance below the level established in
12 subsection (a) of this Section or an amount set after a
13 fair hearing, whichever is greater, or reduce the monthly
14 maintenance allowance for the community spouse below the
15 level permitted pursuant to subsection (a) of this Section.

16 (Source: P.A. 97-689, eff. 6-14-12; 98-104, eff. 7-22-13.)

17 (305 ILCS 5/5-5.4f)

18 Sec. 5-5.4f. Intermediate care facilities for persons with
19 developmental disabilities ~~the developmentally disabled~~
20 quality workforce initiative.

21 (a) Legislative intent. Individuals with developmental
22 disabilities who live in community-based settings rely on
23 direct support staff for a variety of supports and services
24 essential to the ability to reach their full potential. A
25 stable, well-trained direct support workforce is critical to

1 the well-being of these individuals. State and national studies
2 have documented high rates of turnover among direct support
3 workers and confirmed that improvements in wages can help
4 reduce turnover and develop a more stable and committed
5 workforce. This Section would increase the wages and benefits
6 for direct care workers supporting individuals with
7 developmental disabilities and provide accountability by
8 ensuring that additional resources go directly to these
9 workers.

10 (b) Reimbursement. Notwithstanding any provision of
11 Section 5-5.4, in order to attract and retain a stable,
12 qualified, and healthy workforce, beginning July 1, 2010, the
13 Department of Healthcare and Family Services may reimburse an
14 individual intermediate care facility for persons with
15 developmental disabilities ~~the developmentally disabled~~ for
16 spending incurred to provide improved wages and benefits to its
17 employees serving the individuals residing in the facility.
18 Reimbursement shall be based upon patient days reported in the
19 facility's most recent cost report. Subject to available
20 appropriations, this reimbursement shall be made according to
21 the following criteria:

22 (1) The Department shall reimburse the facility to
23 compensate for spending on improved wages and benefits for
24 its eligible employees. Eligible employees include
25 employees engaged in direct care work.

26 (2) In order to qualify for reimbursement under this

1 Section, a facility must submit to the Department, before
2 January 1 of each year, documentation of a written, legally
3 binding commitment to increase spending for the purpose of
4 providing improved wages and benefits to its eligible
5 employees during the next year. The commitment must be
6 binding as to both existing and future staff. The
7 commitment must include a method of enforcing the
8 commitment that is available to the employees or their
9 representative and is expeditious, uses a neutral
10 decision-maker, and is economical for the employees. The
11 Department must also receive documentation of the
12 facility's provision of written notice of the commitment
13 and the availability of the enforcement mechanism to the
14 employees or their representative.

15 (3) Reimbursement shall be based on the amount of
16 increased spending to be incurred by the facility for
17 improving wages and benefits that exceeds the spending
18 reported in the cost report currently used by the
19 Department. Reimbursement shall be calculated as follows:
20 the per diem equivalent of the quarterly difference between
21 the cost to provide improved wages and benefits for covered
22 eligible employees as identified in the legally binding
23 commitment and the previous period cost of wages and
24 benefits as reported in the cost report currently used by
25 the Department, subject to the limitations identified in
26 paragraph (2) of this subsection. In no event shall the per

1 diem increase be in excess of \$5.00 for any 12 month period
2 for an intermediate care facility for persons with
3 developmental disabilities ~~the developmentally disabled~~
4 with more than 16 beds, or in excess of \$6.00 for any 12
5 month period for an intermediate care facility for persons
6 with developmental disabilities ~~the developmentally~~
7 ~~disabled~~ with 16 beds or less.

8 (4) Any intermediate care facility for persons with
9 developmental disabilities ~~the developmentally disabled~~ is
10 eligible to receive reimbursement under this Section. A
11 facility's eligibility to receive reimbursement shall
12 continue as long as the facility maintains eligibility
13 under paragraph (2) of this subsection and the
14 reimbursement program continues to exist.

15 (c) Audit. Reimbursement under this Section is subject to
16 audit by the Department and shall be reduced or eliminated in
17 the case of any facility that does not honor its commitment to
18 increase spending to improve the wages and benefits of its
19 employees or that decreases such spending.

20 (Source: P.A. 96-1124, eff. 7-20-10; 97-333, eff. 8-12-11.)

21 (305 ILCS 5/5-5.17) (from Ch. 23, par. 5-5.17)

22 Sec. 5-5.17. Separate reimbursement rate. The Illinois
23 Department may by rule establish a separate reimbursement rate
24 to be paid to long term care facilities for adult developmental
25 training services as defined in Section 15.2 of the Mental

1 Health and Developmental Disabilities Administrative Act which
2 are provided to ~~intellectually disabled~~ residents of such
3 facilities who have intellectual disabilities and who receive
4 aid under this Article. Any such reimbursement shall be based
5 upon cost reports submitted by the providers of such services
6 and shall be paid by the long term care facility to the
7 provider within such time as the Illinois Department shall
8 prescribe by rule, but in no case less than 3 business days
9 after receipt of the reimbursement by such facility from the
10 Illinois Department. The Illinois Department may impose a
11 penalty upon a facility which does not make payment to the
12 provider of adult developmental training services within the
13 time so prescribed, up to the amount of payment not made to the
14 provider.

15 On and after July 1, 2012, the Department shall reduce any
16 rate of reimbursement for services or other payments or alter
17 any methodologies authorized by this Code to reduce any rate of
18 reimbursement for services or other payments in accordance with
19 Section 5-5e.

20 (Source: P.A. 97-227, eff. 1-1-12; 97-689, eff. 6-14-12.)

21 (305 ILCS 5/5-5a) (from Ch. 23, par. 5-5a)

22 Sec. 5-5a. Waiver for home and community-based services.
23 The Department shall apply for a waiver from the United States
24 Health Care Financing Administration to allow payment for home
25 and community-based services under this Article.

1 The Department, in cooperation with the Department on
2 Aging, the Department of Human Services and any other relevant
3 State, local or federal government agency, may establish a
4 nursing home pre-screening program to determine whether the
5 applicant, eligible for medical assistance under this Article,
6 may use home and community-based services as a reasonable,
7 lower-cost alternative form of care. For the purpose of this
8 Section, "home and community-based services" may include, but
9 are not limited to, those services provided under subsection
10 (f) of Section 3 of the Rehabilitation of Persons with
11 Disabilities ~~Disabled Persons Rehabilitation~~ Act and Section 4
12 of the Illinois Act on the Aging.

13 (Source: P.A. 89-507, eff. 7-1-97; 89-626, eff. 8-9-96.)

14 (305 ILCS 5/5-13) (from Ch. 23, par. 5-13)

15 Sec. 5-13. Claim against estate of recipients. To the
16 extent permitted under the federal Social Security Act, the
17 amount expended under this Article (1) for a person of any age
18 who is an inpatient in a nursing facility, an intermediate care
19 facility for persons with intellectual disabilities ~~the~~
20 ~~intellectually disabled~~, or other medical institution, or (2)
21 for a person aged 55 or more, shall be a claim against the
22 person's estate or a claim against the estate of the person's
23 spouse, regardless of the order of death, but no recovery may
24 be had thereon until after the death of the surviving spouse,
25 if any, and then only at such time when there is no surviving

1 child who is under age 21, or blind, or is a child with a
2 permanent total disability ~~permanently and totally disabled.~~

3 This Section, however, shall not bar recovery at the death of
4 the person of amounts of medical assistance paid to or in his
5 behalf to which he was not entitled; provided that such
6 recovery shall not be enforced against any real estate while it
7 is occupied as a homestead by the surviving spouse or other
8 dependent, if no claims by other creditors have been filed
9 against the estate, or if such claims have been filed, they
10 remain dormant for failure of prosecution or failure of the
11 claimant to compel administration of the estate for the purpose
12 of payment. The term "estate", as used in this Section, with
13 respect to a deceased person, means all real and personal
14 property and other assets included within the person's estate,
15 as that term is used in the Probate Act of 1975; however, in
16 the case of a deceased person who has received (or is entitled
17 to receive) benefits under a long-term care insurance policy in
18 connection with which assets or resources are disregarded to
19 the extent that payments are made or because the deceased
20 person received (or was entitled to receive) benefits under a
21 long-term care insurance policy, "estate" also includes any
22 other real and personal property and other assets in which the
23 deceased person had any legal title or interest at the time of
24 his or her death (to the extent of that interest), including
25 assets conveyed to a survivor, heir, or assignee of the
26 deceased person through joint tenancy, tenancy in common,

1 survivorship, life estate, living trust, or other arrangement.
2 The term "homestead", as used in this Section, means the
3 dwelling house and contiguous real estate occupied by a
4 surviving spouse or relative, as defined by the rules and
5 regulations of the Illinois Department, regardless of the value
6 of the property.

7 A claim arising under this Section against assets conveyed
8 to a survivor, heir, or assignee of the deceased person through
9 joint tenancy, tenancy in common, survivorship, life estate,
10 living trust, or other arrangement is not effective until the
11 claim is recorded or filed in the manner provided for a notice
12 of lien in Section 3-10.2. The claim is subject to the same
13 requirements and conditions to which liens on real property
14 interests are subject under Sections 3-10.1 through 3-10.10. A
15 claim arising under this Section attaches to interests owned or
16 subsequently acquired by the estate of a recipient or the
17 estate of a recipient's surviving spouse. The transfer or
18 conveyance of any real or personal property of the estate as
19 defined in this Section shall be subject to the fraudulent
20 transfer conditions that apply to real property in Section 3-11
21 of this Code.

22 The provisions of this Section shall not affect the
23 validity of claims against estates for medical assistance
24 provided prior to January 1, 1966 to aged or ~~7~~ blind persons or
25 persons with disabilities ~~7, or disabled persons~~ receiving aid
26 under Articles V, VII and VII-A of the 1949 Code.

1 (Source: P.A. 97-227, eff. 1-1-12.)

2 (305 ILCS 5/Art. V-C heading)

3 ARTICLE V-C.

4 CARE PROVIDER FUNDING FOR PERSONS WITH A DEVELOPMENTAL
5 DISABILITY ~~DEVELOPMENTALLY DISABLED CARE PROVIDER FUNDING~~

6 (305 ILCS 5/5C-1) (from Ch. 23, par. 5C-1)

7 Sec. 5C-1. Definitions. As used in this Article, unless the
8 context requires otherwise:

9 "Fund" means the Care Provider Fund for Persons with a
10 Developmental Disability.

11 "Care facility for persons with a developmental disability
12 ~~Developmentally disabled care facility~~" means an intermediate
13 care facility for the intellectually disabled within the
14 meaning of Title XIX of the Social Security Act, whether public
15 or private and whether organized for profit or not-for-profit,
16 but shall not include any facility operated by the State.

17 "Care provider for persons with a developmental disability
18 ~~Developmentally disabled care provider~~" means a person
19 conducting, operating, or maintaining a facility for persons
20 with a developmental disability ~~developmentally disabled care~~
21 ~~facility~~. For this purpose, "person" means any political
22 subdivision of the State, municipal corporation, individual,
23 firm, partnership, corporation, company, limited liability
24 company, association, joint stock association, or trust, or a

1 receiver, executor, trustee, guardian or other representative
2 appointed by order of any court.

3 "Adjusted gross developmentally disabled care revenue"
4 shall be computed separately for each facility for persons with
5 a developmental disability ~~developmentally disabled care~~
6 ~~facility~~ conducted, operated, or maintained by a care provider
7 for persons with a developmental disability ~~developmentally~~
8 ~~disabled care provider~~, and means the ~~developmentally disabled~~
9 ~~care provider's~~ total revenue of the care provider for persons
10 with a developmental disability for inpatient residential
11 services less contractual allowances and discounts on
12 patients' accounts, but does not include non-patient revenue
13 from sources such as contributions, donations or bequests,
14 investments, day training services, television and telephone
15 service, and rental of facility space.

16 "Long-term care facility for persons under 22 years of age
17 serving clinically complex residents" means a facility
18 licensed by the Department of Public Health as a long-term care
19 facility for persons under 22 meeting the qualifications of
20 Section 5-5.4h of this Code.

21 (Source: P.A. 97-227, eff. 1-1-12; 98-463, eff. 8-16-13;
22 98-651, eff. 6-16-14.)

23 (305 ILCS 5/5C-2) (from Ch. 23, par. 5C-2)

24 Sec. 5C-2. Assessment; no local authorization to tax.

25 (a) For the privilege of engaging in the occupation of care

1 provider for persons with a developmental disability
2 ~~developmentally disabled care provider~~, an assessment is
3 imposed upon each care provider for persons with a
4 developmental disability ~~developmentally disabled care~~
5 ~~provider~~ in an amount equal to 6%, or the maximum allowed under
6 federal regulation, whichever is less, of its adjusted gross
7 developmentally disabled care revenue for the prior State
8 fiscal year. Notwithstanding any provision of any other Act to
9 the contrary, this assessment shall be construed as a tax, but
10 may not be added to the charges of an individual's nursing home
11 care that is paid for in whole, or in part, by a federal,
12 State, or combined federal-state medical care program, except
13 those individuals receiving Medicare Part B benefits solely.

14 (b) Nothing in this amendatory Act of 1995 shall be
15 construed to authorize any home rule unit or other unit of
16 local government to license for revenue or impose a tax or
17 assessment upon a care provider for persons with a
18 developmental disability ~~developmentally disabled care~~
19 ~~provider~~ or the occupation of care provider for persons with a
20 developmental disability ~~developmentally disabled care~~
21 ~~provider~~, or a tax or assessment measured by the income or
22 earnings of a care provider for persons with a developmental
23 disability ~~developmentally disabled care provider~~.

24 (c) Effective July 1, 2013, for the privilege of engaging
25 in the occupation of long-term care facility for persons under
26 22 years of age serving clinically complex residents provider,

1 an assessment is imposed upon each long-term care facility for
2 persons under 22 years of age serving clinically complex
3 residents provider in the same amount and upon the same
4 conditions and requirements as imposed in Article V-B of this
5 Code and a license fee is imposed in the same amount and upon
6 the same conditions and requirements as imposed in Article V-E
7 of this Code. Notwithstanding any provision of any other Act to
8 the contrary, the assessment and license fee imposed by this
9 subsection (c) shall be construed as a tax, but may not be
10 added to the charges of an individual's nursing home care that
11 is paid for in whole, or in part, by a federal, State, or
12 combined federal-State medical care program, except for those
13 individuals receiving Medicare Part B benefits solely.

14 (Source: P.A. 98-651, eff. 6-16-14.)

15 (305 ILCS 5/5C-3) (from Ch. 23, par. 5C-3)

16 Sec. 5C-3. Payment of assessment; penalty.

17 (a) The assessment imposed by Section 5C-2 for a State
18 fiscal year shall be due and payable in quarterly installments,
19 each equalling one-fourth of the assessment for the year, on
20 September 30, December 31, March 31, and May 31 of the year.

21 (b) The Illinois Department is authorized to establish
22 delayed payment schedules for care providers for persons with a
23 developmental disability ~~developmentally disabled care~~
24 ~~providers~~ that are unable to make installment payments when due
25 under this Section due to financial difficulties, as determined

1 by the Illinois Department.

2 (c) If a care provider for persons with a developmental
3 disability ~~developmentally disabled care provider~~ fails to pay
4 the full amount of an installment when due (including any
5 extensions granted under subsection (b)), there shall, unless
6 waived by the Illinois Department for reasonable cause, be
7 added to the assessment imposed by Section 5C-2 for the State
8 fiscal year a penalty assessment equal to the lesser of (i) 5%
9 of the amount of the installment not paid on or before the due
10 date plus 5% of the portion thereof remaining unpaid on the
11 last day of each month thereafter or (ii) 100% of the
12 installment amount not paid on or before the due date. For
13 purposes of this subsection, payments will be credited first to
14 unpaid installment amounts (rather than to penalty or
15 interest), beginning with the most delinquent installments.

16 (Source: P.A. 87-861; 88-88.)

17 (305 ILCS 5/5C-4) (from Ch. 23, par. 5C-4)

18 Sec. 5C-4. Reporting; penalty; maintenance of records.

19 (a) After June 30 of each State fiscal year, and on or
20 before September 30 of the succeeding State fiscal year, every
21 care provider for persons with a developmental disability
22 ~~developmentally disabled care provider~~ subject to assessment
23 under this Article shall file a return with the Illinois
24 Department. The return shall report the adjusted gross
25 developmentally disabled care revenue from the State fiscal

1 year just ended and shall be utilized by the Illinois
2 Department to calculate the assessment for the State fiscal
3 year commencing on the preceding July 1. The return shall be on
4 a form prepared by the Illinois Department and shall state the
5 following:

6 (1) The name of the care provider for persons with a
7 developmental disability ~~developmentally disabled care~~
8 ~~provider~~.

9 (2) The address of the care provider's ~~developmentally~~
10 ~~disabled care provider's~~ principal place of business from
11 which the provider engages in the occupation of care
12 provider for persons with a developmental disability
13 ~~developmentally disabled care provider~~ in this State, and
14 the name and address of all care facilities for persons
15 with a developmental disability ~~developmentally disabled~~
16 ~~care facilities~~ operated or maintained by the provider in
17 this State.

18 (3) The adjusted gross developmentally disabled care
19 revenue for the State fiscal year just ended, the amount of
20 assessment imposed under Section 5C-2 for the State fiscal
21 year for which the return is filed, and the amount of each
22 quarterly installment to be paid during the State fiscal
23 year.

24 (4) The amount of penalty due, if any.

25 (5) Other reasonable information the Illinois
26 Department requires.

1 (b) If a care provider for persons with a developmental
2 disability ~~developmentally disabled care provider~~ operates or
3 maintains more than one care facility for persons with a
4 developmental disability ~~developmentally disabled care~~
5 ~~facility~~ in this State, the provider may not file a single
6 return covering all those care facilities for persons with a
7 developmental disability ~~developmentally disabled care~~
8 ~~facilities~~, but shall file a separate return for each care
9 facility for persons with a developmental disability
10 ~~developmentally disabled care facility~~ and shall compute and
11 pay the assessment for each care facility for persons with a
12 developmental disability ~~developmentally disabled care~~
13 ~~facility~~ separately.

14 (c) Notwithstanding any other provision in this Article, a
15 person who ceases to conduct, operate, or maintain a care
16 facility for persons with a developmental disability
17 ~~developmentally disabled care facility~~ in respect of which the
18 person is subject to assessment under this Article as a care
19 provider for persons with a developmental disability
20 ~~developmentally disabled care provider~~, the assessment for the
21 State fiscal year in which the cessation occurs shall be
22 adjusted by multiplying the assessment computed under Section
23 5C-2 by a fraction, the numerator of which is the number of
24 months in the year during which the provider conducts,
25 operates, or maintains the care facility for persons with a
26 developmental disability ~~developmentally disabled care~~

1 ~~facility~~ and the denominator of which is 12. The person shall
2 file a final, amended return with the Illinois Department not
3 more than 90 days after the cessation reflecting the adjustment
4 and shall pay with the final return the assessment for the year
5 as so adjusted (to the extent not previously paid).

6 (d) Notwithstanding any other provision of this Article, a
7 provider who commences conducting, operating, or maintaining a
8 care facility for persons with a developmental disability
9 ~~developmentally disabled care facility~~ shall file an initial
10 return for the State fiscal year in which the commencement
11 occurs within 90 days thereafter and shall pay the assessment
12 computed under Section 5C-2 and subsection (e) in equal
13 installments on the due date of the return and on the regular
14 installment due dates for the State fiscal year occurring after
15 the due date of the initial return.

16 (e) Notwithstanding any other provision of this Article, in
17 the case of a care provider for persons with a developmental
18 disability ~~developmentally disabled care provider~~ that did not
19 conduct, operate, or maintain a care facility for persons with
20 a developmental disability ~~developmentally disabled care~~
21 ~~facility~~ throughout the prior State fiscal year, the assessment
22 for that State fiscal year shall be computed on the basis of
23 hypothetical adjusted gross developmentally disabled care
24 revenue for the prior year as determined by rules adopted by
25 the Illinois Department (which may be based on annualization of
26 the provider's actual revenues for a portion of the State

1 fiscal year, or revenues of a comparable facility for such
2 year, including revenues realized by a prior provider from the
3 same facility during such year).

4 (f) In the case of a care provider for persons with a
5 developmental disability ~~developmentally disabled care~~
6 ~~provider~~ existing as a corporation or legal entity other than
7 an individual, the return filed by it shall be signed by its
8 president, vice-president, secretary, or treasurer or by its
9 properly authorized agent.

10 (g) If a care provider for persons with a developmental
11 disability ~~developmentally disabled care provider~~ fails to
12 file its return for a State fiscal year on or before the due
13 date of the return, there shall, unless waived by the Illinois
14 Department for reasonable cause, be added to the assessment
15 imposed by Section 5C-2 for the State fiscal year a penalty
16 assessment equal to 25% of the assessment imposed for the year.

17 (h) Every care provider for persons with a developmental
18 disability ~~developmentally disabled care provider~~ subject to
19 assessment under this Article shall keep records and books that
20 will permit the determination of adjusted gross
21 developmentally disabled care revenue on a State fiscal year
22 basis. All such books and records shall be kept in the English
23 language and shall, at all times during business hours of the
24 day, be subject to inspection by the Illinois Department or its
25 duly authorized agents and employees.

26 (Source: P.A. 87-861.)

1 (305 ILCS 5/5C-5) (from Ch. 23, par. 5C-5)

2 Sec. 5C-5. Disposition of proceeds. The Illinois
3 Department shall pay all moneys received from care providers
4 for persons with a developmental disability ~~developmentally~~
5 ~~disabled care providers~~ under this Article into the Care
6 Provider Fund for Persons with a Developmental Disability. Upon
7 certification by the Illinois Department to the State
8 Comptroller of its intent to withhold from a provider under
9 Section 5C-6(b), the State Comptroller shall draw a warrant on
10 the treasury or other fund held by the State Treasurer, as
11 appropriate. The warrant shall state the amount for which the
12 provider is entitled to a warrant, the amount of the deduction,
13 and the reason therefor and shall direct the State Treasurer to
14 pay the balance to the provider, all in accordance with Section
15 10.05 of the State Comptroller Act. The warrant also shall
16 direct the State Treasurer to transfer the amount of the
17 deduction so ordered from the treasury or other fund into the
18 Care Provider Fund for Persons with a Developmental Disability.
19 (Source: P.A. 98-463, eff. 8-16-13.)

20 (305 ILCS 5/5C-6) (from Ch. 23, par. 5C-6)

21 Sec. 5C-6. Administration; enforcement provisions.

22 (a) To the extent practicable, the Illinois Department
23 shall administer and enforce this Article and collect the
24 assessments, interest, and penalty assessments imposed under

1 this Article, using procedures employed in its administration
2 of this Code generally and, as it deems appropriate, in a
3 manner similar to that in which the Department of Revenue
4 administers and collects the retailers' occupation tax
5 pursuant to the Retailers' Occupation Tax Act ("ROTA"). Instead
6 of certificates of registration, the Illinois Department shall
7 establish and maintain a listing of all care providers for
8 persons with a developmental disability ~~developmentally~~
9 ~~disabled care providers~~ appearing in the licensing records of
10 the Department of Public Health, which shall show each
11 provider's name, principal place of business, and the name and
12 address of each care facility for persons with a developmental
13 disability ~~developmentally disabled care facility~~ operated or
14 maintained by the provider in this State. In addition, the
15 following Retailers' Occupation Tax Act provisions are
16 incorporated by reference into this Section, except that the
17 Illinois Department and its Director (rather than the
18 Department of Revenue and its Director) and every care provider
19 for persons with a developmental disability ~~developmentally~~
20 ~~disabled care provider~~ subject to assessment measured by
21 adjusted gross developmentally disabled care revenue and to the
22 return filing requirements of this Article (rather than persons
23 subject to retailers' occupation tax measured by gross receipts
24 from the sale of tangible personal property at retail and to
25 the return filing requirements of ROTA) shall have the powers,
26 duties, and rights specified in these ROTA provisions, as

1 modified in this Section or by the Illinois Department in a
2 manner consistent with this Article and except as manifestly
3 inconsistent with the other provisions of this Article:

4 (1) ROTA, Section 4 (examination of return; notice of
5 correction; evidence; limitations; protest and hearing),
6 except that (i) the Illinois Department shall issue notices
7 of assessment liability (rather than notices of tax
8 liability as provided in ROTA, Section 4); (ii) in the case
9 of a fraudulent return or in the case of an extended period
10 agreed to by the Illinois Department and the care provider
11 for persons with a developmental disability
12 ~~developmentally disabled care provider~~ before the
13 expiration of the limitation period, no notice of
14 assessment liability shall be issued more than 3 years
15 after the later of the due date of the return required by
16 Section 5C-5 or the date the return (or an amended return)
17 was filed (rather within the period stated in ROTA, Section
18 4); and (iii) the penalty provisions of ROTA, Section 4
19 shall not apply.

20 (2) ROTA, Section 5 (failure to make return; failure to
21 pay assessment), except that the penalty and interest
22 provisions of ROTA, Section 5 shall not apply.

23 (3) ROTA, Section 5a (lien; attachment; termination;
24 notice; protest; review; release of lien; status of lien).

25 (4) ROTA, Section 5b (State lien notices; State lien
26 index; duties of recorder and registrar of titles).

1 (5) ROTA, Section 5c (liens; certificate of release).

2 (6) ROTA, Section 5d (Department not required to
3 furnish bond; claim to property attached or levied upon).

4 (7) ROTA, Section 5e (foreclosure on liens;
5 enforcement).

6 (8) ROTA, Section 5f (demand for payment; levy and sale
7 of property; limitation).

8 (9) ROTA, Section 5g (sale of property; redemption).

9 (10) ROTA, Section 5j (sales on transfers outside usual
10 course of business; report; payment of assessment; rights
11 and duties of purchaser; penalty).

12 (11) ROTA, Section 6 (erroneous payments; credit or
13 refund), provided that (i) the Illinois Department may only
14 apply an amount otherwise subject to credit or refund to a
15 liability arising under this Article; (ii) except in the
16 case of an extended period agreed to by the Illinois
17 Department and the care provider for persons with a
18 developmental disability ~~developmentally disabled care~~
19 ~~provider~~ prior to the expiration of this limitation period,
20 a claim for credit or refund must be filed no more than 3
21 years after the due date of the return required by Section
22 5C-5 (rather than the time limitation stated in ROTA,
23 Section 6); and (iii) credits or refunds shall not bear
24 interest.

25 (12) ROTA, Section 6a (claims for credit or refund).

26 (13) ROTA, Section 6b (tentative determination of

1 claim; notice; hearing; review), provided that a care
2 provider for persons with a developmental disability
3 ~~developmentally disabled care provider~~ or its
4 representative shall have 60 days (rather than 20 days)
5 within which to file a protest and request for hearing in
6 response to a tentative determination of claim.

7 (14) ROTA, Section 6c (finality of tentative
8 determinations).

9 (15) ROTA, Section 8 (investigations and hearings).

10 (16) ROTA, Section 9 (witness; immunity).

11 (17) ROTA, Section 10 (issuance of subpoenas;
12 attendance of witnesses; production of books and records).

13 (18) ROTA, Section 11 (information confidential;
14 exceptions).

15 (19) ROTA, Section 12 (rules and regulations; hearing;
16 appeals), except that a care provider for persons with a
17 developmental disability ~~developmentally disabled care~~
18 ~~provider~~ shall not be required to file a bond or be subject
19 to a lien in lieu thereof in order to seek court review
20 under the Administrative Review Law of a final assessment
21 or revised final assessment or the equivalent thereof
22 issued by the Illinois Department under this Article.

23 (b) In addition to any other remedy provided for and
24 without sending a notice of assessment liability, the Illinois
25 Department may collect an unpaid assessment by withholding, as
26 payment of the assessment, reimbursements or other amounts

1 otherwise payable by the Illinois Department to the provider.

2 (Source: P.A. 87-861.)

3 (305 ILCS 5/5C-7) (from Ch. 23, par. 5C-7)

4 Sec. 5C-7. Care Provider Fund for Persons with a
5 Developmental Disability.

6 (a) There is created in the State Treasury the Care
7 Provider Fund for Persons with a Developmental Disability.
8 Interest earned by the Fund shall be credited to the Fund. The
9 Fund shall not be used to replace any moneys appropriated to
10 the Medicaid program by the General Assembly.

11 (b) The Fund is created for the purpose of receiving and
12 disbursing assessment moneys in accordance with this Article.
13 Disbursements from the Fund shall be made only as follows:

14 (1) For payments to intermediate care facilities for
15 persons with a developmental disability ~~the~~
16 ~~developmentally disabled~~ under Title XIX of the Social
17 Security Act and Article V of this Code.

18 (2) For the reimbursement of moneys collected by the
19 Illinois Department through error or mistake, and to make
20 required payments under Section 5-4.28(a)(1) of this Code
21 if there are no moneys available for such payments in the
22 Medicaid Provider for Persons with a Developmental
23 Disability ~~Developmentally Disabled Provider~~ Participation
24 Fee Trust Fund.

25 (3) For payment of administrative expenses incurred by

1 the Department of Human Services or its agent or the
2 Illinois Department or its agent in performing the
3 activities authorized by this Article.

4 (4) For payments of any amounts which are reimbursable
5 to the federal government for payments from this Fund which
6 are required to be paid by State warrant.

7 (5) For making transfers to the General Obligation Bond
8 Retirement and Interest Fund as those transfers are
9 authorized in the proceedings authorizing debt under the
10 Short Term Borrowing Act, but transfers made under this
11 paragraph (5) shall not exceed the principal amount of debt
12 issued in anticipation of the receipt by the State of
13 moneys to be deposited into the Fund.

14 (6) For making refunds as required under Section 5C-10
15 of this Article.

16 Disbursements from the Fund, other than transfers to the
17 General Obligation Bond Retirement and Interest Fund, shall be
18 by warrants drawn by the State Comptroller upon receipt of
19 vouchers duly executed and certified by the Illinois
20 Department.

21 (c) The Fund shall consist of the following:

22 (1) All moneys collected or received by the Illinois
23 Department from the care provider for persons with a
24 developmental disability ~~developmentally disabled care~~
25 ~~provider~~ assessment imposed by this Article.

26 (2) All federal matching funds received by the Illinois

1 Department as a result of expenditures made by the Illinois
2 Department that are attributable to moneys deposited in the
3 Fund.

4 (3) Any interest or penalty levied in conjunction with
5 the administration of this Article.

6 (4) Any balance in the Medicaid Care Provider for
7 Persons With a Developmental Disability ~~Developmentally~~
8 ~~Disabled Care Provider~~ Participation Fee Trust Fund in the
9 State Treasury. The balance shall be transferred to the
10 Fund upon certification by the Illinois Department to the
11 State Comptroller that all of the disbursements required by
12 Section 5-4.21(b) of this Code have been made.

13 (5) All other moneys received for the Fund from any
14 other source, including interest earned thereon.

15 (Source: P.A. 98-463, eff. 8-16-13; 98-651, eff. 6-16-14.)

16 (305 ILCS 5/5C-8) (from Ch. 23, par. 5C-8)

17 Sec. 5C-8. Applicability. The assessment imposed by
18 Section 5C-2 shall cease to be imposed if the amount of
19 matching federal funds under Title XIX of the Social Security
20 Act is eliminated or significantly reduced on account of the
21 assessment. Assessments imposed prior thereto shall be
22 disbursed in accordance with Section 5C-7 to the extent federal
23 matching is not reduced by the assessments, and any remaining
24 assessments shall be refunded to care providers for persons
25 with a developmental disability ~~developmentally disabled care~~

1 ~~providers~~ in proportion to the amounts paid by them.

2 (Source: P.A. 87-861.)

3 (305 ILCS 5/5C-10)

4 Sec. 5C-10. Adjustments. For long-term care facilities for
5 persons under 22 years of age serving clinically complex
6 residents previously classified as care facilities for persons
7 with a developmental disability ~~developmentally disabled care~~
8 ~~facilities~~ under this Article, the Department shall refund any
9 amounts paid under this Article in State fiscal year 2014 by
10 the end of State fiscal year 2015 with at least half the refund
11 amount being made prior to December 31, 2014. The amounts
12 refunded shall be based on amounts paid by the facilities to
13 the Department as the assessment under subsection (a) of
14 Section 5C-2 less any assessment and license fee due for State
15 fiscal year 2014.

16 (Source: P.A. 98-651, eff. 6-16-14.)

17 (305 ILCS 5/6-1.2) (from Ch. 23, par. 6-1.2)

18 Sec. 6-1.2. Need. Income available to the person, when
19 added to contributions in money, substance, or services from
20 other sources, including contributions from legally
21 responsible relatives, must be insufficient to equal the grant
22 amount established by Department regulation (or by local
23 governmental unit in units which do not receive State funds)
24 for such a person.

1 In determining income to be taken into account:

2 (1) The first \$75 of earned income in income assistance
3 units comprised exclusively of one adult person shall be
4 disregarded, and for not more than 3 months in any 12
5 consecutive months that portion of earned income beyond the
6 first \$75 that is the difference between the standard of
7 assistance and the grant amount, shall be disregarded.

8 (2) For income assistance units not comprised
9 exclusively of one adult person, when authorized by rules
10 and regulations of the Illinois Department, a portion of
11 earned income, not to exceed the first \$25 a month plus 50%
12 of the next \$75, may be disregarded for the purpose of
13 stimulating and aiding rehabilitative effort and
14 self-support activity.

15 "Earned income" means money earned in self-employment or
16 wages, salary, or commission for personal services performed as
17 an employee. The eligibility of any applicant for or recipient
18 of public aid under this Article is not affected by the payment
19 of any grant under the "Senior Citizens and Persons with
20 Disabilities ~~Disabled Persons~~ Property Tax Relief Act", any
21 refund or payment of the federal Earned Income Tax Credit, or
22 any distributions or items of income described under
23 subparagraph (X) of paragraph (2) of subsection (a) of Section
24 203 of the Illinois Income Tax Act.

25 (Source: P.A. 97-689, eff. 6-14-12.)

1 (305 ILCS 5/6-2) (from Ch. 23, par. 6-2)

2 Sec. 6-2. Amount of aid. The amount and nature of General
3 Assistance for basic maintenance requirements shall be
4 determined in accordance with local budget standards for local
5 governmental units which do not receive State funds. For local
6 governmental units which do receive State funds, the amount and
7 nature of General Assistance for basic maintenance
8 requirements shall be determined in accordance with the
9 standards, rules and regulations of the Illinois Department.
10 However, the amount and nature of any financial aid is not
11 affected by the payment of any grant under the Senior Citizens
12 and Persons with Disabilities ~~Disabled Persons~~ Property Tax
13 Relief Act or any distributions or items of income described
14 under subparagraph (X) of paragraph (2) of subsection (a) of
15 Section 203 of the Illinois Income Tax Act. Due regard shall be
16 given to the requirements and the conditions existing in each
17 case, and to the income, money contributions and other support
18 and resources available, from whatever source. In local
19 governmental units which do not receive State funds, the grant
20 shall be sufficient when added to all other income, money
21 contributions and support in excess of any excluded income or
22 resources, to provide the person with a grant in the amount
23 established for such a person by the local governmental unit
24 based upon standards meeting basic maintenance requirements.
25 In local governmental units which do receive State funds, the
26 grant shall be sufficient when added to all other income, money

1 contributions and support in excess of any excluded income or
2 resources, to provide the person with a grant in the amount
3 established for such a person by Department regulation based
4 upon standards providing a livelihood compatible with health
5 and well-being, as directed by Section 12-4.11 of this Code.

6 The Illinois Department may conduct special projects,
7 which may be known as Grant Diversion Projects, under which
8 recipients of financial aid under this Article are placed in
9 jobs and their grants are diverted to the employer who in turn
10 makes payments to the recipients in the form of salary or other
11 employment benefits. The Illinois Department shall by rule
12 specify the terms and conditions of such Grant Diversion
13 Projects. Such projects shall take into consideration and be
14 coordinated with the programs administered under the Illinois
15 Emergency Employment Development Act.

16 The allowances provided under Article IX for recipients
17 participating in the training and rehabilitation programs
18 shall be in addition to such maximum payment.

19 Payments may also be made to provide persons receiving
20 basic maintenance support with necessary treatment, care and
21 supplies required because of illness or disability or with
22 acute medical treatment, care, and supplies. Payments for
23 necessary or acute medical care under this paragraph may be
24 made to or in behalf of the person. Obligations incurred for
25 such services but not paid for at the time of a recipient's
26 death may be paid, subject to the rules and regulations of the

1 Illinois Department, after the death of the recipient.

2 (Source: P.A. 97-689, eff. 6-14-12.)

3 (305 ILCS 5/6-11) (from Ch. 23, par. 6-11)

4 Sec. 6-11. General Assistance.

5 (a) Effective July 1, 1992, all State funded General
6 Assistance and related medical benefits shall be governed by
7 this Section, provided that, notwithstanding any other
8 provisions of this Code to the contrary, on and after July 1,
9 2012, the State shall not fund the programs outlined in this
10 Section. Other parts of this Code or other laws related to
11 General Assistance shall remain in effect to the extent they do
12 not conflict with the provisions of this Section. If any other
13 part of this Code or other laws of this State conflict with the
14 provisions of this Section, the provisions of this Section
15 shall control.

16 (b) General Assistance may consist of 2 separate programs.
17 One program shall be for adults with no children and shall be
18 known as Transitional Assistance. The other program may be for
19 families with children and for pregnant women and shall be
20 known as Family and Children Assistance.

21 (c) (1) To be eligible for Transitional Assistance on or
22 after July 1, 1992, an individual must be ineligible for
23 assistance under any other Article of this Code, must be
24 determined chronically needy, and must be one of the following:

25 (A) age 18 or over or

1 (B) married and living with a spouse, regardless of
2 age.

3 (2) The local governmental unit shall determine whether
4 individuals are chronically needy as follows:

5 (A) Individuals who have applied for Supplemental
6 Security Income (SSI) and are awaiting a decision on
7 eligibility for SSI who are determined to be a person with
8 a disability ~~disabled~~ by the Illinois Department using the
9 SSI standard shall be considered chronically needy, except
10 that individuals whose disability is based solely on
11 substance addictions (drug abuse and alcoholism) and whose
12 disability would cease were their addictions to end shall
13 be eligible only for medical assistance and shall not be
14 eligible for cash assistance under the Transitional
15 Assistance program.

16 (B) (Blank).

17 (C) The unit of local government may specify other
18 categories of individuals as chronically needy; nothing in
19 this Section, however, shall be deemed to require the
20 inclusion of any specific category other than as specified
21 in paragraph (A).

22 (3) For individuals in Transitional Assistance, medical
23 assistance may be provided by the unit of local government in
24 an amount and nature determined by the unit of local
25 government. Nothing in this paragraph (3) shall be construed to
26 require the coverage of any particular medical service. In

1 addition, the amount and nature of medical assistance provided
2 may be different for different categories of individuals
3 determined chronically needy.

4 (4) (Blank).

5 (5) (Blank).

6 (d) (1) To be eligible for Family and Children Assistance,
7 a family unit must be ineligible for assistance under any other
8 Article of this Code and must contain a child who is:

9 (A) under age 18 or

10 (B) age 18 and a full-time student in a secondary
11 school or the equivalent level of vocational or technical
12 training, and who may reasonably be expected to complete
13 the program before reaching age 19.

14 Those children shall be eligible for Family and Children
15 Assistance.

16 (2) The natural or adoptive parents of the child living in
17 the same household may be eligible for Family and Children
18 Assistance.

19 (3) A pregnant woman whose pregnancy has been verified
20 shall be eligible for income maintenance assistance under the
21 Family and Children Assistance program.

22 (4) The amount and nature of medical assistance provided
23 under the Family and Children Assistance program shall be
24 determined by the unit of local government. The amount and
25 nature of medical assistance provided need not be the same as
26 that provided under paragraph (3) of subsection (c) of this

1 Section, and nothing in this paragraph (4) shall be construed
2 to require the coverage of any particular medical service.

3 (5) (Blank).

4 (e) A local governmental unit that chooses to participate
5 in a General Assistance program under this Section shall
6 provide funding in accordance with Section 12-21.13 of this
7 Act. Local governmental funds used to qualify for State funding
8 may only be expended for clients eligible for assistance under
9 this Section 6-11 and related administrative expenses.

10 (f) (Blank).

11 (g) (Blank).

12 (Source: P.A. 97-689, eff. 6-14-12.)

13 (305 ILCS 5/11-20) (from Ch. 23, par. 11-20)

14 Sec. 11-20. Employment registration; duty to accept
15 employment. This Section applies to employment and training
16 programs other than those for recipients of assistance under
17 Article IV.

18 (1) Each applicant or recipient and dependent member of the
19 family age 16 or over who is able to engage in employment and
20 who is unemployed, or employed for less than the full working
21 time for the occupation in which he or she is engaged, shall
22 maintain a current registration for employment or additional
23 employment with the system of free public employment offices
24 maintained in this State by the State Department of Employment
25 Security under the Public Employment Office Act and shall

1 utilize the job placement services and other facilities of such
2 offices unless the Illinois Department otherwise provides by
3 rule for programs administered by the Illinois Department.

4 (2) Every person age 16 or over shall be deemed "able to
5 engage in employment", as that term is used herein, unless (a)
6 the person has an illness certified by the attending
7 practitioner as precluding his or her engagement in employment
8 of any type for a time period stated in the practitioner's
9 certification; or (b) the person has a medically determinable
10 physical or mental impairment, disease or loss of indefinite
11 duration and of such severity that he or she cannot perform
12 labor or services in any type of gainful work which exists in
13 the national economy, including work adjusted for persons with
14 physical or mental disabilities ~~handicap~~; or (c) the person is
15 among the classes of persons exempted by paragraph 5 of this
16 Section. A person described in clauses (a), (b) or (c) of the
17 preceding sentence shall be classified as "temporarily
18 unemployable". The Illinois Department shall provide by rule
19 for periodic review of the circumstances of persons classified
20 as "temporarily unemployable".

21 (3) The Illinois Department shall provide through rules and
22 regulations for sanctions against applicants and recipients of
23 aid under this Code who fail or refuse to cooperate, without
24 good cause, as defined by rule of the Illinois Department, to
25 accept a bona fide offer of employment in which he or she is
26 able to engage either in the community of the person's

1 residence or within reasonable commuting distance therefrom.

2 The Illinois Department may provide by rule for the grant
3 or continuation of aid for a temporary period, if federal law
4 or regulation so permits or requires, to a person who refuses
5 employment without good cause if he or she accepts counseling
6 or other services designed to increase motivation and
7 incentives for accepting employment.

8 (4) Without limiting other criteria which the Illinois
9 Department may establish, it shall be good cause of refusal if

10 (a) the wage does not meet applicable minimum wage
11 requirements,

12 (b) there being no applicable minimum wage as
13 determined in (a), the wage is certified by the Illinois
14 Department of Labor as being less than that which is
15 appropriate for the work to be performed, or

16 (c) acceptance of the offer involves a substantial
17 threat to the health or safety of the person or any of his
18 or her dependents.

19 (5) The requirements of registration and acceptance of
20 employment shall not apply (a) to a parent or other person
21 needed at home to provide personal care and supervision to a
22 child or children unless, in accordance with the rules and
23 regulations of the Illinois Department, suitable arrangements
24 have been or can be made for such care and supervision during
25 the hours of the day the parent or other person is out of the
26 home because of employment; (b) to a person age 16 or over in

1 regular attendance in school, as defined in Section 4-1.1; or
2 (c) to a person whose presence in the home on a substantially
3 continuous basis is required because of the illness or
4 incapacity of another member of the household.

5 (Source: P.A. 91-357, eff. 7-29-99; 92-111, eff. 1-1-02.)

6 (305 ILCS 5/12-4.42)

7 Sec. 12-4.42. Medicaid Revenue Maximization.

8 (a) Purpose. The General Assembly finds that there is a
9 need to make changes to the administration of services provided
10 by State and local governments in order to maximize federal
11 financial participation.

12 (b) Definitions. As used in this Section:

13 "Community Medicaid mental health services" means all
14 mental health services outlined in Section 132 of Title 59 of
15 the Illinois Administrative Code that are funded through DHS,
16 eligible for federal financial participation, and provided by a
17 community-based provider.

18 "Community-based provider" means an entity enrolled as a
19 provider pursuant to Sections 140.11 and 140.12 of Title 89 of
20 the Illinois Administrative Code and certified to provide
21 community Medicaid mental health services in accordance with
22 Section 132 of Title 59 of the Illinois Administrative Code.

23 "DCFS" means the Department of Children and Family
24 Services.

25 "Department" means the Illinois Department of Healthcare

1 and Family Services.

2 "Care facility for persons with a developmental disability
3 ~~Developmentally disabled care facility"~~ means an intermediate
4 care facility for persons with an intellectual disability ~~the~~
5 ~~intellectually disabled~~ within the meaning of Title XIX of the
6 Social Security Act, whether public or private and whether
7 organized for profit or not-for-profit, but shall not include
8 any facility operated by the State.

9 "Care provider for persons with a developmental disability
10 ~~Developmentally disabled care provider"~~ means a person
11 conducting, operating, or maintaining a care facility for
12 persons with a developmental disability ~~developmentally~~
13 ~~disabled care facility~~. For purposes of this definition,
14 "person" means any political subdivision of the State,
15 municipal corporation, individual, firm, partnership,
16 corporation, company, limited liability company, association,
17 joint stock association, or trust, or a receiver, executor,
18 trustee, guardian, or other representative appointed by order
19 of any court.

20 "DHS" means the Illinois Department of Human Services.

21 "Hospital" means an institution, place, building, or
22 agency located in this State that is licensed as a general
23 acute hospital by the Illinois Department of Public Health
24 under the Hospital Licensing Act, whether public or private and
25 whether organized for profit or not-for-profit.

26 "Long term care facility" means (i) a skilled nursing or

1 intermediate long term care facility, whether public or private
2 and whether organized for profit or not-for-profit, that is
3 subject to licensure by the Illinois Department of Public
4 Health under the Nursing Home Care Act, including a county
5 nursing home directed and maintained under Section 5-1005 of
6 the Counties Code, and (ii) a part of a hospital in which
7 skilled or intermediate long term care services within the
8 meaning of Title XVIII or XIX of the Social Security Act are
9 provided; except that the term "long term care facility" does
10 not include a facility operated solely as an intermediate care
11 facility for the intellectually disabled within the meaning of
12 Title XIX of the Social Security Act.

13 "Long term care provider" means (i) a person licensed by
14 the Department of Public Health to operate and maintain a
15 skilled nursing or intermediate long term care facility or (ii)
16 a hospital provider that provides skilled or intermediate long
17 term care services within the meaning of Title XVIII or XIX of
18 the Social Security Act. For purposes of this definition,
19 "person" means any political subdivision of the State,
20 municipal corporation, individual, firm, partnership,
21 corporation, company, limited liability company, association,
22 joint stock association, or trust, or a receiver, executor,
23 trustee, guardian, or other representative appointed by order
24 of any court.

25 "State-operated facility for persons with a developmental
26 disability ~~developmentally disabled care facility~~" means an

1 intermediate care facility for persons with an intellectual
2 disability ~~the intellectually disabled~~ within the meaning of
3 Title XIX of the Social Security Act operated by the State.

4 (c) Administration and deposit of Revenues. The Department
5 shall coordinate the implementation of changes required by this
6 amendatory Act of the 96th General Assembly amongst the various
7 State and local government bodies that administer programs
8 referred to in this Section.

9 Revenues generated by program changes mandated by any
10 provision in this Section, less reasonable administrative
11 costs associated with the implementation of these program
12 changes, which would otherwise be deposited into the General
13 Revenue Fund shall be deposited into the Healthcare Provider
14 Relief Fund.

15 The Department shall issue a report to the General Assembly
16 detailing the implementation progress of this amendatory Act of
17 the 96th General Assembly as a part of the Department's Medical
18 Programs annual report for fiscal years 2010 and 2011.

19 (d) Acceleration of payment vouchers. To the extent
20 practicable and permissible under federal law, the Department
21 shall create all vouchers for long term care facilities and
22 facilities for persons with a developmental disability
23 ~~developmentally disabled care facilities~~ for dates of service
24 in the month in which the enhanced federal medical assistance
25 percentage (FMAP) originally set forth in the American Recovery
26 and Reinvestment Act (ARRA) expires and for dates of service in

1 the month prior to that month and shall, no later than the 15th
2 of the month in which the enhanced FMAP expires, submit these
3 vouchers to the Comptroller for payment.

4 The Department of Human Services shall create the necessary
5 documentation for State-operated facilities for persons with a
6 developmental disability ~~developmentally disabled care~~
7 ~~facilities~~ so that the necessary data for all dates of service
8 before the expiration of the enhanced FMAP originally set forth
9 in the ARRA can be adjudicated by the Department no later than
10 the 15th of the month in which the enhanced FMAP expires.

11 (e) Billing of DHS community Medicaid mental health
12 services. No later than July 1, 2011, community Medicaid mental
13 health services provided by a community-based provider must be
14 billed directly to the Department.

15 (f) DCFS Medicaid services. The Department shall work with
16 DCFS to identify existing programs, pending qualifying
17 services, that can be converted in an economically feasible
18 manner to Medicaid in order to secure federal financial
19 revenue.

20 (g) Third Party Liability recoveries. The Department shall
21 contract with a vendor to support the Department in
22 coordinating benefits for Medicaid enrollees. The scope of work
23 shall include, at a minimum, the identification of other
24 insurance for Medicaid enrollees and the recovery of funds paid
25 by the Department when another payer was liable. The vendor may
26 be paid a percentage of actual cash recovered when practical

1 and subject to federal law.

2 (h) Public health departments. The Department shall
3 identify unreimbursed costs for persons covered by Medicaid who
4 are served by the Chicago Department of Public Health.

5 The Department shall assist the Chicago Department of
6 Public Health in determining total unreimbursed costs
7 associated with the provision of healthcare services to
8 Medicaid enrollees.

9 The Department shall determine and draw the maximum
10 allowable federal matching dollars associated with the cost of
11 Chicago Department of Public Health services provided to
12 Medicaid enrollees.

13 (i) Acceleration of hospital-based payments. The
14 Department shall, by the 10th day of the month in which the
15 enhanced FMAP originally set forth in the ARRA expires, create
16 vouchers for all State fiscal year 2011 hospital payments
17 exempt from the prompt payment requirements of the ARRA. The
18 Department shall submit these vouchers to the Comptroller for
19 payment.

20 (Source: P.A. 96-1405, eff. 7-29-10; 97-48, eff. 6-28-11;
21 97-227, eff. 1-1-12; 97-333, eff. 8-12-11; 97-813, eff.
22 7-13-12.)

23 (305 ILCS 5/12-5) (from Ch. 23, par. 12-5)

24 Sec. 12-5. Appropriations; uses; federal grants; report to
25 General Assembly. From the sums appropriated by the General

1 Assembly, the Illinois Department shall order for payment by
2 warrant from the State Treasury grants for public aid under
3 Articles III, IV, and V, including grants for funeral and
4 burial expenses, and all costs of administration of the
5 Illinois Department and the County Departments relating
6 thereto. Moneys appropriated to the Illinois Department for
7 public aid under Article VI may be used, with the consent of
8 the Governor, to co-operate with federal, State, and local
9 agencies in the development of work projects designed to
10 provide suitable employment for persons receiving public aid
11 under Article VI. The Illinois Department, with the consent of
12 the Governor, may be the agent of the State for the receipt and
13 disbursement of federal funds or commodities for public aid
14 purposes under Article VI and for related purposes in which the
15 co-operation of the Illinois Department is sought by the
16 federal government, and, in connection therewith, may make
17 necessary expenditures from moneys appropriated for public aid
18 under any Article of this Code and for administration. The
19 Illinois Department, with the consent of the Governor, may be
20 the agent of the State for the receipt and disbursement of
21 federal funds pursuant to the Immigration Reform and Control
22 Act of 1986 and may make necessary expenditures from monies
23 appropriated to it for operations, administration, and grants,
24 including payment to the Health Insurance Reserve Fund for
25 group insurance costs at the rate certified by the Department
26 of Central Management Services. All amounts received by the

1 Illinois Department pursuant to the Immigration Reform and
2 Control Act of 1986 shall be deposited in the Immigration
3 Reform and Control Fund. All amounts received into the
4 Immigration Reform and Control Fund as reimbursement for
5 expenditures from the General Revenue Fund shall be transferred
6 to the General Revenue Fund.

7 All grants received by the Illinois Department for programs
8 funded by the Federal Social Services Block Grant shall be
9 deposited in the Social Services Block Grant Fund. All funds
10 received into the Social Services Block Grant Fund as
11 reimbursement for expenditures from the General Revenue Fund
12 shall be transferred to the General Revenue Fund. All funds
13 received into the Social Services Block Grant fund for
14 reimbursement for expenditure out of the Local Initiative Fund
15 shall be transferred into the Local Initiative Fund. Any other
16 federal funds received into the Social Services Block Grant
17 Fund shall be transferred to the Special Purposes Trust Fund.
18 All federal funds received by the Illinois Department as
19 reimbursement for Employment and Training Programs for
20 expenditures made by the Illinois Department from grants,
21 gifts, or legacies as provided in Section 12-4.18 or made by an
22 entity other than the Illinois Department shall be deposited
23 into the Employment and Training Fund, except that federal
24 funds received as reimbursement as a result of the
25 appropriation made for the costs of providing adult education
26 to public assistance recipients under the "Adult Education,

1 Public Assistance Fund" shall be deposited into the General
2 Revenue Fund; provided, however, that all funds, except those
3 that are specified in an interagency agreement between the
4 Illinois Community College Board and the Illinois Department,
5 that are received by the Illinois Department as reimbursement
6 under Title IV-A of the Social Security Act for expenditures
7 that are made by the Illinois Community College Board or any
8 public community college of this State shall be credited to a
9 special account that the State Treasurer shall establish and
10 maintain within the Employment and Training Fund for the
11 purpose of segregating the reimbursements received for
12 expenditures made by those entities. As reimbursements are
13 deposited into the Employment and Training Fund, the Illinois
14 Department shall certify to the State Comptroller and State
15 Treasurer the amount that is to be credited to the special
16 account established within that Fund as a reimbursement for
17 expenditures under Title IV-A of the Social Security Act made
18 by the Illinois Community College Board or any of the public
19 community colleges. All amounts credited to the special account
20 established and maintained within the Employment and Training
21 Fund as provided in this Section shall be held for transfer to
22 the TANF Opportunities Fund as provided in subsection (d) of
23 Section 12-10.3, and shall not be transferred to any other fund
24 or used for any other purpose.

25 Eighty percent of the federal financial participation
26 funds received by the Illinois Department under the Title IV-A

1 Emergency Assistance program as reimbursement for expenditures
2 made from the Illinois Department of Children and Family
3 Services appropriations for the costs of providing services in
4 behalf of Department of Children and Family Services clients
5 shall be deposited into the DCFS Children's Services Fund.

6 All federal funds, except those covered by the foregoing 3
7 paragraphs, received as reimbursement for expenditures from
8 the General Revenue Fund shall be deposited in the General
9 Revenue Fund for administrative and distributive expenditures
10 properly chargeable by federal law or regulation to aid
11 programs established under Articles III through XII and Titles
12 IV, XVI, XIX and XX of the Federal Social Security Act. Any
13 other federal funds received by the Illinois Department under
14 Sections 12-4.6, 12-4.18 and 12-4.19 that are required by
15 Section 12-10 of this Code to be paid into the Special Purposes
16 Trust Fund shall be deposited into the Special Purposes Trust
17 Fund. Any other federal funds received by the Illinois
18 Department pursuant to the Child Support Enforcement Program
19 established by Title IV-D of the Social Security Act shall be
20 deposited in the Child Support Enforcement Trust Fund as
21 required under Section 12-10.2 or in the Child Support
22 Administrative Fund as required under Section 12-10.2a of this
23 Code. Any other federal funds received by the Illinois
24 Department for medical assistance program expenditures made
25 under Title XIX of the Social Security Act and Article V of
26 this Code that are required by Section 5-4.21 of this Code to

1 be paid into the Medicaid Provider for Persons with a
2 Developmental Disability ~~Developmentally Disabled Provider~~
3 Participation Fee Trust Fund shall be deposited into the
4 Medicaid Provider for Persons with a Developmental Disability
5 ~~Developmentally Disabled Provider~~ Participation Fee Trust
6 Fund. Any other federal funds received by the Illinois
7 Department for medical assistance program expenditures made
8 under Title XIX of the Social Security Act and Article V of
9 this Code that are required by Section 5-4.31 of this Code to
10 be paid into the Medicaid Long Term Care Provider Participation
11 Fee Trust Fund shall be deposited into the Medicaid Long Term
12 Care Provider Participation Fee Trust Fund. Any other federal
13 funds received by the Illinois Department for hospital
14 inpatient, hospital ambulatory care, and disproportionate
15 share hospital expenditures made under Title XIX of the Social
16 Security Act and Article V of this Code that are required by
17 Section 14-2 of this Code to be paid into the Hospital Services
18 Trust Fund shall be deposited into the Hospital Services Trust
19 Fund. Any other federal funds received by the Illinois
20 Department for expenditures made under Title XIX of the Social
21 Security Act and Articles V and VI of this Code that are
22 required by Section 15-2 of this Code to be paid into the
23 County Provider Trust Fund shall be deposited into the County
24 Provider Trust Fund. Any other federal funds received by the
25 Illinois Department for hospital inpatient, hospital
26 ambulatory care, and disproportionate share hospital

1 expenditures made under Title XIX of the Social Security Act
2 and Article V of this Code that are required by Section 5A-8 of
3 this Code to be paid into the Hospital Provider Fund shall be
4 deposited into the Hospital Provider Fund. Any other federal
5 funds received by the Illinois Department for medical
6 assistance program expenditures made under Title XIX of the
7 Social Security Act and Article V of this Code that are
8 required by Section 5B-8 of this Code to be paid into the
9 Long-Term Care Provider Fund shall be deposited into the
10 Long-Term Care Provider Fund. Any other federal funds received
11 by the Illinois Department for medical assistance program
12 expenditures made under Title XIX of the Social Security Act
13 and Article V of this Code that are required by Section 5C-7 of
14 this Code to be paid into the Care Provider Fund for Persons
15 with a Developmental Disability shall be deposited into the
16 Care Provider Fund for Persons with a Developmental Disability.
17 Any other federal funds received by the Illinois Department for
18 trauma center adjustment payments that are required by Section
19 5-5.03 of this Code and made under Title XIX of the Social
20 Security Act and Article V of this Code shall be deposited into
21 the Trauma Center Fund. Any other federal funds received by the
22 Illinois Department as reimbursement for expenses for early
23 intervention services paid from the Early Intervention
24 Services Revolving Fund shall be deposited into that Fund.

25 The Illinois Department shall report to the General
26 Assembly at the end of each fiscal quarter the amount of all

1 funds received and paid into the Social Service Block Grant
2 Fund and the Local Initiative Fund and the expenditures and
3 transfers of such funds for services, programs and other
4 purposes authorized by law. Such report shall be filed with the
5 Speaker, Minority Leader and Clerk of the House, with the
6 President, Minority Leader and Secretary of the Senate, with
7 the Chairmen of the House and Senate Appropriations Committees,
8 the House Human Resources Committee and the Senate Public
9 Health, Welfare and Corrections Committee, or the successor
10 standing Committees of each as provided by the rules of the
11 House and Senate, respectively, with the Legislative Research
12 Unit and with the State Government Report Distribution Center
13 for the General Assembly as is required under paragraph (t) of
14 Section 7 of the State Library Act shall be deemed sufficient
15 to comply with this Section.

16 (Source: P.A. 98-463, eff. 8-16-13.)

17 Section 645. The Energy Assistance Act is amended by
18 changing Section 6 as follows:

19 (305 ILCS 20/6) (from Ch. 111 2/3, par. 1406)

20 Sec. 6. Eligibility, Conditions of Participation, and
21 Energy Assistance.

22 (a) Any person who is a resident of the State of Illinois
23 and whose household income is not greater than an amount
24 determined annually by the Department, in consultation with the

1 Policy Advisory Council, may apply for assistance pursuant to
2 this Act in accordance with regulations promulgated by the
3 Department. In setting the annual eligibility level, the
4 Department shall consider the amount of available funding and
5 may not set a limit higher than 150% of the federal nonfarm
6 poverty level as established by the federal Office of
7 Management and Budget; except that for the period ending June
8 30, 2013, the Department may not establish limits higher than
9 200% of that poverty level or the maximum level provided for by
10 federal guidelines.

11 (b) Applicants who qualify for assistance pursuant to
12 subsection (a) of this Section shall, subject to appropriation
13 from the General Assembly and subject to availability of funds
14 to the Department, receive energy assistance as provided by
15 this Act. The Department, upon receipt of monies authorized
16 pursuant to this Act for energy assistance, shall commit funds
17 for each qualified applicant in an amount determined by the
18 Department. In determining the amounts of assistance to be
19 provided to or on behalf of a qualified applicant, the
20 Department shall ensure that the highest amounts of assistance
21 go to households with the greatest energy costs in relation to
22 household income. The Department shall include factors such as
23 energy costs, household size, household income, and region of
24 the State when determining individual household benefits. In
25 setting assistance levels, the Department shall attempt to
26 provide assistance to approximately the same number of

1 households who participated in the 1991 Residential Energy
2 Assistance Partnership Program. Such assistance levels shall
3 be adjusted annually on the basis of funding availability and
4 energy costs. In promulgating rules for the administration of
5 this Section the Department shall assure that a minimum of 1/3
6 of funds available for benefits to eligible households with the
7 lowest incomes and that elderly households and households with
8 persons with disabilities ~~and disabled households~~ are offered a
9 priority application period.

10 (c) If the applicant is not a customer of record of an
11 energy provider for energy services or an applicant for such
12 service, such applicant shall receive a direct energy
13 assistance payment in an amount established by the Department
14 for all such applicants under this Act; provided, however, that
15 such an applicant must have rental expenses for housing greater
16 than 30% of household income.

17 (c-1) This subsection shall apply only in cases where: (1)
18 the applicant is not a customer of record of an energy provider
19 because energy services are provided by the owner of the unit
20 as a portion of the rent; (2) the applicant resides in housing
21 subsidized or developed with funds provided under the Rental
22 Housing Support Program Act or under a similar locally funded
23 rent subsidy program, or is the voucher holder who resides in a
24 rental unit within the State of Illinois and whose monthly rent
25 is subsidized by the tenant-based Housing Choice Voucher
26 Program under Section 8 of the U.S. Housing Act of 1937; and

1 (3) the rental expenses for housing are no more than 30% of
2 household income. In such cases, the household may apply for an
3 energy assistance payment under this Act and the owner of the
4 housing unit shall cooperate with the applicant by providing
5 documentation of the energy costs for that unit. Any
6 compensation paid to the energy provider who supplied energy
7 services to the household shall be paid on behalf of the owner
8 of the housing unit providing energy services to the household.
9 The Department shall report annually to the General Assembly on
10 the number of households receiving energy assistance under this
11 subsection and the cost of such assistance. The provisions of
12 this subsection (c-1), other than this sentence, are
13 inoperative after August 31, 2012.

14 (d) If the applicant is a customer of an energy provider,
15 such applicant shall receive energy assistance in an amount
16 established by the Department for all such applicants under
17 this Act, such amount to be paid by the Department to the
18 energy provider supplying winter energy service to such
19 applicant. Such applicant shall:

20 (i) make all reasonable efforts to apply to any other
21 appropriate source of public energy assistance; and

22 (ii) sign a waiver permitting the Department to receive
23 income information from any public or private agency
24 providing income or energy assistance and from any
25 employer, whether public or private.

26 (e) Any qualified applicant pursuant to this Section may

1 receive or have paid on such applicant's behalf an emergency
2 assistance payment to enable such applicant to obtain access to
3 winter energy services. Any such payments shall be made in
4 accordance with regulations of the Department.

5 (f) The Department may, if sufficient funds are available,
6 provide additional benefits to certain qualified applicants:

7 (i) for the reduction of past due amounts owed to
8 energy providers; and

9 (ii) to assist the household in responding to
10 excessively high summer temperatures or energy costs.
11 Households containing elderly members, children, a person
12 with a disability, or a person with a medical need for
13 conditioned air shall receive priority for receipt of such
14 benefits.

15 (Source: P.A. 96-154, eff. 1-1-10; 96-157, eff. 9-1-09;
16 96-1000, eff. 7-2-10; 97-721, eff. 6-29-12.)

17 Section 650. The Medicaid Revenue Act is amended by
18 changing Section 1-2 as follows:

19 (305 ILCS 35/1-2) (from Ch. 23, par. 7051-2)

20 Sec. 1-2. Legislative finding and declaration. The General
21 Assembly hereby finds, determines, and declares:

22 (1) It is in the public interest and it is the public
23 policy of this State to provide for and improve the basic
24 medical care and long-term health care services of its

1 indigent, most vulnerable citizens.

2 (2) Preservation of health, alleviation of sickness,
3 and correction of disabling ~~handicapping~~ conditions for
4 persons requiring maintenance support are essential if
5 those persons are to have an opportunity to become
6 self-supporting or to attain a greater capacity for
7 self-care.

8 (3) For persons who are medically indigent but
9 otherwise able to provide themselves a livelihood, it is of
10 special importance to maintain their incentives for
11 continued independence and preserve their limited
12 resources for ordinary maintenance needed to prevent their
13 total or substantial dependence on public support.

14 (4) The State has historically provided for care and
15 services, in conjunction with the federal government,
16 through the establishment and funding of a medical
17 assistance program administered by the Department of
18 Healthcare and Family Services (formerly Department of
19 Public Aid) and approved by the Secretary of Health and
20 Human Services under Title XIX of the federal Social
21 Security Act, that program being commonly referred to as
22 "Medicaid".

23 (5) The Medicaid program is a funding partnership
24 between the State of Illinois and the federal government,
25 with the Department of Healthcare and Family Services being
26 designated as the single State agency responsible for the

1 administration of the program, but with the State
2 historically receiving 50% of the amounts expended as
3 medical assistance under the Medicaid program from the
4 federal government.

5 (6) To raise a portion of Illinois' share of the
6 Medicaid funds after July 1, 1991, the General Assembly
7 enacted Public Act 87-13 to provide for the collection of
8 provider participation fees from designated health care
9 providers receiving Medicaid payments.

10 (7) On September 12, 1991, the Secretary of Health and
11 Human Services proposed regulations that could have
12 reduced the federal matching of Medicaid expenditures
13 incurred on or after January 1, 1992 by the portion of the
14 expenditures paid from funds raised through the provider
15 participation fees.

16 (8) To prevent the Secretary from enacting those
17 regulations but at the same time to impose certain
18 statutory limitations on the means by which states may
19 raise Medicaid funds eligible for federal matching,
20 Congress enacted the Medicaid Voluntary Contribution and
21 Provider-Specific Tax Amendments of 1991, Public Law
22 102-234.

23 (9) Public Law 102-234 provides for a state's share of
24 Medicaid funding eligible for federal matching to be raised
25 through "broad-based health care related taxes", meaning,
26 generally, a tax imposed with respect to a class of health

1 care items or services (or providers thereof) specified
2 therein, which (i) is imposed on all items or services or
3 providers in the class in the state, except federal or
4 public providers, and (ii) is imposed uniformly on all
5 providers in the class at the same rate with respect to the
6 same base.

7 (10) The separate classes of health care items and
8 services established by P.L. 102-234 include inpatient and
9 outpatient hospital services, nursing facility services,
10 and services of intermediate care facilities for persons
11 with intellectual disabilities ~~the intellectually~~
12 ~~disabled~~.

13 (11) The provider participation fees imposed under
14 P.A. 87-13 may not meet the standards under P.L. 102-234.

15 (12) The resulting hospital Medicaid reimbursement
16 reductions may force the closure of some hospitals now
17 serving a disproportionately high number of the needy, who
18 would then have to be cared for by remaining hospitals at
19 substantial cost to those remaining hospitals.

20 (13) The hospitals in the State are all part of and
21 benefit from a hospital system linked together in a number
22 of ways, including common licensing and regulation, health
23 care standards, education, research and disease control
24 reporting, patient transfers for specialist care, and
25 organ donor networks.

26 (14) Each hospital's patient population demographics,

1 including the proportion of patients whose care is paid by
2 Medicaid, is subject to change over time.

3 (15) Hospitals in the State have a special interest in
4 the payment of adequate reimbursement levels for hospital
5 care by Medicaid.

6 (16) Most hospitals are exempt from payment of most
7 federal, State, and local income, sales, property, and
8 other taxes.

9 (17) The hospital assessment enacted by this Act under
10 the guidelines of P.L. 102-234 is the most efficient means
11 of raising the federally matchable funds needed for
12 hospital care reimbursement.

13 (18) Cook County Hospital and Oak Forest Hospital are
14 public hospitals owned and operated by Cook County with
15 unique fiscal problems, including a patient population
16 that is primarily Medicaid or altogether nonpaying, that
17 make an intergovernmental transfer payment arrangement a
18 more appropriate means of financing than the regular
19 hospital assessment and reimbursement provisions.

20 (19) Sole community hospitals provide access to
21 essential care that would otherwise not be reasonably
22 available in the community they serve, such that imposition
23 of assessments on them in their precarious financial
24 circumstances may force their closure and have the effect
25 of reducing access to health care.

26 (20) Each nursing home's resident population

1 demographics, including the proportion of residents whose
2 care is paid by Medicaid, is subject to change over time in
3 that, among other things, residents currently able to pay
4 the cost of nursing home care may become dependent on
5 Medicaid support for continued care and services as
6 resources are depleted.

7 (21) As the citizens of the State age, increased
8 pressures will be placed on limited facilities to provide
9 reasonable levels of care for a greater number of geriatric
10 residents, and all involved in the nursing home industry,
11 providers and residents, have a special interest in the
12 maintenance of adequate Medicaid support for all nursing
13 facilities.

14 (22) The assessments on nursing homes enacted by this
15 Act under the guidelines of P.L. 102-234 are the most
16 efficient means of raising the federally matchable funds
17 needed for nursing home care reimbursement.

18 (23) All intermediate care facilities for persons with
19 developmental disabilities receive a high degree of
20 Medicaid support and benefits and therefore have a special
21 interest in the maintenance of adequate Medicaid support.

22 (24) The assessments on intermediate care facilities
23 for persons with developmental disabilities enacted by
24 this Act under the guidelines of P.L. 102-234 are the most
25 efficient means of raising the federally matchable funds
26 needed for reimbursement of providers of intermediate care

1 for persons with developmental disabilities.

2 (Source: P.A. 97-227, eff. 1-1-12.)

3 Section 655. The Nutrition Outreach and Public Education
4 Act is amended by changing Section 10 as follows:

5 (305 ILCS 42/10)

6 Sec. 10. Definitions. As used in this Act, unless the
7 context requires otherwise:

8 "At-risk populations" means populations including but not
9 limited to families with children receiving aid under Article
10 IV of the Illinois Public Aid Code, households receiving
11 federal supplemental security income payments, households with
12 incomes at or below 185% of the poverty guidelines updated
13 annually in the Federal Register by the U.S. Department of
14 Health and Human Services under authority of Section 673(2) of
15 the Omnibus Budget Reconciliation Act of 1981, recipients of
16 emergency food, elderly persons or persons with disabilities ~~or~~
17 ~~disabled persons~~, homeless persons, unemployed persons, and
18 families and persons residing in rural households who are at
19 risk of nutritional deficiencies.

20 "Secretary" means the Secretary of Human Services.

21 "Food assistance programs" means programs including but
22 not limited to the food stamp program, school breakfast and
23 lunch programs, child care food programs, summer food service
24 programs, the special supplemental programs for women, infants

1 and children, congregate meal programs, and home-delivered
2 meal programs.

3 "High-risk area" means any county or urban area where a
4 significant percentage or number of those potentially eligible
5 for food assistance programs are not participating in such
6 programs.

7 (Source: P.A. 93-555, eff. 1-1-04.)

8 Section 660. The Housing Authorities Act is amended by
9 changing Section 8.15 as follows:

10 (310 ILCS 10/8.15) (from Ch. 67 1/2, par. 8.15)

11 Sec. 8.15. A Housing Authority may, subject to written
12 approval by the Department, acquire by purchase, condemnation
13 or otherwise any improved or unimproved real property, the
14 acquisition of which is necessary or appropriate for the
15 implementation of a conservation plan for a conservation area
16 as defined in this Act; to remove or demolish substandard or
17 other buildings and structures from the property so acquired;
18 to hold, improve, mortgage and manage such properties; and to
19 sell, lease, or exchange such properties, provided that
20 contracts for repair, improvement or rehabilitation of
21 existing improvements as may be required by the conservation
22 plan to be done by the Authority involving in excess of \$1,000
23 shall be let by free and competitive bidding to the lowest
24 responsible bidder upon such bond and subject to such

1 regulations as may be set by the Department and to the written
2 approval of the Department, and provided further that all new
3 construction for occupancy and use other than by any municipal
4 corporation or county or subdivision thereof shall be on land
5 privately owned.

6 The acquisition, use or disposition of any real property
7 must conform to a conservation plan developed and approved as
8 provided in Section 8.14. In case of the sale or lease of any
9 real property acquired under a conservation plan, the buyer or
10 lessee must as a condition of sale or lease agree to improve
11 and use the property according to the conservation plan, and
12 such agreement may be made a covenant running with the land,
13 and on order of the Authority and written approval from the
14 Department the agreement shall be made a covenant running with
15 the land. No lease or deed of conveyance either by the
16 Authority or any subsequent owner shall contain a covenant
17 running with the land or other provision prohibiting occupancy
18 of the premises by any person because of race, creed, color,
19 religion, mental or physical disability ~~handicap~~, national
20 origin or sex.

21 The Authority shall by public notice by publication once a
22 week for 2 consecutive weeks in a newspaper having general
23 circulation in the municipality or county prior to the
24 execution of any contract to sell, lease or otherwise transfer
25 real property and prior to the delivery of any instrument of
26 conveyance with respect thereto, invite proposals from and make

1 available all pertinent information to redevelopers or any
2 person interested in undertaking to redevelop or rehabilitate a
3 conservation area, or any part thereof; provided that, in
4 municipalities or counties in which no newspaper is published,
5 publication may be made by posting a notice in 3 prominent
6 places within the municipality or county. The notice shall
7 contain a description of the conservation area, the details of
8 the conservation plan relating to the property which the
9 purchaser shall undertake in writing to carry out, and such
10 undertakings as the Authority and the Department may deem
11 necessary to obligate the purchaser, his or her successors and
12 assigns (1) to use the property for the purposes designated in
13 the conservation plan, (2) to commence and complete the
14 improvement, repair, rehabilitation or construction of the
15 improvements within the periods of time which the Authority
16 with written approval from the Department fixes as reasonable
17 and (3) to comply with such other conditions as are necessary
18 to carry out the purpose of the conservation project.

19 The Authority may negotiate with any persons for proposals
20 for the purchase, lease or other transfer of any real property
21 acquired by it and shall consider all redevelopment and
22 rehabilitation proposals submitted to it and the financial and
23 legal ability of the persons making such proposals to carry
24 them out. The Authority subject to written approval from the
25 Department, at a public meeting, notice of which shall have
26 been published in a newspaper of general circulation within the

1 municipality or county at least 15 but not more than 30 days
2 prior to such meeting, may accept such proposals as it deems to
3 be in the public interest and in furtherance of the purposes of
4 this Act.

5 All sales or leases of real property shall be made at not
6 less than fair use value. No sale of real property acquired
7 pursuant to this section shall be made without the approval of
8 a majority of the Commissioners of the Authority and written
9 approval from the Department. No property shall be held for
10 more than 5 years, after which the property shall be sold to
11 the highest bidder at public sale. The Authority may employ
12 competent real estate management firms to manage such
13 properties as may be required, or the Authority may manage such
14 properties.

15 (Source: P.A. 81-1509.)

16 Section 665. The Illinois Affordable Housing Act is amended
17 by changing Section 8 as follows:

18 (310 ILCS 65/8) (from Ch. 67 1/2, par. 1258)

19 Sec. 8. Uses of Trust Fund.

20 (a) Subject to annual appropriation to the Funding Agent
21 and subject to the prior dedication, allocation, transfer and
22 use of Trust Fund Moneys as provided in Sections 8(b), 8(c) and
23 9 of this Act, the Trust Fund may be used to make grants,
24 mortgages, or other loans to acquire, construct, rehabilitate,

1 develop, operate, insure, and retain affordable single-family
2 and multi-family housing in this State for low-income and very
3 low-income households. The majority of monies appropriated to
4 the Trust Fund in any given year are to be used for affordable
5 housing for very low-income households. For the fiscal years
6 2007, 2008, and 2009 only, the Department of Human Services is
7 authorized to receive appropriations and spend moneys from the
8 Illinois Affordable Housing Trust Fund for the purpose of
9 developing and coordinating public and private resources
10 targeted to meet the affordable housing needs of low-income,
11 very low-income, and special needs households in the State of
12 Illinois.

13 (b) For each fiscal year commencing with fiscal year 1994,
14 the Program Administrator shall certify from time to time to
15 the Funding Agent, the Comptroller and the State Treasurer
16 amounts, up to an aggregate in any fiscal year of \$10,000,000,
17 of Trust Fund Moneys expected to be used or pledged by the
18 Program Administrator during the fiscal year for the purposes
19 and uses specified in Sections 8(c) and 9 of this Act. Subject
20 to annual appropriation, upon receipt of such certification,
21 the Funding Agent and the Comptroller shall dedicate and the
22 State Treasurer shall transfer not less often than monthly to
23 the Program Administrator or its designated payee, without
24 requisition or further request therefor, all amounts
25 accumulated in the Trust Fund within the State Treasury and not
26 already transferred to the Loan Commitment Account prior to the

1 Funding Agent's receipt of such certification, until the
2 Program Administrator has received the aggregate amount
3 certified by the Program Administrator, to be used solely for
4 the purposes and uses authorized and provided in Sections 8(c)
5 and 9 of this Act. Neither the Comptroller nor the Treasurer
6 shall transfer, dedicate or allocate any of the Trust Fund
7 Moneys transferred or certified for transfer by the Program
8 Administrator as provided above to any other fund, nor shall
9 the Governor authorize any such transfer, dedication or
10 allocation, nor shall any of the Trust Fund Moneys so
11 dedicated, allocated or transferred be used, temporarily or
12 otherwise, for interfund borrowing, or be otherwise used or
13 appropriated, except as expressly authorized and provided in
14 Sections 8(c) and 9 of this Act for the purposes and subject to
15 the priorities, limitations and conditions provided for
16 therein until such obligations, uses and dedications as therein
17 provided, have been satisfied.

18 (c) Notwithstanding Section 5(b) of this Act, any Trust
19 Fund Moneys transferred to the Program Administrator pursuant
20 to Section 8(b) of this Act, or otherwise obtained, paid to or
21 held by or for the Program Administrator, or pledged pursuant
22 to resolution of the Program Administrator, for Affordable
23 Housing Program Trust Fund Bonds or Notes under the Illinois
24 Housing Development Act, and all proceeds, payments and
25 receipts from investments or use of such moneys, including any
26 residual or additional funds or moneys generated or obtained in

1 connection with any of the foregoing, may be held, pledged,
2 applied or dedicated by the Program Administrator as follows:

3 (1) as required by the terms of any pledge of or
4 resolution of the Program Administrator authorized under
5 Section 9 of this Act in connection with Affordable Housing
6 Program Trust Fund Bonds or Notes issued pursuant to the
7 Illinois Housing Development Act;

8 (2) to or for costs of issuance and administration and
9 the payments of any principal, interest, premium or other
10 amounts or expenses incurred or accrued in connection with
11 Affordable Housing Program Trust Fund Bonds or Notes,
12 including rate protection contracts and credit support
13 arrangements pertaining thereto, and, provided such
14 expenses, fees and charges are obligations, whether
15 recourse or nonrecourse, and whether financed with or paid
16 from the proceeds of Affordable Housing Program Trust Fund
17 Bonds or Notes, of the developers, mortgagors or other
18 users, the Program Administrator's expenses and servicing,
19 administration and origination fees and charges in
20 connection with any loans, mortgages, or developments
21 funded or financed or expected to be funded or financed, in
22 whole or in part, from the issuance of Affordable Housing
23 Program Trust Fund Bonds or Notes;

24 (3) to or for costs of issuance and administration and
25 the payments of principal, interest, premium, loan fees,
26 and other amounts or other obligations of the Program

1 Administrator, including rate protection contracts and
2 credit support arrangements pertaining thereto, for loans,
3 commercial paper or other notes or bonds issued by the
4 Program Administrator pursuant to the Illinois Housing
5 Development Act, provided that the proceeds of such loans,
6 commercial paper or other notes or bonds are paid or
7 expended in connection with, or refund or repay, loans,
8 commercial paper or other notes or bonds issued or made in
9 connection with bridge loans or loans for the construction,
10 renovation, redevelopment, restructuring, reorganization
11 of Affordable Housing and related expenses, including
12 development costs, technical assistance, or other amounts
13 to construct, preserve, improve, renovate, rehabilitate,
14 refinance, or assist Affordable Housing, including
15 financially troubled Affordable Housing, permanent or
16 other financing for which has been funded or financed or is
17 expected to be funded or financed in whole or in part by
18 the Program Administrator through the issuance of or use of
19 proceeds from Affordable Housing Program Trust Fund Bonds
20 or Notes;

21 (4) to or for direct expenditures or reimbursement for
22 development costs, technical assistance, or other amounts
23 to construct, preserve, improve, renovate, rehabilitate,
24 refinance, or assist Affordable Housing, including
25 financially troubled Affordable Housing, permanent or
26 other financing for which has been funded or financed or is

1 expected to be funded or financed in whole or in part by
2 the Program Administrator through the issuance of or use of
3 proceeds from Affordable Housing Program Trust Fund Bonds
4 or Notes; and

5 (5) for deposit into any residual, sinking, reserve or
6 revolving fund or pool established by the Program
7 Administrator, whether or not pledged to secure Affordable
8 Housing Program Trust Fund Bonds or Notes, to support or be
9 utilized for the issuance, redemption, or payment of the
10 principal, interest, premium or other amounts payable on or
11 with respect to any existing, additional or future
12 Affordable Housing Program Trust Fund Bonds or Notes, or to
13 or for any other expenditure authorized by this Section
14 8(c).

15 (d) All or a portion of the Trust Fund Moneys on deposit or
16 to be deposited in the Trust Fund not already certified for
17 transfer or transferred to the Program Administrator pursuant
18 to Section 8(b) of this Act may be used to secure the repayment
19 of Affordable Housing Program Trust Fund Bonds or Notes, or
20 otherwise to supplement or support Affordable Housing funded or
21 financed or intended to be funded or financed, in whole or in
22 part, by Affordable Housing Program Trust Fund Bonds or Notes.

23 (e) Assisted housing may include housing for special needs
24 populations such as the homeless, single-parent families, the
25 elderly, or persons with disabilities ~~the physically and~~
26 ~~mentally disabled~~. The Trust Fund shall be used to implement a

1 demonstration congregate housing project for any such special
2 needs population.

3 (f) Grants from the Trust Fund may include, but are not
4 limited to, rental assistance and security deposit subsidies
5 for low and very low-income households.

6 (g) The Trust Fund may be used to pay actual and reasonable
7 costs for Commission members to attend Commission meetings, and
8 any litigation costs and expenses, including legal fees,
9 incurred by the Program Administrator in any litigation related
10 to this Act or its action as Program Administrator.

11 (h) The Trust Fund may be used to make grants for (1) the
12 provision of technical assistance, (2) outreach, and (3)
13 building an organization's capacity to develop affordable
14 housing projects.

15 (i) Amounts on deposit in the Trust Fund may be used to
16 reimburse the Program Administrator and the Funding Agent for
17 costs incurred in the performance of their duties under this
18 Act, excluding costs and fees of the Program Administrator
19 associated with the Program Escrow to the extent withheld
20 pursuant to paragraph (8) of subsection (b) of Section 5.

21 (Source: P.A. 94-839, eff. 6-6-06; 95-707, eff. 1-11-08;
22 95-744, eff. 7-18-08.)

23 Section 670. The Subsidized Housing Joint Occupancy Act is
24 amended by changing Sections 2, 3, and 4 as follows:

1 (310 ILCS 75/2) (from Ch. 67 1/2, par. 1352)

2 Sec. 2. Legislative findings. The General Assembly makes
3 the following findings:

4 (1) Elderly persons and persons with disabilities ~~and~~
5 ~~handicapped persons~~ frequently desire to share a residence (i)
6 to maximize the effectiveness of the portion of their often
7 limited incomes that is spent for housing; (ii) for protection;
8 and (iii) for assistance in performing necessary daily tasks of
9 life such as cooking and cleaning.

10 (2) Many elderly persons and persons with disabilities ~~and~~
11 ~~handicapped persons~~ desire to live in federally subsidized
12 housing units because of their limited incomes.

13 (3) Rules of the federal Department of Housing and Urban
14 Development permit 2 or more unrelated elderly persons or
15 persons with disabilities ~~or handicapped persons~~ to occupy the
16 same unit in federally subsidized housing, although local
17 housing authorities frequently do not permit those persons to
18 occupy the same unit.

19 (4) The State of Illinois should do all it can to assist
20 its elderly persons and persons with disabilities ~~and~~
21 ~~handicapped persons~~ in maximizing the effectiveness of their
22 incomes and to insure that those citizens are not unnecessarily
23 burdened in accomplishing the daily tasks of life.

24 (Source: P.A. 87-243.)

25 (310 ILCS 75/3) (from Ch. 67 1/2, par. 1353)

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

3 "Elderly person" means a person 62 years of age or older.

4 "Person with a disability ~~Handicapped person~~" means a
5 person having a physical or mental impairment that:

6 (1) is expected to be of long-continued and indefinite
7 duration,

8 (2) substantially impedes the person's ability to live
9 independently, and

10 (3) is of such a nature that this ability could be
11 improved by more suitable housing conditions.

12 "Subsidized housing" means any housing or unit of housing
13 financed by a loan or mortgage held by the Illinois Housing
14 Development Authority, a local housing authority, or the
15 federal Department of Housing and Urban Development ("HUD")
16 under one of the following circumstances:

17 (1) Insured or held by HUD under Section 221(d)(3) of
18 the National Housing Act and assisted under Section 101 of
19 the Housing and Urban Development Act of 1965 or Section 8
20 of the United States Housing Act of 1937.

21 (2) Insured or held by HUD and bears interest at a rate
22 determined under the proviso of Section 221(d)(3) of the
23 National Housing Act.

24 (3) Insured, assisted, or held by HUD under Section 202
25 or 236 of the National Housing Act.

26 (4) Insured or held by HUD under Section 514 or 515 of

1 the Housing Act of 1949.

2 (5) Insured or held by HUD under the United States
3 Housing Act of 1937.

4 (6) Held by HUD and formerly insured under a program
5 listed in paragraph (1), (2), (3), (4), or (5).

6 (Source: P.A. 87-243.)

7 (310 ILCS 75/4) (from Ch. 67 1/2, par. 1354)

8 Sec. 4. Joint occupancy of subsidized housing. Two elderly
9 persons or two persons with disabilities ~~or handicapped persons~~
10 who are not related to each other by blood or marriage shall
11 not be prohibited from jointly occupying subsidized housing or
12 a unit of subsidized housing solely because they are not
13 related, provided they have filed a form for such joint
14 occupation with the clerk of the county in which the housing
15 they seek to occupy is located and otherwise meet all other
16 eligibility requirements. A member of the joint occupancy may
17 withdraw from the joint occupancy at any time.

18 (Source: P.A. 87-243.)

19 Section 675. The Accessible Housing Demonstration Grant
20 Program Act is amended by changing Sections 10 and 20 as
21 follows:

22 (310 ILCS 95/10)

23 Sec. 10. Accessibility demonstration grant program.

1 Subject to appropriation for this purpose, the Authority shall
2 establish a demonstration grant program to encourage the
3 building of spec homes that are accessible to persons with
4 disabilities ~~the disabled~~. Through the program the Authority
5 shall provide grants to builders who build spec homes meeting
6 the basic access standards described in Section 15. The goal of
7 the demonstration program shall be that at least 10% of all new
8 spec homes within a development participating in the
9 demonstration grant program for which construction begins 6 or
10 more months after the effective date of this Act meet the
11 minimum standards for basic access as described in Section 15.

12 Builders who wish to participate in the demonstration grant
13 program shall submit a grant application to the Authority in
14 accordance with rules promulgated by the Authority. The
15 Authority shall prescribe by rule standards and procedures for
16 the provision of demonstration grant funds in relation to each
17 grant application.

18 (Source: P.A. 91-451, eff. 8-6-99.)

19 (310 ILCS 95/20)

20 Sec. 20. Task Force on Housing Accessibility. There is
21 created a Task Force on Housing Accessibility. The Task Force
22 shall consist of 7 members who shall be appointed by the
23 Governor as follows: the executive vice president of the
24 Illinois Association of Realtors or his or her designee, the
25 executive vice president of the Home Builders Association of

1 Illinois or his or her designee, an architect with expertise
2 and experience in designing accessible housing for persons with
3 disabilities, a senior citizen, a person with disabilities, a
4 representative from the Attorney General's Office, and the
5 Director of the Authority or his or her designee. The terms of
6 the Task Force members shall last 4 years and shall begin 60
7 days after the effective date of this Act, or as soon
8 thereafter as all members of the Board have been appointed. At
9 the expiration of the term of each Task Force member, and of
10 each succeeding Task Force member, or in the event of a
11 vacancy, the Governor shall appoint a Task Force member to hold
12 office, in the case of a vacancy, for the unexpired term, or in
13 the case of expiration, for a term of 4 years or until a
14 successor is appointed by the Governor. The members shall
15 receive no compensation for their services on the Task Force
16 but shall be reimbursed by the Authority for any ordinary and
17 necessary expenses incurred in the performance of their duties.

18 The Task Force shall provide recommendations to builders
19 regarding the types of accommodations needed in new housing
20 stock for persons with disabilities ~~disabled persons~~. The
21 recommendations shall include provisions on how to build homes
22 that will retain their resale and aesthetic value.

23 (Source: P.A. 91-451, eff. 8-6-99.)

24 Section 680. The Prevention of Unnecessary
25 Institutionalization Act is amended by changing Section 25 as

1 follows:

2 (310 ILCS 100/25)

3 Sec. 25. Eligibility. Persons age 60 or over and adults and
4 children with disabilities shall be eligible for grants or
5 loans or both under the Program established by this Act if they
6 have one or more verifiable impairments that substantially
7 limits one or more of life's major activities for which some
8 modification of their dwelling or assistive technology
9 devices, or both, are required which they are unable to afford
10 because of limited resources. Preference shall be given to
11 applicants who: (1) are at imminent risk of
12 institutionalization or who are already in an institutional
13 setting but are ready to return to the community and who would
14 be able to live in the community if modifications are made or
15 they have the needed assistive technology devices, (2) have
16 inadequate resources or no current access to resources as a
17 result of the geographic location of their dwelling, the lack
18 of other available State or federal funds such as the Community
19 Development Block Grant or rural housing assistance programs or
20 income limitations such as the inability to qualify for a
21 low-interest loan, or (3) have access to other resources, but
22 those resources are insufficient to complete the necessary
23 modifications or acquire the needed assistive technology
24 devices. Adults under 60 years of age with disabilities and
25 children with disabilities shall receive services under the

1 component of the Program administered by the Department of
2 Human Services. An adult 60 years of age or older may elect to
3 receive services under the component administered by the
4 Department of Human Services if, at the time he or she reached
5 age 60, he or she was already receiving Home Services under
6 subsection (f) of Section 3 of the Rehabilitation of Persons
7 with Disabilities ~~Disabled Persons Rehabilitation~~ Act or he or
8 she was already receiving services under the component of the
9 Program administered by the Department of Human Services. All
10 other adults 60 years of age or older receiving services under
11 the Program shall receive services under the component
12 administered by the Department on Aging.

13 (Source: P.A. 92-122, eff. 7-20-01.)

14 Section 685. The Blighted Areas Redevelopment Act of 1947
15 is amended by changing Section 20 as follows:

16 (315 ILCS 5/20) (from Ch. 67 1/2, par. 82)

17 Sec. 20. The sale of any real property by a Land Clearance
18 Commission where required to be made for a monetary
19 consideration, except public sales as provided in the last
20 paragraph of Section 19, shall be subject to the approval of
21 the Department and the governing body of the municipality in
22 which the real property is located.

23 All deeds of conveyances shall be executed in the name of
24 the Land Clearance Commission by the Chairman and Secretary of

1 the Commission and the seal of the Commission shall be attached
2 thereto. Any deed of conveyance by the Commission may provide
3 such restrictions as are required by the plan for redevelopment
4 and the building and zoning ordinances, but no deed of
5 conveyance either by the Commission or any subsequent owner
6 shall contain a covenant running with the land or other
7 provision prohibiting occupancy of the premises by any person
8 because of race, creed, color, religion, physical or mental
9 disability ~~handicap~~, national origin or sex.

10 (Source: P.A. 81-1509.)

11 Section 690. The Urban Community Conservation Act is
12 amended by changing Section 6 as follows:

13 (315 ILCS 25/6) (from Ch. 67 1/2, par. 91.13)

14 Sec. 6. Real property necessary or appropriate for the
15 conservation of urban residential areas-Acquisition, use and
16 disposition.) The Conservation Board of a municipality shall
17 have the power to acquire by purchase, condemnation or
18 otherwise any improved or unimproved real property the
19 acquisition of which is necessary or appropriate for the
20 implementation of a conservation plan for a Conservation Area
21 as defined herein; to remove or demolish substandard or other
22 buildings and structures from the property so acquired; to
23 hold, improve, mortgage and manage such properties; and to
24 sell, lease, or exchange such properties, provided that

1 contracts for repair, improvement or rehabilitation of
2 existing improvements as may be required by the Conservation
3 Plan to be done by the Board involving in excess of \$1,000.00
4 shall be let by free and competitive bidding to the lowest
5 responsible bidder upon such bond and subject to such
6 regulations as may be set by the Board, and provided further
7 that all new construction for occupancy and use other than by
8 any municipal corporation or subdivision thereof shall be on
9 land privately owned. The acquisition, use, or disposition of
10 any real property in pursuance of this section must conform to
11 a conservation plan developed in the manner hereinafter set
12 forth. In case of the sale or lease of any real property
13 acquired under the provisions of this Act such buyer or lessee
14 must as a condition of sale or lease, agree to improve and use
15 such property according to the conservation plan, and such
16 agreement may be made a covenant running with the land and on
17 order of the governing body such agreement shall be made a
18 covenant running with the land. No lease or deed of conveyance
19 either by the Board or any subsequent owner shall contain a
20 covenant running with the land or other provision prohibiting
21 occupancy of the premises by any person because of race, creed,
22 color, religion, physical or mental disability ~~handicap~~, sex or
23 national origin. The Conservation Board shall by public notice
24 by publication once each week for 2 consecutive weeks in a
25 newspaper having general circulation in the municipality prior
26 to the execution of any contract to sell, lease or otherwise

1 transfer real property and prior to the delivery of any
2 instrument of conveyance with respect thereto, invite
3 proposals from and make available all pertinent information to
4 redevelopers or any person interested in undertaking to
5 redevelop or rehabilitate a Conservation Area, or any part
6 thereof, provided that, in municipalities in which no newspaper
7 is published, publication may be made by posting a notice in 3
8 prominent places within the municipality. Such notice shall
9 contain a description of the Conservation Area, the details of
10 the conservation plan relating to the property which the
11 purchaser shall undertake in writing to carry out and such
12 undertakings as the Board may deem necessary to obligate the
13 purchaser, his or her successors and assigns (1) to use the
14 property for the purposes designated in the Conservation Plan,
15 (2) to commence and complete the improvement, repair,
16 rehabilitation or construction of the improvements within the
17 periods of time which the Board fixes as reasonable and (3) to
18 comply with such other conditions as are necessary to carry out
19 the purposes of the Act. The Conservation Board may negotiate
20 with any persons for proposals for the purchase, lease or other
21 transfer of any real property acquired pursuant to this Act and
22 shall consider all redevelopment and rehabilitation proposals
23 submitted to it and the financial and legal ability of the
24 persons making such proposals to carry them out. The
25 Conservation Board, as agent for the Municipality, at a public
26 meeting, notice of which shall have been published in a

1 newspaper of general circulation within the municipality at
2 least 15 but not more than 30 days prior to such meeting, may
3 accept such proposals as it deems to be in the public interest
4 and in furtherance of the purposes of this Act; provided that,
5 all sales or leases of real property shall be made at not less
6 than fair use value. No sale of real property acquired pursuant
7 to this section shall be made without the approval of a
8 majority of the governing body. The disposition of real
9 property acquired pursuant to this section shall be exempt from
10 the requirements of Sections 11-76-1 and 11-76-2 of the
11 Illinois Municipal Code, as heretofore and hereafter amended.
12 All deeds of conveyance of real property acquired pursuant to
13 this section shall be executed as provided in Section 11-76-3
14 of the Illinois Municipal Code, as heretofore and hereafter
15 amended. No property shall be held for more than 5 years, after
16 which period such property shall be sold to the highest bidder
17 at public sale. The Board may employ competent private real
18 estate management firms to manage such properties as may be
19 acquired, or the Board may manage such properties.

20 (Source: P.A. 80-341.)

21 Section 695. The Urban Renewal Consolidation Act of 1961 is
22 amended by changing Section 26 as follows:

23 (315 ILCS 30/26) (from Ch. 67 1/2, par. 91.126)

24 Sec. 26. The sale of any real property by a Department

1 where required to be made for a monetary consideration except
2 public sales of real property not sold within the 5-year period
3 as provided in Section 18, shall be subject to the approval of
4 the governing body of the municipality in which the real
5 property is located; provided, however, that no new or
6 additional approval of a sale by the governing body shall be
7 required in any case where a sale by a land clearance
8 commission has heretofore been approved by the State Housing
9 Board and the governing body pursuant to the "Blighted Areas
10 Redevelopment Act of 1947," approved July 2, 1947, as amended.

11 The disposition of real property acquired pursuant to the
12 provisions of this Act shall be exempt from the requirements of
13 Sections 11-76-1 and 11-76-2 of the "Illinois Municipal Code",
14 approved May 29, 1961, as heretofore and hereafter amended. All
15 deeds of conveyances of real property shall be executed as
16 provided in Section 11-76-3 of said Illinois Municipal Code.
17 Any deed of conveyance may provide such restrictions as are
18 required by the plan for development or conservation plan and
19 the building and zoning ordinances, but no deed of conveyance
20 or lease either by the municipality or any subsequent owner
21 shall contain a covenant running with the land or other
22 provisions prohibiting occupancy of the premises by any person
23 because of race, creed, color, religion, physical or mental
24 disability ~~handicap~~, national origin or sex.

25 (Source: P.A. 80-342.)

1 Section 700. The Respite Program Act is amended by changing
2 the title of the Act and Sections 1.5, 2, 3, 5, and 11 as
3 follows:

4 (320 ILCS 10/Act title)

5 An Act to create the Respite Program which gives families
6 relief from their responsibilities of caring for frail adults
7 and adults with disabilities ~~and disabled adults~~.

8 (320 ILCS 10/1.5) (from Ch. 23, par. 6201.5)

9 Sec. 1.5. Purpose. It is hereby found and determined by
10 the General Assembly that respite care provides relief and
11 support to the primary care-giver of a frail adult or an adult
12 with a disability ~~or disabled adult~~ and provides a break for
13 the caregiver from the continuous responsibilities of
14 care-giving. Without this support, the primary care-giver's
15 ability to continue in his or her role would be jeopardized;
16 thereby increasing the risk of institutionalization of the
17 frail adult or adult with a disability ~~or disabled adult~~.

18 By providing respite care through intermittent planned or
19 emergency relief to the care-giver during the regular week-day,
20 evening, and weekend hours, both the special physical and
21 psychological needs of the primary care-giver and the frail
22 adult or adult with a disability ~~or disabled adult~~, who is the
23 recipient of continuous care, shall be met reducing or
24 preventing the need for institutionalization.

1 Furthermore, the primary care-giver providing continuous
2 care is frequently under substantial financial stress. Respite
3 care and other supportive services sustain and preserve the
4 primary care-giver and family caregiving unit. It is the intent
5 of the General Assembly that this Act ensure that Illinois
6 primary care-givers of frail adults or adults with disabilities
7 ~~or disabled adults~~ have access to affordable, appropriate
8 in-home respite care services.

9 (Source: P.A. 93-864, eff. 8-5-04.)

10 (320 ILCS 10/2) (from Ch. 23, par. 6202)

11 Sec. 2. Definitions. As used in this Act:

12 (1) "Respite care" means the provision of intermittent and
13 temporary substitute care or supervision of frail adults or
14 adults with disabilities ~~or disabled adults~~ on behalf of and in
15 the absence of the primary care-giver, for the purpose of
16 providing relief from the stress or responsibilities
17 concomitant with providing constant care, so as to enable the
18 care-giver to continue the provision of care in the home.
19 Respite care should be available to sustain the care-giver
20 throughout the period of care-giving, which can vary from
21 several months to a number of years. Respite care can be
22 provided in the home, in a day care setting during the day,
23 overnight, in a substitute residential setting such as a
24 long-term care facility required to be licensed under the
25 Nursing Home Care Act or the Assisted Living and Shared Housing

1 Act, or for more extended periods of time on a temporary basis.

2 (1.5) "In-home respite care" means care provided by an
3 appropriately trained paid worker providing short-term
4 intermittent care, supervision, or companionship to the frail
5 adult or adult with a disability ~~or disabled adult~~ in the home
6 while relieving the care-giver, by permitting a short-term
7 break from the care-giver's care-giving role. This support may
8 contribute to the delay, reduction, and prevention of
9 institutionalization by enabling the care-giver to continue in
10 his or her care-giving role. In-home respite care should be
11 flexible and available in a manner that is responsive to the
12 needs of the care-giver. This may consist of evening respite
13 care services that are available from 6:00 p.m. to 8:00 a.m.
14 Monday through Friday and weekend respite care services from
15 6:00 p.m. Friday to 8:00 a.m. Monday.

16 (2) "Care-giver" shall mean the family member or other
17 natural person who normally provides the daily care or
18 supervision of a frail adult or an adult with a disability ~~or~~
19 ~~disabled adult~~. Such care-giver may, but need not, reside in
20 the same household as the frail adult or adult with a
21 disability ~~or disabled adult~~.

22 (3) (Blank).

23 (4) (Blank).

24 (5) (Blank).

25 (6) "Department" shall mean the Department on Aging.

26 (7) (Blank).

1 (8) "Frail adult or adult with a disability ~~or disabled~~
2 ~~adult~~" shall mean any person who is 60 years of age or older
3 and who either (i) suffers from Alzheimer's disease or a
4 related disorder or (ii) is unable to attend to his or her
5 daily needs without the assistance or regular supervision of a
6 care-giver due to mental or physical impairment and who is
7 otherwise eligible for services on the basis of his or her
8 level of impairment.

9 (9) "Emergency respite care" means the immediate placement
10 of a trained, in-home respite care worker in the home during an
11 emergency or unplanned event, or during a temporary placement
12 outside the home, to substitute for the care-giver. Emergency
13 respite care may be provided on one or more occasions unless an
14 extension is deemed necessary by the case coordination unit or
15 by another agency designated by the Department and area
16 agencies on aging to conduct needs assessments for respite care
17 services. When there is an urgent need for emergency respite
18 care, procedures to accommodate this need must be determined.
19 An emergency is:

20 (a) An unplanned event that results in the immediate
21 and unavoidable absence of the care-giver from the home in
22 an excess of 4 hours at a time when no other qualified
23 care-giver is available.

24 (b) An unplanned situation that prevents the
25 care-giver from providing the care required by a frail
26 adult or an adult with a disability ~~or disabled adult~~

1 living at home.

2 (c) An unplanned event that threatens the health and
3 safety of the frail adult or adult with a disability ~~or~~
4 ~~disabled adult~~.

5 (d) An unplanned event that threatens the health and
6 safety of the care-giver thereby placing the frail adult or
7 adult with a disability ~~or disabled adult~~ in danger.

8 (10) (Blank).

9 (Source: P.A. 92-16, eff. 6-28-01; 93-864, eff. 8-5-04.)

10 (320 ILCS 10/3) (from Ch. 23, par. 6203)

11 Sec. 3. Respite Program. The Director is hereby authorized
12 to administer a program of assistance to persons in need and to
13 deter the institutionalization of frail adults or adults with
14 disabilities ~~or disabled adults~~.

15 (Source: P.A. 93-864, eff. 8-5-04.)

16 (320 ILCS 10/5) (from Ch. 23, par. 6205)

17 Sec. 5. Eligibility. The Department may establish
18 eligibility standards for respite services taking into
19 consideration the unique economic and social needs of the
20 population for whom they are to be provided. The population
21 identified for the purposes of this Act includes persons
22 suffering from Alzheimer's disease or a related disorder and
23 persons who are 60 years of age or older with an identified
24 service need. Priority shall be given in all cases to frail

1 adults or adults with disabilities ~~or disabled adults~~.

2 (Source: P.A. 93-864, eff. 8-5-04.)

3 (320 ILCS 10/11) (from Ch. 23, par. 6211)

4 Sec. 11. Respite Care Worker Training.

5 (a) A respite care worker shall be an appropriately trained
6 individual whose duty it is to provide in-home supervision and
7 assistance to a frail adult or an adult with a disability ~~or~~
8 ~~disabled adult~~ in order to allow the care-giver a break from
9 his or her continuous care-giving responsibilities.

10 (b) The Director may prescribe minimum training guidelines
11 for respite care workers to ensure that the special needs of
12 persons receiving services under this Act and their caregivers
13 will be met. The Director may designate Alzheimer's disease
14 associations and community agencies to conduct such training.
15 Nothing in this Act should be construed to exempt any
16 individual providing a service subject to licensure or
17 certification under State law from these requirements.

18 (Source: P.A. 93-864, eff. 8-5-04.)

19 Section 705. The Adult Protective Services Act is amended
20 by changing Sections 3.5, 8, 9.5, and 15.5 as follows:

21 (320 ILCS 20/3.5)

22 Sec. 3.5. Other responsibilities. The Department shall
23 also be responsible for the following activities, contingent

1 upon adequate funding; implementation shall be expanded to
2 adults with disabilities upon the effective date of this
3 amendatory Act of the 98th General Assembly, except those
4 responsibilities under subsection (a), which shall be
5 undertaken as soon as practicable:

6 (a) promotion of a wide range of endeavors for the
7 purpose of preventing abuse, neglect, financial
8 exploitation, and self-neglect, including, but not limited
9 to, promotion of public and professional education to
10 increase awareness of abuse, neglect, financial
11 exploitation, and self-neglect; to increase reports; to
12 establish access to and use of the Registry established
13 under Section 7.5; and to improve response by various
14 legal, financial, social, and health systems;

15 (b) coordination of efforts with other agencies,
16 councils, and like entities, to include but not be limited
17 to, the Administrative Office of the Illinois Courts, the
18 Office of the Attorney General, the State Police, the
19 Illinois Law Enforcement Training Standards Board, the
20 State Triad, the Illinois Criminal Justice Information
21 Authority, the Departments of Public Health, Healthcare
22 and Family Services, and Human Services, the Illinois
23 Guardianship and Advocacy Commission, the Family Violence
24 Coordinating Council, the Illinois Violence Prevention
25 Authority, and other entities which may impact awareness
26 of, and response to, abuse, neglect, financial

1 exploitation, and self-neglect;

2 (c) collection and analysis of data;

3 (d) monitoring of the performance of regional
4 administrative agencies and adult protective services
5 agencies;

6 (e) promotion of prevention activities;

7 (f) establishing and coordinating an aggressive
8 training program on the unique nature of adult abuse cases
9 with other agencies, councils, and like entities, to
10 include but not be limited to the Office of the Attorney
11 General, the State Police, the Illinois Law Enforcement
12 Training Standards Board, the State Triad, the Illinois
13 Criminal Justice Information Authority, the State
14 Departments of Public Health, Healthcare and Family
15 Services, and Human Services, the Family Violence
16 Coordinating Council, the Illinois Violence Prevention
17 Authority, the agency designated by the Governor under
18 Section 1 of the Protection and Advocacy for Persons with
19 Developmental Disabilities ~~Developmentally Disabled~~
20 ~~Persons~~ Act, and other entities that may impact awareness
21 of and response to abuse, neglect, financial exploitation,
22 and self-neglect;

23 (g) solicitation of financial institutions for the
24 purpose of making information available to the general
25 public warning of financial exploitation of adults and
26 related financial fraud or abuse, including such

1 information and warnings available through signage or
2 other written materials provided by the Department on the
3 premises of such financial institutions, provided that the
4 manner of displaying or distributing such information is
5 subject to the sole discretion of each financial
6 institution;

7 (g-1) developing by joint rulemaking with the
8 Department of Financial and Professional Regulation
9 minimum training standards which shall be used by financial
10 institutions for their current and new employees with
11 direct customer contact; the Department of Financial and
12 Professional Regulation shall retain sole visitation and
13 enforcement authority under this subsection (g-1); the
14 Department of Financial and Professional Regulation shall
15 provide bi-annual reports to the Department setting forth
16 aggregate statistics on the training programs required
17 under this subsection (g-1); and

18 (h) coordinating efforts with utility and electric
19 companies to send notices in utility bills to explain to
20 persons 60 years of age or older their rights regarding
21 telemarketing and home repair fraud.

22 (Source: P.A. 98-49, eff. 7-1-13; 98-1039, eff. 8-25-14.)

23 (320 ILCS 20/8) (from Ch. 23, par. 6608)

24 Sec. 8. Access to records. All records concerning reports
25 of abuse, neglect, financial exploitation, or self-neglect and

1 all records generated as a result of such reports shall be
2 confidential and shall not be disclosed except as specifically
3 authorized by this Act or other applicable law. In accord with
4 established law and Department protocols, procedures, and
5 policies, access to such records, but not access to the
6 identity of the person or persons making a report of alleged
7 abuse, neglect, financial exploitation, or self-neglect as
8 contained in such records, shall be provided, upon request, to
9 the following persons and for the following persons:

10 (1) Department staff, provider agency staff, other
11 aging network staff, and regional administrative agency
12 staff, including staff of the Chicago Department on Aging
13 while that agency is designated as a regional
14 administrative agency, in the furtherance of their
15 responsibilities under this Act;

16 (2) A law enforcement agency investigating known or
17 suspected abuse, neglect, financial exploitation, or
18 self-neglect. Where a provider agency has reason to believe
19 that the death of an eligible adult may be the result of
20 abuse or neglect, including any reports made after death,
21 the agency shall immediately provide the appropriate law
22 enforcement agency with all records pertaining to the
23 eligible adult;

24 (2.5) A law enforcement agency, fire department
25 agency, or fire protection district having proper
26 jurisdiction pursuant to a written agreement between a

1 provider agency and the law enforcement agency, fire
2 department agency, or fire protection district under which
3 the provider agency may furnish to the law enforcement
4 agency, fire department agency, or fire protection
5 district a list of all eligible adults who may be at
6 imminent risk of abuse, neglect, financial exploitation,
7 or self-neglect;

8 (3) A physician who has before him or her or who is
9 involved in the treatment of an eligible adult whom he or
10 she reasonably suspects may be abused, neglected,
11 financially exploited, or self-neglected or who has been
12 referred to the Adult Protective Services Program;

13 (4) An eligible adult reported to be abused, neglected,
14 financially exploited, or self-neglected, or such adult's
15 authorized guardian or agent, unless such guardian or agent
16 is the abuser or the alleged abuser;

17 (4.5) An executor or administrator of the estate of an
18 eligible adult who is deceased;

19 (5) In cases regarding abuse, neglect, or financial
20 exploitation, a court or a guardian ad litem, upon its or
21 his or her finding that access to such records may be
22 necessary for the determination of an issue before the
23 court. However, such access shall be limited to an in
24 camera inspection of the records, unless the court
25 determines that disclosure of the information contained
26 therein is necessary for the resolution of an issue then

1 pending before it;

2 (5.5) In cases regarding self-neglect, a guardian ad
3 litem;

4 (6) A grand jury, upon its determination that access to
5 such records is necessary in the conduct of its official
6 business;

7 (7) Any person authorized by the Director, in writing,
8 for audit or bona fide research purposes;

9 (8) A coroner or medical examiner who has reason to
10 believe that an eligible adult has died as the result of
11 abuse, neglect, financial exploitation, or self-neglect.
12 The provider agency shall immediately provide the coroner
13 or medical examiner with all records pertaining to the
14 eligible adult;

15 (8.5) A coroner or medical examiner having proper
16 jurisdiction, pursuant to a written agreement between a
17 provider agency and the coroner or medical examiner, under
18 which the provider agency may furnish to the office of the
19 coroner or medical examiner a list of all eligible adults
20 who may be at imminent risk of death as a result of abuse,
21 neglect, financial exploitation, or self-neglect;

22 (9) Department of Financial and Professional
23 Regulation staff and members of the Illinois Medical
24 Disciplinary Board or the Social Work Examining and
25 Disciplinary Board in the course of investigating alleged
26 violations of the Clinical Social Work and Social Work

1 Practice Act by provider agency staff or other licensing
2 bodies at the discretion of the Director of the Department
3 on Aging;

4 (9-a) Department of Healthcare and Family Services
5 staff when that Department is funding services to the
6 eligible adult, including access to the identity of the
7 eligible adult;

8 (9-b) Department of Human Services staff when that
9 Department is funding services to the eligible adult or is
10 providing reimbursement for services provided by the
11 abuser or alleged abuser, including access to the identity
12 of the eligible adult;

13 (10) Hearing officers in the course of conducting an
14 administrative hearing under this Act; parties to such
15 hearing shall be entitled to discovery as established by
16 rule;

17 (11) A caregiver who challenges placement on the
18 Registry shall be given the statement of allegations in the
19 abuse report and the substantiation decision in the final
20 investigative report; and

21 (12) The Illinois Guardianship and Advocacy Commission
22 and the agency designated by the Governor under Section 1
23 of the Protection and Advocacy for Persons with
24 Developmental Disabilities ~~Developmentally Disabled~~
25 ~~Persons~~ Act shall have access, through the Department, to
26 records, including the findings, pertaining to a completed

1 or closed investigation of a report of suspected abuse,
2 neglect, financial exploitation, or self-neglect of an
3 eligible adult.

4 (Source: P.A. 97-864, eff. 1-1-13; 98-49, eff. 7-1-13; 98-1039,
5 eff. 8-25-14.)

6 (320 ILCS 20/9.5)

7 Sec. 9.5. Commencement of action for ex parte authorization
8 orders; filing fees; process.

9 (a) Actions for ex parte authorization orders are
10 commenced:

11 (1) independently, by filing a petition for an ex parte
12 authorization order in the circuit court;

13 (2) in conjunction with other civil proceedings, by
14 filing a petition for an ex parte authorization order under
15 the same case number as a guardianship proceeding under the
16 Probate Act of 1975 where the eligible adult is the alleged
17 adult with a disability ~~disabled adult~~.

18 (b) No fee shall be charged by the clerk for filing
19 petitions or certifying orders. No fee shall be charged by a
20 sheriff for service by the sheriff of a petition, rule, motion,
21 or order in an action commenced under this Section.

22 (c) Any action for an ex parte authorization order
23 commenced independently is a distinct cause of action and
24 requires that a separate summons be issued and served. Service
25 of summons is not required prior to entry of emergency ex parte

1 authorization orders.

2 (d) Summons may be served by a private person over 18 years
3 of age and not a party to the action. The return by that
4 private person shall be by affidavit. The summons may be served
5 by a sheriff or other law enforcement officer, and if summons
6 is placed for service by the sheriff, it shall be made at the
7 earliest time practicable and shall take precedence over other
8 summonses except those of a similar emergency nature.

9 (Source: P.A. 91-731, eff. 6-2-00.)

10 (320 ILCS 20/15.5)

11 Sec. 15.5. Independent monitor. Subject to appropriation,
12 to ensure the effectiveness and accountability of the adult
13 protective services system, the agency designated by the
14 Governor under Section 1 of the Protection and Advocacy for
15 Persons with Developmental Disabilities ~~Developmentally~~
16 ~~Disabled Persons~~ Act shall monitor the system and provide to
17 the Department review and evaluation of the system in
18 accordance with administrative rules promulgated by the
19 Department.

20 (Source: P.A. 98-49, eff. 7-1-13.)

21 Section 710. The Senior Citizens and Disabled Persons
22 Property Tax Relief Act is amended by changing the title of the
23 Act and Sections 1, 2, 3.14, 4, and 9 as follows:

1 (320 ILCS 25/Act title)

2 An Act in relation to the payment of grants to enable the
3 elderly and persons with disabilities ~~the disabled~~ to acquire
4 or retain private housing.

5 (320 ILCS 25/1) (from Ch. 67 1/2, par. 401)

6 Sec. 1. Short title; common name. This Article shall be
7 known and may be cited as the Senior Citizens and Persons with
8 Disabilities ~~Disabled Persons~~ Property Tax Relief Act. Common
9 references to the "Circuit Breaker Act" mean this Article. As
10 used in this Article, "this Act" means this Article.

11 (Source: P.A. 96-804, eff. 1-1-10; 97-689, eff. 6-14-12.)

12 (320 ILCS 25/2) (from Ch. 67 1/2, par. 402)

13 Sec. 2. Purpose. The purpose of this Act is to provide
14 incentives to ~~the~~ senior citizens and persons with disabilities
15 in disabled persons ~~of~~ this State to acquire and retain private
16 housing of their choice and at the same time to relieve those
17 citizens from the burdens of extraordinary property taxes
18 against their increasingly restricted earning power, and
19 thereby to reduce the requirements for public housing in this
20 State.

21 (Source: P.A. 96-804, eff. 1-1-10; 97-689, eff. 6-14-12.)

22 (320 ILCS 25/3.14) (from Ch. 67 1/2, par. 403.14)

23 Sec. 3.14. "Person with a disability ~~Disabled person~~" means

1 a person unable to engage in any substantial gainful activity
2 by reason of a medically determinable physical or mental
3 impairment which can be expected to result in death or has
4 lasted or can be expected to last for a continuous period of
5 not less than 12 months. Persons with disabilities ~~Disabled~~
6 ~~persons~~ filing claims under this Act shall submit proof of the
7 disability in such form and manner as the Department shall by
8 rule and regulation prescribe. Proof that a claimant is
9 eligible to receive disability benefits under the Federal
10 Social Security Act shall constitute proof of the disability
11 for purposes of this Act. Issuance of an Illinois Person with a
12 Disability Identification Card stating that the claimant is
13 under a Class 2 disability, as defined in Section 4A of the
14 Illinois Identification Card Act, shall constitute proof that
15 the person named thereon is a person with a disability ~~disabled~~
16 ~~person~~ for purposes of this Act. A person with a disability
17 ~~disabled person~~ not covered under the Federal Social Security
18 Act and not presenting a Disabled Person Identification Card
19 stating that the claimant is under a Class 2 disability shall
20 be examined by a physician designated by the Department, and
21 his status as a person with a disability ~~disabled person~~
22 determined using the same standards as used by the Social
23 Security Administration. The costs of any required examination
24 shall be borne by the claimant.

25 (Source: P.A. 97-1064, eff. 1-1-13.)

1 (320 ILCS 25/4) (from Ch. 67 1/2, par. 404)

2 Sec. 4. Amount of Grant.

3 (a) In general. Any individual 65 years or older or any
4 individual who will become 65 years old during the calendar
5 year in which a claim is filed, and any surviving spouse of
6 such a claimant, who at the time of death received or was
7 entitled to receive a grant pursuant to this Section, which
8 surviving spouse will become 65 years of age within the 24
9 months immediately following the death of such claimant and
10 which surviving spouse but for his or her age is otherwise
11 qualified to receive a grant pursuant to this Section, and any
12 person with a disability ~~disabled person~~ whose annual household
13 income is less than the income eligibility limitation, as
14 defined in subsection (a-5) and whose household is liable for
15 payment of property taxes accrued or has paid rent constituting
16 property taxes accrued and is domiciled in this State at the
17 time he or she files his or her claim is entitled to claim a
18 grant under this Act. With respect to claims filed by
19 individuals who will become 65 years old during the calendar
20 year in which a claim is filed, the amount of any grant to
21 which that household is entitled shall be an amount equal to
22 1/12 of the amount to which the claimant would otherwise be
23 entitled as provided in this Section, multiplied by the number
24 of months in which the claimant was 65 in the calendar year in
25 which the claim is filed.

26 (a-5) Income eligibility limitation. For purposes of this

1 Section, "income eligibility limitation" means an amount for
2 grant years 2008 and thereafter:

3 (1) less than \$22,218 for a household containing one
4 person;

5 (2) less than \$29,480 for a household containing 2
6 persons; or

7 (3) less than \$36,740 for a household containing 3 or
8 more persons.

9 For 2009 claim year applications submitted during calendar
10 year 2010, a household must have annual household income of
11 less than \$27,610 for a household containing one person; less
12 than \$36,635 for a household containing 2 persons; or less than
13 \$45,657 for a household containing 3 or more persons.

14 The Department on Aging may adopt rules such that on
15 January 1, 2011, and thereafter, the foregoing household income
16 eligibility limits may be changed to reflect the annual cost of
17 living adjustment in Social Security and Supplemental Security
18 Income benefits that are applicable to the year for which those
19 benefits are being reported as income on an application.

20 If a person files as a surviving spouse, then only his or
21 her income shall be counted in determining his or her household
22 income.

23 (b) Limitation. Except as otherwise provided in
24 subsections (a) and (f) of this Section, the maximum amount of
25 grant which a claimant is entitled to claim is the amount by
26 which the property taxes accrued which were paid or payable

1 during the last preceding tax year or rent constituting
2 property taxes accrued upon the claimant's residence for the
3 last preceding taxable year exceeds 3 1/2% of the claimant's
4 household income for that year but in no event is the grant to
5 exceed (i) \$700 less 4.5% of household income for that year for
6 those with a household income of \$14,000 or less or (ii) \$70 if
7 household income for that year is more than \$14,000.

8 (c) Public aid recipients. If household income in one or
9 more months during a year includes cash assistance in excess of
10 \$55 per month from the Department of Healthcare and Family
11 Services or the Department of Human Services (acting as
12 successor to the Department of Public Aid under the Department
13 of Human Services Act) which was determined under regulations
14 of that Department on a measure of need that included an
15 allowance for actual rent or property taxes paid by the
16 recipient of that assistance, the amount of grant to which that
17 household is entitled, except as otherwise provided in
18 subsection (a), shall be the product of (1) the maximum amount
19 computed as specified in subsection (b) of this Section and (2)
20 the ratio of the number of months in which household income did
21 not include such cash assistance over \$55 to the number twelve.
22 If household income did not include such cash assistance over
23 \$55 for any months during the year, the amount of the grant to
24 which the household is entitled shall be the maximum amount
25 computed as specified in subsection (b) of this Section. For
26 purposes of this paragraph (c), "cash assistance" does not

1 include any amount received under the federal Supplemental
2 Security Income (SSI) program.

3 (d) Joint ownership. If title to the residence is held
4 jointly by the claimant with a person who is not a member of
5 his or her household, the amount of property taxes accrued used
6 in computing the amount of grant to which he or she is entitled
7 shall be the same percentage of property taxes accrued as is
8 the percentage of ownership held by the claimant in the
9 residence.

10 (e) More than one residence. If a claimant has occupied
11 more than one residence in the taxable year, he or she may
12 claim only one residence for any part of a month. In the case
13 of property taxes accrued, he or she shall prorate 1/12 of the
14 total property taxes accrued on his or her residence to each
15 month that he or she owned and occupied that residence; and, in
16 the case of rent constituting property taxes accrued, shall
17 prorate each month's rent payments to the residence actually
18 occupied during that month.

19 (f) (Blank).

20 (g) Effective January 1, 2006, there is hereby established
21 a program of pharmaceutical assistance to the aged and to
22 persons with disabilities ~~disabled~~, entitled the Illinois
23 Seniors and Disabled Drug Coverage Program, which shall be
24 administered by the Department of Healthcare and Family
25 Services and the Department on Aging in accordance with this
26 subsection, to consist of coverage of specified prescription

1 drugs on behalf of beneficiaries of the program as set forth in
2 this subsection. Notwithstanding any provisions of this Act to
3 the contrary, on and after July 1, 2012, pharmaceutical
4 assistance under this Act shall no longer be provided, and on
5 July 1, 2012 the Illinois Senior Citizens and Disabled Persons
6 Pharmaceutical Assistance Program shall terminate. The
7 following provisions that concern the Illinois Senior Citizens
8 and Disabled Persons Pharmaceutical Assistance Program shall
9 continue to apply on and after July 1, 2012 to the extent
10 necessary to pursue any actions authorized by subsection (d) of
11 Section 9 of this Act with respect to acts which took place
12 prior to July 1, 2012.

13 To become a beneficiary under the program established under
14 this subsection, a person must:

15 (1) be (i) 65 years of age or older or (ii) a person
16 with a disability ~~disabled~~; and

17 (2) be domiciled in this State; and

18 (3) enroll with a qualified Medicare Part D
19 Prescription Drug Plan if eligible and apply for all
20 available subsidies under Medicare Part D; and

21 (4) for the 2006 and 2007 claim years, have a maximum
22 household income of (i) less than \$21,218 for a household
23 containing one person, (ii) less than \$28,480 for a
24 household containing 2 persons, or (iii) less than \$35,740
25 for a household containing 3 or more persons; and

26 (5) for the 2008 claim year, have a maximum household

1 income of (i) less than \$22,218 for a household containing
2 one person, (ii) \$29,480 for a household containing 2
3 persons, or (iii) \$36,740 for a household containing 3 or
4 more persons; and

5 (6) for 2009 claim year applications submitted during
6 calendar year 2010, have annual household income of less
7 than (i) \$27,610 for a household containing one person;
8 (ii) less than \$36,635 for a household containing 2
9 persons; or (iii) less than \$45,657 for a household
10 containing 3 or more persons; and

11 (7) as of September 1, 2011, have a maximum household
12 income at or below 200% of the federal poverty level.

13 All individuals enrolled as of December 31, 2005, in the
14 pharmaceutical assistance program operated pursuant to
15 subsection (f) of this Section and all individuals enrolled as
16 of December 31, 2005, in the SeniorCare Medicaid waiver program
17 operated pursuant to Section 5-5.12a of the Illinois Public Aid
18 Code shall be automatically enrolled in the program established
19 by this subsection for the first year of operation without the
20 need for further application, except that they must apply for
21 Medicare Part D and the Low Income Subsidy under Medicare Part
22 D. A person enrolled in the pharmaceutical assistance program
23 operated pursuant to subsection (f) of this Section as of
24 December 31, 2005, shall not lose eligibility in future years
25 due only to the fact that they have not reached the age of 65.

26 To the extent permitted by federal law, the Department may

1 act as an authorized representative of a beneficiary in order
2 to enroll the beneficiary in a Medicare Part D Prescription
3 Drug Plan if the beneficiary has failed to choose a plan and,
4 where possible, to enroll beneficiaries in the low-income
5 subsidy program under Medicare Part D or assist them in
6 enrolling in that program.

7 Beneficiaries under the program established under this
8 subsection shall be divided into the following 4 eligibility
9 groups:

10 (A) Eligibility Group 1 shall consist of beneficiaries
11 who are not eligible for Medicare Part D coverage and who
12 are:

13 (i) a person with a disability ~~disabled~~ and under
14 age 65; or

15 (ii) age 65 or older, with incomes over 200% of the
16 Federal Poverty Level; or

17 (iii) age 65 or older, with incomes at or below
18 200% of the Federal Poverty Level and not eligible for
19 federally funded means-tested benefits due to
20 immigration status.

21 (B) Eligibility Group 2 shall consist of beneficiaries
22 who are eligible for Medicare Part D coverage.

23 (C) Eligibility Group 3 shall consist of beneficiaries
24 age 65 or older, with incomes at or below 200% of the
25 Federal Poverty Level, who are not barred from receiving
26 federally funded means-tested benefits due to immigration

1 status and are not eligible for Medicare Part D coverage.

2 If the State applies and receives federal approval for
3 a waiver under Title XIX of the Social Security Act,
4 persons in Eligibility Group 3 shall continue to receive
5 benefits through the approved waiver, and Eligibility
6 Group 3 may be expanded to include persons with
7 disabilities who are ~~disabled persons~~ under age 65 with
8 incomes under 200% of the Federal Poverty Level who are not
9 eligible for Medicare and who are not barred from receiving
10 federally funded means-tested benefits due to immigration
11 status.

12 (D) Eligibility Group 4 shall consist of beneficiaries
13 who are otherwise described in Eligibility Group 2 who have
14 a diagnosis of HIV or AIDS.

15 The program established under this subsection shall cover
16 the cost of covered prescription drugs in excess of the
17 beneficiary cost-sharing amounts set forth in this paragraph
18 that are not covered by Medicare. The Department of Healthcare
19 and Family Services may establish by emergency rule changes in
20 cost-sharing necessary to conform the cost of the program to
21 the amounts appropriated for State fiscal year 2012 and future
22 fiscal years except that the 24-month limitation on the
23 adoption of emergency rules and the provisions of Sections
24 5-115 and 5-125 of the Illinois Administrative Procedure Act
25 shall not apply to rules adopted under this subsection (g). The
26 adoption of emergency rules authorized by this subsection (g)

1 shall be deemed to be necessary for the public interest,
2 safety, and welfare.

3 For purposes of the program established under this
4 subsection, the term "covered prescription drug" has the
5 following meanings:

6 For Eligibility Group 1, "covered prescription drug"
7 means: (1) any cardiovascular agent or drug; (2) any
8 insulin or other prescription drug used in the treatment of
9 diabetes, including syringe and needles used to administer
10 the insulin; (3) any prescription drug used in the
11 treatment of arthritis; (4) any prescription drug used in
12 the treatment of cancer; (5) any prescription drug used in
13 the treatment of Alzheimer's disease; (6) any prescription
14 drug used in the treatment of Parkinson's disease; (7) any
15 prescription drug used in the treatment of glaucoma; (8)
16 any prescription drug used in the treatment of lung disease
17 and smoking-related illnesses; (9) any prescription drug
18 used in the treatment of osteoporosis; and (10) any
19 prescription drug used in the treatment of multiple
20 sclerosis. The Department may add additional therapeutic
21 classes by rule. The Department may adopt a preferred drug
22 list within any of the classes of drugs described in items
23 (1) through (10) of this paragraph. The specific drugs or
24 therapeutic classes of covered prescription drugs shall be
25 indicated by rule.

26 For Eligibility Group 2, "covered prescription drug"

1 means those drugs covered by the Medicare Part D
2 Prescription Drug Plan in which the beneficiary is
3 enrolled.

4 For Eligibility Group 3, "covered prescription drug"
5 means those drugs covered by the Medical Assistance Program
6 under Article V of the Illinois Public Aid Code.

7 For Eligibility Group 4, "covered prescription drug"
8 means those drugs covered by the Medicare Part D
9 Prescription Drug Plan in which the beneficiary is
10 enrolled.

11 Any person otherwise eligible for pharmaceutical
12 assistance under this subsection whose covered drugs are
13 covered by any public program is ineligible for assistance
14 under this subsection to the extent that the cost of those
15 drugs is covered by the other program.

16 The Department of Healthcare and Family Services shall
17 establish by rule the methods by which it will provide for the
18 coverage called for in this subsection. Those methods may
19 include direct reimbursement to pharmacies or the payment of a
20 capitated amount to Medicare Part D Prescription Drug Plans.

21 For a pharmacy to be reimbursed under the program
22 established under this subsection, it must comply with rules
23 adopted by the Department of Healthcare and Family Services
24 regarding coordination of benefits with Medicare Part D
25 Prescription Drug Plans. A pharmacy may not charge a
26 Medicare-enrolled beneficiary of the program established under

1 this subsection more for a covered prescription drug than the
2 appropriate Medicare cost-sharing less any payment from or on
3 behalf of the Department of Healthcare and Family Services.

4 The Department of Healthcare and Family Services or the
5 Department on Aging, as appropriate, may adopt rules regarding
6 applications, counting of income, proof of Medicare status,
7 mandatory generic policies, and pharmacy reimbursement rates
8 and any other rules necessary for the cost-efficient operation
9 of the program established under this subsection.

10 (h) A qualified individual is not entitled to duplicate
11 benefits in a coverage period as a result of the changes made
12 by this amendatory Act of the 96th General Assembly.

13 (Source: P.A. 96-804, eff. 1-1-10; 97-74, eff. 6-30-11; 97-333,
14 eff. 8-12-11; 97-689, eff. 6-14-12.)

15 (320 ILCS 25/9) (from Ch. 67 1/2, par. 409)

16 Sec. 9. Fraud; error.

17 (a) Any person who files a fraudulent claim for a grant
18 under this Act, or who for compensation prepares a claim for a
19 grant and knowingly enters false information on an application
20 for any claimant under this Act, or who fraudulently files
21 multiple applications, or who fraudulently states that a person
22 without a disability is a person with a disability ~~a~~
23 ~~nondisabled person is disabled~~, or who, prior to July 1, 2012,
24 fraudulently procures pharmaceutical assistance benefits, or
25 who fraudulently uses such assistance to procure covered

1 prescription drugs, or who, on behalf of an authorized
2 pharmacy, files a fraudulent request for payment, is guilty of
3 a Class 4 felony for the first offense and is guilty of a Class
4 3 felony for each subsequent offense.

5 (b) (Blank).

6 (c) The Department on Aging may recover from a claimant any
7 amount paid to that claimant under this Act on account of an
8 erroneous or fraudulent claim, together with 6% interest per
9 year. Amounts recoverable from a claimant by the Department on
10 Aging under this Act may, but need not, be recovered by
11 offsetting the amount owed against any future grant payable to
12 the person under this Act.

13 The Department of Healthcare and Family Services may
14 recover for acts prior to July 1, 2012 from an authorized
15 pharmacy any amount paid to that pharmacy under the
16 pharmaceutical assistance program on account of an erroneous or
17 fraudulent request for payment under that program, together
18 with 6% interest per year. The Department of Healthcare and
19 Family Services may recover from a person who erroneously or
20 fraudulently obtains benefits under the pharmaceutical
21 assistance program the value of the benefits so obtained,
22 together with 6% interest per year.

23 (d) A prosecution for a violation of this Section may be
24 commenced at any time within 3 years of the commission of that
25 violation.

26 (Source: P.A. 96-804, eff. 1-1-10; 97-689, eff. 6-14-12.)

1 Section 715. The Senior Citizens Real Estate Tax Deferral
2 Act is amended by changing Sections 2 and 8 as follows:

3 (320 ILCS 30/2) (from Ch. 67 1/2, par. 452)

4 Sec. 2. Definitions. As used in this Act:

5 (a) "Taxpayer" means an individual whose household income
6 for the year is no greater than: (i) \$40,000 through tax year
7 2005; (ii) \$50,000 for tax years 2006 through 2011; and (iii)
8 \$55,000 for tax year 2012 and thereafter.

9 (b) "Tax deferred property" means the property upon which
10 real estate taxes are deferred under this Act.

11 (c) "Homestead" means the land and buildings thereon,
12 including a condominium or a dwelling unit in a multidwelling
13 building that is owned and operated as a cooperative, occupied
14 by the taxpayer as his residence or which are temporarily
15 unoccupied by the taxpayer because such taxpayer is temporarily
16 residing, for not more than 1 year, in a licensed facility as
17 defined in Section 1-113 of the Nursing Home Care Act.

18 (d) "Real estate taxes" or "taxes" means the taxes on real
19 property for which the taxpayer would be liable under the
20 Property Tax Code, including special service area taxes, and
21 special assessments on benefited real property for which the
22 taxpayer would be liable to a unit of local government.

23 (e) "Department" means the Department of Revenue.

24 (f) "Qualifying property" means a homestead which (a) the

1 taxpayer or the taxpayer and his spouse own in fee simple or
2 are purchasing in fee simple under a recorded instrument of
3 sale, (b) is not income-producing property, (c) is not subject
4 to a lien for unpaid real estate taxes when a claim under this
5 Act is filed, and (d) is not held in trust, other than an
6 Illinois land trust with the taxpayer identified as the sole
7 beneficiary, if the taxpayer is filing for the program for the
8 first time effective as of the January 1, 2011 assessment year
9 or tax year 2012 and thereafter.

10 (g) "Equity interest" means the current assessed valuation
11 of the qualified property times the fraction necessary to
12 convert that figure to full market value minus any outstanding
13 debts or liens on that property. In the case of qualifying
14 property not having a separate assessed valuation, the
15 appraised value as determined by a qualified real estate
16 appraiser shall be used instead of the current assessed
17 valuation.

18 (h) "Household income" has the meaning ascribed to that
19 term in the Senior Citizens and Persons with Disabilities
20 ~~Disabled Persons~~ Property Tax Relief Act.

21 (i) "Collector" means the county collector or, if the taxes
22 to be deferred are special assessments, an official designated
23 by a unit of local government to collect special assessments.

24 (Source: P.A. 97-481, eff. 8-22-11; 97-689, eff. 6-14-12.)

1 Sec. 8. Nothing in this Act (a) affects any provision of
2 any mortgage or other instrument relating to land requiring a
3 person to pay real estate taxes or (b) affects the eligibility
4 of any person to receive any grant pursuant to the "Senior
5 Citizens and Persons with Disabilities ~~Disabled Persons~~
6 Property Tax Relief Act".

7 (Source: P.A. 97-689, eff. 6-14-12.)

8 Section 720. The Senior Pharmaceutical Assistance Act is
9 amended by changing Section 5 as follows:

10 (320 ILCS 50/5)

11 Sec. 5. Findings. The General Assembly finds:

12 (1) Senior citizens identify pharmaceutical assistance as
13 the single most critical factor to their health, well-being,
14 and continued independence.

15 (2) The State of Illinois currently operates 2
16 pharmaceutical assistance programs that benefit seniors: (i)
17 the program of pharmaceutical assistance under the Senior
18 Citizens and Persons with Disabilities ~~Disabled Persons~~
19 Property Tax Relief Act and (ii) the Aid to the Aged, Blind, or
20 Disabled program under the Illinois Public Aid Code. The State
21 has been given authority to establish a third program, SeniorRx
22 Care, through a federal Medicaid waiver.

23 (3) Each year, numerous pieces of legislation are filed
24 seeking to establish additional pharmaceutical assistance

1 benefits for seniors or to make changes to the existing
2 programs.

3 (4) Establishment of a pharmaceutical assistance review
4 committee will ensure proper coordination of benefits,
5 diminish the likelihood of duplicative benefits, and ensure
6 that the best interests of seniors are served.

7 (5) In addition to the State pharmaceutical assistance
8 programs, several private entities, such as drug manufacturers
9 and pharmacies, also offer prescription drug discount or
10 coverage programs.

11 (6) Many seniors are unaware of the myriad of public and
12 private programs available to them.

13 (7) Establishing a pharmaceutical clearinghouse with a
14 toll-free hot-line and local outreach workers will educate
15 seniors about the vast array of options available to them and
16 enable seniors to make an educated and informed choice that is
17 best for them.

18 (8) Estimates indicate that almost one-third of senior
19 citizens lack prescription drug coverage. The federal
20 government, states, and the pharmaceutical industry each have a
21 role in helping these uninsured seniors gain access to
22 life-saving medications.

23 (9) The State of Illinois has recognized its obligation to
24 assist Illinois' neediest seniors in purchasing prescription
25 medications, and it is now time for pharmaceutical
26 manufacturers to recognize their obligation to make their

1 medications affordable to seniors.

2 (Source: P.A. 97-689, eff. 6-14-12.)

3 Section 725. The Illinois Prescription Drug Discount
4 Program Act is amended by changing Section 30 as follows:

5 (320 ILCS 55/30)

6 Sec. 30. Manufacturer rebate agreements.

7 (a) Taking into consideration the extent to which the State
8 pays for prescription drugs under various State programs and
9 the provision of assistance to persons with disabilities
10 ~~disabled persons~~ or eligible seniors under patient assistance
11 programs, prescription drug discount programs, or other offers
12 for free or reduced price medicine, clinical research projects,
13 limited supply distribution programs, compassionate use
14 programs, or programs of research conducted by or for a drug
15 manufacturer, the Department, its agent, or the program
16 administrator shall negotiate and enter into rebate agreements
17 with drug manufacturers, as defined in this Act, to effect
18 prescription drug price discounts. The Department or program
19 administrator may exclude certain medications from the list of
20 covered medications and may establish a preferred drug list as
21 a basis for determining the discounts, administrative fees, or
22 other fees or rebates under this Section.

23 (b) (Blank).

24 (c) Receipts from rebates shall be used to provide

1 discounts for prescription drugs purchased by cardholders and
2 to cover the cost of administering the program. Any receipts to
3 be allocated to the Department shall be deposited into the
4 Illinois Prescription Drug Discount Program Fund, a trust fund
5 created outside the State Treasury with the State Treasurer
6 acting as ex officio custodian. Disbursements from the Illinois
7 Prescription Drug Discount Program Fund shall be made upon the
8 direction of the Director of Central Management Services.

9 (Source: P.A. 94-86, eff. 1-1-06; 94-91, eff. 7-1-05; 95-331,
10 eff. 8-21-07.)

11 Section 730. The Abused and Neglected Child Reporting Act
12 is amended by changing Sections 4.4a, 7.1, 11.1, 11.5, and 11.7
13 as follows:

14 (325 ILCS 5/4.4a)

15 Sec. 4.4a. Department of Children and Family Services duty
16 to report to Department of Human Services' Office of Inspector
17 General. Whenever the Department receives, by means of its
18 statewide toll-free telephone number established under Section
19 7.6 for the purpose of reporting suspected child abuse or
20 neglect or by any other means or from any mandated reporter
21 under Section 4 of this Act, a report of suspected abuse,
22 neglect, or financial exploitation of an adult with a
23 disability ~~a disabled adult~~ between the ages of 18 and 59 and
24 who is not residing in a DCFS licensed facility, the Department

1 shall instruct the reporter to contact the Department of Human
2 Services' Office of the Inspector General and shall provide the
3 reporter with the statewide, 24-hour toll-free telephone
4 number established and maintained by the Department of Human
5 Services' Office of the Inspector General.

6 (Source: P.A. 96-1446, eff. 8-20-10.)

7 (325 ILCS 5/7.1) (from Ch. 23, par. 2057.1)

8 Sec. 7.1. (a) To the fullest extent feasible, the
9 Department shall cooperate with and shall seek the cooperation
10 and involvement of all appropriate public and private agencies,
11 including health, education, social service and law
12 enforcement agencies, religious institutions, courts of
13 competent jurisdiction, and agencies, organizations, or
14 programs providing or concerned with human services related to
15 the prevention, identification or treatment of child abuse or
16 neglect.

17 Such cooperation and involvement shall include joint
18 consultation and services, joint planning, joint case
19 management, joint public education and information services,
20 joint utilization of facilities, joint staff development and
21 other training, and the creation of multidisciplinary case
22 diagnostic, case handling, case management, and policy
23 planning teams. Such cooperation and involvement shall also
24 include consultation and planning with the Illinois Department
25 of Human Services regarding referrals to designated perinatal

1 centers of newborn children requiring protective custody under
2 this Act, whose life or development may be threatened by a
3 developmental disability or disabling ~~handicapping~~ condition.

4 For implementing such intergovernmental cooperation and
5 involvement, units of local government and public and private
6 agencies may apply for and receive federal or State funds from
7 the Department under this Act or seek and receive gifts from
8 local philanthropic or other private local sources in order to
9 augment any State funds appropriated for the purposes of this
10 Act.

11 (b) The Department may establish up to 5 demonstrations of
12 multidisciplinary teams to advise, review and monitor cases of
13 child abuse and neglect brought by the Department or any member
14 of the team. The Director shall determine the criteria by which
15 certain cases of child abuse or neglect are brought to the
16 multidisciplinary teams. The criteria shall include but not be
17 limited to geographic area and classification of certain cases
18 where allegations are of a severe nature. Each
19 multidisciplinary team shall consist of 7 to 10 members
20 appointed by the Director, including, but not limited to
21 representatives from the medical, mental health, educational,
22 juvenile justice, law enforcement and social service fields.

23 (Source: P.A. 92-801, eff. 8-16-02.)

24 (325 ILCS 5/11.1) (from Ch. 23, par. 2061.1)

25 Sec. 11.1. Access to records.

1 (a) A person shall have access to the records described in
2 Section 11 only in furtherance of purposes directly connected
3 with the administration of this Act or the Intergovernmental
4 Missing Child Recovery Act of 1984. Those persons and purposes
5 for access include:

6 (1) Department staff in the furtherance of their
7 responsibilities under this Act, or for the purpose of
8 completing background investigations on persons or
9 agencies licensed by the Department or with whom the
10 Department contracts for the provision of child welfare
11 services.

12 (2) A law enforcement agency investigating known or
13 suspected child abuse or neglect, known or suspected
14 involvement with child pornography, known or suspected
15 criminal sexual assault, known or suspected criminal
16 sexual abuse, or any other sexual offense when a child is
17 alleged to be involved.

18 (3) The Department of State Police when administering
19 the provisions of the Intergovernmental Missing Child
20 Recovery Act of 1984.

21 (4) A physician who has before him a child whom he
22 reasonably suspects may be abused or neglected.

23 (5) A person authorized under Section 5 of this Act to
24 place a child in temporary protective custody when such
25 person requires the information in the report or record to
26 determine whether to place the child in temporary

1 protective custody.

2 (6) A person having the legal responsibility or
3 authorization to care for, treat, or supervise a child, or
4 a parent, prospective adoptive parent, foster parent,
5 guardian, or other person responsible for the child's
6 welfare, who is the subject of a report.

7 (7) Except in regard to harmful or detrimental
8 information as provided in Section 7.19, any subject of the
9 report, and if the subject of the report is a minor, his
10 guardian or guardian ad litem.

11 (8) A court, upon its finding that access to such
12 records may be necessary for the determination of an issue
13 before such court; however, such access shall be limited to
14 in camera inspection, unless the court determines that
15 public disclosure of the information contained therein is
16 necessary for the resolution of an issue then pending
17 before it.

18 (8.1) A probation officer or other authorized
19 representative of a probation or court services department
20 conducting an investigation ordered by a court under the
21 Juvenile Court Act of 1987.

22 (9) A grand jury, upon its determination that access to
23 such records is necessary in the conduct of its official
24 business.

25 (10) Any person authorized by the Director, in writing,
26 for audit or bona fide research purposes.

1 (11) Law enforcement agencies, coroners or medical
2 examiners, physicians, courts, school superintendents and
3 child welfare agencies in other states who are responsible
4 for child abuse or neglect investigations or background
5 investigations.

6 (12) The Department of Professional Regulation, the
7 State Board of Education and school superintendents in
8 Illinois, who may use or disclose information from the
9 records as they deem necessary to conduct investigations or
10 take disciplinary action, as provided by law.

11 (13) A coroner or medical examiner who has reason to
12 believe that a child has died as the result of abuse or
13 neglect.

14 (14) The Director of a State-operated facility when an
15 employee of that facility is the perpetrator in an
16 indicated report.

17 (15) The operator of a licensed child care facility or
18 a facility licensed by the Department of Human Services (as
19 successor to the Department of Alcoholism and Substance
20 Abuse) in which children reside when a current or
21 prospective employee of that facility is the perpetrator in
22 an indicated child abuse or neglect report, pursuant to
23 Section 4.3 of the Child Care Act of 1969.

24 (16) Members of a multidisciplinary team in the
25 furtherance of its responsibilities under subsection (b)
26 of Section 7.1. All reports concerning child abuse and

1 neglect made available to members of such
2 multidisciplinary teams and all records generated as a
3 result of such reports shall be confidential and shall not
4 be disclosed, except as specifically authorized by this Act
5 or other applicable law. It is a Class A misdemeanor to
6 permit, assist or encourage the unauthorized release of any
7 information contained in such reports or records. Nothing
8 contained in this Section prevents the sharing of reports
9 or records relating or pertaining to the death of a minor
10 under the care of or receiving services from the Department
11 of Children and Family Services and under the jurisdiction
12 of the juvenile court with the juvenile court, the State's
13 Attorney, and the minor's attorney.

14 (17) The Department of Human Services, as provided in
15 Section 17 of the Rehabilitation of Persons with
16 Disabilities ~~Disabled Persons Rehabilitation~~ Act.

17 (18) Any other agency or investigative body, including
18 the Department of Public Health and a local board of
19 health, authorized by State law to conduct an investigation
20 into the quality of care provided to children in hospitals
21 and other State regulated care facilities. The access to
22 and release of information from such records shall be
23 subject to the approval of the Director of the Department
24 or his designee.

25 (19) The person appointed, under Section 2-17 of the
26 Juvenile Court Act of 1987, as the guardian ad litem of a

1 minor who is the subject of a report or records under this
2 Act.

3 (20) The Department of Human Services, as provided in
4 Section 10 of the Early Intervention Services System Act,
5 and the operator of a facility providing early intervention
6 services pursuant to that Act, for the purpose of
7 determining whether a current or prospective employee who
8 provides or may provide direct services under that Act is
9 the perpetrator in an indicated report of child abuse or
10 neglect filed under this Act.

11 (b) Nothing contained in this Act prevents the sharing or
12 disclosure of information or records relating or pertaining to
13 juveniles subject to the provisions of the Serious Habitual
14 Offender Comprehensive Action Program when that information is
15 used to assist in the early identification and treatment of
16 habitual juvenile offenders.

17 (c) To the extent that persons or agencies are given access
18 to information pursuant to this Section, those persons or
19 agencies may give this information to and receive this
20 information from each other in order to facilitate an
21 investigation conducted by those persons or agencies.

22 (Source: P.A. 93-147, eff. 1-1-04; 94-1010, eff. 10-1-06.)

23 (325 ILCS 5/11.5) (from Ch. 23, par. 2061.5)

24 Sec. 11.5. Within the appropriation available, the
25 Department shall conduct a continuing education and training

1 program for State and local staff, persons and officials
2 required to report, the general public, and other persons
3 engaged in or intending to engage in the prevention,
4 identification, and treatment of child abuse and neglect. The
5 program shall be designed to encourage the fullest degree of
6 reporting of known and suspected child abuse and neglect, and
7 to improve communication, cooperation, and coordination among
8 all agencies in the identification, prevention, and treatment
9 of child abuse and neglect. The program shall inform the
10 general public and professionals of the nature and extent of
11 child abuse and neglect and their responsibilities,
12 obligations, powers and immunity from liability under this Act.
13 It may include information on the diagnosis of child abuse and
14 neglect and the roles and procedures of the Child Protective
15 Service Unit, the Department and central register, the courts
16 and of the protective, treatment, and ameliorative services
17 available to children and their families. Such information may
18 also include special needs of mothers at risk of delivering a
19 child whose life or development may be threatened by a
20 disabling ~~handicapping~~ condition, to ensure informed consent
21 to treatment of the condition and understanding of the unique
22 child care responsibilities required for such a child. The
23 program may also encourage parents and other persons having
24 responsibility for the welfare of children to seek assistance
25 on their own in meeting their child care responsibilities and
26 encourage the voluntary acceptance of available services when

1 they are needed. It may also include publicity and
2 dissemination of information on the existence and number of the
3 24 hour, State-wide, toll-free telephone service to assist
4 persons seeking assistance and to receive reports of known and
5 suspected abuse and neglect.

6 Within the appropriation available, the Department also
7 shall conduct a continuing education and training program for
8 State and local staff involved in investigating reports of
9 child abuse or neglect made under this Act. The program shall
10 be designed to train such staff in the necessary and
11 appropriate procedures to be followed in investigating cases
12 which it appears may result in civil or criminal charges being
13 filed against a person. Program subjects shall include but not
14 be limited to the gathering of evidence with a view toward
15 presenting such evidence in court and the involvement of State
16 or local law enforcement agencies in the investigation. The
17 program shall be conducted in cooperation with State or local
18 law enforcement agencies, State's Attorneys and other
19 components of the criminal justice system as the Department
20 deems appropriate.

21 (Source: P.A. 85-984.)

22 (325 ILCS 5/11.7) (from Ch. 23, par. 2061.7)

23 Sec. 11.7. (a) The Director shall appoint the chairperson
24 and members of a "State-wide Citizen's Committee on Child Abuse
25 and Neglect" to consult with and advise the Director. The

1 Committee shall be composed of individuals of distinction in
2 human services, neonatal medical care, needs and rights of
3 persons with disabilities ~~the disabled~~, law and community life,
4 broadly representative of social and economic communities
5 across the State, who shall be appointed to 3 year staggered
6 terms. The chairperson and members of the Committee shall serve
7 without compensation, although their travel and per diem
8 expenses shall be reimbursed in accordance with standard State
9 procedures. Under procedures adopted by the Committee, it may
10 meet at any time, confer with any individuals, groups, and
11 agencies; and may issue reports or recommendations on any
12 aspect of child abuse or neglect it deems appropriate.

13 (b) The Committee shall advise the Director on setting
14 priorities for the administration of child abuse prevention,
15 shelters and service programs, as specified in Section 4a of
16 "An Act creating the Department of Children and Family
17 Services, codifying its powers and duties, and repealing
18 certain Acts and Sections herein named", approved June 4, 1963,
19 as amended.

20 (c) The Committee shall advise the Director on policies and
21 procedures with respect to the medical neglect of newborns and
22 infants.

23 (Source: P.A. 84-611.)

24 Section 735. The High Risk Youth Career Development Act is
25 amended by changing Section 1 as follows:

1 (325 ILCS 25/1) (from Ch. 23, par. 6551)

2 Sec. 1. The Department of Human Services (acting as
3 successor to the Illinois Department of Public Aid under the
4 Department of Human Services Act), in cooperation with the
5 Department of Commerce and Economic Opportunity, the Illinois
6 State Board of Education, the Department of Children and Family
7 Services, the Department of Employment Services and other
8 appropriate State and local agencies, may establish and
9 administer, on an experimental basis and subject to
10 appropriation, community-based programs providing
11 comprehensive, long-term intervention strategies to increase
12 future employability and career development among high risk
13 youth. The Department of Human Services, and the other
14 cooperating agencies, shall establish provisions for community
15 involvement in the design, development, implementation and
16 administration of these programs. The programs may provide the
17 following services: teaching of basic literacy and remedial
18 reading and writing; vocational training programs which are
19 realistic in terms of producing lifelong skills necessary for
20 career development; and supportive services including
21 transportation and child care during the training period and
22 for up to one year after placement in a job. The programs shall
23 be targeted to high risk youth residing in the geographic areas
24 served by the respective programs. "High risk" means that a
25 person is at least 16 years of age but not yet 21 years of age

1 and possesses one or more of the following characteristics:

- 2 (1) Has low income;
- 3 (2) Is a member of a minority;
- 4 (3) Is illiterate;
- 5 (4) Is a school drop out;
- 6 (5) Is homeless;
- 7 (6) Is a person with a disability ~~disabled~~;
- 8 (7) Is a parent; or
- 9 (8) Is a ward of the State.

10 The Department of Human Services and other cooperating
11 State agencies shall promulgate rules and regulations,
12 pursuant to the Illinois Administrative Procedure Act, for the
13 implementation of this Act, including procedures and standards
14 for determining whether a person possesses any of the
15 characteristics specified in this Section.

16 (Source: P.A. 94-793, eff. 5-19-06.)

17 Section 740. The War on Terrorism Compensation Act is
18 amended by changing Section 20 as follows:

19 (330 ILCS 32/20)

20 Sec. 20. Legal disability. If a person to whom compensation
21 is payable under this Act is under a legal disability, the
22 compensation shall be paid to the person legally vested with
23 the care of the person under a legal disability ~~legally~~
24 ~~disabled person~~ under the laws of his or her state of

1 residence. If no such person has been so designated for the
2 person under a legal disability ~~legally disabled person~~,
3 payment shall be made to the chief officer of any hospital or
4 institution under the supervision or control of any state or of
5 the United States Department of Veterans Affairs in which the
6 person under a legal disability ~~legally disabled person~~ is
7 placed, if that officer is authorized to accept moneys for the
8 benefit of the person under a legal disability ~~legally disabled~~
9 ~~person~~. Any payments so made shall be held or used solely for
10 the benefit of the person under a legal disability ~~legally~~
11 ~~disabled person~~.

12 As used in this Section, a person under a legal disability
13 means a person found to be so by a court of competent
14 jurisdiction of any state or the District of Columbia or by any
15 adjudication officer of the United States Department of
16 Veterans Affairs.

17 (Source: P.A. 96-76, eff. 7-24-09.)

18 Section 745. The Prisoner of War Bonus Act is amended by
19 changing Section 4 as follows:

20 (330 ILCS 35/4) (from Ch. 126 1/2, par. 57.64)

21 Sec. 4. The Department of Veterans' Affairs has complete
22 charge and control of the general scheme of payments authorized
23 by this Act and shall adopt general rules for the making of
24 such payments, the ascertainment and selection of proper

1 beneficiaries and the amount to which such beneficiaries are
2 entitled, and for procedure.

3 If the person to whom compensation is payable under this
4 Act is a person under a legal disability, it shall be paid to
5 the person legally vested with the care of such person under a
6 legal disability ~~legally disabled person~~ under the laws of this
7 State of residence. If no such person has been so designated
8 for the person under a legal disability ~~legally disabled~~
9 ~~person~~, payment shall be made to the chief officer of any
10 hospital or institution under the supervision or control of any
11 State or of the Veterans Administration of the United States in
12 which such person under a legal disability ~~legally disabled~~
13 ~~person~~ is placed, if such officer is authorized to accept
14 moneys for the benefit of the person under a legal disability
15 ~~legally disabled person~~. Any payments so made shall be held or
16 used solely for the benefit of the person under a legal
17 disability ~~legally disabled person~~.

18 As used in this Section, a person under a legal disability
19 means any person found to be so disabled by a court of
20 competent jurisdiction of any State or the District of Columbia
21 or by any adjudication officer of the Veterans Administration
22 of the United States.

23 (Source: P.A. 85-169.)

24 Section 750. The Military Veterans Assistance Act is
25 amended by changing Section 6 as follows:

1 (330 ILCS 45/6) (from Ch. 23, par. 3086)

2 Sec. 6. Overseers of military veterans assistance are
3 hereby prohibited from sending military veterans (or their
4 families or the families of those deceased) to any almshouse
5 (or orphan asylum) without the full concurrence and consent of
6 the commander and assistance committee of the post or camp of a
7 military veterans organization having jurisdiction as provided
8 in Sections 2 and 3 of this Act. Military veterans with
9 families and the families of deceased veterans, shall, whenever
10 practicable, be provided for and assisted at their homes in
11 such city or town in which they shall have a residence, in the
12 manner provided in Sections 2 and 3 of this Act. Needy veterans
13 or veterans with disabilities ~~or disabled veterans~~ of the
14 classes specified in Section 2 of this Act, who are not
15 mentally ill, and who have no families or friends with which
16 they may be domiciled, may be sent to any veterans home. Any
17 less fortunate veteran of either of the classes specified in
18 Section 2 of this Act or any member of the family of any living
19 or deceased veteran of said classes, who may be mentally ill,
20 shall, upon the recommendation of the commander and assistance
21 committee of such post or camp of a military veterans
22 organization, within the jurisdiction of which the case may
23 occur, be sent to any mental health facility and cared for as
24 provided for indigent persons who are mentally ill.

25 (Source: P.A. 87-796.)

1 Section 755. The Disabled Veterans Housing Act is amended
2 by changing Section 0.01 as follows:

3 (330 ILCS 65/0.01) (from Ch. 126 1/2, par. 57.90)

4 Sec. 0.01. Short title. This Act may be cited as the
5 Housing for Veterans with Disabilities ~~Disabled Veterans~~
6 ~~Housing~~ Act.

7 (Source: P.A. 86-1324.)

8 Section 760. The Children of Deceased Veterans Act is
9 amended by changing Section 1 as follows:

10 (330 ILCS 105/1) (from Ch. 126 1/2, par. 26)

11 Sec. 1. The Illinois Department of Veterans' Affairs shall
12 provide, insofar as moneys are appropriated for those purposes,
13 for matriculation and tuition fees, board, room rent, books and
14 supplies for the use and benefit of children, not under 10 and
15 not over 18 years of age, except extension of time may be
16 granted for a child to complete high school but in no event
17 beyond the 19th birthday who have for 12 months immediately
18 preceding their application for these benefits had their
19 domicile in the State of Illinois, of World War I veterans who
20 were killed in action or who died between April 6, 1917, and
21 July 2, 1921, and of World War II veterans who were killed in
22 action or died after December 6, 1941, and on or before

1 December 31, 1946, and of Korean conflict veterans who were
2 killed in action or died between June 27, 1950 and January 31,
3 1955, and of Vietnam conflict veterans who were killed in
4 action or died between January 1, 1961 and May 7, 1975, as a
5 result of service in the Armed Forces of the United States or
6 from other causes of World War I, World War II, the Korean
7 conflict or the Vietnam conflict, who died, whether before or
8 after the cessation of hostilities, from service-connected
9 disability, and of any veterans who died during the induction
10 periods specified below or died of a service-connected
11 disability incurred during such induction periods, such
12 periods to be those beginning September 16, 1940, and ending
13 December 6, 1941, and beginning January 1, 1947 and ending June
14 26, 1950 and the period beginning February 1, 1955, and ending
15 on the day before the first day thereafter on which individuals
16 (other than individuals liable for induction by reason of prior
17 deferment) are no longer liable for induction for training and
18 service into the Armed Forces under the Universal Military
19 Training and Service Act, and beginning January 1, 1961 and
20 ending May 7, 1975 and of any veterans who are persons with a
21 total and permanent disability ~~totally and permanently~~
22 ~~disabled~~ as a result of a service-connected disability (or who
23 died while a disability so evaluated was in existence); which
24 children are attending or may attend a state or private
25 educational institution of elementary or high school grade or a
26 business college, vocational training school, or other

1 educational institution in this State where courses of
2 instruction are provided in subjects which would tend to enable
3 such children to engage in any useful trade, occupation or
4 profession. As used in this Act "service-connected" means, with
5 respect to disability or death, that such disability was
6 incurred or aggravated, or that the death resulted from a
7 disability incurred or aggravated, in the performance of active
8 duty or active duty for training in the military services. Such
9 children shall be admitted to state educational institutions
10 free of tuition. No more than \$250.00 may be paid under this
11 Act for any one child for any one school year.

12 (Source: P.A. 94-106, eff. 7-1-05.)

13 Section 765. The Mental Health and Developmental
14 Disabilities Code is amended by changing Sections 1-106, 1-125,
15 2-101, 2-108, 2-114, 3-200, 3-400, 4-201, 4-201.1, 4-400,
16 4-500, 4-701, 5-105, 6-103.1, and 6-103.2 and by changing the
17 headings of Chapter IV, Article III of Chapter IV, Article IV
18 of Chapter IV, and Article V of Chapter IV as follows:

19 (405 ILCS 5/1-106) (from Ch. 91 1/2, par. 1-106)

20 Sec. 1-106. "Developmental disability" means a disability
21 which is attributable to: (a) an intellectual disability,
22 cerebral palsy, epilepsy or autism; or (b) any other condition
23 which results in impairment similar to that caused by an
24 intellectual disability and which requires services similar to

1 those required by persons with an intellectual disability
2 ~~intellectually disabled persons~~. Such disability must
3 originate before the age of 18 years, be expected to continue
4 indefinitely, and constitute a substantial disability
5 ~~handicap~~.

6 (Source: P.A. 97-227, eff. 1-1-12; 97-813, eff. 7-13-12.)

7 (405 ILCS 5/1-125) (from Ch. 91 1/2, par. 1-125)

8 Sec. 1-125. "Restraint" means direct restriction through
9 mechanical means or personal physical force of the limbs, head
10 or body of a recipient. The partial or total immobilization of
11 a recipient for the purpose of performing a medical, surgical
12 or dental procedure or as part of a medically prescribed
13 procedure for the treatment of an existing physical disorder or
14 the amelioration of a physical disability handicap shall not
15 constitute restraint, provided that the duration, nature and
16 purposes of the procedures or immobilization are properly
17 documented in the recipient's record and, that if the
18 procedures or immobilization are applied continuously or
19 regularly for a period in excess of 24 hours, and for every 24
20 hour period thereafter during which the immobilization may
21 continue, they are authorized in writing by a physician or
22 dentist; and provided further, that any such immobilization
23 which extends for more than 30 days be reviewed by a physician
24 or dentist other than the one who originally authorized the
25 immobilization.

1 Momentary periods of physical restriction by direct
2 person-to-person contact, without the aid of material or
3 mechanical devices, accomplished with limited force, and that
4 are designed to prevent a recipient from completing an act that
5 would result in potential physical harm to himself or another
6 shall not constitute restraint, but shall be documented in the
7 recipient's clinical record.

8 (Source: P.A. 86-1402; 87-124.)

9 (405 ILCS 5/2-101) (from Ch. 91 1/2, par. 2-101)

10 Sec. 2-101. No recipient of services shall be presumed to
11 be a person under a legal disability ~~legally disabled~~, nor
12 shall such person be held to be a person under a legal
13 disability ~~legally disabled~~ except as determined by a court.
14 Such determination shall be separate from a judicial proceeding
15 held to determine whether a person is subject to involuntary
16 admission or meets the standard for judicial admission.

17 (Source: P.A. 85-971.)

18 (405 ILCS 5/2-108) (from Ch. 91 1/2, par. 2-108)

19 Sec. 2-108. Use of restraint. Restraint may be used only as
20 a therapeutic measure to prevent a recipient from causing
21 physical harm to himself or physical abuse to others. Restraint
22 may only be applied by a person who has been trained in the
23 application of the particular type of restraint to be utilized.
24 In no event shall restraint be utilized to punish or discipline

1 a recipient, nor is restraint to be used as a convenience for
2 the staff.

3 (a) Except as provided in this Section, restraint shall be
4 employed only upon the written order of a physician, clinical
5 psychologist, clinical social worker, clinical professional
6 counselor, or registered nurse with supervisory
7 responsibilities. No restraint shall be ordered unless the
8 physician, clinical psychologist, clinical social worker,
9 clinical professional counselor, or registered nurse with
10 supervisory responsibilities, after personally observing and
11 examining the recipient, is clinically satisfied that the use
12 of restraint is justified to prevent the recipient from causing
13 physical harm to himself or others. In no event may restraint
14 continue for longer than 2 hours unless within that time period
15 a nurse with supervisory responsibilities or a physician
16 confirms, in writing, following a personal examination of the
17 recipient, that the restraint does not pose an undue risk to
18 the recipient's health in light of the recipient's physical or
19 medical condition. The order shall state the events leading up
20 to the need for restraint and the purposes for which restraint
21 is employed. The order shall also state the length of time
22 restraint is to be employed and the clinical justification for
23 that length of time. No order for restraint shall be valid for
24 more than 16 hours. If further restraint is required, a new
25 order must be issued pursuant to the requirements provided in
26 this Section.

1 (b) In the event there is an emergency requiring the
2 immediate use of restraint, it may be ordered temporarily by a
3 qualified person only where a physician, clinical
4 psychologist, clinical social worker, clinical professional
5 counselor, or registered nurse with supervisory
6 responsibilities is not immediately available. In that event,
7 an order by a nurse, clinical psychologist, clinical social
8 worker, clinical professional counselor, or physician shall be
9 obtained pursuant to the requirements of this Section as
10 quickly as possible, and the recipient shall be examined by a
11 physician or supervisory nurse within 2 hours after the initial
12 employment of the emergency restraint. Whoever orders
13 restraint in emergency situations shall document its necessity
14 and place that documentation in the recipient's record.

15 (c) The person who orders restraint shall inform the
16 facility director or his designee in writing of the use of
17 restraint within 24 hours.

18 (d) The facility director shall review all restraint orders
19 daily and shall inquire into the reasons for the orders for
20 restraint by any person who routinely orders them.

21 (e) Restraint may be employed during all or part of one 24
22 hour period, the period commencing with the initial application
23 of the restraint. However, once restraint has been employed
24 during one 24 hour period, it shall not be used again on the
25 same recipient during the next 48 hours without the prior
26 written authorization of the facility director.

1 (f) Restraint shall be employed in a humane and therapeutic
2 manner and the person being restrained shall be observed by a
3 qualified person as often as is clinically appropriate but in
4 no event less than once every 15 minutes. The qualified person
5 shall maintain a record of the observations. Specifically,
6 unless there is an immediate danger that the recipient will
7 physically harm himself or others, restraint shall be loosely
8 applied to permit freedom of movement. Further, the recipient
9 shall be permitted to have regular meals and toilet privileges
10 free from the restraint, except when freedom of action may
11 result in physical harm to the recipient or others.

12 (g) Every facility that employs restraint shall provide
13 training in the safe and humane application of each type of
14 restraint employed. The facility shall not authorize the use of
15 any type of restraint by an employee who has not received
16 training in the safe and humane application of that type of
17 restraint. Each facility in which restraint is used shall
18 maintain records detailing which employees have been trained
19 and are authorized to apply restraint, the date of the training
20 and the type of restraint that the employee was trained to use.

21 (h) Whenever restraint is imposed upon any recipient whose
22 primary mode of communication is sign language, the recipient
23 shall be permitted to have his hands free from restraint for
24 brief periods each hour, except when freedom may result in
25 physical harm to the recipient or others.

26 (i) A recipient who is restrained may only be secluded at

1 the same time pursuant to an explicit written authorization as
2 provided in Section 2-109 of this Code. Whenever a recipient is
3 restrained, a member of the facility staff shall remain with
4 the recipient at all times unless the recipient has been
5 secluded. A recipient who is restrained and secluded shall be
6 observed by a qualified person as often as is clinically
7 appropriate but in no event less than every 15 minutes.

8 (j) Whenever restraint is used, the recipient shall be
9 advised of his right, pursuant to Sections 2-200 and 2-201 of
10 this Code, to have any person of his choosing, including the
11 Guardianship and Advocacy Commission or the agency designated
12 pursuant to the Protection and Advocacy for Persons with
13 Developmental Disabilities ~~Developmentally Disabled Persons~~
14 Act notified of the restraint. A recipient who is under
15 guardianship may request that any person of his choosing be
16 notified of the restraint whether or not the guardian approves
17 of the notice. Whenever the Guardianship and Advocacy
18 Commission is notified that a recipient has been restrained, it
19 shall contact that recipient to determine the circumstances of
20 the restraint and whether further action is warranted.

21 (Source: P.A. 98-137, eff. 8-2-13.)

22 (405 ILCS 5/2-114) (from Ch. 91 1/2, par. 2-114)

23 Sec. 2-114. (a) Whenever an attorney or other advocate from
24 the Guardianship and Advocacy Commission or the agency
25 designated by the Governor under Section 1 of the Protection

1 and Advocacy for Persons with Developmental Disabilities
2 ~~Developmentally Disabled Persons~~ Act or any other attorney
3 advises a facility in which a recipient is receiving inpatient
4 mental health services that he is presently representing the
5 recipient, or has been appointed by any court or administrative
6 agency to do so or has been requested to represent the
7 recipient by a member of the recipient's family, the facility
8 shall, subject to the provisions of Section 2-113 of this Code,
9 disclose to the attorney or advocate whether the recipient is
10 presently residing in the facility and, if so, how the attorney
11 or advocate may communicate with the recipient.

12 (b) The facility may take reasonable precautions to
13 identify the attorney or advocate. No further information shall
14 be disclosed to the attorney or advocate except in conformity
15 with the authorization procedures contained in the Mental
16 Health and Developmental Disabilities Confidentiality Act.

17 (c) Whenever the location of the recipient has been
18 disclosed to an attorney or advocate, the facility director
19 shall inform the recipient of that fact and shall note this
20 disclosure in the recipient's records.

21 (d) An attorney or advocate who receives any information
22 under this Section may not disclose this information to anyone
23 else without the written consent of the recipient obtained
24 pursuant to Section 5 of the Mental Health and Developmental
25 Disabilities Confidentiality Act.

26 (Source: P.A. 91-357, eff. 7-29-99.)

1 (405 ILCS 5/3-200) (from Ch. 91 1/2, par. 3-200)

2 Sec. 3-200. (a) A person may be admitted as an inpatient to
3 a mental health facility for treatment of mental illness only
4 as provided in this Chapter, except that a person may be
5 transferred by the Department of Corrections pursuant to the
6 Unified Code of Corrections. A person transferred by the
7 Department of Corrections in this manner may be released only
8 as provided in the Unified Code of Corrections.

9 (b) No person who is diagnosed as a person with an
10 intellectual disability ~~intellectually disabled~~ or a person
11 with a developmental disability may be admitted or transferred
12 to a Department mental health facility or, any portion thereof,
13 except as provided in this Chapter. However, the evaluation and
14 placement of such persons shall be governed by Article II of
15 Chapter 4 of this Code.

16 (Source: P.A. 97-227, eff. 1-1-12.)

17 (405 ILCS 5/3-400) (from Ch. 91 1/2, par. 3-400)

18 Sec. 3-400. Voluntary admission to mental health facility.

19 (a) Any person 16 or older, including a person adjudicated
20 a person with a disability ~~disabled person~~, may be admitted to
21 a mental health facility as a voluntary recipient for treatment
22 of a mental illness upon the filing of an application with the
23 facility director of the facility if the facility director
24 determines and documents in the recipient's medical record that

1 the person (1) is clinically suitable for admission as a
2 voluntary recipient and (2) has the capacity to consent to
3 voluntary admission.

4 (b) For purposes of consenting to voluntary admission, a
5 person has the capacity to consent to voluntary admission if,
6 in the professional judgment of the facility director or his or
7 her designee, the person is able to understand that:

8 (1) He or she is being admitted to a mental health
9 facility.

10 (2) He or she may request discharge at any time. The
11 request must be in writing, and discharge is not automatic.

12 (3) Within 5 business days after receipt of the written
13 request for discharge, the facility must either discharge
14 the person or initiate commitment proceedings.

15 (c) No mental health facility shall require the completion
16 of a petition or certificate as a condition of accepting the
17 admission of a recipient who is being transported to that
18 facility from any other inpatient or outpatient healthcare
19 facility if the recipient has completed an application for
20 voluntary admission to the receiving facility pursuant to this
21 Section.

22 (Source: P.A. 96-612, eff. 1-1-10; 97-375, eff. 8-15-11.)

23 (405 ILCS 5/Ch. IV heading)

24 CHAPTER IV

25 ADMISSION, TRANSFER, AND DISCHARGE PROCEDURES

1 FOR PERSONS WITH DEVELOPMENTAL DISABILITIES ~~THE~~

2 ~~DEVELOPMENTALLY DISABLED~~

3 (405 ILCS 5/4-201) (from Ch. 91 1/2, par. 4-201)

4 Sec. 4-201. (a) A person with an intellectual disability ~~An~~
5 ~~intellectually disabled person~~ shall not reside in a Department
6 mental health facility unless the person is evaluated and is
7 determined to be a person with mental illness and the facility
8 director determines that appropriate treatment and
9 habilitation are available and will be provided to such person
10 on the unit. In all such cases the Department mental health
11 facility director shall certify in writing within 30 days of
12 the completion of the evaluation and every 30 days thereafter,
13 that the person has been appropriately evaluated, that services
14 specified in the treatment and habilitation plan are being
15 provided, that the setting in which services are being provided
16 is appropriate to the person's needs, and that provision of
17 such services fully complies with all applicable federal
18 statutes and regulations concerning the provision of services
19 to persons with a developmental disability. Those regulations
20 shall include, but not be limited to the regulations which
21 govern the provision of services to persons with a
22 developmental disability in facilities certified under the
23 Social Security Act for federal financial participation,
24 whether or not the facility or portion thereof in which the
25 recipient has been placed is presently certified under the

1 Social Security Act or would be eligible for such certification
2 under applicable federal regulations. The certifications shall
3 be filed in the recipient's record and with the office of the
4 Secretary of the Department. A copy of the certification shall
5 be given to the person, an attorney or advocate who is
6 representing the person and the person's guardian.

7 (b) Any person admitted to a Department mental health
8 facility who is reasonably suspected of having a mild or
9 moderate intellectual disability ~~being mildly or moderately~~
10 ~~intellectually disabled~~, including those who also have a mental
11 illness, shall be evaluated by a multidisciplinary team which
12 includes a qualified intellectual disabilities professional
13 designated by the Department facility director. The evaluation
14 shall be consistent with Section 4-300 of Article III in this
15 Chapter, and shall include: (1) a written assessment of whether
16 the person needs a habilitation plan and, if so, (2) a written
17 habilitation plan consistent with Section 4-309, and (3) a
18 written determination whether the admitting facility is
19 capable of providing the specified habilitation services. This
20 evaluation shall occur within a reasonable period of time, but
21 in no case shall that period exceed 14 days after admission. In
22 all events, a treatment plan shall be prepared for the person
23 within 3 days of admission, and reviewed and updated every 30
24 days, consistent with Section 3-209 of this Code.

25 (c) Any person admitted to a Department mental health
26 facility with an admitting diagnosis of a severe or profound

1 intellectual disability shall be transferred to an appropriate
2 facility or unit for persons with a developmental disability
3 within 72 hours of admission unless transfer is contraindicated
4 by the person's medical condition documented by appropriate
5 medical personnel. Any person diagnosed with a severe or
6 profound intellectual disability ~~as severely or profoundly~~
7 ~~intellectually disabled~~ while in a Department mental health
8 facility shall be transferred to an appropriate facility or
9 unit for persons with a developmental disability within 72
10 hours of such diagnosis unless transfer is contraindicated by
11 the person's medical condition documented by appropriate
12 medical personnel.

13 (d) The Secretary of the Department shall designate a
14 qualified intellectual disabilities professional in each of
15 its mental health facilities who has responsibility for
16 insuring compliance with the provisions of Sections 4-201 and
17 4-201.1.

18 (Source: P.A. 97-227, eff. 1-1-12.)

19 (405 ILCS 5/4-201.1) (from Ch. 91 1/2, par. 4-201.1)

20 Sec. 4-201.1. (a) A person residing in a Department mental
21 health facility who is evaluated as having a mild or moderate
22 intellectual disability ~~being mildly or moderately~~
23 ~~intellectually disabled~~, an attorney or advocate representing
24 the person, or a guardian of such person may object to the
25 Department facility director's certification required in

1 Section 4-201, the treatment and habilitation plan, or
2 appropriateness of setting, and obtain an administrative
3 decision requiring revision of a treatment or habilitation plan
4 or change of setting, by utilization review as provided in
5 Sections 3-207 and 4-209 of this Code. As part of this
6 utilization review, the Committee shall include as one of its
7 members a qualified intellectual disabilities professional.

8 (b) The mental health facility director shall give written
9 notice to each person evaluated as having a mild or moderate
10 intellectual disability ~~being mildly or moderately~~
11 ~~intellectually disabled~~, the person's attorney and guardian,
12 if any, or in the case of a minor, to his or her attorney, to
13 the parent, guardian or person in loco parentis and to the
14 minor if 12 years of age or older, of the person's right to
15 request a review of the facility director's initial or
16 subsequent determination that such person is appropriately
17 placed or is receiving appropriate services. The notice shall
18 also provide the address and phone number of the Legal Advocacy
19 Service of the Guardianship and Advocacy Commission, which the
20 person or guardian can contact for legal assistance. If
21 requested, the facility director shall assist the person or
22 guardian in contacting the Legal Advocacy Service. This notice
23 shall be given within 24 hours of Department's evaluation that
24 the person has a mild or moderate intellectual disability ~~is~~
25 ~~mildly or moderately intellectually disabled~~.

26 (c) Any recipient of services who successfully challenges a

1 final decision of the Secretary of the Department (or his or
2 her designee) reviewing an objection to the certification
3 required under Section 4-201, the treatment and habilitation
4 plan, or the appropriateness of the setting shall be entitled
5 to recover reasonable attorney's fees incurred in that
6 challenge, unless the Department's position was substantially
7 justified.

8 (Source: P.A. 97-227, eff. 1-1-12.)

9 (405 ILCS 5/Ch. IV Art. III heading)

10 ARTICLE III. ADMINISTRATIVE AND TEMPORARY ADMISSION
11 OF PERSONS WITH DEVELOPMENTAL DISABILITIES ~~THE DEVELOPMENTALLY~~
12 ~~DISABLED~~

13 (405 ILCS 5/Ch. IV Art. IV heading)

14 ARTICLE IV. EMERGENCY ADMISSION
15 OF PERSONS WITH INTELLECTUAL DISABILITIES ~~THE INTELLECTUALLY~~
16 ~~DISABLED~~

17 (Source: P.A. 97-227, eff. 1-1-12.)

18 (405 ILCS 5/4-400) (from Ch. 91 1/2, par. 4-400)

19 Sec. 4-400. (a) A person 18 years of age or older may be
20 admitted on an emergency basis to a facility under this Article
21 if the facility director of the facility determines: (1) that
22 he is a person with an intellectual disability ~~intellectually~~
23 ~~disabled~~; (2) that he is reasonably expected to inflict serious

1 physical harm upon himself or another in the near future; and

2 (3) that immediate admission is necessary to prevent such harm.

3 (b) Persons with a developmental disability under 18 years
4 of age and persons with a developmental disability 18 years of
5 age or over who are under guardianship or who are seeking
6 admission on their own behalf may be admitted for emergency
7 care under Section 4-311.

8 (Source: P.A. 97-227, eff. 1-1-12.)

9 (405 ILCS 5/Ch. IV Art. V heading)

10 ARTICLE V. JUDICIAL ADMISSION FOR ~~THE~~
11 PERSONS WITH INTELLECTUAL DISABILITIES ~~INTELLECTUALLY DISABLED~~

12 (Source: P.A. 97-227, eff. 1-1-12.)

13 (405 ILCS 5/4-500) (from Ch. 91 1/2, par. 4-500)

14 Sec. 4-500. A person 18 years of age or older may be
15 admitted to a facility upon court order under this Article if
16 the court determines: (1) that he is a person with an
17 intellectual disability ~~intellectually disabled~~; and (2) that
18 he is reasonably expected to inflict serious physical harm upon
19 himself or another in the near future.

20 (Source: P.A. 97-227, eff. 1-1-12.)

21 (405 ILCS 5/4-701) (from Ch. 91 1/2, par. 4-701)

22 Sec. 4-701. (a) Any client admitted to a developmental
23 disabilities facility under this Chapter may be discharged

1 whenever the facility director determines that he is suitable
2 for discharge.

3 (b) Any client admitted to a facility or program of
4 nonresidential services upon court order under Article V of
5 this Chapter or admitted upon court order as a person with an
6 intellectual disability or as ~~intellectually disabled or~~
7 mentally deficient under any prior statute shall be discharged
8 whenever the facility director determines that he no longer
9 meets the standard for judicial admission. When the facility
10 director believes that continued residence is advisable for
11 such a client, he shall inform the client and his guardian, if
12 any, that the client may remain at the facility on
13 administrative admission status. When a facility director
14 discharges or changes the status of such client, he shall
15 promptly notify the clerk of the court who shall note the
16 action in the court record.

17 (c) When the facility director discharges a client pursuant
18 to subsection (b) of this Section, he shall promptly notify the
19 State's Attorney of the county in which the client resided
20 immediately prior to his admission to a developmental
21 disabilities facility. Upon receipt of such notice, the State's
22 Attorney may notify such peace officers that he deems
23 appropriate.

24 (d) The facility director may grant a temporary release to
25 any client when such release is appropriate and consistent with
26 the habilitation needs of the client.

1 (Source: P.A. 97-227, eff. 1-1-12; 98-463, eff. 8-16-13.)

2 (405 ILCS 5/5-105) (from Ch. 91 1/2, par. 5-105)

3 Sec. 5-105. Each recipient of services provided directly or
4 funded by the Department and the estate of that recipient is
5 liable for the payment of sums representing charges for
6 services to the recipient at a rate to be determined by the
7 Department in accordance with this Act. If a recipient is a
8 beneficiary of a trust described in Section 15.1 of the Trusts
9 and Trustees Act, the trust shall not be considered a part of
10 the recipient's estate and shall not be subject to payment for
11 services to the recipient under this Section except to the
12 extent permitted under Section 15.1 of the Trusts and Trustees
13 Act. If the recipient is unable to pay or if the estate of the
14 recipient is insufficient, the responsible relatives are
15 severally liable for the payment of those sums or for the
16 balance due in case less than the amount prescribed under this
17 Act has been paid. If the recipient is under the age of 18, the
18 recipient and responsible relative shall be liable for medical
19 costs on a case-by-case basis for services for the diagnosis
20 and treatment of conditions other than that child's disabling
21 ~~handicapping~~ condition. The liability shall be the lesser of
22 the cost of medical care or the amount of responsible relative
23 liability established by the Department under Section 5-116.
24 Any person 18 through 21 years of age who is receiving services
25 under the Education for All Handicapped Children Act of 1975

1 (Public Law 94-142) or that person's responsible relative shall
2 only be liable for medical costs on a case-by-case basis for
3 services for the diagnosis and treatment of conditions other
4 than the person's disabling ~~handicapping~~ condition. The
5 liability shall be the lesser of the cost of medical care or
6 the amount of responsible relative liability established by the
7 Department under Section 5-116. In the case of any person who
8 has received residential services from the Department, whether
9 directly from the Department or through a public or private
10 agency or entity funded by the Department, the liability shall
11 be the same regardless of the source of services. The maximum
12 services charges for each recipient assessed against
13 responsible relatives collectively may not exceed financial
14 liability determined from income in accordance with Section
15 5-116. Where the recipient is placed in a nursing home or other
16 facility outside the Department, the Department may pay the
17 actual cost of services in that facility and may collect
18 reimbursement for the entire amount paid from the recipient or
19 an amount not to exceed those amounts determined under Section
20 5-116 from responsible relatives according to their
21 proportionate ability to contribute to those charges. The
22 liability of each responsible relative for payment of services
23 charges ceases when payments on the basis of financial ability
24 have been made for a total of 12 years for any recipient, and
25 any portion of that 12 year period during which a responsible
26 relative has been determined by the Department to be

1 financially unable to pay any services charges must be included
2 in fixing the total period of liability. No child is liable
3 under this Act for services to a parent. No spouse is liable
4 under this Act for the services to the other spouse who
5 wilfully failed to contribute to the spouse's support for a
6 period of 5 years immediately preceding his or her admission.
7 Any spouse claiming exemption because of wilful failure to
8 support during any such 5 year period must furnish the
9 Department with clear and convincing evidence substantiating
10 the claim. No parent is liable under this Act for the services
11 charges incurred by a child after the child reaches the age of
12 majority. Nothing in this Section shall preclude the Department
13 from applying federal benefits that are specifically provided
14 for the care and treatment of a person with a disability
15 ~~disabled person~~ toward the cost of care provided by a State
16 facility or private agency.

17 (Source: P.A. 87-311; 88-380.)

18 (405 ILCS 5/6-103.1)

19 Sec. 6-103.1. Adjudication as a person with a mental
20 disability ~~mentally disabled person~~. When a person has been
21 adjudicated as a person with a mental disability ~~mentally~~
22 ~~disabled person~~ as defined in Section 1.1 of the Firearm Owners
23 Identification Card Act, including, but not limited to, an
24 adjudication as a person with a disability ~~disabled person~~ as
25 defined in Section 11a-2 of the Probate Act of 1975, the court

1 shall direct the circuit court clerk to notify the Department
2 of State Police, Firearm Owner's Identification (FOID) Office,
3 in a form and manner prescribed by the Department of State
4 Police, and shall forward a copy of the court order to the
5 Department no later than 7 days after the entry of the order.
6 Upon receipt of the order, the Department of State Police shall
7 provide notification to the National Instant Criminal
8 Background Check System.

9 (Source: P.A. 97-1131, eff. 1-1-13; 98-63, eff. 7-9-13.)

10 (405 ILCS 5/6-103.2)

11 Sec. 6-103.2. Developmental disability; notice. For
12 purposes of this Section, if a person is determined to be a
13 person with a developmental disability ~~developmentally~~
14 ~~disabled~~ as defined in Section 1.1 of the Firearm Owners
15 Identification Card Act by a physician, clinical psychologist,
16 or qualified examiner, whether practicing at a public or by a
17 private mental health facility or developmental disability
18 facility, the physician, clinical psychologist, or qualified
19 examiner shall notify the Department of Human Services within
20 24 hours of making the determination that the person has a
21 developmental disability. The Department of Human Services
22 shall immediately update its records and information relating
23 to mental health and developmental disabilities, and if
24 appropriate, shall notify the Department of State Police in a
25 form and manner prescribed by the Department of State Police.

1 Information disclosed under this Section shall remain
2 privileged and confidential, and shall not be redisclosed,
3 except as required under subsection (e) of Section 3.1 of the
4 Firearm Owners Identification Card Act, nor used for any other
5 purpose. The method of providing this information shall
6 guarantee that the information is not released beyond that
7 which is necessary for the purpose of this Section and shall be
8 provided by rule by the Department of Human Services. The
9 identity of the person reporting under this Section shall not
10 be disclosed to the subject of the report.

11 The physician, clinical psychologist, or qualified
12 examiner making the determination and his or her employer may
13 not be held criminally, civilly, or professionally liable for
14 making or not making the notification required under this
15 Section, except for willful or wanton misconduct.

16 (Source: P.A. 98-63, eff. 7-9-13.)

17 Section 770. The Community Mental Health Act is amended by
18 changing the title of the Act as follows:

19 (405 ILCS 20/Act title)

20 An Act relating to community mental health facilities and
21 services, including those for persons with developmental
22 disabilities ~~the developmentally disabled~~ and ~~the~~ substance
23 abusers ~~abuser~~.

1 Section 775. The Specialized Living Centers Act is amended
2 by changing the title of the Act and by changing Section 2.03
3 as follows:

4 (405 ILCS 25/Act title)

5 An Act in relation to specialized living centers for
6 persons with developmental disabilities ~~the developmentally~~
7 ~~disabled~~ and to amend Acts therein named in connection
8 therewith.

9 (405 ILCS 25/2.03) (from Ch. 91 1/2, par. 602.03)

10 Sec. 2.03. "Person with a developmental disability" means
11 individuals whose disability is attributable to an
12 intellectual disability, cerebral palsy, epilepsy or other
13 neurological condition which generally originates before such
14 individuals attain age 18 which had continued or can be
15 expected to continue indefinitely and which constitutes a
16 substantial disability ~~handicap~~ to such individuals.

17 (Source: P.A. 97-227, eff. 1-1-12.)

18 Section 780. The Community Services Act is amended by
19 changing the title of the Act and Sections 1, 2, 3, and 4.4 as
20 follows:

21 (405 ILCS 30/Act title)

22 An Act to facilitate the establishment of community

1 services for persons who are mentally ill, ~~developmentally~~
2 ~~disabled~~, alcohol dependent, or addicted or who are persons
3 with developmental disabilities.

4 (405 ILCS 30/1) (from Ch. 91 1/2, par. 901)

5 Sec. 1. Purpose. It is declared to be the policy and intent
6 of the Illinois General Assembly that the Department of Human
7 Services assume leadership in facilitating the establishment
8 of comprehensive and coordinated arrays of private and public
9 services for persons with mental illness, persons with a
10 developmental disability, and alcohol and drug dependent
11 citizens residing in communities throughout the state. The
12 Department shall work in partnership with local government
13 entities, direct service providers, voluntary associations and
14 communities to create a system that is sensitive to the needs
15 of local communities and which complements existing family and
16 other natural supports, social institutions and programs.

17 The goals of the service system shall include but not be
18 limited to the following: to strengthen the ~~disabled~~
19 ~~individual's~~ independence, self-esteem, and ability of the
20 individual with a disability to participate in and contribute
21 to community life; to insure continuity of care for clients; to
22 enable persons with disabilities ~~disabled persons~~ to access
23 needed services, commensurate with their individual wishes and
24 needs, regardless of where they reside in the state; to prevent
25 unnecessary institutionalization and the dislocation of

1 individuals from their home communities; to provide a range of
2 services so that persons can receive these services in settings
3 which do not unnecessarily restrict their liberty; and to
4 encourage clients to move among settings as their needs change.

5 The system shall include provision of services in the areas
6 of prevention, client assessment and diagnosis, case
7 coordination, crisis and emergency care, treatment and
8 habilitation and support services, and community residential
9 alternatives to institutional settings. The General Assembly
10 recognizes that community programs are an integral part of the
11 larger service system, which includes state-operated
12 facilities for persons who cannot receive appropriate services
13 in the community.

14 Towards achievement of these ends, the Department of Human
15 Services, working in coordination with other State agencies,
16 shall assume responsibilities pursuant to this Act, which
17 includes activities in the areas of planning, quality
18 assurance, program evaluation, community education, and the
19 provision of financial and technical assistance to local
20 provider agencies.

21 (Source: P.A. 88-380; 89-507, eff. 7-1-97.)

22 (405 ILCS 30/2) (from Ch. 91 1/2, par. 902)

23 Sec. 2. Community Services System. Services should be
24 planned, developed, delivered and evaluated as part of a
25 comprehensive and coordinated system. The Department of Human

1 Services shall encourage the establishment of services in each
2 area of the State which cover the services categories described
3 below. What specific services are provided under each service
4 category shall be based on local needs; special attention shall
5 be given to unserved and underserved populations, including
6 children and youth, racial and ethnic minorities, and the
7 elderly. The service categories shall include:

8 (a) Prevention: services designed primarily to reduce
9 the incidence and ameliorate the severity of developmental
10 disabilities, mental illness and alcohol and drug
11 dependence;

12 (b) Client Assessment and Diagnosis: services designed
13 to identify persons with developmental disabilities,
14 mental illness and alcohol and drug dependency; to
15 determine the extent of the disability and the level of
16 functioning; to ensure that the individual's need for
17 treatment of mental disorders or substance use disorders or
18 co-occurring substance use and mental health disorders is
19 determined using a uniform screening, assessment, and
20 evaluation process inclusive of criteria; for purposes of
21 this subsection (b), a uniform screening, assessment, and
22 evaluation process refers to a process that includes an
23 appropriate evaluation and, as warranted, a referral;
24 "uniform" does not mean the use of a singular instrument,
25 tool, or process that all must utilize; information
26 obtained through client evaluation can be used in

1 individual treatment and habilitation plans; to assure
2 appropriate placement and to assist in program evaluation;

3 (c) Case Coordination: services to provide information
4 and assistance to persons with disabilities to ensure
5 ~~disabled persons to insure~~ that they obtain needed services
6 provided by the private and public sectors; case
7 coordination services should be available to individuals
8 whose functioning level or history of institutional
9 recidivism or long-term care indicate that such assistance
10 is required for successful community living;

11 (d) Crisis and Emergency: services to assist
12 individuals and their families through crisis periods, to
13 stabilize individuals under stress and to prevent
14 unnecessary institutionalization;

15 (e) Treatment, Habilitation and Support: services
16 designed to help individuals develop skills which promote
17 independence and improved levels of social and vocational
18 functioning and personal growth; and to provide
19 non-treatment support services which are necessary for
20 successful community living;

21 (f) Community Residential Alternatives to
22 Institutional Settings: services to provide living
23 arrangements for persons unable to live independently; the
24 level of supervision, services provided and length of stay
25 at community residential alternatives will vary by the type
26 of program and the needs and functioning level of the

1 residents; other services may be provided in a community
2 residential alternative which promote the acquisition of
3 independent living skills and integration with the
4 community.

5 (Source: P.A. 97-1061, eff. 8-24-12.)

6 (405 ILCS 30/3) (from Ch. 91 1/2, par. 903)

7 Sec. 3. Responsibilities for Community Services. Pursuant
8 to this Act, the Department of Human Services shall facilitate
9 the establishment of a comprehensive and coordinated array of
10 community services based upon a federal, State and local
11 partnership. In order to assist in implementation of this Act,
12 the Department shall prescribe and publish rules and
13 regulations. The Department may request the assistance of other
14 State agencies, local government entities, direct services
15 providers, trade associations, and others in the development of
16 these regulations or other policies related to community
17 services.

18 The Department shall assume the following roles and
19 responsibilities for community services:

20 (a) Service Priorities. Within the service categories
21 described in Section 2 of this Act, establish and publish
22 priorities for community services to be rendered, and priority
23 populations to receive these services.

24 (b) Planning. By January 1, 1994 and by January 1 of each
25 third year thereafter, prepare and publish a Plan which

1 describes goals and objectives for community services
2 state-wide and for regions and subregions needs assessment,
3 steps and time-tables for implementation of the goals also
4 shall be included; programmatic goals and objectives for
5 community services shall cover the service categories defined
6 in Section 2 of this Act; the Department shall insure local
7 participation in the planning process.

8 (c) Public Information and Education. Develop programs
9 aimed at improving the relationship between communities and
10 their residents with disabilities; prepare and disseminate
11 public information and educational materials on the prevention
12 of developmental disabilities, mental illness, and alcohol or
13 drug dependence, and on available treatment and habilitation
14 services for persons with these disabilities.

15 (d) Quality Assurance. Promulgate minimum program
16 standards, rules and regulations to insure that Department
17 funded services maintain acceptable quality and assure
18 enforcement of these standards through regular monitoring of
19 services and through program evaluation; this applies except
20 where this responsibility is explicitly given by law to another
21 State agency.

22 (d-5) Accreditation requirements for providers of mental
23 health and substance abuse treatment services. Except when the
24 federal or State statutes authorizing a program, or the federal
25 regulations implementing a program, are to the contrary,
26 accreditation shall be accepted by the Department in lieu of

1 the Department's facility or program certification or
2 licensure onsite review requirements and shall be accepted as a
3 substitute for the Department's administrative and program
4 monitoring requirements, except as required by subsection
5 (d-10), in the case of:

6 (1) Any organization from which the Department
7 purchases mental health or substance abuse services and
8 that is accredited under any of the following: the
9 Comprehensive Accreditation Manual for Behavioral Health
10 Care (Joint Commission on Accreditation of Healthcare
11 Organizations (JCAHO)); the Comprehensive Accreditation
12 Manual for Hospitals (JCAHO); the Standards Manual for the
13 Council on Accreditation for Children and Family Services
14 (Council on Accreditation for Children and Family Services
15 (COA)); or the Standards Manual for Organizations Serving
16 People with Disabilities (the Rehabilitation Accreditation
17 Commission (CARF)).

18 (2) Any mental health facility or program licensed or
19 certified by the Department, or any substance abuse service
20 licensed by the Department, that is accredited under any of
21 the following: the Comprehensive Accreditation Manual for
22 Behavioral Health Care (JCAHO); the Comprehensive
23 Accreditation Manual for Hospitals (JCAHO); the Standards
24 Manual for the Council on Accreditation for Children and
25 Family Services (COA); or the Standards Manual for
26 Organizations Serving People with Disabilities (CARF).

1 (3) Any network of providers from which the Department
2 purchases mental health or substance abuse services and
3 that is accredited under any of the following: the
4 Comprehensive Accreditation Manual for Behavioral Health
5 Care (JCAHO); the Comprehensive Accreditation Manual for
6 Hospitals (JCAHO); the Standards Manual for the Council on
7 Accreditation for Children and Family Services (COA); the
8 Standards Manual for Organizations Serving People with
9 Disabilities (CARF); or the National Committee for Quality
10 Assurance. A provider organization that is part of an
11 accredited network shall be afforded the same rights under
12 this subsection.

13 (d-10) For mental health and substance abuse services, the
14 Department may develop standards or promulgate rules that
15 establish additional standards for monitoring and licensing
16 accredited programs, services, and facilities that the
17 Department has determined are not covered by the accreditation
18 standards and processes. These additional standards for
19 monitoring and licensing accredited programs, services, and
20 facilities and the associated monitoring must not duplicate the
21 standards and processes already covered by the accrediting
22 bodies.

23 (d-15) The Department shall be given proof of compliance
24 with fire and health safety standards, which must be submitted
25 as required by rule.

26 (d-20) The Department, by accepting the survey or

1 inspection of an accrediting organization, does not forfeit its
2 rights to perform inspections at any time, including contract
3 monitoring to ensure that services are provided in accordance
4 with the contract. The Department reserves the right to monitor
5 a provider of mental health and substance abuse treatment
6 services when the survey or inspection of an accrediting
7 organization has established any deficiency in the
8 accreditation standards and processes.

9 (d-25) On and after the effective date of this amendatory
10 Act of the 92nd General Assembly, the accreditation
11 requirements of this Section apply to contracted organizations
12 that are already accredited.

13 (e) Program Evaluation. Develop a system for conducting
14 evaluation of the effectiveness of community services,
15 according to preestablished performance standards; evaluate
16 the extent to which performance according to established
17 standards aids in achieving the goals of this Act; evaluation
18 data also shall be used for quality assurance purposes as well
19 as for planning activities.

20 (f) Research. Conduct research in order to increase
21 understanding of mental illness, developmental disabilities
22 and alcohol and drug dependence.

23 (g) Technical Assistance. Provide technical assistance to
24 provider agencies receiving funds or serving clients in order
25 to assist these agencies in providing appropriate, quality
26 services; also provide assistance and guidance to other State

1 agencies and local governmental bodies serving persons with
2 disabilities ~~the disabled~~ in order to strengthen their efforts
3 to provide appropriate community services; and assist provider
4 agencies in accessing other available funding, including
5 federal, State, local, third-party and private resources.

6 (h) Placement Process. Promote the appropriate placement
7 of clients in community services through the development and
8 implementation of client assessment and diagnostic instruments
9 to assist in identifying the individual's service needs; client
10 assessment instruments also can be utilized for purposes of
11 program evaluation; whenever possible, assure that placements
12 in State-operated facilities are referrals from community
13 agencies.

14 (i) Interagency Coordination. Assume leadership in
15 promoting cooperation among State health and human service
16 agencies to insure that a comprehensive, coordinated community
17 services system is in place; to insure persons with a
18 disability access to needed services; and to insure continuity
19 of care and allow clients to move among service settings as
20 their needs change; also work with other agencies to establish
21 effective prevention programs.

22 (j) Financial Assistance. Provide financial assistance to
23 local provider agencies through purchase-of-care contracts and
24 grants, pursuant to Section 4 of this Act.

25 (Source: P.A. 95-682, eff. 10-11-07.)

1 (405 ILCS 30/4.4)

2 Sec. 4.4. Funding reinvestment.

3 (a) The purposes of this Section are as follows:

4 (1) The General Assembly recognizes that the United
5 States Supreme Court in *Olmstead v. L.C. ex Rel. Zimring*,
6 119 S. Ct. 2176 (1999), affirmed that the unjustifiable
7 institutionalization of a person with a disability who
8 could live in the community with proper support, and wishes
9 to do so, is unlawful discrimination in violation of the
10 Americans with Disabilities Act (ADA). The State of
11 Illinois, along with all other states, is required to
12 provide appropriate residential and community-based
13 support services to persons with disabilities who wish to
14 live in a less restrictive setting.

15 (2) It is the purpose of this Section to help fulfill
16 the State's obligations under the *Olmstead* decision by
17 maximizing the level of funds for both developmental
18 disability and mental health services and supports in order
19 to maintain and create an array of residential and
20 supportive services for people with mental health needs and
21 developmental disabilities whenever they are transferred
22 into another facility or a community-based setting.

23 (b) In this Section:

24 "Office of Developmental Disabilities" means the Office of
25 Developmental Disabilities within the Department of Human
26 Services.

1 "Office of Mental Health" means the Office of Mental Health
2 within the Department of Human Services.

3 (c) On and after the effective date of this amendatory Act
4 of the 94th General Assembly, every appropriation of State
5 moneys relating to funding for the Office of Developmental
6 Disabilities or the Office of Mental Health must comply with
7 this Section.

8 (d) Whenever any appropriation, or any portion of an
9 appropriation, for any fiscal year relating to the funding of
10 any State-operated facility operated by the Office of
11 Developmental Disabilities or any mental health facility
12 operated by the Office of Mental Health is reduced because of
13 any of the reasons set forth in the following items (1) through
14 (3), to the extent that savings are realized from these items,
15 those moneys must be directed toward providing other services
16 and supports for persons with developmental disabilities or
17 mental health needs:

18 (1) The closing of any such State-operated facility for
19 persons with developmental disabilities ~~the~~
20 ~~developmentally disabled~~ or mental health facility.

21 (2) Reduction in the number of units or available beds
22 in any such State-operated facility for persons with
23 developmental disabilities ~~the developmentally disabled~~ or
24 mental health facility.

25 (3) Reduction in the number of staff employed in any
26 such State-operated facility for persons with

1 developmental disabilities ~~the developmentally disabled~~ or
2 mental health facility.

3 In determining whether any savings are realized from items
4 (1) through (3), sufficient moneys shall be made available to
5 ensure that there is an appropriate level of staffing and that
6 life, safety, and care concerns are addressed so as to provide
7 for the remaining persons with developmental disabilities or
8 mental illness at any facility in the case of item (2) or (3)
9 or, in the case of item (1), such remaining persons at the
10 remaining State-operated facilities that will be expected to
11 handle the individuals previously served at the closed
12 facility.

13 (e) The purposes of redirecting this funding shall include,
14 but not be limited to, providing the following services and
15 supports for individuals with developmental disabilities and
16 mental health needs:

17 (1) Residence in the most integrated setting possible,
18 whether independent living in a private residence, a
19 Community Integrated Living Arrangement (CILA), a
20 supported residential program, an Intermediate Care
21 Facility for persons with Developmental Disabilities
22 (ICFDD), a supervised residential program, or supportive
23 housing, as appropriate.

24 (2) Residence in another State-operated facility.

25 (3) Rehabilitation and support services, including
26 assertive community treatment, case management, supportive

1 and supervised day treatment, and psychosocial
2 rehabilitation.

3 (4) Vocational or developmental training, as
4 appropriate, that contributes to the person's independence
5 and employment potential.

6 (5) Employment or supported employment, as
7 appropriate, free from discrimination pursuant to the
8 Constitution and laws of this State.

9 (6) In-home family supports, such as respite services
10 and client and family supports.

11 (7) Periodic reevaluation, as needed.

12 (f) An appropriation may not circumvent the purposes of
13 this Section by transferring moneys within the funding system
14 for services and supports for persons with developmental
15 disabilities ~~the developmentally disabled~~ and the mentally ill
16 and then compensating for this transfer by redirecting other
17 moneys away from these services to provide funding for some
18 other governmental purpose or to relieve other State funding
19 expenditures.

20 (Source: P.A. 94-498, eff. 8-8-05.)

21 Section 785. The Protection and Advocacy for
22 Developmentally Disabled Persons Act is amended by changing
23 Section 0.01 as follows:

24 (405 ILCS 40/0.01) (from Ch. 91 1/2, par. 1150)

1 Sec. 0.01. Short title. This Act may be cited as the
2 Protection and Advocacy for Persons with Developmental
3 Disabilities ~~Developmentally Disabled Persons~~ Act.
4 (Source: P.A. 86-1324.)

5 Section 790. The Developmental Disability and Mental
6 Disability Services Act is amended by changing Sections 2-1,
7 2-2, 2-3, 2-4, 2-5, 2-6, 2-8, 2-10, 2-11, 2-16, 3-1, 3-2, 3-3,
8 3-4, 3-9.1, 3-11, 4-1, and 5-1 as follows:

9 (405 ILCS 80/2-1) (from Ch. 91 1/2, par. 1802-1)

10 Sec. 2-1. This Article may be cited as the Home-Based
11 Support Services Law for Adults with Mental Disabilities
12 ~~Mentally Disabled Adults~~.
13 (Source: P.A. 86-921.)

14 (405 ILCS 80/2-2) (from Ch. 91 1/2, par. 1802-2)

15 Sec. 2-2. The purpose of this Article is to authorize the
16 Department of Human Services to encourage, develop, sponsor and
17 fund home-based and community-based services for adults with
18 mental disabilities ~~mentally disabled adults~~ in order to
19 provide alternatives to institutionalization and to permit
20 adults with mental disabilities ~~mentally disabled adults~~ to
21 remain in their own homes.
22 (Source: P.A. 89-507, eff. 7-1-97.)

1 (405 ILCS 80/2-3) (from Ch. 91 1/2, par. 1802-3)

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

4 (a) "Agency" means an agency or entity licensed by the
5 Department pursuant to this Article or pursuant to the
6 Community Residential Alternatives Licensing Act.

7 (b) "Department" means the Department of Human Services, as
8 successor to the Department of Mental Health and Developmental
9 Disabilities.

10 (c) "Home-based services" means services provided to an
11 adult with a mental disability ~~a mentally disabled adult~~ who
12 lives in his or her own home. These services include but are
13 not limited to:

14 (1) home health services;

15 (2) case management;

16 (3) crisis management;

17 (4) training and assistance in self-care;

18 (5) personal care services;

19 (6) habilitation and rehabilitation services;

20 (7) employment-related services;

21 (8) respite care; and

22 (9) other skill training that enables a person to
23 become self-supporting.

24 (d) "Legal guardian" means a person appointed by a court of
25 competent jurisdiction to exercise certain powers on behalf of
26 an adult with a mental disability ~~a mentally disabled adult~~.

1 (e) "Adult with a mental disability ~~Mentally disabled~~
2 ~~adult~~" means a person over the age of 18 years who lives in his
3 or her own home; who needs home-based services, but does not
4 require 24-hour-a-day supervision; and who has one of the
5 following conditions: severe autism, severe mental illness, a
6 severe or profound intellectual disability, or severe and
7 multiple impairments.

8 (f) In one's "own home" means that an adult with a mental
9 disability ~~a mentally disabled adult~~ lives alone; or that an
10 adult with a mental disability ~~a mentally disabled adult~~ is in
11 full-time residence with his or her parents, legal guardian, or
12 other relatives; or that an adult with a mental disability ~~a~~
13 ~~mentally disabled adult~~ is in full-time residence in a setting
14 not subject to licensure under the Nursing Home Care Act, the
15 Specialized Mental Health Rehabilitation Act of 2013, the ID/DD
16 Community Care Act, or the Child Care Act of 1969, as now or
17 hereafter amended, with 3 or fewer other adults unrelated to
18 the adult with a mental disability ~~mentally disabled adult~~ who
19 do not provide home-based services to the adult with a mental
20 disability ~~mentally disabled adult~~.

21 (g) "Parent" means the biological or adoptive parent of an
22 adult with a mental disability ~~a mentally disabled adult~~, or a
23 person licensed as a foster parent under the laws of this State
24 who acts as a ~~mentally disabled adult's~~ foster parent to an
25 adult with a mental disability.

26 (h) "Relative" means any of the following relationships by

1 blood, marriage or adoption: parent, son, daughter, brother,
2 sister, grandparent, uncle, aunt, nephew, niece, great
3 grandparent, great uncle, great aunt, stepbrother, stepsister,
4 stepson, stepdaughter, stepparent or first cousin.

5 (i) "Severe autism" means a lifelong developmental
6 disability which is typically manifested before 30 months of
7 age and is characterized by severe disturbances in reciprocal
8 social interactions; verbal and nonverbal communication and
9 imaginative activity; and repertoire of activities and
10 interests. A person shall be determined severely autistic, for
11 purposes of this Article, if both of the following are present:

12 (1) Diagnosis consistent with the criteria for
13 autistic disorder in the current edition of the Diagnostic
14 and Statistical Manual of Mental Disorders.

15 (2) Severe disturbances in reciprocal social
16 interactions; verbal and nonverbal communication and
17 imaginative activity; repertoire of activities and
18 interests. A determination of severe autism shall be based
19 upon a comprehensive, documented assessment with an
20 evaluation by a licensed clinical psychologist or
21 psychiatrist. A determination of severe autism shall not be
22 based solely on behaviors relating to environmental,
23 cultural or economic differences.

24 (j) "Severe mental illness" means the manifestation of all
25 of the following characteristics:

26 (1) A primary diagnosis of one of the major mental

1 disorders in the current edition of the Diagnostic and
2 Statistical Manual of Mental Disorders listed below:

- 3 (A) Schizophrenia disorder.
- 4 (B) Delusional disorder.
- 5 (C) Schizo-affective disorder.
- 6 (D) Bipolar affective disorder.
- 7 (E) Atypical psychosis.
- 8 (F) Major depression, recurrent.

9 (2) The individual's mental illness must substantially
10 impair his or her functioning in at least 2 of the
11 following areas:

- 12 (A) Self-maintenance.
- 13 (B) Social functioning.
- 14 (C) Activities of community living.
- 15 (D) Work skills.

16 (3) Disability must be present or expected to be
17 present for at least one year.

18 A determination of severe mental illness shall be based
19 upon a comprehensive, documented assessment with an evaluation
20 by a licensed clinical psychologist or psychiatrist, and shall
21 not be based solely on behaviors relating to environmental,
22 cultural or economic differences.

23 (k) "Severe or profound intellectual disability" means a
24 manifestation of all of the following characteristics:

25 (1) A diagnosis which meets Classification in Mental
26 Retardation or criteria in the current edition of the

1 Diagnostic and Statistical Manual of Mental Disorders for
2 severe or profound mental retardation (an IQ of 40 or
3 below). This must be measured by a standardized instrument
4 for general intellectual functioning.

5 (2) A severe or profound level of disturbed adaptive
6 behavior. This must be measured by a standardized adaptive
7 behavior scale or informal appraisal by the professional in
8 keeping with illustrations in Classification in Mental
9 Retardation, 1983.

10 (3) Disability diagnosed before age of 18.

11 A determination of a severe or profound intellectual
12 disability shall be based upon a comprehensive, documented
13 assessment with an evaluation by a licensed clinical
14 psychologist or certified school psychologist or a
15 psychiatrist, and shall not be based solely on behaviors
16 relating to environmental, cultural or economic differences.

17 (1) "Severe and multiple impairments" means the
18 manifestation of all of the following characteristics:

19 (1) The evaluation determines the presence of a
20 developmental disability which is expected to continue
21 indefinitely, constitutes a substantial disability
22 ~~handicap~~ and is attributable to any of the following:

23 (A) Intellectual disability, which is defined as
24 general intellectual functioning that is 2 or more
25 standard deviations below the mean concurrent with
26 impairment of adaptive behavior which is 2 or more

1 standard deviations below the mean. Assessment of the
2 individual's intellectual functioning must be measured
3 by a standardized instrument for general intellectual
4 functioning.

5 (B) Cerebral palsy.

6 (C) Epilepsy.

7 (D) Autism.

8 (E) Any other condition which results in
9 impairment similar to that caused by an intellectual
10 disability and which requires services similar to
11 those required by persons with intellectual
12 disabilities ~~intellectually disabled persons~~.

13 (2) The evaluation determines multiple disabilities
14 ~~handicaps~~ in physical, sensory, behavioral or cognitive
15 functioning which constitute a severe or profound
16 impairment attributable to one or more of the following:

17 (A) Physical functioning, which severely impairs
18 the individual's motor performance that may be due to:

19 (i) Neurological, psychological or physical
20 involvement resulting in a variety of disabling
21 conditions such as hemiplegia, quadriplegia or
22 ataxia,

23 (ii) Severe organ systems involvement such as
24 congenital heart defect,

25 (iii) Physical abnormalities resulting in the
26 individual being non-mobile and non-ambulatory or

1 confined to bed and receiving assistance in
2 transferring, or

3 (iv) The need for regular medical or nursing
4 supervision such as gastrostomy care and feeding.

5 Assessment of physical functioning must be based
6 on clinical medical assessment by a physician licensed
7 to practice medicine in all its branches, using the
8 appropriate instruments, techniques and standards of
9 measurement required by the professional.

10 (B) Sensory, which involves severe restriction due
11 to hearing or visual impairment limiting the
12 individual's movement and creating dependence in
13 completing most daily activities. Hearing impairment
14 is defined as a loss of 70 decibels aided or speech
15 discrimination of less than 50% aided. Visual
16 impairment is defined as 20/200 corrected in the better
17 eye or a visual field of 20 degrees or less. Sensory
18 functioning must be based on clinical medical
19 assessment by a physician licensed to practice
20 medicine in all its branches using the appropriate
21 instruments, techniques and standards of measurement
22 required by the professional.

23 (C) Behavioral, which involves behavior that is
24 maladaptive and presents a danger to self or others, is
25 destructive to property by deliberately breaking,
26 destroying or defacing objects, is disruptive by

1 fighting, or has other socially offensive behaviors in
2 sufficient frequency or severity to seriously limit
3 social integration. Assessment of behavioral
4 functioning may be measured by a standardized scale or
5 informal appraisal by a clinical psychologist or
6 psychiatrist.

7 (D) Cognitive, which involves intellectual
8 functioning at a measured IQ of 70 or below. Assessment
9 of cognitive functioning must be measured by a
10 standardized instrument for general intelligence.

11 (3) The evaluation determines that development is
12 substantially less than expected for the age in cognitive,
13 affective or psychomotor behavior as follows:

14 (A) Cognitive, which involves intellectual
15 functioning at a measured IQ of 70 or below. Assessment
16 of cognitive functioning must be measured by a
17 standardized instrument for general intelligence.

18 (B) Affective behavior, which involves over and
19 under responding to stimuli in the environment and may
20 be observed in mood, attention to awareness, or in
21 behaviors such as euphoria, anger or sadness that
22 seriously limit integration into society. Affective
23 behavior must be based on clinical assessment using the
24 appropriate instruments, techniques and standards of
25 measurement required by the professional.

26 (C) Psychomotor, which includes a severe

1 developmental delay in fine or gross motor skills so
2 that development in self-care, social interaction,
3 communication or physical activity will be greatly
4 delayed or restricted.

5 (4) A determination that the disability originated
6 before the age of 18 years.

7 A determination of severe and multiple impairments shall be
8 based upon a comprehensive, documented assessment with an
9 evaluation by a licensed clinical psychologist or
10 psychiatrist.

11 If the examiner is a licensed clinical psychologist,
12 ancillary evaluation of physical impairment, cerebral palsy or
13 epilepsy must be made by a physician licensed to practice
14 medicine in all its branches.

15 Regardless of the discipline of the examiner, ancillary
16 evaluation of visual impairment must be made by an
17 ophthalmologist or a licensed optometrist.

18 Regardless of the discipline of the examiner, ancillary
19 evaluation of hearing impairment must be made by an
20 otolaryngologist or an audiologist with a certificate of
21 clinical competency.

22 The only exception to the above is in the case of a person
23 with cerebral palsy or epilepsy who, according to the
24 eligibility criteria listed below, has multiple impairments
25 which are only physical and sensory. In such a case, a
26 physician licensed to practice medicine in all its branches may

1 serve as the examiner.

2 (m) "Twenty-four-hour-a-day supervision" means
3 24-hour-a-day care by a trained mental health or developmental
4 disability professional on an ongoing basis.

5 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-813,
6 eff. 7-13-12; 98-104, eff. 7-22-13.)

7 (405 ILCS 80/2-4) (from Ch. 91 1/2, par. 1802-4)

8 Sec. 2-4. The Department shall establish a Home-Based
9 Support Services Program for Adults with Mental Disabilities
10 ~~Mentally Disabled Adults~~ ("the Program") under this Article.
11 The purpose of the Program is to provide alternatives to
12 institutionalization of adults with mental disabilities
13 ~~mentally disabled adults~~ and to permit these individuals to
14 live in their own homes. The Department shall implement the
15 purpose of the Program by providing home-based services to
16 adults with mental disabilities ~~mentally disabled adults~~ who
17 need home-based services and who live in their own homes.

18 (Source: P.A. 86-921.)

19 (405 ILCS 80/2-5) (from Ch. 91 1/2, par. 1802-5)

20 Sec. 2-5. The Department shall establish eligibility
21 standards for the Program, taking into consideration the
22 disability levels and service needs of the target population.
23 The Department shall create application forms which shall be
24 used to determine the eligibility of adults with mental

1 ~~disabilities~~ ~~mentally disabled adults~~ to participate in the
2 Program. The forms shall be made available by the Department
3 and shall require at least the following items of information
4 which constitute eligibility criteria for participation in the
5 Program:

6 (a) A statement that the adult with a mental disability
7 ~~mentally disabled adult~~ resides in the State of Illinois
8 and is over the age of 18 years.

9 (b) Verification that the adult with a mental
10 disability ~~mentally disabled adult~~ has one of the following
11 conditions: severe autism, severe mental illness, a severe
12 or profound intellectual disability, or severe and
13 multiple impairments.

14 (c) Verification that the adult with a mental
15 disability ~~mentally disabled adult~~ has applied and is
16 eligible for federal Supplemental Security Income or
17 federal Social Security Disability Income benefits.

18 (d) Verification that the adult with a mental
19 disability ~~mentally disabled adult~~ resides full-time in
20 his or her own home or that, within 2 months of receipt of
21 services under this Article, he or she will reside
22 full-time in his or her own home.

23 The Department may by rule adopt provisions establishing
24 liability of responsible relatives of a recipient of services
25 under this Article for the payment of sums representing charges
26 for services to such recipient. Such rules shall be

1 substantially similar to the provisions for such liability
2 contained in Chapter V of the Mental Health and Developmental
3 Disabilities Code, as now or hereafter amended, and rules
4 adopted pursuant thereto.

5 (Source: P.A. 97-227, eff. 1-1-12; 98-756, eff. 7-16-14.)

6 (405 ILCS 80/2-6) (from Ch. 91 1/2, par. 1802-6)

7 Sec. 2-6. An application for the Program shall be submitted
8 to the Department by the adult with a mental disability
9 ~~mentally disabled adult~~ or, if the adult with a mental
10 disability ~~mentally disabled adult~~ requires a guardian, by his
11 or her legal guardian. If the application for participation in
12 the Program is approved by the Department and the adult with a
13 mental disability ~~mentally disabled adult~~ is eligible to
14 receive services under this Article, the adult with a mental
15 disability ~~mentally disabled adult~~ shall be made aware of the
16 availability of a community support team and shall be offered
17 case management services. The amount of the home-based services
18 provided by the Department in any month shall be determined by
19 the service plan of the adult with a mental disability ~~mentally~~
20 ~~disabled adult~~, but in no case shall it be more than either:

21 (a) three hundred percent of the monthly federal
22 Supplemental Security Income payment for an individual
23 residing alone if the adult with a mental disability
24 ~~mentally disabled adult~~ is not enrolled in a special
25 education program by a local education agency, or

1 (b) two hundred percent of the monthly Supplemental
2 Security Income payment for an individual residing alone if
3 the adult with a mental disability ~~mentally disabled adult~~
4 is enrolled in a special education program by a local
5 education agency.

6 Upon approval of the Department, all or part of the monthly
7 amount approved for home-based services to participating
8 adults may be used as a one-time or continuing payment to the
9 eligible adult or the adult's parent or guardian to pay for
10 specified tangible items that are directly related to meeting
11 basic needs related to the person's mental disabilities.

12 Tangible items include, but are not limited to: adaptive
13 equipment, medication not covered by third-party payments,
14 nutritional supplements, and residential modifications.

15 (Source: P.A. 88-388.)

16 (405 ILCS 80/2-8) (from Ch. 91 1/2, par. 1802-8)

17 Sec. 2-8. Services provided by the Department under the
18 Program shall be denied:

19 (a) if the adult with a mental disability ~~mentally disabled~~
20 ~~adult~~ no longer meets the eligibility criteria,

21 (b) if the adult with a mental disability ~~mentally disabled~~
22 ~~adult~~ submits false information in an application or
23 reapplication for participation in the Program, or

24 (c) if the adult with a mental disability ~~mentally disabled~~
25 ~~adult~~ fails to request or access any services after 120 days.

1 Prior to making the decision, if the adult with mental
2 disabilities has failed to request or access any services
3 within 90 days, the Department shall give written notice to the
4 person who signed the application that participation in the
5 Program will be denied if services are not requested or
6 accessed within 30 days.

7 Whenever services provided by the Department under the
8 Program are denied for the reasons in paragraphs (a), (b), or
9 (c) of this Section, the Department shall give written notice
10 of the decision and the reasons for denial of services to the
11 person who signed the application. Such notice shall contain
12 information on requesting an appeal under Section 2-13.

13 (Source: P.A. 86-921; 87-1158.)

14 (405 ILCS 80/2-10) (from Ch. 91 1/2, par. 1802-10)

15 Sec. 2-10. Before eligible adults with mental disabilities
16 ~~mentally disabled adults~~ receive services under this Article,
17 they shall maximize use of other services provided by other
18 governmental agencies, including but not limited to
19 educational and vocational services.

20 (Source: P.A. 86-921.)

21 (405 ILCS 80/2-11) (from Ch. 91 1/2, par. 1802-11)

22 Sec. 2-11. The Department, as successor to any agreements
23 between the Department of Mental Health and Developmental
24 Disabilities and the Department of Rehabilitation Services for

1 the provision of training, employment placement, and
2 employment referral services for the adults with mental
3 disabilities ~~mentally disabled adults~~ served under this
4 Article, shall carry out the responsibilities, if any, incurred
5 by its predecessor agencies under those agreements.

6 (Source: P.A. 89-507, eff. 7-1-97.)

7 (405 ILCS 80/2-16) (from Ch. 91 1/2, par. 1802-16)

8 Sec. 2-16. The Department shall adopt rules pursuant to the
9 Illinois Administrative Procedure Act to implement the
10 Home-Based Support Services Program for Adults with Mental
11 Disabilities ~~Mentally Disabled Adults~~. The rules shall include
12 the intake procedures, application process and eligibility
13 requirements for adults with mental disabilities ~~mentally~~
14 ~~disabled adults~~ who apply for services under the Program.

15 (Source: P.A. 86-921.)

16 (405 ILCS 80/3-1) (from Ch. 91 1/2, par. 1803-1)

17 Sec. 3-1. This Article shall be known and may be cited as
18 the Family Assistance Law for Children with Mental Disabilities
19 ~~Mentally Disabled Children~~.

20 (Source: P.A. 86-921.)

21 (405 ILCS 80/3-2) (from Ch. 91 1/2, par. 1803-2)

22 Sec. 3-2. The purpose of this Article is to create a
23 mandate for the Department of Human Services to strengthen and

1 promote families who provide care within the family home for
2 children whose level of mental illness or developmental
3 disability constitutes a risk of out-of-home placement. It is
4 the intent of this Article to strengthen, promote and empower
5 families to determine the most appropriate use of resources to
6 address the unique and changing needs of those families'
7 children with mental disabilities ~~mentally disabled children~~.

8 (Source: P.A. 89-507, eff. 7-1-97.)

9 (405 ILCS 80/3-3) (from Ch. 91 1/2, par. 1803-3)

10 Sec. 3-3. As used in this Article, unless the context
11 requires otherwise:

12 (a) "Agency" means an agency or entity licensed by the
13 Department pursuant to this Article or pursuant to the
14 Community Residential Alternatives Licensing Act.

15 (b) "Department" means the Department of Human Services, as
16 successor to the Department of Mental Health and Developmental
17 Disabilities.

18 (c) "Department-funded out-of-home placement services"
19 means those services for which the Department pays the partial
20 or full cost of care of the residential placement.

21 (d) "Family" or "families" means a family member or members
22 and his, her or their parents or legal guardians.

23 (e) "Family member" means a child 17 years old or younger
24 who has one of the following conditions: severe autism, severe
25 emotional disturbance, a severe or profound intellectual

1 disability, or severe and multiple impairments.

2 (f) "Legal guardian" means a person appointed by a court of
3 competent jurisdiction to exercise certain powers on behalf of
4 a family member and with whom the family member resides.

5 (g) "Parent" means a biological or adoptive parent with
6 whom the family member resides, or a person licensed as a
7 foster parent under the laws of this State, acting as a family
8 member's foster parent, and with whom the family member
9 resides.

10 (h) "Severe autism" means a lifelong developmental
11 disability which is typically manifested before 30 months of
12 age and is characterized by severe disturbances in reciprocal
13 social interactions; verbal and nonverbal communication and
14 imaginative activity; and repertoire of activities and
15 interests. A person shall be determined severely autistic, for
16 purposes of this Article, if both of the following are present:

17 (1) Diagnosis consistent with the criteria for
18 autistic disorder in the current edition of the Diagnostic
19 and Statistical Manual of Mental Disorders;

20 (2) Severe disturbances in reciprocal social
21 interactions; verbal and nonverbal communication and
22 imaginative activity; and repertoire of activities and
23 interests. A determination of severe autism shall be based
24 upon a comprehensive, documented assessment with an
25 evaluation by a licensed clinical psychologist or
26 psychiatrist. A determination of severe autism shall not be

1 based solely on behaviors relating to environmental,
2 cultural or economic differences.

3 (i) "Severe mental illness" means the manifestation of all
4 of the following characteristics:

5 (1) a severe mental illness characterized by the
6 presence of a mental disorder in children or adolescents,
7 classified in the Diagnostic and Statistical Manual of
8 Mental Disorders (Third Edition - Revised), as now or
9 hereafter revised, excluding V-codes (as that term is used
10 in the current edition of the Diagnostic and Statistical
11 Manual of Mental Disorders), adjustment disorders, the
12 presence of an intellectual disability when no other mental
13 disorder is present, alcohol or substance abuse, or other
14 forms of dementia based upon organic or physical disorders;
15 and

16 (2) a functional disability of an extended duration
17 which results in substantial limitations in major life
18 activities.

19 A determination of severe mental illness shall be based
20 upon a comprehensive, documented assessment with an evaluation
21 by a licensed clinical psychologist or a psychiatrist.

22 (j) "Severe or profound intellectual disability" means a
23 manifestation of all of the following characteristics:

24 (1) A diagnosis which meets Classification in Mental
25 Retardation or criteria in the current edition of the
26 Diagnostic and Statistical Manual of Mental Disorders for

1 severe or profound mental retardation (an IQ of 40 or
2 below). This must be measured by a standardized instrument
3 for general intellectual functioning.

4 (2) A severe or profound level of adaptive behavior.
5 This must be measured by a standardized adaptive behavior
6 scale or informal appraisal by the professional in keeping
7 with illustrations in Classification in Mental
8 Retardation, 1983.

9 (3) Disability diagnosed before age of 18.

10 A determination of a severe or profound intellectual
11 disability shall be based upon a comprehensive, documented
12 assessment with an evaluation by a licensed clinical
13 psychologist, certified school psychologist, a psychiatrist or
14 other physician licensed to practice medicine in all its
15 branches, and shall not be based solely on behaviors relating
16 to environmental, cultural or economic differences.

17 (k) "Severe and multiple impairments" means the
18 manifestation of all the following characteristics:

19 (1) The evaluation determines the presence of a
20 developmental disability which is expected to continue
21 indefinitely, constitutes a substantial disability
22 ~~handicap~~ and is attributable to any of the following:

23 (A) Intellectual disability, which is defined as
24 general intellectual functioning that is 2 or more
25 standard deviations below the mean concurrent with
26 impairment of adaptive behavior which is 2 or more

1 standard deviations below the mean. Assessment of the
2 individual's intellectual functioning must be measured
3 by a standardized instrument for general intellectual
4 functioning.

5 (B) Cerebral palsy.

6 (C) Epilepsy.

7 (D) Autism.

8 (E) Any other condition which results in
9 impairment similar to that caused by an intellectual
10 disability and which requires services similar to
11 those required by persons with intellectual
12 disabilities ~~intellectually disabled persons~~.

13 (2) The evaluation determines multiple disabilities
14 ~~handicaps~~ in physical, sensory, behavioral or cognitive
15 functioning which constitute a severe or profound
16 impairment attributable to one or more of the following:

17 (A) Physical functioning, which severely impairs
18 the individual's motor performance that may be due to:

19 (i) Neurological, psychological or physical
20 involvement resulting in a variety of disabling
21 conditions such as hemiplegia, quadriplegia or
22 ataxia,

23 (ii) Severe organ systems involvement such as
24 congenital heart defect,

25 (iii) Physical abnormalities resulting in the
26 individual being non-mobile and non-ambulatory or

1 confined to bed and receiving assistance in
2 transferring, or

3 (iv) The need for regular medical or nursing
4 supervision such as gastrostomy care and feeding.

5 Assessment of physical functioning must be based
6 on clinical medical assessment, using the appropriate
7 instruments, techniques and standards of measurement
8 required by the professional.

9 (B) Sensory, which involves severe restriction due
10 to hearing or visual impairment limiting the
11 individual's movement and creating dependence in
12 completing most daily activities. Hearing impairment
13 is defined as a loss of 70 decibels aided or speech
14 discrimination of less than 50% aided. Visual
15 impairment is defined as 20/200 corrected in the better
16 eye or a visual field of 20 degrees or less. Sensory
17 functioning must be based on clinical medical
18 assessment using the appropriate instruments,
19 techniques and standards of measurement required by
20 the professional.

21 (C) Behavioral, which involves behavior that is
22 maladaptive and presents a danger to self or others, is
23 destructive to property by deliberately breaking,
24 destroying or defacing objects, is disruptive by
25 fighting, or has other socially offensive behaviors in
26 sufficient frequency or severity to seriously limit

1 social integration. Assessment of behavioral
2 functioning may be measured by a standardized scale or
3 informal appraisal by the medical professional.

4 (D) Cognitive, which involves intellectual
5 functioning at a measured IQ of 70 or below. Assessment
6 of cognitive functioning must be measured by a
7 standardized instrument for general intelligence.

8 (3) The evaluation determines that development is
9 substantially less than expected for the age in cognitive,
10 affective or psychomotor behavior as follows:

11 (A) Cognitive, which involves intellectual
12 functioning at a measured IQ of 70 or below. Assessment
13 of cognitive functioning must be measured by a
14 standardized instrument for general intelligence.

15 (B) Affective behavior, which involves over and
16 under responding to stimuli in the environment and may
17 be observed in mood, attention to awareness, or in
18 behaviors such as euphoria, anger or sadness that
19 seriously limit integration into society. Affective
20 behavior must be based on clinical medical and
21 psychiatric assessment using the appropriate
22 instruments, techniques and standards of measurement
23 required by the professional.

24 (C) Psychomotor, which includes a severe
25 developmental delay in fine or gross motor skills so
26 that development in self-care, social interaction,

1 communication or physical activity will be greatly
2 delayed or restricted.

3 (4) A determination that the disability originated
4 before the age of 18 years.

5 A determination of severe and multiple impairments shall be
6 based upon a comprehensive, documented assessment with an
7 evaluation by a licensed clinical psychologist or
8 psychiatrist. If the examiner is a licensed clinical
9 psychologist, ancillary evaluation of physical impairment,
10 cerebral palsy or epilepsy must be made by a physician licensed
11 to practice medicine in all its branches.

12 Regardless of the discipline of the examiner, ancillary
13 evaluation of visual impairment must be made by an
14 ophthalmologist or a licensed optometrist.

15 Regardless of the discipline of the examiner, ancillary
16 evaluation of hearing impairment must be made by an
17 otolaryngologist or an audiologist with a certificate of
18 clinical competency.

19 The only exception to the above is in the case of a person
20 with cerebral palsy or epilepsy who, according to the
21 eligibility criteria listed below, has multiple impairments
22 which are only physical and sensory. In such a case, a
23 physician licensed to practice medicine in all its branches may
24 serve as the examiner.

25 (Source: P.A. 97-227, eff. 1-1-12.)

1 (405 ILCS 80/3-4) (from Ch. 91 1/2, par. 1803-4)

2 Sec. 3-4. The Department shall establish a Family
3 Assistance Program for Children with Mental Disabilities
4 ~~Mentally Disabled Children~~ ("the Program") under this Article.
5 The purpose of the Program is to strengthen and promote the
6 family and to prevent the out-of-home placement of children
7 with mental disabilities ~~mentally disabled children~~. The
8 Department shall implement the purpose of the Program by
9 providing funds directly to families to defray some of the
10 costs of caring for family members who have mental disabilities
11 ~~mentally disabled family members~~, thereby preventing or
12 delaying the out-of-home placement of family members.

13 (Source: P.A. 86-921.)

14 (405 ILCS 80/3-9.1) (from Ch. 91 1/2, par. 1803-9.1)

15 Sec. 3-9.1. If an individual is terminated from the Program
16 solely because the individual has attained the age of 18 years,
17 the individual shall be allowed, through a transition process,
18 to enter the Home-Based Support Program for Adults with Mental
19 Disabilities ~~Mentally Disabled Adults~~ if he or she meets the
20 eligibility requirements set forth in Article II for that
21 program.

22 (Source: P.A. 87-447.)

23 (405 ILCS 80/3-11) (from Ch. 91 1/2, par. 1803-11)

24 Sec. 3-11. Families will be required to provide assurances

1 that the stipend will be used for the benefit of the person
2 with a disability ~~disabled person~~ such that it will insure
3 their continued successive development. Annually, the family
4 shall submit to the Department a written statement signed by
5 the family member's parent or legal guardian which states that
6 the stipend was used to meet the special needs of the family.

7 (Source: P.A. 86-921.)

8 (405 ILCS 80/4-1) (from Ch. 91 1/2, par. 1804-1)

9 Sec. 4-1. The Department of Human Services may provide
10 access to home-based and community-based services for children
11 and adults with mental disabilities ~~mentally disabled children~~
12 ~~and adults~~ through the designation of local screening and
13 assessment units and community support teams. The screening and
14 assessment units shall provide comprehensive assessment;
15 develop individual service plans; link the persons with mental
16 disabilities and their families to community providers for
17 implementation of the plan; and monitor the plan's
18 implementation for the time necessary to insure that the plan
19 is appropriate and acceptable to the persons with mental
20 disabilities and their families. The Department also will make
21 available community support services in each local geographic
22 area for persons with severe mental disabilities. Community
23 support teams will provide case management, ongoing guidance
24 and assistance for persons with mental disabilities ~~mentally~~
25 ~~disabled~~ persons; will offer skills training,

1 crisis/behavioral intervention, client/family support, and
2 access to medication management; and provide individual client
3 assistance to access housing, financial benefits, and
4 employment-related services.

5 (Source: P.A. 89-507, eff. 7-1-97.)

6 (405 ILCS 80/5-1) (from Ch. 91 1/2, par. 1805-1)

7 Sec. 5-1. As the mental health and developmental
8 disabilities or intellectual disabilities authority for the
9 State of Illinois, the Department of Human Services shall have
10 the authority to license, certify and prescribe standards
11 governing the programs and services provided under this Act, as
12 well as all other agencies or programs which provide home-based
13 or community-based services to persons with mental
14 disabilities ~~the mentally disabled~~, except those services,
15 programs or agencies established under or otherwise subject to
16 the Child Care Act of 1969, the Specialized Mental Health
17 Rehabilitation Act of 2013, or the ID/DD Community Care Act, as
18 now or hereafter amended, and this Act shall not be construed
19 to limit the application of those Acts.

20 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-813,
21 eff. 7-13-12; 98-104, eff. 7-22-13.)

22 Section 795. The Developmental Disability and Mental
23 Health Safety Act is amended by changing Sections 5, 15, and 40
24 as follows:

1 (405 ILCS 82/5)

2 Sec. 5. Legislative Findings. The General Assembly finds
3 all of the following:

4 (a) As a result of decades of significant under-funding of
5 Illinois' developmental disabilities and mental health service
6 delivery system, the quality of life of individuals with
7 disabilities has been negatively impacted and, in an
8 unacceptable number of instances, has resulted in serious
9 health consequences and even death.

10 (b) In response to growing concern over the safety of the
11 State-operated developmental disability facilities, following
12 a series of resident deaths, the agency designated by the
13 Governor pursuant to the Protection and Advocacy for Persons
14 with Developmental Disabilities ~~Developmentally Disabled~~
15 ~~Persons~~ Act opened a systemic investigation to examine all such
16 deaths for a period of time, including the death of a young man
17 in his twenties, Brian Kent, on October 30, 2002, and released
18 a public report, "Life and Death in State-Operated
19 Developmental Disability Institutions," which included
20 findings and recommendations aimed at preventing such
21 tragedies in the future.

22 (c) The documentation of substandard medical care and
23 treatment of individual residents living in the State-operated
24 facilities cited in that report necessitate that the State of
25 Illinois take immediate action to prevent further injuries and

1 deaths.

2 (d) The agency designated by the Governor pursuant to the
3 Protection and Advocacy for Persons with Developmental
4 Disabilities ~~Developmentally Disabled Persons~~ Act has also
5 reviewed conditions and deaths of individuals with
6 disabilities living in or transferred to community-based
7 facilities and found similar problems in some of those
8 settings.

9 (e) The circumstances associated with deaths in both
10 State-operated facilities and community-based facilities, and
11 review of the State's investigations and findings regarding
12 these incidents, demonstrate that the current federal and State
13 oversight and investigatory systems are seriously
14 under-funded.

15 (f) An effective mortality review process enables state
16 service systems to focus on individual deaths and consider the
17 broader issues, policies, and practices that may contribute to
18 these tragedies. This critical information, when shared with
19 public and private facilities, can help to reduce circumstances
20 that place individuals at high risk of serious harm and even
21 death.

22 (g) The purpose of this Act is to establish within the
23 Department of Human Services a low-cost, volunteer-based
24 mortality review process conducted by an independent team of
25 experts that will enhance the health and safety of the
26 individuals served by Illinois' developmental disability and

1 mental health service delivery systems.

2 (h) This independent team of experts will be comparable to
3 2 existing types of oversight teams: the Abuse Prevention
4 Review Team created under the jurisdiction of the Department of
5 Public Health, which examines deaths of individuals living in
6 long-term care facilities, and Child Death Review Teams created
7 under the jurisdiction of the Department of Children and Family
8 Services, which reviews the deaths of children.

9 (Source: P.A. 96-1235, eff. 1-1-11.)

10 (405 ILCS 82/15)

11 Sec. 15. Mortality Review Process.

12 (a) The Department of Human Services shall develop an
13 independent team of experts from the academic, private, and
14 public sectors to examine all deaths at facilities and
15 community agencies.

16 (b) The Secretary of Human Services, in consultation with
17 the Director of Public Health, shall appoint members to the
18 independent team of experts, which shall consist of at least
19 one member from each of the following categories:

20 1. Physicians experienced in providing medical care to
21 individuals with developmental disabilities.

22 2. Physicians experienced in providing medical care to
23 individuals with mental illness.

24 3. Registered nurses experienced in providing medical
25 care to individuals with developmental disabilities.

1 4. Registered nurses experienced in providing medical
2 care to individuals with mental illness.

3 5. Psychiatrists.

4 6. Psychologists.

5 7. Representatives of the Department of Human Services
6 who are not employed at the facility at which the death
7 occurred.

8 8. Representatives of the Department of Public Health.

9 9. Representatives of the agency designated by the
10 Governor pursuant to the Protection and Advocacy for
11 Persons with Developmental Disabilities ~~Developmentally~~
12 ~~Disabled Persons~~ Act.

13 10. State's Attorneys or State's Attorneys'
14 representatives.

15 11. Coroners or forensic pathologists.

16 12. Representatives of local hospitals, trauma
17 centers, or providers of emergency medical services.

18 13. Other categories of persons, as the Secretary of
19 Human Services may see fit.

20 The independent team of experts may make recommendations to
21 the Secretary of Human Services concerning additional
22 appointments. Each team member must have demonstrated
23 experience and an interest in investigating, treating, or
24 preventing the deaths of individuals with disabilities. The
25 Secretary of Human Services shall appoint additional teams if
26 the Secretary or the existing team determines that more teams

1 are necessary to accomplish the purposes of this Act. The
2 members of a team shall be appointed for 2-year staggered terms
3 and shall be eligible for reappointment upon the expiration of
4 their terms. Each independent team shall select a Chairperson
5 from among its members.

6 (c) The independent team of experts shall examine the
7 deaths of all individuals who have died while under the care of
8 a facility or community agency.

9 (d) The purpose of the independent team of experts'
10 examination of such deaths is to do the following:

11 1. Review the cause and manner of the individual's
12 death.

13 2. Review all actions taken by the facility, State
14 agencies, or other entities to address the cause or causes
15 of death and the adequacy of medical care and treatment.

16 3. Evaluate the means, if any, by which the death might
17 have been prevented.

18 4. Report its observations and conclusions to the
19 Secretary of Human Services and make recommendations that
20 may help to reduce the number of unnecessary deaths.

21 5. Promote continuing education for professionals
22 involved in investigating and preventing the unnecessary
23 deaths of individuals under the care of a facility or
24 community agency.

25 6. Make specific recommendations to the Secretary of
26 Human Services concerning the prevention of unnecessary

1 deaths of individuals under the care of facilities and
2 community agencies, including changes in policies and
3 practices that will prevent harm to individuals with
4 disabilities, and the establishment of protocols for
5 investigating the deaths of these individuals.

6 (e) The independent team of experts must examine the cases
7 submitted to it on a quarterly basis. The team shall meet at
8 least once in each calendar quarter if there are cases to be
9 examined. The Department of Human Services shall forward cases
10 within 90 days after completion of a review or an investigation
11 into the death of an individual residing at a facility or
12 community agency.

13 (f) Within 90 days after receiving recommendations made by
14 the independent team of experts under subsection (d) of this
15 Section, the Secretary of Human Services must review those
16 recommendations, as feasible and appropriate, and shall
17 respond to the team in writing to explain the implementation of
18 those recommendations.

19 (g) The Secretary of Human Services shall establish
20 protocols governing the operation of the independent team.
21 Those protocols shall include the creation of sub-teams to
22 review the case records or portions of the case records and
23 report to the full team. The members of a sub-team shall be
24 composed of team members specially qualified to examine those
25 records. In any instance in which the independent team does not
26 operate in accordance with established protocol, the Secretary

1 of Human Services shall take any necessary actions to bring the
2 team into compliance with the protocol.

3 (Source: P.A. 96-1235, eff. 1-1-11.)

4 (405 ILCS 82/40)

5 Sec. 40. Rights information. The Department of Human
6 Services shall ensure that individuals with disabilities and
7 their guardians and families receive sufficient information
8 regarding their rights, including the right to be safe, the
9 right to be free from abuse and neglect, the right to receive
10 quality services, and the right to an adequate discharge plan
11 and timely transition to the least restrictive setting to meet
12 their individual needs and desires. The Department shall
13 provide this information, which shall be developed in
14 collaboration with the agency designated by the Governor
15 pursuant to the Protection and Advocacy for Persons with
16 Developmental Disabilities ~~Developmentally Disabled Persons~~
17 Act, in order to allow individuals with disabilities and their
18 guardians and families to make informed decisions regarding the
19 provision of services that can meet the individual's needs and
20 desires. The Department shall provide this information to all
21 facilities and community agencies to be made available upon
22 admission and at least annually thereafter for as long as the
23 individual remains in the facility.

24 (Source: P.A. 96-1235, eff. 1-1-11.)

1 Section 800. The Home Environment Living Program Act is
2 amended by changing Section 3 as follows:

3 (405 ILCS 85/3) (from Ch. 91 1/2, par. 2003)

4 Sec. 3. Definitions. In this Act:

5 (a) "Department" means the Department of Human Services.

6 (b) "Project HELP" means the Home Environment Living
7 Program.

8 (c) "Home caregiver" means a substitute family home which
9 provides services and care to a child or adult who is a person
10 with a severe disability ~~severely disabled~~.

11 (Source: P.A. 89-507, eff. 7-1-97.)

12 Section 805. The Elevator Tactile Identification Act is
13 amended by changing Section 1 as follows:

14 (410 ILCS 30/1) (from Ch. 111 1/2, par. 3901)

15 Sec. 1. In each building, including commercial,
16 residential and institutional structures, served during
17 regular business hours by an unsupervised automatic passenger
18 elevator for use by the general public, the elevator, or at
19 least the left elevator where there is more than one elevator
20 in any bank of elevators, shall be equipped with elevator
21 controls, within the elevator and at each floor level served by
22 the elevator, which have tactile identification or braille
23 markings, pursuant to the following schedule:

1 (a) New elevators for which building permits are issued
2 after the effective date of this Act or October 1, 1977,
3 whichever date is later - immediately;

4 (b) Existing elevators undergoing renovation of the
5 control panel for which building permits are issued after the
6 effective date of this Act or October 1, 1977, whichever date
7 is later - immediately;

8 (c) Existing elevators not undergoing renovation, the
9 earlier of:

10 (1) 90 days after the effective date of Federal standards
11 governing elevator control markings applicable to privately
12 owned buildings, or

13 (2) June 30, 1980.

14 All tactile identification except braille shall be in
15 contrasting colors and consist of raised letters, numbers,
16 labels or plaques for persons with a visual disability ~~the~~
17 ~~visually handicapped~~.

18 (Source: P.A. 80-384.)

19 Section 810. The Child Vision and Hearing Test Act is
20 amended by changing Sections 3 and 7 as follows:

21 (410 ILCS 205/3) (from Ch. 23, par. 2333)

22 Sec. 3. Vision and hearing screening services shall be
23 administered to all children as early as possible, but no later
24 than their first year in any public or private education

1 program, licensed day care center or residential facility for
2 children with disabilities ~~handicapped children~~; and
3 periodically thereafter, to identify those children with
4 vision or hearing impairments or both so that such conditions
5 can be managed or treated.

6 (Source: P.A. 81-174.)

7 (410 ILCS 205/7) (from Ch. 23, par. 2337)

8 Sec. 7. The Director shall appoint a Children's Hearing
9 Services Advisory Committee and a Children's Vision Services
10 Advisory Committee. The membership of each committee shall not
11 exceed 10 individuals. In making appointments to the Children's
12 Hearing Services Advisory Committee, the Director shall
13 appoint individuals with knowledge of or experience in the
14 problems of children with a hearing disability ~~hearing~~
15 ~~handicapped children~~ and shall appoint at least 2 licensed
16 physicians who specialize in the field of otolaryngology and
17 are recommended by that organization representing the largest
18 number of physicians licensed to practice medicine in all of
19 its branches in the State of Illinois, and at least 2
20 audiologists. In making appointments to the Children's Vision
21 Services Advisory Committee, the Director shall appoint 2
22 members (and one alternate) recommended by the Illinois Society
23 for the Prevention of Blindness, 2 licensed physicians (and one
24 alternate) who specialize in ophthalmology and are recommended
25 by that organization representing the largest number of

1 physicians licensed to practice medicine in all of its branches
2 in the State of Illinois, and 2 licensed optometrists (and one
3 alternate) recommended by that organization representing the
4 largest number of licensed optometrists in the State of
5 Illinois, as members of the Children's Vision Services Advisory
6 Committee.

7 The Children's Hearing Services Advisory Committee shall
8 advise the Department in the implementation and administration
9 of the hearing services program and in the development of rules
10 and regulations pertaining to that program. The Children's
11 Vision Services Advisory Committee shall advise the Department
12 in the development of rules and regulations pertaining to that
13 program. Each committee shall select a chairman from its
14 membership and shall meet at least once in each calendar year.

15 The members of the Advisory Committees shall receive no
16 compensation for their services; however, the nongovernmental
17 members shall be reimbursed for actual expenses incurred in the
18 performance of their duties in accordance with the State of
19 Illinois travel regulations.

20 (Source: P.A. 90-655, eff. 7-30-98.)

21 Section 815. The Developmental Disability Prevention Act
22 is amended by changing Sections 1, 2, 3, and 11 as follows:

23 (410 ILCS 250/1) (from Ch. 111 1/2, par. 2101)

24 Sec. 1.

1 It is hereby declared to be the policy of the State of
2 Illinois that the prevention of perinatal mortality and
3 conditions leading to developmental disabilities and other
4 ~~handicapping~~ disabilities is a high priority for attention.
5 Efforts to reduce the incidence of perinatal risk factors by
6 early identification and management of the high risk woman of
7 childbearing age, fetus and newborn will not only decrease the
8 predisposition to disability but will also prove to be a
9 cost-effective endeavor, reducing State and private
10 expenditures for the care and maintenance of those persons
11 whose disability was a result of ~~disabled from~~ perinatal risk
12 factors.

13 (Source: P.A. 78-557.)

14 (410 ILCS 250/2) (from Ch. 111 1/2, par. 2102)

15 Sec. 2. As used in this Act:

16 a "perinatal" means the period of time between the
17 conception of an infant and the end of the first month of life;

18 b "congenital" means those intrauterine factors which
19 influence the growth, development and function of the fetus;

20 c "environmental" means those extrauterine factors which
21 influence the adaptation, well being or life of the newborn and
22 may lead to disability;

23 d "high risk" means an increased level of risk of harm or
24 mortality to the woman of childbearing age, fetus or newborn
25 from congenital and/or environmental factors;

1 e "perinatal center" means a referral facility intended to
2 care for the high risk patient before, during, or after labor
3 and delivery and characterized by sophistication and
4 availability of personnel, equipment, laboratory,
5 transportation techniques, consultation and other support
6 services;

7 f "developmental disability" means an intellectual
8 disability, cerebral palsy, epilepsy, or other neurological
9 disabling ~~handicapping~~ conditions of an individual found to be
10 closely related to an intellectual disability or to require
11 treatment similar to that required by individuals with an
12 intellectual disability ~~intellectually disabled individuals,~~
13 and the disability originates before such individual attains
14 age 18, and has continued, or can be expected to continue
15 indefinitely, and constitutes a substantial disability
16 ~~handicap~~ of such individuals;

17 g "disability" means a condition characterized by
18 temporary or permanent, partial or complete impairment of
19 physical, mental or physiological function;

20 h "Department" means the Department of Public Health.

21 (Source: P.A. 97-227, eff. 1-1-12.)

22 (410 ILCS 250/3) (from Ch. 111 1/2, par. 2103)

23 Sec. 3. By January 1, 1974, the Department, in conjunction
24 with its appropriate advisory planning committee, shall
25 develop standards for all levels of hospital perinatal care to

1 include regional perinatal centers. Such standards shall
2 recognize and correlate with the Hospital Licensing Act
3 approved July 1, 1953, as amended. The standards shall assure
4 that:

5 (a) facilities are equipped and prepared to stabilize
6 infants prior to transport;

7 (b) coordination exists between general maternity care and
8 perinatal centers;

9 (c) unexpected complications during delivery can be
10 properly managed;

11 (d) all high risk pregnancies and childbirths are reviewed
12 at each hospital or maternity center to determine if such
13 children are born with a disabling ~~handicapping~~ condition or
14 developmental disability that threatens life or development;

15 (e) procedures are implemented to identify and report to
16 the Department all births of children with disabling
17 ~~handicapping~~ conditions or developmental disabilities that
18 threaten life or development;

19 (f) children identified as having a disabling ~~handicapping~~
20 condition or developmental disability that threatens life or
21 development are promptly evaluated in consultation with
22 designated regional perinatal centers and referred, when
23 appropriate, to such centers, or to other medical specialty
24 services, as approved by the Department and in accordance with
25 the level of perinatal care authorized for each hospital or
26 maternity care center for the proper management and treatment

1 of such condition or disability;

2 (g) hospital or maternity centers conduct postnatal
3 reviews of all perinatal deaths as well as reviews of the
4 births of children born with disabling ~~handicapping~~ conditions
5 or developmental disabilities that threaten life or
6 development, utilizing criteria of case selection developed by
7 such hospitals or maternity centers, or the appropriate medical
8 staff committees thereof, in order to determine the
9 appropriateness of diagnosis and treatment and the adequacy of
10 procedures to prevent such disabilities or the loss of life;

11 (h) high risk mothers and their spouses are provided
12 information, referral and counseling services to ensure
13 informed consent to the treatment of children born with
14 disabling ~~handicapping~~ conditions or developmental
15 disabilities;

16 (i) parents and families are provided information,
17 referral and counseling services to assist in obtaining
18 habilitation, rehabilitation and special education services
19 for children born with disabling ~~handicapping~~ conditions or
20 developmental disabilities, so that such children have an
21 opportunity to realize full potential. Such standards shall
22 include, but not be limited to, the establishment of procedures
23 for notification of the appropriate State and local educational
24 service agencies regarding children who may require evaluation
25 and assessment under such agencies;

26 (j) consultation when indicated is provided for and

1 available. Perinatal centers shall provide care for the high
2 risk expectant mother who may deliver a distressed infant or
3 infant with a disability ~~or disabled infant~~. Such centers shall
4 also provide intensive care to the high risk newborn whose life
5 or physical well-being is in jeopardy. Standards shall include
6 the availability of: 1 trained personnel; 2 trained neonatal
7 nursing staff; 3 x-ray and laboratory equipment available on a
8 24-hour basis; 4 infant monitoring equipment; 5 transportation
9 of mothers and/or infants; 6 genetic services; 7 surgical and
10 cardiology consultation; and 8 other support services as may be
11 required.

12 The standards under this Section shall be established by
13 rules and regulations of the Department. Such standards shall
14 be deemed sufficient for the purposes of this Act if they
15 require the perinatal care facilities to submit plans or enter
16 into agreements with the Department which adequately address
17 the requirements of paragraphs (a) through (j) above.

18 (Source: P.A. 84-1308.)

19 (410 ILCS 250/11) (from Ch. 111 1/2, par. 2111)

20 Sec. 11.

21 The Department shall develop by July 1, 1974, and revise as
22 necessary each year thereafter, criteria for the
23 identification of mothers at risk of delivering a child whose
24 life or development may be threatened by a disabling
25 ~~handicapping~~ condition. Such criteria shall include but need

1 not be limited to: (1) history of premature births; (2)
2 complications in pregnancy including toxemia; (3) onset of
3 rubella during pregnancy; (4) extreme age; and (5) incompatible
4 blood group.

5 (Source: P.A. 78-557.)

6 Section 820. The Space Heating Safety Act is amended by
7 changing Section 9 as follows:

8 (425 ILCS 65/9) (from Ch. 127 1/2, par. 709)

9 Sec. 9. Prohibited Use of Kerosene Heaters. The use of
10 kerosene fueled heaters will be prohibited under any
11 circumstances in the following types of structures:

12 (i) Nursing homes or convalescent centers;

13 (ii) Day-care centers having children present;

14 (iii) Any type of center for persons with disabilities ~~the~~
15 ~~handicapped~~;

16 (iv) Common areas of multifamily dwellings;

17 (v) Hospitals;

18 (vi) Structures more than 3 stories in height; and

19 (vii) Structures open to the public which have a capacity
20 for 50 or more persons.

21 (Source: P.A. 84-834.)

22 Section 825. The Illinois Poison Prevention Packaging Act
23 is amended by changing Section 4 as follows:

1 (430 ILCS 40/4) (from Ch. 111 1/2, par. 294)

2 Sec. 4.

3 (a) For the purpose of making any household substance which
4 is subject to a standard established under Section 3 readily
5 available to elderly persons or persons with disabilities ~~or~~
6 ~~handicapped persons~~ unable to use such substance when packaged
7 in compliance with such standard, the manufacturer or packer,
8 as the case may be, may package any household substance,
9 subject to such a standard, in packaging of a single size which
10 does not comply with such standard if:

11 (1) the manufacturer or packer also supplies such substance
12 in packages which comply with such standard; and

13 (2) the packages of such substance which do not meet such
14 standard bear conspicuous labeling stating: "This package for
15 households without young children"; except that the Director
16 may by regulation prescribe a substitute statement to the same
17 effect for packaging too small to accommodate such labeling.

18 (b) In the case of a household substance which is subject
19 to such a standard and which is dispensed pursuant to an order
20 of a physician, dentist, or other licensed medical practitioner
21 authorized to prescribe, such substance may be dispensed in
22 noncomplying packages only when directed in such order or when
23 requested by the purchaser.

24 (c) In the case of a household substance subject to such a
25 standard which is packaged under subsection (a) in a

1 noncomplying package, if the Director determines that such
2 substance is not also being supplied by a manufacturer or
3 packer in popular size packages which comply with such
4 standard, he may, after giving the manufacturer or packer an
5 opportunity to comply with the purposes of this Act, by order
6 require such substance to be packaged by such manufacturer or
7 packer exclusively in special packaging complying with such
8 standard if he finds, after opportunity for hearing, that such
9 exclusive use of special packaging is necessary to accomplish
10 the purposes of this Act.

11 (Source: P.A. 77-2158.)

12 Section 830. The Firearm Owners Identification Card Act is
13 amended by changing Sections 1.1, 4, 8, and 8.1 as follows:

14 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

15 Sec. 1.1. For purposes of this Act:

16 "Addicted to narcotics" means a person who has been:

17 (1) convicted of an offense involving the use or
18 possession of cannabis, a controlled substance, or
19 methamphetamine within the past year; or

20 (2) determined by the Department of State Police to be
21 addicted to narcotics based upon federal law or federal
22 guidelines.

23 "Addicted to narcotics" does not include possession or use
24 of a prescribed controlled substance under the direction and

1 authority of a physician or other person authorized to
2 prescribe the controlled substance when the controlled
3 substance is used in the prescribed manner.

4 "Adjudicated as a person with a mental disability" ~~mentally~~
5 ~~disabled person~~" means the person is the subject of a
6 determination by a court, board, commission or other lawful
7 authority that the person, as a result of marked subnormal
8 intelligence, or mental illness, mental impairment,
9 incompetency, condition, or disease:

10 (1) presents a clear and present danger to himself,
11 herself, or to others;

12 (2) lacks the mental capacity to manage his or her own
13 affairs or is adjudicated a person with a disability
14 ~~disabled person~~ as defined in Section 11a-2 of the Probate
15 Act of 1975;

16 (3) is not guilty in a criminal case by reason of
17 insanity, mental disease or defect;

18 (3.5) is guilty but mentally ill, as provided in
19 Section 5-2-6 of the Unified Code of Corrections;

20 (4) is incompetent to stand trial in a criminal case;

21 (5) is not guilty by reason of lack of mental
22 responsibility under Articles 50a and 72b of the Uniform
23 Code of Military Justice, 10 U.S.C. 850a, 876b;

24 (6) is a sexually violent person under subsection (f)
25 of Section 5 of the Sexually Violent Persons Commitment
26 Act;

1 (7) is a sexually dangerous person under the Sexually
2 Dangerous Persons Act;

3 (8) is unfit to stand trial under the Juvenile Court
4 Act of 1987;

5 (9) is not guilty by reason of insanity under the
6 Juvenile Court Act of 1987;

7 (10) is subject to involuntary admission as an
8 inpatient as defined in Section 1-119 of the Mental Health
9 and Developmental Disabilities Code;

10 (11) is subject to involuntary admission as an
11 outpatient as defined in Section 1-119.1 of the Mental
12 Health and Developmental Disabilities Code;

13 (12) is subject to judicial admission as set forth in
14 Section 4-500 of the Mental Health and Developmental
15 Disabilities Code; or

16 (13) is subject to the provisions of the Interstate
17 Agreements on Sexually Dangerous Persons Act.

18 "Clear and present danger" means a person who:

19 (1) communicates a serious threat of physical violence
20 against a reasonably identifiable victim or poses a clear
21 and imminent risk of serious physical injury to himself,
22 herself, or another person as determined by a physician,
23 clinical psychologist, or qualified examiner; or

24 (2) demonstrates threatening physical or verbal
25 behavior, such as violent, suicidal, or assaultive
26 threats, actions, or other behavior, as determined by a

1 physician, clinical psychologist, qualified examiner,
2 school administrator, or law enforcement official.

3 "Clinical psychologist" has the meaning provided in
4 Section 1-103 of the Mental Health and Developmental
5 Disabilities Code.

6 "Controlled substance" means a controlled substance or
7 controlled substance analog as defined in the Illinois
8 Controlled Substances Act.

9 "Counterfeit" means to copy or imitate, without legal
10 authority, with intent to deceive.

11 ~~"Developmentally disabled" means a disability which is~~
12 ~~attributable to any other condition which results in impairment~~
13 ~~similar to that caused by an intellectual disability and which~~
14 ~~requires services similar to those required by intellectually~~
15 ~~disabled persons. The disability must originate before the age~~
16 ~~of 18 years, be expected to continue indefinitely, and~~
17 ~~constitute a substantial handicap.~~

18 "Federally licensed firearm dealer" means a person who is
19 licensed as a federal firearms dealer under Section 923 of the
20 federal Gun Control Act of 1968 (18 U.S.C. 923).

21 "Firearm" means any device, by whatever name known, which
22 is designed to expel a projectile or projectiles by the action
23 of an explosion, expansion of gas or escape of gas; excluding,
24 however:

25 (1) any pneumatic gun, spring gun, paint ball gun, or
26 B-B gun which expels a single globular projectile not

1 exceeding .18 inch in diameter or which has a maximum
2 muzzle velocity of less than 700 feet per second;

3 (1.1) any pneumatic gun, spring gun, paint ball gun, or
4 B-B gun which expels breakable paint balls containing
5 washable marking colors;

6 (2) any device used exclusively for signalling or
7 safety and required or recommended by the United States
8 Coast Guard or the Interstate Commerce Commission;

9 (3) any device used exclusively for the firing of stud
10 cartridges, explosive rivets or similar industrial
11 ammunition; and

12 (4) an antique firearm (other than a machine-gun)
13 which, although designed as a weapon, the Department of
14 State Police finds by reason of the date of its
15 manufacture, value, design, and other characteristics is
16 primarily a collector's item and is not likely to be used
17 as a weapon.

18 "Firearm ammunition" means any self-contained cartridge or
19 shotgun shell, by whatever name known, which is designed to be
20 used or adaptable to use in a firearm; excluding, however:

21 (1) any ammunition exclusively designed for use with a
22 device used exclusively for signalling or safety and
23 required or recommended by the United States Coast Guard or
24 the Interstate Commerce Commission; and

25 (2) any ammunition designed exclusively for use with a
26 stud or rivet driver or other similar industrial

1 ammunition.

2 "Gun show" means an event or function:

3 (1) at which the sale and transfer of firearms is the
4 regular and normal course of business and where 50 or more
5 firearms are displayed, offered, or exhibited for sale,
6 transfer, or exchange; or

7 (2) at which not less than 10 gun show vendors display,
8 offer, or exhibit for sale, sell, transfer, or exchange
9 firearms.

10 "Gun show" includes the entire premises provided for an
11 event or function, including parking areas for the event or
12 function, that is sponsored to facilitate the purchase, sale,
13 transfer, or exchange of firearms as described in this Section.

14 "Gun show" does not include training or safety classes,
15 competitive shooting events, such as rifle, shotgun, or handgun
16 matches, trap, skeet, or sporting clays shoots, dinners,
17 banquets, raffles, or any other event where the sale or
18 transfer of firearms is not the primary course of business.

19 "Gun show promoter" means a person who organizes or
20 operates a gun show.

21 "Gun show vendor" means a person who exhibits, sells,
22 offers for sale, transfers, or exchanges any firearms at a gun
23 show, regardless of whether the person arranges with a gun show
24 promoter for a fixed location from which to exhibit, sell,
25 offer for sale, transfer, or exchange any firearm.

26 ~~"Intellectually disabled" means significantly subaverage~~

1 ~~general intellectual functioning which exists concurrently~~
2 ~~with impairment in adaptive behavior and which originates~~
3 ~~before the age of 18 years.~~

4 "Involuntarily admitted" has the meaning as prescribed in
5 Sections 1-119 and 1-119.1 of the Mental Health and
6 Developmental Disabilities Code.

7 "Mental health facility" means any licensed private
8 hospital or hospital affiliate, institution, or facility, or
9 part thereof, and any facility, or part thereof, operated by
10 the State or a political subdivision thereof which provide
11 treatment of persons with mental illness and includes all
12 hospitals, institutions, clinics, evaluation facilities,
13 mental health centers, colleges, universities, long-term care
14 facilities, and nursing homes, or parts thereof, which provide
15 treatment of persons with mental illness whether or not the
16 primary purpose is to provide treatment of persons with mental
17 illness.

18 "Patient" means:

19 (1) a person who voluntarily receives mental health
20 treatment as an in-patient or resident of any public or
21 private mental health facility, unless the treatment was
22 solely for an alcohol abuse disorder and no other secondary
23 substance abuse disorder or mental illness; or

24 (2) a person who voluntarily receives mental health
25 treatment as an out-patient or is provided services by a
26 public or private mental health facility, and who poses a

1 clear and present danger to himself, herself, or to others.

2 "Person with a developmental disability" means a person
3 with a disability which is attributable to any other condition
4 which results in impairment similar to that caused by an
5 intellectual disability and which requires services similar to
6 those required by persons with intellectual disabilities. The
7 disability must originate before the age of 18 years, be
8 expected to continue indefinitely, and constitute a
9 substantial disability.

10 "Person with an intellectual disability" means a person
11 with a significantly subaverage general intellectual
12 functioning which exists concurrently with impairment in
13 adaptive behavior and which originates before the age of 18
14 years.

15 "Physician" has the meaning as defined in Section 1-120 of
16 the Mental Health and Developmental Disabilities Code.

17 "Qualified examiner" has the meaning provided in Section
18 1-122 of the Mental Health and Developmental Disabilities Code.

19 "Sanctioned competitive shooting event" means a shooting
20 contest officially recognized by a national or state shooting
21 sport association, and includes any sight-in or practice
22 conducted in conjunction with the event.

23 "School administrator" means the person required to report
24 under the School Administrator Reporting of Mental Health Clear
25 and Present Danger Determinations Law.

26 "Stun gun or taser" has the meaning ascribed to it in

1 Section 24-1 of the Criminal Code of 2012.

2 (Source: P.A. 97-776, eff. 7-13-12; 97-1150, eff. 1-25-13;
3 97-1167, eff. 6-1-13; 98-63, eff. 7-9-13.)

4 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

5 Sec. 4. (a) Each applicant for a Firearm Owner's
6 Identification Card must:

7 (1) Make application on blank forms prepared and
8 furnished at convenient locations throughout the State by
9 the Department of State Police, or by electronic means, if
10 and when made available by the Department of State Police;
11 and

12 (2) Submit evidence to the Department of State Police
13 that:

14 (i) He or she is 21 years of age or over, or if he
15 or she is under 21 years of age that he or she has the
16 written consent of his or her parent or legal guardian
17 to possess and acquire firearms and firearm ammunition
18 and that he or she has never been convicted of a
19 misdemeanor other than a traffic offense or adjudged
20 delinquent, provided, however, that such parent or
21 legal guardian is not an individual prohibited from
22 having a Firearm Owner's Identification Card and files
23 an affidavit with the Department as prescribed by the
24 Department stating that he or she is not an individual
25 prohibited from having a Card;

1 (ii) He or she has not been convicted of a felony
2 under the laws of this or any other jurisdiction;

3 (iii) He or she is not addicted to narcotics;

4 (iv) He or she has not been a patient in a mental
5 health facility within the past 5 years or, if he or
6 she has been a patient in a mental health facility more
7 than 5 years ago submit the certification required
8 under subsection (u) of Section 8 of this Act;

9 (v) He or she is not a person with an intellectual
10 disability ~~intellectually disabled~~;

11 (vi) He or she is not an alien who is unlawfully
12 present in the United States under the laws of the
13 United States;

14 (vii) He or she is not subject to an existing order
15 of protection prohibiting him or her from possessing a
16 firearm;

17 (viii) He or she has not been convicted within the
18 past 5 years of battery, assault, aggravated assault,
19 violation of an order of protection, or a substantially
20 similar offense in another jurisdiction, in which a
21 firearm was used or possessed;

22 (ix) He or she has not been convicted of domestic
23 battery, aggravated domestic battery, or a
24 substantially similar offense in another jurisdiction
25 committed before, on or after January 1, 2012 (the
26 effective date of Public Act 97-158). If the applicant

1 knowingly and intelligently waives the right to have an
2 offense described in this clause (ix) tried by a jury,
3 and by guilty plea or otherwise, results in a
4 conviction for an offense in which a domestic
5 relationship is not a required element of the offense
6 but in which a determination of the applicability of 18
7 U.S.C. 922(g)(9) is made under Section 112A-11.1 of the
8 Code of Criminal Procedure of 1963, an entry by the
9 court of a judgment of conviction for that offense
10 shall be grounds for denying the issuance of a Firearm
11 Owner's Identification Card under this Section;

12 (x) (Blank);

13 (xi) He or she is not an alien who has been
14 admitted to the United States under a non-immigrant
15 visa (as that term is defined in Section 101(a)(26) of
16 the Immigration and Nationality Act (8 U.S.C.
17 1101(a)(26))), or that he or she is an alien who has
18 been lawfully admitted to the United States under a
19 non-immigrant visa if that alien is:

20 (1) admitted to the United States for lawful
21 hunting or sporting purposes;

22 (2) an official representative of a foreign
23 government who is:

24 (A) accredited to the United States
25 Government or the Government's mission to an
26 international organization having its

1 headquarters in the United States; or

2 (B) en route to or from another country to
3 which that alien is accredited;

4 (3) an official of a foreign government or
5 distinguished foreign visitor who has been so
6 designated by the Department of State;

7 (4) a foreign law enforcement officer of a
8 friendly foreign government entering the United
9 States on official business; or

10 (5) one who has received a waiver from the
11 Attorney General of the United States pursuant to
12 18 U.S.C. 922 (y) (3);

13 (xii) He or she is not a minor subject to a
14 petition filed under Section 5-520 of the Juvenile
15 Court Act of 1987 alleging that the minor is a
16 delinquent minor for the commission of an offense that
17 if committed by an adult would be a felony;

18 (xiii) He or she is not an adult who had been
19 adjudicated a delinquent minor under the Juvenile
20 Court Act of 1987 for the commission of an offense that
21 if committed by an adult would be a felony;

22 (xiv) He or she is a resident of the State of
23 Illinois;

24 (xv) He or she has not been adjudicated as a person
25 with a mental disability ~~mentally disabled person~~;

26 (xvi) He or she has not been involuntarily admitted

1 into a mental health facility; and

2 (xvii) He or she is not a person with a
3 developmental disability ~~developmentally disabled~~; and

4 (3) Upon request by the Department of State Police,
5 sign a release on a form prescribed by the Department of
6 State Police waiving any right to confidentiality and
7 requesting the disclosure to the Department of State Police
8 of limited mental health institution admission information
9 from another state, the District of Columbia, any other
10 territory of the United States, or a foreign nation
11 concerning the applicant for the sole purpose of
12 determining whether the applicant is or was a patient in a
13 mental health institution and disqualified because of that
14 status from receiving a Firearm Owner's Identification
15 Card. No mental health care or treatment records may be
16 requested. The information received shall be destroyed
17 within one year of receipt.

18 (a-5) Each applicant for a Firearm Owner's Identification
19 Card who is over the age of 18 shall furnish to the Department
20 of State Police either his or her Illinois driver's license
21 number or Illinois Identification Card number, except as
22 provided in subsection (a-10).

23 (a-10) Each applicant for a Firearm Owner's Identification
24 Card, who is employed as a law enforcement officer, an armed
25 security officer in Illinois, or by the United States Military
26 permanently assigned in Illinois and who is not an Illinois

1 resident, shall furnish to the Department of State Police his
2 or her driver's license number or state identification card
3 number from his or her state of residence. The Department of
4 State Police may adopt rules to enforce the provisions of this
5 subsection (a-10).

6 (a-15) If an applicant applying for a Firearm Owner's
7 Identification Card moves from the residence address named in
8 the application, he or she shall immediately notify in a form
9 and manner prescribed by the Department of State Police of that
10 change of address.

11 (a-20) Each applicant for a Firearm Owner's Identification
12 Card shall furnish to the Department of State Police his or her
13 photograph. An applicant who is 21 years of age or older
14 seeking a religious exemption to the photograph requirement
15 must furnish with the application an approved copy of United
16 States Department of the Treasury Internal Revenue Service Form
17 4029. In lieu of a photograph, an applicant regardless of age
18 seeking a religious exemption to the photograph requirement
19 shall submit fingerprints on a form and manner prescribed by
20 the Department with his or her application.

21 (b) Each application form shall include the following
22 statement printed in bold type: "Warning: Entering false
23 information on an application for a Firearm Owner's
24 Identification Card is punishable as a Class 2 felony in
25 accordance with subsection (d-5) of Section 14 of the Firearm
26 Owners Identification Card Act.".

1 (c) Upon such written consent, pursuant to Section 4,
2 paragraph (a)(2)(i), the parent or legal guardian giving the
3 consent shall be liable for any damages resulting from the
4 applicant's use of firearms or firearm ammunition.

5 (Source: P.A. 97-158, eff. 1-1-12; 97-227, eff. 1-1-12; 97-813,
6 eff. 7-13-12; 97-1131, eff. 1-1-13; 97-1167, eff. 6-1-13;
7 98-63, eff. 7-9-13.)

8 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

9 Sec. 8. Grounds for denial and revocation. The Department
10 of State Police has authority to deny an application for or to
11 revoke and seize a Firearm Owner's Identification Card
12 previously issued under this Act only if the Department finds
13 that the applicant or the person to whom such card was issued
14 is or was at the time of issuance:

15 (a) A person under 21 years of age who has been
16 convicted of a misdemeanor other than a traffic offense or
17 adjudged delinquent;

18 (b) A person under 21 years of age who does not have
19 the written consent of his parent or guardian to acquire
20 and possess firearms and firearm ammunition, or whose
21 parent or guardian has revoked such written consent, or
22 where such parent or guardian does not qualify to have a
23 Firearm Owner's Identification Card;

24 (c) A person convicted of a felony under the laws of
25 this or any other jurisdiction;

1 (d) A person addicted to narcotics;

2 (e) A person who has been a patient of a mental health
3 facility within the past 5 years or a person who has been a
4 patient in a mental health facility more than 5 years ago
5 who has not received the certification required under
6 subsection (u) of this Section. An active law enforcement
7 officer employed by a unit of government who is denied,
8 revoked, or has his or her Firearm Owner's Identification
9 Card seized under this subsection (e) may obtain relief as
10 described in subsection (c-5) of Section 10 of this Act if
11 the officer did not act in a manner threatening to the
12 officer, another person, or the public as determined by the
13 treating clinical psychologist or physician, and the
14 officer seeks mental health treatment;

15 (f) A person whose mental condition is of such a nature
16 that it poses a clear and present danger to the applicant,
17 any other person or persons or the community;

18 (g) A person who has an intellectual disability ~~is~~
19 ~~intellectually disabled~~;

20 (h) A person who intentionally makes a false statement
21 in the Firearm Owner's Identification Card application;

22 (i) An alien who is unlawfully present in the United
23 States under the laws of the United States;

24 (i-5) An alien who has been admitted to the United
25 States under a non-immigrant visa (as that term is defined
26 in Section 101(a)(26) of the Immigration and Nationality

1 Act (8 U.S.C. 1101(a)(26))), except that this subsection
2 (i-5) does not apply to any alien who has been lawfully
3 admitted to the United States under a non-immigrant visa if
4 that alien is:

5 (1) admitted to the United States for lawful
6 hunting or sporting purposes;

7 (2) an official representative of a foreign
8 government who is:

9 (A) accredited to the United States Government
10 or the Government's mission to an international
11 organization having its headquarters in the United
12 States; or

13 (B) en route to or from another country to
14 which that alien is accredited;

15 (3) an official of a foreign government or
16 distinguished foreign visitor who has been so
17 designated by the Department of State;

18 (4) a foreign law enforcement officer of a friendly
19 foreign government entering the United States on
20 official business; or

21 (5) one who has received a waiver from the Attorney
22 General of the United States pursuant to 18 U.S.C.
23 922(y)(3);

24 (j) (Blank);

25 (k) A person who has been convicted within the past 5
26 years of battery, assault, aggravated assault, violation

1 of an order of protection, or a substantially similar
2 offense in another jurisdiction, in which a firearm was
3 used or possessed;

4 (l) A person who has been convicted of domestic
5 battery, aggravated domestic battery, or a substantially
6 similar offense in another jurisdiction committed before,
7 on or after January 1, 2012 (the effective date of Public
8 Act 97-158). If the applicant or person who has been
9 previously issued a Firearm Owner's Identification Card
10 under this Act knowingly and intelligently waives the right
11 to have an offense described in this paragraph (l) tried by
12 a jury, and by guilty plea or otherwise, results in a
13 conviction for an offense in which a domestic relationship
14 is not a required element of the offense but in which a
15 determination of the applicability of 18 U.S.C. 922(g)(9)
16 is made under Section 112A-11.1 of the Code of Criminal
17 Procedure of 1963, an entry by the court of a judgment of
18 conviction for that offense shall be grounds for denying an
19 application for and for revoking and seizing a Firearm
20 Owner's Identification Card previously issued to the
21 person under this Act;

22 (m) (Blank);

23 (n) A person who is prohibited from acquiring or
24 possessing firearms or firearm ammunition by any Illinois
25 State statute or by federal law;

26 (o) A minor subject to a petition filed under Section

1 5-520 of the Juvenile Court Act of 1987 alleging that the
2 minor is a delinquent minor for the commission of an
3 offense that if committed by an adult would be a felony;

4 (p) An adult who had been adjudicated a delinquent
5 minor under the Juvenile Court Act of 1987 for the
6 commission of an offense that if committed by an adult
7 would be a felony;

8 (q) A person who is not a resident of the State of
9 Illinois, except as provided in subsection (a-10) of
10 Section 4;

11 (r) A person who has been adjudicated as a person with
12 a mental disability ~~mentally disabled person~~;

13 (s) A person who has been found to have a developmental
14 disability ~~be developmentally disabled~~;

15 (t) A person involuntarily admitted into a mental
16 health facility; or

17 (u) A person who has had his or her Firearm Owner's
18 Identification Card revoked or denied under subsection (e)
19 of this Section or item (iv) of paragraph (2) of subsection
20 (a) of Section 4 of this Act because he or she was a
21 patient in a mental health facility as provided in
22 subsection (e) of this Section, shall not be permitted to
23 obtain a Firearm Owner's Identification Card, after the
24 5-year period has lapsed, unless he or she has received a
25 mental health evaluation by a physician, clinical
26 psychologist, or qualified examiner as those terms are

1 defined in the Mental Health and Developmental
2 Disabilities Code, and has received a certification that he
3 or she is not a clear and present danger to himself,
4 herself, or others. The physician, clinical psychologist,
5 or qualified examiner making the certification and his or
6 her employer shall not be held criminally, civilly, or
7 professionally liable for making or not making the
8 certification required under this subsection, except for
9 willful or wanton misconduct. This subsection does not
10 apply to a person whose firearm possession rights have been
11 restored through administrative or judicial action under
12 Section 10 or 11 of this Act.

13 Upon revocation of a person's Firearm Owner's
14 Identification Card, the Department of State Police shall
15 provide notice to the person and the person shall comply with
16 Section 9.5 of this Act.

17 (Source: P.A. 97-158, eff. 1-1-12; 97-227, eff. 1-1-12; 97-813,
18 eff. 7-13-12; 97-1131, eff. 1-1-13; 97-1167, eff. 6-1-13;
19 98-63, eff. 7-9-13; 98-508, eff. 8-19-13; 98-756, eff.
20 7-16-14.)

21 (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

22 Sec. 8.1. Notifications to the Department of State Police.

23 (a) The Circuit Clerk shall, in the form and manner
24 required by the Supreme Court, notify the Department of State
25 Police of all final dispositions of cases for which the

1 Department has received information reported to it under
2 Sections 2.1 and 2.2 of the Criminal Identification Act.

3 (b) Upon adjudication of any individual as a person with a
4 mental disability ~~mentally disabled person~~ as defined in
5 Section 1.1 of this Act or a finding that a person has been
6 involuntarily admitted, the court shall direct the circuit
7 court clerk to immediately notify the Department of State
8 Police, Firearm Owner's Identification (FOID) department, and
9 shall forward a copy of the court order to the Department.

10 (c) The Department of Human Services shall, in the form and
11 manner prescribed by the Department of State Police, report all
12 information collected under subsection (b) of Section 12 of the
13 Mental Health and Developmental Disabilities Confidentiality
14 Act for the purpose of determining whether a person who may be
15 or may have been a patient in a mental health facility is
16 disqualified under State or federal law from receiving or
17 retaining a Firearm Owner's Identification Card, or purchasing
18 a weapon.

19 (d) If a person is determined to pose a clear and present
20 danger to himself, herself, or to others:

21 (1) by a physician, clinical psychologist, or
22 qualified examiner, or is determined to have a
23 developmental disability ~~be developmentally disabled~~ by a
24 physician, clinical psychologist, or qualified examiner,
25 whether employed by the State or privately, then the
26 physician, clinical psychologist, or qualified examiner

1 shall, within 24 hours of making the determination, notify
2 the Department of Human Services that the person poses a
3 clear and present danger or has a developmental disability
4 ~~is developmentally disabled~~; or

5 (2) by a law enforcement official or school
6 administrator, then the law enforcement official or school
7 administrator shall, within 24 hours of making the
8 determination, notify the Department of State Police that
9 the person poses a clear and present danger.

10 The Department of Human Services shall immediately update
11 its records and information relating to mental health and
12 developmental disabilities, and if appropriate, shall notify
13 the Department of State Police in a form and manner prescribed
14 by the Department of State Police. The Department of State
15 Police shall determine whether to revoke the person's Firearm
16 Owner's Identification Card under Section 8 of this Act. Any
17 information disclosed under this subsection shall remain
18 privileged and confidential, and shall not be redisclosed,
19 except as required under subsection (e) of Section 3.1 of this
20 Act, nor used for any other purpose. The method of providing
21 this information shall guarantee that the information is not
22 released beyond what is necessary for the purpose of this
23 Section and shall be provided by rule by the Department of
24 Human Services. The identity of the person reporting under this
25 Section shall not be disclosed to the subject of the report.
26 The physician, clinical psychologist, qualified examiner, law

1 enforcement official, or school administrator making the
2 determination and his or her employer shall not be held
3 criminally, civilly, or professionally liable for making or not
4 making the notification required under this subsection, except
5 for willful or wanton misconduct.

6 (e) The Department of State Police shall adopt rules to
7 implement this Section.

8 (Source: P.A. 97-1131, eff. 1-1-13; 98-63, eff. 7-9-13; 98-600,
9 eff. 12-6-13.)

10 Section 835. The Emergency Evacuation Plan for People with
11 Disabilities Act is amended by changing Sections 10 and 15 as
12 follows:

13 (430 ILCS 130/10)

14 Sec. 10. Emergency evacuation plan for persons with
15 disabilities required. By January 1, 2004, every high rise
16 building owner must establish and maintain an emergency
17 evacuation plan for occupants of the building who have a
18 disability and ~~disabled occupants of the building~~ who have
19 notified the owner of their need for assistance. The evacuation
20 plan must be established even if the owner has not been
21 notified of a need for evacuation assistance by an occupant of
22 the building who has a disability ~~a disabled occupant of the~~
23 ~~building~~. As used in this Act, "high rise building" means any
24 building 80 feet or more in height. The owner is responsible

1 for maintaining and updating the plan as necessary to ensure
2 that the plan continues to comply with the provisions of this
3 Act.

4 (Source: P.A. 92-705, eff. 7-19-02; 93-345, eff. 7-24-03.)

5 (430 ILCS 130/15)

6 Sec. 15. Plan requirements.

7 (a) Each plan must establish procedures for evacuating
8 persons with disabilities from the building in the event of an
9 emergency, when those persons have notified the owner of their
10 need for assistance.

11 (b) Each plan must provide for a list to be maintained of
12 persons who have notified the owner that they have a disability
13 ~~they are disabled~~ and would require special assistance in the
14 event of an emergency. The list must include the unit, office,
15 or room number location that the person with a disability
16 ~~disabled person~~ occupies in the building. It is the intent of
17 this Act that these lists must be maintained for the sole
18 purpose of emergency evacuation. The lists may not be used or
19 disseminated for any other purpose.

20 (c) The plan must provide for a means to notify occupants
21 of the building that a list identifying persons with a
22 disability in need of emergency evacuation assistance is
23 maintained by the owner, and the method by which occupants can
24 place their name on the list.

25 (d) In hotels and motels, each plan must provide an

1 opportunity for a guest to identify himself or herself as a
2 person with a disability in need of emergency evacuation
3 assistance.

4 (e) The plan must identify the location and type of any
5 evacuation assistance devices or assistive technologies that
6 are available in the building.

7 If the plan provides for areas of rescue assistance, the
8 plan must provide that these areas are to be identified by
9 signs that state "Area of Rescue Assistance" and display the
10 international symbol of accessibility. Lettering must be
11 permanent and must comply with Americans with Disabilities Act
12 Accessibility Guidelines.

13 (f) Each plan must include recommended procedures to be
14 followed by building employees, tenants, or guests to assist
15 persons with disabilities in need of emergency evacuation
16 assistance.

17 (g) A copy of the plan must be maintained at all times in a
18 place that is easily accessible by law enforcement or fire
19 safety personnel, such as in the management office of the high
20 rise building, at the security desk, or in the vicinity of the
21 fireman's elevator recall key, the life safety panel, or the
22 fire pump room.

23 (Source: P.A. 92-705, eff. 7-19-02; 93-345, eff. 7-24-03.)

24 Section 840. The Illinois Premise Alert Program (PAP) Act
25 is amended by changing Section 15 as follows:

1 (430 ILCS 132/15)

2 Sec. 15. Reporting of Special Needs Individuals.

3 (a) Public safety agencies and suppliers of oxygen
4 containers used for medical purposes shall make reasonable
5 efforts to publicize the Premise Alert Program (PAP) database.
6 Means of publicizing the database include, but are not limited
7 to, pamphlets and websites.

8 (b) Families, caregivers, or the individuals with
9 disabilities or special needs may contact their local law
10 enforcement agency or fire department or fire protection
11 district.

12 (c) Public safety workers are to be cognizant of special
13 needs individuals they may come across when they respond to
14 calls. If workers are able to identify individuals who have
15 special needs, they shall try to ascertain as specifically as
16 possible what that special need might be. The public safety
17 worker should attempt to verify the special need as provided in
18 item (2) of subsection (d).

19 (d) The ~~disabled individual's~~ name, date of birth, phone
20 number, residential address or place of employment of the
21 individual with a disability, and a description of whether
22 oxygen canisters are kept at that location for medical purposes
23 should also be obtained for possible entry into the PAP
24 database.

25 (1) Whenever possible, it is preferable that written

1 permission is obtained from a parent, guardian, family
2 member, or caregiver of the individual themselves prior to
3 being entered into the PAP database.

4 (2) No individual may be entered into a PAP database
5 unless the special need has been verified. Acceptable means
6 of verifying a special need for purposes of this program
7 shall include statements by:

8 (A) the individual,

9 (B) family members,

10 (C) friends,

11 (D) caregivers, or

12 (E) medical personnel familiar with the
13 individual.

14 (e) For public safety agencies that share the same CAD
15 database, information collected by one agency serviced by the
16 CAD database is to be disseminated to all agencies utilizing
17 that database.

18 (f) Information received at an incorrect public safety
19 agency shall be accepted and forwarded to the correct agency as
20 soon as possible.

21 (g) All information entered into the PAP database must be
22 updated every 2 years or when such information changes.

23 (Source: P.A. 96-788, eff. 8-28-09; 97-333, eff. 8-12-11;
24 97-476, eff. 8-22-11.)

25 Section 845. The Animal Control Act is amended by changing

1 Sections 15 and 15.1 as follows:

2 (510 ILCS 5/15) (from Ch. 8, par. 365)

3 Sec. 15. (a) In order to have a dog deemed "vicious", the
4 Administrator, Deputy Administrator, or law enforcement
5 officer must give notice of the infraction that is the basis of
6 the investigation to the owner, conduct a thorough
7 investigation, interview any witnesses, including the owner,
8 gather any existing medical records, veterinary medical
9 records or behavioral evidence, and make a detailed report
10 recommending a finding that the dog is a vicious dog and give
11 the report to the States Attorney's Office and the owner. The
12 Administrator, State's Attorney, Director or any citizen of the
13 county in which the dog exists may file a complaint in the
14 circuit court in the name of the People of the State of
15 Illinois to deem a dog to be a vicious dog. Testimony of a
16 certified applied behaviorist, a board certified veterinary
17 behaviorist, or another recognized expert may be relevant to
18 the court's determination of whether the dog's behavior was
19 justified. The petitioner must prove the dog is a vicious dog
20 by clear and convincing evidence. The Administrator shall
21 determine where the animal shall be confined during the
22 pendency of the case.

23 A dog may not be declared vicious if the court determines
24 the conduct of the dog was justified because:

25 (1) the threat, injury, or death was sustained by a

1 person who at the time was committing a crime or offense
2 upon the owner or custodian of the dog, or was committing a
3 willful trespass or other tort upon the premises or
4 property owned or occupied by the owner of the animal;

5 (2) the injured, threatened, or killed person was
6 abusing, assaulting, or physically threatening the dog or
7 its offspring, or has in the past abused, assaulted, or
8 physically threatened the dog or its offspring; or

9 (3) the dog was responding to pain or injury, or was
10 protecting itself, its owner, custodian, or member of its
11 household, kennel, or offspring.

12 No dog shall be deemed "vicious" if it is a professionally
13 trained dog for law enforcement or guard duties. Vicious dogs
14 shall not be classified in a manner that is specific as to
15 breed.

16 If the burden of proof has been met, the court shall deem
17 the dog to be a vicious dog.

18 If a dog is found to be a vicious dog, the owner shall pay a
19 \$100 public safety fine to be deposited into the Pet Population
20 Control Fund, the dog shall be spayed or neutered within 10
21 days of the finding at the expense of its owner and
22 microchipped, if not already, and the dog is subject to
23 enclosure. If an owner fails to comply with these requirements,
24 the animal control agency shall impound the dog and the owner
25 shall pay a \$500 fine plus impoundment fees to the animal
26 control agency impounding the dog. The judge has the discretion

1 to order a vicious dog be euthanized. A dog found to be a
2 vicious dog shall not be released to the owner until the
3 Administrator, an Animal Control Warden, or the Director
4 approves the enclosure. No owner or keeper of a vicious dog
5 shall sell or give away the dog without approval from the
6 Administrator or court. Whenever an owner of a vicious dog
7 relocates, he or she shall notify both the Administrator of
8 County Animal Control where he or she has relocated and the
9 Administrator of County Animal Control where he or she formerly
10 resided.

11 (b) It shall be unlawful for any person to keep or maintain
12 any dog which has been found to be a vicious dog unless the dog
13 is kept in an enclosure. The only times that a vicious dog may
14 be allowed out of the enclosure are (1) if it is necessary for
15 the owner or keeper to obtain veterinary care for the dog, (2)
16 in the case of an emergency or natural disaster where the dog's
17 life is threatened, or (3) to comply with the order of a court
18 of competent jurisdiction, provided that the dog is securely
19 muzzled and restrained with a leash not exceeding 6 feet in
20 length, and shall be under the direct control and supervision
21 of the owner or keeper of the dog or muzzled in its residence.

22 Any dog which has been found to be a vicious dog and which
23 is not confined to an enclosure shall be impounded by the
24 Administrator, an Animal Control Warden, or the law enforcement
25 authority having jurisdiction in such area.

26 If the owner of the dog has not appealed the impoundment

1 order to the circuit court in the county in which the animal
2 was impounded within 15 working days, the dog may be
3 euthanized.

4 Upon filing a notice of appeal, the order of euthanasia
5 shall be automatically stayed pending the outcome of the
6 appeal. The owner shall bear the burden of timely notification
7 to animal control in writing.

8 Guide dogs for the blind or hearing impaired, support dogs
9 for persons with physical disabilities ~~the physically~~
10 ~~handicapped~~, accelerant detection dogs, and sentry, guard, or
11 police-owned dogs are exempt from this Section; provided, an
12 attack or injury to a person occurs while the dog is performing
13 duties as expected. To qualify for exemption under this
14 Section, each such dog shall be currently inoculated against
15 rabies in accordance with Section 8 of this Act. It shall be
16 the duty of the owner of such exempted dog to notify the
17 Administrator of changes of address. In the case of a sentry or
18 guard dog, the owner shall keep the Administrator advised of
19 the location where such dog will be stationed. The
20 Administrator shall provide police and fire departments with a
21 categorized list of such exempted dogs, and shall promptly
22 notify such departments of any address changes reported to him.

23 (c) If the animal control agency has custody of the dog,
24 the agency may file a petition with the court requesting that
25 the owner be ordered to post security. The security must be in
26 an amount sufficient to secure payment of all reasonable

1 expenses expected to be incurred by the animal control agency
2 or animal shelter in caring for and providing for the dog
3 pending the determination. Reasonable expenses include, but
4 are not limited to, estimated medical care and boarding of the
5 animal for 30 days. If security has been posted in accordance
6 with this Section, the animal control agency may draw from the
7 security the actual costs incurred by the agency in caring for
8 the dog.

9 (d) Upon receipt of a petition, the court must set a
10 hearing on the petition, to be conducted within 5 business days
11 after the petition is filed. The petitioner must serve a true
12 copy of the petition upon the defendant.

13 (e) If the court orders the posting of security, the
14 security must be posted with the clerk of the court within 5
15 business days after the hearing. If the person ordered to post
16 security does not do so, the dog is forfeited by operation of
17 law and the animal control agency must dispose of the animal
18 through adoption or humane euthanization.

19 (Source: P.A. 96-1171, eff. 7-22-10.)

20 (510 ILCS 5/15.1)

21 Sec. 15.1. Dangerous dog determination.

22 (a) After a thorough investigation including: sending,
23 within 10 business days of the Administrator or Director
24 becoming aware of the alleged infraction, notifications to the
25 owner of the alleged infractions, the fact of the initiation of

1 an investigation, and affording the owner an opportunity to
2 meet with the Administrator or Director prior to the making of
3 a determination; gathering of any medical or veterinary
4 evidence; interviewing witnesses; and making a detailed
5 written report, an animal control warden, deputy
6 administrator, or law enforcement agent may ask the
7 Administrator, or his or her designee, or the Director, to deem
8 a dog to be "dangerous". No dog shall be deemed a "dangerous
9 dog" unless shown to be a dangerous dog by a preponderance of
10 evidence. The owner shall be sent immediate notification of the
11 determination by registered or certified mail that includes a
12 complete description of the appeal process.

13 (b) A dog shall not be declared dangerous if the
14 Administrator, or his or her designee, or the Director
15 determines the conduct of the dog was justified because:

16 (1) the threat was sustained by a person who at the
17 time was committing a crime or offense upon the owner or
18 custodian of the dog or was committing a willful trespass
19 or other tort upon the premises or property occupied by the
20 owner of the animal;

21 (2) the threatened person was abusing, assaulting, or
22 physically threatening the dog or its offspring;

23 (3) the injured, threatened, or killed companion
24 animal was attacking or threatening to attack the dog or
25 its offspring; or

26 (4) the dog was responding to pain or injury or was

1 protecting itself, its owner, custodian, or a member of its
2 household, kennel, or offspring.

3 (c) Testimony of a certified applied behaviorist, a board
4 certified veterinary behaviorist, or another recognized expert
5 may be relevant to the determination of whether the dog's
6 behavior was justified pursuant to the provisions of this
7 Section.

8 (d) If deemed dangerous, the Administrator, or his or her
9 designee, or the Director shall order (i) the dog's owner to
10 pay a \$50 public safety fine to be deposited into the Pet
11 Population Control Fund, (ii) the dog to be spayed or neutered
12 within 14 days at the owner's expense and microchipped, if not
13 already, and (iii) one or more of the following as deemed
14 appropriate under the circumstances and necessary for the
15 protection of the public:

16 (1) evaluation of the dog by a certified applied
17 behaviorist, a board certified veterinary behaviorist, or
18 another recognized expert in the field and completion of
19 training or other treatment as deemed appropriate by the
20 expert. The owner of the dog shall be responsible for all
21 costs associated with evaluations and training ordered
22 under this subsection; or

23 (2) direct supervision by an adult 18 years of age or
24 older whenever the animal is on public premises.

25 (e) The Administrator may order a dangerous dog to be
26 muzzled whenever it is on public premises in a manner that will

1 prevent it from biting any person or animal, but that shall not
2 injure the dog or interfere with its vision or respiration.

3 (f) Guide dogs for the blind or hearing impaired, support
4 dogs for persons with a physical disability ~~the physically~~
5 ~~handicapped~~, and sentry, guard, or police-owned dogs are exempt
6 from this Section; provided, an attack or injury to a person
7 occurs while the dog is performing duties as expected. To
8 qualify for exemption under this Section, each such dog shall
9 be currently inoculated against rabies in accordance with
10 Section 8 of this Act and performing duties as expected. It
11 shall be the duty of the owner of the exempted dog to notify
12 the Administrator of changes of address. In the case of a
13 sentry or guard dog, the owner shall keep the Administrator
14 advised of the location where such dog will be stationed. The
15 Administrator shall provide police and fire departments with a
16 categorized list of the exempted dogs, and shall promptly
17 notify the departments of any address changes reported to him
18 or her.

19 (g) An animal control agency has the right to impound a
20 dangerous dog if the owner fails to comply with the
21 requirements of this Act.

22 (Source: P.A. 93-548, eff. 8-19-03; 94-639, eff. 8-22-05.)

23 Section 850. The Humane Care for Animals Act is amended by
24 changing Sections 2.01c and 7.15 as follows:

1 (510 ILCS 70/2.01c)

2 Sec. 2.01c. Service animal. "Service animal" means an
3 animal trained in obedience and task skills to meet the needs
4 of a person with a disability ~~disabled person~~.

5 (Source: P.A. 92-454, eff. 1-1-02.)

6 (510 ILCS 70/7.15)

7 Sec. 7.15. Guide, hearing, and support dogs.

8 (a) A person may not willfully and maliciously annoy,
9 taunt, tease, harass, torment, beat, or strike a guide,
10 hearing, or support dog or otherwise engage in any conduct
11 directed toward a guide, hearing, or support dog that is likely
12 to impede or interfere with the dog's performance of its duties
13 or that places the blind, hearing impaired, or person with a
14 physical disability ~~physically handicapped person~~ being served
15 or assisted by the dog in danger of injury.

16 (b) A person may not willfully and maliciously torture,
17 injure, or kill a guide, hearing, or support dog.

18 (c) A person may not willfully and maliciously permit a dog
19 that is owned, harbored, or controlled by the person to cause
20 injury to or the death of a guide, hearing, or support dog
21 while the guide, hearing, or support dog is in discharge of its
22 duties.

23 (d) A person convicted of violating this Section is guilty
24 of a Class A misdemeanor. A second or subsequent violation is a
25 Class 4 felony. A person convicted of violating subsection (b)

1 or (c) of this Section is guilty of a Class 4 felony if the dog
2 is killed or totally disabled, and may be ordered by the court
3 to make restitution to the person with a disability ~~disabled~~
4 ~~person~~ having custody or ownership of the dog for veterinary
5 bills and replacement costs of the dog.

6 (Source: P.A. 92-650, eff. 7-11-02.)

7 Section 855. The Fish and Aquatic Life Code is amended by
8 changing Sections 15-5 and 20-5 as follows:

9 (515 ILCS 5/15-5) (from Ch. 56, par. 15-5)

10 Sec. 15-5. Commercial fisherman; license requirement.

11 (a) A "commercial fisherman" is defined as any individual
12 who uses any of the commercial fishing devices as defined by
13 this Code for the taking of any aquatic life, except mussels,
14 protected by the terms of this Code.

15 (b) All commercial fishermen shall have a commercial
16 fishing license. In addition to a commercial fishing license, a
17 commercial fisherman shall also obtain a sport fishing license.
18 All individuals assisting a licensed commercial fisherman in
19 taking aquatic life, except mussels, from any waters of the
20 State must have a commercial fishing license unless these
21 individuals are under the direct supervision of and aboard the
22 same watercraft as the licensed commercial fisherman. An
23 individual assisting a licensed commercial fisherman must
24 first obtain a sport fishing license.

1 (c) Notwithstanding any other provision of law to the
2 contrary, blind residents or residents with a disability ~~or~~
3 ~~disabled residents~~ may fish with commercial fishing devices
4 without holding a sports fishing license. For the purpose of
5 this Section, an individual is blind or has a disability
6 ~~disabled~~ if that individual has a Class 2 disability as defined
7 in Section 4A of the Illinois Identification Card Act. For the
8 purposes of this Section, an Illinois person with a Disability
9 Identification Card issued under the Illinois Identification
10 Card Act indicating that the individual named on the card has a
11 Class 2 disability shall be adequate documentation of a
12 disability.

13 (d) Notwithstanding any other provision of law to the
14 contrary, a veteran who, according to the determination of the
15 federal Veterans' Administration as certified by the
16 Department of Veterans' Affairs, is at least 10% disabled with
17 service-related disabilities or in receipt of total disability
18 pensions may fish with commercial fishing devices without
19 holding a sports fishing license during those periods of the
20 year that it is lawful to fish with commercial fishing devices,
21 if the respective disabilities do not prevent the veteran from
22 fishing in a manner that is safe to him or herself and others.

23 (e) A "Lake Michigan commercial fisherman" is defined as an
24 individual who resides in this State or an Illinois corporation
25 who uses any of the commercial fishing devices as defined by
26 this Code for the taking of aquatic life, except mussels,

1 protected by the terms of this Code.

2 (f) For purposes of this Section, an act or omission that
3 constitutes a violation committed by an officer, employee, or
4 agent of a corporation shall be deemed the act or omission of
5 the corporation.

6 (Source: P.A. 98-336, eff. 1-1-14; 98-898, eff. 1-1-15.)

7 (515 ILCS 5/20-5) (from Ch. 56, par. 20-5)

8 Sec. 20-5. Necessity of license; exemptions.

9 (a) Any person taking or attempting to take any fish,
10 including minnows for commercial purposes, turtles, mussels,
11 crayfish, or frogs by any means whatever in any waters or lands
12 wholly or in part within the jurisdiction of the State,
13 including that part of Lake Michigan under the jurisdiction of
14 this State, shall first obtain a license to do so, and shall do
15 so only during the respective periods of the year when it shall
16 be lawful as provided in this Code. Individuals under 16, blind
17 residents or residents with a disability ~~or disabled residents~~,
18 or individuals fishing at fee fishing areas licensed by the
19 Department, however, may fish with sport fishing devices
20 without being required to have a license. For the purpose of
21 this Section an individual is blind or has a disability
22 ~~disabled~~ if that individual has a Class 2 disability as defined
23 in Section 4A of the Illinois Identification Card Act. For
24 purposes of this Section an Illinois Person with a Disability
25 Identification Card issued under the Illinois Identification

1 Card Act indicating that the individual named on the card has a
2 Class 2 disability shall be adequate documentation of a
3 disability.

4 (b) A courtesy non-resident sport fishing license or stamp
5 may be issued at the discretion of the Director, without fee,
6 to (i) any individual officially employed in the wildlife and
7 fish or conservation department of another state or of the
8 United States who is within the State to assist or consult or
9 cooperate with the Director or (ii) the officials of other
10 states, the United States, foreign countries, or officers or
11 representatives of conservation organizations or publications
12 while in the State as guests of the Governor or Director.

13 (c) The Director may issue special fishing permits without
14 cost to groups of hospital patients or to individuals with
15 disabilities ~~handicapped individuals~~ for use on specified
16 dates in connection with supervised fishing for therapy.

17 (d) Veterans who, according to the determination of the
18 Veterans' Administration as certified by the Department of
19 Veterans' Affairs, are at least 10% disabled with
20 service-related disabilities or in receipt of total disability
21 pensions may fish with sport fishing devices during those
22 periods of the year it is lawful to do so without being
23 required to have a license, on the condition that their
24 respective disabilities do not prevent them from fishing in a
25 manner which is safe to themselves and others.

26 (e) Each year the Director may designate a period, not to

1 exceed 4 days in duration, when sport fishermen may fish waters
2 wholly or in part within the jurisdiction of the State,
3 including that part of Lake Michigan under the jurisdiction of
4 the State, and not be required to obtain the license or stamp
5 required by subsection (a) of this Section, Section 20-10 or
6 subsection (a) of Section 20-55. The term of any such period
7 shall be established by administrative rule. This subsection
8 shall not apply to commercial fishing.

9 (f) The Director may issue special fishing permits without
10 cost for a group event, restricted to specific dates and
11 locations if it is determined by the Department that the event
12 is beneficial in promoting sport fishing in Illinois.

13 (Source: P.A. 97-1064, eff. 1-1-13.)

14 Section 860. The Wildlife Code is amended by changing
15 Sections 2.5, 2.33, and 3.1 as follows:

16 (520 ILCS 5/2.5)

17 Sec. 2.5. Crossbow conditions. A person may use a crossbow
18 if one or more of the following conditions are met:

19 (1) the user is a person age 62 and older;

20 (2) the user is a person with a disability ~~handicapped~~
21 ~~person~~ to whom the Director has issued a permit to use a
22 crossbow, as provided by administrative rule; or

23 (3) the date of using the crossbow is during the period
24 of the second Monday following the Thanksgiving holiday

1 through the last day of the archery deer hunting season
2 (both inclusive) set annually by the Director.

3 As used in this Section, "person with a disability
4 ~~handicapped person~~" means a person who has a physical
5 impairment due to injury or disease, congenital or acquired,
6 which renders the person ~~them~~ so severely disabled as to be
7 unable to use a longbow, recurve bow, or compound bow. Permits
8 must be issued only after the receipt of a physician's
9 statement confirming the applicant is a person with a
10 disability ~~handicapped~~ as defined above.

11 (Source: P.A. 97-907, eff. 8-7-12; revised 12-10-14.)

12 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

13 Sec. 2.33. Prohibitions.

14 (a) It is unlawful to carry or possess any gun in any State
15 refuge unless otherwise permitted by administrative rule.

16 (b) It is unlawful to use or possess any snare or
17 snare-like device, deadfall, net, or pit trap to take any
18 species, except that snares not powered by springs or other
19 mechanical devices may be used to trap fur-bearing mammals, in
20 water sets only, if at least one-half of the snare noose is
21 located underwater at all times.

22 (c) It is unlawful for any person at any time to take a
23 wild mammal protected by this Act from its den by means of any
24 mechanical device, spade, or digging device or to use smoke or
25 other gases to dislodge or remove such mammal except as

1 provided in Section 2.37.

2 (d) It is unlawful to use a ferret or any other small
3 mammal which is used in the same or similar manner for which
4 ferrets are used for the purpose of frightening or driving any
5 mammals from their dens or hiding places.

6 (e) (Blank).

7 (f) It is unlawful to use spears, gigs, hooks or any like
8 device to take any species protected by this Act.

9 (g) It is unlawful to use poisons, chemicals or explosives
10 for the purpose of taking any species protected by this Act.

11 (h) It is unlawful to hunt adjacent to or near any peat,
12 grass, brush or other inflammable substance when it is burning.

13 (i) It is unlawful to take, pursue or intentionally harass
14 or disturb in any manner any wild birds or mammals by use or
15 aid of any vehicle or conveyance, except as permitted by the
16 Code of Federal Regulations for the taking of waterfowl. It is
17 also unlawful to use the lights of any vehicle or conveyance or
18 any light from or any light connected to the vehicle or
19 conveyance in any area where wildlife may be found except in
20 accordance with Section 2.37 of this Act; however, nothing in
21 this Section shall prohibit the normal use of headlamps for the
22 purpose of driving upon a roadway. Striped skunk, opossum, red
23 fox, gray fox, raccoon and coyote may be taken during the open
24 season by use of a small light which is worn on the body or
25 hand-held by a person on foot and not in any vehicle.

26 (j) It is unlawful to use any shotgun larger than 10 gauge

1 while taking or attempting to take any of the species protected
2 by this Act.

3 (k) It is unlawful to use or possess in the field any
4 shotgun shell loaded with a shot size larger than lead BB or
5 steel T (.20 diameter) when taking or attempting to take any
6 species of wild game mammals (excluding white-tailed deer),
7 wild game birds, migratory waterfowl or migratory game birds
8 protected by this Act, except white-tailed deer as provided for
9 in Section 2.26 and other species as provided for by subsection
10 (l) or administrative rule.

11 (l) It is unlawful to take any species of wild game, except
12 white-tailed deer and fur-bearing mammals, with a shotgun
13 loaded with slugs unless otherwise provided for by
14 administrative rule.

15 (m) It is unlawful to use any shotgun capable of holding
16 more than 3 shells in the magazine or chamber combined, except
17 on game breeding and hunting preserve areas licensed under
18 Section 3.27 and except as permitted by the Code of Federal
19 Regulations for the taking of waterfowl. If the shotgun is
20 capable of holding more than 3 shells, it shall, while being
21 used on an area other than a game breeding and shooting
22 preserve area licensed pursuant to Section 3.27, be fitted with
23 a one piece plug that is irremovable without dismantling the
24 shotgun or otherwise altered to render it incapable of holding
25 more than 3 shells in the magazine and chamber, combined.

26 (n) It is unlawful for any person, except persons who

1 possess a permit to hunt from a vehicle as provided in this
2 Section and persons otherwise permitted by law, to have or
3 carry any gun in or on any vehicle, conveyance or aircraft,
4 unless such gun is unloaded and enclosed in a case, except that
5 at field trials authorized by Section 2.34 of this Act,
6 unloaded guns or guns loaded with blank cartridges only, may be
7 carried on horseback while not contained in a case, or to have
8 or carry any bow or arrow device in or on any vehicle unless
9 such bow or arrow device is unstrung or enclosed in a case, or
10 otherwise made inoperable.

11 (o) It is unlawful to use any crossbow for the purpose of
12 taking any wild birds or mammals, except as provided for in
13 Section 2.5.

14 (p) It is unlawful to take game birds, migratory game birds
15 or migratory waterfowl with a rifle, pistol, revolver or
16 airgun.

17 (q) It is unlawful to fire a rifle, pistol, revolver or
18 airgun on, over or into any waters of this State, including
19 frozen waters.

20 (r) It is unlawful to discharge any gun or bow and arrow
21 device along, upon, across, or from any public right-of-way or
22 highway in this State.

23 (s) It is unlawful to use a silencer or other device to
24 muffle or mute the sound of the explosion or report resulting
25 from the firing of any gun.

26 (t) It is unlawful for any person to take or attempt to

1 take any species of wildlife or parts thereof, intentionally or
2 wantonly allow a dog to hunt, within or upon the land of
3 another, or upon waters flowing over or standing on the land of
4 another, or to knowingly shoot a gun or bow and arrow device at
5 any wildlife physically on or flying over the property of
6 another without first obtaining permission from the owner or
7 the owner's designee. For the purposes of this Section, the
8 owner's designee means anyone who the owner designates in a
9 written authorization and the authorization must contain (i)
10 the legal or common description of property for such authority
11 is given, (ii) the extent that the owner's designee is
12 authorized to make decisions regarding who is allowed to take
13 or attempt to take any species of wildlife or parts thereof,
14 and (iii) the owner's notarized signature. Before enforcing
15 this Section the law enforcement officer must have received
16 notice from the owner or the owner's designee of a violation of
17 this Section. Statements made to the law enforcement officer
18 regarding this notice shall not be rendered inadmissible by the
19 hearsay rule when offered for the purpose of showing the
20 required notice.

21 (u) It is unlawful for any person to discharge any firearm
22 for the purpose of taking any of the species protected by this
23 Act, or hunt with gun or dog, or intentionally or wantonly
24 allow a dog to hunt, within 300 yards of an inhabited dwelling
25 without first obtaining permission from the owner or tenant,
26 except that while trapping, hunting with bow and arrow, hunting

1 with dog and shotgun using shot shells only, or hunting with
2 shotgun using shot shells only, or providing outfitting
3 services under a waterfowl outfitter permit, or on licensed
4 game breeding and hunting preserve areas, as defined in Section
5 3.27, on federally owned and managed lands and on Department
6 owned, managed, leased, or controlled lands, a 100 yard
7 restriction shall apply.

8 (v) It is unlawful for any person to remove fur-bearing
9 mammals from, or to move or disturb in any manner, the traps
10 owned by another person without written authorization of the
11 owner to do so.

12 (w) It is unlawful for any owner of a dog to knowingly or
13 wantonly allow his or her dog to pursue, harass or kill deer,
14 except that nothing in this Section shall prohibit the tracking
15 of wounded deer with a dog in accordance with the provisions of
16 Section 2.26 of this Code.

17 (x) It is unlawful for any person to wantonly or carelessly
18 injure or destroy, in any manner whatsoever, any real or
19 personal property on the land of another while engaged in
20 hunting or trapping thereon.

21 (y) It is unlawful to hunt wild game protected by this Act
22 between one half hour after sunset and one half hour before
23 sunrise, except that hunting hours between one half hour after
24 sunset and one half hour before sunrise may be established by
25 administrative rule for fur-bearing mammals.

26 (z) It is unlawful to take any game bird (excluding wild

1 turkeys and crippled pheasants not capable of normal flight and
2 otherwise irretrievable) protected by this Act when not flying.
3 Nothing in this Section shall prohibit a person from carrying
4 an uncased, unloaded shotgun in a boat, while in pursuit of a
5 crippled migratory waterfowl that is incapable of normal
6 flight, for the purpose of attempting to reduce the migratory
7 waterfowl to possession, provided that the attempt is made
8 immediately upon downing the migratory waterfowl and is done
9 within 400 yards of the blind from which the migratory
10 waterfowl was downed. This exception shall apply only to
11 migratory game birds that are not capable of normal flight.
12 Migratory waterfowl that are crippled may be taken only with a
13 shotgun as regulated by subsection (j) of this Section using
14 shotgun shells as regulated in subsection (k) of this Section.

15 (aa) It is unlawful to use or possess any device that may
16 be used for tree climbing or cutting, while hunting fur-bearing
17 mammals, excluding coyotes.

18 (bb) It is unlawful for any person, except licensed game
19 breeders, pursuant to Section 2.29 to import, carry into, or
20 possess alive in this State any species of wildlife taken
21 outside of this State, without obtaining permission to do so
22 from the Director.

23 (cc) It is unlawful for any person to have in his or her
24 possession any freshly killed species protected by this Act
25 during the season closed for taking.

26 (dd) It is unlawful to take any species protected by this

1 Act and retain it alive except as provided by administrative
2 rule.

3 (ee) It is unlawful to possess any rifle while in the field
4 during gun deer season except as provided in Section 2.26 and
5 administrative rules.

6 (ff) It is unlawful for any person to take any species
7 protected by this Act, except migratory waterfowl, during the
8 gun deer hunting season in those counties open to gun deer
9 hunting, unless he or she wears, when in the field, a cap and
10 upper outer garment of a solid blaze orange color, with such
11 articles of clothing displaying a minimum of 400 square inches
12 of blaze orange material.

13 (gg) It is unlawful during the upland game season for any
14 person to take upland game with a firearm unless he or she
15 wears, while in the field, a cap of solid blaze orange color.
16 For purposes of this Act, upland game is defined as Bobwhite
17 Quail, Hungarian Partridge, Ring-necked Pheasant, Eastern
18 Cottontail and Swamp Rabbit.

19 (hh) It shall be unlawful to kill or cripple any species
20 protected by this Act for which there is a bag limit without
21 making a reasonable effort to retrieve such species and include
22 such in the bag limit. It shall be unlawful for any person
23 having control over harvested game mammals, game birds, or
24 migratory game birds for which there is a bag limit to wantonly
25 waste or destroy the usable meat of the game, except this shall
26 not apply to wildlife taken under Sections 2.37 or 3.22 of this

1 Code. For purposes of this subsection, "usable meat" means the
2 breast meat of a game bird or migratory game bird and the hind
3 ham and front shoulders of a game mammal. It shall be unlawful
4 for any person to place, leave, dump, or abandon a wildlife
5 carcass or parts of it along or upon a public right-of-way or
6 highway or on public or private property, including a waterway
7 or stream, without the permission of the owner or tenant. It
8 shall not be unlawful to discard game meat that is determined
9 to be unfit for human consumption.

10 (ii) This Section shall apply only to those species
11 protected by this Act taken within the State. Any species or
12 any parts thereof, legally taken in and transported from other
13 states or countries, may be possessed within the State, except
14 as provided in this Section and Sections 2.35, 2.36 and 3.21.

15 (jj) (Blank).

16 (kk) Nothing contained in this Section shall prohibit the
17 Director from issuing permits to paraplegics or to other
18 persons with disabilities ~~disabled persons~~ who meet the
19 requirements set forth in administrative rule to shoot or hunt
20 from a vehicle as provided by that rule, provided that such is
21 otherwise in accord with this Act.

22 (ll) Nothing contained in this Act shall prohibit the
23 taking of aquatic life protected by the Fish and Aquatic Life
24 Code or birds and mammals protected by this Act, except deer
25 and fur-bearing mammals, from a boat not camouflaged or
26 disguised to alter its identity or to further provide a place

1 of concealment and not propelled by sail or mechanical power.
2 However, only shotguns not larger than 10 gauge nor smaller
3 than .410 bore loaded with not more than 3 shells of a shot
4 size no larger than lead BB or steel T (.20 diameter) may be
5 used to take species protected by this Act.

6 (mm) Nothing contained in this Act shall prohibit the use
7 of a shotgun, not larger than 10 gauge nor smaller than a 20
8 gauge, with a rifled barrel.

9 (nn) It shall be unlawful to possess any species of
10 wildlife or wildlife parts taken unlawfully in Illinois, any
11 other state, or any other country, whether or not the wildlife
12 or wildlife parts is indigenous to Illinois. For the purposes
13 of this subsection, the statute of limitations for unlawful
14 possession of wildlife or wildlife parts shall not cease until
15 2 years after the possession has permanently ended.

16 (Source: P.A. 97-645, eff. 12-30-11; 97-907, eff. 8-7-12;
17 98-119, eff. 1-1-14; 98-181, eff. 8-5-13; 98-183, eff. 1-1-14;
18 98-290, eff. 8-9-13; 98-756, eff. 7-16-14; 98-914, eff.
19 1-1-15.)

20 (520 ILCS 5/3.1) (from Ch. 61, par. 3.1)

21 Sec. 3.1. License and stamps required.

22 (a) Before any person shall take or attempt to take any of
23 the species protected by Section 2.2 for which an open season
24 is established under this Act, he shall first have procured and
25 possess a valid hunting license, except as provided in Section

1 3.1-5 of this Code.

2 Before any person 16 years of age or older shall take or
3 attempt to take any bird of the species defined as migratory
4 waterfowl by Section 2.2, including coots, he shall first have
5 procured a State Migratory Waterfowl Stamp.

6 Before any person 16 years of age or older takes, attempts
7 to take, or pursues any species of wildlife protected by this
8 Code, except migratory waterfowl, coots, and hand-reared birds
9 on licensed game breeding and hunting preserve areas and state
10 controlled pheasant hunting areas, he or she shall first obtain
11 a State Habitat Stamp. Veterans with disabilities ~~Disabled~~
12 ~~veterans~~ and former prisoners of war shall not be required to
13 obtain State Habitat Stamps. Any person who obtained a lifetime
14 license before January 1, 1993, shall not be required to obtain
15 State Habitat Stamps. Income from the sale of State Furbearer
16 Stamps and State Pheasant Stamps received after the effective
17 date of this amendatory Act of 1992 shall be deposited into the
18 State Furbearer Fund and State Pheasant Fund, respectively.

19 Before any person 16 years of age or older shall take,
20 attempt to take, or sell the green hide of any mammal of the
21 species defined as fur-bearing mammals by Section 2.2 for which
22 an open season is established under this Act, he shall first
23 have procured a State Habitat Stamp.

24 (b) Before any person who is a non-resident of the State of
25 Illinois shall take or attempt to take any of the species
26 protected by Section 2.2 for which an open season is

1 established under this Act, he shall, unless specifically
2 exempted by law, first procure a non-resident license as
3 provided by this Act for the taking of any wild game.

4 Before a nonresident shall take or attempt to take
5 white-tailed deer, he shall first have procured a Deer Hunting
6 Permit as defined in Section 2.26 of this Code.

7 Before a nonresident shall take or attempt to take wild
8 turkeys, he shall have procured a Wild Turkey Hunting Permit as
9 defined in Section 2.11 of this Code.

10 (c) The owners residing on, or bona fide tenants of, farm
11 lands and their children, parents, brothers, and sisters
12 actually permanently residing on their lands shall have the
13 right to hunt any of the species protected by Section 2.2 upon
14 their lands and waters without procuring hunting licenses; but
15 the hunting shall be done only during periods of time and with
16 devices and by methods as are permitted by this Act. Any person
17 on active duty with the Armed Forces of the United States who
18 is now and who was at the time of entering the Armed Forces a
19 resident of Illinois and who entered the Armed Forces from this
20 State, and who is presently on ordinary or emergency leave from
21 the Armed Forces, and any resident of Illinois who has a
22 disability ~~is disabled~~ may hunt any of the species protected by
23 Section 2.2 without procuring a hunting license, but the
24 hunting shall be done only during such periods of time and with
25 devices and by methods as are permitted by this Act. For the
26 purpose of this Section a person is a person with a disability

1 ~~disabled~~ when that person has a Type 1 or Type 4, Class 2
2 disability as defined in Section 4A of the Illinois
3 Identification Card Act. For purposes of this Section, an
4 Illinois Person with a Disability Identification Card issued
5 pursuant to the Illinois Identification Card Act indicating
6 that the person named has a Type 1 or Type 4, Class 2
7 disability shall be adequate documentation of the disability.

8 (d) A courtesy non-resident license, permit, or stamp for
9 taking game may be issued at the discretion of the Director,
10 without fee, to any person officially employed in the game and
11 fish or conservation department of another state or of the
12 United States who is within the State to assist or consult or
13 cooperate with the Director; or to the officials of other
14 states, the United States, foreign countries, or officers or
15 representatives of conservation organizations or publications
16 while in the State as guests of the Governor or Director. The
17 Director may provide to nonresident participants and official
18 gunners at field trials an exemption from licensure while
19 participating in a field trial.

20 (e) State Migratory Waterfowl Stamps shall be required for
21 those persons qualifying under subsections (c) and (d) who
22 intend to hunt migratory waterfowl, including coots, to the
23 extent that hunting licenses of the various types are
24 authorized and required by this Section for those persons.

25 (f) Registration in the U.S. Fish and Wildlife Migratory
26 Bird Harvest Information Program shall be required for those

1 persons who are required to have a hunting license before
2 taking or attempting to take any bird of the species defined as
3 migratory game birds by Section 2.2, except that this
4 subsection shall not apply to crows in this State or
5 hand-reared birds on licensed game breeding and hunting
6 preserve areas, for which an open season is established by this
7 Act. Persons registering with the Program must carry proof of
8 registration with them while migratory bird hunting.

9 The Department shall publish suitable prescribed
10 regulations pertaining to registration by the migratory bird
11 hunter in the U.S. Fish and Wildlife Service Migratory Bird
12 Harvest Information Program.

13 (Source: P.A. 96-1226, eff. 1-1-11; 97-1064, eff. 1-1-13.)

14 Section 865. The Illinois Vehicle Code is amended by
15 changing Sections 3-609, 3-611, 3-616, 3-623, 3-626, 3-667,
16 3-683, 3-806.3, 6-205, 6-206, 11-208, 11-209, 11-501.7,
17 11-1301.1, 11-1301.2, 11-1301.3, 11-1301.4, 11-1301.5,
18 11-1301.6, 11-1301.7, and 12-401 as follows:

19 (625 ILCS 5/3-609) (from Ch. 95 1/2, par. 3-609)

20 Sec. 3-609. Plates for Veterans with Disabilities ~~Disabled~~
21 ~~Veterans' Plates.~~

22 (a) Any veteran who holds proof of a service-connected
23 disability from the United States Department of Veterans
24 Affairs, and who has obtained certification from a licensed

1 physician, physician assistant, or advanced practice nurse
2 that the service-connected disability qualifies the veteran
3 for issuance of registration plates or decals to a person with
4 disabilities in accordance with Section 3-616, may, without the
5 payment of any registration fee, make application to the
6 Secretary of State for license plates for veterans with
7 disabilities ~~disabled veterans license plates~~ displaying the
8 international symbol of access, for the registration of one
9 motor vehicle of the first division or one motor vehicle of the
10 second division weighing not more than 8,000 pounds.

11 (b) Any veteran who holds proof of a service-connected
12 disability from the United States Department of Veterans
13 Affairs, and whose degree of disability has been declared to be
14 50% or more, but whose disability does not qualify the veteran
15 for a plate or decal for persons with disabilities under
16 Section 3-616, may, without the payment of any registration
17 fee, make application to the Secretary for a special
18 registration plate without the international symbol of access
19 for the registration of one motor vehicle of the first division
20 or one motor vehicle of the second division weighing not more
21 than 8,000 pounds.

22 (c) Renewal of such registration must be accompanied with
23 documentation for eligibility of registration without fee
24 unless the applicant has a permanent qualifying disability, and
25 such registration plates may not be issued to any person not
26 eligible therefor. The Illinois Department of Veterans'

1 Affairs may assist in providing the documentation of
2 disability.

3 (d) The design and color of the plates shall be within the
4 discretion of the Secretary, except that the plates issued
5 under subsection (b) of this Section shall not contain the
6 international symbol of access. The Secretary may, in his or
7 her discretion, allow the plates to be issued as vanity or
8 personalized plates in accordance with Section 3-405.1 of this
9 Code. Registration shall be for a multi-year period and may be
10 issued staggered registration.

11 (e) Any person eligible to receive license plates under
12 this Section who has been approved for benefits under the
13 Senior Citizens and Persons with Disabilities ~~Disabled Persons~~
14 Property Tax Relief Act, or who has claimed and received a
15 grant under that Act, shall pay a fee of \$24 instead of the fee
16 otherwise provided in this Code for passenger cars displaying
17 standard multi-year registration plates issued under Section
18 3-414.1, for motor vehicles registered at 8,000 pounds or less
19 under Section 3-815(a), or for recreational vehicles
20 registered at 8,000 pounds or less under Section 3-815(b), for
21 a second set of plates under this Section.

22 (Source: P.A. 97-689, eff. 6-14-12; 97-918, eff. 1-1-13;
23 98-463, eff. 8-16-13.)

24 (625 ILCS 5/3-611) (from Ch. 95 1/2, par. 3-611)

25 Sec. 3-611. Special designations. The Secretary of State,

1 in his discretion, may make special designations of certain
2 designs or combinations of designs, or alphabetical letters or
3 combination of letters, or colors or combination of colors
4 pertaining to registration plates issued to vehicles owned by
5 governmental agencies, vehicles owned and registered by State
6 and federal elected officials, retired Illinois Supreme Court
7 justices, and appointed federal cabinet officials, vehicles
8 operated by taxi or livery businesses, operated in connection
9 with mileage weight registrations, or operated by a dealer,
10 transporter, or manufacturer as the Secretary of State may deem
11 necessary for the proper administration of this Act. In the
12 case of registration plates issued for vehicles operated by or
13 for persons with disabilities, as defined by Section 1-159.1,
14 under Section 3-616 of this Act, the Secretary of State, upon
15 request, shall make such special designations so that
16 automobiles bearing such plates are easily recognizable thru
17 use of the international accessibility symbol as automobiles
18 driven by or for such persons. In the case of registration
19 plates issued for vehicles operated by a person with a
20 disability ~~disabled person~~ with a type four hearing disability,
21 as defined pursuant to Section 4A of The Illinois
22 Identification Card Act, the Secretary of State, upon request,
23 shall make such special designations so that a motor vehicle
24 bearing such plate is easily recognizable by a special symbol
25 indicating that such vehicle is driven by a person with a
26 hearing disability. Registration plates issued to a person who

1 is deaf or hard of hearing under this Section shall not entitle
2 a motor vehicle bearing such plates to those parking privileges
3 established for persons with disabilities under this Code. In
4 the case of registration plates issued for State owned
5 vehicles, they shall be manufactured in compliance with Section
6 2 of "An Act relating to identification and use of motor
7 vehicles of the State, approved August 9, 1951, as amended". In
8 the case of plates issued for State officials, such plates may
9 be issued for a 2 year period beginning January 1st of each
10 odd-numbered year and ending December 31st of the subsequent
11 even-numbered year.

12 (Source: P.A. 87-829; 87-832; 87-1249; 88-685, eff. 1-24-95.)

13 (625 ILCS 5/3-616) (from Ch. 95 1/2, par. 3-616)

14 Sec. 3-616. Disability license plates.

15 (a) Upon receiving an application for a certificate of
16 registration for a motor vehicle of the first division or for a
17 motor vehicle of the second division weighing no more than
18 8,000 pounds, accompanied with payment of the registration fees
19 required under this Code from a person with disabilities or a
20 person who is deaf or hard of hearing, the Secretary of State,
21 if so requested, shall issue to such person registration plates
22 as provided for in Section 3-611, provided that the person with
23 disabilities or person who is deaf or hard of hearing must not
24 be disqualified from obtaining a driver's license under
25 subsection 8 of Section 6-103 of this Code, and further

1 provided that any person making such a request must submit a
2 statement, certified by a licensed physician, by a physician
3 assistant who has been delegated the authority to make this
4 certification by his or her supervising physician, or by an
5 advanced practice nurse who has a written collaborative
6 agreement with a collaborating physician that authorizes the
7 advanced practice nurse to make this certification, to the
8 effect that such person is a person with disabilities as
9 defined by Section 1-159.1 of this Code, or alternatively
10 provide adequate documentation that such person has a Class 1A,
11 Class 2A or Type Four disability under the provisions of
12 Section 4A of the Illinois Identification Card Act. For
13 purposes of this Section, an Illinois Person with a Disability
14 Identification Card issued pursuant to the Illinois
15 Identification Card Act indicating that the person thereon
16 named has a disability shall be adequate documentation of such
17 a disability.

18 (b) The Secretary shall issue plates under this Section to
19 a parent or legal guardian of a person with disabilities if the
20 person with disabilities has a Class 1A or Class 2A disability
21 as defined in Section 4A of the Illinois Identification Card
22 Act or is a person with disabilities as defined by Section
23 1-159.1 of this Code, and does not possess a vehicle registered
24 in his or her name, provided that the person with disabilities
25 relies frequently on the parent or legal guardian for
26 transportation. Only one vehicle per family may be registered

1 under this subsection, unless the applicant can justify in
2 writing the need for one additional set of plates. Any person
3 requesting special plates under this subsection shall submit
4 such documentation or such physician's, physician assistant's,
5 or advanced practice nurse's statement as is required in
6 subsection (a) and a statement describing the circumstances
7 qualifying for issuance of special plates under this
8 subsection. An optometrist may certify a Class 2A Visual
9 Disability, as defined in Section 4A of the Illinois
10 Identification Card Act, for the purpose of qualifying a person
11 with disabilities for special plates under this subsection.

12 (c) The Secretary may issue a parking decal or device to a
13 person with disabilities as defined by Section 1-159.1 without
14 regard to qualification of such person with disabilities for a
15 driver's license or registration of a vehicle by such person
16 with disabilities or such person's immediate family, provided
17 such person with disabilities making such a request has been
18 issued an Illinois Person with a Disability Identification Card
19 indicating that the person named thereon has a Class 1A or
20 Class 2A disability, or alternatively, submits a statement
21 certified by a licensed physician, or by a physician assistant
22 or an advanced practice nurse as provided in subsection (a), to
23 the effect that such person is a person with disabilities as
24 defined by Section 1-159.1. An optometrist may certify a Class
25 2A Visual Disability as defined in Section 4A of the Illinois
26 Identification Card Act for the purpose of qualifying a person

1 with disabilities for a parking decal or device under this
2 subsection.

3 (d) The Secretary shall prescribe by rules and regulations
4 procedures to certify or re-certify as necessary the
5 eligibility of persons whose disabilities are other than
6 permanent for special plates or parking decals or devices
7 issued under subsections (a), (b) and (c). Except as provided
8 under subsection (f) of this Section, no such special plates,
9 decals or devices shall be issued by the Secretary of State to
10 or on behalf of any person with disabilities unless such person
11 is certified as meeting the definition of a person with
12 disabilities pursuant to Section 1-159.1 or meeting the
13 requirement of a Type Four disability as provided under Section
14 4A of the Illinois Identification Card Act for the period of
15 time that the physician, or the physician assistant or advanced
16 practice nurse as provided in subsection (a), determines the
17 applicant will have the disability, but not to exceed 6 months
18 from the date of certification or recertification.

19 (e) Any person requesting special plates under this Section
20 may also apply to have the special plates personalized, as
21 provided under Section 3-405.1.

22 (f) The Secretary of State, upon application, shall issue
23 disability registration plates or a parking decal to
24 corporations, school districts, State or municipal agencies,
25 limited liability companies, nursing homes, convalescent
26 homes, or special education cooperatives which will transport

1 persons with disabilities. The Secretary shall prescribe by
2 rule a means to certify or re-certify the eligibility of
3 organizations to receive disability plates or decals and to
4 designate which of the 2 person with disabilities emblems shall
5 be placed on qualifying vehicles.

6 (g) The Secretary of State, or his designee, may enter into
7 agreements with other jurisdictions, including foreign
8 jurisdictions, on behalf of this State relating to the
9 extension of parking privileges by such jurisdictions to
10 ~~permanently disabled~~ residents of this State with disabilities
11 who display a special license plate or parking device that
12 contains the International symbol of access on his or her motor
13 vehicle, and to recognize such plates or devices issued by such
14 other jurisdictions. This State shall grant the same parking
15 privileges which are granted to ~~disabled~~ residents of this
16 State with disabilities to any non-resident whose motor vehicle
17 is licensed in another state, district, territory or foreign
18 country if such vehicle displays the international symbol of
19 access or a distinguishing insignia on license plates or
20 parking device issued in accordance with the laws of the
21 non-resident's state, district, territory or foreign country.

22 (Source: P.A. 97-1064, eff. 1-1-13.)

23 (625 ILCS 5/3-623) (from Ch. 95 1/2, par. 3-623)

24 Sec. 3-623. Purple Heart Plates.

25 (a) The Secretary, upon receipt of an application made in

1 the form prescribed by the Secretary of State, may issue to
2 recipients awarded the Purple Heart by a branch of the armed
3 forces of the United States who reside in Illinois, special
4 registration plates. The Secretary, upon receipt of the proper
5 application, may also issue these special registration plates
6 to an Illinois resident who is the surviving spouse of a person
7 who was awarded the Purple Heart by a branch of the armed
8 forces of the United States. The special plates issued pursuant
9 to this Section should be affixed only to passenger vehicles of
10 the 1st division, including motorcycles, or motor vehicles of
11 the 2nd division weighing not more than 8,000 pounds. The
12 Secretary may, in his or her discretion, allow the plates to be
13 issued as vanity or personalized plates in accordance with
14 Section 3-405.1 of this Code. The Secretary of State must make
15 a version of the special registration plates authorized under
16 this Section in a form appropriate for motorcycles.

17 (b) The design and color of such plates shall be wholly
18 within the discretion of the Secretary of State. Appropriate
19 documentation, as determined by the Secretary, and the
20 appropriate registration fee shall accompany the application,
21 except:

22 (1) a person eligible to be issued Purple Heart plates
23 may display the plates on one vehicle without the payment
24 of any registration or registration renewal fee; and

25 (2) for an individual who has been issued Purple Heart
26 plates for an additional vehicle and who has been approved

1 for benefits under the Senior Citizens and Persons with
2 Disabilities ~~Disabled Persons~~ Property Tax Relief Act, the
3 annual fee for the registration of the vehicle shall be as
4 provided in Section 3-806.3 of this Code.

5 (Source: P.A. 97-689, eff. 6-14-12; 98-902, eff. 1-1-15.)

6 (625 ILCS 5/3-626)

7 Sec. 3-626. Korean War Veteran license plates.

8 (a) In addition to any other special license plate, the
9 Secretary, upon receipt of all applicable fees and applications
10 made in the form prescribed by the Secretary of State, may
11 issue special registration plates designated as Korean War
12 Veteran license plates to residents of Illinois who
13 participated in the United States Armed Forces during the
14 Korean War. The special plate issued under this Section shall
15 be affixed only to passenger vehicles of the first division,
16 motorcycles, motor vehicles of the second division weighing not
17 more than 8,000 pounds, and recreational vehicles as defined by
18 Section 1-169 of this Code. Plates issued under this Section
19 shall expire according to the staggered multi-year procedure
20 established by Section 3-414.1 of this Code.

21 (b) The design, color, and format of the plates shall be
22 wholly within the discretion of the Secretary of State. The
23 Secretary may, in his or her discretion, allow the plates to be
24 issued as vanity plates or personalized in accordance with
25 Section 3-405.1 of this Code. The plates are not required to

1 designate "Land Of Lincoln", as prescribed in subsection (b) of
2 Section 3-412 of this Code. The Secretary shall prescribe the
3 eligibility requirements and, in his or her discretion, shall
4 approve and prescribe stickers or decals as provided under
5 Section 3-412.

6 (c) (Blank).

7 (d) The Korean War Memorial Construction Fund is created as
8 a special fund in the State treasury. All moneys in the Korean
9 War Memorial Construction Fund shall, subject to
10 appropriation, be used by the Department of Veteran Affairs to
11 provide grants for construction of the Korean War Memorial to
12 be located at Oak Ridge Cemetery in Springfield, Illinois. Upon
13 the completion of the Memorial, the Department of Veteran
14 Affairs shall certify to the State Treasurer that the
15 construction of the Memorial has been completed. Upon the
16 certification by the Department of Veteran Affairs, the State
17 Treasurer shall transfer all moneys in the Fund and any future
18 deposits into the Fund into the Secretary of State Special
19 License Plate Fund.

20 (e) An individual who has been issued Korean War Veteran
21 license plates for a vehicle and who has been approved for
22 benefits under the Senior Citizens and Persons with
23 Disabilities ~~Disabled Persons~~ Property Tax Relief Act shall pay
24 the original issuance and the regular annual fee for the
25 registration of the vehicle as provided in Section 3-806.3 of
26 this Code in addition to the fees specified in subsection (c)

1 of this Section.

2 (Source: P.A. 96-1409, eff. 1-1-11; 97-689, eff. 6-14-12.)

3 (625 ILCS 5/3-667)

4 Sec. 3-667. Korean Service license plates.

5 (a) In addition to any other special license plate, the
6 Secretary, upon receipt of all applicable fees and applications
7 made in the form prescribed by the Secretary of State, may
8 issue special registration plates designated as Korean Service
9 license plates to residents of Illinois who, on or after July
10 27, 1954, participated in the United States Armed Forces in
11 Korea. The special plate issued under this Section shall be
12 affixed only to passenger vehicles of the first division,
13 motorcycles, motor vehicles of the second division weighing not
14 more than 8,000 pounds, and recreational vehicles as defined by
15 Section 1-169 of this Code. Plates issued under this Section
16 shall expire according to the staggered multi-year procedure
17 established by Section 3-414.1 of this Code.

18 (b) The design, color, and format of the plates shall be
19 wholly within the discretion of the Secretary of State. The
20 Secretary may, in his or her discretion, allow the plates to be
21 issued as vanity or personalized plates in accordance with
22 Section 3-405.1 of this Code. The plates are not required to
23 designate "Land of Lincoln", as prescribed in subsection (b) of
24 Section 3-412 of this Code. The Secretary shall prescribe the
25 eligibility requirements and, in his or her discretion, shall

1 approve and prescribe stickers or decals as provided under
2 Section 3-412.

3 (c) An applicant shall be charged a \$2 fee for original
4 issuance in addition to the applicable registration fee. This
5 additional fee shall be deposited into the Korean War Memorial
6 Construction Fund a special fund in the State treasury.

7 (d) An individual who has been issued Korean Service
8 license plates for a vehicle and who has been approved for
9 benefits under the Senior Citizens and Persons with
10 Disabilities ~~Disabled Persons~~ Property Tax Relief Act shall pay
11 the original issuance and the regular annual fee for the
12 registration of the vehicle as provided in Section 3-806.3 of
13 this Code in addition to the fees specified in subsection (c)
14 of this Section.

15 (Source: P.A. 97-306, eff. 1-1-12; 97-689, eff. 6-14-12.)

16 (625 ILCS 5/3-683)

17 Sec. 3-683. Distinguished Service Cross license plates.
18 The Secretary, upon receipt of an application made in the form
19 prescribed by the Secretary of State, shall issue special
20 registration plates to any Illinois resident who has been
21 awarded the Distinguished Service Cross by a branch of the
22 armed forces of the United States. The Secretary, upon receipt
23 of the proper application, shall also issue these special
24 registration plates to an Illinois resident who is the
25 surviving spouse of a person who was awarded the Distinguished

1 Service Cross by a branch of the armed forces of the United
2 States. The special plates issued under this Section should be
3 affixed only to passenger vehicles of the first division,
4 including motorcycles, or motor vehicles of the second division
5 weighing not more than 8,000 pounds.

6 The design and color of the plates shall be wholly within
7 the discretion of the Secretary of State. Appropriate
8 documentation, as determined by the Secretary, and the
9 appropriate registration fee shall accompany the application.
10 However, for an individual who has been issued Distinguished
11 Service Cross plates for a vehicle and who has been approved
12 for benefits under the Senior Citizens and Persons with
13 Disabilities ~~Disabled Persons~~ Property Tax Relief Act, the
14 annual fee for the registration of the vehicle shall be as
15 provided in Section 3-806.3 of this Code.

16 (Source: P.A. 96-328, eff. 8-11-09; 97-689, eff. 6-14-12.)

17 (625 ILCS 5/3-806.3) (from Ch. 95 1/2, par. 3-806.3)

18 Sec. 3-806.3. Senior Citizens. Commencing with the 2009
19 registration year, the registration fee paid by any vehicle
20 owner who has been approved for benefits under the Senior
21 Citizens and Persons with Disabilities ~~Disabled Persons~~
22 Property Tax Relief Act or who is the spouse of such a person
23 shall be \$24 instead of the fee otherwise provided in this Code
24 for passenger cars displaying standard multi-year registration
25 plates issued under Section 3-414.1, motor vehicles displaying

1 special registration plates issued under Section 3-609, 3-616,
2 3-621, 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642,
3 3-645, 3-647, 3-650, 3-651, or 3-663, motor vehicles registered
4 at 8,000 pounds or less under Section 3-815(a), and
5 recreational vehicles registered at 8,000 pounds or less under
6 Section 3-815(b). Widows and widowers of claimants shall also
7 be entitled to this reduced registration fee for the
8 registration year in which the claimant was eligible.

9 Commencing with the 2009 registration year, the
10 registration fee paid by any vehicle owner who has claimed and
11 received a grant under the Senior Citizens and Persons with
12 Disabilities ~~Disabled Persons~~ Property Tax Relief Act or who is
13 the spouse of such a person shall be \$24 instead of the fee
14 otherwise provided in this Code for passenger cars displaying
15 standard multi-year registration plates issued under Section
16 3-414.1, motor vehicles displaying special registration plates
17 issued under Section 3-607, 3-609, 3-616, 3-621, 3-622, 3-623,
18 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650,
19 3-651, 3-663, or 3-664, motor vehicles registered at 8,000
20 pounds or less under Section 3-815(a), and recreational
21 vehicles registered at 8,000 pounds or less under Section
22 3-815(b). Widows and widowers of claimants shall also be
23 entitled to this reduced registration fee for the registration
24 year in which the claimant was eligible.

25 No more than one reduced registration fee under this
26 Section shall be allowed during any 12 month period based on

1 the primary eligibility of any individual, whether such reduced
2 registration fee is allowed to the individual or to the spouse,
3 widow or widower of such individual. This Section does not
4 apply to the fee paid in addition to the registration fee for
5 motor vehicles displaying vanity or special license plates.

6 (Source: P.A. 96-554, eff. 1-1-10; 97-689, eff. 6-14-12.)

7 (625 ILCS 5/6-205)

8 Sec. 6-205. Mandatory revocation of license or permit;
9 Hardship cases.

10 (a) Except as provided in this Section, the Secretary of
11 State shall immediately revoke the license, permit, or driving
12 privileges of any driver upon receiving a report of the
13 driver's conviction of any of the following offenses:

14 1. Reckless homicide resulting from the operation of a
15 motor vehicle;

16 2. Violation of Section 11-501 of this Code or a
17 similar provision of a local ordinance relating to the
18 offense of operating or being in physical control of a
19 vehicle while under the influence of alcohol, other drug or
20 drugs, intoxicating compound or compounds, or any
21 combination thereof;

22 3. Any felony under the laws of any State or the
23 federal government in the commission of which a motor
24 vehicle was used;

25 4. Violation of Section 11-401 of this Code relating to

1 the offense of leaving the scene of a traffic accident
2 involving death or personal injury;

3 5. Perjury or the making of a false affidavit or
4 statement under oath to the Secretary of State under this
5 Code or under any other law relating to the ownership or
6 operation of motor vehicles;

7 6. Conviction upon 3 charges of violation of Section
8 11-503 of this Code relating to the offense of reckless
9 driving committed within a period of 12 months;

10 7. Conviction of any offense defined in Section 4-102
11 of this Code;

12 8. Violation of Section 11-504 of this Code relating to
13 the offense of drag racing;

14 9. Violation of Chapters 8 and 9 of this Code;

15 10. Violation of Section 12-5 of the Criminal Code of
16 1961 or the Criminal Code of 2012 arising from the use of a
17 motor vehicle;

18 11. Violation of Section 11-204.1 of this Code relating
19 to aggravated fleeing or attempting to elude a peace
20 officer;

21 12. Violation of paragraph (1) of subsection (b) of
22 Section 6-507, or a similar law of any other state,
23 relating to the unlawful operation of a commercial motor
24 vehicle;

25 13. Violation of paragraph (a) of Section 11-502 of
26 this Code or a similar provision of a local ordinance if

1 the driver has been previously convicted of a violation of
2 that Section or a similar provision of a local ordinance
3 and the driver was less than 21 years of age at the time of
4 the offense;

5 14. Violation of paragraph (a) of Section 11-506 of
6 this Code or a similar provision of a local ordinance
7 relating to the offense of street racing;

8 15. A second or subsequent conviction of driving while
9 the person's driver's license, permit or privileges was
10 revoked for reckless homicide or a similar out-of-state
11 offense;

12 16. Any offense against any provision in this Code, or
13 any local ordinance, regulating the movement of traffic
14 when that offense was the proximate cause of the death of
15 any person. Any person whose driving privileges have been
16 revoked pursuant to this paragraph may seek to have the
17 revocation terminated or to have the length of revocation
18 reduced by requesting an administrative hearing with the
19 Secretary of State prior to the projected driver's license
20 application eligibility date;

21 17. Violation of subsection (a-2) of Section 11-1301.3
22 of this Code or a similar provision of a local ordinance;

23 18. A second or subsequent conviction of illegal
24 possession, while operating or in actual physical control,
25 as a driver, of a motor vehicle, of any controlled
26 substance prohibited under the Illinois Controlled

1 Substances Act, any cannabis prohibited under the Cannabis
2 Control Act, or any methamphetamine prohibited under the
3 Methamphetamine Control and Community Protection Act. A
4 defendant found guilty of this offense while operating a
5 motor vehicle shall have an entry made in the court record
6 by the presiding judge that this offense did occur while
7 the defendant was operating a motor vehicle and order the
8 clerk of the court to report the violation to the Secretary
9 of State.

10 (b) The Secretary of State shall also immediately revoke
11 the license or permit of any driver in the following
12 situations:

13 1. Of any minor upon receiving the notice provided for
14 in Section 5-901 of the Juvenile Court Act of 1987 that the
15 minor has been adjudicated under that Act as having
16 committed an offense relating to motor vehicles prescribed
17 in Section 4-103 of this Code;

18 2. Of any person when any other law of this State
19 requires either the revocation or suspension of a license
20 or permit;

21 3. Of any person adjudicated under the Juvenile Court
22 Act of 1987 based on an offense determined to have been
23 committed in furtherance of the criminal activities of an
24 organized gang as provided in Section 5-710 of that Act,
25 and that involved the operation or use of a motor vehicle
26 or the use of a driver's license or permit. The revocation

1 shall remain in effect for the period determined by the
2 court. Upon the direction of the court, the Secretary shall
3 issue the person a judicial driving permit, also known as a
4 JDP. The JDP shall be subject to the same terms as a JDP
5 issued under Section 6-206.1, except that the court may
6 direct that a JDP issued under this subdivision (b)(3) be
7 effective immediately.

8 (c)(1) Whenever a person is convicted of any of the
9 offenses enumerated in this Section, the court may recommend
10 and the Secretary of State in his discretion, without regard to
11 whether the recommendation is made by the court may, upon
12 application, issue to the person a restricted driving permit
13 granting the privilege of driving a motor vehicle between the
14 petitioner's residence and petitioner's place of employment or
15 within the scope of the petitioner's employment related duties,
16 or to allow the petitioner to transport himself or herself or a
17 family member of the petitioner's household to a medical
18 facility for the receipt of necessary medical care or to allow
19 the petitioner to transport himself or herself to and from
20 alcohol or drug remedial or rehabilitative activity
21 recommended by a licensed service provider, or to allow the
22 petitioner to transport himself or herself or a family member
23 of the petitioner's household to classes, as a student, at an
24 accredited educational institution, or to allow the petitioner
25 to transport children, elderly persons, or persons with
26 disabilities ~~disabled persons~~ who do not hold driving

1 privileges and are living in the petitioner's household to and
2 from daycare; if the petitioner is able to demonstrate that no
3 alternative means of transportation is reasonably available
4 and that the petitioner will not endanger the public safety or
5 welfare; provided that the Secretary's discretion shall be
6 limited to cases where undue hardship, as defined by the rules
7 of the Secretary of State, would result from a failure to issue
8 the restricted driving permit. Those multiple offenders
9 identified in subdivision (b)4 of Section 6-208 of this Code,
10 however, shall not be eligible for the issuance of a restricted
11 driving permit.

12 (2) If a person's license or permit is revoked or
13 suspended due to 2 or more convictions of violating Section
14 11-501 of this Code or a similar provision of a local
15 ordinance or a similar out-of-state offense, or Section 9-3
16 of the Criminal Code of 1961 or the Criminal Code of 2012,
17 where the use of alcohol or other drugs is recited as an
18 element of the offense, or a similar out-of-state offense,
19 or a combination of these offenses, arising out of separate
20 occurrences, that person, if issued a restricted driving
21 permit, may not operate a vehicle unless it has been
22 equipped with an ignition interlock device as defined in
23 Section 1-129.1.

24 (3) If:

25 (A) a person's license or permit is revoked or
26 suspended 2 or more times within a 10 year period due

1 to any combination of:

2 (i) a single conviction of violating Section
3 11-501 of this Code or a similar provision of a
4 local ordinance or a similar out-of-state offense,
5 or Section 9-3 of the Criminal Code of 1961 or the
6 Criminal Code of 2012, where the use of alcohol or
7 other drugs is recited as an element of the
8 offense, or a similar out-of-state offense; or

9 (ii) a statutory summary suspension or
10 revocation under Section 11-501.1; or

11 (iii) a suspension pursuant to Section
12 6-203.1;

13 arising out of separate occurrences; or

14 (B) a person has been convicted of one violation of
15 Section 6-303 of this Code committed while his or her
16 driver's license, permit, or privilege was revoked
17 because of a violation of Section 9-3 of the Criminal
18 Code of 1961 or the Criminal Code of 2012, relating to
19 the offense of reckless homicide where the use of
20 alcohol or other drugs was recited as an element of the
21 offense, or a similar provision of a law of another
22 state;

23 that person, if issued a restricted driving permit, may not
24 operate a vehicle unless it has been equipped with an
25 ignition interlock device as defined in Section 1-129.1.

26 (4) The person issued a permit conditioned on the use

1 of an ignition interlock device must pay to the Secretary
2 of State DUI Administration Fund an amount not to exceed
3 \$30 per month. The Secretary shall establish by rule the
4 amount and the procedures, terms, and conditions relating
5 to these fees.

6 (5) If the restricted driving permit is issued for
7 employment purposes, then the prohibition against
8 operating a motor vehicle that is not equipped with an
9 ignition interlock device does not apply to the operation
10 of an occupational vehicle owned or leased by that person's
11 employer when used solely for employment purposes.

12 (6) In each case the Secretary of State may issue a
13 restricted driving permit for a period he deems
14 appropriate, except that the permit shall expire within one
15 year from the date of issuance. The Secretary may not,
16 however, issue a restricted driving permit to any person
17 whose current revocation is the result of a second or
18 subsequent conviction for a violation of Section 11-501 of
19 this Code or a similar provision of a local ordinance or
20 any similar out-of-state offense, or Section 9-3 of the
21 Criminal Code of 1961 or the Criminal Code of 2012, where
22 the use of alcohol or other drugs is recited as an element
23 of the offense, or any similar out-of-state offense, or any
24 combination of these offenses, until the expiration of at
25 least one year from the date of the revocation. A
26 restricted driving permit issued under this Section shall

1 be subject to cancellation, revocation, and suspension by
2 the Secretary of State in like manner and for like cause as
3 a driver's license issued under this Code may be cancelled,
4 revoked, or suspended; except that a conviction upon one or
5 more offenses against laws or ordinances regulating the
6 movement of traffic shall be deemed sufficient cause for
7 the revocation, suspension, or cancellation of a
8 restricted driving permit. The Secretary of State may, as a
9 condition to the issuance of a restricted driving permit,
10 require the petitioner to participate in a designated
11 driver remedial or rehabilitative program. The Secretary
12 of State is authorized to cancel a restricted driving
13 permit if the permit holder does not successfully complete
14 the program. However, if an individual's driving
15 privileges have been revoked in accordance with paragraph
16 13 of subsection (a) of this Section, no restricted driving
17 permit shall be issued until the individual has served 6
18 months of the revocation period.

19 (c-5) (Blank).

20 (c-6) If a person is convicted of a second violation of
21 operating a motor vehicle while the person's driver's license,
22 permit or privilege was revoked, where the revocation was for a
23 violation of Section 9-3 of the Criminal Code of 1961 or the
24 Criminal Code of 2012 relating to the offense of reckless
25 homicide or a similar out-of-state offense, the person's
26 driving privileges shall be revoked pursuant to subdivision

1 (a) (15) of this Section. The person may not make application
2 for a license or permit until the expiration of five years from
3 the effective date of the revocation or the expiration of five
4 years from the date of release from a term of imprisonment,
5 whichever is later.

6 (c-7) If a person is convicted of a third or subsequent
7 violation of operating a motor vehicle while the person's
8 driver's license, permit or privilege was revoked, where the
9 revocation was for a violation of Section 9-3 of the Criminal
10 Code of 1961 or the Criminal Code of 2012 relating to the
11 offense of reckless homicide or a similar out-of-state offense,
12 the person may never apply for a license or permit.

13 (d) (1) Whenever a person under the age of 21 is convicted
14 under Section 11-501 of this Code or a similar provision of a
15 local ordinance or a similar out-of-state offense, the
16 Secretary of State shall revoke the driving privileges of that
17 person. One year after the date of revocation, and upon
18 application, the Secretary of State may, if satisfied that the
19 person applying will not endanger the public safety or welfare,
20 issue a restricted driving permit granting the privilege of
21 driving a motor vehicle only between the hours of 5 a.m. and 9
22 p.m. or as otherwise provided by this Section for a period of
23 one year. After this one year period, and upon reapplication
24 for a license as provided in Section 6-106, upon payment of the
25 appropriate reinstatement fee provided under paragraph (b) of
26 Section 6-118, the Secretary of State, in his discretion, may

1 reinstate the petitioner's driver's license and driving
2 privileges, or extend the restricted driving permit as many
3 times as the Secretary of State deems appropriate, by
4 additional periods of not more than 12 months each.

5 (2) If a person's license or permit is revoked or
6 suspended due to 2 or more convictions of violating Section
7 11-501 of this Code or a similar provision of a local
8 ordinance or a similar out-of-state offense, or Section 9-3
9 of the Criminal Code of 1961 or the Criminal Code of 2012,
10 where the use of alcohol or other drugs is recited as an
11 element of the offense, or a similar out-of-state offense,
12 or a combination of these offenses, arising out of separate
13 occurrences, that person, if issued a restricted driving
14 permit, may not operate a vehicle unless it has been
15 equipped with an ignition interlock device as defined in
16 Section 1-129.1.

17 (3) If a person's license or permit is revoked or
18 suspended 2 or more times within a 10 year period due to
19 any combination of:

20 (A) a single conviction of violating Section
21 11-501 of this Code or a similar provision of a local
22 ordinance or a similar out-of-state offense, or
23 Section 9-3 of the Criminal Code of 1961 or the
24 Criminal Code of 2012, where the use of alcohol or
25 other drugs is recited as an element of the offense, or
26 a similar out-of-state offense; or

1 (B) a statutory summary suspension or revocation
2 under Section 11-501.1; or

3 (C) a suspension pursuant to Section 6-203.1;
4 arising out of separate occurrences, that person, if issued
5 a restricted driving permit, may not operate a vehicle
6 unless it has been equipped with an ignition interlock
7 device as defined in Section 1-129.1.

8 (4) The person issued a permit conditioned upon the use
9 of an interlock device must pay to the Secretary of State
10 DUI Administration Fund an amount not to exceed \$30 per
11 month. The Secretary shall establish by rule the amount and
12 the procedures, terms, and conditions relating to these
13 fees.

14 (5) If the restricted driving permit is issued for
15 employment purposes, then the prohibition against driving
16 a vehicle that is not equipped with an ignition interlock
17 device does not apply to the operation of an occupational
18 vehicle owned or leased by that person's employer when used
19 solely for employment purposes.

20 (6) A restricted driving permit issued under this
21 Section shall be subject to cancellation, revocation, and
22 suspension by the Secretary of State in like manner and for
23 like cause as a driver's license issued under this Code may
24 be cancelled, revoked, or suspended; except that a
25 conviction upon one or more offenses against laws or
26 ordinances regulating the movement of traffic shall be

1 deemed sufficient cause for the revocation, suspension, or
2 cancellation of a restricted driving permit.

3 (d-5) The revocation of the license, permit, or driving
4 privileges of a person convicted of a third or subsequent
5 violation of Section 6-303 of this Code committed while his or
6 her driver's license, permit, or privilege was revoked because
7 of a violation of Section 9-3 of the Criminal Code of 1961 or
8 the Criminal Code of 2012, relating to the offense of reckless
9 homicide, or a similar provision of a law of another state, is
10 permanent. The Secretary may not, at any time, issue a license
11 or permit to that person.

12 (e) This Section is subject to the provisions of the Driver
13 License Compact.

14 (f) Any revocation imposed upon any person under
15 subsections 2 and 3 of paragraph (b) that is in effect on
16 December 31, 1988 shall be converted to a suspension for a like
17 period of time.

18 (g) The Secretary of State shall not issue a restricted
19 driving permit to a person under the age of 16 years whose
20 driving privileges have been revoked under any provisions of
21 this Code.

22 (h) The Secretary of State shall require the use of
23 ignition interlock devices on all vehicles owned by a person
24 who has been convicted of a second or subsequent offense under
25 Section 11-501 of this Code or a similar provision of a local
26 ordinance. The person must pay to the Secretary of State DUI

1 Administration Fund an amount not to exceed \$30 for each month
2 that he or she uses the device. The Secretary shall establish
3 by rule and regulation the procedures for certification and use
4 of the interlock system, the amount of the fee, and the
5 procedures, terms, and conditions relating to these fees.

6 (i) (Blank).

7 (j) In accordance with 49 C.F.R. 384, the Secretary of
8 State may not issue a restricted driving permit for the
9 operation of a commercial motor vehicle to a person holding a
10 CDL whose driving privileges have been revoked, suspended,
11 cancelled, or disqualified under any provisions of this Code.

12 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;
13 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.
14 7-1-11; 97-333, eff. 8-12-11; 97-838, eff. 1-1-13; 97-844, eff.
15 1-1-13; 97-1150, eff. 1-25-13.)

16 (625 ILCS 5/6-206)

17 Sec. 6-206. Discretionary authority to suspend or revoke
18 license or permit; Right to a hearing.

19 (a) The Secretary of State is authorized to suspend or
20 revoke the driving privileges of any person without preliminary
21 hearing upon a showing of the person's records or other
22 sufficient evidence that the person:

- 23 1. Has committed an offense for which mandatory
24 revocation of a driver's license or permit is required upon
25 conviction;

1 2. Has been convicted of not less than 3 offenses
2 against traffic regulations governing the movement of
3 vehicles committed within any 12 month period. No
4 revocation or suspension shall be entered more than 6
5 months after the date of last conviction;

6 3. Has been repeatedly involved as a driver in motor
7 vehicle collisions or has been repeatedly convicted of
8 offenses against laws and ordinances regulating the
9 movement of traffic, to a degree that indicates lack of
10 ability to exercise ordinary and reasonable care in the
11 safe operation of a motor vehicle or disrespect for the
12 traffic laws and the safety of other persons upon the
13 highway;

14 4. Has by the unlawful operation of a motor vehicle
15 caused or contributed to an accident resulting in injury
16 requiring immediate professional treatment in a medical
17 facility or doctor's office to any person, except that any
18 suspension or revocation imposed by the Secretary of State
19 under the provisions of this subsection shall start no
20 later than 6 months after being convicted of violating a
21 law or ordinance regulating the movement of traffic, which
22 violation is related to the accident, or shall start not
23 more than one year after the date of the accident,
24 whichever date occurs later;

25 5. Has permitted an unlawful or fraudulent use of a
26 driver's license, identification card, or permit;

1 6. Has been lawfully convicted of an offense or
2 offenses in another state, including the authorization
3 contained in Section 6-203.1, which if committed within
4 this State would be grounds for suspension or revocation;

5 7. Has refused or failed to submit to an examination
6 provided for by Section 6-207 or has failed to pass the
7 examination;

8 8. Is ineligible for a driver's license or permit under
9 the provisions of Section 6-103;

10 9. Has made a false statement or knowingly concealed a
11 material fact or has used false information or
12 identification in any application for a license,
13 identification card, or permit;

14 10. Has possessed, displayed, or attempted to
15 fraudulently use any license, identification card, or
16 permit not issued to the person;

17 11. Has operated a motor vehicle upon a highway of this
18 State when the person's driving privilege or privilege to
19 obtain a driver's license or permit was revoked or
20 suspended unless the operation was authorized by a
21 monitoring device driving permit, judicial driving permit
22 issued prior to January 1, 2009, probationary license to
23 drive, or a restricted driving permit issued under this
24 Code;

25 12. Has submitted to any portion of the application
26 process for another person or has obtained the services of

1 another person to submit to any portion of the application
2 process for the purpose of obtaining a license,
3 identification card, or permit for some other person;

4 13. Has operated a motor vehicle upon a highway of this
5 State when the person's driver's license or permit was
6 invalid under the provisions of Sections 6-107.1 and 6-110;

7 14. Has committed a violation of Section 6-301,
8 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
9 of the Illinois Identification Card Act;

10 15. Has been convicted of violating Section 21-2 of the
11 Criminal Code of 1961 or the Criminal Code of 2012 relating
12 to criminal trespass to vehicles in which case, the
13 suspension shall be for one year;

14 16. Has been convicted of violating Section 11-204 of
15 this Code relating to fleeing from a peace officer;

16 17. Has refused to submit to a test, or tests, as
17 required under Section 11-501.1 of this Code and the person
18 has not sought a hearing as provided for in Section
19 11-501.1;

20 18. Has, since issuance of a driver's license or
21 permit, been adjudged to be afflicted with or suffering
22 from any mental disability or disease;

23 19. Has committed a violation of paragraph (a) or (b)
24 of Section 6-101 relating to driving without a driver's
25 license;

26 20. Has been convicted of violating Section 6-104

1 relating to classification of driver's license;

2 21. Has been convicted of violating Section 11-402 of
3 this Code relating to leaving the scene of an accident
4 resulting in damage to a vehicle in excess of \$1,000, in
5 which case the suspension shall be for one year;

6 22. Has used a motor vehicle in violating paragraph
7 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
8 the Criminal Code of 1961 or the Criminal Code of 2012
9 relating to unlawful use of weapons, in which case the
10 suspension shall be for one year;

11 23. Has, as a driver, been convicted of committing a
12 violation of paragraph (a) of Section 11-502 of this Code
13 for a second or subsequent time within one year of a
14 similar violation;

15 24. Has been convicted by a court-martial or punished
16 by non-judicial punishment by military authorities of the
17 United States at a military installation in Illinois or in
18 another state of or for a traffic related offense that is
19 the same as or similar to an offense specified under
20 Section 6-205 or 6-206 of this Code;

21 25. Has permitted any form of identification to be used
22 by another in the application process in order to obtain or
23 attempt to obtain a license, identification card, or
24 permit;

25 26. Has altered or attempted to alter a license or has
26 possessed an altered license, identification card, or

1 permit;

2 27. Has violated Section 6-16 of the Liquor Control Act
3 of 1934;

4 28. Has been convicted for a first time of the illegal
5 possession, while operating or in actual physical control,
6 as a driver, of a motor vehicle, of any controlled
7 substance prohibited under the Illinois Controlled
8 Substances Act, any cannabis prohibited under the Cannabis
9 Control Act, or any methamphetamine prohibited under the
10 Methamphetamine Control and Community Protection Act, in
11 which case the person's driving privileges shall be
12 suspended for one year. Any defendant found guilty of this
13 offense while operating a motor vehicle, shall have an
14 entry made in the court record by the presiding judge that
15 this offense did occur while the defendant was operating a
16 motor vehicle and order the clerk of the court to report
17 the violation to the Secretary of State;

18 29. Has been convicted of the following offenses that
19 were committed while the person was operating or in actual
20 physical control, as a driver, of a motor vehicle: criminal
21 sexual assault, predatory criminal sexual assault of a
22 child, aggravated criminal sexual assault, criminal sexual
23 abuse, aggravated criminal sexual abuse, juvenile pimping,
24 soliciting for a juvenile prostitute, promoting juvenile
25 prostitution as described in subdivision (a)(1), (a)(2),
26 or (a)(3) of Section 11-14.4 of the Criminal Code of 1961

1 or the Criminal Code of 2012, and the manufacture, sale or
2 delivery of controlled substances or instruments used for
3 illegal drug use or abuse in which case the driver's
4 driving privileges shall be suspended for one year;

5 30. Has been convicted a second or subsequent time for
6 any combination of the offenses named in paragraph 29 of
7 this subsection, in which case the person's driving
8 privileges shall be suspended for 5 years;

9 31. Has refused to submit to a test as required by
10 Section 11-501.6 of this Code or Section 5-16c of the Boat
11 Registration and Safety Act or has submitted to a test
12 resulting in an alcohol concentration of 0.08 or more or
13 any amount of a drug, substance, or compound resulting from
14 the unlawful use or consumption of cannabis as listed in
15 the Cannabis Control Act, a controlled substance as listed
16 in the Illinois Controlled Substances Act, an intoxicating
17 compound as listed in the Use of Intoxicating Compounds
18 Act, or methamphetamine as listed in the Methamphetamine
19 Control and Community Protection Act, in which case the
20 penalty shall be as prescribed in Section 6-208.1;

21 32. Has been convicted of Section 24-1.2 of the
22 Criminal Code of 1961 or the Criminal Code of 2012 relating
23 to the aggravated discharge of a firearm if the offender
24 was located in a motor vehicle at the time the firearm was
25 discharged, in which case the suspension shall be for 3
26 years;

1 33. Has as a driver, who was less than 21 years of age
2 on the date of the offense, been convicted a first time of
3 a violation of paragraph (a) of Section 11-502 of this Code
4 or a similar provision of a local ordinance;

5 34. Has committed a violation of Section 11-1301.5 of
6 this Code or a similar provision of a local ordinance;

7 35. Has committed a violation of Section 11-1301.6 of
8 this Code or a similar provision of a local ordinance;

9 36. Is under the age of 21 years at the time of arrest
10 and has been convicted of not less than 2 offenses against
11 traffic regulations governing the movement of vehicles
12 committed within any 24 month period. No revocation or
13 suspension shall be entered more than 6 months after the
14 date of last conviction;

15 37. Has committed a violation of subsection (c) of
16 Section 11-907 of this Code that resulted in damage to the
17 property of another or the death or injury of another;

18 38. Has been convicted of a violation of Section 6-20
19 of the Liquor Control Act of 1934 or a similar provision of
20 a local ordinance;

21 39. Has committed a second or subsequent violation of
22 Section 11-1201 of this Code;

23 40. Has committed a violation of subsection (a-1) of
24 Section 11-908 of this Code;

25 41. Has committed a second or subsequent violation of
26 Section 11-605.1 of this Code, a similar provision of a

1 local ordinance, or a similar violation in any other state
2 within 2 years of the date of the previous violation, in
3 which case the suspension shall be for 90 days;

4 42. Has committed a violation of subsection (a-1) of
5 Section 11-1301.3 of this Code or a similar provision of a
6 local ordinance;

7 43. Has received a disposition of court supervision for
8 a violation of subsection (a), (d), or (e) of Section 6-20
9 of the Liquor Control Act of 1934 or a similar provision of
10 a local ordinance, in which case the suspension shall be
11 for a period of 3 months;

12 44. Is under the age of 21 years at the time of arrest
13 and has been convicted of an offense against traffic
14 regulations governing the movement of vehicles after
15 having previously had his or her driving privileges
16 suspended or revoked pursuant to subparagraph 36 of this
17 Section;

18 45. Has, in connection with or during the course of a
19 formal hearing conducted under Section 2-118 of this Code:
20 (i) committed perjury; (ii) submitted fraudulent or
21 falsified documents; (iii) submitted documents that have
22 been materially altered; or (iv) submitted, as his or her
23 own, documents that were in fact prepared or composed for
24 another person;

25 46. Has committed a violation of subsection (j) of
26 Section 3-413 of this Code; or

1 47. Has committed a violation of Section 11-502.1 of
2 this Code.

3 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
4 and 27 of this subsection, license means any driver's license,
5 any traffic ticket issued when the person's driver's license is
6 deposited in lieu of bail, a suspension notice issued by the
7 Secretary of State, a duplicate or corrected driver's license,
8 a probationary driver's license or a temporary driver's
9 license.

10 (b) If any conviction forming the basis of a suspension or
11 revocation authorized under this Section is appealed, the
12 Secretary of State may rescind or withhold the entry of the
13 order of suspension or revocation, as the case may be, provided
14 that a certified copy of a stay order of a court is filed with
15 the Secretary of State. If the conviction is affirmed on
16 appeal, the date of the conviction shall relate back to the
17 time the original judgment of conviction was entered and the 6
18 month limitation prescribed shall not apply.

19 (c) 1. Upon suspending or revoking the driver's license or
20 permit of any person as authorized in this Section, the
21 Secretary of State shall immediately notify the person in
22 writing of the revocation or suspension. The notice to be
23 deposited in the United States mail, postage prepaid, to the
24 last known address of the person.

25 2. If the Secretary of State suspends the driver's license
26 of a person under subsection 2 of paragraph (a) of this

1 Section, a person's privilege to operate a vehicle as an
2 occupation shall not be suspended, provided an affidavit is
3 properly completed, the appropriate fee received, and a permit
4 issued prior to the effective date of the suspension, unless 5
5 offenses were committed, at least 2 of which occurred while
6 operating a commercial vehicle in connection with the driver's
7 regular occupation. All other driving privileges shall be
8 suspended by the Secretary of State. Any driver prior to
9 operating a vehicle for occupational purposes only must submit
10 the affidavit on forms to be provided by the Secretary of State
11 setting forth the facts of the person's occupation. The
12 affidavit shall also state the number of offenses committed
13 while operating a vehicle in connection with the driver's
14 regular occupation. The affidavit shall be accompanied by the
15 driver's license. Upon receipt of a properly completed
16 affidavit, the Secretary of State shall issue the driver a
17 permit to operate a vehicle in connection with the driver's
18 regular occupation only. Unless the permit is issued by the
19 Secretary of State prior to the date of suspension, the
20 privilege to drive any motor vehicle shall be suspended as set
21 forth in the notice that was mailed under this Section. If an
22 affidavit is received subsequent to the effective date of this
23 suspension, a permit may be issued for the remainder of the
24 suspension period.

25 The provisions of this subparagraph shall not apply to any
26 driver required to possess a CDL for the purpose of operating a

1 commercial motor vehicle.

2 Any person who falsely states any fact in the affidavit
3 required herein shall be guilty of perjury under Section 6-302
4 and upon conviction thereof shall have all driving privileges
5 revoked without further rights.

6 3. At the conclusion of a hearing under Section 2-118 of
7 this Code, the Secretary of State shall either rescind or
8 continue an order of revocation or shall substitute an order of
9 suspension; or, good cause appearing therefor, rescind,
10 continue, change, or extend the order of suspension. If the
11 Secretary of State does not rescind the order, the Secretary
12 may upon application, to relieve undue hardship (as defined by
13 the rules of the Secretary of State), issue a restricted
14 driving permit granting the privilege of driving a motor
15 vehicle between the petitioner's residence and petitioner's
16 place of employment or within the scope of the petitioner's
17 employment related duties, or to allow the petitioner to
18 transport himself or herself, or a family member of the
19 petitioner's household to a medical facility, to receive
20 necessary medical care, to allow the petitioner to transport
21 himself or herself to and from alcohol or drug remedial or
22 rehabilitative activity recommended by a licensed service
23 provider, or to allow the petitioner to transport himself or
24 herself or a family member of the petitioner's household to
25 classes, as a student, at an accredited educational
26 institution, or to allow the petitioner to transport children,

1 elderly persons, or persons with disabilities ~~disabled persons~~
2 who do not hold driving privileges and are living in the
3 petitioner's household to and from daycare. The petitioner must
4 demonstrate that no alternative means of transportation is
5 reasonably available and that the petitioner will not endanger
6 the public safety or welfare. Those multiple offenders
7 identified in subdivision (b)4 of Section 6-208 of this Code,
8 however, shall not be eligible for the issuance of a restricted
9 driving permit.

10 (A) If a person's license or permit is revoked or
11 suspended due to 2 or more convictions of violating Section
12 11-501 of this Code or a similar provision of a local
13 ordinance or a similar out-of-state offense, or Section 9-3
14 of the Criminal Code of 1961 or the Criminal Code of 2012,
15 where the use of alcohol or other drugs is recited as an
16 element of the offense, or a similar out-of-state offense,
17 or a combination of these offenses, arising out of separate
18 occurrences, that person, if issued a restricted driving
19 permit, may not operate a vehicle unless it has been
20 equipped with an ignition interlock device as defined in
21 Section 1-129.1.

22 (B) If a person's license or permit is revoked or
23 suspended 2 or more times within a 10 year period due to
24 any combination of:

25 (i) a single conviction of violating Section
26 11-501 of this Code or a similar provision of a local

1 ordinance or a similar out-of-state offense or Section
2 9-3 of the Criminal Code of 1961 or the Criminal Code
3 of 2012, where the use of alcohol or other drugs is
4 recited as an element of the offense, or a similar
5 out-of-state offense; or

6 (ii) a statutory summary suspension or revocation
7 under Section 11-501.1; or

8 (iii) a suspension under Section 6-203.1;

9 arising out of separate occurrences; that person, if issued
10 a restricted driving permit, may not operate a vehicle
11 unless it has been equipped with an ignition interlock
12 device as defined in Section 1-129.1.

13 (C) The person issued a permit conditioned upon the use
14 of an ignition interlock device must pay to the Secretary
15 of State DUI Administration Fund an amount not to exceed
16 \$30 per month. The Secretary shall establish by rule the
17 amount and the procedures, terms, and conditions relating
18 to these fees.

19 (D) If the restricted driving permit is issued for
20 employment purposes, then the prohibition against
21 operating a motor vehicle that is not equipped with an
22 ignition interlock device does not apply to the operation
23 of an occupational vehicle owned or leased by that person's
24 employer when used solely for employment purposes.

25 (E) In each case the Secretary may issue a restricted
26 driving permit for a period deemed appropriate, except that

1 all permits shall expire within one year from the date of
2 issuance. The Secretary may not, however, issue a
3 restricted driving permit to any person whose current
4 revocation is the result of a second or subsequent
5 conviction for a violation of Section 11-501 of this Code
6 or a similar provision of a local ordinance or any similar
7 out-of-state offense, or Section 9-3 of the Criminal Code
8 of 1961 or the Criminal Code of 2012, where the use of
9 alcohol or other drugs is recited as an element of the
10 offense, or any similar out-of-state offense, or any
11 combination of those offenses, until the expiration of at
12 least one year from the date of the revocation. A
13 restricted driving permit issued under this Section shall
14 be subject to cancellation, revocation, and suspension by
15 the Secretary of State in like manner and for like cause as
16 a driver's license issued under this Code may be cancelled,
17 revoked, or suspended; except that a conviction upon one or
18 more offenses against laws or ordinances regulating the
19 movement of traffic shall be deemed sufficient cause for
20 the revocation, suspension, or cancellation of a
21 restricted driving permit. The Secretary of State may, as a
22 condition to the issuance of a restricted driving permit,
23 require the applicant to participate in a designated driver
24 remedial or rehabilitative program. The Secretary of State
25 is authorized to cancel a restricted driving permit if the
26 permit holder does not successfully complete the program.

1 (c-3) In the case of a suspension under paragraph 43 of
2 subsection (a), reports received by the Secretary of State
3 under this Section shall, except during the actual time the
4 suspension is in effect, be privileged information and for use
5 only by the courts, police officers, prosecuting authorities,
6 the driver licensing administrator of any other state, the
7 Secretary of State, or the parent or legal guardian of a driver
8 under the age of 18. However, beginning January 1, 2008, if the
9 person is a CDL holder, the suspension shall also be made
10 available to the driver licensing administrator of any other
11 state, the U.S. Department of Transportation, and the affected
12 driver or motor carrier or prospective motor carrier upon
13 request.

14 (c-4) In the case of a suspension under paragraph 43 of
15 subsection (a), the Secretary of State shall notify the person
16 by mail that his or her driving privileges and driver's license
17 will be suspended one month after the date of the mailing of
18 the notice.

19 (c-5) The Secretary of State may, as a condition of the
20 reissuance of a driver's license or permit to an applicant
21 whose driver's license or permit has been suspended before he
22 or she reached the age of 21 years pursuant to any of the
23 provisions of this Section, require the applicant to
24 participate in a driver remedial education course and be
25 retested under Section 6-109 of this Code.

26 (d) This Section is subject to the provisions of the

1 Drivers License Compact.

2 (e) The Secretary of State shall not issue a restricted
3 driving permit to a person under the age of 16 years whose
4 driving privileges have been suspended or revoked under any
5 provisions of this Code.

6 (f) In accordance with 49 C.F.R. 384, the Secretary of
7 State may not issue a restricted driving permit for the
8 operation of a commercial motor vehicle to a person holding a
9 CDL whose driving privileges have been suspended, revoked,
10 cancelled, or disqualified under any provisions of this Code.

11 (Source: P.A. 97-229, eff. 7-28-11; 97-333, eff. 8-12-11;
12 97-743, eff. 1-1-13; 97-838, eff. 1-1-13; 97-844, eff. 1-1-13;
13 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-103, eff.
14 1-1-14; 98-122, eff. 1-1-14; 98-726, eff. 1-1-15; 98-756, eff.
15 7-16-14.)

16 (625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

17 Sec. 11-208. Powers of local authorities.

18 (a) The provisions of this Code shall not be deemed to
19 prevent local authorities with respect to streets and highways
20 under their jurisdiction and within the reasonable exercise of
21 the police power from:

22 1. Regulating the standing or parking of vehicles,
23 except as limited by Sections 11-1306 and 11-1307 of this
24 Act;

25 2. Regulating traffic by means of police officers or

1 traffic control signals;

2 3. Regulating or prohibiting processions or
3 assemblages on the highways; and certifying persons to
4 control traffic for processions or assemblages;

5 4. Designating particular highways as one-way highways
6 and requiring that all vehicles thereon be moved in one
7 specific direction;

8 5. Regulating the speed of vehicles in public parks
9 subject to the limitations set forth in Section 11-604;

10 6. Designating any highway as a through highway, as
11 authorized in Section 11-302, and requiring that all
12 vehicles stop before entering or crossing the same or
13 designating any intersection as a stop intersection or a
14 yield right-of-way intersection and requiring all vehicles
15 to stop or yield the right-of-way at one or more entrances
16 to such intersections;

17 7. Restricting the use of highways as authorized in
18 Chapter 15;

19 8. Regulating the operation of bicycles and requiring
20 the registration and licensing of same, including the
21 requirement of a registration fee;

22 9. Regulating or prohibiting the turning of vehicles or
23 specified types of vehicles at intersections;

24 10. Altering the speed limits as authorized in Section
25 11-604;

26 11. Prohibiting U-turns;

1 12. Prohibiting pedestrian crossings at other than
2 designated and marked crosswalks or at intersections;

3 13. Prohibiting parking during snow removal operation;

4 14. Imposing fines in accordance with Section
5 11-1301.3 as penalties for use of any parking place
6 reserved for persons with disabilities, as defined by
7 Section 1-159.1, or veterans with disabilities ~~disabled~~
8 ~~veterans~~ by any person using a motor vehicle not bearing
9 registration plates specified in Section 11-1301.1 or a
10 special decal or device as defined in Section 11-1301.2 as
11 evidence that the vehicle is operated by or for a person
12 with disabilities or a veteran with a disability ~~disabled~~
13 ~~veteran~~;

14 15. Adopting such other traffic regulations as are
15 specifically authorized by this Code; or

16 16. Enforcing the provisions of subsection (f) of
17 Section 3-413 of this Code or a similar local ordinance.

18 (b) No ordinance or regulation enacted under subsections 1,
19 4, 5, 6, 7, 9, 10, 11 or 13 of paragraph (a) shall be effective
20 until signs giving reasonable notice of such local traffic
21 regulations are posted.

22 (c) The provisions of this Code shall not prevent any
23 municipality having a population of 500,000 or more inhabitants
24 from prohibiting any person from driving or operating any motor
25 vehicle upon the roadways of such municipality with headlamps
26 on high beam or bright.

1 (d) The provisions of this Code shall not be deemed to
2 prevent local authorities within the reasonable exercise of
3 their police power from prohibiting, on private property, the
4 unauthorized use of parking spaces reserved for persons with
5 disabilities.

6 (e) No unit of local government, including a home rule
7 unit, may enact or enforce an ordinance that applies only to
8 motorcycles if the principal purpose for that ordinance is to
9 restrict the access of motorcycles to any highway or portion of
10 a highway for which federal or State funds have been used for
11 the planning, design, construction, or maintenance of that
12 highway. No unit of local government, including a home rule
13 unit, may enact an ordinance requiring motorcycle users to wear
14 protective headgear. Nothing in this subsection (e) shall
15 affect the authority of a unit of local government to regulate
16 motorcycles for traffic control purposes or in accordance with
17 Section 12-602 of this Code. No unit of local government,
18 including a home rule unit, may regulate motorcycles in a
19 manner inconsistent with this Code. This subsection (e) is a
20 limitation under subsection (i) of Section 6 of Article VII of
21 the Illinois Constitution on the concurrent exercise by home
22 rule units of powers and functions exercised by the State.

23 (f) A municipality or county designated in Section 11-208.6
24 may enact an ordinance providing for an automated traffic law
25 enforcement system to enforce violations of this Code or a
26 similar provision of a local ordinance and imposing liability

1 on a registered owner or lessee of a vehicle used in such a
2 violation.

3 (g) A municipality or county, as provided in Section
4 11-1201.1, may enact an ordinance providing for an automated
5 traffic law enforcement system to enforce violations of Section
6 11-1201 of this Code or a similar provision of a local
7 ordinance and imposing liability on a registered owner of a
8 vehicle used in such a violation.

9 (h) A municipality designated in Section 11-208.8 may enact
10 an ordinance providing for an automated speed enforcement
11 system to enforce violations of Article VI of Chapter 11 of
12 this Code or a similar provision of a local ordinance.

13 (i) A municipality or county designated in Section 11-208.9
14 may enact an ordinance providing for an automated traffic law
15 enforcement system to enforce violations of Section 11-1414 of
16 this Code or a similar provision of a local ordinance and
17 imposing liability on a registered owner or lessee of a vehicle
18 used in such a violation.

19 (Source: P.A. 97-29, eff. 1-1-12; 97-672, eff. 7-1-12; 98-396,
20 eff. 1-1-14; 98-556, eff. 1-1-14; 98-756, eff. 7-16-14.)

21 (625 ILCS 5/11-209) (from Ch. 95 1/2, par. 11-209)

22 Sec. 11-209. Powers of municipalities and counties -
23 Contract with school boards, hospitals, churches, condominium
24 complex unit owners' associations, and commercial and
25 industrial facility, shopping center, and apartment complex

1 owners for regulation of traffic.

2 (a) The corporate authorities of any municipality or the
3 county board of any county, and a school board, hospital,
4 church, condominium complex unit owners' association, or owner
5 of any commercial and industrial facility, shopping center, or
6 apartment complex which controls a parking area located within
7 the limits of the municipality, or outside the limits of the
8 municipality and within the boundaries of the county, may, by
9 contract, empower the municipality or county to regulate the
10 parking of automobiles and the traffic at such parking area.
11 Such contract shall empower the municipality or county to
12 accomplish all or any part of the following:

13 1. The erection of stop signs, flashing signals, person
14 with disabilities parking area signs or yield signs at
15 specified locations in a parking area and the adoption of
16 appropriate regulations thereto pertaining, or the
17 designation of any intersection in the parking area as a
18 stop intersection or as a yield intersection and the
19 ordering of like signs or signals at one or more entrances
20 to such intersection, subject to the provisions of this
21 Chapter.

22 2. The prohibition or regulation of the turning of
23 vehicles or specified types of vehicles at intersections or
24 other designated locations in the parking area.

25 3. The regulation of a crossing of any roadway in the
26 parking area by pedestrians.

1 4. The designation of any separate roadway in the
2 parking area for one-way traffic.

3 5. The establishment and regulation of loading zones.

4 6. The prohibition, regulation, restriction or
5 limitation of the stopping, standing or parking of vehicles
6 in specified areas of the parking area.

7 7. The designation of safety zones in the parking area
8 and fire lanes.

9 8. Providing for the removal and storage of vehicles
10 parked or abandoned in the parking area during snowstorms,
11 floods, fires, or other public emergencies, or found
12 unattended in the parking area, (a) where they constitute
13 an obstruction to traffic, or (b) where stopping, standing
14 or parking is prohibited, and for the payment of reasonable
15 charges for such removal and storage by the owner or
16 operator of any such vehicle.

17 9. Providing that the cost of planning, installation,
18 maintenance and enforcement of parking and traffic
19 regulations pursuant to any contract entered into under the
20 authority of this paragraph (a) of this Section be borne by
21 the municipality or county, or by the school board,
22 hospital, church, property owner, apartment complex owner,
23 or condominium complex unit owners' association, or that a
24 percentage of the cost be shared by the parties to the
25 contract.

26 10. Causing the installation of parking meters on the

1 parking area and establishing whether the expense of
2 installing said parking meters and maintenance thereof
3 shall be that of the municipality or county, or that of the
4 school board, hospital, church, condominium complex unit
5 owners' association, shopping center or apartment complex
6 owner. All moneys obtained from such parking meters as may
7 be installed on any parking area shall belong to the
8 municipality or county.

9 11. Causing the installation of parking signs in
10 accordance with Section 11-301 in areas of the parking lots
11 covered by this Section and where desired by the person
12 contracting with the appropriate authority listed in
13 paragraph (a) of this Section, indicating that such parking
14 spaces are reserved for persons with disabilities.

15 12. Contracting for such additional reasonable rules
16 and regulations with respect to traffic and parking in a
17 parking area as local conditions may require for the safety
18 and convenience of the public or of the users of the
19 parking area.

20 (b) No contract entered into pursuant to this Section shall
21 exceed a period of 20 years. No lessee of a shopping center or
22 apartment complex shall enter into such a contract for a longer
23 period of time than the length of his lease.

24 (c) Any contract entered into pursuant to this Section
25 shall be recorded in the office of the recorder in the county
26 in which the parking area is located, and no regulation made

1 pursuant to the contract shall be effective or enforceable
2 until 3 days after the contract is so recorded.

3 (d) At such time as parking and traffic regulations have
4 been established at any parking area pursuant to the contract
5 as provided for in this Section, then it shall be a petty
6 offense for any person to do any act forbidden or to fail to
7 perform any act required by such parking or traffic regulation.
8 If the violation is the parking in a parking space reserved for
9 persons with disabilities under paragraph (11) of this Section,
10 by a person without special registration plates issued to a
11 person with disabilities, as defined by Section 1-159.1,
12 pursuant to Section 3-616 of this Code, or to a veteran with a
13 disability ~~disabled veteran~~ pursuant to Section 3-609 of this
14 Code, the local police of the contracting corporate municipal
15 authorities shall issue a parking ticket to such parking
16 violator and issue a fine in accordance with Section 11-1301.3.

17 (e) The term "shopping center", as used in this Section,
18 means premises having one or more stores or business
19 establishments in connection with which there is provided on
20 privately-owned property near or contiguous thereto an area, or
21 areas, of land used by the public as the means of access to and
22 egress from the stores and business establishments on such
23 premises and for the parking of motor vehicles of customers and
24 patrons of such stores and business establishments on such
25 premises.

26 (f) The term "parking area", as used in this Section, means

1 an area, or areas, of land near or contiguous to a school,
2 church, or hospital building, shopping center, apartment
3 complex, or condominium complex, but not the public highways or
4 alleys, and used by the public as the means of access to and
5 egress from such buildings and the stores and business
6 establishments at a shopping center and for the parking of
7 motor vehicles.

8 (g) The terms "owner", "property owner", "shopping center
9 owner", and "apartment complex owner", as used in this Section,
10 mean the actual legal owner of the shopping center parking area
11 or apartment complex, the trust officer of a banking
12 institution having the right to manage and control such
13 property, or a person having the legal right, through lease or
14 otherwise, to manage or control the property.

15 (g-5) The term "condominium complex unit owners'
16 association", as used in this Section, means a "unit owners'
17 association" as defined in Section 2 of the Condominium
18 Property Act.

19 (h) The term "fire lane", as used in this Section, means
20 travel lanes for the fire fighting equipment upon which there
21 shall be no standing or parking of any motor vehicle at any
22 time so that fire fighting equipment can move freely thereon.

23 (i) The term "apartment complex", as used in this Section,
24 means premises having one or more apartments in connection with
25 which there is provided on privately-owned property near or
26 contiguous thereto an area, or areas, of land used by occupants

1 of such apartments or their guests as a means of access to and
2 egress from such apartments or for the parking of motor
3 vehicles of such occupants or their guests.

4 (j) The term "condominium complex", as used in this
5 Section, means the units, common elements, and limited common
6 elements that are located on the parcels, as those terms are
7 defined in Section 2 of the Condominium Property Act.

8 (k) The term "commercial and industrial facility", as used
9 in this Section, means a premises containing one or more
10 commercial and industrial facility establishments in
11 connection with which there is provided on privately-owned
12 property near or contiguous to the premises an area or areas of
13 land used by the public as the means of access to and egress
14 from the commercial and industrial facility establishment on
15 the premises and for the parking of motor vehicles of
16 customers, patrons, and employees of the commercial and
17 industrial facility establishment on the premises.

18 (l) The provisions of this Section shall not be deemed to
19 prevent local authorities from enforcing, on private property,
20 local ordinances imposing fines, in accordance with Section
21 11-1301.3, as penalties for use of any parking place reserved
22 for persons with disabilities, as defined by Section 1-159.1,
23 or veterans with disabilities ~~disabled veterans~~ by any person
24 using a motor vehicle not bearing registration plates specified
25 in Section 11-1301.1 or a special decal or device as defined in
26 Section 11-1301.2 as evidence that the vehicle is operated by

1 or for a person with disabilities or a veteran with a
2 disability ~~disabled veteran~~.

3 This amendatory Act of 1972 is not a prohibition upon the
4 contractual and associational powers granted by Article VII,
5 Section 10 of the Illinois Constitution.

6 (Source: P.A. 95-167, eff. 1-1-08; 96-79, eff. 1-1-10.)

7 (625 ILCS 5/11-501.7) (from Ch. 95 1/2, par. 11-501.7)

8 Sec. 11-501.7. (a) As a condition of probation or discharge
9 of a person convicted of a violation of Section 11-501 of this
10 Code, who was less than 21 years of age at the time of the
11 offense, or a person adjudicated delinquent pursuant to the
12 Juvenile Court Act, for violation of Section 11-501 of this
13 Code, the Court may order the offender to participate in the
14 Youthful Intoxicated Drivers' Visitation Program. The Program
15 shall consist of a supervised visitation as provided by this
16 Section by the person to at least one of the following, to the
17 extent that personnel and facilities are available:

18 (1) A State or private rehabilitation facility that
19 cares for victims of motor vehicle accidents involving
20 persons under the influence of alcohol.

21 (2) A facility which cares for advanced alcoholics to
22 observe persons in the terminal stages of alcoholism, under
23 the supervision of appropriately licensed medical
24 personnel.

25 (3) If approved by the coroner of the county where the

1 person resides, the county coroner's office or the county
2 morgue to observe appropriate victims of motor vehicle
3 accidents involving persons under the influence of
4 alcohol, under the supervision of the coroner or deputy
5 coroner.

6 (b) The Program shall be operated by the appropriate
7 probation authorities of the courts of the various circuits.
8 The youthful offender ordered to participate in the Program
9 shall bear all costs associated with participation in the
10 Program. A parent or guardian of the offender may assume the
11 obligation of the offender to pay the costs of the Program. The
12 court may waive the requirement that the offender pay the costs
13 of participation in the Program upon a finding of indigency.

14 (c) As used in this Section, "appropriate victims" means
15 victims whose condition is determined by the visit supervisor
16 to demonstrate the results of motor vehicle accidents involving
17 persons under the influence of alcohol without being
18 excessively gruesome or traumatic to the observer.

19 (d) Any visitation shall include, before any observation of
20 victims or persons with disabilities ~~disabled persons~~, a
21 comprehensive counseling session with the visitation
22 supervisor at which the supervisor shall explain and discuss
23 the experiences which may be encountered during the visitation
24 in order to ascertain whether the visitation is appropriate.

25 (Source: P.A. 86-1242.)

1 (625 ILCS 5/11-1301.1) (from Ch. 95 1/2, par. 11-1301.1)

2 Sec. 11-1301.1. Persons with disabilities - Parking
3 privileges - Exemptions.

4 (a) A motor vehicle bearing registration plates issued to a
5 person with disabilities, as defined by Section 1-159.1,
6 pursuant to Section 3-616 or to a veteran with a disability
7 ~~disabled veteran~~ pursuant to subsection (a) of Section 3-609 or
8 a special decal or device issued pursuant to Section 3-616 or
9 pursuant to Section 11-1301.2 of this Code or a motor vehicle
10 registered in another jurisdiction, state, district, territory
11 or foreign country upon which is displayed a registration
12 plate, special decal or device issued by the other jurisdiction
13 designating the vehicle is operated by or for a person with
14 disabilities shall be exempt from the payment of parking meter
15 fees until January 1, 2014, and exempt from any statute or
16 ordinance imposing time limitations on parking, except
17 limitations of one-half hour or less, on any street or highway
18 zone, a parking area subject to regulation under subsection (a)
19 of Section 11-209 of this Code, or any parking lot or parking
20 place which are owned, leased or owned and leased by a
21 municipality or a municipal parking utility; and shall be
22 recognized by state and local authorities as a valid license
23 plate or parking device and shall receive the same parking
24 privileges as residents of this State; but, such vehicle shall
25 be subject to the laws which prohibit parking in "no stopping"
26 and "no standing" zones in front of or near fire hydrants,

1 driveways, public building entrances and exits, bus stops and
2 loading areas, and is prohibited from parking where the motor
3 vehicle constitutes a traffic hazard, whereby such motor
4 vehicle shall be moved at the instruction and request of a law
5 enforcement officer to a location designated by the officer.

6 (b) Any motor vehicle bearing registration plates or a
7 special decal or device specified in this Section or in Section
8 3-616 of this Code or such parking device as specifically
9 authorized in Section 11-1301.2 as evidence that the vehicle is
10 operated by or for a person with disabilities or bearing
11 registration plates issued to a veteran with a disability
12 ~~disabled veteran~~ under subsection (a) of Section 3-609 may
13 park, in addition to any other lawful place, in any parking
14 place specifically reserved for such vehicles by the posting of
15 an official sign as provided under Section 11-301. Parking
16 privileges granted by this Section are strictly limited to the
17 person to whom the special registration plates, special decal
18 or device were issued and to qualified operators acting under
19 his or her express direction while the person with disabilities
20 is present. A person to whom privileges were granted shall, at
21 the request of a police officer or any other person invested by
22 law with authority to direct, control, or regulate traffic,
23 present an identification card with a picture as verification
24 that the person is the person to whom the special registration
25 plates, special decal or device was issued.

26 (c) Such parking privileges granted by this Section are

1 also extended to motor vehicles of not-for-profit
2 organizations used for the transportation of persons with
3 disabilities when such motor vehicles display the decal or
4 device issued pursuant to Section 11-1301.2 of this Code.

5 (d) No person shall use any area for the parking of any
6 motor vehicle pursuant to Section 11-1303 of this Code or where
7 an official sign controlling such area expressly prohibits
8 parking at any time or during certain hours.

9 (e) Beginning January 1, 2014, a vehicle displaying a decal
10 or device issued under subsection (c-5) of Section 11-1301.2 of
11 this Code shall be exempt from the payment of fees generated by
12 parking in a metered space or in a publicly owned parking area.
13 (Source: P.A. 97-845, eff. 1-1-13; 97-918, eff. 1-1-13; 98-463,
14 eff. 8-16-13; 98-577, eff. 1-1-14.)

15 (625 ILCS 5/11-1301.2) (from Ch. 95 1/2, par. 11-1301.2)

16 Sec. 11-1301.2. Special decals for parking; persons with
17 disabilities.

18 (a) The Secretary of State shall provide for, by
19 administrative rules, the design, size, color, and placement of
20 a person with disabilities motorist decal or device and shall
21 provide for, by administrative rules, the content and form of
22 an application for a person with disabilities motorist decal or
23 device, which shall be used by local authorities in the
24 issuance thereof to a person with temporary disabilities,
25 provided that the decal or device is valid for no more than 90

1 days, subject to renewal for like periods based upon continued
2 disability, and further provided that the decal or device
3 clearly sets forth the date that the decal or device expires.
4 The application shall include the requirement of an Illinois
5 Identification Card number or a State of Illinois driver's
6 license number. This decal or device may be used by the
7 authorized holder to designate and identify a vehicle not owned
8 or displaying a registration plate as provided in Sections
9 3-609 and 3-616 of this Act to designate when the vehicle is
10 being used to transport said person or persons with
11 disabilities, and thus is entitled to enjoy all the privileges
12 that would be afforded a person with disabilities licensed
13 vehicle. Person with disabilities decals or devices issued and
14 displayed pursuant to this Section shall be recognized and
15 honored by all local authorities regardless of which local
16 authority issued such decal or device.

17 The decal or device shall be issued only upon a showing by
18 adequate documentation that the person for whose benefit the
19 decal or device is to be used has a disability as defined in
20 Section 1-159.1 of this Code and the disability is temporary.

21 (b) The local governing authorities shall be responsible
22 for the provision of such decal or device, its issuance and
23 designated placement within the vehicle. The cost of such decal
24 or device shall be at the discretion of such local governing
25 authority.

26 (c) The Secretary of State may, pursuant to Section

1 3-616(c), issue a person with disabilities parking decal or
2 device to a person with disabilities as defined by Section
3 1-159.1. Any person with disabilities parking decal or device
4 issued by the Secretary of State shall be registered to that
5 person with disabilities in the form to be prescribed by the
6 Secretary of State. The person with disabilities parking decal
7 or device shall not display that person's address. One
8 additional decal or device may be issued to an applicant upon
9 his or her written request and with the approval of the
10 Secretary of State. The written request must include a
11 justification of the need for the additional decal or device.

12 (c-5) Beginning January 1, 2014, the Secretary shall
13 provide by administrative rule for the issuance of a separate
14 and distinct parking decal or device for persons with
15 disabilities as defined by Section 1-159.1 of this Code and who
16 meet the qualifications under this subsection. The authorized
17 holder of a decal or device issued under this subsection (c-5)
18 shall be exempt from the payment of fees generated by parking
19 in a metered space, a parking area subject to paragraph (10) of
20 subsection (a) of Section 11-209 of this Code, or a publicly
21 owned parking area.

22 The Secretary shall issue a meter-exempt decal or device to
23 a person with disabilities who: (i) has been issued
24 registration plates under subsection (a) of Section 3-609 or
25 Section 3-616 of this Code or a special decal or device under
26 this Section, (ii) holds a valid Illinois driver's license, and

1 (iii) is unable to do one or more of the following:

2 (1) manage, manipulate, or insert coins, or obtain
3 tickets or tokens in parking meters or ticket machines in
4 parking lots, due to the lack of fine motor control of both
5 hands;

6 (2) reach above his or her head to a height of 42
7 inches from the ground, due to a lack of finger, hand, or
8 upper extremity strength or mobility;

9 (3) approach a parking meter due to his or her use of a
10 wheelchair or other device for mobility; or

11 (4) walk more than 20 feet due to an orthopedic,
12 neurological, cardiovascular, or lung condition in which
13 the degree of debilitation is so severe that it almost
14 completely impedes the ability to walk.

15 The application for a meter-exempt parking decal or device
16 shall contain a statement certified by a licensed physician,
17 physician assistant, or advanced practice nurse attesting to
18 the permanent nature of the applicant's condition and verifying
19 that the applicant meets the physical qualifications specified
20 in this subsection (c-5).

21 Notwithstanding the requirements of this subsection (c-5),
22 the Secretary shall issue a meter-exempt decal or device to a
23 person who has been issued registration plates under Section
24 3-616 of this Code or a special decal or device under this
25 Section, if the applicant is the parent or guardian of a person
26 with disabilities who is under 18 years of age and incapable of

1 driving.

2 (d) Replacement decals or devices may be issued for lost,
3 stolen, or destroyed decals upon application and payment of a
4 \$10 fee. The replacement fee may be waived for individuals that
5 have claimed and received a grant under the Senior Citizens and
6 Persons with Disabilities ~~Disabled Persons~~ Property Tax Relief
7 Act.

8 (e) A person classified as a veteran under subsection (e)
9 of Section 6-106 of this Code that has been issued a decal or
10 device under this Section shall not be required to submit
11 evidence of disability in order to renew that decal or device
12 if, at the time of initial application, he or she submitted
13 evidence from his or her physician or the Department of
14 Veterans' Affairs that the disability is of a permanent nature.
15 However, the Secretary shall take reasonable steps to ensure
16 the veteran still resides in this State at the time of the
17 renewal. These steps may include requiring the veteran to
18 provide additional documentation or to appear at a Secretary of
19 State facility. To identify veterans who are eligible for this
20 exemption, the Secretary shall compare the list of the persons
21 who have been issued a decal or device to the list of persons
22 who have been issued a ~~disabled veteran~~ vehicle registration
23 plate for veterans with disabilities under Section 3-609 of
24 this Code, or who are identified as a veteran on their driver's
25 license under Section 6-110 of this Code or on their
26 identification card under Section 4 of the Illinois

1 Identification Card Act.

2 (Source: P.A. 97-689, eff. 6-14-12; 97-845, eff. 1-1-13;
3 98-463, eff. 8-16-13; 98-577, eff. 1-1-14; 98-879, eff.
4 1-1-15.)

5 (625 ILCS 5/11-1301.3) (from Ch. 95 1/2, par. 11-1301.3)

6 Sec. 11-1301.3. Unauthorized use of parking places
7 reserved for persons with disabilities.

8 (a) It shall be prohibited to park any motor vehicle which
9 is not properly displaying registration plates or decals issued
10 to a person with disabilities, as defined by Section 1-159.1,
11 pursuant to Sections 3-616, 11-1301.1 or 11-1301.2, or to a
12 veteran with a disability ~~disabled veteran~~ pursuant to Section
13 3-609 of this Act, as evidence that the vehicle is operated by
14 or for a person with disabilities or a veteran with a
15 disability ~~disabled veteran~~, in any parking place, including
16 any private or public offstreet parking facility, specifically
17 reserved, by the posting of an official sign as designated
18 under Section 11-301, for motor vehicles displaying such
19 registration plates. It shall be prohibited to park any motor
20 vehicle in a designated access aisle adjacent to any parking
21 place specifically reserved for persons with disabilities, by
22 the posting of an official sign as designated under Section
23 11-301, for motor vehicles displaying such registration
24 plates. When using the parking privileges for persons with
25 disabilities, the parking decal or device must be displayed

1 properly in the vehicle where it is clearly visible to law
2 enforcement personnel, either hanging from the rearview mirror
3 or placed on the dashboard of the vehicle in clear view.
4 Disability license plates and parking decals and devices are
5 not transferable from person to person. Proper usage of the
6 disability license plate or parking decal or device requires
7 the authorized holder to be present and enter or exit the
8 vehicle at the time the parking privileges are being used. It
9 is a violation of this Section to park in a space reserved for
10 a person with disabilities if the authorized holder of the
11 disability license plate or parking decal or device does not
12 enter or exit the vehicle at the time the parking privileges
13 are being used. Any motor vehicle properly displaying a
14 disability license plate or a parking decal or device
15 containing the International symbol of access issued to persons
16 with disabilities by any local authority, state, district,
17 territory or foreign country shall be recognized by State and
18 local authorities as a valid license plate or device and
19 receive the same parking privileges as residents of this State.

20 (a-1) An individual with a vehicle displaying disability
21 license plates or a parking decal or device issued to a
22 qualified person with a disability under Sections 3-616,
23 11-1301.1, or 11-1301.2 or to a veteran with a disability
24 ~~disabled veteran~~ under Section 3-609 is in violation of this
25 Section if (i) the person using the disability license plate or
26 parking decal or device is not the authorized holder of the

1 disability license plate or parking decal or device or is not
2 transporting the authorized holder of the disability license
3 plate or parking decal or device to or from the parking
4 location and (ii) the person uses the disability license plate
5 or parking decal or device to exercise any privileges granted
6 through the disability license plate or parking decals or
7 devices under this Code.

8 (a-2) A driver of a vehicle displaying disability license
9 plates or a parking decal or device issued to a qualified
10 person with a disability under Section 3-616, 11-1301.1, or
11 11-1301.2 or to a veteran with a disability ~~disabled veteran~~
12 under Section 3-609 is in violation of this Section if (i) the
13 person to whom the disability license plate or parking decal or
14 device was issued is deceased and (ii) the driver uses the
15 disability license plate or parking decal or device to exercise
16 any privileges granted through a disability license plate or
17 parking decal or device under this Code.

18 (b) Any person or local authority owning or operating any
19 public or private offstreet parking facility may, after
20 notifying the police or sheriff's department, remove or cause
21 to be removed to the nearest garage or other place of safety
22 any vehicle parked within a stall or space reserved for use by
23 a person with disabilities which does not display person with
24 disabilities registration plates or a special decal or device
25 as required under this Section.

26 (c) Any person found guilty of violating the provisions of

1 subsection (a) shall be fined \$250 in addition to any costs or
2 charges connected with the removal or storage of any motor
3 vehicle authorized under this Section; but municipalities by
4 ordinance may impose a fine up to \$350 and shall display signs
5 indicating the fine imposed. If the amount of the fine is
6 subsequently changed, the municipality shall change the sign to
7 indicate the current amount of the fine. It shall not be a
8 defense to a charge under this Section that either the sign
9 posted pursuant to this Section or the intended accessible
10 parking place does not comply with the technical requirements
11 of Section 11-301, Department regulations, or local ordinance
12 if a reasonable person would be made aware by the sign or
13 notice on or near the parking place that the place is reserved
14 for a person with disabilities.

15 (c-1) Any person found guilty of violating the provisions
16 of subsection (a-1) a first time shall be fined \$600. Any
17 person found guilty of violating subsection (a-1) a second or
18 subsequent time shall be fined \$1,000. Any person who violates
19 subsection (a-2) is guilty of a Class A misdemeanor and shall
20 be fined \$2,500. The circuit clerk shall distribute 50% of the
21 fine imposed on any person who is found guilty of or pleads
22 guilty to violating this Section, including any person placed
23 on court supervision for violating this Section, to the law
24 enforcement agency that issued the citation or made the arrest.
25 If more than one law enforcement agency is responsible for
26 issuing the citation or making the arrest, the 50% of the fine

1 imposed shall be shared equally. If an officer of the Secretary
2 of State Department of Police arrested a person for a violation
3 of this Section, 50% of the fine imposed shall be deposited
4 into the Secretary of State Police Services Fund.

5 (d) Local authorities shall impose fines as established in
6 subsections (c) and (c-1) for violations of this Section.

7 (e) As used in this Section, "authorized holder" means an
8 individual issued a disability license plate under Section
9 3-616 of this Code, an individual issued a parking decal or
10 device under Section 11-1301.2 of this Code, or an individual
11 issued a ~~disabled veteran's~~ license plate for veterans with
12 disabilities under Section 3-609 of this Code.

13 (f) Any person who commits a violation of subsection (a-1)
14 or a similar provision of a local ordinance may have his or her
15 driving privileges suspended or revoked by the Secretary of
16 State for a period of time determined by the Secretary of
17 State. Any person who commits a violation of subsection (a-2)
18 or a similar provision of a local ordinance shall have his or
19 her driving privileges revoked by the Secretary of State. The
20 Secretary of State may also suspend or revoke the disability
21 license plates or parking decal or device for a period of time
22 determined by the Secretary of State.

23 (g) Any police officer may seize the parking decal or
24 device from any person who commits a violation of this Section.
25 Any police officer may seize the disability license plate upon
26 authorization from the Secretary of State. Any police officer

1 may request that the Secretary of State revoke the parking
2 decal or device or the disability license plate of any person
3 who commits a violation of this Section.

4 (Source: P.A. 97-844, eff. 1-1-13; 97-845, eff. 1-1-13; 98-463,
5 eff. 8-16-13.)

6 (625 ILCS 5/11-1301.4) (from Ch. 95 1/2, par. 11-1301.4)

7 Sec. 11-1301.4. Reciprocal agreements with other
8 jurisdictions. The Secretary of State, or his designee, may
9 enter into agreements with other jurisdictions, including
10 foreign jurisdictions, on behalf of this State relating to the
11 extension of parking privileges by such jurisdictions to
12 ~~permanently disabled~~ residents of this State with disabilities
13 who display a special license plate or parking device that
14 contains the International symbol of access on his or her motor
15 vehicle, and to recognize such plates or devices issued by such
16 other jurisdictions. This State shall grant the same parking
17 privileges which are granted to ~~disabled~~ residents of this
18 State with disabilities to any non-resident whose motor vehicle
19 is licensed in another state, district, territory or foreign
20 country if such vehicle displays the International symbol of
21 access or a distinguishing insignia on license plates or
22 parking device issued in accordance with the laws of the
23 non-resident's state, district, territory or foreign country.

24 (Source: P.A. 86-539.)

1 (625 ILCS 5/11-1301.5)

2 Sec. 11-1301.5. Fictitious or unlawfully altered
3 disability license plate or parking decal or device.

4 (a) As used in this Section:

5 "Fictitious disability license plate or parking decal or
6 device" means any issued disability license plate or parking
7 decal or device, or any license plate issued to a veteran with
8 a disability ~~disabled veteran~~ under Section 3-609 of this Code,
9 that has been issued by the Secretary of State or an authorized
10 unit of local government that was issued based upon false
11 information contained on the required application.

12 "False information" means any incorrect or inaccurate
13 information concerning the name, date of birth, social security
14 number, driver's license number, physician certification, or
15 any other information required on the Persons with Disabilities
16 Certification for Plate or Parking Placard, on the Application
17 for Replacement Disability Parking Placard, or on the
18 application for license plates issued to veterans with
19 disabilities ~~disabled veterans~~ under Section 3-609 of this
20 Code, that falsifies the content of the application.

21 "Unlawfully altered disability license plate or parking
22 permit or device" means any disability license plate or parking
23 permit or device, or any license plate issued to a veteran with
24 a disability ~~disabled veteran~~ under Section 3-609 of this Code,
25 issued by the Secretary of State or an authorized unit of local
26 government that has been physically altered or changed in such

1 manner that false information appears on the license plate or
2 parking decal or device.

3 "Authorized holder" means an individual issued a
4 disability license plate under Section 3-616 of this Code or an
5 individual issued a parking decal or device under Section
6 11-1301.2 of this Code, or an individual issued a ~~disabled~~
7 ~~veteran's~~ license plate for veterans with disabilities under
8 Section 3-609 of this Code.

9 (b) It is a violation of this Section for any person:

10 (1) to knowingly possess any fictitious or unlawfully
11 altered disability license plate or parking decal or
12 device;

13 (2) to knowingly issue or assist in the issuance of, by
14 the Secretary of State or unit of local government, any
15 fictitious disability license plate or parking decal or
16 device;

17 (3) to knowingly alter any disability license plate or
18 parking decal or device;

19 (4) to knowingly manufacture, possess, transfer, or
20 provide any documentation used in the application process
21 whether real or fictitious, for the purpose of obtaining a
22 fictitious disability license plate or parking decal or
23 device;

24 (5) to knowingly provide any false information to the
25 Secretary of State or a unit of local government in order
26 to obtain a disability license plate or parking decal or

1 device;

2 (6) to knowingly transfer a disability license plate or
3 parking decal or device for the purpose of exercising the
4 privileges granted to an authorized holder of a disability
5 license plate or parking decal or device under this Code in
6 the absence of the authorized holder; or

7 (7) who is a physician, physician assistant, or
8 advanced practice nurse to knowingly falsify a
9 certification that a person is a person with disabilities
10 as defined by Section 1-159.1 of this Code.

11 (c) Sentence.

12 (1) Any person convicted of a violation of paragraph
13 (1), (2), (3), (4), (5), or (7) of subsection (b) of this
14 Section shall be guilty of a Class A misdemeanor and fined
15 not less than \$1,000 for a first offense and shall be
16 guilty of a Class 4 felony and fined not less than \$2,000
17 for a second or subsequent offense. Any person convicted of
18 a violation of subdivision (b) (6) of this Section is guilty
19 of a Class A misdemeanor and shall be fined not less than
20 \$1,000 for a first offense and not less than \$2,000 for a
21 second or subsequent offense. The circuit clerk shall
22 distribute one-half of any fine imposed on any person who
23 is found guilty of or pleads guilty to violating this
24 Section, including any person placed on court supervision
25 for violating this Section, to the law enforcement agency
26 that issued the citation or made the arrest. If more than

1 one law enforcement agency is responsible for issuing the
2 citation or making the arrest, one-half of the fine imposed
3 shall be shared equally.

4 (2) Any person who commits a violation of this Section
5 or a similar provision of a local ordinance may have his or
6 her driving privileges suspended or revoked by the
7 Secretary of State for a period of time determined by the
8 Secretary of State. The Secretary of State may suspend or
9 revoke the parking decal or device or the disability
10 license plate of any person who commits a violation of this
11 Section.

12 (3) Any police officer may seize the parking decal or
13 device from any person who commits a violation of this
14 Section. Any police officer may seize the disability
15 license plate upon authorization from the Secretary of
16 State. Any police officer may request that the Secretary of
17 State revoke the parking decal or device or the disability
18 license plate of any person who commits a violation of this
19 Section.

20 (Source: P.A. 97-844, eff. 1-1-13; 97-845, eff. 1-1-13; 98-463,
21 eff. 8-16-13.)

22 (625 ILCS 5/11-1301.6)

23 Sec. 11-1301.6. Fraudulent disability license plate or
24 parking decal or device.

25 (a) As used in this Section:

1 "Fraudulent disability license plate or parking decal or
2 device" means any disability license plate or parking decal or
3 device that purports to be an official disability license plate
4 or parking decal or device and that has not been issued by the
5 Secretary of State or an authorized unit of local government.

6 "Disability license plate or parking decal or
7 device-making implement" means any implement specially
8 designed or primarily used in the manufacture, assembly, or
9 authentication of a disability license plate or parking decal
10 or device, or a license plate issued to a veteran with a
11 disability ~~disabled veteran~~ under Section 3-609 of this Code,
12 issued by the Secretary of State or a unit of local government.

13 (b) It is a violation of this Section for any person:

14 (1) to knowingly possess any fraudulent disability
15 license plate or parking decal;

16 (2) to knowingly possess without authority any
17 disability license plate or parking decal or device-making
18 implement;

19 (3) to knowingly duplicate, manufacture, sell, or
20 transfer any fraudulent or stolen disability license plate
21 or parking decal or device;

22 (4) to knowingly assist in the duplication,
23 manufacturing, selling, or transferring of any fraudulent,
24 stolen, or reported lost or damaged disability license
25 plate or parking decal or device; or

26 (5) to advertise or distribute a fraudulent disability

1 license plate or parking decal or device.

2 (c) Sentence.

3 (1) Any person convicted of a violation of this
4 Section shall be guilty of a Class A misdemeanor and fined
5 not less than \$1,000 for a first offense and shall be
6 guilty of a Class 4 felony and fined not less than \$2,000
7 for a second or subsequent offense. The circuit clerk shall
8 distribute half of any fine imposed on any person who is
9 found guilty of or pleads guilty to violating this Section,
10 including any person placed on court supervision for
11 violating this Section, to the law enforcement agency that
12 issued the citation or made the arrest. If more than one
13 law enforcement agency is responsible for issuing the
14 citation or making the arrest, one-half of the fine imposed
15 shall be shared equally.

16 (2) Any person who commits a violation of this Section
17 or a similar provision of a local ordinance may have his or
18 her driving privileges suspended or revoked by the
19 Secretary of State for a period of time determined by the
20 Secretary of State.

21 (3) Any police officer may seize the parking decal or
22 device from any person who commits a violation of this
23 Section. Any police officer may seize the disability
24 license plate upon authorization from the Secretary of
25 State. Any police officer may request that the Secretary of
26 State revoke the parking decal or device or the disability

1 license plate of any person who commits a violation of this
2 Section.

3 (Source: P.A. 96-79, eff. 1-1-10; 97-844, eff. 1-1-13.)

4 (625 ILCS 5/11-1301.7)

5 Sec. 11-1301.7. Appointed volunteers and contracted
6 entities; parking violations for persons with disabilities
7 ~~disabled person parking violations.~~

8 (a) The chief of police of a municipality and the sheriff
9 of a county authorized to enforce parking laws may appoint
10 volunteers or contract with public or private entities to issue
11 parking violation notices for violations of Section 11-1301.3
12 or ordinances dealing with parking privileges for persons with
13 disabilities. Volunteers appointed under this Section and any
14 employees of public or private entities that the chief of
15 police or sheriff has contracted with under this Section who
16 are issuing these parking violation notices must be at least 21
17 years of age. The chief of police or sheriff appointing the
18 volunteers or contracting with public or private entities may
19 establish any other qualifications that he or she deems
20 desirable.

21 (b) The chief of police or sheriff appointing volunteers
22 under this Section shall provide training to the volunteers
23 before authorizing them to issue parking violation notices.

24 (c) A parking violation notice issued by a volunteer
25 appointed under this Section or by a public or private entity

1 that the chief of police or sheriff has contracted with under
2 this Section shall have the same force and effect as a parking
3 violation notice issued by a police officer for the same
4 offense.

5 (d) All funds collected as a result of the payment of the
6 parking violation notices issued under this Section shall go to
7 the municipality or county where the notice is issued.

8 (e) An appointed volunteer or private or public entity
9 under contract pursuant to this Section is not liable for his
10 or her or its act or omission in the execution or enforcement
11 of laws or ordinances if acting within the scope of the
12 appointment or contract authorized by this Section, unless the
13 act or omission constitutes willful and wanton conduct.

14 (f) Except as otherwise provided by statute, a local
15 government, a chief of police, sheriff, or employee of a police
16 department or sheriff, as such and acting within the scope of
17 his or her employment, is not liable for an injury caused by
18 the act or omission of an appointed volunteer or private or
19 public entity under contract pursuant to this Section. No local
20 government, chief of police, sheriff, or an employee of a local
21 government, police department or sheriff shall be liable for
22 any actions regarding the supervision or direction, or the
23 failure to supervise and direct, an appointed volunteer or
24 private or public entity under contract pursuant to this
25 Section unless the act or omission constitutes willful and
26 wanton conduct.

1 (g) An appointed volunteer or private or public entity
2 under contract pursuant to this Section shall assume all
3 liability for and hold the property owner and his agents and
4 employees harmless from any and all claims of action resulting
5 from the work of the appointed volunteer or public or private
6 entity.

7 (Source: P.A. 90-181, eff. 7-23-97; 90-655, eff. 7-30-98.)

8 (625 ILCS 5/12-401) (from Ch. 95 1/2, par. 12-401)

9 Sec. 12-401. Restriction as to tire equipment. No metal
10 tired vehicle, including tractors, motor vehicles of the second
11 division, traction engines and other similar vehicles, shall be
12 operated over any improved highway of this State, if such
13 vehicle has on the periphery of any of the road wheels any
14 block, stud, flange, cleat, ridge, lug or any projection of
15 metal or wood which projects radially beyond the tread or
16 traffic surface of the tire. This prohibition does not apply to
17 pneumatic tires with metal studs used on vehicles operated by
18 rural letter carriers who are employed or enjoy a contract with
19 the United States Postal Service for the purpose of delivering
20 mail if such vehicle is actually used for such purpose during
21 operations between November 15 of any year and April 1 of the
22 following year, or to motor vehicles displaying a disability
23 license plate or a ~~or disabled veteran~~ license plate for
24 veterans with disabilities whose owner resides in an
25 unincorporated area located upon a county or township highway

1 or road and possesses a valid driver's license and operates the
2 vehicle with such tires only during the period heretofore
3 described, or to tracked type motor vehicles when that part of
4 the vehicle coming in contact with the road surface does not
5 contain any projections of any kind likely to injure the
6 surface of the road; however, tractors, traction engines, and
7 similar vehicles may be operated which have upon their road
8 wheels V-shaped, diagonal or other cleats arranged in such a
9 manner as to be continuously in contact with the road surface,
10 provided that the gross weight upon such wheels per inch of
11 width of such cleats in contact with the road surface, when
12 measured in the direction of the axle of the vehicle, does not
13 exceed 800 pounds.

14 All motor vehicles and all other vehicles in tow thereof,
15 or thereunto attached, operating upon any roadway, shall have
16 tires of rubber or some material of equal resiliency. Solid
17 tires shall be considered defective and shall not be permitted
18 to be used if the rubber or other material has been worn or
19 otherwise reduced to a thickness of less than three-fourths of
20 an undue vibration when the vehicle is in motion or to cause
21 undue concentration of the wheel load on the surface of the
22 road. The requirements of this Section do not apply to
23 agricultural tractors or traction engines or to agricultural
24 machinery, including wagons being used for agricultural
25 purposes in tow thereof, or to road rollers or road building
26 machinery operated at a speed not in excess of 10 miles per

1 hour. All motor vehicles of the second division, operating upon
2 any roadway shall have pneumatic tires, unless exempted herein.

3 Nothing in this Section shall be deemed to prohibit the use
4 of tire chains of reasonable proportion upon any vehicle when
5 required for safety because of snow, ice or other conditions
6 tending to cause a vehicle to skid.

7 (Source: P.A. 94-619, eff. 1-1-06.)

8 Section 870. The Boat Registration and Safety Act is
9 amended by changing Section 3A-15 as follows:

10 (625 ILCS 45/3A-15) (from Ch. 95 1/2, par. 313A-15)

11 Sec. 3A-15. Transfer by operation of law.

12 (a) If the interest of an owner in a watercraft passes to
13 another other than by voluntary transfer, the transferee shall,
14 except as provided in subsection (b), promptly mail or deliver
15 within 15 days to the Department of Natural Resources the last
16 certificate of title, if available, proof of the transfer, and
17 his or her application for a new certificate in the form the
18 Department prescribes. It shall be unlawful for any person
19 having possession of a certificate of title for a watercraft by
20 reason of his or her having a lien or encumbrance on such
21 watercraft, to fail or refuse to deliver such certificate to
22 the owner, upon the satisfaction or discharge of the lien or
23 encumbrance, indicated upon such certificate of title.

24 (b) If the interest of an owner in a watercraft passes to

1 another under the provisions of the Small Estates provisions of
2 the Probate Act of 1975, as amended, the transferee shall
3 promptly mail or deliver to the Department of Natural
4 Resources, within 120 days, the last certificate of title, if
5 available, the documentation required under the provisions of
6 the Probate Act of 1975, as amended, and an application for
7 certificate of title. The transfer may be to the transferee or
8 to the nominee of the transferee.

9 (c) If the interest of an owner in a watercraft passes to
10 another under other provisions of the Probate Act of 1975, as
11 amended, and the transfer is made by an executor,
12 administrator, or guardian for a person with a disability
13 ~~disabled person~~, such transferee shall promptly mail or deliver
14 to the Department of Natural Resources, the last certificate of
15 title, if available, and a certified copy of the letters
16 testamentary, letters of administration or letters of
17 guardianship, as the case may be, and an application for
18 certificate of title. Such application shall be made before the
19 estate is closed. The transfer may be to the transferee or to
20 the nominee of the transferee.

21 (d) If the interest of an owner in joint tenancy passes to
22 the other joint tenant with survivorship rights as provided by
23 law, the transferee shall promptly mail or deliver to the
24 Department of Natural Resources, the last certificate of title,
25 if available, proof of death of the one joint tenant and
26 survivorship of the surviving joint tenant, and an application

1 for certificate of title. Such application shall be made within
2 120 days after the death of the joint tenant. The transfer may
3 be to the transferee or to the nominee of the transferee.

4 (e) If the interest of the owner is terminated or the
5 watercraft is sold under a security agreement by a lienholder
6 named in the certificate of title, the transferee shall
7 promptly mail or deliver within 15 days to the Department of
8 Natural Resources the last certificate of title, his or her
9 application for a new certificate in the form the Department
10 prescribes, and an affidavit made by or on behalf of the
11 lienholder that the watercraft was repossessed and that the
12 interest of the owner was lawfully terminated or sold pursuant
13 to the terms of the security agreement. In all cases wherein a
14 lienholder has found it necessary to repossess a watercraft and
15 desires to obtain certificate of title for such watercraft in
16 the name of such lienholder, the Department of Natural
17 Resources shall not issue a certificate of title to such
18 lienholder unless the person from whom such watercraft has been
19 repossessed, is shown to be the last registered owner of such
20 watercraft and such lienholder establishes to the satisfaction
21 of the Department that he or she is entitled to such
22 certificate of title.

23 (f) A person holding a certificate of title whose interest
24 in the watercraft has been extinguished or transferred other
25 than by voluntary transfer shall mail or deliver the
26 certificate within 15 days upon request of the Department of

1 Natural Resources. The delivery of the certificate pursuant to
2 the request of the Department of Natural Resources does not
3 affect the rights of the person surrendering the certificate,
4 and the action of the Department in issuing a new certificate
5 of title as provided herein is not conclusive upon the rights
6 of an owner or lienholder named in the old certificate.

7 (g) The Department of Natural Resources may decline to
8 process any application for a transfer of an interest hereunder
9 if any fees or taxes due under this Act from the transferor or
10 the transferee have not been paid upon reasonable notice and
11 demand.

12 (h) The Department of Natural Resources shall not be held
13 civilly or criminally liable to any person because any
14 purported transferor may not have had the power or authority to
15 make a transfer of any interest in any watercraft.

16 (Source: P.A. 89-445, eff. 2-7-96.)

17 Section 875. The Juvenile Court Act of 1987 is amended by
18 changing Section 2-3 as follows:

19 (705 ILCS 405/2-3) (from Ch. 37, par. 802-3)

20 Sec. 2-3. Neglected or abused minor.

21 (1) Those who are neglected include:

22 (a) any minor under 18 years of age who is not
23 receiving the proper or necessary support, education as
24 required by law, or medical or other remedial care

1 recognized under State law as necessary for a minor's
2 well-being, or other care necessary for his or her
3 well-being, including adequate food, clothing and shelter,
4 or who is abandoned by his or her parent or parents or
5 other person or persons responsible for the minor's
6 welfare, except that a minor shall not be considered
7 neglected for the sole reason that the minor's parent or
8 parents or other person or persons responsible for the
9 minor's welfare have left the minor in the care of an adult
10 relative for any period of time, who the parent or parents
11 or other person responsible for the minor's welfare know is
12 both a mentally capable adult relative and physically
13 capable adult relative, as defined by this Act; or

14 (b) any minor under 18 years of age whose environment
15 is injurious to his or her welfare; or

16 (c) any newborn infant whose blood, urine, or meconium
17 contains any amount of a controlled substance as defined in
18 subsection (f) of Section 102 of the Illinois Controlled
19 Substances Act, as now or hereafter amended, or a
20 metabolite of a controlled substance, with the exception of
21 controlled substances or metabolites of such substances,
22 the presence of which in the newborn infant is the result
23 of medical treatment administered to the mother or the
24 newborn infant; or

25 (d) any minor under the age of 14 years whose parent or
26 other person responsible for the minor's welfare leaves the

1 minor without supervision for an unreasonable period of
2 time without regard for the mental or physical health,
3 safety, or welfare of that minor; or

4 (e) any minor who has been provided with interim crisis
5 intervention services under Section 3-5 of this Act and
6 whose parent, guardian, or custodian refuses to permit the
7 minor to return home unless the minor is an immediate
8 physical danger to himself, herself, or others living in
9 the home.

10 Whether the minor was left without regard for the mental or
11 physical health, safety, or welfare of that minor or the period
12 of time was unreasonable shall be determined by considering the
13 following factors, including but not limited to:

14 (1) the age of the minor;

15 (2) the number of minors left at the location;

16 (3) special needs of the minor, including whether the
17 minor is a person with a physical or mental disability
18 ~~physically or mentally handicapped~~, or otherwise in need of
19 ongoing prescribed medical treatment such as periodic
20 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, or in
24 the Wrongs to Children Act, and extending those definitions
25 of sex offenses to include minors under 18 years of age;

26 (iv) commits or allows to be committed an act or acts

1 of torture upon such minor;

2 (v) inflicts excessive corporal punishment;

3 (vi) commits or allows to be committed the offense of
4 involuntary servitude, involuntary sexual servitude of a
5 minor, or trafficking in persons as defined in Section 10-9
6 of the Criminal Code of 1961 or the Criminal Code of 2012,
7 upon such minor; or

8 (vii) allows, encourages or requires a minor to commit
9 any act of prostitution, as defined in the Criminal Code of
10 1961 or the Criminal Code of 2012, and extending those
11 definitions to include minors under 18 years of age.

12 A minor shall not be considered abused for the sole reason
13 that the minor has been relinquished in accordance with the
14 Abandoned Newborn Infant Protection Act.

15 (3) This Section does not apply to a minor who would be
16 included herein solely for the purpose of qualifying for
17 financial assistance for himself, his parents, guardian or
18 custodian.

19 (Source: P.A. 96-168, eff. 8-10-09; 96-1464, eff. 8-20-10;
20 97-897, eff. 1-1-13; 97-1150, eff. 1-25-13.)

21 Section 880. The Criminal Code of 2012 is amended by
22 changing Sections 2-10.1, 2-15a, 9-1, 10-1, 10-2, 10-5,
23 11-1.30, 11-1.60, 11-14.1, 11-14.4, 11-18.1, 11-20.1, 12-0.1,
24 12-2, 12-3.05, 12C-10, 16-30, 17-2, 17-6, 17-6.5, 17-10.2,
25 18-1, 18-4, 24-3, 24-3.1, and 48-10 as follows:

1 (720 ILCS 5/2-10.1) (from Ch. 38, par. 2-10.1)

2 Sec. 2-10.1. "Person with a severe or profound intellectual
3 disability" ~~Severely or profoundly intellectually disabled~~
4 ~~person~~" means a person (i) whose intelligence quotient does not
5 exceed 40 or (ii) whose intelligence quotient does not exceed
6 55 and who suffers from significant mental illness to the
7 extent that the person's ability to exercise rational judgment
8 is impaired. In any proceeding in which the defendant is
9 charged with committing a violation of Section 10-2, 10-5,
10 11-1.30, 11-1.60, 11-14.4, 11-15.1, 11-19.1, 11-19.2, 11-20.1,
11 11-20.1B, 11-20.3, 12-4.3, 12-14, or 12-16, or subdivision
12 (b) (1) of Section 12-3.05, of this Code against a victim who is
13 alleged to be a person with a severe or profound intellectual
14 disability ~~severely or profoundly intellectually disabled~~
15 ~~person~~, any findings concerning the victim's status as a person
16 with a severe or profound intellectual disability ~~severely or~~
17 ~~profoundly intellectually disabled person~~, made by a court
18 after a judicial admission hearing concerning the victim under
19 Articles V and VI of Chapter IV of the Mental Health and
20 Developmental Disabilities Code shall be admissible.

21 (Source: P.A. 97-227, eff. 1-1-12; 97-1109, eff. 1-1-13;
22 98-756, eff. 7-16-14.)

23 (720 ILCS 5/2-15a) (from Ch. 38, par. 2-15a)

24 Sec. 2-15a. "Person with a physical disability" ~~Physically~~

1 ~~handicapped person".~~ "Person with a physical disability"
2 ~~Physically handicapped person"~~ means a person who suffers from
3 a permanent and disabling physical characteristic, resulting
4 from disease, injury, functional disorder, or congenital
5 condition.

6 (Source: P.A. 85-691.)

7 (720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

8 Sec. 9-1. First degree Murder - Death penalties -
9 Exceptions - Separate Hearings - Proof - Findings - Appellate
10 procedures - Reversals.

11 (a) A person who kills an individual without lawful
12 justification commits first degree murder if, in performing the
13 acts which cause the death:

14 (1) he either intends to kill or do great bodily harm
15 to that individual or another, or knows that such acts will
16 cause death to that individual or another; or

17 (2) he knows that such acts create a strong probability
18 of death or great bodily harm to that individual or
19 another; or

20 (3) he is attempting or committing a forcible felony
21 other than second degree murder.

22 (b) Aggravating Factors. A defendant who at the time of the
23 commission of the offense has attained the age of 18 or more
24 and who has been found guilty of first degree murder may be
25 sentenced to death if:

1 (1) the murdered individual was a peace officer or
2 fireman killed in the course of performing his official
3 duties, to prevent the performance of his official duties,
4 or in retaliation for performing his official duties, and
5 the defendant knew or should have known that the murdered
6 individual was a peace officer or fireman; or

7 (2) the murdered individual was an employee of an
8 institution or facility of the Department of Corrections,
9 or any similar local correctional agency, killed in the
10 course of performing his official duties, to prevent the
11 performance of his official duties, or in retaliation for
12 performing his official duties, or the murdered individual
13 was an inmate at such institution or facility and was
14 killed on the grounds thereof, or the murdered individual
15 was otherwise present in such institution or facility with
16 the knowledge and approval of the chief administrative
17 officer thereof; or

18 (3) the defendant has been convicted of murdering two
19 or more individuals under subsection (a) of this Section or
20 under any law of the United States or of any state which is
21 substantially similar to subsection (a) of this Section
22 regardless of whether the deaths occurred as the result of
23 the same act or of several related or unrelated acts so
24 long as the deaths were the result of either an intent to
25 kill more than one person or of separate acts which the
26 defendant knew would cause death or create a strong

1 probability of death or great bodily harm to the murdered
2 individual or another; or

3 (4) the murdered individual was killed as a result of
4 the hijacking of an airplane, train, ship, bus or other
5 public conveyance; or

6 (5) the defendant committed the murder pursuant to a
7 contract, agreement or understanding by which he was to
8 receive money or anything of value in return for committing
9 the murder or procured another to commit the murder for
10 money or anything of value; or

11 (6) the murdered individual was killed in the course of
12 another felony if:

13 (a) the murdered individual:

14 (i) was actually killed by the defendant, or

15 (ii) received physical injuries personally
16 inflicted by the defendant substantially
17 contemporaneously with physical injuries caused by
18 one or more persons for whose conduct the defendant
19 is legally accountable under Section 5-2 of this
20 Code, and the physical injuries inflicted by
21 either the defendant or the other person or persons
22 for whose conduct he is legally accountable caused
23 the death of the murdered individual; and

24 (b) in performing the acts which caused the death
25 of the murdered individual or which resulted in
26 physical injuries personally inflicted by the

1 defendant on the murdered individual under the
2 circumstances of subdivision (ii) of subparagraph (a)
3 of paragraph (6) of subsection (b) of this Section, the
4 defendant acted with the intent to kill the murdered
5 individual or with the knowledge that his acts created
6 a strong probability of death or great bodily harm to
7 the murdered individual or another; and

8 (c) the other felony was an inherently violent
9 crime or the attempt to commit an inherently violent
10 crime. In this subparagraph (c), "inherently violent
11 crime" includes, but is not limited to, armed robbery,
12 robbery, predatory criminal sexual assault of a child,
13 aggravated criminal sexual assault, aggravated
14 kidnapping, aggravated vehicular hijacking, aggravated
15 arson, aggravated stalking, residential burglary, and
16 home invasion; or

17 (7) the murdered individual was under 12 years of age
18 and the death resulted from exceptionally brutal or heinous
19 behavior indicative of wanton cruelty; or

20 (8) the defendant committed the murder with intent to
21 prevent the murdered individual from testifying or
22 participating in any criminal investigation or prosecution
23 or giving material assistance to the State in any
24 investigation or prosecution, either against the defendant
25 or another; or the defendant committed the murder because
26 the murdered individual was a witness in any prosecution or

1 gave material assistance to the State in any investigation
2 or prosecution, either against the defendant or another;
3 for purposes of this paragraph (8), "participating in any
4 criminal investigation or prosecution" is intended to
5 include those appearing in the proceedings in any capacity
6 such as trial judges, prosecutors, defense attorneys,
7 investigators, witnesses, or jurors; or

8 (9) the defendant, while committing an offense
9 punishable under Sections 401, 401.1, 401.2, 405, 405.2,
10 407 or 407.1 or subsection (b) of Section 404 of the
11 Illinois Controlled Substances Act, or while engaged in a
12 conspiracy or solicitation to commit such offense,
13 intentionally killed an individual or counseled,
14 commanded, induced, procured or caused the intentional
15 killing of the murdered individual; or

16 (10) the defendant was incarcerated in an institution
17 or facility of the Department of Corrections at the time of
18 the murder, and while committing an offense punishable as a
19 felony under Illinois law, or while engaged in a conspiracy
20 or solicitation to commit such offense, intentionally
21 killed an individual or counseled, commanded, induced,
22 procured or caused the intentional killing of the murdered
23 individual; or

24 (11) the murder was committed in a cold, calculated and
25 premeditated manner pursuant to a preconceived plan,
26 scheme or design to take a human life by unlawful means,

1 and the conduct of the defendant created a reasonable
2 expectation that the death of a human being would result
3 therefrom; or

4 (12) the murdered individual was an emergency medical
5 technician - ambulance, emergency medical technician -
6 intermediate, emergency medical technician - paramedic,
7 ambulance driver, or other medical assistance or first aid
8 personnel, employed by a municipality or other
9 governmental unit, killed in the course of performing his
10 official duties, to prevent the performance of his official
11 duties, or in retaliation for performing his official
12 duties, and the defendant knew or should have known that
13 the murdered individual was an emergency medical
14 technician - ambulance, emergency medical technician -
15 intermediate, emergency medical technician - paramedic,
16 ambulance driver, or other medical assistance or first aid
17 personnel; or

18 (13) the defendant was a principal administrator,
19 organizer, or leader of a calculated criminal drug
20 conspiracy consisting of a hierarchical position of
21 authority superior to that of all other members of the
22 conspiracy, and the defendant counseled, commanded,
23 induced, procured, or caused the intentional killing of the
24 murdered person; or

25 (14) the murder was intentional and involved the
26 infliction of torture. For the purpose of this Section

1 torture means the infliction of or subjection to extreme
2 physical pain, motivated by an intent to increase or
3 prolong the pain, suffering or agony of the victim; or

4 (15) the murder was committed as a result of the
5 intentional discharge of a firearm by the defendant from a
6 motor vehicle and the victim was not present within the
7 motor vehicle; or

8 (16) the murdered individual was 60 years of age or
9 older and the death resulted from exceptionally brutal or
10 heinous behavior indicative of wanton cruelty; or

11 (17) the murdered individual was a person with a
12 disability ~~disabled person~~ and the defendant knew or should
13 have known that the murdered individual was a person with a
14 disability ~~disabled~~. For purposes of this paragraph (17),
15 "person with a disability ~~disabled person~~" means a person
16 who suffers from a permanent physical or mental impairment
17 resulting from disease, an injury, a functional disorder,
18 or a congenital condition that renders the person incapable
19 of adequately providing for his or her own health or
20 personal care; or

21 (18) the murder was committed by reason of any person's
22 activity as a community policing volunteer or to prevent
23 any person from engaging in activity as a community
24 policing volunteer; or

25 (19) the murdered individual was subject to an order of
26 protection and the murder was committed by a person against

1 whom the same order of protection was issued under the
2 Illinois Domestic Violence Act of 1986; or

3 (20) the murdered individual was known by the defendant
4 to be a teacher or other person employed in any school and
5 the teacher or other employee is upon the grounds of a
6 school or grounds adjacent to a school, or is in any part
7 of a building used for school purposes; or

8 (21) the murder was committed by the defendant in
9 connection with or as a result of the offense of terrorism
10 as defined in Section 29D-14.9 of this Code.

11 (b-5) Aggravating Factor; Natural Life Imprisonment. A
12 defendant who has been found guilty of first degree murder and
13 who at the time of the commission of the offense had attained
14 the age of 18 years or more may be sentenced to natural life
15 imprisonment if (i) the murdered individual was a physician,
16 physician assistant, psychologist, nurse, or advanced practice
17 nurse, (ii) the defendant knew or should have known that the
18 murdered individual was a physician, physician assistant,
19 psychologist, nurse, or advanced practice nurse, and (iii) the
20 murdered individual was killed in the course of acting in his
21 or her capacity as a physician, physician assistant,
22 psychologist, nurse, or advanced practice nurse, or to prevent
23 him or her from acting in that capacity, or in retaliation for
24 his or her acting in that capacity.

25 (c) Consideration of factors in Aggravation and
26 Mitigation.

1 The court shall consider, or shall instruct the jury to
2 consider any aggravating and any mitigating factors which are
3 relevant to the imposition of the death penalty. Aggravating
4 factors may include but need not be limited to those factors
5 set forth in subsection (b). Mitigating factors may include but
6 need not be limited to the following:

7 (1) the defendant has no significant history of prior
8 criminal activity;

9 (2) the murder was committed while the defendant was
10 under the influence of extreme mental or emotional
11 disturbance, although not such as to constitute a defense
12 to prosecution;

13 (3) the murdered individual was a participant in the
14 defendant's homicidal conduct or consented to the
15 homicidal act;

16 (4) the defendant acted under the compulsion of threat
17 or menace of the imminent infliction of death or great
18 bodily harm;

19 (5) the defendant was not personally present during
20 commission of the act or acts causing death;

21 (6) the defendant's background includes a history of
22 extreme emotional or physical abuse;

23 (7) the defendant suffers from a reduced mental
24 capacity.

25 (d) Separate sentencing hearing.

26 Where requested by the State, the court shall conduct a

1 separate sentencing proceeding to determine the existence of
2 factors set forth in subsection (b) and to consider any
3 aggravating or mitigating factors as indicated in subsection
4 (c). The proceeding shall be conducted:

5 (1) before the jury that determined the defendant's
6 guilt; or

7 (2) before a jury impanelled for the purpose of the
8 proceeding if:

9 A. the defendant was convicted upon a plea of
10 guilty; or

11 B. the defendant was convicted after a trial before
12 the court sitting without a jury; or

13 C. the court for good cause shown discharges the
14 jury that determined the defendant's guilt; or

15 (3) before the court alone if the defendant waives a
16 jury for the separate proceeding.

17 (e) Evidence and Argument.

18 During the proceeding any information relevant to any of
19 the factors set forth in subsection (b) may be presented by
20 either the State or the defendant under the rules governing the
21 admission of evidence at criminal trials. Any information
22 relevant to any additional aggravating factors or any
23 mitigating factors indicated in subsection (c) may be presented
24 by the State or defendant regardless of its admissibility under
25 the rules governing the admission of evidence at criminal
26 trials. The State and the defendant shall be given fair

1 opportunity to rebut any information received at the hearing.

2 (f) Proof.

3 The burden of proof of establishing the existence of any of
4 the factors set forth in subsection (b) is on the State and
5 shall not be satisfied unless established beyond a reasonable
6 doubt.

7 (g) Procedure - Jury.

8 If at the separate sentencing proceeding the jury finds
9 that none of the factors set forth in subsection (b) exists,
10 the court shall sentence the defendant to a term of
11 imprisonment under Chapter V of the Unified Code of
12 Corrections. If there is a unanimous finding by the jury that
13 one or more of the factors set forth in subsection (b) exist,
14 the jury shall consider aggravating and mitigating factors as
15 instructed by the court and shall determine whether the
16 sentence of death shall be imposed. If the jury determines
17 unanimously, after weighing the factors in aggravation and
18 mitigation, that death is the appropriate sentence, the court
19 shall sentence the defendant to death. If the court does not
20 concur with the jury determination that death is the
21 appropriate sentence, the court shall set forth reasons in
22 writing including what facts or circumstances the court relied
23 upon, along with any relevant documents, that compelled the
24 court to non-concur with the sentence. This document and any
25 attachments shall be part of the record for appellate review.
26 The court shall be bound by the jury's sentencing

1 determination.

2 If after weighing the factors in aggravation and
3 mitigation, one or more jurors determines that death is not the
4 appropriate sentence, the court shall sentence the defendant to
5 a term of imprisonment under Chapter V of the Unified Code of
6 Corrections.

7 (h) Procedure - No Jury.

8 In a proceeding before the court alone, if the court finds
9 that none of the factors found in subsection (b) exists, the
10 court shall sentence the defendant to a term of imprisonment
11 under Chapter V of the Unified Code of Corrections.

12 If the Court determines that one or more of the factors set
13 forth in subsection (b) exists, the Court shall consider any
14 aggravating and mitigating factors as indicated in subsection
15 (c). If the Court determines, after weighing the factors in
16 aggravation and mitigation, that death is the appropriate
17 sentence, the Court shall sentence the defendant to death.

18 If the court finds that death is not the appropriate
19 sentence, the court shall sentence the defendant to a term of
20 imprisonment under Chapter V of the Unified Code of
21 Corrections.

22 (h-5) Decertification as a capital case.

23 In a case in which the defendant has been found guilty of
24 first degree murder by a judge or jury, or a case on remand for
25 resentencing, and the State seeks the death penalty as an
26 appropriate sentence, on the court's own motion or the written

1 motion of the defendant, the court may decertify the case as a
2 death penalty case if the court finds that the only evidence
3 supporting the defendant's conviction is the uncorroborated
4 testimony of an informant witness, as defined in Section 115-21
5 of the Code of Criminal Procedure of 1963, concerning the
6 confession or admission of the defendant or that the sole
7 evidence against the defendant is a single eyewitness or single
8 accomplice without any other corroborating evidence. If the
9 court decertifies the case as a capital case under either of
10 the grounds set forth above, the court shall issue a written
11 finding. The State may pursue its right to appeal the
12 decertification pursuant to Supreme Court Rule 604(a)(1). If
13 the court does not decertify the case as a capital case, the
14 matter shall proceed to the eligibility phase of the sentencing
15 hearing.

16 (i) Appellate Procedure.

17 The conviction and sentence of death shall be subject to
18 automatic review by the Supreme Court. Such review shall be in
19 accordance with rules promulgated by the Supreme Court. The
20 Illinois Supreme Court may overturn the death sentence, and
21 order the imposition of imprisonment under Chapter V of the
22 Unified Code of Corrections if the court finds that the death
23 sentence is fundamentally unjust as applied to the particular
24 case. If the Illinois Supreme Court finds that the death
25 sentence is fundamentally unjust as applied to the particular
26 case, independent of any procedural grounds for relief, the

1 Illinois Supreme Court shall issue a written opinion explaining
2 this finding.

3 (j) Disposition of reversed death sentence.

4 In the event that the death penalty in this Act is held to
5 be unconstitutional by the Supreme Court of the United States
6 or of the State of Illinois, any person convicted of first
7 degree murder shall be sentenced by the court to a term of
8 imprisonment under Chapter V of the Unified Code of
9 Corrections.

10 In the event that any death sentence pursuant to the
11 sentencing provisions of this Section is declared
12 unconstitutional by the Supreme Court of the United States or
13 of the State of Illinois, the court having jurisdiction over a
14 person previously sentenced to death shall cause the defendant
15 to be brought before the court, and the court shall sentence
16 the defendant to a term of imprisonment under Chapter V of the
17 Unified Code of Corrections.

18 (k) Guidelines for seeking the death penalty.

19 The Attorney General and State's Attorneys Association
20 shall consult on voluntary guidelines for procedures governing
21 whether or not to seek the death penalty. The guidelines do not
22 have the force of law and are only advisory in nature.

23 (Source: P.A. 96-710, eff. 1-1-10; 96-1475, eff. 1-1-11.)

24 (720 ILCS 5/10-1) (from Ch. 38, par. 10-1)

25 Sec. 10-1. Kidnapping.

1 (a) A person commits the offense of kidnapping when he or
2 she knowingly:

3 (1) and secretly confines another against his or her
4 will;

5 (2) by force or threat of imminent force carries
6 another from one place to another with intent secretly to
7 confine that other person against his or her will; or

8 (3) by deceit or enticement induces another to go from
9 one place to another with intent secretly to confine that
10 other person against his or her will.

11 (b) Confinement of a child under the age of 13 years, or of
12 a person with a severe or profound intellectual disability
13 ~~severely or profoundly intellectually disabled person~~, is
14 against that child's or person's will within the meaning of
15 this Section if that confinement is without the consent of that
16 child's or person's parent or legal guardian.

17 (c) Sentence. Kidnapping is a Class 2 felony.

18 (Source: P.A. 96-710, eff. 1-1-10; 97-227, eff. 1-1-12.)

19 (720 ILCS 5/10-2) (from Ch. 38, par. 10-2)

20 Sec. 10-2. Aggravated kidnaping.

21 (a) A person commits the offense of aggravated kidnaping
22 when he or she commits kidnapping and:

23 (1) kidnaps with the intent to obtain ransom from the
24 person kidnaped or from any other person;

25 (2) takes as his or her victim a child under the age of

1 13 years, or a person with a severe or profound
2 intellectual disability ~~severely or profoundly~~
3 ~~intellectually disabled person;~~

4 (3) inflicts great bodily harm, other than by the
5 discharge of a firearm, or commits another felony upon his
6 or her victim;

7 (4) wears a hood, robe, or mask or conceals his or her
8 identity;

9 (5) commits the offense of kidnaping while armed with a
10 dangerous weapon, other than a firearm, as defined in
11 Section 33A-1 of this Code;

12 (6) commits the offense of kidnaping while armed with a
13 firearm;

14 (7) during the commission of the offense of kidnaping,
15 personally discharges a firearm; or

16 (8) during the commission of the offense of kidnaping,
17 personally discharges a firearm that proximately causes
18 great bodily harm, permanent disability, permanent
19 disfigurement, or death to another person.

20 As used in this Section, "ransom" includes money, benefit,
21 or other valuable thing or concession.

22 (b) Sentence. Aggravated kidnaping in violation of
23 paragraph (1), (2), (3), (4), or (5) of subsection (a) is a
24 Class X felony. A violation of subsection (a)(6) is a Class X
25 felony for which 15 years shall be added to the term of
26 imprisonment imposed by the court. A violation of subsection

1 (a) (7) is a Class X felony for which 20 years shall be added to
2 the term of imprisonment imposed by the court. A violation of
3 subsection (a) (8) is a Class X felony for which 25 years or up
4 to a term of natural life shall be added to the term of
5 imprisonment imposed by the court.

6 A person who is convicted of a second or subsequent offense
7 of aggravated kidnaping shall be sentenced to a term of natural
8 life imprisonment; except that a sentence of natural life
9 imprisonment shall not be imposed under this Section unless the
10 second or subsequent offense was committed after conviction on
11 the first offense.

12 (Source: P.A. 96-710, eff. 1-1-10; 97-227, eff. 1-1-12.)

13 (720 ILCS 5/10-5) (from Ch. 38, par. 10-5)

14 Sec. 10-5. Child abduction.

15 (a) For purposes of this Section, the following terms have
16 the following meanings:

17 (1) "Child" means a person who, at the time the alleged
18 violation occurred, was under the age of 18 or was a person
19 with a severe or profound intellectual disability ~~severely~~
20 ~~or profoundly intellectually disabled.~~

21 (2) "Detains" means taking or retaining physical
22 custody of a child, whether or not the child resists or
23 objects.

24 (2.1) "Express consent" means oral or written
25 permission that is positive, direct, and unequivocal,

1 requiring no inference or implication to supply its
2 meaning.

3 (2.2) "Luring" means any knowing act to solicit,
4 entice, tempt, or attempt to attract the minor.

5 (3) "Lawful custodian" means a person or persons
6 granted legal custody of a child or entitled to physical
7 possession of a child pursuant to a court order. It is
8 presumed that, when the parties have never been married to
9 each other, the mother has legal custody of the child
10 unless a valid court order states otherwise. If an
11 adjudication of paternity has been completed and the father
12 has been assigned support obligations or visitation
13 rights, such a paternity order should, for the purposes of
14 this Section, be considered a valid court order granting
15 custody to the mother.

16 (4) "Putative father" means a man who has a reasonable
17 belief that he is the father of a child born of a woman who
18 is not his wife.

19 (5) "Unlawful purpose" means any misdemeanor or felony
20 violation of State law or a similar federal or sister state
21 law or local ordinance.

22 (b) A person commits the offense of child abduction when he
23 or she does any one of the following:

24 (1) Intentionally violates any terms of a valid court
25 order granting sole or joint custody, care, or possession
26 to another by concealing or detaining the child or removing

1 the child from the jurisdiction of the court.

2 (2) Intentionally violates a court order prohibiting
3 the person from concealing or detaining the child or
4 removing the child from the jurisdiction of the court.

5 (3) Intentionally conceals, detains, or removes the
6 child without the consent of the mother or lawful custodian
7 of the child if the person is a putative father and either:
8 (A) the paternity of the child has not been legally
9 established or (B) the paternity of the child has been
10 legally established but no orders relating to custody have
11 been entered. Notwithstanding the presumption created by
12 paragraph (3) of subsection (a), however, a mother commits
13 child abduction when she intentionally conceals or removes
14 a child, whom she has abandoned or relinquished custody of,
15 from an unadjudicated father who has provided sole ongoing
16 care and custody of the child in her absence.

17 (4) Intentionally conceals or removes the child from a
18 parent after filing a petition or being served with process
19 in an action affecting marriage or paternity but prior to
20 the issuance of a temporary or final order determining
21 custody.

22 (5) At the expiration of visitation rights outside the
23 State, intentionally fails or refuses to return or impedes
24 the return of the child to the lawful custodian in
25 Illinois.

26 (6) Being a parent of the child, and if the parents of

1 that child are or have been married and there has been no
2 court order of custody, knowingly conceals the child for 15
3 days, and fails to make reasonable attempts within the
4 15-day period to notify the other parent as to the specific
5 whereabouts of the child, including a means by which to
6 contact the child, or to arrange reasonable visitation or
7 contact with the child. It is not a violation of this
8 Section for a person fleeing domestic violence to take the
9 child with him or her to housing provided by a domestic
10 violence program.

11 (7) Being a parent of the child, and if the parents of
12 the child are or have been married and there has been no
13 court order of custody, knowingly conceals, detains, or
14 removes the child with physical force or threat of physical
15 force.

16 (8) Knowingly conceals, detains, or removes the child
17 for payment or promise of payment at the instruction of a
18 person who has no legal right to custody.

19 (9) Knowingly retains in this State for 30 days a child
20 removed from another state without the consent of the
21 lawful custodian or in violation of a valid court order of
22 custody.

23 (10) Intentionally lures or attempts to lure a child:
24 (A) under the age of 17 or (B) while traveling to or from a
25 primary or secondary school into a motor vehicle, building,
26 housetrailer, or dwelling place without the consent of the

1 child's parent or lawful custodian for other than a lawful
2 purpose. For the purposes of this item (10), the trier of
3 fact may infer that luring or attempted luring of a child
4 under the age of 17 into a motor vehicle, building,
5 housetrailer, or dwelling place without the express
6 consent of the child's parent or lawful custodian or with
7 the intent to avoid the express consent of the child's
8 parent or lawful custodian was for other than a lawful
9 purpose.

10 (11) With the intent to obstruct or prevent efforts to
11 locate the child victim of a child abduction, knowingly
12 destroys, alters, conceals, or disguises physical evidence
13 or furnishes false information.

14 (c) It is an affirmative defense to subsections (b) (1)
15 through (b) (10) of this Section that:

16 (1) the person had custody of the child pursuant to a
17 court order granting legal custody or visitation rights
18 that existed at the time of the alleged violation;

19 (2) the person had physical custody of the child
20 pursuant to a court order granting legal custody or
21 visitation rights and failed to return the child as a
22 result of circumstances beyond his or her control, and the
23 person notified and disclosed to the other parent or legal
24 custodian the specific whereabouts of the child and a means
25 by which the child could be contacted or made a reasonable
26 attempt to notify the other parent or lawful custodian of

1 the child of those circumstances and made the disclosure
2 within 24 hours after the visitation period had expired and
3 returned the child as soon as possible;

4 (3) the person was fleeing an incidence or pattern of
5 domestic violence; or

6 (4) the person lured or attempted to lure a child under
7 the age of 17 into a motor vehicle, building, housetrailer,
8 or dwelling place for a lawful purpose in prosecutions
9 under paragraph (10) of subsection (b).

10 (d) A person convicted of child abduction under this
11 Section is guilty of a Class 4 felony. A person convicted of
12 child abduction under subsection (b)(10) shall undergo a sex
13 offender evaluation prior to a sentence being imposed. A person
14 convicted of a second or subsequent violation of paragraph (10)
15 of subsection (b) of this Section is guilty of a Class 3
16 felony. A person convicted of child abduction under subsection
17 (b)(10) when the person has a prior conviction of a sex offense
18 as defined in the Sex Offender Registration Act or any
19 substantially similar federal, Uniform Code of Military
20 Justice, sister state, or foreign government offense is guilty
21 of a Class 2 felony. It is a factor in aggravation under
22 subsections (b)(1) through (b)(10) of this Section for which a
23 court may impose a more severe sentence under Section 5-8-1
24 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter V of the Unified
25 Code of Corrections if, upon sentencing, the court finds
26 evidence of any of the following aggravating factors:

1 (1) that the defendant abused or neglected the child
2 following the concealment, detention, or removal of the
3 child;

4 (2) that the defendant inflicted or threatened to
5 inflict physical harm on a parent or lawful custodian of
6 the child or on the child with intent to cause that parent
7 or lawful custodian to discontinue criminal prosecution of
8 the defendant under this Section;

9 (3) that the defendant demanded payment in exchange for
10 return of the child or demanded that he or she be relieved
11 of the financial or legal obligation to support the child
12 in exchange for return of the child;

13 (4) that the defendant has previously been convicted of
14 child abduction;

15 (5) that the defendant committed the abduction while
16 armed with a deadly weapon or the taking of the child
17 resulted in serious bodily injury to another; or

18 (6) that the defendant committed the abduction while in
19 a school, regardless of the time of day or time of year; in
20 a playground; on any conveyance owned, leased, or
21 contracted by a school to transport students to or from
22 school or a school related activity; on the real property
23 of a school; or on a public way within 1,000 feet of the
24 real property comprising any school or playground. For
25 purposes of this paragraph (6), "playground" means a piece
26 of land owned or controlled by a unit of local government

1 that is designated by the unit of local government for use
2 solely or primarily for children's recreation; and
3 "school" means a public or private elementary or secondary
4 school, community college, college, or university.

5 (e) The court may order the child to be returned to the
6 parent or lawful custodian from whom the child was concealed,
7 detained, or removed. In addition to any sentence imposed, the
8 court may assess any reasonable expense incurred in searching
9 for or returning the child against any person convicted of
10 violating this Section.

11 (f) Nothing contained in this Section shall be construed to
12 limit the court's contempt power.

13 (g) Every law enforcement officer investigating an alleged
14 incident of child abduction shall make a written police report
15 of any bona fide allegation and the disposition of that
16 investigation. Every police report completed pursuant to this
17 Section shall be compiled and recorded within the meaning of
18 Section 5.1 of the Criminal Identification Act.

19 (h) Whenever a law enforcement officer has reasons to
20 believe a child abduction has occurred, she or he shall provide
21 the lawful custodian a summary of her or his rights under this
22 Code, including the procedures and relief available to her or
23 him.

24 (i) If during the course of an investigation under this
25 Section the child is found in the physical custody of the
26 defendant or another, the law enforcement officer shall return

1 the child to the parent or lawful custodian from whom the child
2 was concealed, detained, or removed, unless there is good cause
3 for the law enforcement officer or the Department of Children
4 and Family Services to retain temporary protective custody of
5 the child pursuant to the Abused and Neglected Child Reporting
6 Act.

7 (Source: P.A. 96-710, eff. 1-1-10; 96-1000, eff. 7-2-10;
8 97-160, eff. 1-1-12; 97-227, eff. 1-1-12; 97-813, eff. 7-13-12;
9 97-998, eff. 1-1-13.)

10 (720 ILCS 5/11-1.30) (was 720 ILCS 5/12-14)

11 Sec. 11-1.30. Aggravated Criminal Sexual Assault.

12 (a) A person commits aggravated criminal sexual assault if
13 that person commits criminal sexual assault and any of the
14 following aggravating circumstances exist during the
15 commission of the offense or, for purposes of paragraph (7),
16 occur as part of the same course of conduct as the commission
17 of the offense:

18 (1) the person displays, threatens to use, or uses a
19 dangerous weapon, other than a firearm, or any other object
20 fashioned or used in a manner that leads the victim, under
21 the circumstances, reasonably to believe that the object is
22 a dangerous weapon;

23 (2) the person causes bodily harm to the victim, except
24 as provided in paragraph (10);

25 (3) the person acts in a manner that threatens or

1 endangers the life of the victim or any other person;

2 (4) the person commits the criminal sexual assault
3 during the course of committing or attempting to commit any
4 other felony;

5 (5) the victim is 60 years of age or older;

6 (6) the victim is a person with a physical disability
7 ~~physically handicapped person~~;

8 (7) the person delivers (by injection, inhalation,
9 ingestion, transfer of possession, or any other means) any
10 controlled substance to the victim without the victim's
11 consent or by threat or deception for other than medical
12 purposes;

13 (8) the person is armed with a firearm;

14 (9) the person personally discharges a firearm during
15 the commission of the offense; or

16 (10) the person personally discharges a firearm during
17 the commission of the offense, and that discharge
18 proximately causes great bodily harm, permanent
19 disability, permanent disfigurement, or death to another
20 person.

21 (b) A person commits aggravated criminal sexual assault if
22 that person is under 17 years of age and: (i) commits an act of
23 sexual penetration with a victim who is under 9 years of age;
24 or (ii) commits an act of sexual penetration with a victim who
25 is at least 9 years of age but under 13 years of age and the
26 person uses force or threat of force to commit the act.

1 (c) A person commits aggravated criminal sexual assault if
2 that person commits an act of sexual penetration with a victim
3 who is a person with a severe or profound intellectual
4 disability ~~severely or profoundly intellectually disabled~~
5 ~~person~~.

6 (d) Sentence.

7 (1) Aggravated criminal sexual assault in violation of
8 paragraph (2), (3), (4), (5), (6), or (7) of subsection (a)
9 or in violation of subsection (b) or (c) is a Class X
10 felony. A violation of subsection (a)(1) is a Class X
11 felony for which 10 years shall be added to the term of
12 imprisonment imposed by the court. A violation of
13 subsection (a)(8) is a Class X felony for which 15 years
14 shall be added to the term of imprisonment imposed by the
15 court. A violation of subsection (a)(9) is a Class X felony
16 for which 20 years shall be added to the term of
17 imprisonment imposed by the court. A violation of
18 subsection (a)(10) is a Class X felony for which 25 years
19 or up to a term of natural life imprisonment shall be added
20 to the term of imprisonment imposed by the court.

21 (2) A person who is convicted of a second or subsequent
22 offense of aggravated criminal sexual assault, or who is
23 convicted of the offense of aggravated criminal sexual
24 assault after having previously been convicted of the
25 offense of criminal sexual assault or the offense of
26 predatory criminal sexual assault of a child, or who is

1 convicted of the offense of aggravated criminal sexual
2 assault after having previously been convicted under the
3 laws of this or any other state of an offense that is
4 substantially equivalent to the offense of criminal sexual
5 assault, the offense of aggravated criminal sexual assault
6 or the offense of predatory criminal sexual assault of a
7 child, shall be sentenced to a term of natural life
8 imprisonment. The commission of the second or subsequent
9 offense is required to have been after the initial
10 conviction for this paragraph (2) to apply.

11 (Source: P.A. 96-1551, eff. 7-1-11; incorporates 97-227, eff.
12 1-1-12; 97-1109, eff. 1-1-13.)

13 (720 ILCS 5/11-1.60) (was 720 ILCS 5/12-16)

14 Sec. 11-1.60. Aggravated Criminal Sexual Abuse.

15 (a) A person commits aggravated criminal sexual abuse if
16 that person commits criminal sexual abuse and any of the
17 following aggravating circumstances exist (i) during the
18 commission of the offense or (ii) for purposes of paragraph
19 (7), as part of the same course of conduct as the commission of
20 the offense:

21 (1) the person displays, threatens to use, or uses a
22 dangerous weapon or any other object fashioned or used in a
23 manner that leads the victim, under the circumstances,
24 reasonably to believe that the object is a dangerous
25 weapon;

- 1 (2) the person causes bodily harm to the victim;
- 2 (3) the victim is 60 years of age or older;
- 3 (4) the victim is a person with a physical disability
4 ~~physically handicapped person~~;
- 5 (5) the person acts in a manner that threatens or
6 endangers the life of the victim or any other person;
- 7 (6) the person commits the criminal sexual abuse during
8 the course of committing or attempting to commit any other
9 felony; or
- 10 (7) the person delivers (by injection, inhalation,
11 ingestion, transfer of possession, or any other means) any
12 controlled substance to the victim for other than medical
13 purposes without the victim's consent or by threat or
14 deception.
- 15 (b) A person commits aggravated criminal sexual abuse if
16 that person commits an act of sexual conduct with a victim who
17 is under 18 years of age and the person is a family member.
- 18 (c) A person commits aggravated criminal sexual abuse if:
- 19 (1) that person is 17 years of age or over and: (i)
20 commits an act of sexual conduct with a victim who is under
21 13 years of age; or (ii) commits an act of sexual conduct
22 with a victim who is at least 13 years of age but under 17
23 years of age and the person uses force or threat of force
24 to commit the act; or
- 25 (2) that person is under 17 years of age and: (i)
26 commits an act of sexual conduct with a victim who is under

1 9 years of age; or (ii) commits an act of sexual conduct
2 with a victim who is at least 9 years of age but under 17
3 years of age and the person uses force or threat of force
4 to commit the act.

5 (d) A person commits aggravated criminal sexual abuse if
6 that person commits an act of sexual penetration or sexual
7 conduct with a victim who is at least 13 years of age but under
8 17 years of age and the person is at least 5 years older than
9 the victim.

10 (e) A person commits aggravated criminal sexual abuse if
11 that person commits an act of sexual conduct with a victim who
12 is a person with a severe or profound intellectual disability
13 ~~severely or profoundly intellectually disabled person.~~

14 (f) A person commits aggravated criminal sexual abuse if
15 that person commits an act of sexual conduct with a victim who
16 is at least 13 years of age but under 18 years of age and the
17 person is 17 years of age or over and holds a position of
18 trust, authority, or supervision in relation to the victim.

19 (g) Sentence. Aggravated criminal sexual abuse is a Class 2
20 felony.

21 (Source: P.A. 96-1551, eff. 7-1-11; incorporates 97-227, eff.
22 1-1-12; 97-1109, eff. 1-1-13.)

23 (720 ILCS 5/11-14.1)

24 Sec. 11-14.1. Solicitation of a sexual act.

25 (a) Any person who offers a person not his or her spouse

1 any money, property, token, object, or article or anything of
2 value for that person or any other person not his or her spouse
3 to perform any act of sexual penetration as defined in Section
4 11-0.1 of this Code, or any touching or fondling of the sex
5 organs of one person by another person for the purpose of
6 sexual arousal or gratification, commits solicitation of a
7 sexual act.

8 (b) Sentence. Solicitation of a sexual act is a Class A
9 misdemeanor. Solicitation of a sexual act from a person who is
10 under the age of 18 or who is a person with a severe or profound
11 intellectual disability ~~severely or profoundly intellectually~~
12 ~~disabled~~ is a Class 4 felony. If the court imposes a fine under
13 this subsection (b), it shall be collected and distributed to
14 the Specialized Services for Survivors of Human Trafficking
15 Fund in accordance with Section 5-9-1.21 of the Unified Code of
16 Corrections.

17 (b-5) It is an affirmative defense to a charge of
18 solicitation of a sexual act with a person who is under the age
19 of 18 or who is a person with a severe or profound intellectual
20 disability ~~severely or profoundly intellectually disabled~~ that
21 the accused reasonably believed the person was of the age of 18
22 years or over or was not a person with a severe or profound
23 intellectual disability ~~severely or profoundly intellectually~~
24 ~~disabled person~~ at the time of the act giving rise to the
25 charge.

26 (c) This Section does not apply to a person engaged in

1 prostitution who is under 18 years of age.

2 (d) A person cannot be convicted under this Section if the
3 practice of prostitution underlying the offense consists
4 exclusively of the accused's own acts of prostitution under
5 Section 11-14 of this Code.

6 (Source: P.A. 97-227, eff. 1-1-12; 97-1109, eff. 1-1-13;
7 98-1013, eff. 1-1-15.)

8 (720 ILCS 5/11-14.4)

9 Sec. 11-14.4. Promoting juvenile prostitution.

10 (a) Any person who knowingly performs any of the following
11 acts commits promoting juvenile prostitution:

12 (1) advances prostitution as defined in Section
13 11-0.1, where the minor engaged in prostitution, or any
14 person engaged in prostitution in the place, is under 18
15 years of age or is a person with a severe or profound
16 intellectual disability ~~severely or profoundly~~
17 ~~intellectually disabled~~ at the time of the offense;

18 (2) profits from prostitution by any means where the
19 prostituted person is under 18 years of age or is a person
20 with a severe or profound intellectual disability ~~severely~~
21 ~~or profoundly intellectually disabled~~ at the time of the
22 offense;

23 (3) profits from prostitution by any means where the
24 prostituted person is under 13 years of age at the time of
25 the offense;

1 (4) confines a child under the age of 18 or a person
2 with a severe or profound intellectual disability ~~severely~~
3 ~~or profoundly intellectually disabled person~~ against his
4 or her will by the infliction or threat of imminent
5 infliction of great bodily harm or permanent disability or
6 disfigurement or by administering to the child or the
7 person with a severe or profound intellectual disability
8 ~~severely or profoundly intellectually disabled person,~~
9 without his or her consent or by threat or deception and
10 for other than medical purposes, any alcoholic intoxicant
11 or a drug as defined in the Illinois Controlled Substances
12 Act or the Cannabis Control Act or methamphetamine as
13 defined in the Methamphetamine Control and Community
14 Protection Act and:

15 (A) compels the child or the person with a severe
16 or profound intellectual disability ~~severely or~~
17 ~~profoundly intellectually disabled person~~ to engage in
18 prostitution;

19 (B) arranges a situation in which the child or the
20 person with a severe or profound intellectual
21 disability ~~severely or profoundly intellectually~~
22 ~~disabled person~~ may practice prostitution; or

23 (C) profits from prostitution by the child or the
24 person with a severe or profound intellectual
25 disability ~~severely or profoundly intellectually~~
26 ~~disabled person.~~

1 (b) For purposes of this Section, administering drugs, as
2 defined in subdivision (a) (4), or an alcoholic intoxicant to a
3 child under the age of 13 or a person with a severe or profound
4 intellectual disability ~~severely or profoundly intellectually~~
5 ~~disabled person~~ shall be deemed to be without consent if the
6 administering is done without the consent of the parents or
7 legal guardian or if the administering is performed by the
8 parents or legal guardian for other than medical purposes.

9 (c) If the accused did not have a reasonable opportunity to
10 observe the prostituted person, it is an affirmative defense to
11 a charge of promoting juvenile prostitution, except for a
12 charge under subdivision (a) (4), that the accused reasonably
13 believed the person was of the age of 18 years or over or was
14 not a person with a severe or profound intellectual disability
15 ~~severely or profoundly intellectually disabled person~~ at the
16 time of the act giving rise to the charge.

17 (d) Sentence. A violation of subdivision (a) (1) is a Class
18 1 felony, unless committed within 1,000 feet of real property
19 comprising a school, in which case it is a Class X felony. A
20 violation of subdivision (a) (2) is a Class 1 felony. A
21 violation of subdivision (a) (3) is a Class X felony. A
22 violation of subdivision (a) (4) is a Class X felony, for which
23 the person shall be sentenced to a term of imprisonment of not
24 less than 6 years and not more than 60 years. A second or
25 subsequent violation of subdivision (a) (1), (a) (2), or (a) (3),
26 or any combination of convictions under subdivision (a) (1),

1 (a) (2), or (a) (3) and Sections 11-14 (prostitution), 11-14.1
2 (solicitation of a sexual act), 11-14.3 (promoting
3 prostitution), 11-15 (soliciting for a prostitute), 11-15.1
4 (soliciting for a juvenile prostitute), 11-16 (pandering),
5 11-17 (keeping a place of prostitution), 11-17.1 (keeping a
6 place of juvenile prostitution), 11-18 (patronizing a
7 prostitute), 11-18.1 (patronizing a juvenile prostitute),
8 11-19 (pimping), 11-19.1 (juvenile pimping or aggravated
9 juvenile pimping), or 11-19.2 (exploitation of a child) of this
10 Code, is a Class X felony.

11 (e) Forfeiture. Any person convicted of a violation of this
12 Section that involves promoting juvenile prostitution by
13 keeping a place of juvenile prostitution or convicted of a
14 violation of subdivision (a) (4) is subject to the property
15 forfeiture provisions set forth in Article 124B of the Code of
16 Criminal Procedure of 1963.

17 (f) For the purposes of this Section, "prostituted person"
18 means any person who engages in, or agrees or offers to engage
19 in, any act of sexual penetration as defined in Section 11-0.1
20 of this Code for any money, property, token, object, or article
21 or anything of value, or any touching or fondling of the sex
22 organs of one person by another person, for any money,
23 property, token, object, or article or anything of value, for
24 the purpose of sexual arousal or gratification.

25 (Source: P.A. 96-1551, eff. 7-1-11; incorporates 97-227, eff.
26 1-1-12; 97-1109, eff. 1-1-13.)

1 (720 ILCS 5/11-18.1) (from Ch. 38, par. 11-18.1)

2 Sec. 11-18.1. Patronizing a minor engaged in prostitution.

3 (a) Any person who engages in an act of sexual penetration
4 as defined in Section 11-0.1 of this Code with a person engaged
5 in prostitution who is under 18 years of age or is a person
6 with a severe or profound intellectual disability ~~severely or~~
7 ~~profoundly intellectually disabled person~~ commits patronizing
8 a minor engaged in prostitution.

9 (a-5) Any person who engages in any touching or fondling,
10 with a person engaged in prostitution who either is under 18
11 years of age or is a person with a severe or profound
12 intellectual disability ~~severely or profoundly intellectually~~
13 ~~disabled person~~, of the sex organs of one person by the other
14 person, with the intent to achieve sexual arousal or
15 gratification, commits patronizing a minor engaged in
16 prostitution.

17 (b) It is an affirmative defense to the charge of
18 patronizing a minor engaged in prostitution that the accused
19 reasonably believed that the person was of the age of 18 years
20 or over or was not a person with a severe or profound
21 intellectual disability ~~severely or profoundly intellectually~~
22 ~~disabled person~~ at the time of the act giving rise to the
23 charge.

24 (c) Sentence. A person who commits patronizing a juvenile
25 prostitute is guilty of a Class 3 felony, unless committed

1 within 1,000 feet of real property comprising a school, in
2 which case it is a Class 2 felony. A person convicted of a
3 second or subsequent violation of this Section, or of any
4 combination of such number of convictions under this Section
5 and Sections 11-14 (prostitution), 11-14.1 (solicitation of a
6 sexual act), 11-14.3 (promoting prostitution), 11-14.4
7 (promoting juvenile prostitution), 11-15 (soliciting for a
8 prostitute), 11-15.1 (soliciting for a juvenile prostitute),
9 11-16 (pandering), 11-17 (keeping a place of prostitution),
10 11-17.1 (keeping a place of juvenile prostitution), 11-18
11 (patronizing a prostitute), 11-19 (pimping), 11-19.1 (juvenile
12 pimping or aggravated juvenile pimping), or 11-19.2
13 (exploitation of a child) of this Code, is guilty of a Class 2
14 felony. The fact of such conviction is not an element of the
15 offense and may not be disclosed to the jury during trial
16 unless otherwise permitted by issues properly raised during
17 such trial.

18 (Source: P.A. 96-1464, eff. 8-20-10; 96-1551, eff. 7-1-11;
19 97-227, eff. 1-1-12; 97-1109, eff. 1-1-13.)

20 (720 ILCS 5/11-20.1) (from Ch. 38, par. 11-20.1)

21 Sec. 11-20.1. Child pornography.

22 (a) A person commits child pornography who:

23 (1) films, videotapes, photographs, or otherwise
24 depicts or portrays by means of any similar visual medium
25 or reproduction or depicts by computer any child whom he or

1 she knows or reasonably should know to be under the age of
2 18 or any person with a severe or profound intellectual
3 disability ~~severely or profoundly intellectually disabled~~
4 ~~person~~ where such child or person with a severe or profound
5 intellectual disability ~~severely or profoundly~~
6 ~~intellectually disabled person~~ is:

7 (i) actually or by simulation engaged in any act of
8 sexual penetration or sexual conduct with any person or
9 animal; or

10 (ii) actually or by simulation engaged in any act
11 of sexual penetration or sexual conduct involving the
12 sex organs of the child or person with a severe or
13 profound intellectual disability ~~severely or~~
14 ~~profoundly intellectually disabled person~~ and the
15 mouth, anus, or sex organs of another person or animal;
16 or which involves the mouth, anus or sex organs of the
17 child or person with a severe or profound intellectual
18 disability ~~severely or profoundly intellectually~~
19 ~~disabled person~~ and the sex organs of another person or
20 animal; or

21 (iii) actually or by simulation engaged in any act
22 of masturbation; or

23 (iv) actually or by simulation portrayed as being
24 the object of, or otherwise engaged in, any act of lewd
25 fondling, touching, or caressing involving another
26 person or animal; or

1 (v) actually or by simulation engaged in any act of
2 excretion or urination within a sexual context; or

3 (vi) actually or by simulation portrayed or
4 depicted as bound, fettered, or subject to sadistic,
5 masochistic, or sadomasochistic abuse in any sexual
6 context; or

7 (vii) depicted or portrayed in any pose, posture or
8 setting involving a lewd exhibition of the unclothed or
9 transparently clothed genitals, pubic area, buttocks,
10 or, if such person is female, a fully or partially
11 developed breast of the child or other person; or

12 (2) with the knowledge of the nature or content
13 thereof, reproduces, disseminates, offers to disseminate,
14 exhibits or possesses with intent to disseminate any film,
15 videotape, photograph or other similar visual reproduction
16 or depiction by computer of any child or person with a
17 severe or profound intellectual disability ~~severely or~~
18 ~~profoundly intellectually disabled person~~ whom the person
19 knows or reasonably should know to be under the age of 18
20 or to be a person with a severe or profound intellectual
21 disability ~~severely or profoundly intellectually disabled~~
22 ~~person~~, engaged in any activity described in subparagraphs
23 (i) through (vii) of paragraph (1) of this subsection; or

24 (3) with knowledge of the subject matter or theme
25 thereof, produces any stage play, live performance, film,
26 videotape or other similar visual portrayal or depiction by

1 computer which includes a child whom the person knows or
2 reasonably should know to be under the age of 18 or a
3 person with a severe or profound intellectual disability
4 ~~severely or profoundly intellectually disabled person~~
5 engaged in any activity described in subparagraphs (i)
6 through (vii) of paragraph (1) of this subsection; or

7 (4) solicits, uses, persuades, induces, entices, or
8 coerces any child whom he or she knows or reasonably should
9 know to be under the age of 18 or a person with a severe or
10 profound intellectual disability ~~severely or profoundly~~
11 ~~intellectually disabled person~~ to appear in any stage play,
12 live presentation, film, videotape, photograph or other
13 similar visual reproduction or depiction by computer in
14 which the child or person with a severe or profound
15 intellectual disability ~~severely or profoundly~~
16 ~~intellectually disabled person~~ is or will be depicted,
17 actually or by simulation, in any act, pose or setting
18 described in subparagraphs (i) through (vii) of paragraph
19 (1) of this subsection; or

20 (5) is a parent, step-parent, legal guardian or other
21 person having care or custody of a child whom the person
22 knows or reasonably should know to be under the age of 18
23 or a person with a severe or profound intellectual
24 disability ~~severely or profoundly intellectually disabled~~
25 ~~person~~ and who knowingly permits, induces, promotes, or
26 arranges for such child or person with a severe or profound

1 intellectual disability ~~severely or profoundly~~
2 ~~intellectually disabled person~~ to appear in any stage play,
3 live performance, film, videotape, photograph or other
4 similar visual presentation, portrayal or simulation or
5 depiction by computer of any act or activity described in
6 subparagraphs (i) through (vii) of paragraph (1) of this
7 subsection; or

8 (6) with knowledge of the nature or content thereof,
9 possesses any film, videotape, photograph or other similar
10 visual reproduction or depiction by computer of any child
11 or person with a severe or profound intellectual disability
12 ~~severely or profoundly intellectually disabled person~~ whom
13 the person knows or reasonably should know to be under the
14 age of 18 or to be a person with a severe or profound
15 intellectual disability ~~severely or profoundly~~
16 ~~intellectually disabled person~~, engaged in any activity
17 described in subparagraphs (i) through (vii) of paragraph
18 (1) of this subsection; or

19 (7) solicits, or knowingly uses, persuades, induces,
20 entices, or coerces, a person to provide a child under the
21 age of 18 or a person with a severe or profound
22 intellectual disability ~~severely or profoundly~~
23 ~~intellectually disabled person~~ to appear in any videotape,
24 photograph, film, stage play, live presentation, or other
25 similar visual reproduction or depiction by computer in
26 which the child or person with a severe or profound

1 intellectual disability ~~severely or profoundly~~
2 ~~intellectually disabled person~~ will be depicted, actually
3 or by simulation, in any act, pose, or setting described in
4 subparagraphs (i) through (vii) of paragraph (1) of this
5 subsection.

6 (a-5) The possession of each individual film, videotape,
7 photograph, or other similar visual reproduction or depiction
8 by computer in violation of this Section constitutes a single
9 and separate violation. This subsection (a-5) does not apply to
10 multiple copies of the same film, videotape, photograph, or
11 other similar visual reproduction or depiction by computer that
12 are identical to each other.

13 (b) (1) It shall be an affirmative defense to a charge of
14 child pornography that the defendant reasonably believed,
15 under all of the circumstances, that the child was 18 years of
16 age or older or that the person was not a person with a severe
17 or profound intellectual disability ~~severely or profoundly~~
18 ~~intellectually disabled person~~ but only where, prior to the act
19 or acts giving rise to a prosecution under this Section, he or
20 she took some affirmative action or made a bonafide inquiry
21 designed to ascertain whether the child was 18 years of age or
22 older or that the person was not a person with a severe or
23 profound intellectual disability ~~severely or profoundly~~
24 ~~intellectually disabled person~~ and his or her reliance upon the
25 information so obtained was clearly reasonable.

26 (1.5) Telecommunications carriers, commercial mobile

1 service providers, and providers of information services,
2 including, but not limited to, Internet service providers and
3 hosting service providers, are not liable under this Section by
4 virtue of the transmission, storage, or caching of electronic
5 communications or messages of others or by virtue of the
6 provision of other related telecommunications, commercial
7 mobile services, or information services used by others in
8 violation of this Section.

9 (2) (Blank).

10 (3) The charge of child pornography shall not apply to the
11 performance of official duties by law enforcement or
12 prosecuting officers or persons employed by law enforcement or
13 prosecuting agencies, court personnel or attorneys, nor to
14 bonafide treatment or professional education programs
15 conducted by licensed physicians, psychologists or social
16 workers.

17 (4) If the defendant possessed more than one of the same
18 film, videotape or visual reproduction or depiction by computer
19 in which child pornography is depicted, then the trier of fact
20 may infer that the defendant possessed such materials with the
21 intent to disseminate them.

22 (5) The charge of child pornography does not apply to a
23 person who does not voluntarily possess a film, videotape, or
24 visual reproduction or depiction by computer in which child
25 pornography is depicted. Possession is voluntary if the
26 defendant knowingly procures or receives a film, videotape, or

1 visual reproduction or depiction for a sufficient time to be
2 able to terminate his or her possession.

3 (6) Any violation of paragraph (1), (2), (3), (4), (5), or
4 (7) of subsection (a) that includes a child engaged in,
5 solicited for, depicted in, or posed in any act of sexual
6 penetration or bound, fettered, or subject to sadistic,
7 masochistic, or sadomasochistic abuse in a sexual context shall
8 be deemed a crime of violence.

9 (c) If the violation does not involve a film, videotape, or
10 other moving depiction, a violation of paragraph (1), (4), (5),
11 or (7) of subsection (a) is a Class 1 felony with a mandatory
12 minimum fine of \$2,000 and a maximum fine of \$100,000. If the
13 violation involves a film, videotape, or other moving
14 depiction, a violation of paragraph (1), (4), (5), or (7) of
15 subsection (a) is a Class X felony with a mandatory minimum
16 fine of \$2,000 and a maximum fine of \$100,000. If the violation
17 does not involve a film, videotape, or other moving depiction,
18 a violation of paragraph (3) of subsection (a) is a Class 1
19 felony with a mandatory minimum fine of \$1500 and a maximum
20 fine of \$100,000. If the violation involves a film, videotape,
21 or other moving depiction, a violation of paragraph (3) of
22 subsection (a) is a Class X felony with a mandatory minimum
23 fine of \$1500 and a maximum fine of \$100,000. If the violation
24 does not involve a film, videotape, or other moving depiction,
25 a violation of paragraph (2) of subsection (a) is a Class 1
26 felony with a mandatory minimum fine of \$1000 and a maximum

1 fine of \$100,000. If the violation involves a film, videotape,
2 or other moving depiction, a violation of paragraph (2) of
3 subsection (a) is a Class X felony with a mandatory minimum
4 fine of \$1000 and a maximum fine of \$100,000. If the violation
5 does not involve a film, videotape, or other moving depiction,
6 a violation of paragraph (6) of subsection (a) is a Class 3
7 felony with a mandatory minimum fine of \$1000 and a maximum
8 fine of \$100,000. If the violation involves a film, videotape,
9 or other moving depiction, a violation of paragraph (6) of
10 subsection (a) is a Class 2 felony with a mandatory minimum
11 fine of \$1000 and a maximum fine of \$100,000.

12 (c-5) Where the child depicted is under the age of 13, a
13 violation of paragraph (1), (2), (3), (4), (5), or (7) of
14 subsection (a) is a Class X felony with a mandatory minimum
15 fine of \$2,000 and a maximum fine of \$100,000. Where the child
16 depicted is under the age of 13, a violation of paragraph (6)
17 of subsection (a) is a Class 2 felony with a mandatory minimum
18 fine of \$1,000 and a maximum fine of \$100,000. Where the child
19 depicted is under the age of 13, a person who commits a
20 violation of paragraph (1), (2), (3), (4), (5), or (7) of
21 subsection (a) where the defendant has previously been
22 convicted under the laws of this State or any other state of
23 the offense of child pornography, aggravated child
24 pornography, aggravated criminal sexual abuse, aggravated
25 criminal sexual assault, predatory criminal sexual assault of a
26 child, or any of the offenses formerly known as rape, deviate

1 sexual assault, indecent liberties with a child, or aggravated
2 indecent liberties with a child where the victim was under the
3 age of 18 years or an offense that is substantially equivalent
4 to those offenses, is guilty of a Class X felony for which the
5 person shall be sentenced to a term of imprisonment of not less
6 than 9 years with a mandatory minimum fine of \$2,000 and a
7 maximum fine of \$100,000. Where the child depicted is under the
8 age of 13, a person who commits a violation of paragraph (6) of
9 subsection (a) where the defendant has previously been
10 convicted under the laws of this State or any other state of
11 the offense of child pornography, aggravated child
12 pornography, aggravated criminal sexual abuse, aggravated
13 criminal sexual assault, predatory criminal sexual assault of a
14 child, or any of the offenses formerly known as rape, deviate
15 sexual assault, indecent liberties with a child, or aggravated
16 indecent liberties with a child where the victim was under the
17 age of 18 years or an offense that is substantially equivalent
18 to those offenses, is guilty of a Class 1 felony with a
19 mandatory minimum fine of \$1,000 and a maximum fine of
20 \$100,000. The issue of whether the child depicted is under the
21 age of 13 is an element of the offense to be resolved by the
22 trier of fact.

23 (d) If a person is convicted of a second or subsequent
24 violation of this Section within 10 years of a prior
25 conviction, the court shall order a presentence psychiatric
26 examination of the person. The examiner shall report to the

1 court whether treatment of the person is necessary.

2 (e) Any film, videotape, photograph or other similar visual
3 reproduction or depiction by computer which includes a child
4 under the age of 18 or a person with a severe or profound
5 intellectual disability ~~severely or profoundly intellectually~~
6 ~~disabled person~~ engaged in any activity described in
7 subparagraphs (i) through (vii) or paragraph 1 of subsection
8 (a), and any material or equipment used or intended for use in
9 photographing, filming, printing, producing, reproducing,
10 manufacturing, projecting, exhibiting, depiction by computer,
11 or disseminating such material shall be seized and forfeited in
12 the manner, method and procedure provided by Section 36-1 of
13 this Code for the seizure and forfeiture of vessels, vehicles
14 and aircraft.

15 In addition, any person convicted under this Section is
16 subject to the property forfeiture provisions set forth in
17 Article 124B of the Code of Criminal Procedure of 1963.

18 (e-5) Upon the conclusion of a case brought under this
19 Section, the court shall seal all evidence depicting a victim
20 or witness that is sexually explicit. The evidence may be
21 unsealed and viewed, on a motion of the party seeking to unseal
22 and view the evidence, only for good cause shown and in the
23 discretion of the court. The motion must expressly set forth
24 the purpose for viewing the material. The State's attorney and
25 the victim, if possible, shall be provided reasonable notice of
26 the hearing on the motion to unseal the evidence. Any person

1 entitled to notice of a hearing under this subsection (e-5) may
2 object to the motion.

3 (f) Definitions. For the purposes of this Section:

4 (1) "Disseminate" means (i) to sell, distribute,
5 exchange or transfer possession, whether with or without
6 consideration or (ii) to make a depiction by computer
7 available for distribution or downloading through the
8 facilities of any telecommunications network or through
9 any other means of transferring computer programs or data
10 to a computer.

11 (2) "Produce" means to direct, promote, advertise,
12 publish, manufacture, issue, present or show.

13 (3) "Reproduce" means to make a duplication or copy.

14 (4) "Depict by computer" means to generate or create,
15 or cause to be created or generated, a computer program or
16 data that, after being processed by a computer either alone
17 or in conjunction with one or more computer programs,
18 results in a visual depiction on a computer monitor,
19 screen, or display.

20 (5) "Depiction by computer" means a computer program or
21 data that, after being processed by a computer either alone
22 or in conjunction with one or more computer programs,
23 results in a visual depiction on a computer monitor,
24 screen, or display.

25 (6) "Computer", "computer program", and "data" have
26 the meanings ascribed to them in Section 16D-2 of this

1 Code.

2 (7) For the purposes of this Section, "child
3 pornography" includes a film, videotape, photograph, or
4 other similar visual medium or reproduction or depiction by
5 computer that is, or appears to be, that of a person,
6 either in part, or in total, under the age of 18 or a
7 person with a severe or profound intellectual disability
8 ~~severely or profoundly intellectually disabled person,~~
9 regardless of the method by which the film, videotape,
10 photograph, or other similar visual medium or reproduction
11 or depiction by computer is created, adopted, or modified
12 to appear as such. "Child pornography" also includes a
13 film, videotape, photograph, or other similar visual
14 medium or reproduction or depiction by computer that is
15 advertised, promoted, presented, described, or distributed
16 in such a manner that conveys the impression that the film,
17 videotape, photograph, or other similar visual medium or
18 reproduction or depiction by computer is of a person under
19 the age of 18 or a person with a severe or profound
20 intellectual disability ~~severely or profoundly~~
21 ~~intellectually disabled person.~~

22 (g) Re-enactment; findings; purposes.

23 (1) The General Assembly finds and declares that:

24 (i) Section 50-5 of Public Act 88-680, effective
25 January 1, 1995, contained provisions amending the
26 child pornography statute, Section 11-20.1 of the

1 Criminal Code of 1961. Section 50-5 also contained
2 other provisions.

3 (ii) In addition, Public Act 88-680 was entitled
4 "AN ACT to create a Safe Neighborhoods Law". (A)
5 Article 5 was entitled JUVENILE JUSTICE and amended the
6 Juvenile Court Act of 1987. (B) Article 15 was entitled
7 GANGS and amended various provisions of the Criminal
8 Code of 1961 and the Unified Code of Corrections. (C)
9 Article 20 was entitled ALCOHOL ABUSE and amended
10 various provisions of the Illinois Vehicle Code. (D)
11 Article 25 was entitled DRUG ABUSE and amended the
12 Cannabis Control Act and the Illinois Controlled
13 Substances Act. (E) Article 30 was entitled FIREARMS
14 and amended the Criminal Code of 1961 and the Code of
15 Criminal Procedure of 1963. (F) Article 35 amended the
16 Criminal Code of 1961, the Rights of Crime Victims and
17 Witnesses Act, and the Unified Code of Corrections. (G)
18 Article 40 amended the Criminal Code of 1961 to
19 increase the penalty for compelling organization
20 membership of persons. (H) Article 45 created the
21 Secure Residential Youth Care Facility Licensing Act
22 and amended the State Finance Act, the Juvenile Court
23 Act of 1987, the Unified Code of Corrections, and the
24 Private Correctional Facility Moratorium Act. (I)
25 Article 50 amended the WIC Vendor Management Act, the
26 Firearm Owners Identification Card Act, the Juvenile

1 Court Act of 1987, the Criminal Code of 1961, the
2 Wrongs to Children Act, and the Unified Code of
3 Corrections.

4 (iii) On September 22, 1998, the Third District
5 Appellate Court in *People v. Dainty*, 701 N.E. 2d 118,
6 ruled that Public Act 88-680 violates the single
7 subject clause of the Illinois Constitution (Article
8 IV, Section 8 (d)) and was unconstitutional in its
9 entirety. As of the time this amendatory Act of 1999
10 was prepared, *People v. Dainty* was still subject to
11 appeal.

12 (iv) Child pornography is a vital concern to the
13 people of this State and the validity of future
14 prosecutions under the child pornography statute of
15 the Criminal Code of 1961 is in grave doubt.

16 (2) It is the purpose of this amendatory Act of 1999 to
17 prevent or minimize any problems relating to prosecutions
18 for child pornography that may result from challenges to
19 the constitutional validity of Public Act 88-680 by
20 re-enacting the Section relating to child pornography that
21 was included in Public Act 88-680.

22 (3) This amendatory Act of 1999 re-enacts Section
23 11-20.1 of the Criminal Code of 1961, as it has been
24 amended. This re-enactment is intended to remove any
25 question as to the validity or content of that Section; it
26 is not intended to supersede any other Public Act that

1 amends the text of the Section as set forth in this
2 amendatory Act of 1999. The material is shown as existing
3 text (i.e., without underscoring) because, as of the time
4 this amendatory Act of 1999 was prepared, People v. Dainty
5 was subject to appeal to the Illinois Supreme Court.

6 (4) The re-enactment by this amendatory Act of 1999 of
7 Section 11-20.1 of the Criminal Code of 1961 relating to
8 child pornography that was amended by Public Act 88-680 is
9 not intended, and shall not be construed, to imply that
10 Public Act 88-680 is invalid or to limit or impair any
11 legal argument concerning whether those provisions were
12 substantially re-enacted by other Public Acts.

13 (Source: P.A. 97-157, eff. 1-1-12; 97-227, eff. 1-1-12; 97-995,
14 eff. 1-1-13; 97-1109, eff. 1-1-13; 98-437, eff. 1-1-14.)

15 (720 ILCS 5/12-0.1)

16 Sec. 12-0.1. Definitions. In this Article, unless the
17 context clearly requires otherwise:

18 "Bona fide labor dispute" means any controversy concerning
19 wages, salaries, hours, working conditions, or benefits,
20 including health and welfare, sick leave, insurance, and
21 pension or retirement provisions, the making or maintaining of
22 collective bargaining agreements, and the terms to be included
23 in those agreements.

24 "Coach" means a person recognized as a coach by the
25 sanctioning authority that conducts an athletic contest.

1 "Correctional institution employee" means a person
2 employed by a penal institution.

3 "Emergency medical technician" includes a paramedic,
4 ambulance driver, first aid worker, hospital worker, or other
5 medical assistance worker.

6 "Family or household members" include spouses, former
7 spouses, parents, children, stepchildren, and other persons
8 related by blood or by present or prior marriage, persons who
9 share or formerly shared a common dwelling, persons who have or
10 allegedly have a child in common, persons who share or
11 allegedly share a blood relationship through a child, persons
12 who have or have had a dating or engagement relationship,
13 persons with disabilities and their personal assistants, and
14 caregivers as defined in Section 12-4.4a of this Code. For
15 purposes of this Article, neither a casual acquaintanceship nor
16 ordinary fraternization between 2 individuals in business or
17 social contexts shall be deemed to constitute a dating
18 relationship.

19 "In the presence of a child" means in the physical presence
20 of a child or knowing or having reason to know that a child is
21 present and may see or hear an act constituting an offense.

22 "Park district employee" means a supervisor, director,
23 instructor, or other person employed by a park district.

24 "Person with a physical disability ~~Physically handicapped~~
25 ~~person~~" means a person who suffers from a permanent and
26 disabling physical characteristic, resulting from disease,

1 injury, functional disorder, or congenital condition.

2 "Private security officer" means a registered employee of a
3 private security contractor agency under the Private
4 Detective, Private Alarm, Private Security, Fingerprint
5 Vendor, and Locksmith Act of 2004.

6 "Probation officer" means a person as defined in the
7 Probation and Probation Officers Act.

8 "Sports official" means a person at an athletic contest who
9 enforces the rules of the contest, such as an umpire or
10 referee.

11 "Sports venue" means a publicly or privately owned sports
12 or entertainment arena, stadium, community or convention hall,
13 special event center, or amusement facility, or a special event
14 center in a public park, during the 12 hours before or after
15 the sanctioned sporting event.

16 "Streetgang", "streetgang member", and "criminal street
17 gang" have the meanings ascribed to those terms in Section 10
18 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

19 "Transit employee" means a driver, operator, or employee of
20 any transportation facility or system engaged in the business
21 of transporting the public for hire.

22 "Transit passenger" means a passenger of any
23 transportation facility or system engaged in the business of
24 transporting the public for hire, including a passenger using
25 any area designated by a transportation facility or system as a
26 vehicle boarding, departure, or transfer location.

1 "Utility worker" means any of the following:

2 (1) A person employed by a public utility as defined in
3 Section 3-105 of the Public Utilities Act.

4 (2) An employee of a municipally owned utility.

5 (3) An employee of a cable television company.

6 (4) An employee of an electric cooperative as defined
7 in Section 3-119 of the Public Utilities Act.

8 (5) An independent contractor or an employee of an
9 independent contractor working on behalf of a cable
10 television company, public utility, municipally owned
11 utility, or electric cooperative.

12 (6) An employee of a telecommunications carrier as
13 defined in Section 13-202 of the Public Utilities Act, or
14 an independent contractor or an employee of an independent
15 contractor working on behalf of a telecommunications
16 carrier.

17 (7) An employee of a telephone or telecommunications
18 cooperative as defined in Section 13-212 of the Public
19 Utilities Act, or an independent contractor or an employee
20 of an independent contractor working on behalf of a
21 telephone or telecommunications cooperative.

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

23 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

24 Sec. 12-2. Aggravated assault.

25 (a) Offense based on location of conduct. A person commits

1 aggravated assault when he or she commits an assault against an
2 individual who is on or about a public way, public property, a
3 public place of accommodation or amusement, or a sports venue.

4 (b) Offense based on status of victim. A person commits
5 aggravated assault when, in committing an assault, he or she
6 knows the individual assaulted to be any of the following:

7 (1) A person with a physical disability ~~physically~~
8 ~~handicapped person~~ or a person 60 years of age or older and
9 the assault is without legal justification.

10 (2) A teacher or school employee upon school grounds or
11 grounds adjacent to a school or in any part of a building
12 used for school purposes.

13 (3) A park district employee upon park grounds or
14 grounds adjacent to a park or in any part of a building
15 used for park purposes.

16 (4) A peace officer, community policing volunteer,
17 fireman, private security officer, emergency management
18 worker, emergency medical technician, or utility worker:

19 (i) performing his or her official duties;

20 (ii) assaulted to prevent performance of his or her
21 official duties; or

22 (iii) assaulted in retaliation for performing his
23 or her official duties.

24 (5) A correctional officer or probation officer:

25 (i) performing his or her official duties;

26 (ii) assaulted to prevent performance of his or her

1 official duties; or

2 (iii) assaulted in retaliation for performing his
3 or her official duties.

4 (6) A correctional institution employee, a county
5 juvenile detention center employee who provides direct and
6 continuous supervision of residents of a juvenile
7 detention center, including a county juvenile detention
8 center employee who supervises recreational activity for
9 residents of a juvenile detention center, or a Department
10 of Human Services employee, Department of Human Services
11 officer, or employee of a subcontractor of the Department
12 of Human Services supervising or controlling sexually
13 dangerous persons or sexually violent persons:

14 (i) performing his or her official duties;

15 (ii) assaulted to prevent performance of his or her
16 official duties; or

17 (iii) assaulted in retaliation for performing his
18 or her official duties.

19 (7) An employee of the State of Illinois, a municipal
20 corporation therein, or a political subdivision thereof,
21 performing his or her official duties.

22 (8) A transit employee performing his or her official
23 duties, or a transit passenger.

24 (9) A sports official or coach actively participating
25 in any level of athletic competition within a sports venue,
26 on an indoor playing field or outdoor playing field, or

1 within the immediate vicinity of such a facility or field.

2 (10) A person authorized to serve process under Section
3 2-202 of the Code of Civil Procedure or a special process
4 server appointed by the circuit court, while that
5 individual is in the performance of his or her duties as a
6 process server.

7 (c) Offense based on use of firearm, device, or motor
8 vehicle. A person commits aggravated assault when, in
9 committing an assault, he or she does any of the following:

10 (1) Uses a deadly weapon, an air rifle as defined in
11 Section 24.8-0.1 of this Act ~~the Air Rifle Act~~, or any
12 device manufactured and designed to be substantially
13 similar in appearance to a firearm, other than by
14 discharging a firearm.

15 (2) Discharges a firearm, other than from a motor
16 vehicle.

17 (3) Discharges a firearm from a motor vehicle.

18 (4) Wears a hood, robe, or mask to conceal his or her
19 identity.

20 (5) Knowingly and without lawful justification shines
21 or flashes a laser gun sight or other laser device attached
22 to a firearm, or used in concert with a firearm, so that
23 the laser beam strikes near or in the immediate vicinity of
24 any person.

25 (6) Uses a firearm, other than by discharging the
26 firearm, against a peace officer, community policing

1 volunteer, fireman, private security officer, emergency
2 management worker, emergency medical technician, employee
3 of a police department, employee of a sheriff's department,
4 or traffic control municipal employee:

5 (i) performing his or her official duties;

6 (ii) assaulted to prevent performance of his or her
7 official duties; or

8 (iii) assaulted in retaliation for performing his
9 or her official duties.

10 (7) Without justification operates a motor vehicle in a
11 manner which places a person, other than a person listed in
12 subdivision (b) (4), in reasonable apprehension of being
13 struck by the moving motor vehicle.

14 (8) Without justification operates a motor vehicle in a
15 manner which places a person listed in subdivision (b) (4),
16 in reasonable apprehension of being struck by the moving
17 motor vehicle.

18 (9) Knowingly video or audio records the offense with
19 the intent to disseminate the recording.

20 (d) Sentence. Aggravated assault as defined in subdivision
21 (a), (b) (1), (b) (2), (b) (3), (b) (4), (b) (7), (b) (8), (b) (9),
22 (c) (1), (c) (4), or (c) (9) is a Class A misdemeanor, except that
23 aggravated assault as defined in subdivision (b) (4) and (b) (7)
24 is a Class 4 felony if a Category I, Category II, or Category
25 III weapon is used in the commission of the assault. Aggravated
26 assault as defined in subdivision (b) (5), (b) (6), (b) (10),

1 (c) (2), (c) (5), (c) (6), or (c) (7) is a Class 4 felony.
2 Aggravated assault as defined in subdivision (c) (3) or (c) (8)
3 is a Class 3 felony.

4 (e) For the purposes of this Section, "Category I weapon",
5 "Category II weapon, and "Category III weapon" have the
6 meanings ascribed to those terms in Section 33A-1 of this Code.
7 (Source: P.A. 97-225, eff. 7-28-11; 97-313, eff. 1-1-12;
8 97-333, eff. 8-12-11; 97-1109, eff. 1-1-13; 98-385, eff.
9 1-1-14; revised 12-10-14.)

10 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

11 Sec. 12-3.05. Aggravated battery.

12 (a) Offense based on injury. A person commits aggravated
13 battery when, in committing a battery, other than by the
14 discharge of a firearm, he or she knowingly does any of the
15 following:

16 (1) Causes great bodily harm or permanent disability or
17 disfigurement.

18 (2) Causes severe and permanent disability, great
19 bodily harm, or disfigurement by means of a caustic or
20 flammable substance, a poisonous gas, a deadly biological
21 or chemical contaminant or agent, a radioactive substance,
22 or a bomb or explosive compound.

23 (3) Causes great bodily harm or permanent disability or
24 disfigurement to an individual whom the person knows to be
25 a peace officer, community policing volunteer, fireman,

1 private security officer, correctional institution
2 employee, or Department of Human Services employee
3 supervising or controlling sexually dangerous persons or
4 sexually violent persons:

5 (i) performing his or her official duties;

6 (ii) battered to prevent performance of his or her
7 official duties; or

8 (iii) battered in retaliation for performing his
9 or her official duties.

10 (4) Causes great bodily harm or permanent disability or
11 disfigurement to an individual 60 years of age or older.

12 (5) Strangles another individual.

13 (b) Offense based on injury to a child or person with an
14 intellectual disability ~~intellectually disabled person~~. A
15 person who is at least 18 years of age commits aggravated
16 battery when, in committing a battery, he or she knowingly and
17 without legal justification by any means:

18 (1) causes great bodily harm or permanent disability or
19 disfigurement to any child under the age of 13 years, or to
20 any person with a severe or profound intellectual
21 disability ~~severely or profoundly intellectually disabled~~
22 ~~person~~; or

23 (2) causes bodily harm or disability or disfigurement
24 to any child under the age of 13 years or to any person
25 with a severe or profound intellectual disability ~~severely~~
26 ~~or profoundly intellectually disabled person~~.

1 (c) Offense based on location of conduct. A person commits
2 aggravated battery when, in committing a battery, other than by
3 the discharge of a firearm, he or she is or the person battered
4 is on or about a public way, public property, a public place of
5 accommodation or amusement, a sports venue, or a domestic
6 violence shelter.

7 (d) Offense based on status of victim. A person commits
8 aggravated battery when, in committing a battery, other than by
9 discharge of a firearm, he or she knows the individual battered
10 to be any of the following:

11 (1) A person 60 years of age or older.

12 (2) A person who is pregnant or has a physical
13 disability ~~physically handicapped~~.

14 (3) A teacher or school employee upon school grounds or
15 grounds adjacent to a school or in any part of a building
16 used for school purposes.

17 (4) A peace officer, community policing volunteer,
18 fireman, private security officer, correctional
19 institution employee, or Department of Human Services
20 employee supervising or controlling sexually dangerous
21 persons or sexually violent persons:

22 (i) performing his or her official duties;

23 (ii) battered to prevent performance of his or her
24 official duties; or

25 (iii) battered in retaliation for performing his
26 or her official duties.

1 (5) A judge, emergency management worker, emergency
2 medical technician, or utility worker:

3 (i) performing his or her official duties;

4 (ii) battered to prevent performance of his or her
5 official duties; or

6 (iii) battered in retaliation for performing his
7 or her official duties.

8 (6) An officer or employee of the State of Illinois, a
9 unit of local government, or a school district, while
10 performing his or her official duties.

11 (7) A transit employee performing his or her official
12 duties, or a transit passenger.

13 (8) A taxi driver on duty.

14 (9) A merchant who detains the person for an alleged
15 commission of retail theft under Section 16-26 of this Code
16 and the person without legal justification by any means
17 causes bodily harm to the merchant.

18 (10) A person authorized to serve process under Section
19 2-202 of the Code of Civil Procedure or a special process
20 server appointed by the circuit court while that individual
21 is in the performance of his or her duties as a process
22 server.

23 (11) A nurse while in the performance of his or her
24 duties as a nurse.

25 (e) Offense based on use of a firearm. A person commits
26 aggravated battery when, in committing a battery, he or she

1 knowingly does any of the following:

2 (1) Discharges a firearm, other than a machine gun or a
3 firearm equipped with a silencer, and causes any injury to
4 another person.

5 (2) Discharges a firearm, other than a machine gun or a
6 firearm equipped with a silencer, and causes any injury to
7 a person he or she knows to be a peace officer, community
8 policing volunteer, person summoned by a police officer,
9 fireman, private security officer, correctional
10 institution employee, or emergency management worker:

11 (i) performing his or her official duties;

12 (ii) battered to prevent performance of his or her
13 official duties; or

14 (iii) battered in retaliation for performing his
15 or her official duties.

16 (3) Discharges a firearm, other than a machine gun or a
17 firearm equipped with a silencer, and causes any injury to
18 a person he or she knows to be an emergency medical
19 technician employed by a municipality or other
20 governmental unit:

21 (i) performing his or her official duties;

22 (ii) battered to prevent performance of his or her
23 official duties; or

24 (iii) battered in retaliation for performing his
25 or her official duties.

26 (4) Discharges a firearm and causes any injury to a

1 person he or she knows to be a teacher, a student in a
2 school, or a school employee, and the teacher, student, or
3 employee is upon school grounds or grounds adjacent to a
4 school or in any part of a building used for school
5 purposes.

6 (5) Discharges a machine gun or a firearm equipped with
7 a silencer, and causes any injury to another person.

8 (6) Discharges a machine gun or a firearm equipped with
9 a silencer, and causes any injury to a person he or she
10 knows to be a peace officer, community policing volunteer,
11 person summoned by a police officer, fireman, private
12 security officer, correctional institution employee or
13 emergency management worker:

14 (i) performing his or her official duties;

15 (ii) battered to prevent performance of his or her
16 official duties; or

17 (iii) battered in retaliation for performing his
18 or her official duties.

19 (7) Discharges a machine gun or a firearm equipped with
20 a silencer, and causes any injury to a person he or she
21 knows to be an emergency medical technician employed by a
22 municipality or other governmental unit:

23 (i) performing his or her official duties;

24 (ii) battered to prevent performance of his or her
25 official duties; or

26 (iii) battered in retaliation for performing his

1 or her official duties.

2 (8) Discharges a machine gun or a firearm equipped with
3 a silencer, and causes any injury to a person he or she
4 knows to be a teacher, or a student in a school, or a
5 school employee, and the teacher, student, or employee is
6 upon school grounds or grounds adjacent to a school or in
7 any part of a building used for school purposes.

8 (f) Offense based on use of a weapon or device. A person
9 commits aggravated battery when, in committing a battery, he or
10 she does any of the following:

11 (1) Uses a deadly weapon other than by discharge of a
12 firearm, or uses an air rifle as defined in Section
13 24.8-0.1 of this Code.

14 (2) Wears a hood, robe, or mask to conceal his or her
15 identity.

16 (3) Knowingly and without lawful justification shines
17 or flashes a laser gunsight or other laser device attached
18 to a firearm, or used in concert with a firearm, so that
19 the laser beam strikes upon or against the person of
20 another.

21 (4) Knowingly video or audio records the offense with
22 the intent to disseminate the recording.

23 (g) Offense based on certain conduct. A person commits
24 aggravated battery when, other than by discharge of a firearm,
25 he or she does any of the following:

26 (1) Violates Section 401 of the Illinois Controlled

1 Substances Act by unlawfully delivering a controlled
2 substance to another and any user experiences great bodily
3 harm or permanent disability as a result of the injection,
4 inhalation, or ingestion of any amount of the controlled
5 substance.

6 (2) Knowingly administers to an individual or causes
7 him or her to take, without his or her consent or by threat
8 or deception, and for other than medical purposes, any
9 intoxicating, poisonous, stupefying, narcotic, anesthetic,
10 or controlled substance, or gives to another person any
11 food containing any substance or object intended to cause
12 physical injury if eaten.

13 (3) Knowingly causes or attempts to cause a
14 correctional institution employee or Department of Human
15 Services employee to come into contact with blood, seminal
16 fluid, urine, or feces by throwing, tossing, or expelling
17 the fluid or material, and the person is an inmate of a
18 penal institution or is a sexually dangerous person or
19 sexually violent person in the custody of the Department of
20 Human Services.

21 (h) Sentence. Unless otherwise provided, aggravated
22 battery is a Class 3 felony.

23 Aggravated battery as defined in subdivision (a)(4),
24 (d)(4), or (g)(3) is a Class 2 felony.

25 Aggravated battery as defined in subdivision (a)(3) or
26 (g)(1) is a Class 1 felony.

1 Aggravated battery as defined in subdivision (a)(1) is a
2 Class 1 felony when the aggravated battery was intentional and
3 involved the infliction of torture, as defined in paragraph
4 (14) of subsection (b) of Section 9-1 of this Code, as the
5 infliction of or subjection to extreme physical pain, motivated
6 by an intent to increase or prolong the pain, suffering, or
7 agony of the victim.

8 Aggravated battery under subdivision (a)(5) is a Class 1
9 felony if:

10 (A) the person used or attempted to use a dangerous
11 instrument while committing the offense; or

12 (B) the person caused great bodily harm or permanent
13 disability or disfigurement to the other person while
14 committing the offense; or

15 (C) the person has been previously convicted of a
16 violation of subdivision (a)(5) under the laws of this
17 State or laws similar to subdivision (a)(5) of any other
18 state.

19 Aggravated battery as defined in subdivision (e)(1) is a
20 Class X felony.

21 Aggravated battery as defined in subdivision (a)(2) is a
22 Class X felony for which a person shall be sentenced to a term
23 of imprisonment of a minimum of 6 years and a maximum of 45
24 years.

25 Aggravated battery as defined in subdivision (e)(5) is a
26 Class X felony for which a person shall be sentenced to a term

1 of imprisonment of a minimum of 12 years and a maximum of 45
2 years.

3 Aggravated battery as defined in subdivision (e)(2),
4 (e)(3), or (e)(4) is a Class X felony for which a person shall
5 be sentenced to a term of imprisonment of a minimum of 15 years
6 and a maximum of 60 years.

7 Aggravated battery as defined in subdivision (e)(6),
8 (e)(7), or (e)(8) is a Class X felony for which a person shall
9 be sentenced to a term of imprisonment of a minimum of 20 years
10 and a maximum of 60 years.

11 Aggravated battery as defined in subdivision (b)(1) is a
12 Class X felony, except that:

13 (1) if the person committed the offense while armed
14 with a firearm, 15 years shall be added to the term of
15 imprisonment imposed by the court;

16 (2) if, during the commission of the offense, the
17 person personally discharged a firearm, 20 years shall be
18 added to the term of imprisonment imposed by the court;

19 (3) if, during the commission of the offense, the
20 person personally discharged a firearm that proximately
21 caused great bodily harm, permanent disability, permanent
22 disfigurement, or death to another person, 25 years or up
23 to a term of natural life shall be added to the term of
24 imprisonment imposed by the court.

25 (i) Definitions. For the purposes of this Section:

26 "Building or other structure used to provide shelter" has

1 the meaning ascribed to "shelter" in Section 1 of the Domestic
2 Violence Shelters Act.

3 "Domestic violence" has the meaning ascribed to it in
4 Section 103 of the Illinois Domestic Violence Act of 1986.

5 "Domestic violence shelter" means any building or other
6 structure used to provide shelter or other services to victims
7 or to the dependent children of victims of domestic violence
8 pursuant to the Illinois Domestic Violence Act of 1986 or the
9 Domestic Violence Shelters Act, or any place within 500 feet of
10 such a building or other structure in the case of a person who
11 is going to or from such a building or other structure.

12 "Firearm" has the meaning provided under Section 1.1 of the
13 Firearm Owners Identification Card Act, and does not include an
14 air rifle as defined by Section 24.8-0.1 of this Code.

15 "Machine gun" has the meaning ascribed to it in Section
16 24-1 of this Code.

17 "Merchant" has the meaning ascribed to it in Section 16-0.1
18 of this Code.

19 "Strangle" means intentionally impeding the normal
20 breathing or circulation of the blood of an individual by
21 applying pressure on the throat or neck of that individual or
22 by blocking the nose or mouth of that individual.

23 (Source: P.A. 97-597, eff. 1-1-12; incorporates 97-227, eff.
24 1-1-12, 97-313, eff. 1-1-12, and 97-467, eff. 1-1-12; 97-1109,
25 eff. 1-1-13; 98-369, eff. 1-1-14; 98-385, eff. 1-1-14; 98-756,
26 eff. 7-16-14.)

1 (720 ILCS 5/12C-10) (was 720 ILCS 5/12-21.5)

2 Sec. 12C-10. Child abandonment.

3 (a) A person commits child abandonment when he or she, as a
4 parent, guardian, or other person having physical custody or
5 control of a child, without regard for the mental or physical
6 health, safety, or welfare of that child, knowingly leaves that
7 child who is under the age of 13 without supervision by a
8 responsible person over the age of 14 for a period of 24 hours
9 or more. It is not a violation of this Section for a person to
10 relinquish a child in accordance with the Abandoned Newborn
11 Infant Protection Act.

12 (b) For the purposes of determining whether the child was
13 left without regard for the mental or physical health, safety,
14 or welfare of that child, the trier of fact shall consider the
15 following factors:

16 (1) the age of the child;

17 (2) the number of children left at the location;

18 (3) special needs of the child, including whether the
19 child is a person with a physical or mental disability ~~is~~
20 ~~physically or mentally handicapped~~, or otherwise in need of
21 ongoing prescribed medical treatment such as periodic
22 doses of insulin or other medications;

23 (4) the duration of time in which the child was left
24 without supervision;

25 (5) the condition and location of the place where the

1 child was left without supervision;

2 (6) the time of day or night when the child was left
3 without supervision;

4 (7) the weather conditions, including whether the
5 child was left in a location with adequate protection from
6 the natural elements such as adequate heat or light;

7 (8) the location of the parent, guardian, or other
8 person having physical custody or control of the child at
9 the time the child was left without supervision, the
10 physical distance the child was from the parent, guardian,
11 or other person having physical custody or control of the
12 child at the time the child was without supervision;

13 (9) whether the child's movement was restricted, or the
14 child was otherwise locked within a room or other
15 structure;

16 (10) whether the child was given a phone number of a
17 person or location to call in the event of an emergency and
18 whether the child was capable of making an emergency call;

19 (11) whether there was food and other provision left
20 for the child;

21 (12) whether any of the conduct is attributable to
22 economic hardship or illness and the parent, guardian or
23 other person having physical custody or control of the
24 child made a good faith effort to provide for the health
25 and safety of the child;

26 (13) the age and physical and mental capabilities of

1 the person or persons who provided supervision for the
2 child;

3 (14) any other factor that would endanger the health or
4 safety of that particular child;

5 (15) whether the child was left under the supervision
6 of another person.

7 (c) Child abandonment is a Class 4 felony. A second or
8 subsequent offense after a prior conviction is a Class 3
9 felony. A parent, who is found to be in violation of this
10 Section with respect to his or her child, may be sentenced to
11 probation for this offense pursuant to Section 12C-15.

12 (Source: P.A. 97-1109, eff. 1-1-13; 98-756, eff. 7-16-14.)

13 (720 ILCS 5/16-30)

14 Sec. 16-30. Identity theft; aggravated identity theft.

15 (a) A person commits identity theft when he or she
16 knowingly:

17 (1) uses any personal identifying information or
18 personal identification document of another person to
19 fraudulently obtain credit, money, goods, services, or
20 other property;

21 (2) uses any personal identification information or
22 personal identification document of another with intent to
23 commit any felony not set forth in paragraph (1) of this
24 subsection (a);

25 (3) obtains, records, possesses, sells, transfers,

1 purchases, or manufactures any personal identification
2 information or personal identification document of another
3 with intent to commit any felony;

4 (4) uses, obtains, records, possesses, sells,
5 transfers, purchases, or manufactures any personal
6 identification information or personal identification
7 document of another knowing that such personal
8 identification information or personal identification
9 documents were stolen or produced without lawful
10 authority;

11 (5) uses, transfers, or possesses document-making
12 implements to produce false identification or false
13 documents with knowledge that they will be used by the
14 person or another to commit any felony;

15 (6) uses any personal identification information or
16 personal identification document of another to portray
17 himself or herself as that person, or otherwise, for the
18 purpose of gaining access to any personal identification
19 information or personal identification document of that
20 person, without the prior express permission of that
21 person;

22 (7) uses any personal identification information or
23 personal identification document of another for the
24 purpose of gaining access to any record of the actions
25 taken, communications made or received, or other
26 activities or transactions of that person, without the

1 prior express permission of that person;

2 (7.5) uses, possesses, or transfers a radio frequency
3 identification device capable of obtaining or processing
4 personal identifying information from a radio frequency
5 identification (RFID) tag or transponder with knowledge
6 that the device will be used by the person or another to
7 commit a felony violation of State law or any violation of
8 this Article; or

9 (8) in the course of applying for a building permit
10 with a unit of local government, provides the license
11 number of a roofing or fire sprinkler contractor whom he or
12 she does not intend to have perform the work on the roofing
13 or fire sprinkler portion of the project; it is an
14 affirmative defense to prosecution under this paragraph
15 (8) that the building permit applicant promptly informed
16 the unit of local government that issued the building
17 permit of any change in the roofing or fire sprinkler
18 contractor.

19 (b) Aggravated identity theft. A person commits aggravated
20 identity theft when he or she commits identity theft as set
21 forth in subsection (a) of this Section:

22 (1) against a person 60 years of age or older or a
23 person with a disability; or

24 (2) in furtherance of the activities of an organized
25 gang.

26 A defense to aggravated identity theft does not exist

1 merely because the accused reasonably believed the victim to be
2 a person less than 60 years of age. For the purposes of this
3 subsection, "organized gang" has the meaning ascribed in
4 Section 10 of the Illinois Streetgang Terrorism Omnibus
5 Prevention Act.

6 (c) Knowledge shall be determined by an evaluation of all
7 circumstances surrounding the use of the other person's
8 identifying information or document.

9 (d) When a charge of identity theft or aggravated identity
10 theft of credit, money, goods, services, or other property
11 exceeding a specified value is brought, the value of the
12 credit, money, goods, services, or other property is an element
13 of the offense to be resolved by the trier of fact as either
14 exceeding or not exceeding the specified value.

15 (e) Sentence.

16 (1) Identity theft.

17 (A) A person convicted of identity theft in
18 violation of paragraph (1) of subsection (a) shall be
19 sentenced as follows:

20 (i) Identity theft of credit, money, goods,
21 services, or other property not exceeding \$300 in
22 value is a Class 4 felony. A person who has been
23 previously convicted of identity theft of less
24 than \$300 who is convicted of a second or
25 subsequent offense of identity theft of less than
26 \$300 is guilty of a Class 3 felony. A person who

1 has been convicted of identity theft of less than
2 \$300 who has been previously convicted of any type
3 of theft, robbery, armed robbery, burglary,
4 residential burglary, possession of burglary
5 tools, home invasion, home repair fraud,
6 aggravated home repair fraud, or financial
7 exploitation of an elderly person or person with a
8 disability ~~or disabled person~~ is guilty of a Class
9 3 felony. Identity theft of credit, money, goods,
10 services, or other property not exceeding \$300 in
11 value when the victim of the identity theft is an
12 active duty member of the Armed Services or Reserve
13 Forces of the United States or of the Illinois
14 National Guard serving in a foreign country is a
15 Class 3 felony. A person who has been previously
16 convicted of identity theft of less than \$300 who
17 is convicted of a second or subsequent offense of
18 identity theft of less than \$300 when the victim of
19 the identity theft is an active duty member of the
20 Armed Services or Reserve Forces of the United
21 States or of the Illinois National Guard serving in
22 a foreign country is guilty of a Class 2 felony. A
23 person who has been convicted of identity theft of
24 less than \$300 when the victim of the identity
25 theft is an active duty member of the Armed
26 Services or Reserve Forces of the United States or

1 of the Illinois National Guard serving in a foreign
2 country who has been previously convicted of any
3 type of theft, robbery, armed robbery, burglary,
4 residential burglary, possession of burglary
5 tools, home invasion, home repair fraud,
6 aggravated home repair fraud, or financial
7 exploitation of an elderly person or person with a
8 disability ~~or disabled person~~ is guilty of a Class
9 2 felony.

10 (ii) Identity theft of credit, money, goods,
11 services, or other property exceeding \$300 and not
12 exceeding \$2,000 in value is a Class 3 felony.
13 Identity theft of credit, money, goods, services,
14 or other property exceeding \$300 and not exceeding
15 \$2,000 in value when the victim of the identity
16 theft is an active duty member of the Armed
17 Services or Reserve Forces of the United States or
18 of the Illinois National Guard serving in a foreign
19 country is a Class 2 felony.

20 (iii) Identity theft of credit, money, goods,
21 services, or other property exceeding \$2,000 and
22 not exceeding \$10,000 in value is a Class 2 felony.
23 Identity theft of credit, money, goods, services,
24 or other property exceeding \$2,000 and not
25 exceeding \$10,000 in value when the victim of the
26 identity theft is an active duty member of the

1 Armed Services or Reserve Forces of the United
2 States or of the Illinois National Guard serving in
3 a foreign country is a Class 1 felony.

4 (iv) Identity theft of credit, money, goods,
5 services, or other property exceeding \$10,000 and
6 not exceeding \$100,000 in value is a Class 1
7 felony. Identity theft of credit, money, goods,
8 services, or other property exceeding \$10,000 and
9 not exceeding \$100,000 in value when the victim of
10 the identity theft is an active duty member of the
11 Armed Services or Reserve Forces of the United
12 States or of the Illinois National Guard serving in
13 a foreign country is a Class X felony.

14 (v) Identity theft of credit, money, goods,
15 services, or other property exceeding \$100,000 in
16 value is a Class X felony.

17 (B) A person convicted of any offense enumerated in
18 paragraphs (2) through (7.5) of subsection (a) is
19 guilty of a Class 3 felony. A person convicted of any
20 offense enumerated in paragraphs (2) through (7.5) of
21 subsection (a) when the victim of the identity theft is
22 an active duty member of the Armed Services or Reserve
23 Forces of the United States or of the Illinois National
24 Guard serving in a foreign country is guilty of a Class
25 2 felony.

26 (C) A person convicted of any offense enumerated in

1 paragraphs (2) through (5) and (7.5) of subsection (a)
2 a second or subsequent time is guilty of a Class 2
3 felony. A person convicted of any offense enumerated in
4 paragraphs (2) through (5) and (7.5) of subsection (a)
5 a second or subsequent time when the victim of the
6 identity theft is an active duty member of the Armed
7 Services or Reserve Forces of the United States or of
8 the Illinois National Guard serving in a foreign
9 country is guilty of a Class 1 felony.

10 (D) A person who, within a 12-month period, is
11 found in violation of any offense enumerated in
12 paragraphs (2) through (7.5) of subsection (a) with
13 respect to the identifiers of, or other information
14 relating to, 3 or more separate individuals, at the
15 same time or consecutively, is guilty of a Class 2
16 felony. A person who, within a 12-month period, is
17 found in violation of any offense enumerated in
18 paragraphs (2) through (7.5) of subsection (a) with
19 respect to the identifiers of, or other information
20 relating to, 3 or more separate individuals, at the
21 same time or consecutively, when the victim of the
22 identity theft is an active duty member of the Armed
23 Services or Reserve Forces of the United States or of
24 the Illinois National Guard serving in a foreign
25 country is guilty of a Class 1 felony.

26 (E) A person convicted of identity theft in

1 violation of paragraph (2) of subsection (a) who uses
2 any personal identification information or personal
3 identification document of another to purchase
4 methamphetamine manufacturing material as defined in
5 Section 10 of the Methamphetamine Control and
6 Community Protection Act with the intent to unlawfully
7 manufacture methamphetamine is guilty of a Class 2
8 felony for a first offense and a Class 1 felony for a
9 second or subsequent offense. A person convicted of
10 identity theft in violation of paragraph (2) of
11 subsection (a) who uses any personal identification
12 information or personal identification document of
13 another to purchase methamphetamine manufacturing
14 material as defined in Section 10 of the
15 Methamphetamine Control and Community Protection Act
16 with the intent to unlawfully manufacture
17 methamphetamine when the victim of the identity theft
18 is an active duty member of the Armed Services or
19 Reserve Forces of the United States or of the Illinois
20 National Guard serving in a foreign country is guilty
21 of a Class 1 felony for a first offense and a Class X
22 felony for a second or subsequent offense.

23 (F) A person convicted of identity theft in
24 violation of paragraph (8) of subsection (a) of this
25 Section is guilty of a Class 4 felony.

26 (2) Aggravated identity theft.

1 (A) Aggravated identity theft of credit, money,
2 goods, services, or other property not exceeding \$300
3 in value is a Class 3 felony.

4 (B) Aggravated identity theft of credit, money,
5 goods, services, or other property exceeding \$300 and
6 not exceeding \$10,000 in value is a Class 2 felony.

7 (C) Aggravated identity theft of credit, money,
8 goods, services, or other property exceeding \$10,000
9 in value and not exceeding \$100,000 in value is a Class
10 1 felony.

11 (D) Aggravated identity theft of credit, money,
12 goods, services, or other property exceeding \$100,000
13 in value is a Class X felony.

14 (E) Aggravated identity theft for a violation of
15 any offense enumerated in paragraphs (2) through (7.5)
16 of subsection (a) of this Section is a Class 2 felony.

17 (F) Aggravated identity theft when a person who,
18 within a 12-month period, is found in violation of any
19 offense enumerated in paragraphs (2) through (7.5) of
20 subsection (a) of this Section with identifiers of, or
21 other information relating to, 3 or more separate
22 individuals, at the same time or consecutively, is a
23 Class 1 felony.

24 (G) A person who has been previously convicted of
25 aggravated identity theft regardless of the value of
26 the property involved who is convicted of a second or

1 subsequent offense of aggravated identity theft
2 regardless of the value of the property involved is
3 guilty of a Class X felony.

4 (Source: P.A. 97-597, eff. 1-1-12; incorporates 97-333, eff.
5 8-12-11, and 97-388, eff. 1-1-12; 97-1109, eff. 1-1-13.)

6 (720 ILCS 5/17-2) (from Ch. 38, par. 17-2)
7 Sec. 17-2. False personation; solicitation.

8 (a) False personation; solicitation.

9 (1) A person commits a false personation when he or she
10 knowingly and falsely represents himself or herself to be a
11 member or representative of any veterans' or public safety
12 personnel organization or a representative of any
13 charitable organization, or when he or she knowingly
14 exhibits or uses in any manner any decal, badge or insignia
15 of any charitable, public safety personnel, or veterans'
16 organization when not authorized to do so by the
17 charitable, public safety personnel, or veterans'
18 organization. "Public safety personnel organization" has
19 the meaning ascribed to that term in Section 1 of the
20 Solicitation for Charity Act.

21 (2) A person commits a false personation when he or she
22 knowingly and falsely represents himself or herself to be a
23 veteran in seeking employment or public office. In this
24 paragraph, "veteran" means a person who has served in the
25 Armed Services or Reserve Forces of the United States.

1 (2.5) A person commits a false personation when he or
2 she knowingly and falsely represents himself or herself to
3 be:

4 (A) another actual person and does an act in such
5 assumed character with intent to intimidate, threaten,
6 injure, defraud, or to obtain a benefit from another;
7 or

8 (B) a representative of an actual person or
9 organization and does an act in such false capacity
10 with intent to obtain a benefit or to injure or defraud
11 another.

12 (3) No person shall knowingly use the words "Police",
13 "Police Department", "Patrolman", "Sergeant",
14 "Lieutenant", "Peace Officer", "Sheriff's Police",
15 "Sheriff", "Officer", "Law Enforcement", "Trooper",
16 "Deputy", "Deputy Sheriff", "State Police", or any other
17 words to the same effect (i) in the title of any
18 organization, magazine, or other publication without the
19 express approval of the named public safety personnel
20 organization's governing board or (ii) in combination with
21 the name of any state, state agency, public university, or
22 unit of local government without the express written
23 authorization of that state, state agency, public
24 university, or unit of local government.

25 (4) No person may knowingly claim or represent that he
26 or she is acting on behalf of any public safety personnel

1 organization when soliciting financial contributions or
2 selling or delivering or offering to sell or deliver any
3 merchandise, goods, services, memberships, or
4 advertisements unless the chief of the police department,
5 fire department, and the corporate or municipal authority
6 thereof, or the sheriff has first entered into a written
7 agreement with the person or with an organization with
8 which the person is affiliated and the agreement permits
9 the activity and specifies and states clearly and fully the
10 purpose for which the proceeds of the solicitation,
11 contribution, or sale will be used.

12 (5) No person, when soliciting financial contributions
13 or selling or delivering or offering to sell or deliver any
14 merchandise, goods, services, memberships, or
15 advertisements may claim or represent that he or she is
16 representing or acting on behalf of any nongovernmental
17 organization by any name which includes "officer", "peace
18 officer", "police", "law enforcement", "trooper",
19 "sheriff", "deputy", "deputy sheriff", "State police", or
20 any other word or words which would reasonably be
21 understood to imply that the organization is composed of
22 law enforcement personnel unless:

23 (A) the person is actually representing or acting
24 on behalf of the nongovernmental organization;

25 (B) the nongovernmental organization is controlled
26 by and governed by a membership of and represents a

1 group or association of active duty peace officers,
2 retired peace officers, or injured peace officers; and

3 (C) before commencing the solicitation or the sale
4 or the offers to sell any merchandise, goods, services,
5 memberships, or advertisements, a written contract
6 between the soliciting or selling person and the
7 nongovernmental organization, which specifies and
8 states clearly and fully the purposes for which the
9 proceeds of the solicitation, contribution, or sale
10 will be used, has been entered into.

11 (6) No person, when soliciting financial contributions
12 or selling or delivering or offering to sell or deliver any
13 merchandise, goods, services, memberships, or
14 advertisements, may knowingly claim or represent that he or
15 she is representing or acting on behalf of any
16 nongovernmental organization by any name which includes
17 the term "fireman", "fire fighter", "paramedic", or any
18 other word or words which would reasonably be understood to
19 imply that the organization is composed of fire fighter or
20 paramedic personnel unless:

21 (A) the person is actually representing or acting
22 on behalf of the nongovernmental organization;

23 (B) the nongovernmental organization is controlled
24 by and governed by a membership of and represents a
25 group or association of active duty, retired, or
26 injured fire fighters (for the purposes of this

1 Section, "fire fighter" has the meaning ascribed to
2 that term in Section 2 of the Illinois Fire Protection
3 Training Act) or active duty, retired, or injured
4 emergency medical technicians - ambulance, emergency
5 medical technicians - intermediate, emergency medical
6 technicians - paramedic, ambulance drivers, or other
7 medical assistance or first aid personnel; and

8 (C) before commencing the solicitation or the sale
9 or delivery or the offers to sell or deliver any
10 merchandise, goods, services, memberships, or
11 advertisements, the soliciting or selling person and
12 the nongovernmental organization have entered into a
13 written contract that specifies and states clearly and
14 fully the purposes for which the proceeds of the
15 solicitation, contribution, or sale will be used.

16 (7) No person may knowingly claim or represent that he
17 or she is an airman, airline employee, airport employee, or
18 contractor at an airport in order to obtain the uniform,
19 identification card, license, or other identification
20 paraphernalia of an airman, airline employee, airport
21 employee, or contractor at an airport.

22 (8) No person, firm, copartnership, or corporation
23 (except corporations organized and doing business under
24 the Pawners Societies Act) shall knowingly use a name that
25 contains in it the words "Pawners' Society".

26 (b) False personation; public officials and employees. A

1 person commits a false personation if he or she knowingly and
2 falsely represents himself or herself to be any of the
3 following:

4 (1) An attorney authorized to practice law for purposes
5 of compensation or consideration. This paragraph (b) (1)
6 does not apply to a person who unintentionally fails to pay
7 attorney registration fees established by Supreme Court
8 Rule.

9 (2) A public officer or a public employee or an
10 official or employee of the federal government.

11 (2.3) A public officer, a public employee, or an
12 official or employee of the federal government, and the
13 false representation is made in furtherance of the
14 commission of felony.

15 (2.7) A public officer or a public employee, and the
16 false representation is for the purpose of effectuating
17 identity theft as defined in Section 16-30 of this Code.

18 (3) A peace officer.

19 (4) A peace officer while carrying a deadly weapon.

20 (5) A peace officer in attempting or committing a
21 felony.

22 (6) A peace officer in attempting or committing a
23 forcible felony.

24 (7) The parent, legal guardian, or other relation of a
25 minor child to any public official, public employee, or
26 elementary or secondary school employee or administrator.

1 (7.5) The legal guardian, including any representative
2 of a State or public guardian, of a person with a
3 disability ~~disabled person~~ appointed under Article XIa of
4 the Probate Act of 1975.

5 (8) A fire fighter.

6 (9) A fire fighter while carrying a deadly weapon.

7 (10) A fire fighter in attempting or committing a
8 felony.

9 (11) An emergency management worker of any
10 jurisdiction in this State.

11 (12) An emergency management worker of any
12 jurisdiction in this State in attempting or committing a
13 felony. For the purposes of this subsection (b), "emergency
14 management worker" has the meaning provided under Section
15 2-6.6 of this Code.

16 (b-5) The trier of fact may infer that a person falsely
17 represents himself or herself to be a public officer or a
18 public employee or an official or employee of the federal
19 government if the person:

20 (1) wears or displays without authority any uniform,
21 badge, insignia, or facsimile thereof by which a public
22 officer or public employee or official or employee of the
23 federal government is lawfully distinguished; or

24 (2) falsely expresses by word or action that he or she
25 is a public officer or public employee or official or
26 employee of the federal government and is acting with

1 approval or authority of a public agency or department.

2 (c) Fraudulent advertisement of a corporate name.

3 (1) A company, association, or individual commits
4 fraudulent advertisement of a corporate name if he, she, or
5 it, not being incorporated, puts forth a sign or
6 advertisement and assumes, for the purpose of soliciting
7 business, a corporate name.

8 (2) Nothing contained in this subsection (c) prohibits
9 a corporation, company, association, or person from using a
10 divisional designation or trade name in conjunction with
11 its corporate name or assumed name under Section 4.05 of
12 the Business Corporation Act of 1983 or, if it is a member
13 of a partnership or joint venture, from doing partnership
14 or joint venture business under the partnership or joint
15 venture name. The name under which the joint venture or
16 partnership does business may differ from the names of the
17 members. Business may not be conducted or transacted under
18 that joint venture or partnership name, however, unless all
19 provisions of the Assumed Business Name Act have been
20 complied with. Nothing in this subsection (c) permits a
21 foreign corporation to do business in this State without
22 complying with all Illinois laws regulating the doing of
23 business by foreign corporations. No foreign corporation
24 may conduct or transact business in this State as a member
25 of a partnership or joint venture that violates any
26 Illinois law regulating or pertaining to the doing of

1 business by foreign corporations in Illinois.

2 (3) The provisions of this subsection (c) do not apply
3 to limited partnerships formed under the Revised Uniform
4 Limited Partnership Act or under the Uniform Limited
5 Partnership Act (2001).

6 (d) False law enforcement badges.

7 (1) A person commits false law enforcement badges if he
8 or she knowingly produces, sells, or distributes a law
9 enforcement badge without the express written consent of
10 the law enforcement agency represented on the badge or, in
11 case of a reorganized or defunct law enforcement agency,
12 its successor law enforcement agency.

13 (2) It is a defense to false law enforcement badges
14 that the law enforcement badge is used or is intended to be
15 used exclusively: (i) as a memento or in a collection or
16 exhibit; (ii) for decorative purposes; or (iii) for a
17 dramatic presentation, such as a theatrical, film, or
18 television production.

19 (e) False medals.

20 (1) A person commits a false personation if he or she
21 knowingly and falsely represents himself or herself to be a
22 recipient of, or wears on his or her person, any of the
23 following medals if that medal was not awarded to that
24 person by the United States Government, irrespective of
25 branch of service: The Congressional Medal of Honor, The
26 Distinguished Service Cross, The Navy Cross, The Air Force

1 Cross, The Silver Star, The Bronze Star, or the Purple
2 Heart.

3 (2) It is a defense to a prosecution under paragraph
4 (e)(1) that the medal is used, or is intended to be used,
5 exclusively:

6 (A) for a dramatic presentation, such as a
7 theatrical, film, or television production, or a
8 historical re-enactment; or

9 (B) for a costume worn, or intended to be worn, by
10 a person under 18 years of age.

11 (f) Sentence.

12 (1) A violation of paragraph (a)(8) is a petty offense
13 subject to a fine of not less than \$5 nor more than \$100,
14 and the person, firm, copartnership, or corporation
15 commits an additional petty offense for each day he, she,
16 or it continues to commit the violation. A violation of
17 paragraph (c)(1) is a petty offense, and the company,
18 association, or person commits an additional petty offense
19 for each day he, she, or it continues to commit the
20 violation. A violation of subsection (e) is a petty offense
21 for which the offender shall be fined at least \$100 and not
22 more than \$200.

23 (2) A violation of paragraph (a)(1), (a)(3), or
24 (b)(7.5) is a Class C misdemeanor.

25 (3) A violation of paragraph (a)(2), (a)(2.5), (a)(7),
26 (b)(2), or (b)(7) or subsection (d) is a Class A

1 misdemeanor. A second or subsequent violation of
2 subsection (d) is a Class 3 felony.

3 (4) A violation of paragraph (a)(4), (a)(5), (a)(6),
4 (b)(1), (b)(2.3), (b)(2.7), (b)(3), (b)(8), or (b)(11) is a
5 Class 4 felony.

6 (5) A violation of paragraph (b)(4), (b)(9), or (b)(12)
7 is a Class 3 felony.

8 (6) A violation of paragraph (b)(5) or (b)(10) is a
9 Class 2 felony.

10 (7) A violation of paragraph (b)(6) is a Class 1
11 felony.

12 (g) A violation of subsection (a)(1) through (a)(7) or
13 subsection (e) of this Section may be accomplished in person or
14 by any means of communication, including but not limited to the
15 use of an Internet website or any form of electronic
16 communication.

17 (Source: P.A. 97-219, eff. 1-1-12; 97-597, eff. 1-1-12;
18 incorporates change to Sec. 32-5 from 97-219; 97-1109, eff.
19 1-1-13; 98-1125, eff. 1-1-15.)

20 (720 ILCS 5/17-6) (from Ch. 38, par. 17-6)

21 Sec. 17-6. State benefits fraud.

22 (a) A person commits State benefits fraud when he or she
23 obtains or attempts to obtain money or benefits from the State
24 of Illinois, from any political subdivision thereof, or from
25 any program funded or administered in whole or in part by the

1 State of Illinois or any political subdivision thereof through
2 the knowing use of false identification documents or through
3 the knowing misrepresentation of his or her age, place of
4 residence, number of dependents, marital or family status,
5 employment status, financial status, or any other material fact
6 upon which his eligibility for or degree of participation in
7 any benefit program might be based.

8 (b) Notwithstanding any provision of State law to the
9 contrary, every application or other document submitted to an
10 agency or department of the State of Illinois or any political
11 subdivision thereof to establish or determine eligibility for
12 money or benefits from the State of Illinois or from any
13 political subdivision thereof, or from any program funded or
14 administered in whole or in part by the State of Illinois or
15 any political subdivision thereof, shall be made available upon
16 request to any law enforcement agency for use in the
17 investigation or prosecution of State benefits fraud or for use
18 in the investigation or prosecution of any other crime arising
19 out of the same transaction or occurrence. Except as otherwise
20 permitted by law, information disclosed pursuant to this
21 subsection shall be used and disclosed only for the purposes
22 provided herein. The provisions of this Section shall be
23 operative only to the extent that they do not conflict with any
24 federal law or regulation governing federal grants to this
25 State.

26 (c) Any employee of the State of Illinois or any agency or

1 political subdivision thereof may seize as evidence any false
2 or fraudulent document presented to him or her in connection
3 with an application for or receipt of money or benefits from
4 the State of Illinois, from any political subdivision thereof,
5 or from any program funded or administered in whole or in part
6 by the State of Illinois or any political subdivision thereof.

7 (d) Sentence.

8 (1) State benefits fraud is a Class 4 felony except when
9 more than \$300 is obtained, in which case State benefits fraud
10 is a Class 3 felony.

11 (2) If a person knowingly misrepresents oneself as a
12 veteran or as a dependent of a veteran with the intent of
13 obtaining benefits or privileges provided by the State or its
14 political subdivisions to veterans or their dependents, then
15 State benefits fraud is a Class 3 felony when \$300 or less is
16 obtained and a Class 2 felony when more than \$300 is obtained.
17 For the purposes of this paragraph (2), benefits and privileges
18 include, but are not limited to, those benefits and privileges
19 available under the Veterans' Employment Act, the Viet Nam
20 Veterans Compensation Act, the Prisoner of War Bonus Act, the
21 War Bonus Extension Act, the Military Veterans Assistance Act,
22 the Veterans' Employment Representative Act, the Veterans
23 Preference Act, the Service Member's Employment Tenure Act, the
24 Housing for Veterans with Disabilities Act ~~Disabled Veterans~~
25 ~~Housing Act~~, the Under Age Veterans Benefits Act, the Survivors
26 Compensation Act, the Children of Deceased Veterans Act, the

1 Veterans Burial Places Act, the Higher Education Student
2 Assistance Act, or any other loans, assistance in employment,
3 monetary payments, or tax exemptions offered by the State or
4 its political subdivisions for veterans or their dependents.

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

6 (720 ILCS 5/17-6.5)

7 Sec. 17-6.5. Persons under deportation order;
8 ineligibility for benefits.

9 (a) An individual against whom a United States Immigration
10 Judge has issued an order of deportation which has been
11 affirmed by the Board of Immigration Review, as well as an
12 individual who appeals such an order pending appeal, under
13 paragraph 19 of Section 241(a) of the Immigration and
14 Nationality Act relating to persecution of others on account of
15 race, religion, national origin or political opinion under the
16 direction of or in association with the Nazi government of
17 Germany or its allies, shall be ineligible for the following
18 benefits authorized by State law:

19 (1) The homestead exemptions and homestead improvement
20 exemption under Sections 15-170, 15-175, 15-176, and
21 15-180 of the Property Tax Code.

22 (2) Grants under the Senior Citizens and Persons with
23 Disabilities ~~Disabled Persons~~ Property Tax Relief Act.

24 (3) The double income tax exemption conferred upon
25 persons 65 years of age or older by Section 204 of the

1 Illinois Income Tax Act.

2 (4) Grants provided by the Department on Aging.

3 (5) Reductions in vehicle registration fees under
4 Section 3-806.3 of the Illinois Vehicle Code.

5 (6) Free fishing and reduced fishing license fees under
6 Sections 20-5 and 20-40 of the Fish and Aquatic Life Code.

7 (7) Tuition free courses for senior citizens under the
8 Senior Citizen Courses Act.

9 (8) Any benefits under the Illinois Public Aid Code.

10 (b) If a person has been found by a court to have knowingly
11 received benefits in violation of subsection (a) and:

12 (1) the total monetary value of the benefits received
13 is less than \$150, the person is guilty of a Class A
14 misdemeanor; a second or subsequent violation is a Class 4
15 felony;

16 (2) the total monetary value of the benefits received
17 is \$150 or more but less than \$1,000, the person is guilty
18 of a Class 4 felony; a second or subsequent violation is a
19 Class 3 felony;

20 (3) the total monetary value of the benefits received
21 is \$1,000 or more but less than \$5,000, the person is
22 guilty of a Class 3 felony; a second or subsequent
23 violation is a Class 2 felony;

24 (4) the total monetary value of the benefits received
25 is \$5,000 or more but less than \$10,000, the person is
26 guilty of a Class 2 felony; a second or subsequent

1 violation is a Class 1 felony; or

2 (5) the total monetary value of the benefits received
3 is \$10,000 or more, the person is guilty of a Class 1
4 felony.

5 (c) For purposes of determining the classification of an
6 offense under this Section, all of the monetary value of the
7 benefits received as a result of the unlawful act, practice, or
8 course of conduct may be accumulated.

9 (d) Any grants awarded to persons described in subsection
10 (a) may be recovered by the State of Illinois in a civil action
11 commenced by the Attorney General in the circuit court of
12 Sangamon County or the State's Attorney of the county of
13 residence of the person described in subsection (a).

14 (e) An individual described in subsection (a) who has been
15 deported shall be restored to any benefits which that
16 individual has been denied under State law pursuant to
17 subsection (a) if (i) the Attorney General of the United States
18 has issued an order cancelling deportation and has adjusted the
19 status of the individual to that of an alien lawfully admitted
20 for permanent residence in the United States or (ii) the
21 country to which the individual has been deported adjudicates
22 or exonerates the individual in a judicial or administrative
23 proceeding as not being guilty of the persecution of others on
24 account of race, religion, national origin, or political
25 opinion under the direction of or in association with the Nazi
26 government of Germany or its allies.

1 (Source: P.A. 96-1551, eff. 7-1-11; 97-689, eff. 6-14-12.)

2 (720 ILCS 5/17-10.2) (was 720 ILCS 5/17-29)

3 Sec. 17-10.2. Businesses owned by minorities, females, and
4 persons with disabilities; fraudulent contracts with
5 governmental units.

6 (a) In this Section:

7 "Minority person" means a person who is any of the
8 following:

9 (1) American Indian or Alaska Native (a person having
10 origins in any of the original peoples of North and South
11 America, including Central America, and who maintains
12 tribal affiliation or community attachment).

13 (2) Asian (a person having origins in any of the
14 original peoples of the Far East, Southeast Asia, or the
15 Indian subcontinent, including, but not limited to,
16 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
17 the Philippine Islands, Thailand, and Vietnam).

18 (3) Black or African American (a person having origins
19 in any of the black racial groups of Africa). Terms such as
20 "Haitian" or "Negro" can be used in addition to "Black or
21 African American".

22 (4) Hispanic or Latino (a person of Cuban, Mexican,
23 Puerto Rican, South or Central American, or other Spanish
24 culture or origin, regardless of race).

25 (5) Native Hawaiian or Other Pacific Islander (a person

1 having origins in any of the original peoples of Hawaii,
2 Guam, Samoa, or other Pacific Islands).

3 "Female" means a person who is of the female gender.

4 "Person with a disability" means a person who is a
5 person qualifying as having a disability ~~being disabled~~.

6 "Disability ~~Disabled~~" means a severe physical or
7 mental disability that: (1) results from: amputation,
8 arthritis, autism, blindness, burn injury, cancer,
9 cerebral palsy, cystic fibrosis, deafness, head injury,
10 heart disease, hemiplegia, hemophilia, respiratory or
11 pulmonary dysfunction, an intellectual disability, mental
12 illness, multiple sclerosis, muscular dystrophy,
13 musculoskeletal disorders, neurological disorders,
14 including stroke and epilepsy, paraplegia, quadriplegia
15 and other spinal cord conditions, sickle cell anemia,
16 specific learning disabilities, or end stage renal failure
17 disease; and (2) substantially limits one or more of the
18 person's major life activities.

19 "Minority owned business" means a business concern
20 that is at least 51% owned by one or more minority persons,
21 or in the case of a corporation, at least 51% of the stock
22 in which is owned by one or more minority persons; and the
23 management and daily business operations of which are
24 controlled by one or more of the minority individuals who
25 own it.

26 "Female owned business" means a business concern that

1 is at least 51% owned by one or more females, or, in the
2 case of a corporation, at least 51% of the stock in which
3 is owned by one or more females; and the management and
4 daily business operations of which are controlled by one or
5 more of the females who own it.

6 "Business owned by a person with a disability" means a
7 business concern that is at least 51% owned by one or more
8 persons with a disability and the management and daily
9 business operations of which are controlled by one or more
10 of the persons with disabilities who own it. A
11 not-for-profit agency for persons with disabilities that
12 is exempt from taxation under Section 501 of the Internal
13 Revenue Code of 1986 is also considered a "business owned
14 by a person with a disability".

15 "Governmental unit" means the State, a unit of local
16 government, or school district.

17 (b) In addition to any other penalties imposed by law or by
18 an ordinance or resolution of a unit of local government or
19 school district, any individual or entity that knowingly
20 obtains, or knowingly assists another to obtain, a contract
21 with a governmental unit, or a subcontract or written
22 commitment for a subcontract under a contract with a
23 governmental unit, by falsely representing that the individual
24 or entity, or the individual or entity assisted, is a minority
25 owned business, female owned business, or business owned by a
26 person with a disability is guilty of a Class 2 felony,

1 regardless of whether the preference for awarding the contract
2 to a minority owned business, female owned business, or
3 business owned by a person with a disability was established by
4 statute or by local ordinance or resolution.

5 (c) In addition to any other penalties authorized by law,
6 the court shall order that an individual or entity convicted of
7 a violation of this Section must pay to the governmental unit
8 that awarded the contract a penalty equal to one and one-half
9 times the amount of the contract obtained because of the false
10 representation.

11 (Source: P.A. 96-1551, eff. 7-1-11; incorporates 97-227, eff.
12 1-1-12, and 97-396, eff. 1-1-12; 97-1109, eff. 1-1-13.)

13 (720 ILCS 5/18-1) (from Ch. 38, par. 18-1)
14 Sec. 18-1. Robbery; aggravated robbery.

15 (a) Robbery. A person commits robbery when he or she
16 knowingly takes property, except a motor vehicle covered by
17 Section 18-3 or 18-4, from the person or presence of another by
18 the use of force or by threatening the imminent use of force.

19 (b) Aggravated robbery.

20 (1) A person commits aggravated robbery when he or she
21 violates subsection (a) while indicating verbally or by his
22 or her actions to the victim that he or she is presently
23 armed with a firearm or other dangerous weapon, including a
24 knife, club, ax, or bludgeon. This offense shall be
25 applicable even though it is later determined that he or

1 she had no firearm or other dangerous weapon, including a
2 knife, club, ax, or bludgeon, in his or her possession when
3 he or she committed the robbery.

4 (2) A person commits aggravated robbery when he or she
5 knowingly takes property from the person or presence of
6 another by delivering (by injection, inhalation,
7 ingestion, transfer of possession, or any other means) to
8 the victim without his or her consent, or by threat or
9 deception, and for other than medical purposes, any
10 controlled substance.

11 (c) Sentence.

12 Robbery is a Class 2 felony, unless the victim is 60 years
13 of age or over or is a person with a physical disability
14 ~~physically handicapped person~~, or the robbery is committed in a
15 school, day care center, day care home, group day care home, or
16 part day child care facility, or place of worship, in which
17 case robbery is a Class 1 felony. Aggravated robbery is a Class
18 1 felony.

19 (d) Regarding penalties prescribed in subsection (c) for
20 violations committed in a day care center, day care home, group
21 day care home, or part day child care facility, the time of
22 day, time of year, and whether children under 18 years of age
23 were present in the day care center, day care home, group day
24 care home, or part day child care facility are irrelevant.

25 (Source: P.A. 96-556, eff. 1-1-10; 97-1108, eff. 1-1-13.)

1 (720 ILCS 5/18-4)

2 Sec. 18-4. Aggravated vehicular hijacking.

3 (a) A person commits aggravated vehicular hijacking when he
4 or she violates Section 18-3; and

5 (1) the person from whose immediate presence the motor
6 vehicle is taken is a person with a physical disability
7 ~~physically handicapped person~~ or a person 60 years of age
8 or over; or

9 (2) a person under 16 years of age is a passenger in
10 the motor vehicle at the time of the offense; or

11 (3) he or she carries on or about his or her person, or
12 is otherwise armed with a dangerous weapon, other than a
13 firearm; or

14 (4) he or she carries on or about his or her person or
15 is otherwise armed with a firearm; or

16 (5) he or she, during the commission of the offense,
17 personally discharges a firearm; or

18 (6) he or she, during the commission of the offense,
19 personally discharges a firearm that proximately causes
20 great bodily harm, permanent disability, permanent
21 disfigurement, or death to another person.

22 (b) Sentence. Aggravated vehicular hijacking in violation
23 of subsections (a)(1) or (a)(2) is a Class X felony. A
24 violation of subsection (a)(3) is a Class X felony for which a
25 term of imprisonment of not less than 7 years shall be imposed.
26 A violation of subsection (a)(4) is a Class X felony for which

1 15 years shall be added to the term of imprisonment imposed by
2 the court. A violation of subsection (a) (5) is a Class X felony
3 for which 20 years shall be added to the term of imprisonment
4 imposed by the court. A violation of subsection (a) (6) is a
5 Class X felony for which 25 years or up to a term of natural
6 life shall be added to the term of imprisonment imposed by the
7 court.

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

9 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

10 Sec. 24-3. Unlawful sale or delivery of firearms.

11 (A) A person commits the offense of unlawful sale or
12 delivery of firearms when he or she knowingly does any of the
13 following:

14 (a) Sells or gives any firearm of a size which may be
15 concealed upon the person to any person under 18 years of
16 age.

17 (b) Sells or gives any firearm to a person under 21
18 years of age who has been convicted of a misdemeanor other
19 than a traffic offense or adjudged delinquent.

20 (c) Sells or gives any firearm to any narcotic addict.

21 (d) Sells or gives any firearm to any person who has
22 been convicted of a felony under the laws of this or any
23 other jurisdiction.

24 (e) Sells or gives any firearm to any person who has
25 been a patient in a mental institution within the past 5

1 years. In this subsection (e):

2 "Mental institution" means any hospital,
3 institution, clinic, evaluation facility, mental
4 health center, or part thereof, which is used primarily
5 for the care or treatment of persons with mental
6 illness.

7 "Patient in a mental institution" means the person
8 was admitted, either voluntarily or involuntarily, to
9 a mental institution for mental health treatment,
10 unless the treatment was voluntary and solely for an
11 alcohol abuse disorder and no other secondary
12 substance abuse disorder or mental illness.

13 (f) Sells or gives any firearms to any person who is a
14 person with an intellectual disability ~~intellectually~~
15 ~~disabled~~.

16 (g) Delivers any firearm of a size which may be
17 concealed upon the person, incidental to a sale, without
18 withholding delivery of such firearm for at least 72 hours
19 after application for its purchase has been made, or
20 delivers any rifle, shotgun or other long gun, or a stun
21 gun or taser, incidental to a sale, without withholding
22 delivery of such rifle, shotgun or other long gun, or a
23 stun gun or taser for at least 24 hours after application
24 for its purchase has been made. However, this paragraph (g)
25 does not apply to: (1) the sale of a firearm to a law
26 enforcement officer if the seller of the firearm knows that

1 the person to whom he or she is selling the firearm is a
2 law enforcement officer or the sale of a firearm to a
3 person who desires to purchase a firearm for use in
4 promoting the public interest incident to his or her
5 employment as a bank guard, armed truck guard, or other
6 similar employment; (2) a mail order sale of a firearm to a
7 nonresident of Illinois under which the firearm is mailed
8 to a point outside the boundaries of Illinois; (3) the sale
9 of a firearm to a nonresident of Illinois while at a
10 firearm showing or display recognized by the Illinois
11 Department of State Police; or (4) the sale of a firearm to
12 a dealer licensed as a federal firearms dealer under
13 Section 923 of the federal Gun Control Act of 1968 (18
14 U.S.C. 923). For purposes of this paragraph (g),
15 "application" means when the buyer and seller reach an
16 agreement to purchase a firearm.

17 (h) While holding any license as a dealer, importer,
18 manufacturer or pawnbroker under the federal Gun Control
19 Act of 1968, manufactures, sells or delivers to any
20 unlicensed person a handgun having a barrel, slide, frame
21 or receiver which is a die casting of zinc alloy or any
22 other nonhomogeneous metal which will melt or deform at a
23 temperature of less than 800 degrees Fahrenheit. For
24 purposes of this paragraph, (1) "firearm" is defined as in
25 the Firearm Owners Identification Card Act; and (2)
26 "handgun" is defined as a firearm designed to be held and

1 fired by the use of a single hand, and includes a
2 combination of parts from which such a firearm can be
3 assembled.

4 (i) Sells or gives a firearm of any size to any person
5 under 18 years of age who does not possess a valid Firearm
6 Owner's Identification Card.

7 (j) Sells or gives a firearm while engaged in the
8 business of selling firearms at wholesale or retail without
9 being licensed as a federal firearms dealer under Section
10 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).
11 In this paragraph (j):

12 A person "engaged in the business" means a person who
13 devotes time, attention, and labor to engaging in the
14 activity as a regular course of trade or business with the
15 principal objective of livelihood and profit, but does not
16 include a person who makes occasional repairs of firearms
17 or who occasionally fits special barrels, stocks, or
18 trigger mechanisms to firearms.

19 "With the principal objective of livelihood and
20 profit" means that the intent underlying the sale or
21 disposition of firearms is predominantly one of obtaining
22 livelihood and pecuniary gain, as opposed to other intents,
23 such as improving or liquidating a personal firearms
24 collection; however, proof of profit shall not be required
25 as to a person who engages in the regular and repetitive
26 purchase and disposition of firearms for criminal purposes

1 or terrorism.

2 (k) Sells or transfers ownership of a firearm to a
3 person who does not display to the seller or transferor of
4 the firearm a currently valid Firearm Owner's
5 Identification Card that has previously been issued in the
6 transferee's name by the Department of State Police under
7 the provisions of the Firearm Owners Identification Card
8 Act. This paragraph (k) does not apply to the transfer of a
9 firearm to a person who is exempt from the requirement of
10 possessing a Firearm Owner's Identification Card under
11 Section 2 of the Firearm Owners Identification Card Act.
12 For the purposes of this Section, a currently valid Firearm
13 Owner's Identification Card means (i) a Firearm Owner's
14 Identification Card that has not expired or (ii) an
15 approval number issued in accordance with subsection
16 (a-10) of subsection 3 or Section 3.1 of the Firearm Owners
17 Identification Card Act shall be proof that the Firearm
18 Owner's Identification Card was valid.

19 (1) In addition to the other requirements of this
20 paragraph (k), all persons who are not federally
21 licensed firearms dealers must also have complied with
22 subsection (a-10) of Section 3 of the Firearm Owners
23 Identification Card Act by determining the validity of
24 a purchaser's Firearm Owner's Identification Card.

25 (2) All sellers or transferors who have complied
26 with the requirements of subparagraph (1) of this

1 paragraph (k) shall not be liable for damages in any
2 civil action arising from the use or misuse by the
3 transferee of the firearm transferred, except for
4 willful or wanton misconduct on the part of the seller
5 or transferor.

6 (1) Not being entitled to the possession of a firearm,
7 delivers the firearm, knowing it to have been stolen or
8 converted. It may be inferred that a person who possesses a
9 firearm with knowledge that its serial number has been
10 removed or altered has knowledge that the firearm is stolen
11 or converted.

12 (B) Paragraph (h) of subsection (A) does not include
13 firearms sold within 6 months after enactment of Public Act
14 78-355 (approved August 21, 1973, effective October 1, 1973),
15 nor is any firearm legally owned or possessed by any citizen or
16 purchased by any citizen within 6 months after the enactment of
17 Public Act 78-355 subject to confiscation or seizure under the
18 provisions of that Public Act. Nothing in Public Act 78-355
19 shall be construed to prohibit the gift or trade of any firearm
20 if that firearm was legally held or acquired within 6 months
21 after the enactment of that Public Act.

22 (C) Sentence.

23 (1) Any person convicted of unlawful sale or delivery
24 of firearms in violation of paragraph (c), (e), (f), (g),
25 or (h) of subsection (A) commits a Class 4 felony.

26 (2) Any person convicted of unlawful sale or delivery

1 of firearms in violation of paragraph (b) or (i) of
2 subsection (A) commits a Class 3 felony.

3 (3) Any person convicted of unlawful sale or delivery
4 of firearms in violation of paragraph (a) of subsection (A)
5 commits a Class 2 felony.

6 (4) Any person convicted of unlawful sale or delivery
7 of firearms in violation of paragraph (a), (b), or (i) of
8 subsection (A) in any school, on the real property
9 comprising a school, within 1,000 feet of the real property
10 comprising a school, at a school related activity, or on or
11 within 1,000 feet of any conveyance owned, leased, or
12 contracted by a school or school district to transport
13 students to or from school or a school related activity,
14 regardless of the time of day or time of year at which the
15 offense was committed, commits a Class 1 felony. Any person
16 convicted of a second or subsequent violation of unlawful
17 sale or delivery of firearms in violation of paragraph (a),
18 (b), or (i) of subsection (A) in any school, on the real
19 property comprising a school, within 1,000 feet of the real
20 property comprising a school, at a school related activity,
21 or on or within 1,000 feet of any conveyance owned, leased,
22 or contracted by a school or school district to transport
23 students to or from school or a school related activity,
24 regardless of the time of day or time of year at which the
25 offense was committed, commits a Class 1 felony for which
26 the sentence shall be a term of imprisonment of no less

1 than 5 years and no more than 15 years.

2 (5) Any person convicted of unlawful sale or delivery
3 of firearms in violation of paragraph (a) or (i) of
4 subsection (A) in residential property owned, operated, or
5 managed by a public housing agency or leased by a public
6 housing agency as part of a scattered site or mixed-income
7 development, in a public park, in a courthouse, on
8 residential property owned, operated, or managed by a
9 public housing agency or leased by a public housing agency
10 as part of a scattered site or mixed-income development, on
11 the real property comprising any public park, on the real
12 property comprising any courthouse, or on any public way
13 within 1,000 feet of the real property comprising any
14 public park, courthouse, or residential property owned,
15 operated, or managed by a public housing agency or leased
16 by a public housing agency as part of a scattered site or
17 mixed-income development commits a Class 2 felony.

18 (6) Any person convicted of unlawful sale or delivery
19 of firearms in violation of paragraph (j) of subsection (A)
20 commits a Class A misdemeanor. A second or subsequent
21 violation is a Class 4 felony.

22 (7) Any person convicted of unlawful sale or delivery
23 of firearms in violation of paragraph (k) of subsection (A)
24 commits a Class 4 felony, except that a violation of
25 subparagraph (1) of paragraph (k) of subsection (A) shall
26 not be punishable as a crime or petty offense. A third or

1 subsequent conviction for a violation of paragraph (k) of
2 subsection (A) is a Class 1 felony.

3 (8) A person 18 years of age or older convicted of
4 unlawful sale or delivery of firearms in violation of
5 paragraph (a) or (i) of subsection (A), when the firearm
6 that was sold or given to another person under 18 years of
7 age was used in the commission of or attempt to commit a
8 forcible felony, shall be fined or imprisoned, or both, not
9 to exceed the maximum provided for the most serious
10 forcible felony so committed or attempted by the person
11 under 18 years of age who was sold or given the firearm.

12 (9) Any person convicted of unlawful sale or delivery
13 of firearms in violation of paragraph (d) of subsection (A)
14 commits a Class 3 felony.

15 (10) Any person convicted of unlawful sale or delivery
16 of firearms in violation of paragraph (l) of subsection (A)
17 commits a Class 2 felony if the delivery is of one firearm.
18 Any person convicted of unlawful sale or delivery of
19 firearms in violation of paragraph (l) of subsection (A)
20 commits a Class 1 felony if the delivery is of not less
21 than 2 and not more than 5 firearms at the same time or
22 within a one year period. Any person convicted of unlawful
23 sale or delivery of firearms in violation of paragraph (l)
24 of subsection (A) commits a Class X felony for which he or
25 she shall be sentenced to a term of imprisonment of not
26 less than 6 years and not more than 30 years if the

1 delivery is of not less than 6 and not more than 10
2 firearms at the same time or within a 2 year period. Any
3 person convicted of unlawful sale or delivery of firearms
4 in violation of paragraph (1) of subsection (A) commits a
5 Class X felony for which he or she shall be sentenced to a
6 term of imprisonment of not less than 6 years and not more
7 than 40 years if the delivery is of not less than 11 and
8 not more than 20 firearms at the same time or within a 3
9 year period. Any person convicted of unlawful sale or
10 delivery of firearms in violation of paragraph (1) of
11 subsection (A) commits a Class X felony for which he or she
12 shall be sentenced to a term of imprisonment of not less
13 than 6 years and not more than 50 years if the delivery is
14 of not less than 21 and not more than 30 firearms at the
15 same time or within a 4 year period. Any person convicted
16 of unlawful sale or delivery of firearms in violation of
17 paragraph (1) of subsection (A) commits a Class X felony
18 for which he or she shall be sentenced to a term of
19 imprisonment of not less than 6 years and not more than 60
20 years if the delivery is of 31 or more firearms at the same
21 time or within a 5 year period.

22 (D) For purposes of this Section:

23 "School" means a public or private elementary or secondary
24 school, community college, college, or university.

25 "School related activity" means any sporting, social,
26 academic, or other activity for which students' attendance or

1 participation is sponsored, organized, or funded in whole or in
2 part by a school or school district.

3 (E) A prosecution for a violation of paragraph (k) of
4 subsection (A) of this Section may be commenced within 6 years
5 after the commission of the offense. A prosecution for a
6 violation of this Section other than paragraph (g) of
7 subsection (A) of this Section may be commenced within 5 years
8 after the commission of the offense defined in the particular
9 paragraph.

10 (Source: P.A. 97-227, eff. 1-1-12; 97-347, eff. 1-1-12; 97-813,
11 eff. 7-13-12; 97-1167, eff. 6-1-13; 98-508, eff. 8-19-13.)

12 (720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

13 Sec. 24-3.1. Unlawful possession of firearms and firearm
14 ammunition.

15 (a) A person commits the offense of unlawful possession of
16 firearms or firearm ammunition when:

17 (1) He is under 18 years of age and has in his
18 possession any firearm of a size which may be concealed
19 upon the person; or

20 (2) He is under 21 years of age, has been convicted of
21 a misdemeanor other than a traffic offense or adjudged
22 delinquent and has any firearms or firearm ammunition in
23 his possession; or

24 (3) He is a narcotic addict and has any firearms or
25 firearm ammunition in his possession; or

1 (4) He has been a patient in a mental institution
2 within the past 5 years and has any firearms or firearm
3 ammunition in his possession. For purposes of this
4 paragraph (4):

5 "Mental institution" means any hospital,
6 institution, clinic, evaluation facility, mental
7 health center, or part thereof, which is used primarily
8 for the care or treatment of persons with mental
9 illness.

10 "Patient in a mental institution" means the person
11 was admitted, either voluntarily or involuntarily, to
12 a mental institution for mental health treatment,
13 unless the treatment was voluntary and solely for an
14 alcohol abuse disorder and no other secondary
15 substance abuse disorder or mental illness; or

16 (5) He is a person with an intellectual disability
17 ~~intellectually disabled~~ and has any firearms or firearm
18 ammunition in his possession; or

19 (6) He has in his possession any explosive bullet.

20 For purposes of this paragraph "explosive bullet" means the
21 projectile portion of an ammunition cartridge which contains or
22 carries an explosive charge which will explode upon contact
23 with the flesh of a human or an animal. "Cartridge" means a
24 tubular metal case having a projectile affixed at the front
25 thereof and a cap or primer at the rear end thereof, with the
26 propellant contained in such tube between the projectile and

1 the cap.

2 (b) Sentence.

3 Unlawful possession of firearms, other than handguns, and
4 firearm ammunition is a Class A misdemeanor. Unlawful
5 possession of handguns is a Class 4 felony. The possession of
6 each firearm or firearm ammunition in violation of this Section
7 constitutes a single and separate violation.

8 (c) Nothing in paragraph (1) of subsection (a) of this
9 Section prohibits a person under 18 years of age from
10 participating in any lawful recreational activity with a
11 firearm such as, but not limited to, practice shooting at
12 targets upon established public or private target ranges or
13 hunting, trapping, or fishing in accordance with the Wildlife
14 Code or the Fish and Aquatic Life Code.

15 (Source: P.A. 97-227, eff. 1-1-12; 97-1167, eff. 6-1-13.)

16 (720 ILCS 5/48-10)

17 Sec. 48-10. Dangerous animals.

18 (a) Definitions. As used in this Section, unless the
19 context otherwise requires:

20 "Dangerous animal" means a lion, tiger, leopard,
21 ocelot, jaguar, cheetah, margay, mountain lion, lynx,
22 bobcat, jaguarundi, bear, hyena, wolf or coyote. Dangerous
23 animal does not mean any herptiles included in the
24 Herptiles-Herps Act.

25 "Owner" means any person who (1) has a right of

1 property in a dangerous animal or primate, (2) keeps or
2 harbors a dangerous animal or primate, (3) has a dangerous
3 animal or primate in his or her care, or (4) acts as
4 custodian of a dangerous animal or primate.

5 "Person" means any individual, firm, association,
6 partnership, corporation, or other legal entity, any
7 public or private institution, the State, or any municipal
8 corporation or political subdivision of the State.

9 "Primate" means a nonhuman member of the order primate,
10 including but not limited to chimpanzee, gorilla,
11 orangutan, bonobo, gibbon, monkey, lemur, loris, aye-aye,
12 and tarsier.

13 (b) Dangerous animal or primate offense. No person shall
14 have a right of property in, keep, harbor, care for, act as
15 custodian of or maintain in his or her possession any dangerous
16 animal or primate except at a properly maintained zoological
17 park, federally licensed exhibit, circus, college or
18 university, scientific institution, research laboratory,
19 veterinary hospital, hound running area, or animal refuge in an
20 escape-proof enclosure.

21 (c) Exemptions.

22 (1) This Section does not prohibit a person who had
23 lawful possession of a primate before January 1, 2011, from
24 continuing to possess that primate if the person registers
25 the animal by providing written notification to the local
26 animal control administrator on or before April 1, 2011.

1 The notification shall include:

2 (A) the person's name, address, and telephone
3 number; and

4 (B) the type of primate, the age, a photograph, a
5 description of any tattoo, microchip, or other
6 identifying information, and a list of current
7 inoculations.

8 (2) This Section does not prohibit a person who has a
9 permanent disability ~~is permanently disabled~~ with a severe
10 mobility impairment from possessing a single capuchin
11 monkey to assist the person in performing daily tasks if:

12 (A) the capuchin monkey was obtained from and
13 trained at a licensed nonprofit organization described
14 in Section 501(c)(3) of the Internal Revenue Code of
15 1986, the nonprofit tax status of which was obtained on
16 the basis of a mission to improve the quality of life
17 of severely mobility-impaired individuals; and

18 (B) the person complies with the notification
19 requirements as described in paragraph (1) of this
20 subsection (c).

21 (d) A person who registers a primate shall notify the local
22 animal control administrator within 30 days of a change of
23 address. If the person moves to another locality within the
24 State, the person shall register the primate with the new local
25 animal control administrator within 30 days of moving by
26 providing written notification as provided in paragraph (1) of

1 subsection (c) and shall include proof of the prior
2 registration.

3 (e) A person who registers a primate shall notify the local
4 animal control administrator immediately if the primate dies,
5 escapes, or bites, scratches, or injures a person.

6 (f) It is no defense to a violation of subsection (b) that
7 the person violating subsection (b) has attempted to
8 domesticate the dangerous animal. If there appears to be
9 imminent danger to the public, any dangerous animal found not
10 in compliance with the provisions of this Section shall be
11 subject to seizure and may immediately be placed in an approved
12 facility. Upon the conviction of a person for a violation of
13 subsection (b), the animal with regard to which the conviction
14 was obtained shall be confiscated and placed in an approved
15 facility, with the owner responsible for all costs connected
16 with the seizure and confiscation of the animal. Approved
17 facilities include, but are not limited to, a zoological park,
18 federally licensed exhibit, humane society, veterinary
19 hospital or animal refuge.

20 (g) Sentence. Any person violating this Section is guilty
21 of a Class C misdemeanor. Any corporation or partnership, any
22 officer, director, manager or managerial agent of the
23 partnership or corporation who violates this Section or causes
24 the partnership or corporation to violate this Section is
25 guilty of a Class C misdemeanor. Each day of violation
26 constitutes a separate offense.

1 (Source: P.A. 97-1108, eff. 1-1-13; 98-752, eff. 1-1-15.)

2 Section 885. The Discrimination in Sale of Real Estate Act
3 is amended by changing Section 1 as follows:

4 (720 ILCS 590/1) (from Ch. 38, par. 70-51)

5 Sec. 1. Inducements to sell or purchase by reason of race,
6 color, religion, national origin, ancestry, creed, physical or
7 mental disability ~~handicap~~, or sex - Prohibition of
8 Solicitation.

9 It shall be unlawful for any person or corporation
10 knowingly:

11 (a) To solicit for sale, lease, listing or purchase any
12 residential real estate within the State of Illinois, on the
13 grounds of loss of value due to the present or prospective
14 entry into the vicinity of the property involved of any person
15 or persons of any particular race, color, religion, national
16 origin, ancestry, creed, physical or mental disability
17 ~~handicap~~, or sex.

18 (b) To distribute or cause to be distributed, written
19 material or statements designed to induce any owner of
20 residential real estate in the State of Illinois to sell or
21 lease his or her property because of any present or prospective
22 changes in the race, color, religion, national origin,
23 ancestry, creed, physical or mental disability ~~handicap~~, or
24 sex, of residents in the vicinity of the property involved.

1 (c) To intentionally create alarm, among residents of any
2 community, by transmitting in any manner including a telephone
3 call whether or not conversation thereby ensues, with a design
4 to induce any owner of residential real estate in the State of
5 Illinois to sell or lease his or her property because of any
6 present or prospective entry into the vicinity of the property
7 involved of any person or persons of any particular race,
8 color, religion, national origin, ancestry, creed, physical or
9 mental disability ~~handicap~~, or sex.

10 (d) To solicit any owner of residential property to sell or
11 list such residential property at any time after such person or
12 corporation has notice that such owner does not desire to sell
13 such residential property. For the purpose of this subsection,
14 notice must be provided as follows:

15 (1) The notice may be given by the owner personally or by a
16 third party in the owner's name, either in the form of an
17 individual notice or a list, provided it complies with this
18 subsection.

19 (2) Such notice shall be explicit as to whether each owner
20 on the notice seeks to avoid both solicitation for listing and
21 sale, or only for listing, or only for sale, as well as the
22 period of time for which any avoidance is desired. The notice
23 shall be dated and either of the following shall apply: (A)
24 each owner shall have signed the notice or (B) the person or
25 entity preparing the notice shall provide an accompanying
26 affidavit to the effect that all the names on the notice are,

1 in fact, genuine as to the identity of the persons listed and
2 that such persons have requested not to be solicited as
3 indicated.

4 (3) The individual notice, or notice in the form of a list
5 with the accompanying affidavit, shall be served personally or
6 by certified or registered mail, return receipt requested.

7 (Source: P.A. 80-338; 80-920; 80-1364.)

8 Section 890. The Code of Criminal Procedure of 1963 is
9 amended by changing Section 102-23 and the heading of Article
10 106B and Sections 106B-5, 110-5, 114-15, 115-10, and 122-2.2 as
11 follows:

12 (725 ILCS 5/102-23)

13 Sec. 102-23. "Person with a moderate intellectual
14 disability ~~Moderately intellectually disabled person~~" means a
15 person whose intelligence quotient is between 41 and 55 and who
16 does not suffer from significant mental illness to the extent
17 that the person's ability to exercise rational judgment is
18 impaired.

19 (Source: P.A. 97-227, eff. 1-1-12.)

20 (725 ILCS 5/Art. 106B heading)

21 ARTICLE 106B. VICTIMS OF SEXUAL ABUSE: CHILDREN AND PERSONS
22 WITH DEVELOPMENTAL DISABILITIES ~~CHILD AND DEVELOPMENTALLY~~
23 ~~DISABLED VICTIMS OF SEXUAL ABUSE~~

1 (Source: P.A. 95-897, eff. 1-1-09.)

2 (725 ILCS 5/106B-5)

3 Sec. 106B-5. Testimony by a victim who is a child or a
4 person with a moderate, severe, or profound intellectual
5 disability ~~moderately, severely, or profoundly intellectually~~
6 ~~disabled person~~ or a person affected by a developmental
7 disability.

8 (a) In a proceeding in the prosecution of an offense of
9 criminal sexual assault, predatory criminal sexual assault of a
10 child, aggravated criminal sexual assault, criminal sexual
11 abuse, or aggravated criminal sexual abuse, a court may order
12 that the testimony of a victim who is a child under the age of
13 18 years or a person with a moderate, severe, or profound
14 intellectual disability ~~moderately, severely, or profoundly~~
15 ~~intellectually disabled person~~ or a person affected by a
16 developmental disability be taken outside the courtroom and
17 shown in the courtroom by means of a closed circuit television
18 if:

19 (1) the testimony is taken during the proceeding; and

20 (2) the judge determines that testimony by the child
21 victim or victim with a moderate, severe, or profound
22 intellectual disability ~~moderately, severely, or~~
23 ~~profoundly intellectually disabled victim~~ or victim
24 affected by a developmental disability in the courtroom
25 will result in the child or person with a moderate, severe,

1 ~~or profound intellectual disability moderately, severely,~~
2 ~~or profoundly intellectually disabled person~~ or person
3 affected by a developmental disability suffering serious
4 emotional distress such that the child or person with a
5 moderate, severe, or profound intellectual disability
6 ~~moderately, severely, or profoundly intellectually~~
7 ~~disabled person~~ or person affected by a developmental
8 disability cannot reasonably communicate or that the child
9 or person with a moderate, severe, or profound intellectual
10 disability ~~moderately, severely, or profoundly~~
11 ~~intellectually disabled person~~ or person affected by a
12 developmental disability will suffer severe emotional
13 distress that is likely to cause the child or person with a
14 moderate, severe, or profound intellectual disability
15 ~~moderately, severely, or profoundly intellectually~~
16 ~~disabled person~~ or person affected by a developmental
17 disability to suffer severe adverse effects.

18 (b) Only the prosecuting attorney, the attorney for the
19 defendant, and the judge may question the child or person with
20 a moderate, severe, or profound intellectual disability
21 ~~moderately, severely, or profoundly intellectually disabled~~
22 ~~person~~ or person affected by a developmental disability.

23 (c) The operators of the closed circuit television shall
24 make every effort to be unobtrusive.

25 (d) Only the following persons may be in the room with the
26 child or person with a moderate, severe, or profound

1 ~~intellectual disability moderately, severely, or profoundly~~
2 ~~intellectually disabled person~~ or person affected by a
3 developmental disability when the child or person with a
4 moderate, severe, or profound intellectual disability
5 ~~moderately, severely, or profoundly intellectually disabled~~
6 ~~person~~ or person affected by a developmental disability
7 testifies by closed circuit television:

8 (1) the prosecuting attorney;

9 (2) the attorney for the defendant;

10 (3) the judge;

11 (4) the operators of the closed circuit television
12 equipment; and

13 (5) any person or persons whose presence, in the
14 opinion of the court, contributes to the well-being of the
15 child or person with a moderate, severe, or profound
16 intellectual disability ~~moderately, severely, or~~
17 ~~profoundly intellectually disabled person~~ or person
18 affected by a developmental disability, including a person
19 who has dealt with the child in a therapeutic setting
20 concerning the abuse, a parent or guardian of the child or
21 person with a moderate, severe, or profound intellectual
22 disability ~~moderately, severely, or~~ ~~profoundly~~
23 ~~intellectually disabled person~~ or person affected by a
24 developmental disability, and court security personnel.

25 (e) During the child's or person with a moderate, severe,
26 or profound intellectual disability ~~moderately, severely, or~~

1 ~~profoundly intellectually disabled person's~~ or person affected
2 by a developmental disability's testimony by closed circuit
3 television, the defendant shall be in the courtroom and shall
4 not communicate with the jury if the cause is being heard
5 before a jury.

6 (f) The defendant shall be allowed to communicate with the
7 persons in the room where the child or person with a moderate,
8 severe, or profound intellectual disability ~~moderately,~~
9 ~~severely, or profoundly intellectually disabled person~~ or
10 person affected by a developmental disability is testifying by
11 any appropriate electronic method.

12 (g) The provisions of this Section do not apply if the
13 defendant represents himself pro se.

14 (h) This Section may not be interpreted to preclude, for
15 purposes of identification of a defendant, the presence of both
16 the victim and the defendant in the courtroom at the same time.

17 (i) This Section applies to prosecutions pending on or
18 commenced on or after the effective date of this amendatory Act
19 of 1994.

20 (j) For the purposes of this Section, "developmental
21 disability" includes, but is not limited to, cerebral palsy,
22 epilepsy, and autism.

23 (Source: P.A. 97-227, eff. 1-1-12.)

24 (725 ILCS 5/110-5) (from Ch. 38, par. 110-5)

25 Sec. 110-5. Determining the amount of bail and conditions

1 of release.

2 (a) In determining the amount of monetary bail or
3 conditions of release, if any, which will reasonably assure the
4 appearance of a defendant as required or the safety of any
5 other person or the community and the likelihood of compliance
6 by the defendant with all the conditions of bail, the court
7 shall, on the basis of available information, take into account
8 such matters as the nature and circumstances of the offense
9 charged, whether the evidence shows that as part of the offense
10 there was a use of violence or threatened use of violence,
11 whether the offense involved corruption of public officials or
12 employees, whether there was physical harm or threats of
13 physical harm to any public official, public employee, judge,
14 prosecutor, juror or witness, senior citizen, child, or person
15 with a disability ~~handicapped person~~, whether evidence shows
16 that during the offense or during the arrest the defendant
17 possessed or used a firearm, machine gun, explosive or metal
18 piercing ammunition or explosive bomb device or any military or
19 paramilitary armament, whether the evidence shows that the
20 offense committed was related to or in furtherance of the
21 criminal activities of an organized gang or was motivated by
22 the defendant's membership in or allegiance to an organized
23 gang, the condition of the victim, any written statement
24 submitted by the victim or proffer or representation by the
25 State regarding the impact which the alleged criminal conduct
26 has had on the victim and the victim's concern, if any, with

1 further contact with the defendant if released on bail, whether
2 the offense was based on racial, religious, sexual orientation
3 or ethnic hatred, the likelihood of the filing of a greater
4 charge, the likelihood of conviction, the sentence applicable
5 upon conviction, the weight of the evidence against such
6 defendant, whether there exists motivation or ability to flee,
7 whether there is any verification as to prior residence,
8 education, or family ties in the local jurisdiction, in another
9 county, state or foreign country, the defendant's employment,
10 financial resources, character and mental condition, past
11 conduct, prior use of alias names or dates of birth, and length
12 of residence in the community, the consent of the defendant to
13 periodic drug testing in accordance with Section 110-6.5,
14 whether a foreign national defendant is lawfully admitted in
15 the United States of America, whether the government of the
16 foreign national maintains an extradition treaty with the
17 United States by which the foreign government will extradite to
18 the United States its national for a trial for a crime
19 allegedly committed in the United States, whether the defendant
20 is currently subject to deportation or exclusion under the
21 immigration laws of the United States, whether the defendant,
22 although a United States citizen, is considered under the law
23 of any foreign state a national of that state for the purposes
24 of extradition or non-extradition to the United States, the
25 amount of unrecovered proceeds lost as a result of the alleged
26 offense, the source of bail funds tendered or sought to be

1 tendered for bail, whether from the totality of the court's
2 consideration, the loss of funds posted or sought to be posted
3 for bail will not deter the defendant from flight, whether the
4 evidence shows that the defendant is engaged in significant
5 possession, manufacture, or delivery of a controlled substance
6 or cannabis, either individually or in consort with others,
7 whether at the time of the offense charged he or she was on
8 bond or pre-trial release pending trial, probation, periodic
9 imprisonment or conditional discharge pursuant to this Code or
10 the comparable Code of any other state or federal jurisdiction,
11 whether the defendant is on bond or pre-trial release pending
12 the imposition or execution of sentence or appeal of sentence
13 for any offense under the laws of Illinois or any other state
14 or federal jurisdiction, whether the defendant is under parole,
15 aftercare release, mandatory supervised release, or work
16 release from the Illinois Department of Corrections or Illinois
17 Department of Juvenile Justice or any penal institution or
18 corrections department of any state or federal jurisdiction,
19 the defendant's record of convictions, whether the defendant
20 has been convicted of a misdemeanor or ordinance offense in
21 Illinois or similar offense in other state or federal
22 jurisdiction within the 10 years preceding the current charge
23 or convicted of a felony in Illinois, whether the defendant was
24 convicted of an offense in another state or federal
25 jurisdiction that would be a felony if committed in Illinois
26 within the 20 years preceding the current charge or has been

1 convicted of such felony and released from the penitentiary
2 within 20 years preceding the current charge if a penitentiary
3 sentence was imposed in Illinois or other state or federal
4 jurisdiction, the defendant's records of juvenile adjudication
5 of delinquency in any jurisdiction, any record of appearance or
6 failure to appear by the defendant at court proceedings,
7 whether there was flight to avoid arrest or prosecution,
8 whether the defendant escaped or attempted to escape to avoid
9 arrest, whether the defendant refused to identify himself or
10 herself, or whether there was a refusal by the defendant to be
11 fingerprinted as required by law. Information used by the court
12 in its findings or stated in or offered in connection with this
13 Section may be by way of proffer based upon reliable
14 information offered by the State or defendant. All evidence
15 shall be admissible if it is relevant and reliable regardless
16 of whether it would be admissible under the rules of evidence
17 applicable at criminal trials. If the State presents evidence
18 that the offense committed by the defendant was related to or
19 in furtherance of the criminal activities of an organized gang
20 or was motivated by the defendant's membership in or allegiance
21 to an organized gang, and if the court determines that the
22 evidence may be substantiated, the court shall prohibit the
23 defendant from associating with other members of the organized
24 gang as a condition of bail or release. For the purposes of
25 this Section, "organized gang" has the meaning ascribed to it
26 in Section 10 of the Illinois Streetgang Terrorism Omnibus

1 Prevention Act.

2 (b) The amount of bail shall be:

3 (1) Sufficient to assure compliance with the
4 conditions set forth in the bail bond, which shall include
5 the defendant's current address with a written
6 admonishment to the defendant that he or she must comply
7 with the provisions of Section 110-12 regarding any change
8 in his or her address. The defendant's address shall at all
9 times remain a matter of public record with the clerk of
10 the court.

11 (2) Not oppressive.

12 (3) Considerate of the financial ability of the
13 accused.

14 (4) When a person is charged with a drug related
15 offense involving possession or delivery of cannabis or
16 possession or delivery of a controlled substance as defined
17 in the Cannabis Control Act, the Illinois Controlled
18 Substances Act, or the Methamphetamine Control and
19 Community Protection Act, the full street value of the
20 drugs seized shall be considered. "Street value" shall be
21 determined by the court on the basis of a proffer by the
22 State based upon reliable information of a law enforcement
23 official contained in a written report as to the amount
24 seized and such proffer may be used by the court as to the
25 current street value of the smallest unit of the drug
26 seized.

1 (b-5) Upon the filing of a written request demonstrating
2 reasonable cause, the State's Attorney may request a source of
3 bail hearing either before or after the posting of any funds.
4 If the hearing is granted, before the posting of any bail, the
5 accused must file a written notice requesting that the court
6 conduct a source of bail hearing. The notice must be
7 accompanied by justifying affidavits stating the legitimate
8 and lawful source of funds for bail. At the hearing, the court
9 shall inquire into any matters stated in any justifying
10 affidavits, and may also inquire into matters appropriate to
11 the determination which shall include, but are not limited to,
12 the following:

13 (1) the background, character, reputation, and
14 relationship to the accused of any surety; and

15 (2) the source of any money or property deposited by
16 any surety, and whether any such money or property
17 constitutes the fruits of criminal or unlawful conduct; and

18 (3) the source of any money posted as cash bail, and
19 whether any such money constitutes the fruits of criminal
20 or unlawful conduct; and

21 (4) the background, character, reputation, and
22 relationship to the accused of the person posting cash
23 bail.

24 Upon setting the hearing, the court shall examine, under
25 oath, any persons who may possess material information.

26 The State's Attorney has a right to attend the hearing, to

1 call witnesses and to examine any witness in the proceeding.
2 The court shall, upon request of the State's Attorney, continue
3 the proceedings for a reasonable period to allow the State's
4 Attorney to investigate the matter raised in any testimony or
5 affidavit. If the hearing is granted after the accused has
6 posted bail, the court shall conduct a hearing consistent with
7 this subsection (b-5). At the conclusion of the hearing, the
8 court must issue an order either approving or disapproving the
9 bail.

10 (c) When a person is charged with an offense punishable by
11 fine only the amount of the bail shall not exceed double the
12 amount of the maximum penalty.

13 (d) When a person has been convicted of an offense and only
14 a fine has been imposed the amount of the bail shall not exceed
15 double the amount of the fine.

16 (e) The State may appeal any order granting bail or setting
17 a given amount for bail.

18 (f) When a person is charged with a violation of an order
19 of protection under Section 12-3.4 or 12-30 of the Criminal
20 Code of 1961 or the Criminal Code of 2012 or when a person is
21 charged with domestic battery, aggravated domestic battery,
22 kidnapping, aggravated kidnaping, unlawful restraint,
23 aggravated unlawful restraint, stalking, aggravated stalking,
24 cyberstalking, harassment by telephone, harassment through
25 electronic communications, or an attempt to commit first degree
26 murder committed against an intimate partner regardless

1 whether an order of protection has been issued against the
2 person,

3 (1) whether the alleged incident involved harassment
4 or abuse, as defined in the Illinois Domestic Violence Act
5 of 1986;

6 (2) whether the person has a history of domestic
7 violence, as defined in the Illinois Domestic Violence Act,
8 or a history of other criminal acts;

9 (3) based on the mental health of the person;

10 (4) whether the person has a history of violating the
11 orders of any court or governmental entity;

12 (5) whether the person has been, or is, potentially a
13 threat to any other person;

14 (6) whether the person has access to deadly weapons or
15 a history of using deadly weapons;

16 (7) whether the person has a history of abusing alcohol
17 or any controlled substance;

18 (8) based on the severity of the alleged incident that
19 is the basis of the alleged offense, including, but not
20 limited to, the duration of the current incident, and
21 whether the alleged incident involved the use of a weapon,
22 physical injury, sexual assault, strangulation, abuse
23 during the alleged victim's pregnancy, abuse of pets, or
24 forcible entry to gain access to the alleged victim;

25 (9) whether a separation of the person from the alleged
26 victim or a termination of the relationship between the

1 person and the alleged victim has recently occurred or is
2 pending;

3 (10) whether the person has exhibited obsessive or
4 controlling behaviors toward the alleged victim,
5 including, but not limited to, stalking, surveillance, or
6 isolation of the alleged victim or victim's family member
7 or members;

8 (11) whether the person has expressed suicidal or
9 homicidal ideations;

10 (12) based on any information contained in the
11 complaint and any police reports, affidavits, or other
12 documents accompanying the complaint,

13 the court may, in its discretion, order the respondent to
14 undergo a risk assessment evaluation using a recognized,
15 evidence-based instrument conducted by an Illinois Department
16 of Human Services approved partner abuse intervention program
17 provider, pretrial service, probation, or parole agency. These
18 agencies shall have access to summaries of the defendant's
19 criminal history, which shall not include victim interviews or
20 information, for the risk evaluation. Based on the information
21 collected from the 12 points to be considered at a bail hearing
22 under this subsection (f), the results of any risk evaluation
23 conducted and the other circumstances of the violation, the
24 court may order that the person, as a condition of bail, be
25 placed under electronic surveillance as provided in Section
26 5-8A-7 of the Unified Code of Corrections. Upon making a

1 determination whether or not to order the respondent to undergo
2 a risk assessment evaluation or to be placed under electronic
3 surveillance and risk assessment, the court shall document in
4 the record the court's reasons for making those determinations.
5 The cost of the electronic surveillance and risk assessment
6 shall be paid by, or on behalf, of the defendant. As used in
7 this subsection (f), "intimate partner" means a spouse or a
8 current or former partner in a cohabitation or dating
9 relationship.

10 (Source: P.A. 97-1150, eff. 1-25-13; 98-558, eff. 1-1-14;
11 98-1012, eff. 1-1-15.)

12 (725 ILCS 5/114-15)

13 Sec. 114-15. Intellectual disability.

14 (a) In a first degree murder case in which the State seeks
15 the death penalty as an appropriate sentence, any party may
16 raise the issue of the defendant's intellectual disabilities by
17 motion. A defendant wishing to raise the issue of his or her
18 intellectual disabilities shall provide written notice to the
19 State and the court as soon as the defendant reasonably
20 believes such issue will be raised.

21 (b) The issue of the defendant's intellectual disabilities
22 shall be determined in a pretrial hearing. The court shall be
23 the fact finder on the issue of the defendant's intellectual
24 disabilities and shall determine the issue by a preponderance
25 of evidence in which the moving party has the burden of proof.

1 The court may appoint an expert in the field of intellectual
2 disabilities. The defendant and the State may offer experts
3 from the field of intellectual disabilities. The court shall
4 determine admissibility of evidence and qualification as an
5 expert.

6 (c) If after a plea of guilty to first degree murder, or a
7 finding of guilty of first degree murder in a bench trial, or a
8 verdict of guilty for first degree murder in a jury trial, or
9 on a matter remanded from the Supreme Court for sentencing for
10 first degree murder, and the State seeks the death penalty as
11 an appropriate sentence, the defendant may raise the issue of
12 defendant's intellectual disabilities not at eligibility but
13 at aggravation and mitigation. The defendant and the State may
14 offer experts from the field of intellectual disabilities. The
15 court shall determine admissibility of evidence and
16 qualification as an expert.

17 (d) In determining whether the defendant is a person with
18 an intellectual disability ~~intellectually disabled~~, the
19 intellectual disability must have manifested itself by the age
20 of 18. IQ tests and psychometric tests administered to the
21 defendant must be the kind and type recognized by experts in
22 the field of intellectual disabilities. In order for the
23 defendant to be considered a person with an intellectual
24 disability ~~intellectually disabled~~, a low IQ must be
25 accompanied by significant deficits in adaptive behavior in at
26 least 2 of the following skill areas: communication, self-care,

1 social or interpersonal skills, home living, self-direction,
2 academics, health and safety, use of community resources, and
3 work. An intelligence quotient (IQ) of 75 or below is
4 presumptive evidence of an intellectual disability.

5 (e) Evidence of an intellectual disability that did not
6 result in disqualifying the case as a capital case, may be
7 introduced as evidence in mitigation during a capital
8 sentencing hearing. A failure of the court to determine that
9 the defendant is a person with an intellectual disability
10 ~~intellectually disabled~~ does not preclude the court during
11 trial from allowing evidence relating to mental disability
12 should the court deem it appropriate.

13 (f) If the court determines at a pretrial hearing or after
14 remand that a capital defendant is a person with an
15 intellectual disability ~~intellectually disabled~~, and the State
16 does not appeal pursuant to Supreme Court Rule 604, the case
17 shall no longer be considered a capital case and the procedural
18 guidelines established for capital cases shall no longer be
19 applicable to the defendant. In that case, the defendant shall
20 be sentenced under the sentencing provisions of Chapter V of
21 the Unified Code of Corrections.

22 (Source: P.A. 97-227, eff. 1-1-12.)

23 (725 ILCS 5/115-10) (from Ch. 38, par. 115-10)

24 Sec. 115-10. Certain hearsay exceptions.

25 (a) In a prosecution for a physical or sexual act

1 perpetrated upon or against a child under the age of 13, or a
2 person who was a person with a moderate, severe, or profound
3 intellectual disability ~~moderately, severely, or profoundly~~
4 ~~intellectually disabled person~~ as defined in this Code and in
5 Section 2-10.1 of the Criminal Code of 1961 or the Criminal
6 Code of 2012 at the time the act was committed, including but
7 not limited to prosecutions for violations of Sections 11-1.20
8 through 11-1.60 or 12-13 through 12-16 of the Criminal Code of
9 1961 or the Criminal Code of 2012 and prosecutions for
10 violations of Sections 10-1 (kidnapping), 10-2 (aggravated
11 kidnapping), 10-3 (unlawful restraint), 10-3.1 (aggravated
12 unlawful restraint), 10-4 (forcible detention), 10-5 (child
13 abduction), 10-6 (harboring a runaway), 10-7 (aiding or
14 abetting child abduction), 11-9 (public indecency), 11-11
15 (sexual relations within families), 11-21 (harmful material),
16 12-1 (assault), 12-2 (aggravated assault), 12-3 (battery),
17 12-3.2 (domestic battery), 12-3.3 (aggravated domestic
18 battery), 12-3.05 or 12-4 (aggravated battery), 12-4.1
19 (heinous battery), 12-4.2 (aggravated battery with a firearm),
20 12-4.3 (aggravated battery of a child), 12-4.7 (drug induced
21 infliction of great bodily harm), 12-5 (reckless conduct), 12-6
22 (intimidation), 12-6.1 or 12-6.5 (compelling organization
23 membership of persons), 12-7.1 (hate crime), 12-7.3
24 (stalking), 12-7.4 (aggravated stalking), 12-10 or 12C-35
25 (tattooing the body of a minor), 12-11 or 19-6 (home invasion),
26 12-21.5 or 12C-10 (child abandonment), 12-21.6 or 12C-5

1 (endangering the life or health of a child) or 12-32 (ritual
2 mutilation) of the Criminal Code of 1961 or the Criminal Code
3 of 2012 or any sex offense as defined in subsection (B) of
4 Section 2 of the Sex Offender Registration Act, the following
5 evidence shall be admitted as an exception to the hearsay rule:

6 (1) testimony by the victim of an out of court
7 statement made by the victim that he or she complained of
8 such act to another; and

9 (2) testimony of an out of court statement made by the
10 victim describing any complaint of such act or matter or
11 detail pertaining to any act which is an element of an
12 offense which is the subject of a prosecution for a sexual
13 or physical act against that victim.

14 (b) Such testimony shall only be admitted if:

15 (1) The court finds in a hearing conducted outside the
16 presence of the jury that the time, content, and
17 circumstances of the statement provide sufficient
18 safeguards of reliability; and

19 (2) The child or person with a moderate, severe, or
20 profound intellectual disability ~~moderately, severely, or~~
21 ~~profoundly intellectually disabled person~~ either:

22 (A) testifies at the proceeding; or

23 (B) is unavailable as a witness and there is
24 corroborative evidence of the act which is the subject
25 of the statement; and

26 (3) In a case involving an offense perpetrated against

1 a child under the age of 13, the out of court statement was
2 made before the victim attained 13 years of age or within 3
3 months after the commission of the offense, whichever
4 occurs later, but the statement may be admitted regardless
5 of the age of the victim at the time of the proceeding.

6 (c) If a statement is admitted pursuant to this Section,
7 the court shall instruct the jury that it is for the jury to
8 determine the weight and credibility to be given the statement
9 and that, in making the determination, it shall consider the
10 age and maturity of the child, or the intellectual capabilities
11 of the person with a moderate, severe, or profound intellectual
12 disability ~~moderately, severely, or profoundly intellectually~~
13 ~~disabled person~~, the nature of the statement, the circumstances
14 under which the statement was made, and any other relevant
15 factor.

16 (d) The proponent of the statement shall give the adverse
17 party reasonable notice of his intention to offer the statement
18 and the particulars of the statement.

19 (e) Statements described in paragraphs (1) and (2) of
20 subsection (a) shall not be excluded on the basis that they
21 were obtained as a result of interviews conducted pursuant to a
22 protocol adopted by a Child Advocacy Advisory Board as set
23 forth in subsections (c), (d), and (e) of Section 3 of the
24 Children's Advocacy Center Act or that an interviewer or
25 witness to the interview was or is an employee, agent, or
26 investigator of a State's Attorney's office.

1 (Source: P.A. 96-710, eff. 1-1-10; 96-1551, Article 1, Section
2 965, eff. 7-1-11; 96-1551, Article 2, Section 1040, eff.
3 7-1-11; 97-227, eff. 1-1-12; 97-1108, eff. 1-1-13; 97-1109,
4 eff. 1-1-13; 97-1150, eff. 1-25-13.)

5 (725 ILCS 5/122-2.2)

6 Sec. 122-2.2. Intellectual disability and post-conviction
7 relief.

8 (a) In cases where no determination of an intellectual
9 disability was made and a defendant has been convicted of
10 first-degree murder, sentenced to death, and is in custody
11 pending execution of the sentence of death, the following
12 procedures shall apply:

13 (1) Notwithstanding any other provision of law or rule
14 of court, a defendant may seek relief from the death
15 sentence through a petition for post-conviction relief
16 under this Article alleging that the defendant was a person
17 with an intellectual disability ~~intellectually disabled~~ as
18 defined in Section 114-15 at the time the offense was
19 alleged to have been committed.

20 (2) The petition must be filed within 180 days of the
21 effective date of this amendatory Act of the 93rd General
22 Assembly or within 180 days of the issuance of the mandate
23 by the Illinois Supreme Court setting the date of
24 execution, whichever is later.

25 (b) ~~(3)~~ All other provisions of this Article governing

1 petitions for post-conviction relief shall apply to a petition
2 for post-conviction relief alleging an intellectual
3 disability.

4 (Source: P.A. 97-227, eff. 1-1-12; revised 12-10-14.)

5 Section 895. The Rights of Crime Victims and Witnesses Act
6 is amended by changing Section 3 as follows:

7 (725 ILCS 120/3) (from Ch. 38, par. 1403)

8 Sec. 3. The terms used in this Act, unless the context
9 clearly requires otherwise, shall have the following meanings:

10 (a) "Crime victim" and "victim" mean (1) a person
11 physically injured in this State as a result of a violent crime
12 perpetrated or attempted against that person or (2) a person
13 who suffers injury to or loss of property as a result of a
14 violent crime perpetrated or attempted against that person or
15 (3) a single representative who may be the spouse, parent,
16 child or sibling of a person killed as a result of a violent
17 crime perpetrated against the person killed or the spouse,
18 parent, child or sibling of any person granted rights under
19 this Act who is physically or mentally incapable of exercising
20 such rights, except where the spouse, parent, child or sibling
21 is also the defendant or prisoner or (4) any person against
22 whom a violent crime has been committed or (5) any person who
23 has suffered personal injury as a result of a violation of
24 Section 11-501 of the Illinois Vehicle Code, or of a similar

1 provision of a local ordinance, or of Section 9-3 of the
2 Criminal Code of 1961 or the Criminal Code of 2012 or (6) in
3 proceedings under the Juvenile Court Act of 1987, both parents,
4 legal guardians, foster parents, or a single adult
5 representative of a minor or person with a disability ~~disabled~~
6 ~~person~~ who is a crime victim.

7 (b) "Witness" means any person who personally observed the
8 commission of a violent crime and who will testify on behalf of
9 the State of Illinois in the criminal prosecution of the
10 violent crime.

11 (c) "Violent Crime" means any felony in which force or
12 threat of force was used against the victim, or any offense
13 involving sexual exploitation, sexual conduct or sexual
14 penetration, or a violation of Section 11-20.1, 11-20.1B, or
15 11-20.3 of the Criminal Code of 1961 or the Criminal Code of
16 2012, domestic battery, violation of an order of protection,
17 stalking, or any misdemeanor which results in death or great
18 bodily harm to the victim or any violation of Section 9-3 of
19 the Criminal Code of 1961 or the Criminal Code of 2012, or
20 Section 11-501 of the Illinois Vehicle Code, or a similar
21 provision of a local ordinance, if the violation resulted in
22 personal injury or death, and includes any action committed by
23 a juvenile that would be a violent crime if committed by an
24 adult. For the purposes of this paragraph, "personal injury"
25 shall include any Type A injury as indicated on the traffic
26 accident report completed by a law enforcement officer that

1 requires immediate professional attention in either a doctor's
2 office or medical facility. A type A injury shall include
3 severely bleeding wounds, distorted extremities, and injuries
4 that require the injured party to be carried from the scene.

5 (d) "Sentencing Hearing" means any hearing where a sentence
6 is imposed by the court on a convicted defendant and includes
7 hearings conducted pursuant to Sections 5-6-4, 5-6-4.1, 5-7-2
8 and 5-7-7 of the Unified Code of Corrections.

9 (e) "Court proceedings" includes the preliminary hearing,
10 any hearing the effect of which may be the release of the
11 defendant from custody or to alter the conditions of bond, the
12 trial, sentencing hearing, notice of appeal, any modification
13 of sentence, probation revocation hearings, aftercare release
14 or parole hearings.

15 (f) "Concerned citizen" includes relatives of the victim,
16 friends of the victim, witnesses to the crime, or any other
17 person associated with the victim or prisoner.

18 (Source: P.A. 97-572, eff. 1-1-12; 97-1150, eff. 1-25-13;
19 98-558, eff. 1-1-14.)

20 Section 900. The Sexually Violent Persons Commitment Act is
21 amended by changing Section 90 as follows:

22 (725 ILCS 207/90)

23 Sec. 90. Committed persons ability to pay for services.
24 Each person committed or detained under this Act who receives

1 services provided directly or funded by the Department and the
2 estate of that person is liable for the payment of sums
3 representing charges for services to the person at a rate to be
4 determined by the Department. Services charges against that
5 person take effect on the date of admission or the effective
6 date of this Section. The Department in its rules may establish
7 a maximum rate for the cost of services. In the case of any
8 person who has received residential services from the
9 Department, whether directly from the Department or through a
10 public or private agency or entity funded by the Department,
11 the liability shall be the same regardless of the source of
12 services. When the person is placed in a facility outside the
13 Department, the facility shall collect reimbursement from the
14 person. The Department may supplement the contribution of the
15 person to private facilities after all other sources of income
16 have been utilized; however the supplement shall not exceed the
17 allowable rate under Title XVIII or Title XIX of the Federal
18 Social Security Act for those persons eligible for those
19 respective programs. The Department may pay the actual costs of
20 services or maintenance in the facility and may collect
21 reimbursement for the entire amount paid from the person or an
22 amount not to exceed the maximum. Lesser or greater amounts may
23 be accepted by the Department when conditions warrant that
24 action or when offered by persons not liable under this Act.
25 Nothing in this Section shall preclude the Department from
26 applying federal benefits that are specifically provided for

1 the care and treatment of a person with a disability ~~disabled~~
2 ~~person~~ toward the cost of care provided by a State facility or
3 private agency. The Department may investigate the financial
4 condition of each person committed under this Act, may make
5 determinations of the ability of each such person to pay sums
6 representing services charges, and for those purposes may set a
7 standard as a basis of judgment of ability to pay. The
8 Department shall by rule make provisions for unusual and
9 exceptional circumstances in the application of that standard.
10 The Department may issue to any person liable under this Act a
11 statement of amount due as treatment charges requiring him or
12 her to pay monthly, quarterly, or otherwise as may be arranged,
13 an amount not exceeding that required under this Act, plus fees
14 to which the Department may be entitled under this Act.

15 (a) Whenever an individual is covered, in part or in whole,
16 under any type of insurance arrangement, private or public, for
17 services provided by the Department, the proceeds from the
18 insurance shall be considered as part of the individual's
19 ability to pay notwithstanding that the insurance contract was
20 entered into by a person other than the individual or that the
21 premiums for the insurance were paid for by a person other than
22 the individual. Remittances from intermediary agencies under
23 Title XVIII of the Federal Social Security Act for services to
24 committed persons shall be deposited with the State Treasurer
25 and placed in the Mental Health Fund. Payments received from
26 the Department of Healthcare and Family Services under Title

1 XIX of the Federal Social Security Act for services to those
2 persons shall be deposited with the State Treasurer and shall
3 be placed in the General Revenue Fund.

4 (b) Any person who has been issued a Notice of
5 Determination of sums due as services charges may petition the
6 Department for a review of that determination. The petition
7 must be in writing and filed with the Department within 90 days
8 from the date of the Notice of Determination. The Department
9 shall provide for a hearing to be held on the charges for the
10 period covered by the petition. The Department may after the
11 hearing, cancel, modify, or increase the former determination
12 to an amount not to exceed the maximum provided for the person
13 by this Act. The Department at its expense shall take testimony
14 and preserve a record of all proceedings at the hearing upon
15 any petition for a release from or modification of the
16 determination. The petition and other documents in the nature
17 of pleadings and motions filed in the case, a transcript of
18 testimony, findings of the Department, and orders of the
19 Secretary constitute the record. The Secretary shall furnish a
20 transcript of the record to any person upon payment of 75¢ per
21 page for each original transcript and 25¢ per page for each
22 copy of the transcript. Any person aggrieved by the decision of
23 the Department upon a hearing may, within 30 days thereafter,
24 file a petition with the Department for review of the decision
25 by the Board of Reimbursement Appeals established in the Mental
26 Health and Developmental Disabilities Code. The Board of

1 Reimbursement Appeals may approve action taken by the
2 Department or may remand the case to the Secretary with
3 recommendation for redetermination of charges.

4 (c) Upon receiving a petition for review under subsection
5 (b) of this Section, the Department shall thereupon notify the
6 Board of Reimbursement Appeals which shall render its decision
7 thereon within 30 days after the petition is filed and certify
8 such decision to the Department. Concurrence of a majority of
9 the Board is necessary in any such decision. Upon request of
10 the Department, the State's Attorney of the county in which a
11 client who is liable under this Act for payment of sums
12 representing services charges resides, shall institute
13 appropriate legal action against any such client, or within the
14 time provided by law shall file a claim against the estate of
15 the client who fails or refuses to pay those charges. The court
16 shall order the payment of sums due for services charges for
17 such period or periods of time as the circumstances require.
18 The order may be entered against any defendant and may be based
19 upon the proportionate ability of each defendant to contribute
20 to the payment of sums representing services charges including
21 the actual charges for services in facilities outside the
22 Department where the Department has paid those charges. Orders
23 for the payment of money may be enforced by attachment as for
24 contempt against the persons of the defendants and, in
25 addition, as other judgments for the payment of money, and
26 costs may be adjudged against the defendants and apportioned

1 among them.

2 (d) The money collected shall be deposited into the Mental
3 Health Fund.

4 (Source: P.A. 95-331, eff. 8-21-07.)

5 Section 905. The State's Attorneys Appellate Prosecutor's
6 Act is amended by changing Section 4.10 as follows:

7 (725 ILCS 210/4.10) (from Ch. 14, par. 204.10)

8 Sec. 4.10. The Office may conduct and charge tuition for
9 training programs for State's Attorneys, Assistant State's
10 Attorneys and other law enforcement officers. The Office shall
11 conduct training programs and provide technical trial
12 assistance for Illinois State's Attorneys, Assistant State's
13 Attorneys, and law enforcement officers on: (1)
14 constitutional, statutory, and case law issues; (2) forensic
15 evidence; (3) prosecutorial ethics and professional
16 responsibility; and (4) a continuum of trial advocacy
17 techniques and methods, including an emphasis on the
18 elimination of or reduction in the trauma of testifying in
19 criminal proceedings for vulnerable populations including
20 seniors, persons with disabilities ~~disabled persons~~, and
21 children who serve as witnesses in such proceedings. The Office
22 may make grants for these purposes. In addition, the Office may
23 publish, disseminate and sell publications and newsletters
24 which digest current Appellate and Supreme Court cases and

1 legislative developments of importance to prosecutors and law
2 enforcement officials. The moneys collected by the Office from
3 the programs and publications provided for in this Section
4 shall be deposited in the Continuing Legal Education Trust
5 Fund, which special fund is hereby created in the State
6 Treasury. In addition, such appropriations, gifts or grants of
7 money as the Office may secure from any public or private
8 source for the purposes described in this Section shall be
9 deposited in the Continuing Legal Education Trust Fund. The
10 General Assembly shall make appropriations from the Continuing
11 Legal Education Trust Fund for the expenses of the Office
12 incident to conducting the programs and publishing the
13 materials provided for in this Section.

14 (Source: P.A. 97-641, eff. 12-19-11.)

15 Section 910. The Unified Code of Corrections is amended by
16 changing Sections 3-12-16, 5-1-8, 5-1-13, 5-5-3, 5-5-3.1,
17 5-5-3.2, 5-6-3, 5-6-3.1, and 5-7-1 as follows:

18 (730 ILCS 5/3-12-16)

19 Sec. 3-12-16. Helping Paws Service Dog Program.

20 (a) In this Section:

21 "Person with a disability ~~Disabled person~~" means a person
22 who suffers from a physical or mental impairment that
23 substantially limits one or more major life activities.

24 "Program" means the Helping Paws Service Dog Program

1 created by this Section.

2 "Service dog" means a dog trained in obedience and task
3 skills to meet the needs of a person with a disability ~~disabled~~
4 ~~person~~.

5 "Animal care professional" means a person certified to work
6 in animal care related services, such as grooming, kenneling,
7 and any other related fields.

8 "Service dog professional" means a person certified to
9 train service dogs by an agency, organization, or school
10 approved by the Department.

11 (b) The Department may establish the Helping Paws Service
12 Dog Program to train committed persons to be service dog
13 trainers and animal care professionals. The Department shall
14 select committed persons in various correctional institutions
15 and facilities to participate in the Program.

16 (c) Priority for participation in the Program must be given
17 to committed persons who either have a high school diploma or
18 have passed high school equivalency testing.

19 (d) The Department may contract with service dog
20 professionals to train committed persons to be certified
21 service dog trainers. Service dog professionals shall train
22 committed persons in dog obedience training, service dog
23 training, and animal health care. Upon successful completion of
24 the training, a committed person shall receive certification by
25 an agency, organization, or school approved by the Department.

26 (e) The Department may designate a non-profit organization

1 to select animals from humane societies and shelters for the
2 purpose of being trained as service dogs and for participation
3 in any program designed to train animal care professionals.

4 (f) After a dog is trained by the committed person as a
5 service dog, a review committee consisting of an equal number
6 of persons from the Department and the non-profit organization
7 shall select a person with a disability ~~disabled person~~ to
8 receive the service dog free of charge.

9 (g) Employees of the Department shall periodically visit
10 persons with disabilities ~~disabled persons~~ who have received
11 service dogs from the Department under this Section to
12 determine whether the needs of the persons with disabilities
13 ~~disabled persons~~ have been met by the service dogs trained by
14 committed persons.

15 (h) Employees of the Department shall periodically visit
16 committed persons who have been certified as service dog
17 trainers or animal care professionals and who have been paroled
18 or placed on mandatory supervised release to determine whether
19 the committed persons are using their skills as certified
20 service dog trainers or animal care professionals.

21 (Source: P.A. 98-718, eff. 1-1-15.)

22 (730 ILCS 5/5-1-8) (from Ch. 38, par. 1005-1-8)

23 Sec. 5-1-8. Defendant in Need of Mental Treatment.
24 "Defendant in need of mental treatment" means any defendant
25 afflicted with a mental disorder, not including a person with

1 an intellectual disability ~~who is intellectually disabled~~, if
2 that defendant, as a result of such mental disorder, is
3 reasonably expected at the time of determination or within a
4 reasonable time thereafter to intentionally or unintentionally
5 physically injure himself or other persons, or is unable to
6 care for himself so as to guard himself from physical injury or
7 to provide for his own physical needs.

8 (Source: P.A. 97-227, eff. 1-1-12.)

9 (730 ILCS 5/5-1-13) (from Ch. 38, par. 1005-1-13)

10 Sec. 5-1-13. Intellectual disability ~~Intellectually~~
11 ~~Disabled~~. "Intellectual disability" means ~~Intellectually~~
12 ~~disabled~~" and ~~"intellectual disability"~~ mean sub-average
13 general intellectual functioning generally originating during
14 the developmental period and associated with impairment in
15 adaptive behavior reflected in delayed maturation or reduced
16 learning ability or inadequate social adjustment.

17 (Source: P.A. 97-227, eff. 1-1-12.)

18 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

19 Sec. 5-5-3. Disposition.

20 (a) (Blank).

21 (b) (Blank).

22 (c) (1) (Blank).

23 (2) A period of probation, a term of periodic imprisonment
24 or conditional discharge shall not be imposed for the following

1 offenses. The court shall sentence the offender to not less
2 than the minimum term of imprisonment set forth in this Code
3 for the following offenses, and may order a fine or restitution
4 or both in conjunction with such term of imprisonment:

5 (A) First degree murder where the death penalty is not
6 imposed.

7 (B) Attempted first degree murder.

8 (C) A Class X felony.

9 (D) A violation of Section 401.1 or 407 of the Illinois
10 Controlled Substances Act, or a violation of subdivision
11 (c) (1.5) or (c) (2) of Section 401 of that Act which relates
12 to more than 5 grams of a substance containing cocaine,
13 fentanyl, or an analog thereof.

14 (D-5) A violation of subdivision (c) (1) of Section 401
15 of the Illinois Controlled Substances Act which relates to
16 3 or more grams of a substance containing heroin or an
17 analog thereof.

18 (E) A violation of Section 5.1 or 9 of the Cannabis
19 Control Act.

20 (F) A Class 2 or greater felony if the offender had
21 been convicted of a Class 2 or greater felony, including
22 any state or federal conviction for an offense that
23 contained, at the time it was committed, the same elements
24 as an offense now (the date of the offense committed after
25 the prior Class 2 or greater felony) classified as a Class
26 2 or greater felony, within 10 years of the date on which

1 the offender committed the offense for which he or she is
2 being sentenced, except as otherwise provided in Section
3 40-10 of the Alcoholism and Other Drug Abuse and Dependency
4 Act.

5 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6 of
6 the Criminal Code of 1961 or the Criminal Code of 2012 for
7 which imprisonment is prescribed in those Sections.

8 (G) Residential burglary, except as otherwise provided
9 in Section 40-10 of the Alcoholism and Other Drug Abuse and
10 Dependency Act.

11 (H) Criminal sexual assault.

12 (I) Aggravated battery of a senior citizen as described
13 in Section 12-4.6 or subdivision (a) (4) of Section 12-3.05
14 of the Criminal Code of 1961 or the Criminal Code of 2012.

15 (J) A forcible felony if the offense was related to the
16 activities of an organized gang.

17 Before July 1, 1994, for the purposes of this
18 paragraph, "organized gang" means an association of 5 or
19 more persons, with an established hierarchy, that
20 encourages members of the association to perpetrate crimes
21 or provides support to the members of the association who
22 do commit crimes.

23 Beginning July 1, 1994, for the purposes of this
24 paragraph, "organized gang" has the meaning ascribed to it
25 in Section 10 of the Illinois Streetgang Terrorism Omnibus
26 Prevention Act.

1 (K) Vehicular hijacking.

2 (L) A second or subsequent conviction for the offense
3 of hate crime when the underlying offense upon which the
4 hate crime is based is felony aggravated assault or felony
5 mob action.

6 (M) A second or subsequent conviction for the offense
7 of institutional vandalism if the damage to the property
8 exceeds \$300.

9 (N) A Class 3 felony violation of paragraph (1) of
10 subsection (a) of Section 2 of the Firearm Owners
11 Identification Card Act.

12 (O) A violation of Section 12-6.1 or 12-6.5 of the
13 Criminal Code of 1961 or the Criminal Code of 2012.

14 (P) A violation of paragraph (1), (2), (3), (4), (5),
15 or (7) of subsection (a) of Section 11-20.1 of the Criminal
16 Code of 1961 or the Criminal Code of 2012.

17 (Q) A violation of subsection (b) or (b-5) of Section
18 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
19 Code of 1961 or the Criminal Code of 2012.

20 (R) A violation of Section 24-3A of the Criminal Code
21 of 1961 or the Criminal Code of 2012.

22 (S) (Blank).

23 (T) A second or subsequent violation of the
24 Methamphetamine Control and Community Protection Act.

25 (U) A second or subsequent violation of Section 6-303
26 of the Illinois Vehicle Code committed while his or her

1 driver's license, permit, or privilege was revoked because
2 of a violation of Section 9-3 of the Criminal Code of 1961
3 or the Criminal Code of 2012, relating to the offense of
4 reckless homicide, or a similar provision of a law of
5 another state.

6 (V) A violation of paragraph (4) of subsection (c) of
7 Section 11-20.1B or paragraph (4) of subsection (c) of
8 Section 11-20.3 of the Criminal Code of 1961, or paragraph
9 (6) of subsection (a) of Section 11-20.1 of the Criminal
10 Code of 2012 when the victim is under 13 years of age and
11 the defendant has previously been convicted under the laws
12 of this State or any other state of the offense of child
13 pornography, aggravated child pornography, aggravated
14 criminal sexual abuse, aggravated criminal sexual assault,
15 predatory criminal sexual assault of a child, or any of the
16 offenses formerly known as rape, deviate sexual assault,
17 indecent liberties with a child, or aggravated indecent
18 liberties with a child where the victim was under the age
19 of 18 years or an offense that is substantially equivalent
20 to those offenses.

21 (W) A violation of Section 24-3.5 of the Criminal Code
22 of 1961 or the Criminal Code of 2012.

23 (X) A violation of subsection (a) of Section 31-1a of
24 the Criminal Code of 1961 or the Criminal Code of 2012.

25 (Y) A conviction for unlawful possession of a firearm
26 by a street gang member when the firearm was loaded or

1 contained firearm ammunition.

2 (Z) A Class 1 felony committed while he or she was
3 serving a term of probation or conditional discharge for a
4 felony.

5 (AA) Theft of property exceeding \$500,000 and not
6 exceeding \$1,000,000 in value.

7 (BB) Laundering of criminally derived property of a
8 value exceeding \$500,000.

9 (CC) Knowingly selling, offering for sale, holding for
10 sale, or using 2,000 or more counterfeit items or
11 counterfeit items having a retail value in the aggregate of
12 \$500,000 or more.

13 (DD) A conviction for aggravated assault under
14 paragraph (6) of subsection (c) of Section 12-2 of the
15 Criminal Code of 1961 or the Criminal Code of 2012 if the
16 firearm is aimed toward the person against whom the firearm
17 is being used.

18 (3) (Blank).

19 (4) A minimum term of imprisonment of not less than 10
20 consecutive days or 30 days of community service shall be
21 imposed for a violation of paragraph (c) of Section 6-303 of
22 the Illinois Vehicle Code.

23 (4.1) (Blank).

24 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
25 this subsection (c), a minimum of 100 hours of community
26 service shall be imposed for a second violation of Section

1 6-303 of the Illinois Vehicle Code.

2 (4.3) A minimum term of imprisonment of 30 days or 300
3 hours of community service, as determined by the court, shall
4 be imposed for a second violation of subsection (c) of Section
5 6-303 of the Illinois Vehicle Code.

6 (4.4) Except as provided in paragraphs (4.5), (4.6), and
7 (4.9) of this subsection (c), a minimum term of imprisonment of
8 30 days or 300 hours of community service, as determined by the
9 court, shall be imposed for a third or subsequent violation of
10 Section 6-303 of the Illinois Vehicle Code.

11 (4.5) A minimum term of imprisonment of 30 days shall be
12 imposed for a third violation of subsection (c) of Section
13 6-303 of the Illinois Vehicle Code.

14 (4.6) Except as provided in paragraph (4.10) of this
15 subsection (c), a minimum term of imprisonment of 180 days
16 shall be imposed for a fourth or subsequent violation of
17 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

18 (4.7) A minimum term of imprisonment of not less than 30
19 consecutive days, or 300 hours of community service, shall be
20 imposed for a violation of subsection (a-5) of Section 6-303 of
21 the Illinois Vehicle Code, as provided in subsection (b-5) of
22 that Section.

23 (4.8) A mandatory prison sentence shall be imposed for a
24 second violation of subsection (a-5) of Section 6-303 of the
25 Illinois Vehicle Code, as provided in subsection (c-5) of that
26 Section. The person's driving privileges shall be revoked for a

1 period of not less than 5 years from the date of his or her
2 release from prison.

3 (4.9) A mandatory prison sentence of not less than 4 and
4 not more than 15 years shall be imposed for a third violation
5 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
6 Code, as provided in subsection (d-2.5) of that Section. The
7 person's driving privileges shall be revoked for the remainder
8 of his or her life.

9 (4.10) A mandatory prison sentence for a Class 1 felony
10 shall be imposed, and the person shall be eligible for an
11 extended term sentence, for a fourth or subsequent violation of
12 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,
13 as provided in subsection (d-3.5) of that Section. The person's
14 driving privileges shall be revoked for the remainder of his or
15 her life.

16 (5) The court may sentence a corporation or unincorporated
17 association convicted of any offense to:

18 (A) a period of conditional discharge;

19 (B) a fine;

20 (C) make restitution to the victim under Section 5-5-6
21 of this Code.

22 (5.1) In addition to any other penalties imposed, and
23 except as provided in paragraph (5.2) or (5.3), a person
24 convicted of violating subsection (c) of Section 11-907 of the
25 Illinois Vehicle Code shall have his or her driver's license,
26 permit, or privileges suspended for at least 90 days but not

1 more than one year, if the violation resulted in damage to the
2 property of another person.

3 (5.2) In addition to any other penalties imposed, and
4 except as provided in paragraph (5.3), a person convicted of
5 violating subsection (c) of Section 11-907 of the Illinois
6 Vehicle Code shall have his or her driver's license, permit, or
7 privileges suspended for at least 180 days but not more than 2
8 years, if the violation resulted in injury to another person.

9 (5.3) In addition to any other penalties imposed, a person
10 convicted of violating subsection (c) of Section 11-907 of the
11 Illinois Vehicle Code shall have his or her driver's license,
12 permit, or privileges suspended for 2 years, if the violation
13 resulted in the death of another person.

14 (5.4) In addition to any other penalties imposed, a person
15 convicted of violating Section 3-707 of the Illinois Vehicle
16 Code shall have his or her driver's license, permit, or
17 privileges suspended for 3 months and until he or she has paid
18 a reinstatement fee of \$100.

19 (5.5) In addition to any other penalties imposed, a person
20 convicted of violating Section 3-707 of the Illinois Vehicle
21 Code during a period in which his or her driver's license,
22 permit, or privileges were suspended for a previous violation
23 of that Section shall have his or her driver's license, permit,
24 or privileges suspended for an additional 6 months after the
25 expiration of the original 3-month suspension and until he or
26 she has paid a reinstatement fee of \$100.

1 (6) (Blank).

2 (7) (Blank).

3 (8) (Blank).

4 (9) A defendant convicted of a second or subsequent offense
5 of ritualized abuse of a child may be sentenced to a term of
6 natural life imprisonment.

7 (10) (Blank).

8 (11) The court shall impose a minimum fine of \$1,000 for a
9 first offense and \$2,000 for a second or subsequent offense
10 upon a person convicted of or placed on supervision for battery
11 when the individual harmed was a sports official or coach at
12 any level of competition and the act causing harm to the sports
13 official or coach occurred within an athletic facility or
14 within the immediate vicinity of the athletic facility at which
15 the sports official or coach was an active participant of the
16 athletic contest held at the athletic facility. For the
17 purposes of this paragraph (11), "sports official" means a
18 person at an athletic contest who enforces the rules of the
19 contest, such as an umpire or referee; "athletic facility"
20 means an indoor or outdoor playing field or recreational area
21 where sports activities are conducted; and "coach" means a
22 person recognized as a coach by the sanctioning authority that
23 conducted the sporting event.

24 (12) A person may not receive a disposition of court
25 supervision for a violation of Section 5-16 of the Boat
26 Registration and Safety Act if that person has previously

1 received a disposition of court supervision for a violation of
2 that Section.

3 (13) A person convicted of or placed on court supervision
4 for an assault or aggravated assault when the victim and the
5 offender are family or household members as defined in Section
6 103 of the Illinois Domestic Violence Act of 1986 or convicted
7 of domestic battery or aggravated domestic battery may be
8 required to attend a Partner Abuse Intervention Program under
9 protocols set forth by the Illinois Department of Human
10 Services under such terms and conditions imposed by the court.
11 The costs of such classes shall be paid by the offender.

12 (d) In any case in which a sentence originally imposed is
13 vacated, the case shall be remanded to the trial court. The
14 trial court shall hold a hearing under Section 5-4-1 of the
15 Unified Code of Corrections which may include evidence of the
16 defendant's life, moral character and occupation during the
17 time since the original sentence was passed. The trial court
18 shall then impose sentence upon the defendant. The trial court
19 may impose any sentence which could have been imposed at the
20 original trial subject to Section 5-5-4 of the Unified Code of
21 Corrections. If a sentence is vacated on appeal or on
22 collateral attack due to the failure of the trier of fact at
23 trial to determine beyond a reasonable doubt the existence of a
24 fact (other than a prior conviction) necessary to increase the
25 punishment for the offense beyond the statutory maximum
26 otherwise applicable, either the defendant may be re-sentenced

1 to a term within the range otherwise provided or, if the State
2 files notice of its intention to again seek the extended
3 sentence, the defendant shall be afforded a new trial.

4 (e) In cases where prosecution for aggravated criminal
5 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
6 Code of 1961 or the Criminal Code of 2012 results in conviction
7 of a defendant who was a family member of the victim at the
8 time of the commission of the offense, the court shall consider
9 the safety and welfare of the victim and may impose a sentence
10 of probation only where:

11 (1) the court finds (A) or (B) or both are appropriate:

12 (A) the defendant is willing to undergo a court
13 approved counseling program for a minimum duration of 2
14 years; or

15 (B) the defendant is willing to participate in a
16 court approved plan including but not limited to the
17 defendant's:

18 (i) removal from the household;

19 (ii) restricted contact with the victim;

20 (iii) continued financial support of the
21 family;

22 (iv) restitution for harm done to the victim;

23 and

24 (v) compliance with any other measures that
25 the court may deem appropriate; and

26 (2) the court orders the defendant to pay for the

1 victim's counseling services, to the extent that the court
2 finds, after considering the defendant's income and
3 assets, that the defendant is financially capable of paying
4 for such services, if the victim was under 18 years of age
5 at the time the offense was committed and requires
6 counseling as a result of the offense.

7 Probation may be revoked or modified pursuant to Section
8 5-6-4; except where the court determines at the hearing that
9 the defendant violated a condition of his or her probation
10 restricting contact with the victim or other family members or
11 commits another offense with the victim or other family
12 members, the court shall revoke the defendant's probation and
13 impose a term of imprisonment.

14 For the purposes of this Section, "family member" and
15 "victim" shall have the meanings ascribed to them in Section
16 11-0.1 of the Criminal Code of 2012.

17 (f) (Blank).

18 (g) Whenever a defendant is convicted of an offense under
19 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
20 11-14.3, 11-14.4 except for an offense that involves keeping a
21 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
22 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
23 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
24 Criminal Code of 2012, the defendant shall undergo medical
25 testing to determine whether the defendant has any sexually
26 transmissible disease, including a test for infection with

1 human immunodeficiency virus (HIV) or any other identified
2 causative agent of acquired immunodeficiency syndrome (AIDS).
3 Any such medical test shall be performed only by appropriately
4 licensed medical practitioners and may include an analysis of
5 any bodily fluids as well as an examination of the defendant's
6 person. Except as otherwise provided by law, the results of
7 such test shall be kept strictly confidential by all medical
8 personnel involved in the testing and must be personally
9 delivered in a sealed envelope to the judge of the court in
10 which the conviction was entered for the judge's inspection in
11 camera. Acting in accordance with the best interests of the
12 victim and the public, the judge shall have the discretion to
13 determine to whom, if anyone, the results of the testing may be
14 revealed. The court shall notify the defendant of the test
15 results. The court shall also notify the victim if requested by
16 the victim, and if the victim is under the age of 15 and if
17 requested by the victim's parents or legal guardian, the court
18 shall notify the victim's parents or legal guardian of the test
19 results. The court shall provide information on the
20 availability of HIV testing and counseling at Department of
21 Public Health facilities to all parties to whom the results of
22 the testing are revealed and shall direct the State's Attorney
23 to provide the information to the victim when possible. A
24 State's Attorney may petition the court to obtain the results
25 of any HIV test administered under this Section, and the court
26 shall grant the disclosure if the State's Attorney shows it is

1 relevant in order to prosecute a charge of criminal
2 transmission of HIV under Section 12-5.01 or 12-16.2 of the
3 Criminal Code of 1961 or the Criminal Code of 2012 against the
4 defendant. The court shall order that the cost of any such test
5 shall be paid by the county and may be taxed as costs against
6 the convicted defendant.

7 (g-5) When an inmate is tested for an airborne communicable
8 disease, as determined by the Illinois Department of Public
9 Health including but not limited to tuberculosis, the results
10 of the test shall be personally delivered by the warden or his
11 or her designee in a sealed envelope to the judge of the court
12 in which the inmate must appear for the judge's inspection in
13 camera if requested by the judge. Acting in accordance with the
14 best interests of those in the courtroom, the judge shall have
15 the discretion to determine what if any precautions need to be
16 taken to prevent transmission of the disease in the courtroom.

17 (h) Whenever a defendant is convicted of an offense under
18 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
19 defendant shall undergo medical testing to determine whether
20 the defendant has been exposed to human immunodeficiency virus
21 (HIV) or any other identified causative agent of acquired
22 immunodeficiency syndrome (AIDS). Except as otherwise provided
23 by law, the results of such test shall be kept strictly
24 confidential by all medical personnel involved in the testing
25 and must be personally delivered in a sealed envelope to the
26 judge of the court in which the conviction was entered for the

1 judge's inspection in camera. Acting in accordance with the
2 best interests of the public, the judge shall have the
3 discretion to determine to whom, if anyone, the results of the
4 testing may be revealed. The court shall notify the defendant
5 of a positive test showing an infection with the human
6 immunodeficiency virus (HIV). The court shall provide
7 information on the availability of HIV testing and counseling
8 at Department of Public Health facilities to all parties to
9 whom the results of the testing are revealed and shall direct
10 the State's Attorney to provide the information to the victim
11 when possible. A State's Attorney may petition the court to
12 obtain the results of any HIV test administered under this
13 Section, and the court shall grant the disclosure if the
14 State's Attorney shows it is relevant in order to prosecute a
15 charge of criminal transmission of HIV under Section 12-5.01 or
16 12-16.2 of the Criminal Code of 1961 or the Criminal Code of
17 2012 against the defendant. The court shall order that the cost
18 of any such test shall be paid by the county and may be taxed as
19 costs against the convicted defendant.

20 (i) All fines and penalties imposed under this Section for
21 any violation of Chapters 3, 4, 6, and 11 of the Illinois
22 Vehicle Code, or a similar provision of a local ordinance, and
23 any violation of the Child Passenger Protection Act, or a
24 similar provision of a local ordinance, shall be collected and
25 disbursed by the circuit clerk as provided under Section 27.5
26 of the Clerks of Courts Act.

1 (j) In cases when prosecution for any violation of Section
2 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
3 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
4 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
5 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
6 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
7 Code of 2012, any violation of the Illinois Controlled
8 Substances Act, any violation of the Cannabis Control Act, or
9 any violation of the Methamphetamine Control and Community
10 Protection Act results in conviction, a disposition of court
11 supervision, or an order of probation granted under Section 10
12 of the Cannabis Control Act, Section 410 of the Illinois
13 Controlled Substances Act, or Section 70 of the Methamphetamine
14 Control and Community Protection Act of a defendant, the court
15 shall determine whether the defendant is employed by a facility
16 or center as defined under the Child Care Act of 1969, a public
17 or private elementary or secondary school, or otherwise works
18 with children under 18 years of age on a daily basis. When a
19 defendant is so employed, the court shall order the Clerk of
20 the Court to send a copy of the judgment of conviction or order
21 of supervision or probation to the defendant's employer by
22 certified mail. If the employer of the defendant is a school,
23 the Clerk of the Court shall direct the mailing of a copy of
24 the judgment of conviction or order of supervision or probation
25 to the appropriate regional superintendent of schools. The
26 regional superintendent of schools shall notify the State Board

1 of Education of any notification under this subsection.

2 (j-5) A defendant at least 17 years of age who is convicted
3 of a felony and who has not been previously convicted of a
4 misdemeanor or felony and who is sentenced to a term of
5 imprisonment in the Illinois Department of Corrections shall as
6 a condition of his or her sentence be required by the court to
7 attend educational courses designed to prepare the defendant
8 for a high school diploma and to work toward a high school
9 diploma or to work toward passing high school equivalency
10 testing or to work toward completing a vocational training
11 program offered by the Department of Corrections. If a
12 defendant fails to complete the educational training required
13 by his or her sentence during the term of incarceration, the
14 Prisoner Review Board shall, as a condition of mandatory
15 supervised release, require the defendant, at his or her own
16 expense, to pursue a course of study toward a high school
17 diploma or passage of high school equivalency testing. The
18 Prisoner Review Board shall revoke the mandatory supervised
19 release of a defendant who wilfully fails to comply with this
20 subsection (j-5) upon his or her release from confinement in a
21 penal institution while serving a mandatory supervised release
22 term; however, the inability of the defendant after making a
23 good faith effort to obtain financial aid or pay for the
24 educational training shall not be deemed a wilful failure to
25 comply. The Prisoner Review Board shall recommit the defendant
26 whose mandatory supervised release term has been revoked under

1 this subsection (j-5) as provided in Section 3-3-9. This
2 subsection (j-5) does not apply to a defendant who has a high
3 school diploma or has successfully passed high school
4 equivalency testing. This subsection (j-5) does not apply to a
5 defendant who is determined by the court to be a person with a
6 developmental disability ~~developmentally disabled~~ or otherwise
7 mentally incapable of completing the educational or vocational
8 program.

9 (k) (Blank).

10 (l) (A) Except as provided in paragraph (C) of subsection
11 (l), whenever a defendant, who is an alien as defined by the
12 Immigration and Nationality Act, is convicted of any felony or
13 misdemeanor offense, the court after sentencing the defendant
14 may, upon motion of the State's Attorney, hold sentence in
15 abeyance and remand the defendant to the custody of the
16 Attorney General of the United States or his or her designated
17 agent to be deported when:

18 (1) a final order of deportation has been issued
19 against the defendant pursuant to proceedings under the
20 Immigration and Nationality Act, and

21 (2) the deportation of the defendant would not
22 deprecate the seriousness of the defendant's conduct and
23 would not be inconsistent with the ends of justice.

24 Otherwise, the defendant shall be sentenced as provided in
25 this Chapter V.

26 (B) If the defendant has already been sentenced for a

1 felony or misdemeanor offense, or has been placed on probation
2 under Section 10 of the Cannabis Control Act, Section 410 of
3 the Illinois Controlled Substances Act, or Section 70 of the
4 Methamphetamine Control and Community Protection Act, the
5 court may, upon motion of the State's Attorney to suspend the
6 sentence imposed, commit the defendant to the custody of the
7 Attorney General of the United States or his or her designated
8 agent when:

9 (1) a final order of deportation has been issued
10 against the defendant pursuant to proceedings under the
11 Immigration and Nationality Act, and

12 (2) the deportation of the defendant would not
13 deprecate the seriousness of the defendant's conduct and
14 would not be inconsistent with the ends of justice.

15 (C) This subsection (1) does not apply to offenders who are
16 subject to the provisions of paragraph (2) of subsection (a) of
17 Section 3-6-3.

18 (D) Upon motion of the State's Attorney, if a defendant
19 sentenced under this Section returns to the jurisdiction of the
20 United States, the defendant shall be recommitted to the
21 custody of the county from which he or she was sentenced.
22 Thereafter, the defendant shall be brought before the
23 sentencing court, which may impose any sentence that was
24 available under Section 5-5-3 at the time of initial
25 sentencing. In addition, the defendant shall not be eligible
26 for additional sentence credit for good conduct as provided

1 under Section 3-6-3.

2 (m) A person convicted of criminal defacement of property
3 under Section 21-1.3 of the Criminal Code of 1961 or the
4 Criminal Code of 2012, in which the property damage exceeds
5 \$300 and the property damaged is a school building, shall be
6 ordered to perform community service that may include cleanup,
7 removal, or painting over the defacement.

8 (n) The court may sentence a person convicted of a
9 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
10 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
11 of 1961 or the Criminal Code of 2012 (i) to an impact
12 incarceration program if the person is otherwise eligible for
13 that program under Section 5-8-1.1, (ii) to community service,
14 or (iii) if the person is an addict or alcoholic, as defined in
15 the Alcoholism and Other Drug Abuse and Dependency Act, to a
16 substance or alcohol abuse program licensed under that Act.

17 (o) Whenever a person is convicted of a sex offense as
18 defined in Section 2 of the Sex Offender Registration Act, the
19 defendant's driver's license or permit shall be subject to
20 renewal on an annual basis in accordance with the provisions of
21 license renewal established by the Secretary of State.

22 (Source: P.A. 97-159, eff. 7-21-11; 97-697, eff. 6-22-12;
23 97-917, eff. 8-9-12; 97-1108, eff. 1-1-13; 97-1109, eff.
24 1-1-13; 97-1150, eff. 1-25-13; 98-718, eff. 1-1-15; 98-756,
25 eff. 7-16-14.)

1 (730 ILCS 5/5-5-3.1) (from Ch. 38, par. 1005-5-3.1)

2 Sec. 5-5-3.1. Factors in Mitigation.

3 (a) The following grounds shall be accorded weight in favor
4 of withholding or minimizing a sentence of imprisonment:

5 (1) The defendant's criminal conduct neither caused
6 nor threatened serious physical harm to another.

7 (2) The defendant did not contemplate that his criminal
8 conduct would cause or threaten serious physical harm to
9 another.

10 (3) The defendant acted under a strong provocation.

11 (4) There were substantial grounds tending to excuse or
12 justify the defendant's criminal conduct, though failing
13 to establish a defense.

14 (5) The defendant's criminal conduct was induced or
15 facilitated by someone other than the defendant.

16 (6) The defendant has compensated or will compensate
17 the victim of his criminal conduct for the damage or injury
18 that he sustained.

19 (7) The defendant has no history of prior delinquency
20 or criminal activity or has led a law-abiding life for a
21 substantial period of time before the commission of the
22 present crime.

23 (8) The defendant's criminal conduct was the result of
24 circumstances unlikely to recur.

25 (9) The character and attitudes of the defendant
26 indicate that he is unlikely to commit another crime.

1 (10) The defendant is particularly likely to comply
2 with the terms of a period of probation.

3 (11) The imprisonment of the defendant would entail
4 excessive hardship to his dependents.

5 (12) The imprisonment of the defendant would endanger
6 his or her medical condition.

7 (13) The defendant was a person with an intellectual
8 disability ~~intellectually disabled~~ as defined in Section
9 5-1-13 of this Code.

10 (14) The defendant sought or obtained emergency
11 medical assistance for an overdose and was convicted of a
12 Class 3 felony or higher possession, manufacture, or
13 delivery of a controlled, counterfeit, or look-alike
14 substance or a controlled substance analog under the
15 Illinois Controlled Substances Act or a Class 2 felony or
16 higher possession, manufacture or delivery of
17 methamphetamine under the Methamphetamine Control and
18 Community Protection Act.

19 (b) If the court, having due regard for the character of
20 the offender, the nature and circumstances of the offense and
21 the public interest finds that a sentence of imprisonment is
22 the most appropriate disposition of the offender, or where
23 other provisions of this Code mandate the imprisonment of the
24 offender, the grounds listed in paragraph (a) of this
25 subsection shall be considered as factors in mitigation of the
26 term imposed.

1 (Source: P.A. 97-227, eff. 1-1-12; 97-678, eff. 6-1-12; 98-463,
2 eff. 8-16-13.)

3 (730 ILCS 5/5-5-3.2)

4 Sec. 5-5-3.2. Factors in Aggravation and Extended-Term
5 Sentencing.

6 (a) The following factors shall be accorded weight in favor
7 of imposing a term of imprisonment or may be considered by the
8 court as reasons to impose a more severe sentence under Section
9 5-8-1 or Article 4.5 of Chapter V:

10 (1) the defendant's conduct caused or threatened
11 serious harm;

12 (2) the defendant received compensation for committing
13 the offense;

14 (3) the defendant has a history of prior delinquency or
15 criminal activity;

16 (4) the defendant, by the duties of his office or by
17 his position, was obliged to prevent the particular offense
18 committed or to bring the offenders committing it to
19 justice;

20 (5) the defendant held public office at the time of the
21 offense, and the offense related to the conduct of that
22 office;

23 (6) the defendant utilized his professional reputation
24 or position in the community to commit the offense, or to
25 afford him an easier means of committing it;

1 (7) the sentence is necessary to deter others from
2 committing the same crime;

3 (8) the defendant committed the offense against a
4 person 60 years of age or older or such person's property;

5 (9) the defendant committed the offense against a
6 person who has a physical disability ~~is physically~~
7 ~~handicapped~~ or such person's property;

8 (10) by reason of another individual's actual or
9 perceived race, color, creed, religion, ancestry, gender,
10 sexual orientation, physical or mental disability, or
11 national origin, the defendant committed the offense
12 against (i) the person or property of that individual; (ii)
13 the person or property of a person who has an association
14 with, is married to, or has a friendship with the other
15 individual; or (iii) the person or property of a relative
16 (by blood or marriage) of a person described in clause (i)
17 or (ii). For the purposes of this Section, "sexual
18 orientation" means heterosexuality, homosexuality, or
19 bisexuality;

20 (11) the offense took place in a place of worship or on
21 the grounds of a place of worship, immediately prior to,
22 during or immediately following worship services. For
23 purposes of this subparagraph, "place of worship" shall
24 mean any church, synagogue or other building, structure or
25 place used primarily for religious worship;

26 (12) the defendant was convicted of a felony committed

1 while he was released on bail or his own recognizance
2 pending trial for a prior felony and was convicted of such
3 prior felony, or the defendant was convicted of a felony
4 committed while he was serving a period of probation,
5 conditional discharge, or mandatory supervised release
6 under subsection (d) of Section 5-8-1 for a prior felony;

7 (13) the defendant committed or attempted to commit a
8 felony while he was wearing a bulletproof vest. For the
9 purposes of this paragraph (13), a bulletproof vest is any
10 device which is designed for the purpose of protecting the
11 wearer from bullets, shot or other lethal projectiles;

12 (14) the defendant held a position of trust or
13 supervision such as, but not limited to, family member as
14 defined in Section 11-0.1 of the Criminal Code of 2012,
15 teacher, scout leader, baby sitter, or day care worker, in
16 relation to a victim under 18 years of age, and the
17 defendant committed an offense in violation of Section
18 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
19 11-14.4 except for an offense that involves keeping a place
20 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
21 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
22 or 12-16 of the Criminal Code of 1961 or the Criminal Code
23 of 2012 against that victim;

24 (15) the defendant committed an offense related to the
25 activities of an organized gang. For the purposes of this
26 factor, "organized gang" has the meaning ascribed to it in

1 Section 10 of the Streetgang Terrorism Omnibus Prevention
2 Act;

3 (16) the defendant committed an offense in violation of
4 one of the following Sections while in a school, regardless
5 of the time of day or time of year; on any conveyance
6 owned, leased, or contracted by a school to transport
7 students to or from school or a school related activity; on
8 the real property of a school; or on a public way within
9 1,000 feet of the real property comprising any school:
10 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
11 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
12 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
13 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
14 18-2, or 33A-2, or Section 12-3.05 except for subdivision
15 (a) (4) or (g) (1), of the Criminal Code of 1961 or the
16 Criminal Code of 2012;

17 (16.5) the defendant committed an offense in violation
18 of one of the following Sections while in a day care
19 center, regardless of the time of day or time of year; on
20 the real property of a day care center, regardless of the
21 time of day or time of year; or on a public way within
22 1,000 feet of the real property comprising any day care
23 center, regardless of the time of day or time of year:
24 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
25 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
26 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,

1 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
2 18-2, or 33A-2, or Section 12-3.05 except for subdivision
3 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
4 Criminal Code of 2012;

5 (17) the defendant committed the offense by reason of
6 any person's activity as a community policing volunteer or
7 to prevent any person from engaging in activity as a
8 community policing volunteer. For the purpose of this
9 Section, "community policing volunteer" has the meaning
10 ascribed to it in Section 2-3.5 of the Criminal Code of
11 2012;

12 (18) the defendant committed the offense in a nursing
13 home or on the real property comprising a nursing home. For
14 the purposes of this paragraph (18), "nursing home" means a
15 skilled nursing or intermediate long term care facility
16 that is subject to license by the Illinois Department of
17 Public Health under the Nursing Home Care Act, the
18 Specialized Mental Health Rehabilitation Act of 2013, or
19 the ID/DD Community Care Act;

20 (19) the defendant was a federally licensed firearm
21 dealer and was previously convicted of a violation of
22 subsection (a) of Section 3 of the Firearm Owners
23 Identification Card Act and has now committed either a
24 felony violation of the Firearm Owners Identification Card
25 Act or an act of armed violence while armed with a firearm;

26 (20) the defendant (i) committed the offense of

1 reckless homicide under Section 9-3 of the Criminal Code of
2 1961 or the Criminal Code of 2012 or the offense of driving
3 under the influence of alcohol, other drug or drugs,
4 intoxicating compound or compounds or any combination
5 thereof under Section 11-501 of the Illinois Vehicle Code
6 or a similar provision of a local ordinance and (ii) was
7 operating a motor vehicle in excess of 20 miles per hour
8 over the posted speed limit as provided in Article VI of
9 Chapter 11 of the Illinois Vehicle Code;

10 (21) the defendant (i) committed the offense of
11 reckless driving or aggravated reckless driving under
12 Section 11-503 of the Illinois Vehicle Code and (ii) was
13 operating a motor vehicle in excess of 20 miles per hour
14 over the posted speed limit as provided in Article VI of
15 Chapter 11 of the Illinois Vehicle Code;

16 (22) the defendant committed the offense against a
17 person that the defendant knew, or reasonably should have
18 known, was a member of the Armed Forces of the United
19 States serving on active duty. For purposes of this clause
20 (22), the term "Armed Forces" means any of the Armed Forces
21 of the United States, including a member of any reserve
22 component thereof or National Guard unit called to active
23 duty;

24 (23) the defendant committed the offense against a
25 person who was elderly, ~~disabled,~~ or infirm or who was a
26 person with a disability by taking advantage of a family or

1 fiduciary relationship with the elderly,~~disabled,~~ or
2 infirm person or person with a disability;

3 (24) the defendant committed any offense under Section
4 11-20.1 of the Criminal Code of 1961 or the Criminal Code
5 of 2012 and possessed 100 or more images;

6 (25) the defendant committed the offense while the
7 defendant or the victim was in a train, bus, or other
8 vehicle used for public transportation;

9 (26) the defendant committed the offense of child
10 pornography or aggravated child pornography, specifically
11 including paragraph (1), (2), (3), (4), (5), or (7) of
12 subsection (a) of Section 11-20.1 of the Criminal Code of
13 1961 or the Criminal Code of 2012 where a child engaged in,
14 solicited for, depicted in, or posed in any act of sexual
15 penetration or bound, fettered, or subject to sadistic,
16 masochistic, or sadomasochistic abuse in a sexual context
17 and specifically including paragraph (1), (2), (3), (4),
18 (5), or (7) of subsection (a) of Section 11-20.1B or
19 Section 11-20.3 of the Criminal Code of 1961 where a child
20 engaged in, solicited for, depicted in, or posed in any act
21 of sexual penetration or bound, fettered, or subject to
22 sadistic, masochistic, or sadomasochistic abuse in a
23 sexual context;

24 (27) the defendant committed the offense of first
25 degree murder, assault, aggravated assault, battery,
26 aggravated battery, robbery, armed robbery, or aggravated

1 robbery against a person who was a veteran and the
2 defendant knew, or reasonably should have known, that the
3 person was a veteran performing duties as a representative
4 of a veterans' organization. For the purposes of this
5 paragraph (27), "veteran" means an Illinois resident who
6 has served as a member of the United States Armed Forces, a
7 member of the Illinois National Guard, or a member of the
8 United States Reserve Forces; and "veterans' organization"
9 means an organization comprised of members of which
10 substantially all are individuals who are veterans or
11 spouses, widows, or widowers of veterans, the primary
12 purpose of which is to promote the welfare of its members
13 and to provide assistance to the general public in such a
14 way as to confer a public benefit; or

15 (28) the defendant committed the offense of assault,
16 aggravated assault, battery, aggravated battery, robbery,
17 armed robbery, or aggravated robbery against a person that
18 the defendant knew or reasonably should have known was a
19 letter carrier or postal worker while that person was
20 performing his or her duties delivering mail for the United
21 States Postal Service.

22 For the purposes of this Section:

23 "School" is defined as a public or private elementary or
24 secondary school, community college, college, or university.

25 "Day care center" means a public or private State certified
26 and licensed day care center as defined in Section 2.09 of the

1 Child Care Act of 1969 that displays a sign in plain view
2 stating that the property is a day care center.

3 "Public transportation" means the transportation or
4 conveyance of persons by means available to the general public,
5 and includes paratransit services.

6 (b) The following factors, related to all felonies, may be
7 considered by the court as reasons to impose an extended term
8 sentence under Section 5-8-2 upon any offender:

9 (1) When a defendant is convicted of any felony, after
10 having been previously convicted in Illinois or any other
11 jurisdiction of the same or similar class felony or greater
12 class felony, when such conviction has occurred within 10
13 years after the previous conviction, excluding time spent
14 in custody, and such charges are separately brought and
15 tried and arise out of different series of acts; or

16 (2) When a defendant is convicted of any felony and the
17 court finds that the offense was accompanied by
18 exceptionally brutal or heinous behavior indicative of
19 wanton cruelty; or

20 (3) When a defendant is convicted of any felony
21 committed against:

22 (i) a person under 12 years of age at the time of
23 the offense or such person's property;

24 (ii) a person 60 years of age or older at the time
25 of the offense or such person's property; or

26 (iii) a person who had a physical disability

1 ~~physically handicapped~~ at the time of the offense or
2 such person's property; or

3 (4) When a defendant is convicted of any felony and the
4 offense involved any of the following types of specific
5 misconduct committed as part of a ceremony, rite,
6 initiation, observance, performance, practice or activity
7 of any actual or ostensible religious, fraternal, or social
8 group:

9 (i) the brutalizing or torturing of humans or
10 animals;

11 (ii) the theft of human corpses;

12 (iii) the kidnapping of humans;

13 (iv) the desecration of any cemetery, religious,
14 fraternal, business, governmental, educational, or
15 other building or property; or

16 (v) ritualized abuse of a child; or

17 (5) When a defendant is convicted of a felony other
18 than conspiracy and the court finds that the felony was
19 committed under an agreement with 2 or more other persons
20 to commit that offense and the defendant, with respect to
21 the other individuals, occupied a position of organizer,
22 supervisor, financier, or any other position of management
23 or leadership, and the court further finds that the felony
24 committed was related to or in furtherance of the criminal
25 activities of an organized gang or was motivated by the
26 defendant's leadership in an organized gang; or

1 (6) When a defendant is convicted of an offense
2 committed while using a firearm with a laser sight attached
3 to it. For purposes of this paragraph, "laser sight" has
4 the meaning ascribed to it in Section 26-7 of the Criminal
5 Code of 2012; or

6 (7) When a defendant who was at least 17 years of age
7 at the time of the commission of the offense is convicted
8 of a felony and has been previously adjudicated a
9 delinquent minor under the Juvenile Court Act of 1987 for
10 an act that if committed by an adult would be a Class X or
11 Class 1 felony when the conviction has occurred within 10
12 years after the previous adjudication, excluding time
13 spent in custody; or

14 (8) When a defendant commits any felony and the
15 defendant used, possessed, exercised control over, or
16 otherwise directed an animal to assault a law enforcement
17 officer engaged in the execution of his or her official
18 duties or in furtherance of the criminal activities of an
19 organized gang in which the defendant is engaged; or

20 (9) When a defendant commits any felony and the
21 defendant knowingly video or audio records the offense with
22 the intent to disseminate the recording.

23 (c) The following factors may be considered by the court as
24 reasons to impose an extended term sentence under Section 5-8-2
25 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

26 (1) When a defendant is convicted of first degree

1 murder, after having been previously convicted in Illinois
2 of any offense listed under paragraph (c)(2) of Section
3 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred
4 within 10 years after the previous conviction, excluding
5 time spent in custody, and the charges are separately
6 brought and tried and arise out of different series of
7 acts.

8 (1.5) When a defendant is convicted of first degree
9 murder, after having been previously convicted of domestic
10 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
11 (720 ILCS 5/12-3.3) committed on the same victim or after
12 having been previously convicted of violation of an order
13 of protection (720 ILCS 5/12-30) in which the same victim
14 was the protected person.

15 (2) When a defendant is convicted of voluntary
16 manslaughter, second degree murder, involuntary
17 manslaughter, or reckless homicide in which the defendant
18 has been convicted of causing the death of more than one
19 individual.

20 (3) When a defendant is convicted of aggravated
21 criminal sexual assault or criminal sexual assault, when
22 there is a finding that aggravated criminal sexual assault
23 or criminal sexual assault was also committed on the same
24 victim by one or more other individuals, and the defendant
25 voluntarily participated in the crime with the knowledge of
26 the participation of the others in the crime, and the

1 commission of the crime was part of a single course of
2 conduct during which there was no substantial change in the
3 nature of the criminal objective.

4 (4) If the victim was under 18 years of age at the time
5 of the commission of the offense, when a defendant is
6 convicted of aggravated criminal sexual assault or
7 predatory criminal sexual assault of a child under
8 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
9 of Section 12-14.1 of the Criminal Code of 1961 or the
10 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

11 (5) When a defendant is convicted of a felony violation
12 of Section 24-1 of the Criminal Code of 1961 or the
13 Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
14 finding that the defendant is a member of an organized
15 gang.

16 (6) When a defendant was convicted of unlawful use of
17 weapons under Section 24-1 of the Criminal Code of 1961 or
18 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
19 a weapon that is not readily distinguishable as one of the
20 weapons enumerated in Section 24-1 of the Criminal Code of
21 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

22 (7) When a defendant is convicted of an offense
23 involving the illegal manufacture of a controlled
24 substance under Section 401 of the Illinois Controlled
25 Substances Act (720 ILCS 570/401), the illegal manufacture
26 of methamphetamine under Section 25 of the Methamphetamine

1 Control and Community Protection Act (720 ILCS 646/25), or
2 the illegal possession of explosives and an emergency
3 response officer in the performance of his or her duties is
4 killed or injured at the scene of the offense while
5 responding to the emergency caused by the commission of the
6 offense. In this paragraph, "emergency" means a situation
7 in which a person's life, health, or safety is in jeopardy;
8 and "emergency response officer" means a peace officer,
9 community policing volunteer, fireman, emergency medical
10 technician-ambulance, emergency medical
11 technician-intermediate, emergency medical
12 technician-paramedic, ambulance driver, other medical
13 assistance or first aid personnel, or hospital emergency
14 room personnel.

15 (8) When the defendant is convicted of attempted mob
16 action, solicitation to commit mob action, or conspiracy to
17 commit mob action under Section 8-1, 8-2, or 8-4 of the
18 Criminal Code of 2012, where the criminal object is a
19 violation of Section 25-1 of the Criminal Code of 2012, and
20 an electronic communication is used in the commission of
21 the offense. For the purposes of this paragraph (8),
22 "electronic communication" shall have the meaning provided
23 in Section 26.5-0.1 of the Criminal Code of 2012.

24 (d) For the purposes of this Section, "organized gang" has
25 the meaning ascribed to it in Section 10 of the Illinois
26 Streetgang Terrorism Omnibus Prevention Act.

1 (e) The court may impose an extended term sentence under
2 Article 4.5 of Chapter V upon an offender who has been
3 convicted of a felony violation of Section 11-1.20, 11-1.30,
4 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
5 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
6 when the victim of the offense is under 18 years of age at the
7 time of the commission of the offense and, during the
8 commission of the offense, the victim was under the influence
9 of alcohol, regardless of whether or not the alcohol was
10 supplied by the offender; and the offender, at the time of the
11 commission of the offense, knew or should have known that the
12 victim had consumed alcohol.

13 (Source: P.A. 97-38, eff. 6-28-11, 97-227, eff. 1-1-12; 97-333,
14 eff. 8-12-11; 97-693, eff. 1-1-13; 97-1108, eff. 1-1-13;
15 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-14, eff.
16 1-1-14; 98-104, eff. 7-22-13; 98-385, eff. 1-1-14; 98-756, eff.
17 7-16-14.)

18 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

19 Sec. 5-6-3. Conditions of Probation and of Conditional
20 Discharge.

21 (a) The conditions of probation and of conditional
22 discharge shall be that the person:

23 (1) not violate any criminal statute of any
24 jurisdiction;

25 (2) report to or appear in person before such person or

1 agency as directed by the court;

2 (3) refrain from possessing a firearm or other
3 dangerous weapon where the offense is a felony or, if a
4 misdemeanor, the offense involved the intentional or
5 knowing infliction of bodily harm or threat of bodily harm;

6 (4) not leave the State without the consent of the
7 court or, in circumstances in which the reason for the
8 absence is of such an emergency nature that prior consent
9 by the court is not possible, without the prior
10 notification and approval of the person's probation
11 officer. Transfer of a person's probation or conditional
12 discharge supervision to another state is subject to
13 acceptance by the other state pursuant to the Interstate
14 Compact for Adult Offender Supervision;

15 (5) permit the probation officer to visit him at his
16 home or elsewhere to the extent necessary to discharge his
17 duties;

18 (6) perform no less than 30 hours of community service
19 and not more than 120 hours of community service, if
20 community service is available in the jurisdiction and is
21 funded and approved by the county board where the offense
22 was committed, where the offense was related to or in
23 furtherance of the criminal activities of an organized gang
24 and was motivated by the offender's membership in or
25 allegiance to an organized gang. The community service
26 shall include, but not be limited to, the cleanup and

1 repair of any damage caused by a violation of Section
2 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
3 2012 and similar damage to property located within the
4 municipality or county in which the violation occurred.
5 When possible and reasonable, the community service should
6 be performed in the offender's neighborhood. For purposes
7 of this Section, "organized gang" has the meaning ascribed
8 to it in Section 10 of the Illinois Streetgang Terrorism
9 Omnibus Prevention Act;

10 (7) if he or she is at least 17 years of age and has
11 been sentenced to probation or conditional discharge for a
12 misdemeanor or felony in a county of 3,000,000 or more
13 inhabitants and has not been previously convicted of a
14 misdemeanor or felony, may be required by the sentencing
15 court to attend educational courses designed to prepare the
16 defendant for a high school diploma and to work toward a
17 high school diploma or to work toward passing high school
18 equivalency testing or to work toward completing a
19 vocational training program approved by the court. The
20 person on probation or conditional discharge must attend a
21 public institution of education to obtain the educational
22 or vocational training required by this clause (7). The
23 court shall revoke the probation or conditional discharge
24 of a person who wilfully fails to comply with this clause
25 (7). The person on probation or conditional discharge shall
26 be required to pay for the cost of the educational courses

1 or high school equivalency testing if a fee is charged for
2 those courses or testing. The court shall resentence the
3 offender whose probation or conditional discharge has been
4 revoked as provided in Section 5-6-4. This clause (7) does
5 not apply to a person who has a high school diploma or has
6 successfully passed high school equivalency testing. This
7 clause (7) does not apply to a person who is determined by
8 the court to be a person with a developmental disability
9 ~~developmentally disabled~~ or otherwise mentally incapable
10 of completing the educational or vocational program;

11 (8) if convicted of possession of a substance
12 prohibited by the Cannabis Control Act, the Illinois
13 Controlled Substances Act, or the Methamphetamine Control
14 and Community Protection Act after a previous conviction or
15 disposition of supervision for possession of a substance
16 prohibited by the Cannabis Control Act or Illinois
17 Controlled Substances Act or after a sentence of probation
18 under Section 10 of the Cannabis Control Act, Section 410
19 of the Illinois Controlled Substances Act, or Section 70 of
20 the Methamphetamine Control and Community Protection Act
21 and upon a finding by the court that the person is
22 addicted, undergo treatment at a substance abuse program
23 approved by the court;

24 (8.5) if convicted of a felony sex offense as defined
25 in the Sex Offender Management Board Act, the person shall
26 undergo and successfully complete sex offender treatment

1 by a treatment provider approved by the Board and conducted
2 in conformance with the standards developed under the Sex
3 Offender Management Board Act;

4 (8.6) if convicted of a sex offense as defined in the
5 Sex Offender Management Board Act, refrain from residing at
6 the same address or in the same condominium unit or
7 apartment unit or in the same condominium complex or
8 apartment complex with another person he or she knows or
9 reasonably should know is a convicted sex offender or has
10 been placed on supervision for a sex offense; the
11 provisions of this paragraph do not apply to a person
12 convicted of a sex offense who is placed in a Department of
13 Corrections licensed transitional housing facility for sex
14 offenders;

15 (8.7) if convicted for an offense committed on or after
16 June 1, 2008 (the effective date of Public Act 95-464) that
17 would qualify the accused as a child sex offender as
18 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
19 1961 or the Criminal Code of 2012, refrain from
20 communicating with or contacting, by means of the Internet,
21 a person who is not related to the accused and whom the
22 accused reasonably believes to be under 18 years of age;
23 for purposes of this paragraph (8.7), "Internet" has the
24 meaning ascribed to it in Section 16-0.1 of the Criminal
25 Code of 2012; and a person is not related to the accused if
26 the person is not: (i) the spouse, brother, or sister of

1 the accused; (ii) a descendant of the accused; (iii) a
2 first or second cousin of the accused; or (iv) a step-child
3 or adopted child of the accused;

4 (8.8) if convicted for an offense under Section 11-6,
5 11-9.1, 11-14.4 that involves soliciting for a juvenile
6 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
7 of the Criminal Code of 1961 or the Criminal Code of 2012,
8 or any attempt to commit any of these offenses, committed
9 on or after June 1, 2009 (the effective date of Public Act
10 95-983):

11 (i) not access or use a computer or any other
12 device with Internet capability without the prior
13 written approval of the offender's probation officer,
14 except in connection with the offender's employment or
15 search for employment with the prior approval of the
16 offender's probation officer;

17 (ii) submit to periodic unannounced examinations
18 of the offender's computer or any other device with
19 Internet capability by the offender's probation
20 officer, a law enforcement officer, or assigned
21 computer or information technology specialist,
22 including the retrieval and copying of all data from
23 the computer or device and any internal or external
24 peripherals and removal of such information,
25 equipment, or device to conduct a more thorough
26 inspection;

1 (iii) submit to the installation on the offender's
2 computer or device with Internet capability, at the
3 offender's expense, of one or more hardware or software
4 systems to monitor the Internet use; and

5 (iv) submit to any other appropriate restrictions
6 concerning the offender's use of or access to a
7 computer or any other device with Internet capability
8 imposed by the offender's probation officer;

9 (8.9) if convicted of a sex offense as defined in the
10 Sex Offender Registration Act committed on or after January
11 1, 2010 (the effective date of Public Act 96-262), refrain
12 from accessing or using a social networking website as
13 defined in Section 17-0.5 of the Criminal Code of 2012;

14 (9) if convicted of a felony or of any misdemeanor
15 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
16 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
17 2012 that was determined, pursuant to Section 112A-11.1 of
18 the Code of Criminal Procedure of 1963, to trigger the
19 prohibitions of 18 U.S.C. 922(g)(9), physically surrender
20 at a time and place designated by the court, his or her
21 Firearm Owner's Identification Card and any and all
22 firearms in his or her possession. The Court shall return
23 to the Department of State Police Firearm Owner's
24 Identification Card Office the person's Firearm Owner's
25 Identification Card;

26 (10) if convicted of a sex offense as defined in

1 subsection (a-5) of Section 3-1-2 of this Code, unless the
2 offender is a parent or guardian of the person under 18
3 years of age present in the home and no non-familial minors
4 are present, not participate in a holiday event involving
5 children under 18 years of age, such as distributing candy
6 or other items to children on Halloween, wearing a Santa
7 Claus costume on or preceding Christmas, being employed as
8 a department store Santa Claus, or wearing an Easter Bunny
9 costume on or preceding Easter;

10 (11) if convicted of a sex offense as defined in
11 Section 2 of the Sex Offender Registration Act committed on
12 or after January 1, 2010 (the effective date of Public Act
13 96-362) that requires the person to register as a sex
14 offender under that Act, may not knowingly use any computer
15 scrub software on any computer that the sex offender uses;
16 and

17 (12) if convicted of a violation of the Methamphetamine
18 Control and Community Protection Act, the Methamphetamine
19 Precursor Control Act, or a methamphetamine related
20 offense:

21 (A) prohibited from purchasing, possessing, or
22 having under his or her control any product containing
23 pseudoephedrine unless prescribed by a physician; and

24 (B) prohibited from purchasing, possessing, or
25 having under his or her control any product containing
26 ammonium nitrate.

1 (b) The Court may in addition to other reasonable
2 conditions relating to the nature of the offense or the
3 rehabilitation of the defendant as determined for each
4 defendant in the proper discretion of the Court require that
5 the person:

6 (1) serve a term of periodic imprisonment under Article
7 7 for a period not to exceed that specified in paragraph
8 (d) of Section 5-7-1;

9 (2) pay a fine and costs;

10 (3) work or pursue a course of study or vocational
11 training;

12 (4) undergo medical, psychological or psychiatric
13 treatment; or treatment for drug addiction or alcoholism;

14 (5) attend or reside in a facility established for the
15 instruction or residence of defendants on probation;

16 (6) support his dependents;

17 (7) and in addition, if a minor:

18 (i) reside with his parents or in a foster home;

19 (ii) attend school;

20 (iii) attend a non-residential program for youth;

21 (iv) contribute to his own support at home or in a
22 foster home;

23 (v) with the consent of the superintendent of the
24 facility, attend an educational program at a facility
25 other than the school in which the offense was
26 committed if he or she is convicted of a crime of

1 violence as defined in Section 2 of the Crime Victims
2 Compensation Act committed in a school, on the real
3 property comprising a school, or within 1,000 feet of
4 the real property comprising a school;

5 (8) make restitution as provided in Section 5-5-6 of
6 this Code;

7 (9) perform some reasonable public or community
8 service;

9 (10) serve a term of home confinement. In addition to
10 any other applicable condition of probation or conditional
11 discharge, the conditions of home confinement shall be that
12 the offender:

13 (i) remain within the interior premises of the
14 place designated for his confinement during the hours
15 designated by the court;

16 (ii) admit any person or agent designated by the
17 court into the offender's place of confinement at any
18 time for purposes of verifying the offender's
19 compliance with the conditions of his confinement; and

20 (iii) if further deemed necessary by the court or
21 the Probation or Court Services Department, be placed
22 on an approved electronic monitoring device, subject
23 to Article 8A of Chapter V;

24 (iv) for persons convicted of any alcohol,
25 cannabis or controlled substance violation who are
26 placed on an approved monitoring device as a condition

1 of probation or conditional discharge, the court shall
2 impose a reasonable fee for each day of the use of the
3 device, as established by the county board in
4 subsection (g) of this Section, unless after
5 determining the inability of the offender to pay the
6 fee, the court assesses a lesser fee or no fee as the
7 case may be. This fee shall be imposed in addition to
8 the fees imposed under subsections (g) and (i) of this
9 Section. The fee shall be collected by the clerk of the
10 circuit court. The clerk of the circuit court shall pay
11 all monies collected from this fee to the county
12 treasurer for deposit in the substance abuse services
13 fund under Section 5-1086.1 of the Counties Code; and

14 (v) for persons convicted of offenses other than
15 those referenced in clause (iv) above and who are
16 placed on an approved monitoring device as a condition
17 of probation or conditional discharge, the court shall
18 impose a reasonable fee for each day of the use of the
19 device, as established by the county board in
20 subsection (g) of this Section, unless after
21 determining the inability of the defendant to pay the
22 fee, the court assesses a lesser fee or no fee as the
23 case may be. This fee shall be imposed in addition to
24 the fees imposed under subsections (g) and (i) of this
25 Section. The fee shall be collected by the clerk of the
26 circuit court. The clerk of the circuit court shall pay

1 all monies collected from this fee to the county
2 treasurer who shall use the monies collected to defray
3 the costs of corrections. The county treasurer shall
4 deposit the fee collected in the probation and court
5 services fund.

6 (11) comply with the terms and conditions of an order
7 of protection issued by the court pursuant to the Illinois
8 Domestic Violence Act of 1986, as now or hereafter amended,
9 or an order of protection issued by the court of another
10 state, tribe, or United States territory. A copy of the
11 order of protection shall be transmitted to the probation
12 officer or agency having responsibility for the case;

13 (12) reimburse any "local anti-crime program" as
14 defined in Section 7 of the Anti-Crime Advisory Council Act
15 for any reasonable expenses incurred by the program on the
16 offender's case, not to exceed the maximum amount of the
17 fine authorized for the offense for which the defendant was
18 sentenced;

19 (13) contribute a reasonable sum of money, not to
20 exceed the maximum amount of the fine authorized for the
21 offense for which the defendant was sentenced, (i) to a
22 "local anti-crime program", as defined in Section 7 of the
23 Anti-Crime Advisory Council Act, or (ii) for offenses under
24 the jurisdiction of the Department of Natural Resources, to
25 the fund established by the Department of Natural Resources
26 for the purchase of evidence for investigation purposes and

1 to conduct investigations as outlined in Section 805-105 of
2 the Department of Natural Resources (Conservation) Law;

3 (14) refrain from entering into a designated
4 geographic area except upon such terms as the court finds
5 appropriate. Such terms may include consideration of the
6 purpose of the entry, the time of day, other persons
7 accompanying the defendant, and advance approval by a
8 probation officer, if the defendant has been placed on
9 probation or advance approval by the court, if the
10 defendant was placed on conditional discharge;

11 (15) refrain from having any contact, directly or
12 indirectly, with certain specified persons or particular
13 types of persons, including but not limited to members of
14 street gangs and drug users or dealers;

15 (16) refrain from having in his or her body the
16 presence of any illicit drug prohibited by the Cannabis
17 Control Act, 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;

22 (17) if convicted for an offense committed on or after
23 June 1, 2008 (the effective date of Public Act 95-464) that
24 would qualify the accused as a child sex offender as
25 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
26 1961 or the Criminal Code of 2012, refrain from

1 communicating with or contacting, by means of the Internet,
2 a person who is related to the accused and whom the accused
3 reasonably believes to be under 18 years of age; for
4 purposes of this paragraph (17), "Internet" has the meaning
5 ascribed to it in Section 16-0.1 of the Criminal Code of
6 2012; and a person is related to the accused if the person
7 is: (i) the spouse, brother, or sister of the accused; (ii)
8 a descendant of the accused; (iii) a first or second cousin
9 of the accused; or (iv) a step-child or adopted child of
10 the accused;

11 (18) if convicted for an offense committed on or after
12 June 1, 2009 (the effective date of Public Act 95-983) that
13 would qualify as a sex offense as defined in the Sex
14 Offender Registration Act:

15 (i) not access or use a computer or any other
16 device with Internet capability without the prior
17 written approval of the offender's probation officer,
18 except in connection with the offender's employment or
19 search for employment with the prior approval of the
20 offender's probation officer;

21 (ii) submit to periodic unannounced examinations
22 of the offender's computer or any other device with
23 Internet capability by the offender's probation
24 officer, a law enforcement officer, or assigned
25 computer or information technology specialist,
26 including the retrieval and copying of all data from

1 the computer or device and any internal or external
2 peripherals and removal of such information,
3 equipment, or device to conduct a more thorough
4 inspection;

5 (iii) submit to the installation on the offender's
6 computer or device with Internet capability, at the
7 subject's expense, of one or more hardware or software
8 systems to monitor the Internet use; and

9 (iv) submit to any other appropriate restrictions
10 concerning the offender's use of or access to a
11 computer or any other device with Internet capability
12 imposed by the offender's probation officer; and

13 (19) refrain from possessing a firearm or other
14 dangerous weapon where the offense is a misdemeanor that
15 did not involve the intentional or knowing infliction of
16 bodily harm or threat of bodily harm.

17 (c) The court may as a condition of probation or of
18 conditional discharge require that a person under 18 years of
19 age found guilty of any alcohol, cannabis or controlled
20 substance violation, refrain from acquiring a driver's license
21 during the period of probation or conditional discharge. If
22 such person is in possession of a permit or license, the court
23 may require that the minor refrain from driving or operating
24 any motor vehicle during the period of probation or conditional
25 discharge, except as may be necessary in the course of the
26 minor's lawful employment.

1 (d) An offender sentenced to probation or to conditional
2 discharge shall be given a certificate setting forth the
3 conditions thereof.

4 (e) Except where the offender has committed a fourth or
5 subsequent violation of subsection (c) of Section 6-303 of the
6 Illinois Vehicle Code, the court shall not require as a
7 condition of the sentence of probation or conditional discharge
8 that the offender be committed to a period of imprisonment in
9 excess of 6 months. This 6 month limit shall not include
10 periods of confinement given pursuant to a sentence of county
11 impact incarceration under Section 5-8-1.2.

12 Persons committed to imprisonment as a condition of
13 probation or conditional discharge shall not be committed to
14 the Department of Corrections.

15 (f) The court may combine a sentence of periodic
16 imprisonment under Article 7 or a sentence to a county impact
17 incarceration program under Article 8 with a sentence of
18 probation or conditional discharge.

19 (g) An offender sentenced to probation or to conditional
20 discharge and who during the term of either undergoes mandatory
21 drug or alcohol testing, or both, or is assigned to be placed
22 on an approved electronic monitoring device, shall be ordered
23 to pay all costs incidental to such mandatory drug or alcohol
24 testing, or both, and all costs incidental to such approved
25 electronic monitoring in accordance with the defendant's
26 ability to pay those costs. The county board with the

1 concurrence of the Chief Judge of the judicial circuit in which
2 the county is located shall establish reasonable fees for the
3 cost of maintenance, testing, and incidental expenses related
4 to the mandatory drug or alcohol testing, or both, and all
5 costs incidental to approved electronic monitoring, involved
6 in a successful probation program for the county. The
7 concurrence of the Chief Judge shall be in the form of an
8 administrative order. The fees shall be collected by the clerk
9 of the circuit court. The clerk of the circuit court shall pay
10 all moneys collected from these fees to the county treasurer
11 who shall use the moneys collected to defray the costs of drug
12 testing, alcohol testing, and electronic monitoring. The
13 county treasurer shall deposit the fees collected in the county
14 working cash fund under Section 6-27001 or Section 6-29002 of
15 the Counties Code, as the case may be.

16 (h) Jurisdiction over an offender may be transferred from
17 the sentencing court to the court of another circuit with the
18 concurrence of both courts. Further transfers or retransfers of
19 jurisdiction are also authorized in the same manner. The court
20 to which jurisdiction has been transferred shall have the same
21 powers as the sentencing court. The probation department within
22 the circuit to which jurisdiction has been transferred, or
23 which has agreed to provide supervision, may impose probation
24 fees upon receiving the transferred offender, as provided in
25 subsection (i). For all transfer cases, as defined in Section
26 9b of the Probation and Probation Officers Act, the probation

1 department from the original sentencing court shall retain all
2 probation fees collected prior to the transfer. After the
3 transfer all probation fees shall be paid to the probation
4 department within the circuit to which jurisdiction has been
5 transferred.

6 (i) The court shall impose upon an offender sentenced to
7 probation after January 1, 1989 or to conditional discharge
8 after January 1, 1992 or to community service under the
9 supervision of a probation or court services department after
10 January 1, 2004, as a condition of such probation or
11 conditional discharge or supervised community service, a fee of
12 \$50 for each month of probation or conditional discharge
13 supervision or supervised community service ordered by the
14 court, unless after determining the inability of the person
15 sentenced to probation or conditional discharge or supervised
16 community service to pay the fee, the court assesses a lesser
17 fee. The court may not impose the fee on a minor who is made a
18 ward of the State under the Juvenile Court Act of 1987 while
19 the minor is in placement. The fee shall be imposed only upon
20 an offender who is actively supervised by the probation and
21 court services department. The fee shall be collected by the
22 clerk of the circuit court. The clerk of the circuit court
23 shall pay all monies collected from this fee to the county
24 treasurer for deposit in the probation and court services fund
25 under Section 15.1 of the Probation and Probation Officers Act.

26 A circuit court may not impose a probation fee under this

1 subsection (i) in excess of \$25 per month unless the circuit
2 court has adopted, by administrative order issued by the chief
3 judge, a standard probation fee guide determining an offender's
4 ability to pay Of the amount collected as a probation fee, up
5 to \$5 of that fee collected per month may be used to provide
6 services to crime victims and their families.

7 The Court may only waive probation fees based on an
8 offender's ability to pay. The probation department may
9 re-evaluate an offender's ability to pay every 6 months, and,
10 with the approval of the Director of Court Services or the
11 Chief Probation Officer, adjust the monthly fee amount. An
12 offender may elect to pay probation fees due in a lump sum. Any
13 offender that has been assigned to the supervision of a
14 probation department, or has been transferred either under
15 subsection (h) of this Section or under any interstate compact,
16 shall be required to pay probation fees to the department
17 supervising the offender, based on the offender's ability to
18 pay.

19 This amendatory Act of the 93rd General Assembly deletes
20 the \$10 increase in the fee under this subsection that was
21 imposed by Public Act 93-616. This deletion is intended to
22 control over any other Act of the 93rd General Assembly that
23 retains or incorporates that fee increase.

24 (i-5) In addition to the fees imposed under subsection (i)
25 of this Section, in the case of an offender convicted of a
26 felony sex offense (as defined in the Sex Offender Management

1 Board Act) or an offense that the court or probation department
2 has determined to be sexually motivated (as defined in the Sex
3 Offender Management Board Act), the court or the probation
4 department shall assess additional fees to pay for all costs of
5 treatment, assessment, evaluation for risk and treatment, and
6 monitoring the offender, based on that offender's ability to
7 pay those costs either as they occur or under a payment plan.

8 (j) All fines and costs imposed under this Section for any
9 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
10 Code, or a similar provision of a local ordinance, and any
11 violation of the Child Passenger Protection Act, or a similar
12 provision of a local ordinance, shall be collected and
13 disbursed by the circuit clerk as provided under Section 27.5
14 of the Clerks of Courts Act.

15 (k) Any offender who is sentenced to probation or
16 conditional discharge for a felony sex offense as defined in
17 the Sex Offender Management Board Act or any offense that the
18 court or probation department has determined to be sexually
19 motivated as defined in the Sex Offender Management Board Act
20 shall be required to refrain from any contact, directly or
21 indirectly, with any persons specified by the court and shall
22 be available for all evaluations and treatment programs
23 required by the court or the probation department.

24 (l) The court may order an offender who is sentenced to
25 probation or conditional discharge for a violation of an order
26 of protection be placed under electronic surveillance as

1 provided in Section 5-8A-7 of this Code.

2 (Source: P.A. 97-454, eff. 1-1-12; 97-560, eff. 1-1-12; 97-597,
3 eff. 1-1-12; 97-1109, eff. 1-1-13; 97-1131, eff. 1-1-13;
4 97-1150, eff. 1-25-13; 98-575, eff. 1-1-14; 98-718, eff.
5 1-1-15.)

6 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

7 Sec. 5-6-3.1. Incidents and Conditions of Supervision.

8 (a) When a defendant is placed on supervision, the court
9 shall enter an order for supervision specifying the period of
10 such supervision, and shall defer further proceedings in the
11 case until the conclusion of the period.

12 (b) The period of supervision shall be reasonable under all
13 of the circumstances of the case, but may not be longer than 2
14 years, unless the defendant has failed to pay the assessment
15 required by Section 10.3 of the Cannabis Control Act, Section
16 411.2 of the Illinois Controlled Substances Act, or Section 80
17 of the Methamphetamine Control and Community Protection Act, in
18 which case the court may extend supervision beyond 2 years.
19 Additionally, the court shall order the defendant to perform no
20 less than 30 hours of community service and not more than 120
21 hours of community service, if community service is available
22 in the jurisdiction and is funded and approved by the county
23 board where the offense was committed, when the offense (1) was
24 related to or in furtherance of the criminal activities of an
25 organized gang or was motivated by the defendant's membership

1 in or allegiance to an organized gang; or (2) is a violation of
2 any Section of Article 24 of the Criminal Code of 1961 or the
3 Criminal Code of 2012 where a disposition of supervision is not
4 prohibited by Section 5-6-1 of this Code. The community service
5 shall include, but not be limited to, the cleanup and repair of
6 any damage caused by violation of Section 21-1.3 of the
7 Criminal Code of 1961 or the Criminal Code of 2012 and similar
8 damages to property located within the municipality or county
9 in which the violation occurred. Where possible and reasonable,
10 the community service should be performed in the offender's
11 neighborhood.

12 For the purposes of this Section, "organized gang" has the
13 meaning ascribed to it in Section 10 of the Illinois Streetgang
14 Terrorism Omnibus Prevention Act.

15 (c) The court may in addition to other reasonable
16 conditions relating to the nature of the offense or the
17 rehabilitation of the defendant as determined for each
18 defendant in the proper discretion of the court require that
19 the person:

20 (1) make a report to and appear in person before or
21 participate with the court or such courts, person, or
22 social service agency as directed by the court in the order
23 of supervision;

24 (2) pay a fine and costs;

25 (3) work or pursue a course of study or vocational
26 training;

1 (4) undergo medical, psychological or psychiatric
2 treatment; or treatment for drug addiction or alcoholism;

3 (5) attend or reside in a facility established for the
4 instruction or residence of defendants on probation;

5 (6) support his dependents;

6 (7) refrain from possessing a firearm or other
7 dangerous weapon;

8 (8) and in addition, if a minor:

9 (i) reside with his parents or in a foster home;

10 (ii) attend school;

11 (iii) attend a non-residential program for youth;

12 (iv) contribute to his own support at home or in a
13 foster home; or

14 (v) with the consent of the superintendent of the
15 facility, attend an educational program at a facility
16 other than the school in which the offense was
17 committed if he or she is placed on supervision for a
18 crime of violence as defined in Section 2 of the Crime
19 Victims Compensation Act committed in a school, on the
20 real property comprising a school, or within 1,000 feet
21 of the real property comprising a school;

22 (9) make restitution or reparation in an amount not to
23 exceed actual loss or damage to property and pecuniary loss
24 or make restitution under Section 5-5-6 to a domestic
25 violence shelter. The court shall determine the amount and
26 conditions of payment;

1 (10) perform some reasonable public or community
2 service;

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 or an order of protection
6 issued by the court of another state, tribe, or United
7 States territory. If the court has ordered the defendant to
8 make a report and appear in person under paragraph (1) of
9 this subsection, a copy of the order of protection shall be
10 transmitted to the person or agency so designated by the
11 court;

12 (12) reimburse any "local anti-crime program" as
13 defined in Section 7 of the Anti-Crime Advisory Council Act
14 for any reasonable expenses incurred by the program on the
15 offender's case, not to exceed the maximum amount of the
16 fine authorized for the offense for which the defendant was
17 sentenced;

18 (13) contribute a reasonable sum of money, not to
19 exceed the maximum amount of the fine authorized for the
20 offense for which the defendant was sentenced, (i) to a
21 "local anti-crime program", as defined in Section 7 of the
22 Anti-Crime Advisory Council Act, or (ii) for offenses under
23 the jurisdiction of the Department of Natural Resources, to
24 the fund established by the Department of Natural Resources
25 for the purchase of evidence for investigation purposes and
26 to conduct investigations as outlined in Section 805-105 of

1 the Department of Natural Resources (Conservation) Law;

2 (14) refrain from entering into a designated
3 geographic area except upon such terms as the court finds
4 appropriate. Such terms may include consideration of the
5 purpose of the entry, the time of day, other persons
6 accompanying the defendant, and advance approval by a
7 probation officer;

8 (15) refrain from having any contact, directly or
9 indirectly, with certain specified persons or particular
10 types of person, 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) refrain from operating any motor vehicle not
20 equipped with an ignition interlock device as defined in
21 Section 1-129.1 of the Illinois Vehicle Code; under this
22 condition the court may allow a defendant who is not
23 self-employed to operate a vehicle owned by the defendant's
24 employer that is not equipped with an ignition interlock
25 device in the course and scope of the defendant's
26 employment; and

1 (18) if placed on supervision for a sex offense as
2 defined in subsection (a-5) of Section 3-1-2 of this Code,
3 unless the offender is a parent or guardian of the person
4 under 18 years of age present in the home and no
5 non-familial minors are present, not participate in a
6 holiday event involving children under 18 years of age,
7 such as distributing candy or other items to children on
8 Halloween, wearing a Santa Claus costume on or preceding
9 Christmas, being employed as a department store Santa
10 Claus, or wearing an Easter Bunny costume on or preceding
11 Easter.

12 (c-5) If payment of restitution as ordered has not been
13 made, the victim shall file a petition notifying the sentencing
14 court, any other person to whom restitution is owed, and the
15 State's Attorney of the status of the ordered restitution
16 payments unpaid at least 90 days before the supervision
17 expiration date. If payment as ordered has not been made, the
18 court shall hold a review hearing prior to the expiration date,
19 unless the hearing is voluntarily waived by the defendant with
20 the knowledge that waiver may result in an extension of the
21 supervision period or in a revocation of supervision. If the
22 court does not extend supervision, it shall issue a judgment
23 for the unpaid restitution and direct the clerk of the circuit
24 court to file and enter the judgment in the judgment and lien
25 docket, without fee, unless it finds that the victim has
26 recovered a judgment against the defendant for the amount

1 covered by the restitution order. If the court issues a
2 judgment for the unpaid restitution, the court shall send to
3 the defendant at his or her last known address written
4 notification that a civil judgment has been issued for the
5 unpaid restitution.

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 high school equivalency testing or to work
7 toward completing a vocational training program approved by the
8 court. The defendant placed on supervision must attend a public
9 institution of education to obtain the educational or
10 vocational training required by this subsection (k). The
11 defendant placed on supervision shall be required to pay for
12 the cost of the educational courses or high school equivalency
13 testing if a fee is charged for those courses or testing. The
14 court shall revoke the supervision of a person who wilfully
15 fails to comply with this subsection (k). The court shall
16 resentence the defendant upon revocation of supervision as
17 provided in Section 5-6-4. This subsection (k) does not apply
18 to a defendant who has a high school diploma or has
19 successfully passed high school equivalency testing. This
20 subsection (k) does not apply to a defendant who is determined
21 by the court to be a person with a developmental disability
22 ~~developmentally disabled~~ or otherwise mentally incapable of
23 completing the educational or vocational 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 and a person is not related to the accused if the person is
26 not: (i) the spouse, brother, or sister of the accused; (ii) a

1 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; 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.

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. 97-454, eff. 1-1-12; 97-597, eff. 1-1-12;
20 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-718, eff.
21 1-1-15; 98-940, eff. 1-1-15; revised 10-1-14.)

22 (730 ILCS 5/5-7-1) (from Ch. 38, par. 1005-7-1)

23 Sec. 5-7-1. Sentence of Periodic Imprisonment.

24 (a) A sentence of periodic imprisonment is a sentence of
25 imprisonment during which the committed person may be released

1 for periods of time during the day or night or for periods of
2 days, or both, or if convicted of a felony, other than first
3 degree murder, a Class X or Class 1 felony, committed to any
4 county, municipal, or regional correctional or detention
5 institution or facility in this State for such periods of time
6 as the court may direct. Unless the court orders otherwise, the
7 particular times and conditions of release shall be determined
8 by the Department of Corrections, the sheriff, or the
9 Superintendent of the house of corrections, who is
10 administering the program.

11 (b) A sentence of periodic imprisonment may be imposed to
12 permit the defendant to:

- 13 (1) seek employment;
- 14 (2) work;
- 15 (3) conduct a business or other self-employed
16 occupation including housekeeping;
- 17 (4) attend to family needs;
- 18 (5) attend an educational institution, including
19 vocational education;
- 20 (6) obtain medical or psychological treatment;
- 21 (7) perform work duties at a county, municipal, or
22 regional correctional or detention institution or
23 facility;
- 24 (8) continue to reside at home with or without
25 supervision involving the use of an approved electronic
26 monitoring device, subject to Article 8A of Chapter V; or

1 (9) for any other purpose determined by the court.

2 (c) Except where prohibited by other provisions of this
3 Code, the court may impose a sentence of periodic imprisonment
4 for a felony or misdemeanor on a person who is 17 years of age
5 or older. The court shall not impose a sentence of periodic
6 imprisonment if it imposes a sentence of imprisonment upon the
7 defendant in excess of 90 days.

8 (d) A sentence of periodic imprisonment shall be for a
9 definite term of from 3 to 4 years for a Class 1 felony, 18 to
10 30 months for a Class 2 felony, and up to 18 months, or the
11 longest sentence of imprisonment that could be imposed for the
12 offense, whichever is less, for all other offenses; however, no
13 person shall be sentenced to a term of periodic imprisonment
14 longer than one year if he is committed to a county
15 correctional institution or facility, and in conjunction with
16 that sentence participate in a county work release program
17 comparable to the work and day release program provided for in
18 Article 13 of the Unified Code of Corrections in State
19 facilities. The term of the sentence shall be calculated upon
20 the basis of the duration of its term rather than upon the
21 basis of the actual days spent in confinement. No sentence of
22 periodic imprisonment shall be subject to the good time credit
23 provisions of Section 3-6-3 of this Code.

24 (e) When the court imposes a sentence of periodic
25 imprisonment, it shall state:

26 (1) the term of such sentence;

1 (2) the days or parts of days which the defendant is to
2 be confined;

3 (3) the conditions.

4 (f) The court may issue an order of protection pursuant to
5 the Illinois Domestic Violence Act of 1986 as a condition of a
6 sentence of periodic imprisonment. The Illinois Domestic
7 Violence Act of 1986 shall govern the issuance, enforcement and
8 recording of orders of protection issued under this Section. A
9 copy of the order of protection shall be transmitted to the
10 person or agency having responsibility for the case.

11 (f-5) An offender sentenced to a term of periodic
12 imprisonment for a felony sex offense as defined in the Sex
13 Offender Management Board Act shall be required to undergo and
14 successfully complete sex offender treatment by a treatment
15 provider approved by the Board and conducted in conformance
16 with the standards developed under the Sex Offender Management
17 Board Act.

18 (g) An offender sentenced to periodic imprisonment who
19 undergoes mandatory drug or alcohol testing, or both, or is
20 assigned to be placed on an approved electronic monitoring
21 device, shall be ordered to pay the costs incidental to such
22 mandatory drug or alcohol testing, or both, and costs
23 incidental to such approved electronic monitoring in
24 accordance with the defendant's ability to pay those costs. The
25 county board with the concurrence of the Chief Judge of the
26 judicial circuit in which the county is located shall establish

1 reasonable fees for the cost of maintenance, testing, and
2 incidental expenses related to the mandatory drug or alcohol
3 testing, or both, and all costs incidental to approved
4 electronic monitoring, of all offenders with a sentence of
5 periodic imprisonment. The concurrence of the Chief Judge shall
6 be in the form of an administrative order. The fees shall be
7 collected by the clerk of the circuit court. The clerk of the
8 circuit court shall pay all moneys collected from these fees to
9 the county treasurer who shall use the moneys collected to
10 defray the costs of drug testing, alcohol testing, and
11 electronic monitoring. The county treasurer shall deposit the
12 fees collected in the county working cash fund under Section
13 6-27001 or Section 6-29002 of the Counties Code, as the case
14 may be.

15 (h) All fees and costs imposed under this Section for any
16 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
17 Code, or a similar provision of a local ordinance, and any
18 violation of the Child Passenger Protection Act, or a similar
19 provision of a local ordinance, shall be collected and
20 disbursed by the circuit clerk as provided under Section 27.5
21 of the Clerks of Courts Act.

22 (i) A defendant at least 17 years of age who is convicted
23 of a misdemeanor or felony in a county of 3,000,000 or more
24 inhabitants and who has not been previously convicted of a
25 misdemeanor or a felony and who is sentenced to a term of
26 periodic imprisonment may as a condition of his or her sentence

1 be required by the court to attend educational courses designed
2 to prepare the defendant for a high school diploma and to work
3 toward receiving a high school diploma or to work toward
4 passing high school equivalency testing or to work toward
5 completing a vocational training program approved by the court.
6 The defendant sentenced to periodic imprisonment must attend a
7 public institution of education to obtain the educational or
8 vocational training required by this subsection (i). The
9 defendant sentenced to a term of periodic imprisonment shall be
10 required to pay for the cost of the educational courses or high
11 school equivalency testing if a fee is charged for those
12 courses or testing. The court shall revoke the sentence of
13 periodic imprisonment of the defendant who wilfully fails to
14 comply with this subsection (i). The court shall resentence the
15 defendant whose sentence of periodic imprisonment has been
16 revoked as provided in Section 5-7-2. This subsection (i) does
17 not apply to a defendant who has a high school diploma or has
18 successfully passed high school equivalency testing. This
19 subsection (i) does not apply to a defendant who is determined
20 by the court to be a person with a developmental disability
21 ~~developmentally disabled~~ or otherwise mentally incapable of
22 completing the educational or vocational program.

23 (Source: P.A. 98-718, eff. 1-1-15.)

24 Section 915. The Code of Civil Procedure is amended by
25 changing Section 13-114 as follows:

1 (735 ILCS 5/13-114) (from Ch. 110, par. 13-114)

2 Sec. 13-114. Seventy-five year limitation. No deed, will,
3 estate, proof of heirship, plat, affidavit or other instrument
4 or document, or any court proceeding, order or judgment, or any
5 agreement, written or unwritten, sealed or unsealed, or any
6 fact, event, or statement, or any part or copy of any of the
7 foregoing, relating to or affecting the title to real estate in
8 the State of Illinois, which happened, was administered, or was
9 executed, dated, delivered, recorded or entered into more than
10 75 years prior to July 1, 1872, or such subsequent date as the
11 same is offered, presented, urged, claimed, asserted, or
12 appears against any person hereafter becoming interested in the
13 title to any real estate, or to any agent or attorney thereof,
14 shall adversely to the party or parties hereafter coming into
15 possession of such real estate under claim or color of title or
16 persons claiming under him, her or them, constitute notice,
17 either actual or constructive of any right, title, interest or
18 claim in and to such real estate, or any part thereof, or be,
19 or be considered to be evidence or admissible in evidence or be
20 held or urged to make any title unmarketable in part or in
21 whole, or be required or allowed to be alleged or proved as a
22 basis for any action, or any statutory proceeding affecting
23 directly or indirectly the title to such real estate.

24 The limitation of this Section, however, shall be deferred
25 from and after the expiration of such 75 year period for an

1 additional period of 10 years, if a claim in writing in and to
2 real estate therein particularly described, incorporating the
3 terms or substance of any such deed, will, estate, proof of
4 heirship, plat, affidavit, or other instrument or document, or
5 any court proceeding, order or judgment or any agreement,
6 written or unwritten, sealed or unsealed, or any fact, event or
7 statement, or any part or copy thereof in such claim, is filed
8 in the office of the recorder in the county or counties in
9 which such real estate is located:

10 1. within 3 years prior to the expiration of such 75 year
11 period; or

12 2. after the expiration of such 75 year period, by a minor
13 or a claimant under a legal disability who became under such
14 disability during such 75 year period and within 2 years after
15 the disability of such minor or of the claimant a under legal
16 disability has been removed; or

17 3. after the expiration of such 75 year period, by a
18 guardian of a minor or person who was determined by a court to
19 be under a legal disability ~~became legally disabled~~ during such
20 75 year period and within 2 years after such guardian has been
21 appointed for such minor or person under a legal disability.

22 The provisions of this Section shall not apply to or
23 operate against the United States of America or the State of
24 Illinois or any other state of the United States of America; or
25 as to real estate held for a public purpose by any municipality
26 or other political subdivision of the State of Illinois; or

1 against any person under whom the party or parties in
2 possession during the period herein permitted for reassertion
3 of title claim by lease or other privity of contract; or
4 against any person who during the entire period herein
5 permitted for reassertion of title, or prior thereto, has not
6 had the right to sue for and protect his or her claim, interest
7 or title.

8 (Source: P.A. 83-1362.)

9 Section 920. The Crime Victims Compensation Act is amended
10 by changing Section 6.1 as follows:

11 (740 ILCS 45/6.1) (from Ch. 70, par. 76.1)

12 Sec. 6.1. Right to compensation. A person is entitled to
13 compensation under this Act if:

14 (a) Within 2 years of the occurrence of the crime, or
15 within one year after a criminal charge of a person for an
16 offense, upon which the claim is based, he files an
17 application, under oath, with the Court of Claims and on a
18 form prescribed in accordance with Section 7.1 furnished by
19 the Attorney General. If the person entitled to
20 compensation is under 18 years of age or under other legal
21 disability at the time of the occurrence or is determined
22 by a court to be under a legal disability ~~becomes legally~~
23 ~~disabled~~ as a result of the occurrence, he may file the
24 application required by this subsection within 2 years

1 after he attains the age of 18 years or the disability is
2 removed, as the case may be. Legal disability includes a
3 diagnosis of posttraumatic stress disorder.

4 (b) For all crimes of violence, except those listed in
5 subsection (b-1) of this Section, the appropriate law
6 enforcement officials were notified within 72 hours of the
7 perpetration of the crime allegedly causing the death or
8 injury to the victim or, in the event such notification was
9 made more than 72 hours after the perpetration of the
10 crime, the applicant establishes that such notice was
11 timely under the circumstances.

12 (b-1) For victims of offenses defined in Sections
13 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
14 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 or
15 the Criminal Code of 2012, the appropriate law enforcement
16 officials were notified within 7 days of the perpetration
17 of the crime allegedly causing death or injury to the
18 victim or, in the event that the notification was made more
19 than 7 days after the perpetration of the crime, the
20 applicant establishes that the notice was timely under the
21 circumstances. If the applicant or victim has obtained an
22 order of protection, a civil no contact order, or a
23 stalking no contact order, or has presented himself or
24 herself to a hospital for sexual assault evidence
25 collection and medical care, such action shall constitute
26 appropriate notification under this subsection (b-1) or

1 subsection (b) of this Section.

2 (c) The applicant has cooperated with law enforcement
3 officials in the apprehension and prosecution of the
4 assailant. If the applicant or victim has obtained an order
5 of protection, a civil no contact order, or a stalking no
6 contact order or has presented himself or herself to a
7 hospital for sexual assault evidence collection and
8 medical care, such action shall constitute cooperation
9 under this subsection (c).

10 (d) The applicant is not the offender or an accomplice
11 of the offender and the award would not unjustly benefit
12 the offender or his accomplice.

13 (e) The injury to or death of the victim was not
14 substantially attributable to his own wrongful act and was
15 not substantially provoked by the victim.

16 (f) For victims of offenses defined in Section 10-9 of
17 the Criminal Code of 2012, the victim submits a statement
18 under oath on a form prescribed by the Attorney General
19 attesting that the removed tattoo was applied in connection
20 with the commission of the offense.

21 (Source: P.A. 97-817, eff. 1-1-13; 97-1150, eff. 1-25-13;
22 98-435, eff. 1-1-14.)

23 Section 925. The Mental Health and Developmental
24 Disabilities Confidentiality Act is amended by changing
25 Sections 4 and 12 as follows:

1 (740 ILCS 110/4) (from Ch. 91 1/2, par. 804)

2 Sec. 4. (a) The following persons shall be entitled, upon
3 request, to inspect and copy a recipient's record or any part
4 thereof:

5 (1) the parent or guardian of a recipient who is under
6 12 years of age;

7 (2) the recipient if he is 12 years of age or older;

8 (3) the parent or guardian of a recipient who is at
9 least 12 but under 18 years, if the recipient is informed
10 and does not object or if the therapist does not find that
11 there are compelling reasons for denying the access. The
12 parent or guardian who is denied access by either the
13 recipient or the therapist may petition a court for access
14 to the record. Nothing in this paragraph is intended to
15 prohibit the parent or guardian of a recipient who is at
16 least 12 but under 18 years from requesting and receiving
17 the following information: current physical and mental
18 condition, diagnosis, treatment needs, services provided,
19 and services needed, including medication, if any;

20 (4) the guardian of a recipient who is 18 years or
21 older;

22 (5) an attorney or guardian ad litem who represents a
23 minor 12 years of age or older in any judicial or
24 administrative proceeding, provided that the court or
25 administrative hearing officer has entered an order

1 granting the attorney this right;

2 (6) an agent appointed under a recipient's power of
3 attorney for health care or for property, when the power of
4 attorney authorizes the access;

5 (7) an attorney-in-fact appointed under the Mental
6 Health Treatment Preference Declaration Act; or

7 (8) any person in whose care and custody the recipient
8 has been placed pursuant to Section 3-811 of the Mental
9 Health and Developmental Disabilities Code.

10 (b) Assistance in interpreting the record may be provided
11 without charge and shall be provided if the person inspecting
12 the record is under 18 years of age. However, access may in no
13 way be denied or limited if the person inspecting the record
14 refuses the assistance. A reasonable fee may be charged for
15 duplication of a record. However, when requested to do so in
16 writing by any indigent recipient, the custodian of the records
17 shall provide at no charge to the recipient, or to the
18 Guardianship and Advocacy Commission, the agency designated by
19 the Governor under Section 1 of the Protection and Advocacy for
20 Persons with Developmental Disabilities ~~Developmentally~~
21 ~~Disabled Persons~~ Act or to any other not-for-profit agency
22 whose primary purpose is to provide free legal services or
23 advocacy for the indigent and who has received written
24 authorization from the recipient under Section 5 of this Act to
25 receive his records, one copy of any records in its possession
26 whose disclosure is authorized under this Act.

1 (c) Any person entitled to access to a record under this
2 Section may submit a written statement concerning any disputed
3 or new information, which statement shall be entered into the
4 record. Whenever any disputed part of a record is disclosed,
5 any submitted statement relating thereto shall accompany the
6 disclosed part. Additionally, any person entitled to access may
7 request modification of any part of the record which he
8 believes is incorrect or misleading. If the request is refused,
9 the person may seek a court order to compel modification.

10 (d) Whenever access or modification is requested, the
11 request and any action taken thereon shall be noted in the
12 recipient's record.

13 (Source: P.A. 96-1399, eff. 7-29-10; 96-1453, eff. 8-20-10.)

14 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

15 Sec. 12. (a) If the United States Secret Service or the
16 Department of State Police requests information from a mental
17 health or developmental disability facility, as defined in
18 Section 1-107 and 1-114 of the Mental Health and Developmental
19 Disabilities Code, relating to a specific recipient and the
20 facility director determines that disclosure of such
21 information may be necessary to protect the life of, or to
22 prevent the infliction of great bodily harm to, a public
23 official, or a person under the protection of the United States
24 Secret Service, only the following information may be
25 disclosed: the recipient's name, address, and age and the date

1 of any admission to or discharge from a facility; and any
2 information which would indicate whether or not the recipient
3 has a history of violence or presents a danger of violence to
4 the person under protection. Any information so disclosed shall
5 be used for investigative purposes only and shall not be
6 publicly disseminated. Any person participating in good faith
7 in the disclosure of such information in accordance with this
8 provision shall have immunity from any liability, civil,
9 criminal or otherwise, if such information is disclosed relying
10 upon the representation of an officer of the United States
11 Secret Service or the Department of State Police that a person
12 is under the protection of the United States Secret Service or
13 is a public official.

14 For the purpose of this subsection (a), the term "public
15 official" means the Governor, Lieutenant Governor, Attorney
16 General, Secretary of State, State Comptroller, State
17 Treasurer, member of the General Assembly, member of the United
18 States Congress, Judge of the United States as defined in 28
19 U.S.C. 451, Justice of the United States as defined in 28
20 U.S.C. 451, United States Magistrate Judge as defined in 28
21 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or
22 Supreme, Appellate, Circuit, or Associate Judge of the State of
23 Illinois. The term shall also include the spouse, child or
24 children of a public official.

25 (b) The Department of Human Services (acting as successor
26 to the Department of Mental Health and Developmental

1 Disabilities) and all public or private hospitals and mental
2 health facilities are required, as hereafter described in this
3 subsection, to furnish the Department of State Police only such
4 information as may be required for the sole purpose of
5 determining whether an individual who may be or may have been a
6 patient is disqualified because of that status from receiving
7 or retaining a Firearm Owner's Identification Card or falls
8 within the federal prohibitors under subsection (e), (f), (g),
9 (r), (s), or (t) of Section 8 of the Firearm Owners
10 Identification Card Act, or falls within the federal
11 prohibitors in 18 U.S.C. 922(g) and (n). All physicians,
12 clinical psychologists, or qualified examiners at public or
13 private mental health facilities or parts thereof as defined in
14 this subsection shall, in the form and manner required by the
15 Department, provide notice directly to the Department of Human
16 Services, or to his or her employer who shall then report to
17 the Department, within 24 hours after determining that a
18 patient as described in clause (2) of the definition of
19 "patient" in Section 1.1 of the Firearm Owners Identification
20 Card Act poses a clear and present danger to himself, herself,
21 or others, or is determined to be a person with a developmental
22 disability ~~developmentally disabled~~. This information shall be
23 furnished within 24 hours after the physician, clinical
24 psychologist, or qualified examiner has made a determination,
25 or within 7 days after admission to a public or private
26 hospital or mental health facility or the provision of services

1 to a patient described in clause (1) of the definition of
2 "patient" in Section 1.1 of the Firearm Owners Identification
3 Card Act. Any such information disclosed under this subsection
4 shall remain privileged and confidential, and shall not be
5 redisclosed, except as required by subsection (e) of Section
6 3.1 of the Firearm Owners Identification Card Act, nor utilized
7 for any other purpose. The method of requiring the providing of
8 such information shall guarantee that no information is
9 released beyond what is necessary for this purpose. In
10 addition, the information disclosed shall be provided by the
11 Department within the time period established by Section 24-3
12 of the Criminal Code of 2012 regarding the delivery of
13 firearms. The method used shall be sufficient to provide the
14 necessary information within the prescribed time period, which
15 may include periodically providing lists to the Department of
16 Human Services or any public or private hospital or mental
17 health facility of Firearm Owner's Identification Card
18 applicants on which the Department or hospital shall indicate
19 the identities of those individuals who are to its knowledge
20 disqualified from having a Firearm Owner's Identification Card
21 for reasons described herein. The Department may provide for a
22 centralized source of information for the State on this subject
23 under its jurisdiction. The identity of the person reporting
24 under this subsection shall not be disclosed to the subject of
25 the report. For the purposes of this subsection, the physician,
26 clinical psychologist, or qualified examiner making the

1 determination and his or her employer shall not be held
2 criminally, civilly, or professionally liable for making or not
3 making the notification required under this subsection, except
4 for willful or wanton misconduct.

5 Any person, institution, or agency, under this Act,
6 participating in good faith in the reporting or disclosure of
7 records and communications otherwise in accordance with this
8 provision or with rules, regulations or guidelines issued by
9 the Department shall have immunity from any liability, civil,
10 criminal or otherwise, that might result by reason of the
11 action. For the purpose of any proceeding, civil or criminal,
12 arising out of a report or disclosure in accordance with this
13 provision, the good faith of any person, institution, or agency
14 so reporting or disclosing shall be presumed. The full extent
15 of the immunity provided in this subsection (b) shall apply to
16 any person, institution or agency that fails to make a report
17 or disclosure in the good faith belief that the report or
18 disclosure would violate federal regulations governing the
19 confidentiality of alcohol and drug abuse patient records
20 implementing 42 U.S.C. 290dd-3 and 290ee-3.

21 For purposes of this subsection (b) only, the following
22 terms shall have the meaning prescribed:

23 (1) (Blank).

24 (1.3) "Clear and present danger" has the meaning as
25 defined in Section 1.1 of the Firearm Owners Identification
26 Card Act.

1 (1.5) "Person with a developmental disability"
2 ~~Developmentally disabled~~ has the meaning as defined in
3 Section 1.1 of the Firearm Owners Identification Card Act.

4 (2) "Patient" has the meaning as defined in Section 1.1
5 of the Firearm Owners Identification Card Act.

6 (3) "Mental health facility" has the meaning as defined
7 in Section 1.1 of the Firearm Owners Identification Card
8 Act.

9 (c) Upon the request of a peace officer who takes a person
10 into custody and transports such person to a mental health or
11 developmental disability facility pursuant to Section 3-606 or
12 4-404 of the Mental Health and Developmental Disabilities Code
13 or who transports a person from such facility, a facility
14 director shall furnish said peace officer the name, address,
15 age and name of the nearest relative of the person transported
16 to or from the mental health or developmental disability
17 facility. In no case shall the facility director disclose to
18 the peace officer any information relating to the diagnosis,
19 treatment or evaluation of the person's mental or physical
20 health.

21 For the purposes of this subsection (c), the terms "mental
22 health or developmental disability facility", "peace officer"
23 and "facility director" shall have the meanings ascribed to
24 them in the Mental Health and Developmental Disabilities Code.

25 (d) Upon the request of a peace officer or prosecuting
26 authority who is conducting a bona fide investigation of a

1 criminal offense, or attempting to apprehend a fugitive from
2 justice, a facility director may disclose whether a person is
3 present at the facility. Upon request of a peace officer or
4 prosecuting authority who has a valid forcible felony warrant
5 issued, a facility director shall disclose: (1) whether the
6 person who is the subject of the warrant is present at the
7 facility and (2) the date of that person's discharge or future
8 discharge from the facility. The requesting peace officer or
9 prosecuting authority must furnish a case number and the
10 purpose of the investigation or an outstanding arrest warrant
11 at the time of the request. Any person, institution, or agency
12 participating in good faith in disclosing such information in
13 accordance with this subsection (d) is immune from any
14 liability, civil, criminal or otherwise, that might result by
15 reason of the action.

16 (Source: P.A. 97-1150, eff. 1-25-13; 98-63, eff. 7-9-13.)

17 Section 930. The Sports Volunteer Immunity Act is amended
18 by changing Section 1 as follows:

19 (745 ILCS 80/1) (from Ch. 70, par. 701)

20 Sec. 1. Manager, coach, umpire or referee negligence
21 standard.

22 (a) General rule. Except as provided otherwise in this
23 Section, no person who, without compensation and as a
24 volunteer, renders services as a manager, coach, instructor,

1 umpire or referee or who, without compensation and as a
2 volunteer, assists a manager, coach, instructor, umpire or
3 referee in a sports program of a nonprofit association, shall
4 be liable to any person for any civil damages as a result of
5 any acts or omissions in rendering such services or in
6 conducting or sponsoring such sports program, unless the
7 conduct of such person falls substantially below the standards
8 generally practiced and accepted in like circumstances by
9 similar persons rendering such services or conducting or
10 sponsoring such sports programs, and unless it is shown that
11 such person did an act or omitted the doing of an act which
12 such person was under a recognized duty to another to do,
13 knowing or having reason to know that such act or omission
14 created a substantial risk of actual harm to the person or
15 property of another. It shall be insufficient to impose
16 liability to establish only that the conduct of such person
17 fell below ordinary standards of care.

18 (b) Exceptions.

19 (1) Nothing in this Section shall be construed as
20 affecting or modifying the liability of such person or a
21 nonprofit association for any of the following:

22 (i) Acts or omissions relating to the
23 transportation of participants in a sports program or
24 others to or from a game, event or practice.

25 (ii) Acts or omissions relating to the care and
26 maintenance of real estate unrelated to the practice or

1 playing areas which such persons or nonprofit
2 associations own, possess or control.

3 (2) Nothing in this Section shall be construed as
4 affecting or modifying any existing legal basis for
5 determining the liability, or any defense thereto, of any
6 person not covered by the standard of negligence
7 established by this Section.

8 (c) Assumption of risk or comparative fault. Nothing in
9 this Section shall be construed as affecting or modifying the
10 doctrine of assumption of risk or comparative fault on the part
11 of the participant.

12 (d) Definitions. As used in this Act the following words
13 and phrases shall have the meanings given to them in this
14 subsection:

15 "Compensation" means any payment for services performed
16 but does not include reimbursement for reasonable expenses
17 actually incurred or to be incurred or, solely in the case of
18 umpires or referees, a modest honorarium.

19 "Nonprofit association" means an entity which is organized
20 as a not-for-profit corporation under the laws of this State or
21 the United States or a nonprofit unincorporated association or
22 any entity which is authorized to do business in this State as
23 a not-for-profit corporation under the laws of this State,
24 including, but not limited to, youth or athletic associations,
25 volunteer fire, ambulance, religious, charitable, fraternal,
26 veterans, civic, county fair or agricultural associations, or

1 any separately chartered auxiliary of the foregoing, if
2 organized and operated on a nonprofit basis.

3 "Sports program" means baseball (including softball),
4 football, basketball, soccer or any other competitive sport
5 formally recognized as a sport by the United States Olympic
6 Committee as specified by and under the jurisdiction of the
7 Amateur Sports Act of 1978 (36 U.S.C. 371 et seq.), the Amateur
8 Athletic Union or the National Collegiate Athletic
9 Association. The term shall be limited to a program or that
10 portion of a program that is organized for recreational
11 purposes and whose activities are substantially for such
12 purposes and which is primarily for participants who are 18
13 years of age or younger or whose 19th birthday occurs during
14 the year of participation or the competitive season, whichever
15 is longer. There shall, however, be no age limitation for
16 programs operated for persons with physical or intellectual
17 disabilities ~~the physically handicapped or intellectually~~
18 ~~disabled~~.

19 (e) Nothing in this Section is intended to bar any cause of
20 action against a nonprofit association or change the liability
21 of such an association which arises out of an act or omission
22 of any person exempt from liability under this Act.

23 (Source: P.A. 97-227, eff. 1-1-12.)

24 Section 935. The Predator Accountability Act is amended by
25 changing Section 10 as follows:

1 (740 ILCS 128/10)

2 Sec. 10. Definitions. As used in this Act:

3 "Sex trade" means any act, which if proven beyond a
4 reasonable doubt could support a conviction for a violation or
5 attempted violation of any of the following Sections of the
6 Criminal Code of 1961 or the Criminal Code of 2012: 11-14.3
7 (promoting prostitution); 11-14.4 (promoting juvenile
8 prostitution); 11-15 (soliciting for a prostitute); 11-15.1
9 (soliciting for a juvenile prostitute); 11-16 (pandering);
10 11-17 (keeping a place of prostitution); 11-17.1 (keeping a
11 place of juvenile prostitution); 11-19 (pimping); 11-19.1
12 (juvenile pimping and aggravated juvenile pimping); 11-19.2
13 (exploitation of a child); 11-20 (obscenity); 11-20.1 (child
14 pornography); or 11-20.1B or 11-20.3 (aggravated child
15 pornography); or Section 10-9 (trafficking in persons and
16 involuntary servitude).

17 "Sex trade" activity may involve adults and youth of all
18 genders and sexual orientations.

19 "Victim of the sex trade" means, for the following sex
20 trade acts, the person or persons indicated:

21 (1) soliciting for a prostitute: the prostitute who is
22 the object of the solicitation;

23 (2) soliciting for a juvenile prostitute: the juvenile
24 prostitute, or person with a severe or profound
25 intellectual disability ~~severely~~ ~~or~~ ~~profoundly~~

1 ~~intellectually disabled person~~, who is the object of the
2 solicitation;

3 (3) promoting prostitution as described in subdivision
4 (a) (2) (A) or (a) (2) (B) of Section 11-14.3 of the Criminal
5 Code of 1961 or the Criminal Code of 2012, or pandering:
6 the person intended or compelled to act as a prostitute;

7 (4) keeping a place of prostitution: any person
8 intended or compelled to act as a prostitute, while present
9 at the place, during the time period in question;

10 (5) keeping a place of juvenile prostitution: any
11 juvenile intended or compelled to act as a prostitute,
12 while present at the place, during the time period in
13 question;

14 (6) promoting prostitution as described in subdivision
15 (a) (2) (C) of Section 11-14.3 of the Criminal Code of 1961
16 or the Criminal Code of 2012, or pimping: the prostitute
17 from whom anything of value is received;

18 (7) promoting juvenile prostitution as described in
19 subdivision (a) (2) or (a) (3) of Section 11-14.4 of the
20 Criminal Code of 1961 or the Criminal Code of 2012, or
21 juvenile pimping and aggravated juvenile pimping: the
22 juvenile, or person with a severe or profound intellectual
23 disability ~~severely or profoundly intellectually disabled~~
24 ~~person~~, from whom anything of value is received for that
25 person's act of prostitution;

26 (8) promoting juvenile prostitution as described in

1 subdivision (a) (4) of Section 11-14.4 of the Criminal Code
2 of 1961 or the Criminal Code of 2012, or exploitation of a
3 child: the juvenile, or person with a severe or profound
4 intellectual disability ~~severely or profoundly~~
5 ~~intellectually disabled person~~, intended or compelled to
6 act as a prostitute or from whom anything of value is
7 received for that person's act of prostitution;

8 (9) obscenity: any person who appears in or is
9 described or depicted in the offending conduct or material;

10 (10) child pornography or aggravated child
11 pornography: any child, or person with a severe or profound
12 intellectual disability ~~severely or profoundly~~
13 ~~intellectually disabled person~~, who appears in or is
14 described or depicted in the offending conduct or material;

15 or

16 (11) trafficking of persons or involuntary servitude:
17 a "trafficking victim" as defined in Section 10-9 of the
18 Criminal Code of 1961 or the Criminal Code of 2012.

19 (Source: P.A. 96-710, eff. 1-1-10; 96-1551, eff. 7-1-11;
20 97-227, eff. 1-1-12; 97-897, eff. 1-1-13; 97-1109, eff. 1-1-13;
21 97-1150, eff. 1-25-13.)

22 Section 940. The Illinois Marriage and Dissolution of
23 Marriage Act is amended by changing Sections 216, 513, 601, and
24 607 as follows:

1 (750 ILCS 5/216) (from Ch. 40, par. 216)

2 Sec. 216. Prohibited Marriages Void if Contracted in
3 Another State.) That if any person residing and intending to
4 continue to reside in this state and who is a person with a
5 disability ~~disabled~~ or prohibited from contracting marriage
6 under the laws of this state, shall go into another state or
7 country and there contract a marriage prohibited and declared
8 void by the laws of this state, such marriage shall be null and
9 void for all purposes in this state with the same effect as
10 though such prohibited marriage had been entered into in this
11 state.

12 (Source: P.A. 80-923.)

13 (750 ILCS 5/513) (from Ch. 40, par. 513)

14 Sec. 513. Support for Non-minor Children and Educational
15 Expenses.

16 (a) The court may award sums of money out of the property
17 and income of either or both parties or the estate of a
18 deceased parent, as equity may require, for the support of the
19 child or children of the parties who have attained majority in
20 the following instances:

21 (1) When the child is a person with a mental or
22 physical disability ~~mentally or physically disabled~~ and
23 not otherwise emancipated, an application for support may
24 be made before or after the child has attained majority.

25 (2) The court may also make provision for the

1 educational expenses of the child or children of the
2 parties, whether of minor or majority age, and an
3 application for educational expenses may be made before or
4 after the child has attained majority, or after the death
5 of either parent. The authority under this Section to make
6 provision for educational expenses extends not only to
7 periods of college education or professional or other
8 training after graduation from high school, but also to any
9 period during which the child of the parties is still
10 attending high school, even though he or she attained the
11 age of 19. The educational expenses may include, but shall
12 not be limited to, room, board, dues, tuition,
13 transportation, books, fees, registration and application
14 costs, medical expenses including medical insurance,
15 dental expenses, and living expenses during the school year
16 and periods of recess, which sums may be ordered payable to
17 the child, to either parent, or to the educational
18 institution, directly or through a special account or trust
19 created for that purpose, as the court sees fit.

20 If educational expenses are ordered payable, each
21 parent and the child shall sign any consents necessary for
22 the educational institution to provide the supporting
23 parent with access to the child's academic transcripts,
24 records, and grade reports. The consents shall not apply to
25 any non-academic records. Failure to execute the required
26 consent may be a basis for a modification or termination of

1 any order entered under this Section. Unless the court
2 specifically finds that the child's safety would be
3 jeopardized, each parent is entitled to know the name of
4 the educational institution the child attends. This
5 amendatory Act of the 95th General Assembly applies to all
6 orders entered under this paragraph (2) on or after the
7 effective date of this amendatory Act of the 95th General
8 Assembly.

9 The authority under this Section to make provision for
10 educational expenses, except where the child is a person
11 with a mental or physical disability ~~mentally or physically~~
12 ~~disabled~~ and not otherwise emancipated, terminates when
13 the child receives a baccalaureate degree.

14 (b) In making awards under paragraph (1) or (2) of
15 subsection (a), or pursuant to a petition or motion to
16 decrease, modify, or terminate any such award, the court shall
17 consider all relevant factors that appear reasonable and
18 necessary, including:

19 (1) The financial resources of both parents.

20 (2) The standard of living the child would have enjoyed
21 had the marriage not been dissolved.

22 (3) The financial resources of the child.

23 (4) The child's academic performance.

24 (Source: P.A. 95-954, eff. 8-29-08.)

25 (750 ILCS 5/601) (from Ch. 40, par. 601)

1 Sec. 601. Jurisdiction; Commencement of Proceeding.

2 (a) A court of this State competent to decide child custody
3 matters has jurisdiction to make a child custody determination
4 in original or modification proceedings as provided in Section
5 201 of the Uniform Child-Custody Jurisdiction and Enforcement
6 Act as adopted by this State.

7 (b) A child custody proceeding is commenced in the court:

8 (1) by a parent, by filing a petition:

9 (i) for dissolution of marriage or legal
10 separation or declaration of invalidity of marriage;
11 or

12 (ii) for custody of the child, in the county in
13 which he is permanently resident or found;

14 (2) by a person other than a parent, by filing a
15 petition for custody of the child in the county in which he
16 is permanently resident or found, but only if he is not in
17 the physical custody of one of his parents; ~~or~~

18 (3) by a stepparent, by filing a petition, if all of
19 the following circumstances are met:

20 (A) the child is at least 12 years old;

21 (B) the custodial parent and stepparent were
22 married for at least 5 years during which the child
23 resided with the parent and stepparent;

24 (C) the custodial parent is deceased or is a person
25 with a disability ~~disabled~~ and cannot perform the
26 duties of a parent to the child;

1 (D) the stepparent provided for the care, control,
2 and welfare to the child prior to the initiation of
3 custody proceedings;

4 (E) the child wishes to live with the stepparent;
5 and

6 (F) it is alleged to be in the best interests and
7 welfare of the child to live with the stepparent as
8 provided in Section 602 of this Act; ~~or-~~

9 (4) when ~~when~~ one of the parents is deceased, by a
10 grandparent who is a parent or stepparent of a deceased
11 parent, by filing a petition, if one or more of the
12 following existed at the time of the parent's death:

13 (A) the surviving parent had been absent from the
14 marital abode for more than one month without the
15 deceased spouse knowing his or her whereabouts;

16 (B) the surviving parent was in State or federal
17 custody; or

18 (C) the surviving parent had: (i) received
19 supervision for or been convicted of any violation of
20 Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
21 11-1.70, 12C-5, 12C-10, 12C-35, 12C-40, 12C-45, 18-6,
22 19-6, or Article 12 of the Criminal Code of 1961 or the
23 Criminal Code of 2012 directed towards the deceased
24 parent or the child; or (ii) received supervision or
25 been convicted of violating an order of protection
26 entered under Section 217, 218, or 219 of the Illinois

1 Domestic Violence Act of 1986 for the protection of the
2 deceased parent or the child.

3 (c) Notice of a child custody proceeding, including an
4 action for modification of a previous custody order, shall be
5 given to the child's parents, guardian and custodian, who may
6 appear, be heard, and file a responsive pleading. The court,
7 upon showing of good cause, may permit intervention of other
8 interested parties.

9 (d) Proceedings for modification of a previous custody
10 order commenced more than 30 days following the entry of a
11 previous custody order must be initiated by serving a written
12 notice and a copy of the petition for modification upon the
13 child's parent, guardian and custodian at least 30 days prior
14 to hearing on the petition. Nothing in this Section shall
15 preclude a party in custody modification proceedings from
16 moving for a temporary order under Section 603 of this Act.

17 (e) (Blank).

18 (f) The court shall, at the court's discretion or upon the
19 request of any party entitled to petition for custody of the
20 child, appoint a guardian ad litem to represent the best
21 interest of the child for the duration of the custody
22 proceeding or for any modifications of any custody orders
23 entered. Nothing in this Section shall be construed to prevent
24 the court from appointing the same guardian ad litem for 2 or
25 more children that are siblings or half-siblings.

26 (Source: P.A. 97-1150, eff. 1-25-13; revised 12-10-14.)

1 (750 ILCS 5/607) (from Ch. 40, par. 607)

2 Sec. 607. Visitation.

3 (a) A parent not granted custody of the child is entitled
4 to reasonable visitation rights unless the court finds, after a
5 hearing, that visitation would endanger seriously the child's
6 physical, mental, moral or emotional health. If the custodian's
7 street address is not identified, pursuant to Section 708, the
8 court shall require the parties to identify reasonable
9 alternative arrangements for visitation by a non-custodial
10 parent, including but not limited to visitation of the minor
11 child at the residence of another person or at a local public
12 or private facility.

13 (1) "Visitation" means in-person time spent between a
14 child and the child's parent. In appropriate
15 circumstances, it may include electronic communication
16 under conditions and at times determined by the court.

17 (2) "Electronic communication" means time that a
18 parent spends with his or her child during which the child
19 is not in the parent's actual physical custody, but which
20 is facilitated by the use of communication tools such as
21 the telephone, electronic mail, instant messaging, video
22 conferencing or other wired or wireless technologies via
23 the Internet, or another medium of communication.

24 (a-3) Grandparents, great-grandparents, and siblings of a
25 minor child, who is one year old or older, have standing to

1 bring an action in circuit court by petition, requesting
2 visitation in accordance with this Section. The term "sibling"
3 in this Section means a brother, sister, stepbrother, or
4 stepsister of the minor child. Grandparents,
5 great-grandparents, and siblings also have standing to file a
6 petition for visitation and any electronic communication
7 rights in a pending dissolution proceeding or any other
8 proceeding that involves custody or visitation issues,
9 requesting visitation in accordance with this Section. A
10 petition for visitation with a child by a person other than a
11 parent must be filed in the county in which the child resides.
12 Nothing in this subsection (a-3) and subsection (a-5) of this
13 Section shall apply to a child in whose interests a petition is
14 pending under Section 2-13 of the Juvenile Court Act of 1987 or
15 a petition to adopt an unrelated child is pending under the
16 Adoption Act.

17 (a-5) (1) Except as otherwise provided in this subsection
18 (a-5), any grandparent, great-grandparent, or sibling may file
19 a petition for visitation rights to a minor child if there is
20 an unreasonable denial of visitation by a parent and at least
21 one of the following conditions exists:

22 (A) (Blank);

23 (A-5) the child's other parent is deceased or has been
24 missing for at least 3 months. For the purposes of this
25 Section a parent is considered to be missing if the
26 parent's location has not been determined and the parent

1 has been reported as missing to a law enforcement agency;

2 (A-10) a parent of the child is incompetent as a matter
3 of law;

4 (A-15) a parent has been incarcerated in jail or prison
5 during the 3 month period preceding the filing of the
6 petition;

7 (B) the child's mother and father are divorced or have
8 been legally separated from each other or there is pending
9 a dissolution proceeding involving a parent of the child or
10 another court proceeding involving custody or visitation
11 of the child (other than any adoption proceeding of an
12 unrelated child) and at least one parent does not object to
13 the grandparent, great-grandparent, or sibling having
14 visitation with the child. The visitation of the
15 grandparent, great-grandparent, or sibling must not
16 diminish the visitation of the parent who is not related to
17 the grandparent, great-grandparent, or sibling seeking
18 visitation;

19 (C) (Blank);

20 (D) the child is born out of wedlock, the parents are
21 not living together, and the petitioner is a maternal
22 grandparent, great-grandparent, or sibling of the child
23 born out of wedlock; or

24 (E) the child is born out of wedlock, the parents are
25 not living together, the petitioner is a paternal
26 grandparent, great-grandparent, or sibling, and the

1 paternity has been established by a court of competent
2 jurisdiction.

3 (2) Any visitation rights granted pursuant to this Section
4 before the filing of a petition for adoption of a child shall
5 automatically terminate by operation of law upon the entry of
6 an order terminating parental rights or granting the adoption
7 of the child, whichever is earlier. If the person or persons
8 who adopted the child are related to the child, as defined by
9 Section 1 of the Adoption Act, any person who was related to
10 the child as grandparent, great-grandparent, or sibling prior
11 to the adoption shall have standing to bring an action pursuant
12 to this Section requesting visitation with the child.

13 (3) In making a determination under this subsection (a-5),
14 there is a rebuttable presumption that a fit parent's actions
15 and decisions regarding grandparent, great-grandparent, or
16 sibling visitation are not harmful to the child's mental,
17 physical, or emotional health. The burden is on the party
18 filing a petition under this Section to prove that the parent's
19 actions and decisions regarding visitation times are harmful to
20 the child's mental, physical, or emotional health.

21 (4) In determining whether to grant visitation, the court
22 shall consider the following:

23 (A) the preference of the child if the child is
24 determined to be of sufficient maturity to express a
25 preference;

26 (B) the mental and physical health of the child;

1 (C) the mental and physical health of the grandparent,
2 great-grandparent, or sibling;

3 (D) the length and quality of the prior relationship
4 between the child and the grandparent, great-grandparent,
5 or sibling;

6 (E) the good faith of the party in filing the petition;

7 (F) the good faith of the person denying visitation;

8 (G) the quantity of the visitation time requested and
9 the potential adverse impact that visitation would have on
10 the child's customary activities;

11 (H) whether the child resided with the petitioner for
12 at least 6 consecutive months with or without the current
13 custodian present;

14 (I) whether the petitioner had frequent or regular
15 contact or visitation with the child for at least 12
16 consecutive months;

17 (J) any other fact that establishes that the loss of
18 the relationship between the petitioner and the child is
19 likely to harm the child's mental, physical, or emotional
20 health; and

21 (K) whether the grandparent, great-grandparent, or
22 sibling was a primary caretaker of the child for a period
23 of not less than 6 consecutive months.

24 (5) The court may order visitation rights for the
25 grandparent, great-grandparent, or sibling that include
26 reasonable access without requiring overnight or possessory

1 visitation.

2 (a-7) (1) Unless by stipulation of the parties, no motion to
3 modify a grandparent, great-grandparent, or sibling visitation
4 order may be made earlier than 2 years after the date the order
5 was filed, unless the court permits it to be made on the basis
6 of affidavits that there is reason to believe the child's
7 present environment may endanger seriously the child's mental,
8 physical, or emotional health.

9 (2) The court shall not modify an order that grants
10 visitation to a grandparent, great-grandparent, or sibling
11 unless it finds by clear and convincing evidence, upon the
12 basis of facts that have arisen since the prior visitation
13 order or that were unknown to the court at the time of entry of
14 the prior visitation, that a change has occurred in the
15 circumstances of the child or his or her custodian, and that
16 the modification is necessary to protect the mental, physical,
17 or emotional health of the child. The court shall state in its
18 decision specific findings of fact in support of its
19 modification or termination of the grandparent,
20 great-grandparent, or sibling visitation. A child's parent may
21 always petition to modify visitation upon changed
22 circumstances when necessary to promote the child's best
23 interest.

24 (3) Attorney fees and costs shall be assessed against a
25 party seeking modification of the visitation order if the court
26 finds that the modification action is vexatious and constitutes

1 harassment.

2 (4) Notice under this subsection (a-7) shall be given as
3 provided in subsections (c) and (d) of Section 601.

4 (b) (1) (Blank.)

5 (1.5) The Court may grant reasonable visitation privileges
6 to a stepparent upon petition to the court by the stepparent,
7 with notice to the parties required to be notified under
8 Section 601 of this Act, if the court determines that it is in
9 the best interests and welfare of the child, and may issue any
10 necessary orders to enforce those visitation privileges. A
11 petition for visitation privileges may be filed under this
12 paragraph (1.5) whether or not a petition pursuant to this Act
13 has been previously filed or is currently pending if the
14 following circumstances are met:

15 (A) the child is at least 12 years old;

16 (B) the child resided continuously with the parent and
17 stepparent for at least 5 years;

18 (C) the parent is deceased or is a person with a
19 disability ~~disabled~~ and is unable to care for the child;

20 (D) the child wishes to have reasonable visitation with
21 the stepparent; and

22 (E) the stepparent was providing for the care, control,
23 and welfare to the child prior to the initiation of the
24 petition for visitation.

25 (2) (A) A petition for visitation privileges shall not be
26 filed pursuant to this subsection (b) by the parents or

1 grandparents of a putative father if the paternity of the
2 putative father has not been legally established.

3 (B) A petition for visitation privileges may not be filed
4 under this subsection (b) if the child who is the subject of
5 the grandparents' or great-grandparents' petition has been
6 voluntarily surrendered by the parent or parents, except for a
7 surrender to the Illinois Department of Children and Family
8 Services or a foster care facility, or has been previously
9 adopted by an individual or individuals who are not related to
10 the biological parents of the child or is the subject of a
11 pending adoption petition by an individual or individuals who
12 are not related to the biological parents of the child.

13 (3) (Blank).

14 (c) The court may modify an order granting or denying
15 visitation rights of a parent whenever modification would serve
16 the best interest of the child; but the court shall not
17 restrict a parent's visitation rights unless it finds that the
18 visitation would endanger seriously the child's physical,
19 mental, moral or emotional health.

20 (d) If any court has entered an order prohibiting a
21 non-custodial parent of a child from any contact with a child
22 or restricting the non-custodial parent's contact with the
23 child, the following provisions shall apply:

24 (1) If an order has been entered granting visitation
25 privileges with the child to a grandparent or
26 great-grandparent who is related to the child through the

1 non-custodial parent, the visitation privileges of the
2 grandparent or great-grandparent may be revoked if:

3 (i) a court has entered an order prohibiting the
4 non-custodial parent from any contact with the child,
5 and the grandparent or great-grandparent is found to
6 have used his or her visitation privileges to
7 facilitate contact between the child and the
8 non-custodial parent; or

9 (ii) a court has entered an order restricting the
10 non-custodial parent's contact with the child, and the
11 grandparent or great-grandparent is found to have used
12 his or her visitation privileges to facilitate contact
13 between the child and the non-custodial parent in a
14 manner that violates the terms of the order restricting
15 the non-custodial parent's contact with the child.

16 Nothing in this subdivision (1) limits the authority of
17 the court to enforce its orders in any manner permitted by
18 law.

19 (2) Any order granting visitation privileges with the
20 child to a grandparent or great-grandparent who is related
21 to the child through the non-custodial parent shall contain
22 the following provision:

23 "If the (grandparent or great-grandparent, whichever
24 is applicable) who has been granted visitation privileges
25 under this order uses the visitation privileges to
26 facilitate contact between the child and the child's

1 non-custodial parent, the visitation privileges granted
2 under this order shall be permanently revoked."

3 (e) No parent, not granted custody of the child, or
4 grandparent, or great-grandparent, or stepparent, or sibling
5 of any minor child, convicted of any offense involving an
6 illegal sex act perpetrated upon a victim less than 18 years of
7 age including but not limited to offenses for violations of
8 Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-1.70,
9 or Article 12 of the Criminal Code of 1961 or the Criminal Code
10 of 2012, is entitled to visitation rights while incarcerated or
11 while on parole, probation, conditional discharge, periodic
12 imprisonment, or mandatory supervised release for that
13 offense, and upon discharge from incarceration for a
14 misdemeanor offense or upon discharge from parole, probation,
15 conditional discharge, periodic imprisonment, or mandatory
16 supervised release for a felony offense, visitation shall be
17 denied until the person successfully completes a treatment
18 program approved by the court.

19 (f) Unless the court determines, after considering all
20 relevant factors, including but not limited to those set forth
21 in Section 602(a), that it would be in the best interests of
22 the child to allow visitation, the court shall not enter an
23 order providing visitation rights and pursuant to a motion to
24 modify visitation shall revoke visitation rights previously
25 granted to any person who would otherwise be entitled to
26 petition for visitation rights under this Section who has been

1 convicted of first degree murder of the parent, grandparent,
2 great-grandparent, or sibling of the child who is the subject
3 of the order. Until an order is entered pursuant to this
4 subsection, no person shall visit, with the child present, a
5 person who has been convicted of first degree murder of the
6 parent, grandparent, great-grandparent, or sibling of the
7 child without the consent of the child's parent, other than a
8 parent convicted of first degree murder as set forth herein, or
9 legal guardian.

10 (g) (Blank).

11 (h) Upon motion, the court may allow a parent who is
12 deployed or who has orders to be deployed as a member of the
13 United States Armed Forces to designate a person known to the
14 child to exercise reasonable substitute visitation on behalf of
15 the deployed parent, if the court determines that substitute
16 visitation is in the best interest of the child. In determining
17 whether substitute visitation is in the best interest of the
18 child, the court shall consider all of the relevant factors
19 listed in subsection (a) of Section 602 and apply those factors
20 to the person designated as a substitute for the deployed
21 parent for visitation purposes.

22 (Source: P.A. 96-331, eff. 1-1-10; 97-659, eff. 6-1-12;
23 97-1150, eff. 1-25-13.)

24 Section 945. The Adoption Act is amended by changing
25 Section 12 as follows:

1 (750 ILCS 50/12) (from Ch. 40, par. 1514)

2 Sec. 12. Consent of child or adult. If, upon the date of
3 the entry of the judgment the person sought to be adopted is of
4 the age of 14 years or upwards, the adoption shall not be made
5 without the consent of such person. Such consent shall be in
6 writing and shall be acknowledged by such person as provided in
7 Section 10 of this Act, provided, that if such person is in
8 need of mental treatment or is a person with an intellectual
9 disability ~~intellectually disabled~~, the court may waive the
10 provisions of this Section. No consent shall be required under
11 this Section if the person sought to be adopted has died before
12 giving such consent.

13 (Source: P.A. 97-227, eff. 1-1-12.)

14 Section 950. The Address Confidentiality for Victims of
15 Domestic Violence Act is amended by changing Section 15 as
16 follows:

17 (750 ILCS 61/15)

18 Sec. 15. Address confidentiality program; application;
19 certification.

20 (a) An adult person, a parent or guardian acting on behalf
21 of a minor, or a guardian acting on behalf of a person with a
22 disability ~~disabled person~~, as defined in Article 11a of the
23 Probate Act of 1975, may apply to the Attorney General to have

1 an address designated by the Attorney General serve as the
2 person's address or the address of the minor or person with a
3 disability ~~disabled person~~. The Attorney General shall approve
4 an application if it is filed in the manner and on the form
5 prescribed by him or her and if it contains:

6 (1) a sworn statement by the applicant that the
7 applicant has good reason to believe (i) that the
8 applicant, or the minor or person with a disability
9 ~~disabled person~~ on whose behalf the application is made, is
10 a victim of domestic violence; and (ii) that the applicant
11 fears for his or her safety or his or her children's
12 safety, or the safety of the minor or person with a
13 disability ~~disabled person~~ on whose behalf the application
14 is made;

15 (2) a designation of the Attorney General as agent for
16 purposes of service of process and receipt of mail;

17 (3) the mailing address where the applicant can be
18 contacted by the Attorney General, and the phone number or
19 numbers where the applicant can be called by the Attorney
20 General;

21 (4) the new address or addresses that the applicant
22 requests not be disclosed for the reason that disclosure
23 will increase the risk of domestic violence; and

24 (5) the signature of the applicant and of any
25 individual or representative of any office designated in
26 writing under Section 40 of this Act who assisted in the

1 preparation of the application, and the date on which the
2 applicant signed the application.

3 (b) Applications shall be filed with the office of the
4 Attorney General.

5 (c) Upon filing a properly completed application, the
6 Attorney General shall certify the applicant as a program
7 participant. Applicants shall be certified for 4 years
8 following the date of filing unless the certification is
9 withdrawn or invalidated before that date. The Attorney General
10 shall by rule establish a renewal procedure.

11 (d) A person who falsely attests in an application that
12 disclosure of the applicant's address would endanger the
13 applicant's safety or the safety of the applicant's children or
14 the minor or incapacitated person on whose behalf the
15 application is made, or who knowingly provides false or
16 incorrect information upon making an application, is guilty of
17 a Class 3 felony.

18 (Source: P.A. 91-494, eff. 1-1-00.)

19 Section 955. The Parental Notice of Abortion Act of 1995 is
20 amended by changing Section 10 as follows:

21 (750 ILCS 70/10)

22 Sec. 10. Definitions. As used in this Act:

23 "Abortion" means the use of any instrument, medicine, drug,
24 or any other substance or device to terminate the pregnancy of

1 a woman known to be pregnant with an intention other than to
2 increase the probability of a live birth, to preserve the life
3 or health of a child after live birth, or to remove a dead
4 fetus.

5 "Actual notice" means the giving of notice directly, in
6 person, or by telephone.

7 "Adult family member" means a person over 21 years of age
8 who is the parent, grandparent, step-parent living in the
9 household, or legal guardian.

10 "Constructive notice" means notice by certified mail to the
11 last known address of the person entitled to notice with
12 delivery deemed to have occurred 48 hours after the certified
13 notice is mailed.

14 "Incompetent" means any person who has been adjudged as
15 mentally ill or as a person with a developmental disability
16 ~~developmentally disabled~~ and who, because of her mental illness
17 or developmental disability, is not fully able to manage her
18 person and for whom a guardian of the person has been appointed
19 under Section 11a-3(a) (1) of the Probate Act of 1975.

20 "Medical emergency" means a condition that, on the basis of
21 the physician's good faith clinical judgment, so complicates
22 the medical condition of a pregnant woman as to necessitate the
23 immediate abortion of her pregnancy to avert her death or for
24 which a delay will create serious risk of substantial and
25 irreversible impairment of major bodily function.

26 "Minor" means any person under 18 years of age who is not

1 or has not been married or who has not been emancipated under
2 the Emancipation of Minors Act.

3 "Neglect" means the failure of an adult family member to
4 supply a child with necessary food, clothing, shelter, or
5 medical care when reasonably able to do so or the failure to
6 protect a child from conditions or actions that imminently and
7 seriously endanger the child's physical or mental health when
8 reasonably able to do so.

9 "Physical abuse" means any physical injury intentionally
10 inflicted by an adult family member on a child.

11 "Physician" means any person licensed to practice medicine
12 in all its branches under the Illinois Medical Practice Act of
13 1987.

14 "Sexual abuse" means any sexual conduct or sexual
15 penetration as defined in Section 11-0.1 of the Criminal Code
16 of 2012 that is prohibited by the criminal laws of the State of
17 Illinois and committed against a minor by an adult family
18 member as defined in this Act.

19 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

20 Section 960. The Probate Act of 1975 is amended by changing
21 Sections 1-2.17, 1-2.23, 1-2.24, 2-6.2, 2-6.6, 6-2, 6-6, 6-10,
22 6-12, 6-13, 6-20, 9-1, 9-3, 9-4, 9-5, 9-6, 9-8, and 11-3 and
23 the heading of Article XIa and Sections 11a-1, 11a-2, 11a-3,
24 11a-3.1, 11a-3.2, 11a-4, 11a-5, 11a-6, 11a-8, 11a-8.1, 11a-10,
25 11a-10.2, 11a-11, 11a-12, 11a-13, 11a-16, 11a-17, 11a-18,

1 11a-18.1, 11a-18.2, 11a-18.3, 11a-20, 11a-22, 11a-24, 12-2,
2 12-4, 13-2, 13-3.1, 13-5, 18-1.1, 18-8, 23-2, 26-3, 28-2, 28-3,
3 and 28-10 as follows:

4 (755 ILCS 5/1-2.17) (from Ch. 110 1/2, par. 1-2.17)

5 Sec. 1-2.17. "Ward" includes a minor or a person with a
6 disability ~~and disabled person~~.

7 (Source: P.A. 81-213.)

8 (755 ILCS 5/1-2.23)

9 Sec. 1-2.23. "Standby guardian" means: (i) a guardian of
10 the person or estate, or both, of a minor, as appointed by the
11 court under Section 11-5.3, to become effective at a later date
12 under Section 11-13.1 or (ii) a guardian of the person or
13 estate, or both, of a person with a disability ~~disabled person~~,
14 as appointed by the court under Section 11a-3.1, to become
15 effective at a later date under Section 11a-18.2.

16 (Source: P.A. 90-796, eff. 12-15-98.)

17 (755 ILCS 5/1-2.24)

18 Sec. 1-2.24. "Short-term guardian" means a guardian of the
19 person of a minor as appointed by a parent of the minor under
20 Section 11-5.4 or a guardian of the person of a person with a
21 disability ~~disabled person~~ as appointed by the guardian of the
22 person with a disability ~~disabled person~~ under Section 11a-3.2.

23 (Source: P.A. 90-796, eff. 12-15-98.)

1 (755 ILCS 5/2-6.2)

2 Sec. 2-6.2. Financial exploitation, abuse, or neglect of an
3 elderly person or a person with a disability.

4 (a) In this Section:

5 "Abuse" means any offense described in Section 12-21 or
6 subsection (b) of Section 12-4.4a of the Criminal Code of 1961
7 or the Criminal Code of 2012.

8 "Financial exploitation" means any offense or act
9 described or defined in Section 16-1.3 or 17-56 of the Criminal
10 Code of 1961 or the Criminal Code of 2012, and, in the context
11 of civil proceedings, the taking, use, or other
12 misappropriation of the assets or resources of an elderly
13 person or a person with a disability contrary to law,
14 including, but not limited to, misappropriation of assets or
15 resources by undue influence, breach of a fiduciary
16 relationship, fraud, deception, extortion, and conversion.

17 "Neglect" means any offense described in Section 12-19 or
18 subsection (a) of Section 12-4.4a of the Criminal Code of 1961
19 or the Criminal Code of 2012.

20 (b) Persons convicted of financial exploitation, abuse, or
21 neglect of an elderly person or a person with a disability or
22 persons who have been found by a preponderance of the evidence
23 to be civilly liable for financial exploitation shall not
24 receive any property, benefit, or other interest by reason of
25 the death of that elderly person or person with a disability,

1 whether as heir, legatee, beneficiary, survivor, appointee,
2 claimant under Section 18-1.1, or in any other capacity and
3 whether the property, benefit, or other interest passes
4 pursuant to any form of title registration, testamentary or
5 nontestamentary instrument, intestacy, renunciation, or any
6 other circumstance. Except as provided in subsection (f) of
7 this Section, the property, benefit, or other interest shall
8 pass as if the person convicted of the financial exploitation,
9 abuse, or neglect or person found civilly liable for financial
10 exploitation died before the decedent, provided that with
11 respect to joint tenancy property the interest possessed prior
12 to the death by the person convicted of the financial
13 exploitation, abuse, or neglect shall not be diminished by the
14 application of this Section. Notwithstanding the foregoing, a
15 person convicted of financial exploitation, abuse, or neglect
16 of an elderly person or a person with a disability or a person
17 who has been found by a preponderance of the evidence to be
18 civilly liable for financial exploitation shall be entitled to
19 receive property, a benefit, or an interest in any capacity and
20 under any circumstances described in this subsection (b) if it
21 is demonstrated by clear and convincing evidence that the
22 victim of that offense knew of the conviction or finding of
23 civil liability and subsequent to the conviction or finding of
24 civil liability expressed or ratified his or her intent to
25 transfer the property, benefit, or interest to the person
26 convicted of financial exploitation, abuse, or neglect of an

1 elderly person or a person with a disability or the person
2 found by a preponderance of the evidence to be civilly liable
3 for financial exploitation in any manner contemplated by this
4 subsection (b).

5 (c) (1) The holder of any property subject to the provisions
6 of this Section shall not be liable for distributing or
7 releasing the property to the person convicted of financial
8 exploitation, abuse, or neglect of an elderly person or a
9 person with a disability or the person who has been found by a
10 preponderance of the evidence to be civilly liable for
11 financial exploitation if the distribution or release occurs
12 prior to the conviction or finding of civil liability.

13 (2) If the holder is a financial institution, trust
14 company, trustee, or similar entity or person, the holder shall
15 not be liable for any distribution or release of the property,
16 benefit, or other interest to the person convicted of a
17 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
18 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
19 of 1961 or the Criminal Code of 2012 or the person who has been
20 found by a preponderance of the evidence to be civilly liable
21 for financial exploitation unless the holder knowingly
22 distributes or releases the property, benefit, or other
23 interest to the person so convicted or found civilly liable
24 after first having received actual written notice of the
25 conviction in sufficient time to act upon the notice.

26 (d) If the holder of any property subject to the provisions

1 of this Section knows that a potential beneficiary has been
2 convicted of financial exploitation, abuse, or neglect of an
3 elderly person or a person with a disability or has been found
4 by a preponderance of the evidence to be civilly liable for
5 financial exploitation within the scope of this Section, the
6 holder shall fully cooperate with law enforcement authorities
7 and judicial officers in connection with any investigation of
8 the financial exploitation, abuse, or neglect. If the holder is
9 a person or entity that is subject to regulation by a
10 regulatory agency pursuant to the laws of this or any other
11 state or pursuant to the laws of the United States, including
12 but not limited to the business of a financial institution,
13 corporate fiduciary, or insurance company, then such person or
14 entity shall not be deemed to be in violation of this Section
15 to the extent that privacy laws and regulations applicable to
16 such person or entity prevent it from voluntarily providing law
17 enforcement authorities or judicial officers with information.

18 (e) A civil action against a person for financial
19 exploitation may be brought by an interested person, pursuant
20 to this Section, after the death of the victim or during the
21 lifetime of the victim if the victim is adjudicated a person
22 with a disability ~~disabled~~. A guardian is under no duty to
23 bring a civil action under this subsection during the ward's
24 lifetime, but may do so if the guardian believes it is in the
25 best interests of the ward.

26 (f) The court may, in its discretion, consider such facts

1 and circumstances as it deems appropriate to allow the person
2 found civilly liable for financial exploitation to receive a
3 reduction in interest or benefit rather than no interest or
4 benefit as stated under subsection (b) of this Section.

5 (Source: P.A. 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13;
6 98-833, eff. 8-1-14.)

7 (755 ILCS 5/2-6.6)

8 Sec. 2-6.6. Person convicted of or found civilly liable for
9 certain offenses against the elderly or a person with a
10 disability.

11 (a) A person who is convicted of a violation of Section
12 12-19, 12-21, 16-1.3, or 17-56, or subsection (a) or (b) of
13 Section 12-4.4a, of the Criminal Code of 1961 or the Criminal
14 Code of 2012 or a person who has been found by a preponderance
15 of the evidence to be civilly liable for financial
16 exploitation, as defined in subsection (a) of Section 2-6.2 of
17 this Act, may not receive any property, benefit, or other
18 interest by reason of the death of the victim of that offense,
19 whether as heir, legatee, beneficiary, joint tenant, tenant by
20 the entirety, survivor, appointee, or in any other capacity and
21 whether the property, benefit, or other interest passes
22 pursuant to any form of title registration, testamentary or
23 nontestamentary instrument, intestacy, renunciation, or any
24 other circumstance. Except as provided in subsection (f) of
25 this Section, the property, benefit, or other interest shall

1 pass as if the person convicted of a violation of Section
2 12-19, 12-21, 16-1.3, or 17-56, or subsection (a) or (b) of
3 Section 12-4.4a, of the Criminal Code of 1961 or the Criminal
4 Code of 2012 or the person found by a preponderance of the
5 evidence to be civilly liable for financial exploitation, as
6 defined in subsection (a) of Section 2-6.2 of this Act, died
7 before the decedent; provided that with respect to joint
8 tenancy property or property held in tenancy by the entirety,
9 the interest possessed prior to the death by the person
10 convicted or found civilly liable may not be diminished by the
11 application of this Section. Notwithstanding the foregoing, a
12 person convicted of a violation of Section 12-19, 12-21,
13 16-1.3, or 17-56, or subsection (a) or (b) of Section 12-4.4a,
14 of the Criminal Code of 1961 or the Criminal Code of 2012 or a
15 person who has been found by a preponderance of the evidence to
16 be civilly liable for financial exploitation, as defined in
17 subsection (a) of Section 2-6.2 of this Act, shall be entitled
18 to receive property, a benefit, or an interest in any capacity
19 and under any circumstances described in this Section if it is
20 demonstrated by clear and convincing evidence that the victim
21 of that offense knew of the conviction or finding of civil
22 liability and subsequent to the conviction or finding of civil
23 liability expressed or ratified his or her intent to transfer
24 the property, benefit, or interest to the person convicted of a
25 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
26 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code

1 of 1961 or the Criminal Code of 2012 or the person found by a
2 preponderance of the evidence to be civilly liable for
3 financial exploitation, as defined in subsection (a) of Section
4 2-6.2 of this Act, in any manner contemplated by this Section.

5 (b) The holder of any property subject to the provisions of
6 this Section is not liable for distributing or releasing the
7 property to the person convicted of violating Section 12-19,
8 12-21, 16-1.3, or 17-56, or subsection (a) or (b) of Section
9 12-4.4a, of the Criminal Code of 1961 or the Criminal Code of
10 2012 or to the person found by a preponderance of the evidence
11 to be civilly liable for financial exploitation as defined in
12 subsection (a) of Section 2-6.2 of this Act.

13 (c) If the holder is a financial institution, trust
14 company, trustee, or similar entity or person, the holder shall
15 not be liable for any distribution or release of the property,
16 benefit, or other interest to the person convicted of a
17 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
18 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
19 of 1961 or the Criminal Code of 2012 or person found by a
20 preponderance of the evidence to be civilly liable for
21 financial exploitation, as defined in subsection (a) of Section
22 2-6.2 of this Act, unless the holder knowingly distributes or
23 releases the property, benefit, or other interest to the person
24 so convicted or found civilly liable after first having
25 received actual written notice of the conviction or finding of
26 civil liability in sufficient time to act upon the notice.

1 (d) The Department of State Police shall have access to
2 State of Illinois databases containing information that may
3 help in the identification or location of persons convicted of
4 or found civilly liable for the offenses enumerated in this
5 Section. Interagency agreements shall be implemented,
6 consistent with security and procedures established by the
7 State agency and consistent with the laws governing the
8 confidentiality of the information in the databases.
9 Information shall be used only for administration of this
10 Section.

11 (e) A civil action against a person for financial
12 exploitation, as defined in subsection (a) of Section 2-6.2 of
13 this Act, may be brought by an interested person, pursuant to
14 this Section, after the death of the victim or during the
15 lifetime of the victim if the victim is adjudicated a person
16 with a disability ~~disabled~~. A guardian is under no duty to
17 bring a civil action under this subsection during the ward's
18 lifetime, but may do so if the guardian believes it is in the
19 best interests of the ward.

20 (f) The court may, in its discretion, consider such facts
21 and circumstances as it deems appropriate to allow the person
22 convicted or found civilly liable for financial exploitation,
23 as defined in subsection (a) of Section 2-6.2 of this Act, to
24 receive a reduction in interest or benefit rather than no
25 interest or benefit as stated under subsection (a) of this
26 Section.

1 (Source: P.A. 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13;
2 98-833, eff. 8-1-14.)

3 (755 ILCS 5/6-2) (from Ch. 110 1/2, par. 6-2)

4 Sec. 6-2. Petition to admit will or to issue letters.)

5 Anyone desiring to have a will admitted to probate must file a
6 petition therefor in the court of the proper county. The
7 petition must state, if known: (a) the name and place of
8 residence of the testator at the time of his death; (b) the
9 date and place of death; (c) the date of the will and the fact
10 that petitioner believes the will to be the valid last will of
11 the testator; (d) the approximate value of the testator's real
12 and personal estate in this State; (e) the names and post
13 office addresses of all heirs and legatees of the testator and
14 whether any of them is a minor or a person with a disability
15 ~~disabled person~~; (f) the name and post office address of the
16 executor; and (g) unless supervised administration is
17 requested, the name and address of any personal fiduciary
18 acting or designated to act pursuant to Section 28-3. When the
19 will creates or adds to a trust and the petition states the
20 name and address of the trustee, the petition need not state
21 the name and address of any beneficiary of the trust who is not
22 an heir or legatee. If letters of administration with the will
23 annexed are sought, the petition must also state, if known: (a)
24 the reason for the issuance of the letters, (b) facts showing
25 the right of the petitioner to act as, or to nominate, the

1 administrator with the will annexed, (c) the name and post
2 office address of the person nominated and of each person
3 entitled either to administer or to nominate a person to
4 administer equally with or in preference to the petitioner and
5 (d) if the will has been previously admitted to probate, the
6 date of admission. If a petition for letters of administration
7 with the will annexed states that there are one or more persons
8 entitled either to administer or to nominate a person to
9 administer equally with or in preference to the petitioner, the
10 petitioner must mail a copy of the petition to each such person
11 as provided in Section 9-5 and file proof of mailing with the
12 clerk of the court.

13 (Source: P.A. 84-555; 84-690.)

14 (755 ILCS 5/6-6) (from Ch. 110 1/2, par. 6-6)

15 Sec. 6-6. Proof of handwriting of a deceased, ~~disabled~~ or
16 inaccessible witness or a witness with a disability.) (a) If a
17 witness to a will (1) is dead, (2) is blind, (3) is mentally or
18 physically incapable of testifying, (4) cannot be found, (5) is
19 in active service of the armed forces of the United States or
20 (6) is outside this State, the court may admit proof of the
21 handwriting of the witness and such other secondary evidence as
22 is admissible in any court of record to establish written
23 contracts and may admit the will to probate as though it had
24 been proved by the testimony of the witness. On motion of any
25 interested person or on its own motion, the court may require

1 that the deposition of any such witness, who can be found, is
2 mentally and physically capable of testifying and is not in the
3 active service of the armed forces of the United States outside
4 of the continental United States, be taken as the best evidence
5 thereof.

6 (b) As used in this Section, "continental United States"
7 means the States of the United States and the District of
8 Columbia.

9 (Source: P.A. 81-213.)

10 (755 ILCS 5/6-10) (from Ch. 110 1/2, par. 6-10)

11 Sec. 6-10. Notice - waiver.) (a) Not more than 14 days
12 after entry of an order admitting or denying admission of a
13 will to probate or appointing a representative, the
14 representative or, if none, the petitioner must mail a copy of
15 the petition to admit the will or for letters and a copy of the
16 order showing the date of entry to each of the testator's heirs
17 and legatees whose names and post office addresses are stated
18 in the petition. If the name or post office address of any heir
19 or legatee is not stated in the petition, the representative
20 or, if none, the petitioner must publish a notice once a week
21 for 3 successive weeks, the first publication to be not more
22 than 14 days after entry of the order, describing the order and
23 the date of entry. The notice shall be published in a newspaper
24 published in the county where the order was entered and may be
25 combined with a notice under Section 18-3. When the petition

1 names a trustee of a trust, it is not necessary to publish for
2 or mail copies of the petition and order to any beneficiary of
3 the trust who is not an heir or legatee. The information mailed
4 or published under this Section must include an explanation, in
5 form prescribed by rule of the Supreme Court of this State, of
6 the rights of heirs and legatees to require formal proof of
7 will under Section 6-21 and to contest the admission or denial
8 of admission of the will to probate under Section 8-1 or 8-2.
9 The petitioner or representative must file proof of mailing and
10 publication, if publication is required, with the clerk of the
11 court.

12 (b) A copy of the petition and of the order need not be
13 sent to and notice need not be published for any person who is
14 not designated in the petition as a minor or person with a
15 disability ~~disabled person~~ and who personally appeared before
16 the court at the hearing or who filed his waiver of notice.

17 (Source: P.A. 81-1453.)

18 (755 ILCS 5/6-12) (from Ch. 110 1/2, par. 6-12)

19 Sec. 6-12. Appointment of guardian ad litem.) When an heir
20 or legatee of a testator is a minor or person with a disability
21 ~~disabled person~~ who is entitled to notice under Section 6-10 at
22 the time an order is entered admitting or denying admission of
23 a will to probate or who is entitled to notice under Section
24 6-20 or 6-21 of the hearing on the petition to admit the will,
25 the court may appoint a guardian ad litem to protect the

1 interests of the ward with respect to the admission or denial,
2 or to represent the ward at the hearing, if the court finds
3 that (a) the interests of the ward are not adequately
4 represented by a personal fiduciary acting or designated to act
5 pursuant to Section 28-3 or by another party having a
6 substantially identical interest in the proceedings and the
7 ward is not represented by a guardian of his estate and (b) the
8 appointment of a guardian ad litem is necessary to protect the
9 ward's interests.

10 (Source: P.A. 81-213.)

11 (755 ILCS 5/6-13) (from Ch. 110 1/2, par. 6-13)

12 Sec. 6-13. Who may act as executor.) (a) A person who has
13 attained the age of 18 years and is a resident of the United
14 States, is not of unsound mind, is not an adjudged person with
15 a disability ~~disabled person~~ as defined in this Act and has not
16 been convicted of a felony, is qualified to act as executor.

17 (b) If a person named as executor in a will is not
18 qualified to act at the time of admission of the will to
19 probate but thereafter becomes qualified and files a petition
20 for the issuance of letters, takes oath and gives bond as
21 executor, the court may issue letters testamentary to him as
22 co-executor with the executor who has qualified or if no
23 executor has qualified the court may issue letters testamentary
24 to him and revoke the letters of administration with the will
25 annexed.

1 The court may in its discretion require a nonresident
2 executor to furnish a bond in such amount and with such surety
3 as the court determines notwithstanding any contrary provision
4 of the will.

5 (Source: P.A. 85-692.)

6 (755 ILCS 5/6-20) (from Ch. 110 1/2, par. 6-20)

7 Sec. 6-20. Petition to admit will to probate on presumption
8 of death of testator - notice.) (a) Anyone desiring to have a
9 will admitted to probate on the presumption of death of the
10 testator must file a petition therefor in the court of the
11 proper county. The petition must state, in addition to the
12 information required by Section 6-2 (other than clauses (a) and
13 (b)), the facts and circumstances raising the presumption, the
14 name and last known post office address of the testator and, if
15 known, the name and post office address of each person in
16 possession or control of any property of the testator.

17 (b) Not less than 30 days before the hearing on the
18 petition the petitioner must (1) mail a copy of the petition to
19 the testator at his last known address, to each of the
20 testator's heirs and legatees whose names and post office
21 addresses are stated in the petition and to each person shown
22 by the petition to be in possession or control of any property
23 of the testator, and (2) publish a notice of the hearing on the
24 petition once a week for 3 successive weeks, the first
25 publication to be not less than 30 days before the hearing. The

1 notice must state the time and place of the hearing, the name
2 of the testator and, when known, the names of the heirs and
3 legatees. The petitioner shall endorse the time and place of
4 the hearing on each copy of the petition mailed by him. When
5 the petition names a trustee of a trust, it is not necessary to
6 mail a copy of the petition to any beneficiary of the trust who
7 is not an heir or legatee, or to include the name of such
8 beneficiary in the published notice. If any person objects to
9 the admission of the will to probate, the court may require
10 that such notice of the time and place of the hearing as it
11 directs be given to any beneficiary of the trust not previously
12 notified. The petitioner must file proof of mailing and proof
13 of publication with the clerk of the court.

14 (c) A copy of the petition need not be sent to any person
15 not designated in the petition as a minor or person with a
16 disability ~~disabled person~~ who personally appears before the
17 court at the hearing or who files his waiver of notice.

18 (d) When a will is admitted to probate on presumption of
19 the testator's death, the notice provided for in Section 6-10
20 is not required.

21 (Source: P.A. 81-1453.)

22 (755 ILCS 5/9-1) (from Ch. 110 1/2, par. 9-1)

23 Sec. 9-1. Who may act as administrator. A person who has
24 attained the age of 18 years, is a resident of the United
25 States, is not of unsound mind, is not an adjudged person with

1 a disability disabled person as defined in this Act and has not
2 been convicted of a felony, is qualified to act as
3 administrator.

4 (Source: P.A. 90-430, eff. 8-16-97; 90-472, eff. 8-17-97.)

5 (755 ILCS 5/9-3) (from Ch. 110 1/2, par. 9-3)

6 Sec. 9-3. Persons entitled to preference in obtaining
7 letters. The following persons are entitled to preference in
8 the following order in obtaining the issuance of letters of
9 administration and of administration with the will annexed:

10 (a) The surviving spouse or any person nominated by the
11 surviving spouse.

12 (b) The legatees or any person nominated by them, with
13 preference to legatees who are children.

14 (c) The children or any person nominated by them.

15 (d) The grandchildren or any person nominated by them.

16 (e) The parents or any person nominated by them.

17 (f) The brothers and sisters or any person nominated by
18 them.

19 (g) The nearest kindred or any person nominated by them.

20 (h) The representative of the estate of a deceased ward.

21 (i) The Public Administrator.

22 (j) A creditor of the estate.

23 Only a person qualified to act as administrator under this
24 Act may nominate, except that the guardian of the estate, if
25 any, otherwise the guardian of the person, of a person who is

1 not qualified to act as administrator solely because of
2 minority or legal disability may nominate on behalf of the
3 minor or person with a disability ~~disabled person~~ in accordance
4 with the order of preference set forth in this Section. A
5 person who has been removed as representative under this Act
6 loses the right to name a successor.

7 When several persons are claiming and are equally entitled
8 to administer or to nominate an administrator, the court may
9 grant letters to one or more of them or to the nominee of one or
10 more of them.

11 (Source: P.A. 90-430, eff. 8-16-97; 90-472, eff. 8-17-97;
12 90-655, eff. 7-30-98.)

13 (755 ILCS 5/9-4) (from Ch. 110 1/2, par. 9-4)

14 Sec. 9-4. Petition to issue letters.) Anyone desiring to
15 have letters of administration issued on the estate of an
16 intestate decedent shall file a petition therefor in the court
17 of the proper county. The petition shall state, if known: (a)
18 the name and place of residence of the decedent at the time of
19 his death; (b) the date and place of death; (c) the approximate
20 value of the decedent's real and personal estate in this State;
21 (d) the names and post office addresses of all heirs of the
22 decedent and whether any of them is a minor or person with a
23 disability ~~disabled person~~ and whether any of them is entitled
24 either to administer or to nominate a person to administer
25 equally with or in preference to the petitioner; (e) the name

1 and post office address of the person nominated as
2 administrator; (f) the facts showing the right of the
3 petitioner to act as or to nominate the administrator; (g) when
4 letters of administration de bonis non are sought, the reason
5 for the issuance of the letters; and (h) unless supervised
6 administration is requested, the name and address of any
7 personal fiduciary acting or designated to act pursuant to
8 Section 28-3.

9 (Source: P.A. 84-555; 84-690.)

10 (755 ILCS 5/9-5) (from Ch. 110 1/2, par. 9-5)

11 Sec. 9-5. Notice-Waiver.) (a) Not less than 30 days before
12 the hearing on the petition to issue letters, the petitioner
13 shall mail a copy of the petition, endorsed with the time and
14 place of the hearing, to each person named in the petition
15 whose post office address is stated and who is entitled either
16 to administer or to nominate a person to administer equally
17 with or in preference to the petitioner.

18 (b) Not more than 14 days after entry of an order directing
19 that original letters of office issue to an administrator, the
20 administrator shall mail a copy of the petition to issue
21 letters and a copy of the order showing the date of its entry
22 to each of the decedent's heirs who was not entitled to notice
23 of the hearing on the petition under subsection (a). If the
24 name or post office address of any heir is not stated in the
25 petition, the administrator shall publish a notice once a week

1 for 3 successive weeks, the first publication to be not more
2 than 14 days after entry of the order, describing the order and
3 the date of entry. The notice shall be published in a newspaper
4 published in the county where the order was entered and may be
5 combined with a notice under Section 18-3. The administrator
6 shall file proof of mailing and publication, if publication is
7 required, with the clerk of the court.

8 (c) A copy of the petition and of the order need not be
9 sent to, nor notice published for, any person not designated in
10 the petition as a minor or as a person with a disability
11 ~~disabled person~~ and who personally appeared before the court at
12 the hearing or who files his waiver of notice.

13 (Source: P.A. 84-555; 84-690.)

14 (755 ILCS 5/9-6) (from Ch. 110 1/2, par. 9-6)

15 Sec. 9-6. Petition to issue letters on presumption of death
16 of decedent - notice - waiver.) (a) Anyone desiring to have
17 original letters of administration issued on the presumption of
18 death of the decedent shall file a petition therefor in the
19 court of the proper county. The petition shall state, in
20 addition to the information required by clauses (c) through (h)
21 of Section 9-4, the facts and circumstances raising the
22 presumption, the name and last known post office address of the
23 decedent and, if known, the name and post office address of
24 each person in possession or control of any property of the
25 decedent.

1 (b) Not less than 30 days before the hearing on the
2 petition the petitioner shall (1) mail a copy of the petition
3 to the decedent at his last known address, to each heir whose
4 name and post office address are stated in the petition and to
5 each person shown by the petition to be in possession or
6 control of any property of the decedent, and (2) publish a
7 notice of the hearing on the petition once a week for 3
8 successive weeks, the first publication to be not less than 30
9 days before the hearing. The notice shall be published in a
10 newspaper published in the county where the petition is filed.
11 The notice shall state the time and place of the hearing, the
12 name of the decedent and, when known, the names of the heirs.
13 The petitioner shall endorse the time and place of the hearing
14 on each copy of the petition mailed by him. The petitioner
15 shall file a proof of mailing and of publication with the clerk
16 of the court.

17 (c) A copy of the petition need not be sent to any person
18 not designated in the petition as a minor or as a person with a
19 disability ~~disabled person~~ and who personally appeared before
20 the court at the hearing or who filed his waiver of notice.

21 (Source: P.A. 84-555; 84-690.)

22 (755 ILCS 5/9-8) (from Ch. 110 1/2, par. 9-8)

23 Sec. 9-8. Distribution on summary administration. Upon the
24 filing of a petition therefor in the court of the proper county
25 by any interested person and after ascertainment of heirship of

1 the decedent and admission of the will, if any, to probate, if
2 it appears to the court that:

3 (a) the gross value of the decedent's real and personal
4 estate subject to administration in this State as itemized
5 in the petition does not exceed \$100,000;

6 (b) there is no unpaid claim against the estate, or all
7 claimants known to the petitioner, with the amount known by
8 him to be due to each of them, are listed in the petition;

9 (c) no tax will be due to the United States or to this
10 State by reason of the death of the decedent or all such
11 taxes have been paid or provided for or are the obligation
12 of another fiduciary;

13 (d) no person is entitled to a surviving spouse's or
14 child's award under this Act, or a surviving spouse's or
15 child's award is allowable under this Act, and the name and
16 age of each person entitled to an award, with the minimum
17 award allowable under this Act to the surviving spouse or
18 child, or each of them, and the amount, if any, theretofore
19 paid to the spouse or child on such award, are listed in
20 the petition;

21 (e) all heirs and legatees of the decedent have
22 consented in writing to distribution of the estate on
23 summary administration (and if an heir or legatee is a
24 minor or person with a disability ~~disabled person~~, the
25 consent may be given on his behalf by his parent, spouse,
26 adult child, person in loco parentis, guardian or guardian

1 ad litem);

2 (f) each distributee gives bond in the value of his
3 distributive share, conditioned to refund the due
4 proportion of any claim entitled to be paid from the estate
5 distributed, including the claim of any person having a
6 prior right to such distribution, together with expenses of
7 recovery, including reasonable attorneys' fees, with
8 surety to be approved by the court. If at any time after
9 payment of a distributive share it becomes necessary for
10 all or any part of the distributive share to be refunded
11 for the payment of any claim entitled to be paid from the
12 estate distributed or to provide for a distribution to any
13 person having a prior right thereto, upon petition of any
14 interested person the court shall order the distributee to
15 refund that portion of his distributive share which is
16 necessary for such purposes. If there is more than one
17 distributee, the court shall apportion among the
18 distributees the amount to be refunded according to the
19 amount received by each of them, but specific and general
20 legacies need not be refunded unless the residue is
21 insufficient to satisfy the claims entitled to be paid from
22 the estate distributed. If a distributee refuses to refund
23 within 60 days after being ordered by the court to do so
24 and upon demand, the refusal is deemed a breach of the bond
25 and a civil action may be maintained by the claimant or
26 person having a prior right to a distribution against the

1 distributee and the surety or either of them for the amount
2 due together with the expenses of recovery, including
3 reasonable attorneys' fees. The order of the court is
4 evidence of the amount due;

5 (g) the petitioner has published a notice informing all
6 persons of the death of the decedent, of the filing of the
7 petition for distribution of the estate on summary
8 administration and of the date, time and place of the
9 hearing on the petition (the notice having been published
10 once a week for 3 successive weeks in a newspaper published
11 in the county where the petition has been filed, the first
12 publication having been made not less than 30 days prior to
13 the hearing) and has filed proof of publication with the
14 clerk of the court;

15 the court may determine the rights of claimants and other
16 persons interested in the estate, direct payment of claims and
17 distribution of the estate on summary administration and excuse
18 the issuance of letters of office or revoke the letters which
19 have been issued and discharge the representative.

20 Any claimant may file his claim in the proceeding at or
21 before the hearing on the petition, but failure to do so does
22 not deprive the claimant of his right to enforce his claim in
23 any other manner provided by law.

24 A petition for distribution on summary administration may
25 be combined with or filed separately from a petition for
26 probate of a will or for administration of an estate.

1 (Source: P.A. 93-277, eff. 1-1-04.)

2 (755 ILCS 5/11-3) (from Ch. 110 1/2, par. 11-3)

3 Sec. 11-3. Who may act as guardian.

4 (a) A person is qualified to act as guardian of the person
5 and as guardian of the estate if the court finds that the
6 proposed guardian is capable of providing an active and
7 suitable program of guardianship for the minor and that the
8 proposed guardian:

9 (1) has attained the age of 18 years;

10 (2) is a resident of the United States;

11 (3) is not of unsound mind;

12 (4) is not an adjudged person with a disability
13 ~~disabled person~~ as defined in this Act; and

14 (5) has not been convicted of a felony, unless the
15 court finds appointment of the person convicted of a felony
16 to be in the minor's best interests, and as part of the
17 best interest determination, the court has considered the
18 nature of the offense, the date of offense, and the
19 evidence of the proposed guardian's rehabilitation. No
20 person shall be appointed who has been convicted of a
21 felony involving harm or threat to a child, including a
22 felony sexual offense.

23 One person may be appointed guardian of the person and another
24 person appointed guardian of the estate.

25 (b) The Department of Human Services or the Department of

1 Children and Family Services may with the approval of the court
2 designate one of its employees to serve without fees as
3 guardian of the estate of a minor patient in a State mental
4 hospital or a resident in a State institution when the value of
5 the personal estate does not exceed \$1,000.

6 (Source: P.A. 94-579, eff. 8-12-05.)

7 (755 ILCS 5/Art. XIa heading)

8 ARTICLE XIa

9 GUARDIANS FOR ADULTS WITH DISABILITIES ~~DISABLED ADULTS~~

10 (755 ILCS 5/11a-1) (from Ch. 110 1/2, par. 11a-1)

11 Sec. 11a-1. Developmental disability defined.)
12 "Developmental disability" means a disability which is
13 attributable to: (a) an intellectual disability, cerebral
14 palsy, epilepsy or autism; or to (b) any other condition which
15 results in impairment similar to that caused by an intellectual
16 disability and which requires services similar to those
17 required by persons with intellectual disabilities
18 ~~intellectually disabled persons~~. Such disability must
19 originate before the age of 18 years, be expected to continue
20 indefinitely, and constitute a substantial disability
21 ~~handicap~~.

22 (Source: P.A. 97-227, eff. 1-1-12.)

23 (755 ILCS 5/11a-2) (from Ch. 110 1/2, par. 11a-2)

1 Sec. 11a-2. "Person with a disability ~~Disabled person~~"
2 defined.) "Person with a disability ~~Disabled person~~" means a
3 person 18 years or older who (a) because of mental
4 deterioration or physical incapacity is not fully able to
5 manage his person or estate, or (b) is a person with mental
6 illness or a person with a developmental disability and who
7 because of his mental illness or developmental disability is
8 not fully able to manage his person or estate, or (c) because
9 of gambling, idleness, debauchery or excessive use of
10 intoxicants or drugs, so spends or wastes his estate as to
11 expose himself or his family to want or suffering, or (d) is
12 diagnosed with fetal alcohol syndrome or fetal alcohol effects.
13 (Source: P.A. 95-561, eff. 1-1-08.)

14 (755 ILCS 5/11a-3) (from Ch. 110 1/2, par. 11a-3)

15 Sec. 11a-3. Adjudication of disability; Power to appoint
16 guardian.

17 (a) Upon the filing of a petition by a reputable person or
18 by the alleged person with a disability ~~disabled person~~ himself
19 or on its own motion, the court may adjudge a person to be a
20 person with a disability ~~disabled person~~, but only if it has
21 been demonstrated by clear and convincing evidence that the
22 person is a person with a disability ~~disabled person~~ as defined
23 in Section 11a-2. If the court adjudges a person to be a person
24 with a disability ~~disabled person~~, the court may appoint (1) a
25 guardian of his person, if it has been demonstrated by clear

1 and convincing evidence that because of his disability he lacks
2 sufficient understanding or capacity to make or communicate
3 responsible decisions concerning the care of his person, or (2)
4 a guardian of his estate, if it has been demonstrated by clear
5 and convincing evidence that because of his disability he is
6 unable to manage his estate or financial affairs, or (3) a
7 guardian of his person and of his estate.

8 (b) Guardianship shall be utilized only as is necessary to
9 promote the well-being of the person with a disability ~~disabled~~
10 ~~person~~, to protect him from neglect, exploitation, or abuse,
11 and to encourage development of his maximum self-reliance and
12 independence. Guardianship shall be ordered only to the extent
13 necessitated by the individual's actual mental, physical and
14 adaptive limitations.

15 (Source: P.A. 93-435, eff. 1-1-04.)

16 (755 ILCS 5/11a-3.1)

17 Sec. 11a-3.1. Appointment of standby guardian.

18 (a) The guardian of a person with a disability ~~disabled~~
19 ~~person~~ may designate in any writing, including a will, a person
20 qualified to act under Section 11a-5 to be appointed as standby
21 guardian of the person or estate, or both, of the person with a
22 disability ~~disabled person~~. The guardian may designate in any
23 writing, including a will, a person qualified to act under
24 Section 11a-5 to be appointed as successor standby guardian of
25 the ~~disabled person's~~ person or estate of the person with a

1 disability, or both. The designation must be witnessed by 2 or
2 more credible witnesses at least 18 years of age, neither of
3 whom is the person designated as the standby guardian. The
4 designation may be proved by any competent evidence. If the
5 designation is executed and attested in the same manner as a
6 will, it shall have prima facie validity. Prior to designating
7 a proposed standby guardian, the guardian shall consult with
8 the person with a disability ~~disabled person~~ to determine the
9 ~~disabled person's~~ preference of the person with a disability as
10 to the person who will serve as standby guardian. The guardian
11 shall give due consideration to the preference of the person
12 with a disability ~~disabled person~~ in selecting a standby
13 guardian.

14 (b) Upon the filing of a petition for the appointment of a
15 standby guardian, the court may appoint a standby guardian of
16 the person or estate, or both, of the person with a disability
17 ~~disabled person~~ as the court finds to be in the best interest
18 of the person with a disability ~~disabled person~~. The court
19 shall apply the same standards used in determining the
20 suitability of a plenary or limited guardian in determining the
21 suitability of a standby guardian, giving due consideration to
22 the preference of the person with a disability ~~disabled person~~
23 as to a standby guardian. The court may not appoint the Office
24 of State Guardian, pursuant to Section 30 of the Guardianship
25 and Advocacy Act, or a public guardian, pursuant to Section
26 13-5 of this Act, as a standby guardian, without the written

1 consent of the State Guardian or public guardian or an
2 authorized representative of the State Guardian or public
3 guardian.

4 (c) The standby guardian shall take and file an oath or
5 affirmation that the standby guardian will faithfully
6 discharge the duties of the office of standby guardian
7 according to law, and shall file in and have approved by the
8 court a bond binding the standby guardian so to do, but shall
9 not be required to file a bond until the standby guardian
10 assumes all duties as guardian of the person with a disability
11 ~~disabled person~~ under Section 11a-18.2.

12 (d) The designation of a standby guardian may, but need
13 not, be in the following form:

14 DESIGNATION OF STANDBY GUARDIAN

15 [IT IS IMPORTANT TO READ THE FOLLOWING INSTRUCTIONS:

16 A standby guardian is someone who has been appointed by
17 the court as the person who will act as guardian of the
18 person with a disability ~~disabled person~~ when the ~~disabled~~
19 ~~person's~~ guardian of the person with a disability dies or
20 is no longer willing or able to make and carry out
21 day-to-day care decisions concerning the person with a
22 disability ~~disabled person~~. By properly completing this
23 form, a guardian is naming the person that the guardian
24 wants to be appointed as the standby guardian of the person
25 with a disability ~~disabled person~~. Signing the form does
26 not appoint the standby guardian; to be appointed, a

1 petition must be filed in and approved by the court.]

2 1. Guardian and Ward. I, (insert name of designating
3 guardian), currently residing at (insert address of
4 designating guardian), am the guardian of the following
5 person with a disability ~~disabled person~~: (insert name of
6 ward).

7 2. Standby Guardian. I hereby designate the following
8 person to be appointed as standby guardian for my ward
9 listed above: (insert name and address of person
10 designated).

11 3. Successor Standby Guardian. If the person named in
12 item 2 above cannot or will not act as standby guardian, I
13 designate the following person to be appointed as successor
14 standby guardian for my ward: (insert name and address of
15 person designated).

16 4. Date and Signature. This designation is made this
17 (insert day) day of (insert month and year).

18 Signed: (designating guardian)

19 5. Witnesses. I saw the guardian sign this designation
20 or the guardian told me that the guardian signed this
21 designation. Then I signed the designation as a witness in
22 the presence of the guardian. I am not designated in this
23 instrument to act as a standby guardian for the guardian's
24 ward. (insert space for names, addresses, and signatures of
25 2 witnesses)

26 (Source: P.A. 90-796, eff. 12-15-98.)

1 (755 ILCS 5/11a-3.2)

2 Sec. 11a-3.2. Short-term guardian.

3 (a) The guardian of a person with a disability ~~disabled~~
4 ~~person~~ may appoint in writing, without court approval, a
5 short-term guardian of the person with a disability ~~disabled~~
6 ~~person~~ to take over the guardian's duties, to the extent
7 provided in Section 11a-18.3, each time the guardian is
8 unavailable or unable to carry out those duties. The guardian
9 shall consult with the person with a disability ~~disabled person~~
10 to determine the ~~disabled person's~~ preference of the person
11 with a disability concerning the person to be appointed as
12 short-term guardian and the guardian shall give due
13 consideration to the ~~disabled person's~~ preference of the person
14 with a disability in choosing a short-term guardian. The
15 written instrument appointing a short-term guardian shall be
16 dated and shall identify the appointing guardian, the person
17 with a disability ~~disabled person~~, the person appointed to be
18 the short-term guardian, and the termination date of the
19 appointment. The written instrument shall be signed by, or at
20 the direction of, the appointing guardian in the presence of at
21 least 2 credible witnesses at least 18 years of age, neither of
22 whom is the person appointed as the short-term guardian. The
23 person appointed as the short-term guardian shall also sign the
24 written instrument, but need not sign at the same time as the
25 appointing guardian. A guardian may not appoint the Office of

1 State Guardian or a public guardian as a short-term guardian,
2 without the written consent of the State Guardian or public
3 guardian or an authorized representative of the State Guardian
4 or public guardian.

5 (b) The appointment of the short-term guardian is effective
6 immediately upon the date the written instrument is executed,
7 unless the written instrument provides for the appointment to
8 become effective upon a later specified date or event. A
9 short-term guardian appointed by the guardian shall have
10 authority to act as guardian of the person with a disability
11 ~~disabled person~~ for a cumulative total of 60 days during any 12
12 month period. Only one written instrument appointing a
13 short-term guardian may be in force at any given time.

14 (c) Every appointment of a short-term guardian may be
15 amended or revoked by the appointing guardian at any time and
16 in any manner communicated to the short-term guardian or to any
17 other person. Any person other than the short-term guardian to
18 whom a revocation or amendment is communicated or delivered
19 shall make all reasonable efforts to inform the short-term
20 guardian of that fact as promptly as possible.

21 (d) The appointment of a short-term guardian or successor
22 short-term guardian does not affect the rights in the person
23 with a disability ~~disabled person~~ of any guardian other than
24 the appointing guardian.

25 (e) The written instrument appointing a short-term
26 guardian may, but need not, be in the following form:

1 APPOINTMENT OF SHORT-TERM GUARDIAN

2 [IT IS IMPORTANT TO READ THE FOLLOWING INSTRUCTIONS:

3 By properly completing this form, a guardian is
4 appointing a short-term guardian of the person with a
5 disability ~~disabled person~~ for a cumulative total of up to
6 60 days during any 12 month period. A separate form shall
7 be completed each time a short-term guardian takes over
8 guardianship duties. The person or persons appointed as the
9 short-term guardian shall sign the form, but need not do so
10 at the same time as the guardian.]

11 1. Guardian and Ward. I, (insert name of appointing
12 guardian), currently residing at (insert address of
13 appointing guardian), am the guardian of the following
14 person with a disability ~~disabled person~~: (insert name of
15 ward).

16 2. Short-term Guardian. I hereby appoint the following
17 person as the short-term guardian for my ward: (insert name
18 and address of appointed person).

19 3. Effective date. This appointment becomes effective:
20 (check one if you wish it to be applicable)

21 () On the date that I state in writing that I am no
22 longer either willing or able to make and carry out
23 day-to-day care decisions concerning my ward.

24 () On the date that a physician familiar with my
25 condition certifies in writing that I am no longer willing

1 or able to make and carry out day-to-day care decisions
2 concerning my ward.

3 () On the date that I am admitted as an in-patient to
4 a hospital or other health care institution.

5 () On the following date: (insert date).

6 () Other: (insert other).

7 [NOTE: If this item is not completed, the appointment
8 is effective immediately upon the date the form is signed
9 and dated below.]

10 4. Termination. This appointment shall terminate on:
11 (enter a date corresponding to 60 days from the current
12 date, less the number of days within the past 12 months
13 that any short-term guardian has taken over guardianship
14 duties), unless it terminates sooner as determined by the
15 event or date I have indicated below: (check one if you
16 wish it to be applicable)

17 () On the date that I state in writing that I am
18 willing and able to make and carry out day-to-day care
19 decisions concerning my ward.

20 () On the date that a physician familiar with my
21 condition certifies in writing that I am willing and able
22 to make and carry out day-to-day care decisions concerning
23 my ward.

24 () On the date that I am discharged from the hospital
25 or other health care institution where I was admitted as an
26 in-patient, which established the effective date.

1 () On the date which is (state a number of days) days
2 after the effective date.

3 () Other: (insert other).

4 [NOTE: If this item is not completed, the appointment
5 will be effective until the 60th day within the past year
6 during which time any short-term guardian of this ward had
7 taken over guardianship duties from the guardian,
8 beginning on the effective date.]

9 5. Date and signature of appointing guardian. This
10 appointment is made this (insert day) day of (insert month
11 and year).

12 Signed: (appointing guardian)

13 6. Witnesses. I saw the guardian sign this instrument
14 or I saw the guardian direct someone to sign this
15 instrument for the guardian. Then I signed this instrument
16 as a witness in the presence of the guardian. I am not
17 appointed in this instrument to act as the short-term
18 guardian for the guardian's ward. (insert space for names,
19 addresses, and signatures of 2 witnesses)

20 7. Acceptance of short-term guardian. I accept this
21 appointment as short-term guardian on this (insert day) day
22 of (insert month and year).

23 Signed: (short-term guardian)

24 (f) Each time the guardian appoints a short-term guardian,
25 the guardian shall: (i) provide the person with a disability
26 ~~disabled person~~ with the name, address, and telephone number of

1 the short-term guardian; (ii) advise the person with a
2 disability ~~disabled person~~ that he has the right to object to
3 the appointment of the short-term guardian by filing a petition
4 in court; and (iii) notify the person with a disability
5 ~~disabled person~~ when the short-term guardian will be taking
6 over guardianship duties and the length of time that the
7 short-term guardian will be acting as guardian.

8 (Source: P.A. 90-796, eff. 12-15-98.)

9 (755 ILCS 5/11a-4) (from Ch. 110 1/2, par. 11a-4)

10 Sec. 11a-4. Temporary guardian.

11 (a) Prior to the appointment of a guardian under this
12 Article, pending an appeal in relation to the appointment, or
13 pending the completion of a citation proceeding brought
14 pursuant to Section 23-3 of this Act, or upon a guardian's
15 death, incapacity, or resignation, the court may appoint a
16 temporary guardian upon a showing of the necessity therefor for
17 the immediate welfare and protection of the alleged person with
18 a disability ~~disabled person~~ or his or her estate on such
19 notice and subject to such conditions as the court may
20 prescribe. In determining the necessity for temporary
21 guardianship, the immediate welfare and protection of the
22 alleged person with a disability ~~disabled person~~ and his or her
23 estate shall be of paramount concern, and the interests of the
24 petitioner, any care provider, or any other party shall not
25 outweigh the interests of the alleged person with a disability

1 ~~disabled person~~. The temporary guardian shall have all of the
2 powers and duties of a guardian of the person or of the estate
3 which are specifically enumerated by court order. The court
4 order shall state the actual harm identified by the court that
5 necessitates temporary guardianship or any extension thereof.

6 (b) The temporary guardianship shall expire within 60 days
7 after the appointment or whenever a guardian is regularly
8 appointed, whichever occurs first. No extension shall be
9 granted except:

10 (1) In a case where there has been an adjudication of
11 disability, an extension shall be granted:

12 (i) pending the disposition on appeal of an
13 adjudication of disability;

14 (ii) pending the completion of a citation
15 proceeding brought pursuant to Section 23-3;

16 (iii) pending the appointment of a successor
17 guardian in a case where the former guardian has
18 resigned, has become incapacitated, or is deceased; or

19 (iv) where the guardian's powers have been
20 suspended pursuant to a court order.

21 (2) In a case where there has not been an adjudication
22 of disability, an extension shall be granted pending the
23 disposition of a petition brought pursuant to Section 11a-8
24 so long as the court finds it is in the best interest of
25 the alleged person with a disability ~~disabled person~~ to
26 extend the temporary guardianship so as to protect the

1 alleged person with a disability ~~disabled person~~ from any
2 potential abuse, neglect, self-neglect, exploitation, or
3 other harm and such extension lasts no more than 120 days
4 from the date the temporary guardian was originally
5 appointed.

6 The ward shall have the right any time after the
7 appointment of a temporary guardian is made to petition the
8 court to revoke the appointment of the temporary guardian.

9 (Source: P.A. 97-614, eff. 1-1-12.)

10 (755 ILCS 5/11a-5) (from Ch. 110 1/2, par. 11a-5)

11 Sec. 11a-5. Who may act as guardian.

12 (a) A person is qualified to act as guardian of the person
13 and as guardian of the estate of a person with a disability
14 ~~disabled person~~ if the court finds that the proposed guardian
15 is capable of providing an active and suitable program of
16 guardianship for the person with a disability ~~disabled person~~
17 and that the proposed guardian:

18 (1) has attained the age of 18 years;

19 (2) is a resident of the United States;

20 (3) is not of unsound mind;

21 (4) is not an adjudged person with a disability
22 ~~disabled person~~ as defined in this Act; and

23 (5) has not been convicted of a felony, unless the
24 court finds appointment of the person convicted of a felony
25 to be in the ~~disabled person's~~ best interests of the person

1 with a disability, and as part of the best interest
2 determination, the court has considered the nature of the
3 offense, the date of offense, and the evidence of the
4 proposed guardian's rehabilitation. No person shall be
5 appointed who has been convicted of a felony involving harm
6 or threat to a minor or an elderly person or a person with
7 a disability ~~or disabled person~~, including a felony sexual
8 offense.

9 (b) Any public agency, or not-for-profit corporation found
10 capable by the court of providing an active and suitable
11 program of guardianship for the person with a disability
12 ~~disabled person~~, taking into consideration the nature of such
13 person's disability and the nature of such organization's
14 services, may be appointed guardian of the person or of the
15 estate, or both, of the person with a disability ~~disabled~~
16 ~~person~~. The court shall not appoint as guardian an agency which
17 is directly providing residential services to the ward. One
18 person or agency may be appointed guardian of the person and
19 another person or agency appointed guardian of the estate.

20 (c) Any corporation qualified to accept and execute trusts
21 in this State may be appointed guardian of the estate of a
22 person with a disability ~~disabled person~~.

23 (Source: P.A. 98-120, eff. 1-1-14.)

24 (755 ILCS 5/11a-6) (from Ch. 110 1/2, par. 11a-6)

25 Sec. 11a-6. Designation of Guardian.) A person, while of

1 sound mind and memory, may designate in writing a person,
2 corporation or public agency qualified to act under Section
3 11a-5, to be appointed as guardian or as successor guardian of
4 his person or of his estate or both, in the event he is
5 adjudged to be a person with a disability ~~disabled person~~. The
6 designation may be proved by any competent evidence, but if it
7 is executed and attested in the same manner as a will, it shall
8 have prima facie validity. If the court finds that the
9 appointment of the one designated will serve the best interests
10 and welfare of the ward, it shall make the appointment in
11 accordance with the designation. The selection of the guardian
12 shall be in the discretion of the court whether or not a
13 designation is made.

14 (Source: P.A. 81-795.)

15 (755 ILCS 5/11a-8) (from Ch. 110 1/2, par. 11a-8)

16 Sec. 11a-8. Petition. The petition for adjudication of
17 disability and for the appointment of a guardian of the estate
18 or the person or both of an alleged person with a disability
19 ~~disabled person~~ must state, if known or reasonably
20 ascertainable: (a) the relationship and interest of the
21 petitioner to the respondent; (b) the name, date of birth, and
22 place of residence of the respondent; (c) the reasons for the
23 guardianship; (d) the name and post office address of the
24 respondent's guardian, if any, or of the respondent's agent or
25 agents appointed under the Illinois Power of Attorney Act, if

1 any; (e) the name and post office addresses of the nearest
2 relatives of the respondent in the following order: (1) the
3 spouse and adult children, parents and adult brothers and
4 sisters, if any; if none, (2) nearest adult kindred known to
5 the petitioner; (f) the name and address of the person with
6 whom or the facility in which the respondent is residing; (g)
7 the approximate value of the personal and real estate; (h) the
8 amount of the anticipated annual gross income and other
9 receipts; (i) the name, post office address and in case of an
10 individual, the age, relationship to the respondent and
11 occupation of the proposed guardian. In addition, if the
12 petition seeks the appointment of a previously appointed
13 standby guardian as guardian of the person with a disability
14 ~~disabled person~~, the petition must also state: (j) the facts
15 concerning the standby guardian's previous appointment and (k)
16 the date of death of the ~~disabled person's~~ guardian of the
17 person with a disability or the facts concerning the consent of
18 the ~~disabled person's~~ guardian of the person with a disability
19 to the appointment of the standby guardian as guardian, or the
20 willingness and ability of the ~~disabled person's~~ guardian of
21 the person with a disability to make and carry out day-to-day
22 care decisions concerning the person with a disability ~~disabled~~
23 ~~person~~. A petition for adjudication of disability and the
24 appointment of a guardian of the estate or the person or both
25 of an alleged person with a disability ~~disabled person~~ may not
26 be dismissed or withdrawn without leave of the court.

1 (Source: P.A. 89-396, eff. 8-20-95; 90-796, eff. 12-15-98.)

2 (755 ILCS 5/11a-8.1)

3 Sec. 11a-8.1. Petition for standby guardian of the person
4 with a disability ~~disabled person~~. The petition for appointment
5 of a standby guardian of the person or the estate, or both, of
6 a person with a disability ~~disabled person~~ must state, if
7 known: (a) the name, date of birth, and residence of the person
8 with a disability ~~disabled person~~; (b) the names and post
9 office addresses of the nearest relatives of the person with a
10 disability ~~disabled person~~ in the following order: (1) the
11 spouse and adult children, parents and adult brothers and
12 sisters, if any; if none, (2) nearest adult kindred known to
13 the petitioner; (c) the name and post office address of the
14 person having guardianship of the person with a disability
15 ~~disabled person~~, and of any person or persons acting as agents
16 of the person with a disability ~~disabled person~~ under the
17 Illinois Power of Attorney Act; (d) the name, post office
18 address, and, in case of any individual, the age and occupation
19 of the proposed standby guardian; (e) the preference of the
20 person with a disability ~~disabled person~~ as to the choice of
21 standby guardian; (f) the facts concerning the consent of the
22 ~~disabled person's~~ guardian of the person with a disability to
23 the appointment of the standby guardian, or the willingness and
24 ability of the ~~disabled person's~~ guardian of the person with a
25 disability to make and carry out day-to-day care decisions

1 concerning the person with a disability ~~disabled person~~; (g)
2 the facts concerning the execution or admission to probate of
3 the written designation of the standby guardian, if any, a copy
4 of which shall be attached to or filed with the petition; (h)
5 the facts concerning any guardianship court actions pending
6 concerning the person with a disability ~~disabled person~~; and
7 (i) the facts concerning the willingness of the proposed
8 standby guardian to serve, and in the case of the Office of
9 State Guardian and any public guardian, evidence of a written
10 acceptance to serve signed by the State Guardian or public
11 guardian or an authorized representative of the State Guardian
12 or public guardian, consistent with subsection (b) of Section
13 11a-3.1.

14 (Source: P.A. 90-796, eff. 12-15-98.)

15 (755 ILCS 5/11a-10) (from Ch. 110 1/2, par. 11a-10)

16 Sec. 11a-10. Procedures preliminary to hearing.

17 (a) Upon the filing of a petition pursuant to Section
18 11a-8, the court shall set a date and place for hearing to take
19 place within 30 days. The court shall appoint a guardian ad
20 litem to report to the court concerning the respondent's best
21 interests consistent with the provisions of this Section,
22 except that the appointment of a guardian ad litem shall not be
23 required when the court determines that such appointment is not
24 necessary for the protection of the respondent or a reasonably
25 informed decision on the petition. If the guardian ad litem is

1 not a licensed attorney, he or she shall be qualified, by
2 training or experience, to work with or advocate for persons
3 with developmental disabilities ~~the developmentally disabled,~~
4 the mentally ill, persons with physical disabilities
5 ~~physically disabled,~~ the elderly, or persons with a disability
6 due to ~~disabled because of~~ mental deterioration, depending on
7 the type of disability that is alleged in the petition. The
8 court may allow the guardian ad litem reasonable compensation.
9 The guardian ad litem may consult with a person who by training
10 or experience is qualified to work with persons with a
11 developmental disability, persons with mental illness, ~~or~~
12 persons with physical disabilities ~~physically disabled~~
13 ~~persons,~~ or persons with a disability due to ~~disabled because~~
14 ~~of~~ mental deterioration, depending on the type of disability
15 that is alleged. The guardian ad litem shall personally observe
16 the respondent prior to the hearing and shall inform him orally
17 and in writing of the contents of the petition and of his
18 rights under Section 11a-11. The guardian ad litem shall also
19 attempt to elicit the respondent's position concerning the
20 adjudication of disability, the proposed guardian, a proposed
21 change in residential placement, changes in care that might
22 result from the guardianship, and other areas of inquiry deemed
23 appropriate by the court. Notwithstanding any provision in the
24 Mental Health and Developmental Disabilities Confidentiality
25 Act or any other law, a guardian ad litem shall have the right
26 to inspect and copy any medical or mental health record of the

1 respondent which the guardian ad litem deems necessary,
2 provided that the information so disclosed shall not be
3 utilized for any other purpose nor be redisclosed except in
4 connection with the proceedings. At or before the hearing, the
5 guardian ad litem shall file a written report detailing his or
6 her observations of the respondent, the responses of the
7 respondent to any of the inquiries detailed in this Section, the
8 opinion of the guardian ad litem or other professionals with
9 whom the guardian ad litem consulted concerning the
10 appropriateness of guardianship, and any other material issue
11 discovered by the guardian ad litem. The guardian ad litem
12 shall appear at the hearing and testify as to any issues
13 presented in his or her report.

14 (b) The court (1) may appoint counsel for the respondent,
15 if the court finds that the interests of the respondent will be
16 best served by the appointment, and (2) shall appoint counsel
17 upon respondent's request or if the respondent takes a position
18 adverse to that of the guardian ad litem. The respondent shall
19 be permitted to obtain the appointment of counsel either at the
20 hearing or by any written or oral request communicated to the
21 court prior to the hearing. The summons shall inform the
22 respondent of this right to obtain appointed counsel. The court
23 may allow counsel for the respondent reasonable compensation.

24 (c) If the respondent is unable to pay the fee of the
25 guardian ad litem or appointed counsel, or both, the court may
26 enter an order for the petitioner to pay all such fees or such

1 amounts as the respondent or the respondent's estate may be
2 unable to pay. However, in cases where the Office of State
3 Guardian is the petitioner, consistent with Section 30 of the
4 Guardianship and Advocacy Act, where the public guardian is the
5 petitioner, consistent with Section 13-5 of the Probate Act of
6 1975, where an adult protective services agency is the
7 petitioner, pursuant to Section 9 of the Adult Protective
8 Services Act, or where the Department of Children and Family
9 Services is the petitioner under subparagraph (d) of subsection
10 (1) of Section 2-27 of the Juvenile Court Act of 1987, no
11 guardian ad litem or legal fees shall be assessed against the
12 Office of State Guardian, the public guardian, the adult
13 protective services agency, or the Department of Children and
14 Family Services.

15 (d) The hearing may be held at such convenient place as the
16 court directs, including at a facility in which the respondent
17 resides.

18 (e) Unless he is the petitioner, the respondent shall be
19 personally served with a copy of the petition and a summons not
20 less than 14 days before the hearing. The summons shall be
21 printed in large, bold type and shall include the following
22 notice:

23 NOTICE OF RIGHTS OF RESPONDENT

24 You have been named as a respondent in a guardianship
25 petition asking that you be declared a person with a disability
26 ~~disabled person~~. If the court grants the petition, a guardian

1 will be appointed for you. A copy of the guardianship petition
2 is attached for your convenience.

3 The date and time of the hearing are:

4 The place where the hearing will occur is:

5 The Judge's name and phone number is:

6 If a guardian is appointed for you, the guardian may be
7 given the right to make all important personal decisions for
8 you, such as where you may live, what medical treatment you may
9 receive, what places you may visit, and who may visit you. A
10 guardian may also be given the right to control and manage your
11 money and other property, including your home, if you own one.
12 You may lose the right to make these decisions for yourself.

13 You have the following legal rights:

14 (1) You have the right to be present at the court
15 hearing.

16 (2) You have the right to be represented by a lawyer,
17 either one that you retain, or one appointed by the Judge.

18 (3) You have the right to ask for a jury of six persons
19 to hear your case.

20 (4) You have the right to present evidence to the court
21 and to confront and cross-examine witnesses.

22 (5) You have the right to ask the Judge to appoint an
23 independent expert to examine you and give an opinion about
24 your need for a guardian.

25 (6) You have the right to ask that the court hearing be
26 closed to the public.

1 (7) You have the right to tell the court whom you
2 prefer to have for your guardian.

3 You do not have to attend the court hearing if you do not
4 want to be there. If you do not attend, the Judge may appoint a
5 guardian if the Judge finds that a guardian would be of benefit
6 to you. The hearing will not be postponed or canceled if you do
7 not attend.

8 IT IS VERY IMPORTANT THAT YOU ATTEND THE HEARING IF YOU DO
9 NOT WANT A GUARDIAN OR IF YOU WANT SOMEONE OTHER THAN THE
10 PERSON NAMED IN THE GUARDIANSHIP PETITION TO BE YOUR GUARDIAN.
11 IF YOU DO NOT WANT A GUARDIAN OR IF YOU HAVE ANY OTHER
12 PROBLEMS, YOU SHOULD CONTACT AN ATTORNEY OR COME TO COURT AND
13 TELL THE JUDGE.

14 Service of summons and the petition may be made by a
15 private person 18 years of age or over who is not a party to the
16 action.

17 (f) Notice of the time and place of the hearing shall be
18 given by the petitioner by mail or in person to those persons,
19 including the proposed guardian, whose names and addresses
20 appear in the petition and who do not waive notice, not less
21 than 14 days before the hearing.

22 (Source: P.A. 97-375, eff. 8-15-11; 97-1095, eff. 8-24-12;
23 98-49, eff. 7-1-13; 98-89, eff. 7-15-13; 98-756, eff. 7-16-14.)

24 (755 ILCS 5/11a-10.2)

25 Sec. 11a-10.2. Procedure for appointment of a standby

1 guardian or a guardian of a person with a disability ~~disabled~~
2 ~~person~~. In any proceeding for the appointment of a standby
3 guardian or a guardian the court may appoint a guardian ad
4 litem to represent the person with a disability ~~disabled person~~
5 in the proceeding.

6 (Source: P.A. 90-796, eff. 12-15-98.)

7 (755 ILCS 5/11a-11) (from Ch. 110 1/2, par. 11a-11)

8 Sec. 11a-11. Hearing.

9 (a) The respondent is entitled to be represented by
10 counsel, to demand a jury of 6 persons, to present evidence,
11 and to confront and cross-examine all witnesses. The hearing
12 may be closed to the public on request of the respondent, the
13 guardian ad litem, or appointed or other counsel for the
14 respondent. Unless excused by the court upon a showing that the
15 respondent refuses to be present or will suffer harm if
16 required to attend, the respondent shall be present at the
17 hearing.

18 (b) (Blank).

19 (c) (Blank).

20 (d) In an uncontested proceeding for the appointment of a
21 guardian the person who prepared the report required by Section
22 11a-9 will only be required to testify at trial upon order of
23 court for cause shown.

24 (e) At the hearing the court shall inquire regarding: (1)
25 the nature and extent of respondent's general intellectual and

1 physical functioning; (2) the extent of the impairment of his
2 adaptive behavior if he is a person with a developmental
3 disability, or the nature and severity of his mental illness if
4 he is a person with mental illness; (3) the understanding and
5 capacity of the respondent to make and communicate responsible
6 decisions concerning his person; (4) the capacity of the
7 respondent to manage his estate and his financial affairs; (5)
8 the appropriateness of proposed and alternate living
9 arrangements; (6) the impact of the disability upon the
10 respondent's functioning in the basic activities of daily
11 living and the important decisions faced by the respondent or
12 normally faced by adult members of the respondent's community;
13 and (7) any other area of inquiry deemed appropriate by the
14 court.

15 (f) An authenticated transcript of the evidence taken in a
16 judicial proceeding concerning the respondent under the Mental
17 Health and Developmental Disabilities Code is admissible in
18 evidence at the hearing.

19 (g) If the petition is for the appointment of a guardian
20 for a beneficiary ~~disabled beneficiary~~ of the Veterans
21 Administration who has a disability, a certificate of the
22 Administrator of Veterans Affairs or his representative
23 stating that the beneficiary has been determined to be
24 incompetent by the Veterans Administration on examination in
25 accordance with the laws and regulations governing the Veterans
26 Administration in effect upon the date of the issuance of the

1 certificate and that the appointment of a guardian is a
2 condition precedent to the payment of any money due the
3 beneficiary by the Veterans Administration, is admissible in
4 evidence at the hearing.

5 (Source: P.A. 98-1094, eff. 1-1-15.)

6 (755 ILCS 5/11a-12) (from Ch. 110 1/2, par. 11a-12)

7 Sec. 11a-12. Order of appointment.)

8 (a) If basis for the appointment of a guardian as specified
9 in Section 11a-3 is not found, the court shall dismiss the
10 petition.

11 (b) If the respondent is adjudged to be a person with a
12 disability ~~disabled~~ and to lack some but not all of the
13 capacity as specified in Section 11a-3, and if the court finds
14 that guardianship is necessary for the protection of the person
15 with a disability ~~disabled person~~, his or her estate, or both,
16 the court shall appoint a limited guardian for the respondent's
17 person or estate or both. The court shall enter a written order
18 stating the factual basis for its findings and specifying the
19 duties and powers of the guardian and the legal disabilities to
20 which the respondent is subject.

21 (c) If the respondent is adjudged to be a person with a
22 disability ~~disabled~~ and to be totally without capacity as
23 specified in Section 11a-3, and if the court finds that limited
24 guardianship will not provide sufficient protection for the
25 person with a disability ~~disabled person~~, his or her estate, or

1 both, the court shall appoint a plenary guardian for the
2 respondent's person or estate or both. The court shall enter a
3 written order stating the factual basis for its findings.

4 (d) The selection of the guardian shall be in the
5 discretion of the court, which shall give due consideration to
6 the preference of the person with a disability ~~disabled person~~
7 as to a guardian, as well as the qualifications of the proposed
8 guardian, in making its appointment. However, the paramount
9 concern in the selection of the guardian is the best interest
10 and well-being of the person with a disability ~~disabled person~~.

11 (Source: P.A. 97-1093, eff. 1-1-13; 98-1094, eff. 1-1-15.)

12 (755 ILCS 5/11a-13) (from Ch. 110 1/2, par. 11a-13)

13 Sec. 11a-13. Costs in certain cases.) (a) No costs may be
14 taxed or charged by any public officer in any proceeding for
15 the appointment of a guardian or for any subsequent proceeding
16 or report made in pursuance of the appointment when the primary
17 purpose of the appointment is as set forth in Section 11-11 or
18 is the management of the estate of a person with a mental
19 disability ~~mentally disabled person~~ who resides in a state
20 mental health or developmental disabilities facility when the
21 value of the personal estate does not exceed \$1,000.

22 (b) No costs shall be taxed or charged against the Office
23 of the State Guardian by any public officer in any proceeding
24 for the appointment of a guardian or for any subsequent
25 proceeding or report made in pursuance of the appointment.

1 (Source: P.A. 80-1415.)

2 (755 ILCS 5/11a-16) (from Ch. 110 1/2, par. 11a-16)

3 Sec. 11a-16. Testamentary guardian.) A parent of a person
4 with a disability ~~disabled person~~ may designate by will a
5 person, corporation or public agency qualified to act under
6 Section 11a-5, to be appointed as guardian or as successor
7 guardian of the person or of the estate or both of that person.
8 If a conservator appointed under a prior law or a guardian
9 appointed under this Article is acting at the time of the death
10 of the parent, the designation shall become effective only upon
11 the death, incapacity, resignation or removal of the
12 conservator or guardian. If no conservator or guardian is
13 acting at the time of the death of the parent, the person,
14 corporation or public agency so designated or any other person
15 may petition the court having jurisdiction over the person or
16 estate or both of the child for the appointment of the one so
17 designated. The designation shall be proved in the manner
18 provided for proof of will. Admission of the will to probate in
19 any other jurisdiction shall be conclusive proof of the
20 validity of the designation. If the court finds that the
21 appointment of the one so designated will serve the best
22 interests and welfare of the ward, it shall appoint the one so
23 designated. The selection of a guardian shall be in the
24 discretion of the court, whether or not a designation is made.

25 (Source: P.A. 81-795.)

1 (755 ILCS 5/11a-17) (from Ch. 110 1/2, par. 11a-17)

2 Sec. 11a-17. Duties of personal guardian.

3 (a) To the extent ordered by the court and under the
4 direction of the court, the guardian of the person shall have
5 custody of the ward and the ward's minor and adult dependent
6 children and shall procure for them and shall make provision
7 for their support, care, comfort, health, education and
8 maintenance, and professional services as are appropriate, but
9 the ward's spouse may not be deprived of the custody and
10 education of the ward's minor and adult dependent children,
11 without the consent of the spouse, unless the court finds that
12 the spouse is not a fit and competent person to have that
13 custody and education. The guardian shall assist the ward in
14 the development of maximum self-reliance and independence. The
15 guardian of the person may petition the court for an order
16 directing the guardian of the estate to pay an amount
17 periodically for the provision of the services specified by the
18 court order. If the ward's estate is insufficient to provide
19 for education and the guardian of the ward's person fails to
20 provide education, the court may award the custody of the ward
21 to some other person for the purpose of providing education. If
22 a person makes a settlement upon or provision for the support
23 or education of a ward, the court may make an order for the
24 visitation of the ward by the person making the settlement or
25 provision as the court deems proper. A guardian of the person

1 may not admit a ward to a mental health facility except at the
2 ward's request as provided in Article IV of the Mental Health
3 and Developmental Disabilities Code and unless the ward has the
4 capacity to consent to such admission as provided in Article IV
5 of the Mental Health and Developmental Disabilities Code.

6 (a-5) If the ward filed a petition for dissolution of
7 marriage under the Illinois Marriage and Dissolution of
8 Marriage Act before the ward was adjudicated a person with a
9 disability ~~disabled person~~ under this Article, the guardian of
10 the ward's person and estate may maintain that action for
11 dissolution of marriage on behalf of the ward. Upon petition by
12 the guardian of the ward's person or estate, the court may
13 authorize and direct a guardian of the ward's person or estate
14 to file a petition for dissolution of marriage or to file a
15 petition for legal separation or declaration of invalidity of
16 marriage under the Illinois Marriage and Dissolution of
17 Marriage Act on behalf of the ward if the court finds by clear
18 and convincing evidence that the relief sought is in the ward's
19 best interests. In making its determination, the court shall
20 consider the standards set forth in subsection (e) of this
21 Section.

22 (a-10) Upon petition by the guardian of the ward's person
23 or estate, the court may authorize and direct a guardian of the
24 ward's person or estate to consent, on behalf of the ward, to
25 the ward's marriage pursuant to Part II of the Illinois
26 Marriage and Dissolution of Marriage Act if the court finds by

1 clear and convincing evidence that the marriage is in the
2 ward's best interests. In making its determination, the court
3 shall consider the standards set forth in subsection (e) of
4 this Section. Upon presentation of a court order authorizing
5 and directing a guardian of the ward's person and estate to
6 consent to the ward's marriage, the county clerk shall accept
7 the guardian's application, appearance, and signature on
8 behalf of the ward for purposes of issuing a license to marry
9 under Section 203 of the Illinois Marriage and Dissolution of
10 Marriage Act.

11 (b) If the court directs, the guardian of the person shall
12 file with the court at intervals indicated by the court, a
13 report that shall state briefly: (1) the current mental,
14 physical, and social condition of the ward and the ward's minor
15 and adult dependent children; (2) their present living
16 arrangement, and a description and the address of every
17 residence where they lived during the reporting period and the
18 length of stay at each place; (3) a summary of the medical,
19 educational, vocational, and other professional services given
20 to them; (4) a resume of the guardian's visits with and
21 activities on behalf of the ward and the ward's minor and adult
22 dependent children; (5) a recommendation as to the need for
23 continued guardianship; (6) any other information requested by
24 the court or useful in the opinion of the guardian. The Office
25 of the State Guardian shall assist the guardian in filing the
26 report when requested by the guardian. The court may take such

1 action as it deems appropriate pursuant to the report.

2 (c) Absent court order pursuant to the Illinois Power of
3 Attorney Act directing a guardian to exercise powers of the
4 principal under an agency that survives disability, the
5 guardian has no power, duty, or liability with respect to any
6 personal or health care matters covered by the agency. This
7 subsection (c) applies to all agencies, whenever and wherever
8 executed.

9 (d) A guardian acting as a surrogate decision maker under
10 the Health Care Surrogate Act shall have all the rights of a
11 surrogate under that Act without court order including the
12 right to make medical treatment decisions such as decisions to
13 forgo or withdraw life-sustaining treatment. Any decisions by
14 the guardian to forgo or withdraw life-sustaining treatment
15 that are not authorized under the Health Care Surrogate Act
16 shall require a court order. Nothing in this Section shall
17 prevent an agent acting under a power of attorney for health
18 care from exercising his or her authority under the Illinois
19 Power of Attorney Act without further court order, unless a
20 court has acted under Section 2-10 of the Illinois Power of
21 Attorney Act. If a guardian is also a health care agent for the
22 ward under a valid power of attorney for health care, the
23 guardian acting as agent may execute his or her authority under
24 that act without further court order.

25 (e) Decisions made by a guardian on behalf of a ward shall
26 be made in accordance with the following standards for decision

1 making. Decisions made by a guardian on behalf of a ward may be
2 made by conforming as closely as possible to what the ward, if
3 competent, would have done or intended under the circumstances,
4 taking into account evidence that includes, but is not limited
5 to, the ward's personal, philosophical, religious and moral
6 beliefs, and ethical values relative to the decision to be made
7 by the guardian. Where possible, the guardian shall determine
8 how the ward would have made a decision based on the ward's
9 previously expressed preferences, and make decisions in
10 accordance with the preferences of the ward. If the ward's
11 wishes are unknown and remain unknown after reasonable efforts
12 to discern them, the decision shall be made on the basis of the
13 ward's best interests as determined by the guardian. In
14 determining the ward's best interests, the guardian shall weigh
15 the reason for and nature of the proposed action, the benefit
16 or necessity of the action, the possible risks and other
17 consequences of the proposed action, and any available
18 alternatives and their risks, consequences and benefits, and
19 shall take into account any other information, including the
20 views of family and friends, that the guardian believes the
21 ward would have considered if able to act for herself or
22 himself.

23 (f) Upon petition by any interested person (including the
24 standby or short-term guardian), with such notice to interested
25 persons as the court directs and a finding by the court that it
26 is in the best interest of the person with a disability

1 ~~disabled person~~, the court may terminate or limit the authority
2 of a standby or short-term guardian or may enter such other
3 orders as the court deems necessary to provide for the best
4 interest of the person with a disability ~~disabled person~~. The
5 petition for termination or limitation of the authority of a
6 standby or short-term guardian may, but need not, be combined
7 with a petition to have another guardian appointed for the
8 person with a disability ~~disabled person~~.

9 (Source: P.A. 98-1107, eff. 8-26-14.)

10 (755 ILCS 5/11a-18) (from Ch. 110 1/2, par. 11a-18)

11 Sec. 11a-18. Duties of the estate guardian.

12 (a) To the extent specified in the order establishing the
13 guardianship, the guardian of the estate shall have the care,
14 management and investment of the estate, shall manage the
15 estate frugally and shall apply the income and principal of the
16 estate so far as necessary for the comfort and suitable support
17 and education of the ward, his minor and adult dependent
18 children, and persons related by blood or marriage who are
19 dependent upon or entitled to support from him, or for any
20 other purpose which the court deems to be for the best
21 interests of the ward, and the court may approve the making on
22 behalf of the ward of such agreements as the court determines
23 to be for the ward's best interests. The guardian may make
24 disbursement of his ward's funds and estate directly to the
25 ward or other distributee or in such other manner and in such

1 amounts as the court directs. If the estate of a ward is
2 derived in whole or in part from payments of compensation,
3 adjusted compensation, pension, insurance or other similar
4 benefits made directly to the estate by the Veterans
5 Administration, notice of the application for leave to invest
6 or expend the ward's funds or estate, together with a copy of
7 the petition and proposed order, shall be given to the
8 Veterans' Administration Regional Office in this State at least
9 7 days before the hearing on the application.

10 (a-5) The probate court, upon petition of a guardian, other
11 than the guardian of a minor, and after notice to all other
12 persons interested as the court directs, may authorize the
13 guardian to exercise any or all powers over the estate and
14 business affairs of the ward that the ward could exercise if
15 present and not under disability. The court may authorize the
16 taking of an action or the application of funds not required
17 for the ward's current and future maintenance and support in
18 any manner approved by the court as being in keeping with the
19 ward's wishes so far as they can be ascertained. The court must
20 consider the permanence of the ward's disabling condition and
21 the natural objects of the ward's bounty. In ascertaining and
22 carrying out the ward's wishes the court may consider, but
23 shall not be limited to, minimization of State or federal
24 income, estate, or inheritance taxes; and providing gifts to
25 charities, relatives, and friends that would be likely
26 recipients of donations from the ward. The ward's wishes as

1 best they can be ascertained shall be carried out, whether or
2 not tax savings are involved. Actions or applications of funds
3 may include, but shall not be limited to, the following:

4 (1) making gifts of income or principal, or both, of
5 the estate, either outright or in trust;

6 (2) conveying, releasing, or disclaiming his or her
7 contingent and expectant interests in property, including
8 marital property rights and any right of survivorship
9 incident to joint tenancy or tenancy by the entirety;

10 (3) releasing or disclaiming his or her powers as
11 trustee, personal representative, custodian for minors, or
12 guardian;

13 (4) exercising, releasing, or disclaiming his or her
14 powers as donee of a power of appointment;

15 (5) entering into contracts;

16 (6) creating for the benefit of the ward or others,
17 revocable or irrevocable trusts of his or her property that
18 may extend beyond his or her disability or life;

19 (7) exercising options of the ward to purchase or
20 exchange securities or other property;

21 (8) exercising the rights of the ward to elect benefit
22 or payment options, to terminate, to change beneficiaries
23 or ownership, to assign rights, to borrow, or to receive
24 cash value in return for a surrender of rights under any
25 one or more of the following:

26 (i) life insurance policies, plans, or benefits,

- 1 (ii) annuity policies, plans, or benefits,
2 (iii) mutual fund and other dividend investment
3 plans,
4 (iv) retirement, profit sharing, and employee
5 welfare plans and benefits;
- 6 (9) exercising his or her right to claim or disclaim an
7 elective share in the estate of his or her deceased spouse
8 and to renounce any interest by testate or intestate
9 succession or by inter vivos transfer;
- 10 (10) changing the ward's residence or domicile; or
- 11 (11) modifying by means of codicil or trust amendment
12 the terms of the ward's will or any revocable trust created
13 by the ward, as the court may consider advisable in light
14 of changes in applicable tax laws.

15 The guardian in his or her petition shall briefly outline
16 the action or application of funds for which he or she seeks
17 approval, the results expected to be accomplished thereby, and
18 the tax savings, if any, expected to accrue. The proposed
19 action or application of funds may include gifts of the ward's
20 personal property or real estate, but transfers of real estate
21 shall be subject to the requirements of Section 20 of this Act.
22 Gifts may be for the benefit of prospective legatees, devisees,
23 or heirs apparent of the ward or may be made to individuals or
24 charities in which the ward is believed to have an interest.
25 The guardian shall also indicate in the petition that any
26 planned disposition is consistent with the intentions of the

1 ward insofar as they can be ascertained, and if the ward's
2 intentions cannot be ascertained, the ward will be presumed to
3 favor reduction in the incidents of various forms of taxation
4 and the partial distribution of his or her estate as provided
5 in this subsection. The guardian shall not, however, be
6 required to include as a beneficiary or fiduciary any person
7 who he has reason to believe would be excluded by the ward. A
8 guardian shall be required to investigate and pursue a ward's
9 eligibility for governmental benefits.

10 (b) Upon the direction of the court which issued his
11 letters, a guardian may perform the contracts of his ward which
12 were legally subsisting at the time of the commencement of the
13 ward's disability. The court may authorize the guardian to
14 execute and deliver any bill of sale, deed or other instrument.

15 (c) The guardian of the estate of a ward shall appear for
16 and represent the ward in all legal proceedings unless another
17 person is appointed for that purpose as guardian or next
18 friend. This does not impair the power of any court to appoint
19 a guardian ad litem or next friend to defend the interests of
20 the ward in that court, or to appoint or allow any person as
21 the next friend of a ward to commence, prosecute or defend any
22 proceeding in his behalf. Without impairing the power of the
23 court in any respect, if the guardian of the estate of a ward
24 and another person as next friend shall appear for and
25 represent the ward in a legal proceeding in which the
26 compensation of the attorney or attorneys representing the

1 guardian and next friend is solely determined under a
2 contingent fee arrangement, the guardian of the estate of the
3 ward shall not participate in or have any duty to review the
4 prosecution of the action, to participate in or review the
5 appropriateness of any settlement of the action, or to
6 participate in or review any determination of the
7 appropriateness of any fees awarded to the attorney or
8 attorneys employed in the prosecution of the action.

9 (d) Adjudication of disability shall not revoke or
10 otherwise terminate a trust which is revocable by the ward. A
11 guardian of the estate shall have no authority to revoke a
12 trust that is revocable by the ward, except that the court may
13 authorize a guardian to revoke a Totten trust or similar
14 deposit or withdrawable capital account in trust to the extent
15 necessary to provide funds for the purposes specified in
16 paragraph (a) of this Section. If the trustee of any trust for
17 the benefit of the ward has discretionary power to apply income
18 or principal for the ward's benefit, the trustee shall not be
19 required to distribute any of the income or principal to the
20 guardian of the ward's estate, but the guardian may bring an
21 action on behalf of the ward to compel the trustee to exercise
22 the trustee's discretion or to seek relief from an abuse of
23 discretion. This paragraph shall not limit the right of a
24 guardian of the estate to receive accountings from the trustee
25 on behalf of the ward.

26 (e) Absent court order pursuant to the Illinois Power of

1 Attorney Act directing a guardian to exercise powers of the
2 principal under an agency that survives disability, the
3 guardian will have no power, duty or liability with respect to
4 any property subject to the agency. This subsection (e) applies
5 to all agencies, whenever and wherever executed.

6 (f) Upon petition by any interested person (including the
7 standby or short-term guardian), with such notice to interested
8 persons as the court directs and a finding by the court that it
9 is in the best interest of the person with a disability
10 ~~disabled person~~, the court may terminate or limit the authority
11 of a standby or short-term guardian or may enter such other
12 orders as the court deems necessary to provide for the best
13 interest of the person with a disability ~~disabled person~~. The
14 petition for termination or limitation of the authority of a
15 standby or short-term guardian may, but need not, be combined
16 with a petition to have another guardian appointed for the
17 person with a disability ~~disabled person~~.

18 (Source: P.A. 95-331, eff. 8-21-07.)

19 (755 ILCS 5/11a-18.1) (from Ch. 110 1/2, par. 11a-18.1)

20 Sec. 11a-18.1. Conditional gifts. (a) The court may
21 authorize and direct the guardian of the estate to make
22 conditional gifts from the estate of a person with a disability
23 ~~disabled person~~ to any spouse, parent, brother or sister of the
24 person with a disability ~~disabled person~~ who dedicates himself
25 or herself to the care of the person with a disability ~~disabled~~

1 ~~person~~ by living with and personally caring for the person with
2 a disability ~~disabled person~~ for at least 3 years. It shall be
3 presumed that the person with a disability ~~disabled person~~
4 intends to make such conditional gifts.

5 (b) A conditional gift shall not be distributed to the
6 donee until the death of the person with a disability ~~disabled~~
7 ~~person~~. The court may impose such other conditions on the gift
8 as the court deems just and reasonable. The court may provide
9 for an alternate disposition of the gift should the donee die
10 before the person with a disability ~~disabled person~~; provided
11 that if no such alternate disposition is made, the conditional
12 gift shall lapse upon the death of the donee prior to the death
13 of the person with a disability ~~disabled person~~. A conditional
14 gift may be modified or revoked by the court at any time.

15 (c) The guardian of the estate, the spouse, parent, brother
16 or sister of a person with a disability ~~disabled person~~, or any
17 other interested person may petition the court to authorize and
18 direct the guardian of the estate to make a conditional gift or
19 to modify, revoke or distribute a conditional gift. All persons
20 who would be heirs of the person with a disability ~~disabled~~
21 ~~person~~ if the person with a disability ~~disabled person~~ died on
22 the date the petition is filed (or the heirs if the person with
23 a disability ~~disabled person~~ is deceased) and all legatees
24 under any known last will of the person with a disability
25 ~~disabled person~~ shall be given reasonable notice of the hearing
26 on the petition by certified U. S. mail, return receipt

1 requested. If a trustee is a legatee, notice shall be given to
2 the trustee and need not be given to the trust beneficiaries.
3 Any person entitled to notice of the hearing may appear and
4 object to the petition. The giving of the notice of the hearing
5 to those persons entitled to notice shall cause the decision
6 and order of the court to be binding upon all other persons who
7 otherwise may be interested or may become interested in the
8 estate of the person with a disability ~~disabled person~~.

9 (d) The guardian of the estate shall set aside conditional
10 gifts in a separate fund for each donee and shall hold and
11 invest each fund as part of the estate of the person with a
12 disability ~~disabled person~~. Upon order of the court, any
13 conditional gift may be revoked or modified in whole or part so
14 that the assets may be used for the care and comfort of the
15 person with a disability ~~disabled person~~ should funds otherwise
16 available for such purposes be inadequate.

17 (e) Upon the death of the person with a disability ~~disabled~~
18 ~~person~~, the guardian of the estate shall hold each special fund
19 as trustee and shall petition the court for authorization to
20 distribute the special fund and for any other appropriate
21 relief. The court shall order distribution upon such terms and
22 conditions as the court deems just and reasonable.

23 (Source: P.A. 85-1417.)

24 (755 ILCS 5/11a-18.2)

25 Sec. 11a-18.2. Duties of standby guardian of a person with

1 a disability disabled person.

2 (a) Before a standby guardian of a person with a disability
3 ~~disabled person~~ may act, the standby guardian must be appointed
4 by the court of the proper county and, in the case of a standby
5 guardian of the ~~disabled person's~~ estate of the person with a
6 disability, the standby guardian must give the bond prescribed
7 in subsection (c) of Section 11a-3.1 and Section 12-2.

8 (b) The standby guardian shall not have any duties or
9 authority to act until the standby guardian receives knowledge
10 of the death or consent of the ~~disabled person's~~ guardian of
11 the person with a disability, or the inability of the ~~disabled~~
12 ~~person's~~ guardian of the person with a disability to make and
13 carry out day-to-day care decisions concerning the person with
14 a disability ~~disabled person~~ for whom the standby guardian has
15 been appointed. This inability of the ~~disabled person's~~
16 guardian of the person with a disability to make and carry out
17 day-to-day care decisions may be communicated either by the
18 guardian's own admission or by the written certification of the
19 guardian's attending physician. Immediately upon receipt of
20 that knowledge, the standby guardian shall assume all duties as
21 guardian of the person with a disability ~~disabled person~~ as
22 previously determined by the order appointing the standby
23 guardian, and as set forth in Sections 11a-17 and 11a-18, and
24 the standby guardian of the person shall have the authority to
25 act as guardian of the person without direction of court for a
26 period of up to 60 days, provided that the authority of the

1 standby guardian may be limited or terminated by a court of
2 competent jurisdiction.

3 (c) Within 60 days of the standby guardian's receipt of
4 knowledge of the death or consent of the ~~disabled person's~~
5 guardian of the person with a disability, or the inability of
6 the ~~disabled person's~~ guardian of the person with a disability
7 to make and carry out day-to-day care decisions concerning the
8 person with a disability ~~disabled person~~, the standby guardian
9 shall file or cause to be filed a petition for the appointment
10 of a guardian of the person or estate, or both, of the person
11 with a disability ~~disabled person~~ under Section 11a-3.

12 (Source: P.A. 90-796, eff. 12-15-98.)

13 (755 ILCS 5/11a-18.3)

14 Sec. 11a-18.3. Duties of short-term guardian of a person
15 with a disability ~~disabled person~~.

16 (a) Immediately upon the effective date of the appointment
17 of a short-term guardian, the short-term guardian shall assume
18 all duties as short-term guardian of the person with a
19 disability ~~disabled person~~ as provided in this Section. The
20 short-term guardian of the person shall have authority to act
21 as short-term guardian, without direction of the court, for the
22 duration of the appointment, which in no case shall exceed a
23 cumulative total of 60 days in any 12 month period for all
24 short-term guardians appointed by the guardian. The authority
25 of the short-term guardian may be limited or terminated by a

1 court of competent jurisdiction.

2 (b) Unless further specifically limited by the instrument
3 appointing the short-term guardian, a short-term guardian
4 shall have the authority to act as a guardian of the person of
5 a person with a disability ~~disabled person~~ as prescribed in
6 Section 11a-17, but shall not have any authority to act as
7 guardian of the estate of a person with a disability ~~disabled~~
8 ~~person~~, except that a short-term guardian shall have the
9 authority to apply for and receive on behalf of the person with
10 a disability ~~disabled person~~ benefits to which the person with
11 a disability ~~disabled person~~ may be entitled from or under
12 federal, State, or local organizations or programs.

13 (Source: P.A. 90-796, eff. 12-15-98.)

14 (755 ILCS 5/11a-20) (from Ch. 110 1/2, par. 11a-20)

15 Sec. 11a-20. Termination of adjudication of disability -
16 Revocation of letters - modification.)

17 (a) Except as provided in subsection (b-5), upon the filing
18 of a petition by or on behalf of a person with a disability
19 ~~disabled person~~ or on its own motion, the court may terminate
20 the adjudication of disability of the ward, revoke the letters
21 of guardianship of the estate or person, or both, or modify the
22 duties of the guardian if the ward's capacity to perform the
23 tasks necessary for the care of his person or the management of
24 his estate has been demonstrated by clear and convincing
25 evidence. A report or testimony by a licensed physician is not

1 a prerequisite for termination, revocation or modification of a
2 guardianship order under this subsection (a).

3 (b) Except as provided in subsection (b-5), a request by
4 the ward or any other person on the ward's behalf, under this
5 Section may be communicated to the court or judge by any means,
6 including but not limited to informal letter, telephone call or
7 visit. Upon receipt of a request from the ward or another
8 person, the court may appoint a guardian ad litem to
9 investigate and report to the court concerning the allegations
10 made in conjunction with said request, and if the ward wishes
11 to terminate, revoke, or modify the guardianship order, to
12 prepare the ward's petition and to render such other services
13 as the court directs.

14 (b-5) Upon the filing of a verified petition by the
15 guardian of the person with a disability ~~disabled person~~ or the
16 person with a disability ~~disabled person~~, the court may
17 terminate the adjudication of disability of the ward, revoke
18 the letters of guardianship of the estate or person, or both,
19 or modify the duties of the guardian if: (i) a report completed
20 in accordance with subsection (a) of Section 11a-9 states that
21 the person with a disability ~~disabled person~~ is no longer in
22 need of guardianship or that the type and scope of guardianship
23 should be modified; (ii) the person with a disability ~~disabled~~
24 ~~person~~ no longer wishes to be under guardianship or desires
25 that the type and scope of guardianship be modified; and (iii)
26 the guardian of the person with a disability ~~disabled person~~

1 states that it is in the best interest of the person with a
2 disability ~~disabled person~~ to terminate the adjudication of
3 disability of the ward, revoke the letters of guardianship of
4 the estate or person, or both, or modify the duties of the
5 guardian, and provides the basis thereof. In a proceeding
6 brought pursuant to this subsection (b-5), the court may
7 terminate the adjudication of disability of the ward, revoke
8 the letters of guardianship of the estate or person, or both,
9 or modify the duties of the guardian, unless it has been
10 demonstrated by clear and convincing evidence that the ward is
11 incapable of performing the tasks necessary for the care of his
12 or her person or the management of his or her estate.

13 (c) Notice of the hearing on a petition under this Section,
14 together with a copy of the petition, shall be given to the
15 ward, unless he is the petitioner, and to each and every
16 guardian to whom letters of guardianship have been issued and
17 not revoked, not less than 14 days before the hearing.

18 (Source: P.A. 97-1093, eff. 1-1-13.)

19 (755 ILCS 5/11a-22) (from Ch. 110 1/2, par. 11a-22)

20 Sec. 11a-22. Trade and contracts with a person with a
21 disability ~~disabled person~~.

22 (a) Anyone who by trading with, bartering, gaming or any
23 other device, wrongfully possesses himself of any property of a
24 person known to be a person with a disability ~~disabled person~~
25 commits a Class A misdemeanor.

1 (b) Every note, bill, bond or other contract by any person
2 for whom a plenary guardian has been appointed or who is
3 adjudged to be unable to so contract is void as against that
4 person and his estate, but a person making a contract with the
5 person so adjudged is bound thereby.

6 (Source: P.A. 91-357, eff. 7-29-99.)

7 (755 ILCS 5/11a-24)

8 Sec. 11a-24. Notification; Department of State Police.
9 When a court adjudges a respondent to be a person with a
10 disability ~~disabled person~~ under this Article, the court shall
11 direct the circuit court clerk to notify the Department of
12 State Police, Firearm Owner's Identification (FOID) Office, in
13 a form and manner prescribed by the Department of State Police,
14 and shall forward a copy of the court order to the Department
15 no later than 7 days after the entry of the order. Upon receipt
16 of the order, the Department of State Police shall provide
17 notification to the National Instant Criminal Background Check
18 System.

19 (Source: P.A. 98-63, eff. 7-9-13.)

20 (755 ILCS 5/12-2) (from Ch. 110 1/2, par. 12-2)

21 Sec. 12-2. Individual representative; oath and bond.

22 (a) Except as provided in subsection (b), before
23 undertaking the representative's duties, every individual
24 representative shall take and file an oath or affirmation that

1 the individual will faithfully discharge the duties of the
2 office of the representative according to law and shall file in
3 and have approved by the court a bond binding the individual
4 representative so to do. The court may waive the filing of a
5 bond of a representative of the person of a ward or of a
6 standby guardian of a minor or person with a disability
7 ~~disabled person~~.

8 (b) Where bond or security is excused by the will or as
9 provided in subsection (b) of Section 12-4, the bond of the
10 representative in the amount from time to time required under
11 this Article shall be in full force and effect without writing,
12 unless the court requires the filing of a written bond.

13 (Source: P.A. 90-796, eff. 12-15-98.)

14 (755 ILCS 5/12-4) (from Ch. 110 1/2, par. 12-4)

15 Sec. 12-4. When security excused or specified.)

16 (a) Except as provided in paragraph (c) of Section 6-13
17 with respect to a nonresident executor, no security is required
18 of a person who is excused by the will from giving bond or
19 security and no greater security than is specified by the will
20 is required, unless in either case the court, from its own
21 knowledge or the suggestion of any interested person, has cause
22 to suspect the representative of fraud or incompetence or
23 believes that the estate of the decedent will not be sufficient
24 to discharge all the claims against the estate, or in the case
25 of a testamentary guardian of the estate, that the rights of

1 the ward will be prejudiced by failure to give security.

2 (b) If a person designates a guardian of his person or
3 estate or both to be appointed in the event he is adjudged a
4 person with a disability ~~disabled person~~ as provided in Section
5 11a-6 and excuses the guardian from giving bond or security, or
6 if the guardian is the Office of State Guardian, the guardian's
7 bond in the amount from time to time required under this
8 Article shall be in full force and effect without writing,
9 unless the court requires the filing of a written bond.

10 (c) The Office of State Guardian shall not be required to
11 have sureties or surety companies as security on its bonds. The
12 oath and bond of the representative without surety shall be
13 sufficient.

14 (Source: P.A. 89-396, eff. 8-20-95.)

15 (755 ILCS 5/13-2) (from Ch. 110 1/2, par. 13-2)

16 Sec. 13-2. Bond and oath.) Before entering upon the
17 performance of his duties, every public administrator and every
18 public guardian shall take and file in the court an oath or
19 affirmation that he will support the Constitution of the United
20 States and the Constitution of the State of Illinois and will
21 faithfully discharge the duties of his office and shall enter
22 into a bond payable to the people of the State of Illinois in a
23 sum of not less than \$5,000 with security as provided by this
24 Act and approved by the court of the county in which he is
25 appointed, conditioned that he will faithfully discharge the

1 duties of his office. The court may from time to time require
2 additional security of the public administrator or guardian and
3 may require him to give the usual bond required of
4 representatives of estates of decedents, or persons with
5 disabilities ~~disabled persons~~ in other cases. In default of his
6 giving bond within 60 days after receiving his commission or of
7 his giving additional security within 60 days after being
8 ordered by the court to do so, his office is deemed vacant and
9 upon certificate of a judge of the court of that fact the
10 Governor or the Circuit Court shall fill the vacancy.

11 (Source: P.A. 81-1052.)

12 (755 ILCS 5/13-3.1) (from Ch. 110 1/2, par. 13-3.1)

13 Sec. 13-3.1.Compensation of public guardian.

14 (a) In counties having a population in excess of 1,000,000
15 the public guardian shall be paid an annual salary, to be set
16 by the County Board at a figure not to exceed the salary of the
17 public defender for the county. All expenses connected with the
18 operation of the office shall be subject to the approval of the
19 County Board and shall be paid from the county treasury. All
20 fees collected shall be paid into the county treasury.

21 (b) In counties having a population of 1,000,000 or less
22 the public guardian shall receive all the fees of his office
23 and bear the expenses connected with the operation of the
24 office. A public guardian shall be entitled to reasonable and
25 appropriate compensation for services related to guardianship

1 duties but all fees must be reviewed and approved by the court.
2 A public guardian may petition the court for the payment of
3 reasonable and appropriate fees. In counties having a
4 population of 1,000,000 or less, the public guardian shall do
5 so on not less than a yearly basis, or sooner as approved by
6 the court. Any fees or expenses charged by a public guardian
7 shall be documented through billings and maintained by the
8 guardian and supplied to the court for review. In considering
9 the reasonableness of any fee petition brought by a public
10 guardian under this Section, the court shall consider the
11 following:

12 (1) the powers and duties assigned to the public
13 guardian by the court;

14 (2) the necessity of any services provided;

15 (3) the time required, the degree of difficulty, and
16 the experience needed to complete the task;

17 (4) the needs of the ward and the costs of
18 alternatives; and

19 (5) other facts and circumstances material to the best
20 interests of the ward or his or her estate.

21 (c) When the public guardian is appointed as the temporary
22 guardian of an adult with a disability ~~a disabled adult~~
23 pursuant to an emergency petition under circumstances when the
24 court finds that the immediate establishment of a temporary
25 guardianship is necessary to protect the ~~disabled adult's~~
26 health, welfare, or estate of the adult with a disability, the

1 public guardian shall be entitled to reasonable and appropriate
2 fees, as determined by the court, for the period of the
3 temporary guardianship, including fees directly associated
4 with establishing the temporary guardianship.

5 (Source: P.A. 96-752, eff. 1-1-10; 96-1000, eff. 7-2-10.)

6 (755 ILCS 5/13-5) (from Ch. 110 1/2, par. 13-5)

7 Sec. 13-5. Powers and duties of public guardian.) The court
8 may appoint the public guardian as the guardian of any adult
9 with a disability ~~disabled adult~~ who is in need of a public
10 guardian and whose estate exceeds \$25,000. When an adult with a
11 disability ~~a disabled adult~~ who has a smaller estate is in need
12 of guardianship services, the court shall appoint the State
13 guardian pursuant to Section 30 of the Guardianship and
14 Advocacy Act. If the public guardian is appointed guardian of
15 an adult with a disability ~~a disabled adult~~ and the estate of
16 the adult with a disability ~~the disabled adult~~ is thereafter
17 reduced to less than \$25,000, the court may, upon the petition
18 of the public guardian and the approval by the court of a final
19 accounting of the ~~disabled adult's~~ estate of the adult with a
20 disability, discharge the public guardian and transfer the
21 guardianship to the State guardian. The public guardian shall
22 serve not less than 14 days' notice to the State guardian of
23 the hearing date regarding the transfer. When appointed by the
24 court, the public guardian has the same powers and duties as
25 other guardians appointed under this Act, with the following

1 additions and modifications:

2 (a) The public guardian shall monitor the ward and his care
3 and progress on a continuous basis. Monitoring shall at minimum
4 consist of monthly contact with the ward, and the receipt of
5 periodic reports from all individuals and agencies, public or
6 private, providing care or related services to the ward.

7 (b) Placement of a ward outside of the ward's home may be
8 made only after the public guardian or his representative has
9 visited the facility in which placement is proposed.

10 (c) The public guardian shall prepare an inventory of the
11 ward's belongings and assets and shall maintain insurance on
12 all of the ward's real and personal property, unless the court
13 determines, and issues an order finding, that (1) the real or
14 personal property lacks sufficient equity, (2) the estate lacks
15 sufficient funds to pay for insurance, or (3) the property is
16 otherwise uninsurable. No personal property shall be removed
17 from the ward's possession except for storage pending final
18 placement or for liquidation in accordance with this Act.

19 (d) The public guardian shall make no substantial
20 distribution of the ward's estate without a court order.

21 (e) The public guardian may liquidate assets of the ward to
22 pay for the costs of the ward's care and for storage of the
23 ward's personal property only after notice of such pending
24 action is given to all potential heirs at law, unless notice is
25 waived by the court; provided, however, that a person who has
26 been so notified may elect to pay for care or storage or to pay

1 fair market value of the asset or assets sought to be sold in
2 lieu of liquidation.

3 (f) Real property of the ward may be sold at fair market
4 value after an appraisal of the property has been made by a
5 licensed appraiser; provided, however, that the ward's
6 residence may be sold only if the court finds that the ward is
7 not likely to be able to return home at a future date.

8 (g) The public guardian shall, at such intervals as the
9 court may direct, submit to the court an affidavit setting
10 forth in detail the services he has provided for the benefit of
11 the ward.

12 (h) Upon the death of the ward, the public guardian shall
13 turn over to the court-appointed administrator all of the
14 ward's assets and an account of his receipt and administration
15 of the ward's property. A guardian ad litem shall be appointed
16 for an accounting when the estate exceeds the amount set in
17 Section 25-1 of this Act for administration of small estates.

18 (i)(1) On petition of any person who appears to have an
19 interest in the estate, the court by temporary order may
20 restrain the public guardian from performing specified acts of
21 administration, disbursement or distribution, or from exercise
22 of any powers or discharge of any duties of his office, or make
23 any other order to secure proper performance of his duty, if it
24 appears to the court that the public guardian might otherwise
25 take some action contrary to the best interests of the ward.
26 Persons with whom the public guardian may transact business may

1 be made parties.

2 (2) The matter shall be set for hearing within 10 days
3 unless the parties otherwise agree or unless for good cause
4 shown the court determines that additional time is required.
5 Notice as the court directs shall be given to the public
6 guardian and his attorney of record, if any, and to any other
7 parties named defendant in the petition.

8 (j) On petition of the public guardian, the court in its
9 discretion may for good cause shown transfer guardianship to
10 the State guardian.

11 (k) No later than January 31 of each year, the public
12 guardian shall file an annual report with the clerk of the
13 Circuit Court, indicating, with respect to the period covered
14 by the report, the number of cases which he has handled, the
15 date on which each case was assigned, the date of termination
16 of each case which has been closed during the period, the
17 disposition of each terminated case, and the total amount of
18 fees collected during the period from each ward.

19 (l) (Blank).

20 (Source: P.A. 96-752, eff. 1-1-10; 97-1094, eff. 8-24-12.)

21 (755 ILCS 5/18-1.1) (from Ch. 110 1/2, par. 18-1.1)

22 Sec. 18-1.1. Statutory custodial claim. Any spouse,
23 parent, brother, sister, or child of a person with a disability
24 ~~disabled person~~ who dedicates himself or herself to the care of
25 the person with a disability ~~disabled person~~ by living with and

1 personally caring for the person with a disability ~~disabled~~
2 ~~person~~ for at least 3 years shall be entitled to a claim
3 against the estate upon the death of the person with a
4 disability ~~disabled~~ ~~person~~. The claim shall take into
5 consideration the claimant's lost employment opportunities,
6 lost lifestyle opportunities, and emotional distress
7 experienced as a result of personally caring for the person
8 with a disability ~~disabled~~ ~~person~~. Notwithstanding the
9 statutory claim amounts stated in this Section, a court may
10 reduce an amount to the extent that the living arrangements
11 were intended to and did in fact also provide a physical or
12 financial benefit to the claimant. The factors a court may
13 consider in determining whether to reduce a statutory custodial
14 claim amount may include but are not limited to: (i) the free
15 or low cost of housing provided to the claimant; (ii) the
16 alleviation of the need for the claimant to be employed full
17 time; (iii) any financial benefit provided to the claimant;
18 (iv) the personal care received by the claimant from the
19 decedent or others; and (v) the proximity of the care provided
20 by the claimant to the decedent to the time of the decedent's
21 death. The claim shall be in addition to any other claim,
22 including without limitation a reasonable claim for nursing and
23 other care. The claim shall be based upon the nature and extent
24 of the person's disability and, at a minimum but subject to the
25 extent of the assets available, shall be in the amounts set
26 forth below:

1 1. 100% disability, \$180,000

2 2. 75% disability, \$135,000

3 3. 50% disability, \$90,000

4 4. 25% disability, \$45,000

5 (Source: P.A. 95-315, eff. 1-1-08.)

6 (755 ILCS 5/18-8) (from Ch. 110 1/2, par. 18-8)

7 Sec. 18-8. Claim of representative or his attorney.) If a
8 representative or the representative's attorney has a claim
9 against the estate, that person must file a claim as other
10 persons and the court may appoint a special administrator to
11 appear and defend for the estate. The court may permit the
12 special administrator to prosecute or defend an appeal from the
13 allowance or disallowance of the claim. In the administration
14 of the a disabled person's estate of a person with a
15 disability, notice of the claim of a representative or his or
16 her attorney shall be given by mail or in person to the ward
17 and to all other representatives of the ward's person or
18 estate, within 10 days of filing.

19 (Source: P.A. 89-396, eff. 8-20-95.)

20 (755 ILCS 5/23-2) (from Ch. 110 1/2, par. 23-2)

21 Sec. 23-2. Removal.

22 (a) On petition of any interested person or on the court's
23 own motion, the court may remove a representative if:

24 (1) the representative is acting under letters secured

1 by false pretenses;

2 (2) the representative is adjudged a person subject to
3 involuntary admission under the Mental Health and
4 Developmental Disabilities Code or is adjudged a person
5 with a disability ~~a disabled person~~;

6 (3) the representative is convicted of a felony;

7 (4) the representative wastes or mismanages the
8 estate;

9 (5) the representative conducts himself or herself in
10 such a manner as to endanger any co-representative or the
11 surety on the representative's bond;

12 (6) the representative fails to give sufficient bond or
13 security, counter security or a new bond, after being
14 ordered by the court to do so;

15 (7) the representative fails to file an inventory or
16 accounting after being ordered by the court to do so;

17 (8) the representative conceals himself or herself so
18 that process cannot be served upon the representative or
19 notice cannot be given to the representative;

20 (9) the representative becomes incapable of or
21 unsuitable for the discharge of the representative's
22 duties; or

23 (10) there is other good cause.

24 (b) If the representative becomes a nonresident of the
25 United States, the court may remove the representative as such
26 representative.

1 (Source: P.A. 90-430, eff. 8-16-97; 90-472, eff. 8-17-97;
2 91-357, eff. 7-29-99.)

3 (755 ILCS 5/26-3)

4 Sec. 26-3. Effect of post-judgment motions. Unless stayed
5 by the court, an order adjudicating a person as a person with a
6 disability ~~disabled~~ and appointing a plenary, limited, or
7 successor guardian pursuant to Section 11a-3, 11a-12, 11a-14,
8 or 11a-15 of this Act shall not be suspended or the enforcement
9 thereof stayed pending the filing and resolution of any
10 post-judgment motion.

11 (Source: P.A. 97-1095, eff. 8-24-12.)

12 (755 ILCS 5/28-2) (from Ch. 110 1/2, par. 28-2)

13 Sec. 28-2. Order for independent administration - notice of
14 appointment of independent administrator.) (a) Unless the
15 will, if any, expressly forbids independent administration or
16 supervised administration is required under subsection (b),
17 the court shall grant independent administration (1) when an
18 order is entered appointing a representative pursuant to a
19 petition which does not request supervised administration and
20 which is filed under Section 6-2, 6-9, 6-20, 7-2, 8-2, 9-4 or
21 9-6 and (2) on petition by the representative at any time or
22 times during supervised administration and such notice to
23 interested persons as the court directs. Notwithstanding any
24 contrary provision of the preceding sentence, if there is an

1 interested person who is a minor or person with a disability
2 ~~disabled person~~, the court may require supervised
3 administration (or may grant independent administration on
4 such conditions as its deems adequate to protect the ward's
5 interest) whenever the court finds that (1) the interests of
6 the ward are not adequately represented by a personal fiduciary
7 acting or designated to act pursuant to Section 28-3 or by
8 another party having a substantially identical interest in the
9 estate and the ward is not represented by a guardian of his
10 estate and (2) supervised administration is necessary to
11 protect the ward's interests. When independent administration
12 is granted, the independent representative shall include with
13 each notice required to be mailed to heirs or legatees under
14 Section 6-10 or Section 9-5 an explanation of the rights of
15 heirs and legatees under this Article and the form of petition
16 which may be used to terminate independent administration under
17 subsection 28-4(a). The form and substance of the notice of
18 rights and the petition to terminate shall be prescribed by
19 rule of the Supreme Court of this State. Each order granting
20 independent administration and the letters shall state that the
21 representative is appointed as independent executor or
22 independent administrator, as the case may be. The independent
23 representative shall file proof of mailing with the clerk of
24 the court.

25 (b) If an interested person objects to the grant of
26 independent administration under subsection (a), the court

1 shall require supervised administration, except:

2 (1) If the will, if any, directs independent
3 administration, supervised administration shall be required
4 only if the court finds there is good cause to require
5 supervised administration.

6 (2) If the objector is a creditor or a legatee other than a
7 residuary legatee, supervised administration shall be required
8 only if the court finds it is necessary to protect the
9 objector's interest, and instead of ordering supervised
10 administration, the court may require such other action as it
11 deems adequate to protect the objector's interest.

12 (Source: P.A. 84-555; 84-690.)

13 (755 ILCS 5/28-3) (from Ch. 110 1/2, par. 28-3)

14 Sec. 28-3. Protection of persons under disability during
15 independent administration.) (a) A personal fiduciary acting
16 pursuant to this Article has full power and the responsibility
17 to protect the interests of his ward during independent
18 administration and to do all acts necessary or appropriate for
19 that purpose which the ward might do if not under disability.
20 Approval of any act of the independent representative or of his
21 final report by the personal fiduciary, or failure of the
22 personal fiduciary to object after notice pursuant to this
23 Article, binds the ward. Unless the ward is bound under the
24 preceding sentence, the independent representative is
25 accountable to the ward for damages incurred as a consequence

1 of willful default by the independent representative until the
2 expiration of a period of 6 months after the ward's disability
3 is removed, and any action must be commenced before the
4 expiration of that period. Upon the entry of an order pursuant
5 to Section 28-4 terminating independent administration status,
6 the personal fiduciary's powers and responsibility for
7 continuing to protect the ward's interest terminate. The fact
8 that a personal fiduciary is acting does not limit the right of
9 any person as next friend of the ward to inform the court of
10 any circumstances that may adversely affect the ward's
11 interests in the estate.

12 (b) The following persons are entitled to act as personal
13 fiduciary for a ward in the order of preference indicated:

14 (1) The representative of the ward's estate acting in
15 Illinois or, if none, the representative of the ward's estate
16 acting in any other jurisdiction.

17 (2) The person designated as personal fiduciary in the
18 decedent's will, if any.

19 (3) The person designated as personal fiduciary by the
20 independent representative in a petition for letters of office
21 or other instrument filed with the clerk of the court.

22 No person may act as personal fiduciary who is a minor or
23 person with a disability ~~disabled person~~, who has been
24 convicted of a felony or whose interests conflict with the
25 ward's interests in the decedent's estate. A personal fiduciary
26 designated under subparagraph (3) above shall be a spouse,

1 descendant, parent, grandparent, brother, sister, uncle or
2 aunt of the ward, a guardian of the person of the ward or a
3 party having an interest in the estate substantially identical
4 to that of the ward. The responsibility of a personal fiduciary
5 begins on delivery of his written acceptance of the office to
6 the independent representative. Any personal fiduciary may
7 refuse to act or may resign at any time by instrument delivered
8 to the independent representative. When a personal fiduciary
9 has been appointed and there is a change of personal fiduciary
10 or a vacancy in that office, the independent representative
11 shall inform the court; and the court may designate any
12 suitable person as personal fiduciary when there is a vacancy
13 that has not been filled by the independent representative in
14 accordance with this Section 28-3.

15 (c) A personal fiduciary is entitled to such reasonable
16 compensation for his services as may be approved by the
17 independent representative or, in the absence of approval, as
18 may be fixed by the court, to be paid out of the estate as an
19 expense of administration.

20 (d) A personal fiduciary is liable to the ward only for
21 willful default and not for errors in judgment.

22 (Source: P.A. 85-692.)

23 (755 ILCS 5/28-10) (from Ch. 110 1/2, par. 28-10)

24 Sec. 28-10. Distribution.) (a) If it appears to the
25 independent representative that there are sufficient assets to

1 pay all claims, the independent representative may at any time
2 or times distribute the estate to the persons entitled thereto.
3 As a condition of any distribution, the independent
4 representative may require the distributee to give him a
5 refunding bond in any amount the independent representative
6 deems reasonable, with surety approved by the independent
7 representative or without surety. If the distribution is made
8 before the expiration of the period when claims are barred
9 under Section 18-12, the independent representative must
10 require the distributee to give him a refunding bond as
11 provided in Section 24-4. If the estate includes an interest in
12 real estate that has not been sold by the independent
13 representative, the independent representative must record and
14 deliver to the persons entitled thereto an instrument which
15 contains the legal description of the real estate and releases
16 the estate's interest.

17 (b) If abatement or equalization of legacies pursuant to
18 subsection 24-3(b) or (c) is required, the independent
19 representative shall determine the amount of the respective
20 contributions, the manner in which they are paid and whether
21 security is required.

22 (c) If it appears to the independent representative that
23 the value of the estate of the decedent remaining after payment
24 of 1st class claims does not exceed the amount of the surviving
25 spouse's and child's awards due, the independent
26 representative may deliver the personal estate to the persons

1 entitled to the awards and close the estate as provided in
2 Section 28-11, without waiting until the expiration of the
3 period when claims are barred under Section 18-12.

4 (d) If property distributed in kind, or a security interest
5 therein, is acquired in good faith by a purchaser or lender for
6 value from a distributee (or from the successors in interest to
7 a distributee) who has received physical delivery or an
8 assignment, deed, release or other instrument of distribution
9 from an independent representative, the purchaser or lender
10 takes title free of the rights of all persons having an
11 interest in the estate and incurs no liability to the estate,
12 whether or not the distribution was proper.

13 (e) If a distributee is a minor or a person with a
14 disability ~~disabled person~~, the independent representative may
15 make distribution to the ward's representative, if any, to a
16 custodian for the ward under the Illinois Uniform Transfers to
17 Minors Act or the corresponding statute of any other state in
18 which the ward or the custodian resides, by deposit or
19 investment of the ward's property subject to court order under
20 Section 24-21 or in any other manner authorized by law.

21 (Source: P.A. 84-1308.)

22 Section 965. The Illinois Power of Attorney Act is amended
23 by changing Sections 2-3, 2-6, 3-3, and 4-1 as follows:

24 (755 ILCS 45/2-3) (from Ch. 110 1/2, par. 802-3)

1 Sec. 2-3. Definitions. As used in this Act:

2 (a) "Agency" means the written power of attorney or other
3 instrument of agency governing the relationship between the
4 principal and agent or the relationship, itself, as appropriate
5 to the context, and includes agencies dealing with personal or
6 health care as well as property. An agency is subject to this
7 Act to the extent it may be controlled by the principal,
8 excluding agencies and powers for the benefit of the agent.

9 (b) "Agent" means the attorney-in-fact or other person
10 designated to act for the principal in the agency.

11 (c) "Person with a disability ~~Disabled person~~" has the same
12 meaning as in the "Probate Act of 1975", as now or hereafter
13 amended. To be under a "disability" ~~or "disabled"~~ means to be a
14 person with a disability ~~disabled person~~.

15 (c-5) "Incapacitated", when used to describe a principal,
16 means that the principal is under a legal disability as defined
17 in Section 11a-2 of the Probate Act of 1975. A principal shall
18 also be considered incapacitated if: (i) a physician licensed
19 to practice medicine in all of its branches has examined the
20 principal and has determined that the principal lacks decision
21 making capacity; (ii) that physician has made a written record
22 of this determination and has signed the written record within
23 90 days after the examination; and (iii) the written record has
24 been delivered to the agent. The agent may rely conclusively on
25 the written record.

26 (d) "Person" means an individual, corporation, trust,

1 partnership or other entity, as appropriate to the agency.

2 (e) "Principal" means an individual (including, without
3 limitation, an individual acting as trustee, representative or
4 other fiduciary) who signs a power of attorney or other
5 instrument of agency granting powers to an agent.

6 (Source: P.A. 96-1195, eff. 7-1-11.)

7 (755 ILCS 45/2-6) (from Ch. 110 1/2, par. 802-6)

8 Sec. 2-6. Effect of disability-divorce. (a) All acts of the
9 agent within the scope of the agency during any period of
10 disability, incapacity or incompetency of the principal have
11 the same effect and inure to the benefit of and bind the
12 principal and his or her successors in interest as if the
13 principal were competent and not a person with a disability
14 ~~disabled~~.

15 (b) If a court enters a judgement of dissolution of
16 marriage or legal separation between the principal and his or
17 her spouse after the agency is signed, the spouse shall be
18 deemed to have died at the time of the judgment for all
19 purposes of the agency.

20 (Source: P.A. 85-701.)

21 (755 ILCS 45/3-3) (from Ch. 110 1/2, par. 803-3)

22 Sec. 3-3. Statutory short form power of attorney for
23 property.

24 (a) The form prescribed in this Section may be known as

1 "statutory property power" and may be used to grant an agent
2 powers with respect to property and financial matters. The
3 "statutory property power" consists of the following: (1)
4 Notice to the Individual Signing the Illinois Statutory Short
5 Form Power of Attorney for Property; (2) Illinois Statutory
6 Short Form Power of Attorney for Property; and (3) Notice to
7 Agent. When a power of attorney in substantially the form
8 prescribed in this Section is used, including all 3 items
9 above, with item (1), the Notice to Individual Signing the
10 Illinois Statutory Short Form Power of Attorney for Property,
11 on a separate sheet (coversheet) in 14-point type and the
12 notarized form of acknowledgment at the end, it shall have the
13 meaning and effect prescribed in this Act.

14 (b) A power of attorney shall also be deemed to be in
15 substantially the same format as the statutory form if the
16 explanatory language throughout the form (the language
17 following the designation "NOTE:") is distinguished in some way
18 from the legal paragraphs in the form, such as the use of
19 boldface or other difference in typeface and font or point
20 size, even if the "Notice" paragraphs at the beginning are not
21 on a separate sheet of paper or are not in 14-point type, or if
22 the principal's initials do not appear in the acknowledgement
23 at the end of the "Notice" paragraphs.

24 The validity of a power of attorney as meeting the
25 requirements of a statutory property power shall not be
26 affected by the fact that one or more of the categories of

1 optional powers listed in the form are struck out or the form
2 includes specific limitations on or additions to the agent's
3 powers, as permitted by the form. Nothing in this Article shall
4 invalidate or bar use by the principal of any other or
5 different form of power of attorney for property. Nonstatutory
6 property powers (i) must be executed by the principal, (ii)
7 must designate the agent and the agent's powers, (iii) must be
8 signed by at least one witness to the principal's signature,
9 and (iv) must indicate that the principal has acknowledged his
10 or her signature before a notary public. However, nonstatutory
11 property powers need not conform in any other respect to the
12 statutory property power.

13 (c) The Notice to the Individual Signing the Illinois
14 Statutory Short Form Power of Attorney for Property shall be
15 substantially as follows:

16 "NOTICE TO THE INDIVIDUAL SIGNING THE ILLINOIS
17 STATUTORY SHORT FORM POWER OF ATTORNEY FOR PROPERTY.

18 PLEASE READ THIS NOTICE CAREFULLY. The form that you will
19 be signing is a legal document. It is governed by the Illinois
20 Power of Attorney Act. If there is anything about this form
21 that you do not understand, you should ask a lawyer to explain
22 it to you.

23 The purpose of this Power of Attorney is to give your
24 designated "agent" broad powers to handle your financial

1 affairs, which may include the power to pledge, sell, or
2 dispose of any of your real or personal property, even without
3 your consent or any advance notice to you. When using the
4 Statutory Short Form, you may name successor agents, but you
5 may not name co-agents.

6 This form does not impose a duty upon your agent to handle
7 your financial affairs, so it is important that you select an
8 agent who will agree to do this for you. It is also important
9 to select an agent whom you trust, since you are giving that
10 agent control over your financial assets and property. Any
11 agent who does act for you has a duty to act in good faith for
12 your benefit and to use due care, competence, and diligence. He
13 or she must also act in accordance with the law and with the
14 directions in this form. Your agent must keep a record of all
15 receipts, disbursements, and significant actions taken as your
16 agent.

17 Unless you specifically limit the period of time that this
18 Power of Attorney will be in effect, your agent may exercise
19 the powers given to him or her throughout your lifetime, both
20 before and after you become incapacitated. A court, however,
21 can take away the powers of your agent if it finds that the
22 agent is not acting properly. You may also revoke this Power of
23 Attorney if you wish.

24 This Power of Attorney does not authorize your agent to
25 appear in court for you as an attorney-at-law or otherwise to
26 engage in the practice of law unless he or she is a licensed

1 attorney who is authorized to practice law in Illinois.

2 The powers you give your agent are explained more fully in
3 Section 3-4 of the Illinois Power of Attorney Act. This form is
4 a part of that law. The "NOTE" paragraphs throughout this form
5 are instructions.

6 You are not required to sign this Power of Attorney, but it
7 will not take effect without your signature. You should not
8 sign this Power of Attorney if you do not understand everything
9 in it, and what your agent will be able to do if you do sign it.

10 Please place your initials on the following line indicating
11 that you have read this Notice:

12
13 Principal's initials"

14 (d) The Illinois Statutory Short Form Power of Attorney for
15 Property shall be substantially as follows:

16 "ILLINOIS STATUTORY SHORT FORM
17 POWER OF ATTORNEY FOR PROPERTY

18 1. I,, (insert name and address of
19 principal) hereby revoke all prior powers of attorney for
20 property executed by me and appoint:

21
22 (insert name and address of agent)

1 (NOTE: You may not name co-agents using this form.)
2 as my attorney-in-fact (my "agent") to act for me and in my
3 name (in any way I could act in person) with respect to the
4 following powers, as defined in Section 3-4 of the "Statutory
5 Short Form Power of Attorney for Property Law" (including all
6 amendments), but subject to any limitations on or additions to
7 the specified powers inserted in paragraph 2 or 3 below:

8 (NOTE: You must strike out any one or more of the following
9 categories of powers you do not want your agent to have.
10 Failure to strike the title of any category will cause the
11 powers described in that category to be granted to the agent.
12 To strike out a category you must draw a line through the title
13 of that category.)

- 14 (a) Real estate transactions.
15 (b) Financial institution transactions.
16 (c) Stock and bond transactions.
17 (d) Tangible personal property transactions.
18 (e) Safe deposit box transactions.
19 (f) Insurance and annuity transactions.
20 (g) Retirement plan transactions.
21 (h) Social Security, employment and military service
22 benefits.
23 (i) Tax matters.
24 (j) Claims and litigation.
25 (k) Commodity and option transactions.

- 1 (1) Business operations.
- 2 (m) Borrowing transactions.
- 3 (n) Estate transactions.
- 4 (o) All other property transactions.

5 (NOTE: Limitations on and additions to the agent's powers may
6 be included in this power of attorney if they are specifically
7 described below.)

8 2. The powers granted above shall not include the following
9 powers or shall be modified or limited in the following
10 particulars:

11 (NOTE: Here you may include any specific limitations you deem
12 appropriate, such as a prohibition or conditions on the sale of
13 particular stock or real estate or special rules on borrowing
14 by the agent.)

15
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20 3. In addition to the powers granted above, I grant my
21 agent the following powers:

22 (NOTE: Here you may add any other delegable powers including,
23 without limitation, power to make gifts, exercise powers of
24 appointment, name or change beneficiaries or joint tenants or
25 revoke or amend any trust specifically referred to below.)

26

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5 (NOTE: Your agent will have authority to employ other persons
 6 as necessary to enable the agent to properly exercise the
 7 powers granted in this form, but your agent will have to make
 8 all discretionary decisions. If you want to give your agent the
 9 right to delegate discretionary decision-making powers to
 10 others, you should keep paragraph 4, otherwise it should be
 11 struck out.)

12 4. My agent shall have the right by written instrument to
 13 delegate any or all of the foregoing powers involving
 14 discretionary decision-making to any person or persons whom my
 15 agent may select, but such delegation may be amended or revoked
 16 by any agent (including any successor) named by me who is
 17 acting under this power of attorney at the time of reference.

18 (NOTE: Your agent will be entitled to reimbursement for all
 19 reasonable expenses incurred in acting under this power of
 20 attorney. Strike out paragraph 5 if you do not want your agent
 21 to also be entitled to reasonable compensation for services as
 22 agent.)

23 5. My agent shall be entitled to reasonable compensation
 24 for services rendered as agent under this power of attorney.

25 (NOTE: This power of attorney may be amended or revoked by you
 26 at any time and in any manner. Absent amendment or revocation,

1 the authority granted in this power of attorney will become
2 effective at the time this power is signed and will continue
3 until your death, unless a limitation on the beginning date or
4 duration is made by initialing and completing one or both of
5 paragraphs 6 and 7:)

6 6. () This power of attorney shall become effective on
7

8 (NOTE: Insert a future date or event during your lifetime, such
9 as a court determination of your disability or a written
10 determination by your physician that you are incapacitated,
11 when you want this power to first take effect.)

12 7. () This power of attorney shall terminate on
13

14 (NOTE: Insert a future date or event, such as a court
15 determination that you are not under a legal disability or a
16 written determination by your physician that you are not
17 incapacitated, if you want this power to terminate prior to
18 your death.)

19 (NOTE: If you wish to name one or more successor agents, insert
20 the name and address of each successor agent in paragraph 8.)

21 8. If any agent named by me shall die, become incompetent,
22 resign or refuse to accept the office of agent, I name the
23 following (each to act alone and successively, in the order
24 named) as successor(s) to such agent:

25
26

1 For purposes of this paragraph 8, a person shall be considered
 2 to be incompetent if and while the person is a minor or an
 3 adjudicated incompetent or a person with a disability ~~disabled~~
 4 ~~person~~ or the person is unable to give prompt and intelligent
 5 consideration to business matters, as certified by a licensed
 6 physician.

7 (NOTE: If you wish to, you may name your agent as guardian of
 8 your estate if a court decides that one should be appointed. To
 9 do this, retain paragraph 9, and the court will appoint your
 10 agent if the court finds that this appointment will serve your
 11 best interests and welfare. Strike out paragraph 9 if you do
 12 not want your agent to act as guardian.)

13 9. If a guardian of my estate (my property) is to be
 14 appointed, I nominate the agent acting under this power of
 15 attorney as such guardian, to serve without bond or security.

16 10. I am fully informed as to all the contents of this form
 17 and understand the full import of this grant of powers to my
 18 agent.

19 (NOTE: This form does not authorize your agent to appear in
 20 court for you as an attorney-at-law or otherwise to engage in
 21 the practice of law unless he or she is a licensed attorney who
 22 is authorized to practice law in Illinois.)

23 11. The Notice to Agent is incorporated by reference and
 24 included as part of this form.

25 Dated:

26 Signed

1 (principal)

2 (NOTE: This power of attorney will not be effective unless it
3 is signed by at least one witness and your signature is
4 notarized, using the form below. The notary may not also sign
5 as a witness.)

6 The undersigned witness certifies that, known
7 to me to be the same person whose name is subscribed as
8 principal to the foregoing power of attorney, appeared before
9 me and the notary public and acknowledged signing and
10 delivering the instrument as the free and voluntary act of the
11 principal, for the uses and purposes therein set forth. I
12 believe him or her to be of sound mind and memory. The
13 undersigned witness also certifies that the witness is not: (a)
14 the attending physician or mental health service provider or a
15 relative of the physician or provider; (b) an owner, operator,
16 or relative of an owner or operator of a health care facility
17 in which the principal is a patient or resident; (c) a parent,
18 sibling, descendant, or any spouse of such parent, sibling, or
19 descendant of either the principal or any agent or successor
20 agent under the foregoing power of attorney, whether such
21 relationship is by blood, marriage, or adoption; or (d) an
22 agent or successor agent under the foregoing power of attorney.

23 Dated:

24

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Witness

(NOTE: Illinois requires only one witness, but other jurisdictions may require more than one witness. If you wish to have a second witness, have him or her certify and sign here:)

(Second witness) The undersigned witness certifies that , known to me to be the same person whose name is subscribed as principal to the foregoing power of attorney, appeared before me and the notary public and acknowledged signing and delivering the instrument as the free and voluntary act of the principal, for the uses and purposes therein set forth. I believe him or her to be of sound mind and memory. The undersigned witness also certifies that the witness is not: (a) the attending physician or mental health service provider or a relative of the physician or provider; (b) an owner, operator, or relative of an owner or operator of a health care facility in which the principal is a patient or resident; (c) a parent, sibling, descendant, or any spouse of such parent, sibling, or descendant of either the principal or any agent or successor agent under the foregoing power of attorney, whether such relationship is by blood, marriage, or adoption; or (d) an agent or successor agent under the foregoing power of attorney.
Dated:

.....

Witness

1 State of)
 2) SS.
 3 County of)

4 The undersigned, a notary public in and for the above
 5 county and state, certifies that,
 6 known to me to be the same person whose name is subscribed as
 7 principal to the foregoing power of attorney, appeared before
 8 me and the witness(es) (and) in
 9 person and acknowledged signing and delivering the instrument
 10 as the free and voluntary act of the principal, for the uses
 11 and purposes therein set forth (, and certified to the
 12 correctness of the signature(s) of the agent(s)).

13 Dated:

14
 15 Notary Public

16 My commission expires

17 (NOTE: You may, but are not required to, request your agent and
 18 successor agents to provide specimen signatures below. If you
 19 include specimen signatures in this power of attorney, you must
 20 complete the certification opposite the signatures of the
 21 agents.)

22 Specimen signatures of I certify that the signatures
 23 agent (and successors) of my agent (and successors)

1 is terminated or revoked.

2 As agent you must:

3 (1) do what you know the principal reasonably expects
4 you to do with the principal's property;

5 (2) act in good faith for the best interest of the
6 principal, using due care, competence, and diligence;

7 (3) keep a complete and detailed record of all
8 receipts, disbursements, and significant actions conducted
9 for the principal;

10 (4) attempt to preserve the principal's estate plan, to
11 the extent actually known by the agent, if preserving the
12 plan is consistent with the principal's best interest; and

13 (5) cooperate with a person who has authority to make
14 health care decisions for the principal to carry out the
15 principal's reasonable expectations to the extent actually
16 in the principal's best interest.

17 As agent you must not do any of the following:

18 (1) act so as to create a conflict of interest that is
19 inconsistent with the other principles in this Notice to
20 Agent;

21 (2) do any act beyond the authority granted in this
22 power of attorney;

23 (3) commingle the principal's funds with your funds;

24 (4) borrow funds or other property from the principal,
25 unless otherwise authorized;

26 (5) continue acting on behalf of the principal if you

1 learn of any event that terminates this power of attorney
2 or your authority under this power of attorney, such as the
3 death of the principal, your legal separation from the
4 principal, or the dissolution of your marriage to the
5 principal.

6 If you have special skills or expertise, you must use those
7 special skills and expertise when acting for the principal. You
8 must disclose your identity as an agent whenever you act for
9 the principal by writing or printing the name of the principal
10 and signing your own name "as Agent" in the following manner:

11 "(Principal's Name) by (Your Name) as Agent"

12 The meaning of the powers granted to you is contained in
13 Section 3-4 of the Illinois Power of Attorney Act, which is
14 incorporated by reference into the body of the power of
15 attorney for property document.

16 If you violate your duties as agent or act outside the
17 authority granted to you, you may be liable for any damages,
18 including attorney's fees and costs, caused by your violation.

19 If there is anything about this document or your duties
20 that you do not understand, you should seek legal advice from
21 an attorney."

22 (f) The requirement of the signature of a witness in
23 addition to the principal and the notary, imposed by Public Act
24 91-790, applies only to instruments executed on or after June
25 9, 2000 (the effective date of that Public Act).

1 (NOTE: This amendatory Act of the 96th General Assembly deletes
2 provisions that referred to the one required witness as an
3 "additional witness", and it also provides for the signature of
4 an optional "second witness".)

5 (Source: P.A. 96-1195, eff. 7-1-11.)

6 (755 ILCS 45/4-1) (from Ch. 110 1/2, par. 804-1)

7 Sec. 4-1. Purpose. The General Assembly recognizes the
8 right of the individual to control all aspects of his or her
9 personal care and medical treatment, including the right to
10 decline medical treatment or to direct that it be withdrawn,
11 even if death ensues. The right of the individual to decide
12 about personal care overrides the obligation of the physician
13 and other health care providers to render care or to preserve
14 life and health.

15 However, if the individual becomes a person with a
16 disability ~~disabled~~, her or his right to control treatment may
17 be denied unless the individual, as principal, can delegate the
18 decision making power to a trusted agent and be sure that the
19 agent's power to make personal and health care decisions for
20 the principal will be effective to the same extent as though
21 made by the principal.

22 The Illinois statutory recognition of the right of
23 delegation for health care purposes needs to be restated to
24 make it clear that its scope is intended to be as broad as the
25 comparable right of delegation for property and financial

1 matters. However, the General Assembly recognizes that powers
2 concerning life and death and the other issues involved in
3 health care agencies are more sensitive than property matters
4 and that particular rules and forms are necessary for health
5 care agencies to insure their validity and efficacy and to
6 protect health care providers so that they will honor the
7 authority of the agent at all times. For purposes of emphasis
8 and their particular application to health care, the General
9 Assembly restates the purposes and public policy announced in
10 Article II, Section 2-1 of this Act as if those purposes and
11 public policies were set forth verbatim in this Section.

12 In furtherance of these purposes, the General Assembly
13 adopts this Article, setting forth general principles
14 governing health care agencies and a statutory short form power
15 of attorney for health care, intending that when a power in
16 substantially the form set forth in this Article is used,
17 health care providers and other third parties who rely in good
18 faith on the acts and decisions of the agent within the scope
19 of the power may do so without fear of civil or criminal
20 liability to the principal, the State or any other person.
21 However, the form of health care agency in this Article is not
22 intended to be exclusive and other forms of powers of attorney
23 chosen by the principal that comply with Section 4-5 of this
24 Article may offer powers and protection similar to the
25 statutory short form power of attorney for health care.

26 (Source: P.A. 85-1395.)

1 Section 970. The Trusts and Trustees Act is amended by
2 changing Sections 15, 15.1, 16.1, and 16.4 as follows:

3 (760 ILCS 5/15) (from Ch. 17, par. 1685)

4 Sec. 15. Minor or person with a disability ~~disabled~~
5 ~~person~~-Authority of Representative. The representative of the
6 estate of a beneficiary under legal disability or a spouse,
7 parent, adult child, or guardian of the person of a beneficiary
8 for whose estate no representative has been appointed, may act
9 for the beneficiary in receiving and approving any account of
10 the trustee appointing a successor trustee and executing any
11 receipt and receiving any notice from the trustee.

12 (Source: P.A. 82-354.)

13 (760 ILCS 5/15.1) (from Ch. 17, par. 1685.1)

14 Sec. 15.1. Trust for a beneficiary with a disability
15 ~~disabled beneficiary~~. A discretionary trust for the benefit of
16 an individual who has a disability that substantially impairs
17 the individual's ability to provide for his or her own care or
18 custody and constitutes a substantial disability ~~handicap~~
19 shall not be liable to pay or reimburse the State or any public
20 agency for financial aid or services to the individual except
21 to the extent the trust was created by the individual or trust
22 property has been distributed directly to or is otherwise under
23 the control of the individual, provided that such exception

1 shall not apply to a trust created with the ~~disabled~~
2 ~~individual's own~~ property of the individual with a disability
3 or property within his or her control if the trust complies
4 with Medicaid reimbursement requirements of federal law.
5 Notwithstanding any other provisions to the contrary, a trust
6 created with the ~~disabled individual's own~~ property of the
7 individual with a disability or property within his or her
8 control shall be liable, after reimbursement of Medicaid
9 expenditures, to the State for reimbursement of any other
10 service charges outstanding at the death of the individual with
11 a disability ~~disabled individual~~. Property, goods and services
12 purchased or owned by a trust for and used or consumed by a
13 beneficiary with a disability ~~disabled beneficiary~~ shall not be
14 considered trust property distributed to or under the control
15 of the beneficiary. A discretionary trust is one in which the
16 trustee has discretionary power to determine distributions to
17 be made under the trust.

18 (Source: P.A. 89-205, eff. 1-1-96.)

19 (760 ILCS 5/16.1)

20 Sec. 16.1. Virtual representation.

21 (a) Representation by a beneficiary with a substantially
22 similar interest, by the primary beneficiaries and by others.

23 (1) To the extent there is no conflict of interest
24 between the representative and the represented beneficiary
25 with respect to the particular question or dispute, a

1 beneficiary who is a minor or a beneficiary with a
2 disability or an ~~disabled or~~ unborn beneficiary, or a
3 beneficiary whose identity or location is unknown and not
4 reasonably ascertainable (hereinafter referred to as an
5 "unascertainable beneficiary"), may for all purposes be
6 represented by and bound by another beneficiary having a
7 substantially similar interest with respect to the
8 particular question or dispute; provided, however, that
9 the represented beneficiary is not otherwise represented
10 by a guardian or agent in accordance with subdivision
11 (a)(4) or by a parent in accordance with subdivision
12 (a)(5).

13 (2) If all primary beneficiaries of a trust either have
14 legal capacity or have representatives in accordance with
15 this subsection (a) who have legal capacity, the actions of
16 such primary beneficiaries, in each case either by the
17 beneficiary or by the beneficiary's representative, shall
18 represent and bind all other beneficiaries who have a
19 successor, contingent, future, or other interest in the
20 trust.

21 (3) For purposes of this Act:

22 (A) "Primary beneficiary" means a beneficiary of a
23 trust who as of the date of determination is either:
24 (i) currently eligible to receive income or principal
25 from the trust, or (ii) a presumptive remainder
26 beneficiary.

1 (B) "Presumptive remainder beneficiary" means a
2 beneficiary of a trust, as of the date of determination
3 and assuming nonexercise of all powers of appointment,
4 who either: (i) would be eligible to receive a
5 distribution of income or principal if the trust
6 terminated on that date, or (ii) would be eligible to
7 receive a distribution of income or principal if the
8 interests of all beneficiaries currently eligible to
9 receive income or principal from the trust ended on
10 that date without causing the trust to terminate.

11 (C) "Person with a disability" ~~Disabled person~~ as
12 of any date means either a person with a disability
13 ~~disabled person~~ within the meaning of Section 11a-2 of
14 the Probate Act of 1975 or a person who, within the 365
15 days immediately preceding that date, was examined by a
16 licensed physician who determined that the person
17 lacked the capacity to make prudent financial
18 decisions, and the physician made a written record of
19 the physician's determination and signed the written
20 record within 90 days after the examination.

21 (D) A person has legal capacity unless the person
22 is a minor or a person with a disability ~~disabled~~
23 ~~person~~.

24 (4) If a trust beneficiary is represented by a court
25 appointed guardian of the estate or, if none, guardian of
26 the person, the guardian shall represent and bind the

1 beneficiary. If a trust beneficiary is a person with a
2 disability ~~disabled person~~, an agent under a power of
3 attorney for property who has authority to act with respect
4 to the particular question or dispute and who does not have
5 a conflict of interest with respect to the particular
6 question or dispute may represent and bind the principal.
7 An agent is deemed to have such authority if the power of
8 attorney grants the agent the power to settle claims and to
9 exercise powers with respect to trusts and estates, even if
10 the powers do not include powers to make a will, to revoke
11 or amend a trust, or to require the trustee to pay income
12 or principal. Absent a court order pursuant to the Illinois
13 Power of Attorney Act directing a guardian to exercise
14 powers of the principal under an agency that survives
15 disability, an agent under a power of attorney for property
16 who in accordance with this subdivision has authority to
17 represent and bind a principal with a disability ~~disabled~~
18 ~~principal~~ takes precedence over a court appointed guardian
19 unless the court specifies otherwise. This subdivision
20 applies to all agencies, whenever and wherever executed.

21 (5) If a trust beneficiary is a minor or a person with
22 a disability or an ~~disabled or~~ unborn person and is not
23 represented by a guardian or agent in accordance with
24 subdivision (a)(4), then a parent of the beneficiary may
25 represent and bind the beneficiary, provided that there is
26 no conflict of interest between the represented person and

1 either of the person's parents with respect to the
2 particular question or dispute. If a disagreement arises
3 between parents who otherwise qualify to represent a child
4 in accordance with this subsection (a) and who are seeking
5 to represent the same child, the parent who is a lineal
6 descendant of the settlor of the trust that is the subject
7 of the representation is entitled to represent the child;
8 or if none, the parent who is a beneficiary of the trust is
9 entitled to represent the child.

10 (6) A guardian, agent or parent who is the
11 representative for a beneficiary under subdivision (a)(4)
12 or (a)(5) may, for all purposes, represent and bind any
13 other beneficiary who is a minor or a beneficiary with a
14 disability or an ~~disabled,~~ unborn, or unascertainable
15 beneficiary who has an interest, with respect to the
16 particular question or dispute, that is substantially
17 similar to the interest of the beneficiary represented by
18 the representative, but only to the extent that there is no
19 conflict of interest between the beneficiary represented
20 by the representative and the other beneficiary with
21 respect to the particular question or dispute; provided,
22 however, that the other beneficiary is not otherwise
23 represented by a guardian or agent in accordance with
24 subdivision (a)(4) or by a parent in accordance with
25 subdivision (a)(5).

26 (7) The action or consent of a representative who may

1 represent and bind a beneficiary in accordance with this
2 Section is binding on the beneficiary represented, and
3 notice or service of process to the representative has the
4 same effect as if the notice or service of process were
5 given directly to the beneficiary represented.

6 (8) Nothing in this Section limits the discretionary
7 power of a court in a judicial proceeding to appoint a
8 guardian ad litem for any beneficiary who is a minor,
9 beneficiary who has a disability, unborn beneficiary, or
10 unascertainable beneficiary ~~minor, disabled, unborn, or~~
11 ~~unascertainable beneficiary~~ with respect to a particular
12 question or dispute, but appointment of a guardian ad litem
13 need not be considered and is not necessary if such
14 beneficiary is otherwise represented in accordance with
15 this Section.

16 (b) Total return trusts. This Section shall apply to enable
17 conversion to a total return trust by agreement in accordance
18 with subsection (b) of Section 5.3 of this Act, by agreement
19 between the trustee and all primary beneficiaries of the trust,
20 in each case either by the beneficiary or by the beneficiary's
21 representative in accordance with this Section.

22 (c) Representation of charity. If a trust provides a
23 beneficial interest or expectancy for one or more charities or
24 charitable purposes that are not specifically named or
25 otherwise represented (the "charitable interest"), the
26 Illinois Attorney General may, in accordance with this Section,

1 represent, bind, and act on behalf of the charitable interest
2 with respect to any particular question or dispute, including
3 without limitation representing the charitable interest in a
4 nonjudicial settlement agreement or in an agreement to convert
5 a trust to a total return trust in accordance with subsection
6 (b) of Section 5.3 of this Act. A charity that is specifically
7 named as beneficiary of a trust or that otherwise has an
8 express beneficial interest in a trust may act for itself.
9 Notwithstanding any other provision, nothing in this Section
10 shall be construed to limit or affect the Illinois Attorney
11 General's authority to file an action or take other steps as he
12 or she deems advisable at any time to enforce or protect the
13 general public interest as to a trust that provides a
14 beneficial interest or expectancy for one or more charities or
15 charitable purposes whether or not a specific charity is named
16 in the trust. This subsection (c) shall be construed as being
17 declarative of existing law and not as a new enactment.

18 (d) Nonjudicial settlement agreements.

19 (1) For purposes of this Section, "interested persons"
20 means the trustee and all beneficiaries, or their
21 respective representatives determined after giving effect
22 to the preceding provisions of this Section, whose consent
23 or joinder would be required in order to achieve a binding
24 settlement were the settlement to be approved by the court.
25 "Interested persons" also includes a trust advisor,
26 investment advisor, distribution advisor, trust protector

1 or other holder, or committee of holders, of fiduciary or
2 nonfiduciary powers, if the person then holds powers
3 material to a particular question or dispute to be resolved
4 or affected by a nonjudicial settlement agreement in
5 accordance with this Section or by the court.

6 (2) Interested persons, or their respective
7 representatives determined after giving effect to the
8 preceding provisions of this Section, may enter into a
9 binding nonjudicial settlement agreement with respect to
10 any matter involving a trust as provided in this Section.

11 (3) (Blank).

12 (4) The following matters may be resolved by a
13 nonjudicial settlement agreement:

14 (A) Validity, interpretation, or construction of
15 the terms of the trust.

16 (B) Approval of a trustee's report or accounting.

17 (C) Exercise or nonexercise of any power by a
18 trustee.

19 (D) The grant to a trustee of any necessary or
20 desirable administrative power, provided the grant
21 does not conflict with a clear material purpose of the
22 trust.

23 (E) Questions relating to property or an interest
24 in property held by the trust, provided the resolution
25 does not conflict with a clear material purpose of the
26 trust.

1 (F) Removal, appointment, or removal and
2 appointment of a trustee, trust advisor, investment
3 advisor, distribution advisor, trust protector or
4 other holder, or committee of holders, of fiduciary or
5 nonfiduciary powers, including without limitation
6 designation of a plan of succession or procedure to
7 determine successors to any such office.

8 (G) Determination of a trustee's compensation.

9 (H) Transfer of a trust's principal place of
10 administration, including without limitation to change
11 the law governing administration of the trust.

12 (I) Liability or indemnification of a trustee for
13 an action relating to the trust.

14 (J) Resolution of bona fide disputes related to
15 administration, investment, distribution or other
16 matters.

17 (K) Modification of terms of the trust pertaining
18 to administration of the trust.

19 (L) Termination of the trust, provided that court
20 approval of such termination must be obtained in
21 accordance with subdivision (d)(5) of this Section,
22 and the court must conclude continuance of the trust is
23 not necessary to achieve any clear material purpose of
24 the trust. The court may consider spendthrift
25 provisions as a factor in making a decision under this
26 subdivision, but a spendthrift provision is not

1 necessarily a clear material purpose of a trust, and
2 the court is not precluded from modifying or
3 terminating a trust because the trust instrument
4 contains a spendthrift provision. Upon such
5 termination the court may order the trust property
6 distributed as agreed by the parties to the agreement
7 or otherwise as the court determines equitable
8 consistent with the purposes of the trust.

9 (M) Any other matter involving a trust to the
10 extent the terms and conditions of the nonjudicial
11 settlement agreement could be properly approved under
12 applicable law by a court of competent jurisdiction.

13 (4.5) If a charitable interest or a specifically named
14 charity is a current beneficiary, is a presumptive
15 remainder beneficiary, or has any vested interest in a
16 trust, the parties to any proposed nonjudicial settlement
17 agreement affecting the trust shall deliver to the Attorney
18 General's Charitable Trust Bureau written notice of the
19 proposed agreement at least 60 days prior to its effective
20 date. The Bureau need take no action, but if it objects in
21 a writing delivered to one or more of the parties prior to
22 the proposed effective date, the agreement shall not take
23 effect unless the parties obtain court approval.

24 (5) Any beneficiary or other interested person may
25 request the court to approve any part or all of a
26 nonjudicial settlement agreement, including whether any

1 representation is adequate and without conflict of
2 interest, provided that the petition for such approval must
3 be filed before or within 60 days after the effective date
4 of the agreement.

5 (6) An agreement entered into in accordance with this
6 Section shall be final and binding on the trustee, on all
7 beneficiaries of the trust, both current and future, and on
8 all other interested persons as if ordered by a court with
9 competent jurisdiction over the trust, the trust property,
10 and all parties in interest.

11 (7) In the trustee's sole discretion, the trustee may,
12 but is not required to, obtain and rely upon an opinion of
13 counsel on any matter relevant to this Section, including
14 without limitation: (i) where required by this Section,
15 that the agreement proposed to be made in accordance with
16 this Section does not conflict with a clear material
17 purpose of the trust or could be properly approved by the
18 court under applicable law; (ii) in the case of a trust
19 termination, that continuance of the trust is not necessary
20 to achieve any clear material purpose of the trust; (iii)
21 that there is no conflict of interest between a
22 representative and the person represented with respect to
23 the particular question or dispute; or (iv) that the
24 representative and the person represented have
25 substantially similar interests with respect to the
26 particular question or dispute.

1 (e) Application. On and after its effective date, this
2 Section applies to all existing and future trusts, judicial
3 proceedings, or agreements entered into in accordance with this
4 Section on or after the effective date.

5 (f) This Section shall be construed as pertaining to the
6 administration of a trust and shall be available to any trust
7 that is administered in this State or that is governed by
8 Illinois law with respect to the meaning and effect of its
9 terms, except to the extent the governing instrument expressly
10 prohibits the use of this Section by specific reference to this
11 Section. A provision in the governing instrument in the form:
12 "Neither the provisions of Section 16.1 of the Illinois Trusts
13 and Trustees Act nor any corresponding provision of future law
14 may be used in the administration of this trust", or a similar
15 provision demonstrating that intent, is sufficient to preclude
16 the use of this Section.

17 (g) The changes made by this amendatory Act of the 98th
18 General Assembly apply to all trusts in existence on the
19 effective date of this amendatory Act of the 98th General
20 Assembly or created after that date, and are applicable to
21 judicial proceedings and nonjudicial matters involving such
22 trusts. For purposes of this Section:

23 (i) judicial proceedings include any proceeding before
24 a court or administrative tribunal of this State and any
25 arbitration or mediation proceedings; and

26 (ii) nonjudicial matters include, but are not limited

1 to, nonjudicial settlement agreements entered into in
2 accordance with this Section and the grant of any consent,
3 release, ratification, or indemnification.

4 (Source: P.A. 98-946, eff. 1-1-15.)

5 (760 ILCS 5/16.4)

6 Sec. 16.4. Distribution of trust principal in further
7 trust.

8 (a) Definitions. In this Section:

9 "Absolute discretion" means the right to distribute
10 principal that is not limited or modified in any manner to or
11 for the benefit of one or more beneficiaries of the trust,
12 whether or not the term "absolute" is used. A power to
13 distribute principal that includes purposes such as best
14 interests, welfare, or happiness shall constitute absolute
15 discretion.

16 "Authorized trustee" means an entity or individual, other
17 than the settlor, who has authority under the terms of the
18 first trust to distribute the principal of the trust for the
19 benefit of one or more current beneficiaries.

20 "Code" means the United States Internal Revenue Code of
21 1986, as amended from time to time, including corresponding
22 provisions of subsequent internal revenue laws and
23 corresponding provisions of State law.

24 "Current beneficiary" means a person who is currently
25 receiving or eligible to receive a distribution of principal or

1 income from the trustee on the date of the exercise of the
2 power.

3 "Distribute" means the power to pay directly to the
4 beneficiary of a trust or make application for the benefit of
5 the beneficiary.

6 "First trust" means an existing irrevocable inter vivos or
7 testamentary trust part or all of the principal of which is
8 distributed in further trust under subsection (c) or (d).

9 "Presumptive remainder beneficiary" means a beneficiary of
10 a trust, as of the date of determination and assuming
11 non-exercise of all powers of appointment, who either (i) would
12 be eligible to receive a distribution of income or principal if
13 the trust terminated on that date, or (ii) would be eligible to
14 receive a distribution of income or principal if the interests
15 of all beneficiaries currently eligible to receive income or
16 principal from the trust ended on that date without causing the
17 trust to terminate.

18 "Principal" includes the income of the trust at the time of
19 the exercise of the power that is not currently required to be
20 distributed, including accrued and accumulated income.

21 "Second trust" means any irrevocable trust to which
22 principal is distributed in accordance with subsection (c) or
23 (d).

24 "Successor beneficiary" means any beneficiary other than
25 the current and presumptive remainder beneficiaries, but does
26 not include a potential appointee of a power of appointment

1 held by a beneficiary.

2 (b) Purpose. An independent trustee who has discretion to
3 make distributions to the beneficiaries shall exercise that
4 discretion in the trustee's fiduciary capacity, whether the
5 trustee's discretion is absolute or limited to ascertainable
6 standards, in furtherance of the purposes of the trust.

7 (c) Distribution to second trust if absolute discretion. An
8 authorized trustee who has the absolute discretion to
9 distribute the principal of a trust may distribute part or all
10 of the principal of the trust in favor of a trustee of a second
11 trust for the benefit of one, more than one, or all of the
12 current beneficiaries of the first trust and for the benefit of
13 one, more than one, or all of the successor and remainder
14 beneficiaries of the first trust.

15 (1) If the authorized trustee exercises the power under
16 this subsection, the authorized trustee may grant a power
17 of appointment (including a presently exercisable power of
18 appointment) in the second trust to one or more of the
19 current beneficiaries of the first trust, provided that the
20 beneficiary granted a power to appoint could receive the
21 principal outright under the terms of the first trust.

22 (2) If the authorized trustee grants a power of
23 appointment, the class of permissible appointees in favor
24 of whom a beneficiary may exercise the power of appointment
25 granted in the second trust may be broader than or
26 otherwise different from the current, successor, and

1 presumptive remainder beneficiaries of the first trust.

2 (3) If the beneficiary or beneficiaries of the first
3 trust are described as a class of persons, the beneficiary
4 or beneficiaries of the second trust may include one or
5 more persons of such class who become includible in the
6 class after the distribution to the second trust.

7 (d) Distribution to second trust if no absolute discretion.
8 An authorized trustee who has the power to distribute the
9 principal of a trust but does not have the absolute discretion
10 to distribute the principal of the trust may distribute part or
11 all of the principal of the first trust in favor of a trustee
12 of a second trust, provided that the current beneficiaries of
13 the second trust shall be the same as the current beneficiaries
14 of the first trust and the successor and remainder
15 beneficiaries of the second trust shall be the same as the
16 successor and remainder beneficiaries of the first trust.

17 (1) If the authorized trustee exercises the power under
18 this subsection (d), the second trust shall include the
19 same language authorizing the trustee to distribute the
20 income or principal of a trust as set forth in the first
21 trust.

22 (2) If the beneficiary or beneficiaries of the first
23 trust are described as a class of persons, the beneficiary
24 or beneficiaries of the second trust shall include all
25 persons who become includible in the class after the
26 distribution to the second trust.

1 (3) If the authorized trustee exercises the power under
2 this subsection (d) and if the first trust grants a power
3 of appointment to a beneficiary of the trust, the second
4 trust shall grant such power of appointment in the second
5 trust and the class of permissible appointees shall be the
6 same as in the first trust.

7 (4) Supplemental Needs Trusts.

8 (i) Notwithstanding the other provisions of this
9 subsection (d), the authorized trustee may distribute
10 part or all of the principal of the interest of a
11 beneficiary who has a disability ~~a disabled~~
12 ~~beneficiary's interest~~ in the first trust in favor of a
13 trustee of a second trust which is a supplemental needs
14 trust if the authorized trustee determines that to do
15 so would be in the best interests of the beneficiary
16 who has a disability ~~disabled beneficiary~~.

17 (ii) Definitions. For purposes of this subsection
18 (d):

19 "Best interests" of a beneficiary who has a
20 disability ~~disabled beneficiary~~ include, without
21 limitation, consideration of the financial impact
22 to the ~~disabled beneficiary's~~ family of the
23 beneficiary who has a disability.

24 "Beneficiary who has a disability ~~Disabled~~
25 ~~beneficiary~~" means a current beneficiary,
26 presumptive remainder beneficiary, or successor

1 beneficiary of the first trust who the authorized
2 trustee determines has a disability that
3 substantially impairs the beneficiary's ability to
4 provide for his or her own care or custody and that
5 constitutes a substantial disability ~~handicap~~,
6 whether or not the beneficiary has been
7 adjudicated a "person with a disability" ~~disabled~~
8 ~~person~~".

9 "Governmental benefits" means financial aid or
10 services from any State, Federal, or other public
11 agency.

12 "Supplemental needs second trust" means a
13 trust that complies with paragraph (iii) of this
14 paragraph (4) and that relative to the first trust
15 contains either lesser or greater restrictions on
16 the trustee's power to distribute trust income or
17 principal and which the trustee believes would, if
18 implemented, allow the beneficiary who has a
19 disability ~~disabled~~ ~~beneficiary~~ to receive a
20 greater degree of governmental benefits than the
21 beneficiary who has a disability ~~disabled~~
22 ~~beneficiary~~ will receive if no distribution is
23 made.

24 (iii) Remainder beneficiaries. A supplemental
25 needs second trust may name remainder and successor
26 beneficiaries other than the ~~disabled beneficiary's~~

1 estate of the beneficiary with a disability, provided
2 that the second trust names the same presumptive
3 remainder beneficiaries and successor beneficiaries to
4 the ~~disabled beneficiary's~~ interest of the beneficiary
5 who has a disability, and in the same proportions, as
6 exist in the first trust. In addition to the foregoing,
7 where the first trust was created by the beneficiary
8 who has a disability ~~disabled beneficiary~~ or the trust
9 property has been distributed directly to or is
10 otherwise under the control of the beneficiary who has
11 a disability ~~disabled beneficiary~~, the authorized
12 trustee may distribute to a "pooled trust" as defined
13 by federal Medicaid law for the benefit of the
14 beneficiary who has a disability ~~disabled beneficiary~~
15 or the supplemental needs second trust must contain pay
16 back provisions complying with Medicaid reimbursement
17 requirements of federal law.

18 (iv) Reimbursement. A supplemental needs second
19 trust shall not be liable to pay or reimburse the State
20 or any public agency for financial aid or services to
21 the beneficiary who has a disability ~~disabled~~
22 ~~beneficiary~~ except as provided in the supplemental
23 needs second trust.

24 (e) Notice. An authorized trustee may exercise the power to
25 distribute in favor of a second trust under subsections (c) and
26 (d) without the consent of the settlor or the beneficiaries of

1 the first trust and without court approval if:

2 (1) there are one or more legally competent current
3 beneficiaries and one or more legally competent
4 presumptive remainder beneficiaries and the authorized
5 trustee sends written notice of the trustee's decision,
6 specifying the manner in which the trustee intends to
7 exercise the power and the prospective effective date for
8 the distribution, to all of the legally competent current
9 beneficiaries and presumptive remainder beneficiaries,
10 determined as of the date the notice is sent and assuming
11 non-exercise of all powers of appointment; and

12 (2) no beneficiary to whom notice was sent objects to
13 the distribution in writing delivered to the trustee within
14 60 days after the notice is sent ("notice period").

15 A trustee is not required to provide a copy of the notice
16 to a beneficiary who is known to the trustee but who cannot be
17 located by the trustee after reasonable diligence or who is not
18 known to the trustee.

19 If a charity is a current beneficiary or presumptive
20 remainder beneficiary of the trust, the notice shall also be
21 given to the Attorney General's Charitable Trust Bureau.

22 (f) Court involvement.

23 (1) The trustee may for any reason elect to petition
24 the court to order the distribution, including, without
25 limitation, the reason that the trustee's exercise of the
26 power to distribute under this Section is unavailable, such

1 as:

2 (a) a beneficiary timely objects to the
3 distribution in a writing delivered to the trustee
4 within the time period specified in the notice; or

5 (b) there are no legally competent current
6 beneficiaries or legally competent presumptive
7 remainder beneficiaries.

8 (2) If the trustee receives a written objection within
9 the notice period, either the trustee or the beneficiary
10 may petition the court to approve, modify, or deny the
11 exercise of the trustee's powers. The trustee has the
12 burden of proving the proposed exercise of the power
13 furthers the purposes of the trust.

14 (3) In a judicial proceeding under this subsection (f),
15 the trustee may, but need not, present the trustee's
16 opinions and reasons for supporting or opposing the
17 proposed distribution, including whether the trustee
18 believes it would enable the trustee to better carry out
19 the purposes of the trust. A trustee's actions in
20 accordance with this Section shall not be deemed improper
21 or inconsistent with the trustee's duty of impartiality
22 unless the court finds from all the evidence that the
23 trustee acted in bad faith.

24 (g) Term of the second trust. The second trust to which an
25 authorized trustee distributes the assets of the first trust
26 may have a term that is longer than the term set forth in the

1 first trust, including, but not limited to, a term measured by
2 the lifetime of a current beneficiary; provided, however, that
3 the second trust shall be limited to the same permissible
4 period of the rule against perpetuities that applied to the
5 first trust, unless the first trust expressly permits the
6 trustee to extend or lengthen its perpetuities period.

7 (h) Divided discretion. If an authorized trustee has
8 absolute discretion to distribute the principal of a trust and
9 the same trustee or another trustee has the power to distribute
10 principal under the trust instrument which power is not
11 absolute discretion, such authorized trustee having absolute
12 discretion may exercise the power to distribute under
13 subsection (c).

14 (i) Later discovered assets. To the extent the authorized
15 trustee does not provide otherwise:

16 (1) The distribution of all of the assets comprising
17 the principal of the first trust in favor of a second trust
18 shall be deemed to include subsequently discovered assets
19 otherwise belonging to the first trust and undistributed
20 principal paid to or acquired by the first trust subsequent
21 to the distribution in favor of the second trust.

22 (2) The distribution of part but not all of the assets
23 comprising the principal of the first trust in favor of a
24 second trust shall not include subsequently discovered
25 assets belonging to the first trust and principal paid to
26 or acquired by the first trust subsequent to the

1 distribution in favor of a second trust; such assets shall
2 remain the assets of the first trust.

3 (j) Other authority to distribute in further trust. This
4 Section shall not be construed to abridge the right of any
5 trustee to distribute property in further trust that arises
6 under the terms of the governing instrument of a trust, any
7 provision of applicable law, or a court order. In addition,
8 distribution of trust principal to a second trust may be made
9 by agreement between a trustee and all primary beneficiaries of
10 a first trust, acting either individually or by their
11 respective representatives in accordance with Section 16.1 of
12 this Act.

13 (k) Need to distribute not required. An authorized trustee
14 may exercise the power to distribute in favor of a second trust
15 under subsections (c) and (d) whether or not there is a current
16 need to distribute principal under the terms of the first
17 trust.

18 (l) No duty to distribute. Nothing in this Section is
19 intended to create or imply a duty to exercise a power to
20 distribute principal, and no inference of impropriety shall be
21 made as a result of an authorized trustee not exercising the
22 power conferred under subsection (c) or (d). Notwithstanding
23 any other provision of this Section, a trustee has no duty to
24 inform beneficiaries about the availability of this Section and
25 no duty to review the trust to determine whether any action
26 should be taken under this Section.

1 (m) Express prohibition. A power authorized by subsection
2 (c) or (d) may not be exercised if expressly prohibited by the
3 terms of the governing instrument, but a general prohibition of
4 the amendment or revocation of the first trust or a provision
5 that constitutes a spendthrift clause shall not preclude the
6 exercise of a power under subsection (c) or (d).

7 (n) Restrictions. An authorized trustee may not exercise a
8 power authorized by subsection (c) or (d) to affect any of the
9 following:

10 (1) to reduce, limit or modify any beneficiary's
11 current right to a mandatory distribution of income or
12 principal, a mandatory annuity or unitrust interest, a
13 right to withdraw a percentage of the value of the trust or
14 a right to withdraw a specified dollar amount provided that
15 such mandatory right has come into effect with respect to
16 the beneficiary, except with respect to a second trust
17 which is a supplemental needs trust;

18 (2) to decrease or indemnify against a trustee's
19 liability or exonerate a trustee from liability for failure
20 to exercise reasonable care, diligence, and prudence;
21 except to indemnify or exonerate one party from liability
22 for actions of another party with respect to distribution
23 that unbundles the governance structure of a trust to
24 divide and separate fiduciary and nonfiduciary
25 responsibilities among several parties, including without
26 limitation one or more trustees, distribution advisors,

1 investment advisors, trust protectors, or other parties,
2 provided however that such modified governance structure
3 may reallocate fiduciary responsibilities from one party
4 to another but may not reduce them;

5 (3) to eliminate a provision granting another person
6 the right to remove or replace the authorized trustee
7 exercising the power under subsection (c) or (d); provided,
8 however, such person's right to remove or replace the
9 authorized trustee may be eliminated if a separate
10 independent, non-subservient individual or entity, such as
11 a trust protector, acting in a nonfiduciary capacity has
12 the right to remove or replace the authorized trustee;

13 (4) to reduce, limit or modify the perpetuities
14 provision specified in the first trust in the second trust,
15 unless the first trust expressly permits the trustee to do
16 so.

17 (o) Exception. Notwithstanding the provisions of paragraph
18 (1) of subsection (n) but subject to the other limitations in
19 this Section, an authorized trustee may exercise a power
20 authorized by subsection (c) or (d) to distribute to a second
21 trust; provided, however, that the exercise of such power does
22 not subject the second trust to claims of reimbursement by any
23 private or governmental body and does not at any time interfere
24 with, reduce the amount of, or jeopardize an individual's
25 entitlement to government benefits.

26 (p) Tax limitations. If any contribution to the first trust

1 qualified for the annual exclusion under Section 2503(b) of the
2 Code, the marital deduction under Section 2056(a) or 2523(a) of
3 the Code, or the charitable deduction under Section 170(a),
4 642(c), 2055(a) or 2522(a) of the Code, is a direct skip
5 qualifying for treatment under Section 2642(c) of the Code, or
6 qualified for any other specific tax benefit that would be lost
7 by the existence of the authorized trustee's authority under
8 subsection (c) or (d) for income, gift, estate, or
9 generation-skipping transfer tax purposes under the Code, then
10 the authorized trustee shall not have the power to distribute
11 the principal of a trust pursuant to subsection (c) or (d) in a
12 manner that would prevent the contribution to the first trust
13 from qualifying for or would reduce the exclusion, deduction,
14 or other tax benefit that was originally claimed with respect
15 to that contribution.

16 (1) Notwithstanding the provisions of this subsection
17 (p), the authorized trustee may exercise the power to pay
18 the first trust to a trust as to which the settlor of the
19 first trust is not considered the owner under Subpart E of
20 Part I of Subchapter J of Chapter 1 of Subtitle A of the
21 Code even if the settlor is considered such owner of the
22 first trust. Nothing in this Section shall be construed as
23 preventing the authorized trustee from distributing part
24 or all of the first trust to a second trust that is a trust
25 as to which the settlor of the first trust is considered
26 the owner under Subpart E of Part I of Subchapter J of

1 Chapter 1 of Subtitle A of the Code.

2 (2) During any period when the first trust owns
3 subchapter S corporation stock, an authorized trustee may
4 not exercise a power authorized by paragraph (c) or (d) to
5 distribute part or all of the S corporation stock to a
6 second trust that is not a permitted shareholder under
7 Section 1361(c)(2) of the Code.

8 (3) During any period when the first trust owns an
9 interest in property subject to the minimum distribution
10 rules of Section 401(a)(9) of the Code, an authorized
11 trustee may not exercise a power authorized by subsection
12 (c) or (d) to distribute part or all of the interest in
13 such property to a second trust that would result in the
14 shortening of the minimum distribution period to which the
15 property is subject in the first trust.

16 (q) Limits on compensation of trustee.

17 (1) Unless the court upon application of the trustee
18 directs otherwise, an authorized trustee may not exercise a
19 power authorized by subsection (c) or (d) solely to change
20 the provisions regarding the determination of the
21 compensation of any trustee; provided, however, an
22 authorized trustee may exercise the power authorized in
23 subsection (c) or (d) in conjunction with other valid and
24 reasonable purposes to bring the trustee's compensation
25 into accord with reasonable limits in accord with Illinois
26 law in effect at the time of the exercise.

1 (2) The compensation payable to the trustee or trustees
2 of the first trust may continue to be paid to the trustees
3 of the second trust during the terms of the second trust
4 and may be determined in the same manner as otherwise would
5 have applied in the first trust; provided, however, that no
6 trustee shall receive any commission or other compensation
7 imposed upon assets distributed due to the distribution of
8 property from the first trust to a second trust pursuant to
9 subsection (c) or (d).

10 (r) Written instrument. The exercise of a power to
11 distribute principal under subsection (c) or (d) must be made
12 by an instrument in writing, signed and acknowledged by the
13 trustee, and filed with the records of the first trust and the
14 second trust.

15 (s) Terms of second trust. Any reference to the governing
16 instrument or terms of the governing instrument in this Act
17 includes the terms of a second trust established in accordance
18 with this Section.

19 (t) Settlor. The settlor of a first trust is considered for
20 all purposes to be the settlor of any second trust established
21 in accordance with this Section. If the settlor of a first
22 trust is not also the settlor of a second trust, then the
23 settlor of the first trust shall be considered the settlor of
24 the second trust, but only with respect to the portion of
25 second trust distributed from the first trust in accordance
26 with this Section.

1 (u) Remedies. A trustee who reasonably and in good faith
2 takes or omits to take any action under this Section is not
3 liable to any person interested in the trust. An act or
4 omission by a trustee under this Section is presumed taken or
5 omitted reasonably and in good faith unless it is determined by
6 the court to have been an abuse of discretion. If a trustee
7 reasonably and in good faith takes or omits to take any action
8 under this Section and a person interested in the trust opposes
9 the act or omission, the person's exclusive remedy is to obtain
10 an order of the court directing the trustee to exercise
11 authority in accordance with this Section in such manner as the
12 court determines necessary or helpful for the proper
13 functioning of the trust, including without limitation
14 prospectively to modify or reverse a prior exercise of such
15 authority. Any claim by any person interested in the trust that
16 an act or omission by a trustee under this Section was an abuse
17 of discretion is barred if not asserted in a proceeding
18 commenced by or on behalf of the person within 2 years after
19 the trustee has sent to the person or the person's personal
20 representative a notice or report in writing sufficiently
21 disclosing facts fundamental to the claim such that the person
22 knew or reasonably should have known of the claim. Except for a
23 distribution of trust principal from a first trust to a second
24 trust made by agreement in accordance with Section 16.1 of this
25 Act, the preceding sentence shall not apply to a person who was
26 under a legal disability at the time the notice or report was

1 sent and who then had no personal representative. For purposes
2 of this subsection (u), a personal representative refers to a
3 court appointed guardian or conservator of the estate of a
4 person.

5 (v) Application. This Section is available to trusts in
6 existence on the effective date of this amendatory Act of the
7 97th General Assembly or created on or after the effective date
8 of this amendatory Act of the 97th General Assembly. This
9 Section shall be construed as pertaining to the administration
10 of a trust and shall be available to any trust that is
11 administered in Illinois under Illinois law or that is governed
12 by Illinois law with respect to the meaning and effect of its
13 terms, including a trust whose governing law has been changed
14 to the laws of this State, unless the governing instrument
15 expressly prohibits use of this Section by specific reference
16 to this Section. A provision in the governing instrument in the
17 form: "Neither the provisions of Section 16.4 of the Trusts and
18 Trustees Act nor any corresponding provision of future law may
19 be used in the administration of this trust" or a similar
20 provision demonstrating that intent is sufficient to preclude
21 the use of this Section.

22 (Source: P.A. 97-920, eff. 1-1-13.)

23 Section 975. The Illinois Uniform Transfers to Minors Act
24 is amended by changing Section 19 as follows:

1 (760 ILCS 20/19) (from Ch. 110 1/2, par. 269)

2 Sec. 19. Renunciation, Resignation, Death, or Removal of
3 Custodian; Designation of Successor Custodian. (a) A person
4 nominated under Section 4 or designated under Section 6 or
5 Section 10 as custodian may decline to serve by delivering a
6 valid disclaimer to the person who made the nomination or
7 designation or to the transferor or the transferor's
8 representative. If the event giving rise to a transfer has not
9 occurred and no substitute custodian able, willing, and
10 eligible to serve was nominated under Section 4, the person who
11 made the nomination or designation may nominate a substitute
12 custodian; otherwise the transferor or the transferor's
13 representative shall designate a substitute custodian at the
14 time of the transfer in either case from among the persons
15 eligible to serve as custodian for that kind of property under
16 Section 10(a). The custodian so designated has the rights of a
17 successor custodian.

18 (b) At any time or times a transferor or his representative
19 may designate an adult or a trust company as successor
20 custodian, single or successive, by executing and dating an
21 instrument of designation and delivering it to the custodian or
22 if he is deceased or is a person with a disability ~~disabled~~ to
23 his representative. A custodian at any time when a vacancy
24 would otherwise occur may designate a trust company or an adult
25 as successor custodian by executing and dating an instrument of
26 designation. If an instrument of designation does not contain

1 or is not accompanied by the resignation of the custodian, the
2 designation of the successor does not take effect until the
3 custodian resigns, dies, becomes a person with a disability
4 ~~disabled~~, or is removed. If a transferor or a custodian has
5 executed more than one instrument of designation, the
6 instrument dated on the earlier date shall be treated as
7 revoked by the instrument dated on the later date; however, a
8 designation by a transferor or his representative shall not be
9 revoked by a custodian. A successor custodian has all the
10 powers, duties and immunities of a custodian designated in a
11 manner prescribed by this Act.

12 (c) A custodian may resign at any time by delivering
13 written notice to the minor if the minor has attained the age
14 of 14 years and to the successor custodian and by delivering
15 the custodial property to the successor custodian.

16 (d) If a custodian is ineligible, dies, or becomes a person
17 with a disability ~~disabled~~ and no successor has been
18 effectively designated and the minor has attained the age of 14
19 years, the minor may designate as successor custodian, in the
20 manner prescribed in subsection (b), an adult member of the
21 minor's family, a guardian of the minor, or a trust company. If
22 the minor has not attained the age of 14 years or fails to act
23 within 60 days after the ineligibility, death, or incapacity,
24 the guardian of the minor becomes successor custodian. If the
25 minor has no guardian or the guardian declines to act, the
26 transferor, the representative of the transferor or of the

1 custodian, an adult member of the minor's family, or any other
2 interested person may petition the court to designate a
3 successor custodian.

4 (e) A custodian who declines to serve under subsection (a)
5 or resigns under subsection (c), or the representative of a
6 deceased custodian or a custodian with a disability ~~or disabled~~
7 ~~custodian~~, as soon as practicable, shall put the custodial
8 property and records in the possession and control of the
9 successor custodian. The successor custodian by action may
10 enforce the obligations to deliver custodial property and
11 records and becomes responsible for each item as received.

12 (f) A transferor, the representative of a transferor, an
13 adult member of the minor's family, a guardian of the person of
14 the minor, the guardian of the minor, or the minor if the minor
15 has attained the age of 14 years may petition the court to
16 remove the custodian for cause and to designate a successor
17 custodian not inconsistent with an effective designation or to
18 require the custodian to give appropriate bond.

19 (Source: P.A. 84-1129.)

20 Section 980. The Charitable Trust Act is amended by
21 changing Section 7.5 as follows:

22 (760 ILCS 55/7.5)

23 Sec. 7.5. Charitable trust for the benefit of a minor or
24 person with a disability ~~disabled person~~; report.

1 (a) In the case of a charitable trust established for the
2 benefit of a minor or person with a disability ~~disabled person~~,
3 the person or trustee responsible for the trust, if not the
4 guardian or parent, shall report its existence by certified or
5 registered United States mail to the parent or guardian of the
6 minor or person with a disability ~~disabled person~~ within 30
7 days after formation of the trust and every 6 months
8 thereafter. The written report shall include the name and
9 address of the trustee or trustees responsible for the trust,
10 the name and address of the financial institution at which
11 funds for the trust are held, the amount of funds raised for
12 the trust, and an itemized list of expenses for administration
13 of the trust.

14 The guardian of the estate of the minor or person with a
15 disability ~~disabled person~~ shall report the existence of the
16 trust as part of the ward's estate to the court that appointed
17 the guardian as part of its responsibility to manage the ward's
18 estate as established under Section 11-13 of the Probate Act of
19 1975. Compliance with this Section in no way affects other
20 requirements for trustee registration and reporting under this
21 Act or any accountings or authorizations required by the court
22 handling the ward's estate.

23 (b) If a person or trustee fails to report the existence of
24 the trust to the minor's ~~or disabled person's~~ parent or
25 guardian or to the parent or guardian of the person with a
26 disability as required in this Section, the person or trustee

1 is subject to injunction, to removal, to account, and to other
2 appropriate relief before a court of competent jurisdiction
3 exercising chancery jurisdiction.

4 (c) For the purpose of this Section, a charitable trust for
5 the benefit of a minor or person with a disability ~~disabled~~
6 ~~person~~ is a trust, including a special needs trust, that
7 receives funds solicited from the public under representations
8 that such will (i) benefit a needy minor or person with a
9 disability ~~disabled person~~, (ii) pay the medical or living
10 expenses of the minor or person with a disability ~~disabled~~
11 ~~person~~, or (iii) be used to assist in family expenses of the
12 minor or person with a disability ~~disabled person~~.

13 (d) Each and every trustee of a charitable trust for the
14 benefit of a minor or person with a disability ~~disabled person~~
15 must register under this Act and in addition must file an
16 annual report as required by Section 7 of this Act.

17 (Source: P.A. 91-620, eff. 8-19-99.)

18 Section 985. The Real Estate Timeshare Act of 1999 is
19 amended by changing Section 1-25 as follows:

20 (765 ILCS 101/1-25)

21 Sec. 1-25. Local powers; construction.

22 (a) Except as specifically provided in this Section, the
23 regulation of timeshare plans and exchange programs is an
24 exclusive power and function of the State. A unit of local

1 government, including a home rule unit, may not regulate
2 timeshare plans and exchange programs. This subsection is a
3 denial and limitation of home rule powers and functions under
4 subsection (h) of Section 6 of Article VII of the Illinois
5 Constitution.

6 (b) Notwithstanding subsection (a), no provision of this
7 Act invalidates or modifies any provision of any zoning,
8 subdivision, or building code or other real estate use law,
9 ordinance, or regulation.

10 Further, nothing in this Act shall be construed to affect
11 or impair the validity of Section 11-11.1-1 of the Illinois
12 Municipal Code or to deny to the corporate authorities of any
13 municipality the powers granted in that Code to enact
14 ordinances (i) prescribing fair housing practices, (ii)
15 defining unfair housing practices, (iii) establishing fair
16 housing or human relations commissions and standards for the
17 operation of such commissions in the administration and
18 enforcement of such ordinances, (iv) prohibiting
19 discrimination based on age, ancestry, color, creed, mental or
20 physical disability ~~handicap~~, national origin, race, religion,
21 or sex in the listing, sale, assignment, exchange, transfer,
22 lease, rental, or financing of real property for the purpose of
23 the residential occupancy thereof, and (v) prescribing
24 penalties for violations of such ordinances.

25 (Source: P.A. 91-585, eff. 1-1-00.)

1 Section 990. The Condominium Property Act is amended by
2 changing Section 18.4 as follows:

3 (765 ILCS 605/18.4) (from Ch. 30, par. 318.4)

4 Sec. 18.4. Powers and duties of board of managers. The
5 board of managers shall exercise for the association all
6 powers, duties and authority vested in the association by law
7 or the condominium instruments except for such powers, duties
8 and authority reserved by law to the members of the
9 association. The powers and duties of the board of managers
10 shall include, but shall not be limited to, the following:

11 (a) To provide for the operation, care, upkeep,
12 maintenance, replacement and improvement of the common
13 elements. Nothing in this subsection (a) shall be deemed to
14 invalidate any provision in a condominium instrument
15 placing limits on expenditures for the common elements,
16 provided, that such limits shall not be applicable to
17 expenditures for repair, replacement, or restoration of
18 existing portions of the common elements. The term "repair,
19 replacement or restoration" means expenditures to
20 deteriorated or damaged portions of the property related to
21 the existing decorating, facilities, or structural or
22 mechanical components, interior or exterior surfaces, or
23 energy systems and equipment with the functional
24 equivalent of the original portions of such areas.
25 Replacement of the common elements may result in an

1 improvement over the original quality of such elements or
2 facilities; provided that, unless the improvement is
3 mandated by law or is an emergency as defined in item (iv)
4 of subparagraph (8) of paragraph (a) of Section 18, if the
5 improvement results in a proposed expenditure exceeding 5%
6 of the annual budget, the board of managers, upon written
7 petition by unit owners with 20% of the votes of the
8 association delivered to the board within 14 days of the
9 board action to approve the expenditure, shall call a
10 meeting of the unit owners within 30 days of the date of
11 delivery of the petition to consider the expenditure.
12 Unless a majority of the total votes of the unit owners are
13 cast at the meeting to reject the expenditure, it is
14 ratified.

15 (b) To prepare, adopt and distribute the annual budget
16 for the property.

17 (c) To levy and expend assessments.

18 (d) To collect assessments from unit owners.

19 (e) To provide for the employment and dismissal of the
20 personnel necessary or advisable for the maintenance and
21 operation of the common elements.

22 (f) To obtain adequate and appropriate kinds of
23 insurance.

24 (g) To own, convey, encumber, lease, and otherwise deal
25 with units conveyed to or purchased by it.

26 (h) To adopt and amend rules and regulations covering

1 the details of the operation and use of the property, after
2 a meeting of the unit owners called for the specific
3 purpose of discussing the proposed rules and regulations.
4 Notice of the meeting shall contain the full text of the
5 proposed rules and regulations, and the meeting shall
6 conform to the requirements of Section 18(b) of this Act,
7 except that no quorum is required at the meeting of the
8 unit owners unless the declaration, bylaws or other
9 condominium instrument expressly provides to the contrary.
10 However, no rule or regulation may impair any rights
11 guaranteed by the First Amendment to the Constitution of
12 the United States or Section 4 of Article I of the Illinois
13 Constitution including, but not limited to, the free
14 exercise of religion, nor may any rules or regulations
15 conflict with the provisions of this Act or the condominium
16 instruments. No rule or regulation shall prohibit any
17 reasonable accommodation for religious practices,
18 including the attachment of religiously mandated objects
19 to the front-door area of a condominium unit.

20 (i) To keep detailed, accurate records of the receipts
21 and expenditures affecting the use and operation of the
22 property.

23 (j) To have access to each unit from time to time as
24 may be necessary for the maintenance, repair or replacement
25 of any common elements or for making emergency repairs
26 necessary to prevent damage to the common elements or to

1 other units.

2 (k) To pay real property taxes, special assessments,
3 and any other special taxes or charges of the State of
4 Illinois or of any political subdivision thereof, or other
5 lawful taxing or assessing body, which are authorized by
6 law to be assessed and levied upon the real property of the
7 condominium.

8 (l) To impose charges for late payment of a unit
9 owner's proportionate share of the common expenses, or any
10 other expenses lawfully agreed upon, and after notice and
11 an opportunity to be heard, to levy reasonable fines for
12 violation of the declaration, by-laws, and rules and
13 regulations of the association.

14 (m) Unless the condominium instruments expressly
15 provide to the contrary, by a majority vote of the entire
16 board of managers, to assign the right of the association
17 to future income from common expenses or other sources, and
18 to mortgage or pledge substantially all of the remaining
19 assets of the association.

20 (n) To record the dedication of a portion of the common
21 elements to a public body for use as, or in connection
22 with, a street or utility where authorized by the unit
23 owners under the provisions of Section 14.2.

24 (o) To record the granting of an easement for the
25 laying of cable television or high speed Internet cable
26 where authorized by the unit owners under the provisions of

1 Section 14.3; to obtain, if available and determined by the
2 board to be in the best interests of the association, cable
3 television or bulk high speed Internet service for all of
4 the units of the condominium on a bulk identical service
5 and equal cost per unit basis; and to assess and recover
6 the expense as a common expense and, if so determined by
7 the board, to assess each and every unit on the same equal
8 cost per unit basis.

9 (p) To seek relief on behalf of all unit owners when
10 authorized pursuant to subsection (c) of Section 10 from or
11 in connection with the assessment or levying of real
12 property taxes, special assessments, and any other special
13 taxes or charges of the State of Illinois or of any
14 political subdivision thereof or of any lawful taxing or
15 assessing body.

16 (q) To reasonably accommodate the needs of a unit owner
17 who is a person with a disability ~~handicapped unit owner~~ as
18 required by the federal Civil Rights Act of 1968, the Human
19 Rights Act and any applicable local ordinances in the
20 exercise of its powers with respect to the use of common
21 elements or approval of modifications in an individual
22 unit.

23 (r) To accept service of a notice of claim for purposes
24 of the Mechanics Lien Act on behalf of each respective
25 member of the Unit Owners' Association with respect to
26 improvements performed pursuant to any contract entered

1 into by the Board of Managers or any contract entered into
2 prior to the recording of the condominium declaration
3 pursuant to this Act, for a property containing more than 8
4 units, and to distribute the notice to the unit owners
5 within 7 days of the acceptance of the service by the Board
6 of Managers. The service shall be effective as if each
7 individual unit owner had been served individually with
8 notice.

9 (s) To adopt and amend rules and regulations (1)
10 authorizing electronic delivery of notices and other
11 communications required or contemplated by this Act to each
12 unit owner who provides the association with written
13 authorization for electronic delivery and an electronic
14 address to which such communications are to be
15 electronically transmitted; and (2) authorizing each unit
16 owner to designate an electronic address or a U.S. Postal
17 Service address, or both, as the unit owner's address on
18 any list of members or unit owners which an association is
19 required to provide upon request pursuant to any provision
20 of this Act or any condominium instrument.

21 In the performance of their duties, the officers and
22 members of the board, whether appointed by the developer or
23 elected by the unit owners, shall exercise the care required of
24 a fiduciary of the unit owners.

25 The collection of assessments from unit owners by an
26 association, board of managers or their duly authorized agents

1 shall not be considered acts constituting a collection agency
2 for purposes of the Collection Agency Act.

3 The provisions of this Section are applicable to all
4 condominium instruments recorded under this Act. Any portion of
5 a condominium instrument which contains provisions contrary to
6 these provisions shall be void as against public policy and
7 ineffective. Any such instrument that fails to contain the
8 provisions required by this Section shall be deemed to
9 incorporate such provisions by operation of law.

10 (Source: P.A. 97-751, eff. 1-1-13; 98-735, eff. 1-1-15.)

11 Section 995. The Notice of Prepayment of Federally
12 Subsidized Mortgage Act is amended by changing Section 4 as
13 follows:

14 (765 ILCS 925/4) (from Ch. 67 1/2, par. 904)

15 Sec. 4. (a) An owner of subsidized housing shall provide to
16 the clerk of the unit of local government and to IHDA notice of
17 the earliest date upon which he may exercise prepayment of
18 mortgage. Such notice shall be delivered at least 12 months
19 prior to the date upon which the owner may prepay the mortgage.
20 The notice shall include the following information:

21 (1) the name and address of the owner or managing agent of
22 the building;

23 (2) the earliest date of allowed prepayment;

24 (3) the number of subsidized housing units in the building

1 subject to prepayment, and the number of subsidized housing
2 units occupied by persons age 62 or older, or by persons with
3 disabilities ~~disabled persons~~, and households with children;

4 (4) the rental payment paid by each household occupying a
5 subsidized housing unit, not including any federal subsidy
6 received by the owner for such subsidized housing unit; and

7 (5) the rent schedule for the subsidized housing units as
8 approved by HUD or FmHA.

9 Such notice shall be available to the public upon request.

10 (b) Twelve months prior to the date upon which an owner may
11 exercise prepayment of mortgage, the owner shall:

12 (1) post a copy of such notice in a prominent location in
13 the affected building and leave the notice posted during the
14 entire notice period, and

15 (2) deliver, personally or by certified mail, copies of the
16 notice to all tenants residing in the building.

17 The owner shall provide a copy of the notice to all
18 prospective tenants. Such notices shall be on forms prescribed
19 by IHDA.

20 (Source: P.A. 85-1438.)

21 Section 1000. The Illinois Human Rights Act is amended by
22 changing Section 3-104.1 as follows:

23 (775 ILCS 5/3-104.1) (from Ch. 68, par. 3-104.1)

24 Sec. 3-104.1. Refusal to sell or rent because a person has

1 a guide, hearing or support dog. It is a civil rights violation
2 for the owner or agent of any housing accommodation to:

3 (A) refuse to sell or rent after the making of a bonafide
4 offer, or to refuse to negotiate for the sale or rental of, or
5 otherwise make unavailable or deny property to any blind or ~~7~~
6 hearing impaired person or person with a physical disability ~~or~~
7 ~~physically disabled person~~ because he has a guide, hearing or
8 support dog; or

9 (B) discriminate against any blind or ~~7~~ hearing impaired
10 person or person with a physical disability ~~or physically~~
11 ~~disabled person~~ in the terms, conditions, or privileges of sale
12 or rental property, or in the provision of services or
13 facilities in connection therewith, because he has a guide,
14 hearing or support dog; or

15 (C) require, because a blind or ~~7~~ hearing impaired person
16 or person with a physical disability ~~or physically disabled~~
17 ~~person~~ has a guide, hearing or support dog, an extra charge in
18 a lease, rental agreement, or contract of purchase or sale,
19 other than for actual damage done to the premises by the dog.

20 (Source: P.A. 95-668, eff. 10-10-07.)

21 Section 1005. The Public Works Employment Discrimination
22 Act is amended by changing Sections 4 and 8 as follows:

23 (775 ILCS 10/4) (from Ch. 29, par. 20)

24 Sec. 4. No contractor, subcontractor, nor any person on his

1 or her behalf shall, in any manner, discriminate against or
2 intimidate any employee hired for the performance of work for
3 the benefit of the State or for any department, bureau,
4 commission, board, other political subdivision or agency,
5 officer or agent thereof, on account of race, color, creed,
6 sex, religion, physical or mental disability ~~handicap~~
7 unrelated to ability, or national origin; and there may be
8 deducted from the amount payable to the contractor by the State
9 of Illinois or by any municipal corporation thereof, under this
10 contract, a penalty of five dollars for each person for each
11 calendar day during which such person was discriminated against
12 or intimidated in violation of the provisions of this Act.

13 (Source: P.A. 80-336.)

14 (775 ILCS 10/8) (from Ch. 29, par. 24)

15 Sec. 8. The invalidity or unconstitutionality of any one or
16 more provisions, parts, or sections of this Act shall not be
17 held or construed to invalidate the whole or any other
18 provision, part, or section thereof, it being intended that
19 this Act shall be sustained and enforced to the fullest extent
20 possible and that it shall be construed as liberally as
21 possible to prevent refusals, denials, and discriminations of
22 and with reference to the award of contracts and employment
23 thereunder, on the ground of race, color, creed, sex, religion,
24 physical or mental disability ~~handicap~~ unrelated to ability, or
25 national origin.

1 (Source: P.A. 80-336.)

2 Section 1010. The Defense Contract Employment
3 Discrimination Act is amended by changing Sections 1, 3, and 7
4 as follows:

5 (775 ILCS 20/1) (from Ch. 29, par. 24a)

6 Sec. 1. In the construction of this act the public policy
7 of the state of Illinois is hereby declared as follows: To
8 facilitate the rearmament and defense program of the Federal
9 government by the integration into the war defense industries
10 of the state of Illinois all available types of labor, skilled,
11 semi-skilled and common shall participate without
12 discrimination as to race, color, creed, sex, religion,
13 physical or mental disability ~~handicap~~ unrelated to ability, or
14 national origin whatsoever.

15 (Source: P.A. 80-337.)

16 (775 ILCS 20/3) (from Ch. 29, par. 24c)

17 Sec. 3. It shall be unlawful for any war defense
18 contractor, its officers or agents or employees to discriminate
19 against any citizen of the state of Illinois because of race,
20 color, creed, sex, religion, physical or mental disability
21 ~~handicap~~ unrelated to ability, or national origin in the hiring
22 of employees and training for skilled or semi-skilled
23 employment, and every such discrimination shall be deemed a

1 violation of this act.

2 (Source: P.A. 80-337.)

3 (775 ILCS 20/7) (from Ch. 29, par. 24g)

4 Sec. 7. Whereas, each day a national defense emergency
5 exists, persons of health, ability and skill are hourly being
6 deprived of training and employment solely because of
7 discrimination of color, race, creed, sex, religion, physical
8 or mental disability ~~handicap~~ unrelated to ability, or national
9 origin. The penalty set out in paragraph 6 shall be a separate
10 offense for each day and the offender shall be fined for each
11 day's violation separately.

12 (Source: P.A. 80-337.)

13 Section 1015. The White Cane Law is amended by changing the
14 title of the Act and Sections 2, 3, 4, 5, and 6 as follows:

15 (775 ILCS 30/Act title)

16 An Act in relation to the rights of persons who are blind
17 or who have other disabilities ~~otherwise physically disabled~~.

18 (775 ILCS 30/2) (from Ch. 23, par. 3362)

19 Sec. 2. It is the policy of this State to encourage and
20 enable persons who are blind, persons who have a visual
21 disability, and persons who have other physical disabilities
22 ~~the blind, the visually handicapped and the otherwise~~

1 ~~physically disabled~~ to participate fully in the social and
2 economic life of the State and to engage in remunerative
3 employment.

4 (Source: P.A. 76-663.)

5 (775 ILCS 30/3) (from Ch. 23, par. 3363)

6 Sec. 3. The blind, persons who have a visual disability ~~the~~
7 ~~visually handicapped~~, the hearing impaired, persons who are
8 subject to epilepsy or other seizure disorders, and persons who
9 have other physical disabilities ~~the otherwise physically~~
10 ~~disabled~~ have the same right as the able-bodied to the full and
11 free use of the streets, highways, sidewalks, walkways, public
12 buildings, public facilities and other public places.

13 The blind, persons who have a visual disability ~~the~~
14 ~~visually handicapped~~, the hearing impaired, persons who are
15 subject to epilepsy or other seizure disorders, and persons who
16 have other physical disabilities ~~the otherwise physically~~
17 ~~disabled~~ are entitled to full and equal accommodations,
18 advantages, facilities and privileges of all common carriers,
19 airplanes, motor vehicles, railroad trains, motor buses,
20 street cars, boats or any other public conveyances or modes of
21 transportation, hotels, lodging places, places of public
22 accommodation, amusement or resort and other places to which
23 the general public is invited, subject only to the conditions
24 and limitations established by law and applicable alike to all
25 persons.

1 Every totally or partially blind or ~~7~~ hearing impaired
2 person, person who is subject to epilepsy or other seizure
3 disorders, or person who has any other physical disability
4 ~~otherwise physically disabled person~~ or a trainer of support
5 dogs, guide dogs, seizure-alert dogs, seizure-response dogs,
6 or hearing dogs shall have the right to be accompanied by a
7 support dog or guide dog especially trained for the purpose, or
8 a dog that is being trained to be a support dog, guide dog,
9 seizure-alert dog, seizure-response dog, or hearing dog, in any
10 of the places listed in this Section without being required to
11 pay an extra charge for the guide, support, seizure-alert,
12 seizure-response, or hearing dog; provided that he shall be
13 liable for any damage done to the premises or facilities by
14 such dog.

15 (Source: P.A. 92-187, eff. 1-1-02; 93-532, eff. 1-1-04.)

16 (775 ILCS 30/4) (from Ch. 23, par. 3364)

17 Sec. 4. Any person or persons, firm or corporation, or the
18 agent of any person or persons, firm or corporation who denies
19 or interferes with admittance to or enjoyment of the public
20 facilities enumerated in Section 3 of this Act or otherwise
21 interferes with the rights of a totally or partially blind
22 person or a person who has any other disability ~~or otherwise~~
23 ~~disabled person~~ under Section 3 of this Act shall be guilty of
24 a Class A misdemeanor.

25 (Source: P.A. 77-2830.)

1 (775 ILCS 30/5) (from Ch. 23, par. 3365)

2 Sec. 5. It is the policy of this State that persons who are
3 blind, persons who have a visual disability, and persons with
4 other physical disabilities ~~the blind, the visually~~
5 ~~handicapped and the otherwise physically disabled~~ shall be
6 employed in the State Service, the service of the political
7 subdivisions of the State, in the public schools and in all
8 other employment supported in whole or in part by public funds
9 on the same terms and conditions as the able-bodied, unless it
10 is shown that the particular disability prevents the
11 performance of the work involved.

12 (Source: P.A. 76-663.)

13 (775 ILCS 30/6) (from Ch. 23, par. 3366)

14 Sec. 6. Each year, the Governor is authorized and requested
15 to designate and take suitable public notice of White Cane
16 Safety Day and to issue a proclamation in which:

17 (a) he comments upon the significance of the white cane;

18 (b) he calls upon the citizens of the State to observe the
19 provisions of the White Cane Law and to take precautions
20 necessary to the safety of persons with disabilities ~~the~~
21 ~~disabled~~;

22 (c) he reminds the citizens of the State of the policies
23 with respect to the disabled herein declared and urges the
24 citizens to cooperate in giving effect to them;

1 (d) he emphasizes the need of the citizens to be aware of
 2 the presence of disabled persons in the community and to keep
 3 safe and functional for the disabled the streets, highways,
 4 sidewalks, walkways, public buildings, public facilities,
 5 other public places, places of public accommodation, amusement
 6 and resort, and other places to which the public is invited,
 7 and to offer assistance to disabled persons upon appropriate
 8 occasions.

9 (Source: P.A. 76-663.)

10 Section 1020. The Disposition of Remains Act is amended by
 11 changing Section 10 as follows:

12 (755 ILCS 65/10)

13 Sec. 10. Form. The written instrument authorizing the
 14 disposition of remains under paragraph (1) of Section 5 of this
 15 Act shall be in substantially the following form:

16 "APPOINTMENT OF AGENT TO CONTROL DISPOSITION OF REMAINS

17

18 I,, being of sound
 19 mind, willfully and voluntarily make known my desire that,
 20 upon my death, the disposition of my remains shall be
 21 controlled by (name of agent first
 22 named below) and, with respect to that subject only, I
 23 hereby appoint such person as my agent (attorney-in-fact).

1 All decisions made by my agent with respect to the
2 disposition of my remains, including cremation, shall be
3 binding.

4 SPECIAL DIRECTIONS:

5 Set forth below are any special directions limiting
6 the power granted to my agent:

7
8
9

10 If the disposition of my remains is by cremation, then:

11 () I do not wish to allow any of my survivors the option of
12 canceling my cremation and selecting alternative arrangements,
13 regardless of whether my survivors deem a change to be
14 appropriate.

15 () I wish to allow only the survivors I have designated below
16 the option of canceling my cremation and selecting alternative
17 arrangements, if they deem a change to be appropriate:

18
19
20

21 ASSUMPTION:

1 THE AGENT, AND EACH SUCCESSOR AGENT, BY ACCEPTING THIS
 2 APPOINTMENT, AGREES TO AND ASSUMES THE OBLIGATIONS
 3 PROVIDED HEREIN. AN AGENT MAY SIGN AT ANY TIME, BUT AN
 4 AGENT'S AUTHORITY TO ACT IS NOT EFFECTIVE UNTIL THE AGENT
 5 SIGNS BELOW TO INDICATE THE ACCEPTANCE OF APPOINTMENT. ANY
 6 NUMBER OF AGENTS MAY SIGN, BUT ONLY THE SIGNATURE OF THE
 7 AGENT ACTING AT ANY TIME IS REQUIRED.

8 AGENT:

9 Name:

10 Address:

11 Telephone Number:

12 Signature Indicating Acceptance of Appointment:

13 Date of Signature:

14 SUCCESSORS:

15 If my agent dies, is determined by a court to be under
 16 a legal disability ~~becomes legally disabled~~, resigns, or
 17 refuses to act, I hereby appoint the following persons
 18 (each to act alone and successively, in the order named) to
 19 serve as my agent (attorney-in-fact) to control the
 20 disposition of my remains as authorized by this document:

- 21 1. First Successor

1 Name:

2 Address:

3 Telephone Number:

4 Signature Indicating Acceptance of Appointment:

5 Date of Signature:

6 2. Second Successor

7 Name:

8 Address:

9 Telephone Number:

10 Signature Indicating Acceptance of Appointment:

11 Date of Signature:

12 DURATION:

13 This appointment becomes effective upon my death.

14 PRIOR APPOINTMENTS REVOKED:

15 I hereby revoke any prior appointment of any person to

16 control the disposition of my remains.

17 RELIANCE:

18 I hereby agree that any hospital, cemetery

19 organization, business operating a crematory or

20 columbarium or both, funeral director or embalmer, or

21 funeral establishment who receives a copy of this document

1 may act under it. Any modification or revocation of this
2 document is not effective as to any such party until that
3 party receives actual notice of the modification or
4 revocation. No such party shall be liable because of
5 reliance on a copy of this document.

6 Signed this day of,

7

8 STATE OF

9 COUNTY OF

10 BEFORE ME, the undersigned, a Notary Public, on this
11 day personally appeared, proved to me
12 on the basis of satisfactory evidence to be the person
13 whose name is subscribed to the foregoing instrument and
14 acknowledged to me that he/she executed the same for the
15 purposes and consideration therein expressed.

16 GIVEN UNDER MY HAND AND SEAL OF OFFICE this day

17 of, 2.....

18

19 Printed Name:

1 Notary Public, State of

2 My Commission Expires:

3".

4 (Source: P.A. 94-561, eff. 1-1-06; 94-1051, eff. 7-24-06.)

5 Section 1025. The Credit Card Issuance Act is amended by
6 changing Section 1b as follows:

7 (815 ILCS 140/1b) (from Ch. 17, par. 6003)

8 Sec. 1b. All credit card applications shall contain the
9 following words verbatim:

10 a. No applicant may be denied a credit card on account of
11 race, color, religion, national origin, ancestry, age (between
12 40 and 70), sex, marital status, physical or mental disability
13 ~~handicap~~ unrelated to the ability to pay or unfavorable
14 discharge from military service.

15 b. The applicant may request the reason for rejection of
16 his or her application for a credit card.

17 c. No person need reapply for a credit card solely because
18 of a change in marital status unless the change in marital
19 status has caused a deterioration in the person's financial
20 position.

21 d. A person may hold a credit card in any name permitted by
22 law that he or she regularly uses and is generally known by, so
23 long as no fraud is intended thereby.

1 (Source: P.A. 81-1216.)

2 Section 1030. The Motor Fuel Sales Act is amended by
3 changing Section 2 as follows:

4 (815 ILCS 365/2) (from Ch. 121 1/2, par. 1502)

5 Sec. 2. Assistance at stations with self-service and
6 full-service islands.

7 (a) Any attendant on duty at a gasoline station or service
8 station offering to the public retail sales of motor fuel at
9 both self-service and full-service islands shall, upon
10 request, dispense motor fuel for the driver of a car which is
11 parked at a self-service island and displays: (1) registration
12 plates issued to a person with a physical disability ~~physically~~
13 ~~disabled person~~ pursuant to Section 3-616 of the Illinois
14 Vehicle Code; (2) registration plates issued to a veteran with
15 a disability ~~disabled veteran~~ pursuant to Section 3-609 or
16 3-609.01 of such Code; or (3) a special decal or device issued
17 pursuant to Section 11-1301.2 of such Code; and shall only
18 charge such driver prices as offered to the general public for
19 motor fuel dispensed at the self-service island. However, such
20 attendant shall not be required to perform other services which
21 are offered at the full-service island.

22 (b) Gasoline stations and service stations in this State
23 are subject to the federal Americans with Disabilities Act and
24 must:

1 (1) provide refueling assistance upon the request of an
2 individual with a disability (A gasoline station or service
3 station is not required to provide such service at any time
4 that it is operating on a remote control basis with a
5 single employee on duty at the motor fuel site, but is
6 encouraged to do so, if feasible.);

7 (2) by January 1, 2014, provide and display at least
8 one ADA compliant motor fuel dispenser with a direct
9 telephone number to the station that allows an ~~a disabled~~
10 operator of a motor vehicle who has a disability to request
11 refueling assistance, with the telephone number posted in
12 close proximity to the International Symbol of
13 Accessibility required by the federal Americans with
14 Disabilities Act, however, if the station does not have at
15 least one ADA compliant motor fuel dispenser, the station
16 must display on at least one motor fuel dispenser a direct
17 telephone number to the station that allows an ~~a disabled~~
18 operator of a motor vehicle who has a disability to request
19 refueling assistance; and

20 (3) provide the refueling assistance without any
21 charge beyond the self-serve price.

22 (c) The signage required under paragraph (2) of subsection
23 (b) shall be designated by the station owner and shall be
24 posted in a prominently visible place. The sign shall be
25 clearly visible to customers.

26 (d) The Secretary of State shall provide to persons with

1 disabilities information regarding the availability of
2 refueling assistance under this Section by the following
3 methods:

4 (1) by posting information about that availability on
5 the Secretary of State's Internet website, along with a
6 link to the Department of Human Services website; and

7 (2) by publishing a brochure containing information
8 about that availability, which shall be made available at
9 all Secretary of State offices throughout the State.

10 (e) The Department of Human Services shall post on its
11 Internet website information regarding the availability of
12 refueling assistance for persons with disabilities and the
13 addresses and telephone numbers of all gasoline and service
14 stations in Illinois.

15 (f) A person commits a Class C misdemeanor if he or she
16 telephones a gasoline station or service station to request
17 refueling assistance and he or she:

18 (1) is not actually physically present at the gasoline
19 or service station; or

20 (2) is physically present at the gasoline or service
21 station but does not actually require refueling
22 assistance.

23 (g) The Department of Transportation shall work in
24 cooperation with appropriate representatives of gasoline and
25 service station trade associations and the petroleum industry
26 to increase the signage at gasoline and service stations on

1 interstate highways in this State with regard to the
2 availability of refueling assistance for persons with
3 disabilities.

4 (h) If an owner of a gas station or service station is
5 found by the Illinois Department of Agriculture, Bureau of
6 Weights and Measures, to be in violation of this Act, the owner
7 shall pay an administrative fine of \$250. Any moneys collected
8 by the Department shall be deposited into the Motor Fuel and
9 Petroleum Standards Fund. The Department of Agriculture shall
10 have the same authority and powers as provided for in the Motor
11 Fuel and Petroleum Standards Act in enforcing this Act.

12 (Source: P.A. 97-1152, eff. 6-1-13.)

13 Section 1035. The Consumer Fraud and Deceptive Business
14 Practices Act is amended by changing Sections 2FF and 2MM as
15 follows:

16 (815 ILCS 505/2FF)

17 Sec. 2FF. Electric service fraud; elderly persons or
18 persons with disabilities ~~disabled persons~~; additional
19 penalties. With respect to the advertising, sale, provider
20 selection, billings, or collections relating to the provision
21 of electric service, where the consumer is an elderly person or
22 person with a disability ~~disabled person~~, a civil penalty of
23 \$50,000 may be imposed for each violation. For purposes of this
24 Section:

1 (1) "Elderly person" means a person 60 years of age or
2 older.

3 (2) "Person with a disability ~~Disabled person~~" means a
4 person who suffers from a permanent physical or mental
5 impairment resulting from disease, injury, functional disorder
6 or congenital condition.

7 (3) "Electric service" shall have the meaning given that
8 term in Section 6.5 of the Attorney General Act.

9 (Source: P.A. 90-561, eff. 12-16-97.)

10 (815 ILCS 505/2MM)

11 Sec. 2MM. Verification of accuracy of consumer reporting
12 information used to extend consumers credit and security freeze
13 on credit reports.

14 (a) A credit card issuer who mails an offer or solicitation
15 to apply for a credit card and who receives a completed
16 application in response to the offer or solicitation which
17 lists an address that is not substantially the same as the
18 address on the offer or solicitation may not issue a credit
19 card based on that application until reasonable steps have been
20 taken to verify the applicant's change of address.

21 (b) Any person who uses a consumer credit report in
22 connection with the approval of credit based on the application
23 for an extension of credit, and who has received notification
24 of a police report filed with a consumer reporting agency that
25 the applicant has been a victim of financial identity theft, as

1 defined in Section 16-30 or 16G-15 of the Criminal Code of 1961
2 or the Criminal Code of 2012, may not lend money or extend
3 credit without taking reasonable steps to verify the consumer's
4 identity and confirm that the application for an extension of
5 credit is not the result of financial identity theft.

6 (c) A consumer may request that a security freeze be placed
7 on his or her credit report by sending a request in writing by
8 certified mail to a consumer reporting agency at an address
9 designated by the consumer reporting agency to receive such
10 requests.

11 The following persons may request that a security freeze be
12 placed on the credit report of a person with a disability
13 ~~disabled person~~:

14 (1) a guardian of the person with a disability ~~disabled~~
15 ~~person~~ that is the subject of the request, appointed under
16 Article XIa of the Probate Act of 1975; and

17 (2) an agent of the person with a disability ~~disabled~~
18 ~~person~~ that is the subject of the request, under a written
19 durable power of attorney that complies with the Illinois
20 Power of Attorney Act.

21 The following persons may request that a security freeze
22 be placed on the credit report of a minor:

23 (1) a guardian of the minor that is the subject of the
24 request, appointed under Article XI of the Probate Act of
25 1975;

26 (2) a parent of the minor that is the subject of the

1 request; and

2 (3) a guardian appointed under the Juvenile Court Act
3 of 1987 for a minor under the age of 18 who is the subject
4 of the request or, with a court order authorizing the
5 guardian consent power, for a youth who is the subject of
6 the request who has attained the age of 18, but who is
7 under the age of 21.

8 This subsection (c) does not prevent a consumer reporting
9 agency from advising a third party that a security freeze is in
10 effect with respect to the consumer's credit report.

11 (d) A consumer reporting agency shall place a security
12 freeze on a consumer's credit report no later than 5 business
13 days after receiving a written request from the consumer:

14 (1) a written request described in subsection (c);

15 (2) proper identification; and

16 (3) payment of a fee, if applicable.

17 (e) Upon placing the security freeze on the consumer's
18 credit report, the consumer reporting agency shall send to the
19 consumer within 10 business days a written confirmation of the
20 placement of the security freeze and a unique personal
21 identification number or password or similar device, other than
22 the consumer's Social Security number, to be used by the
23 consumer when providing authorization for the release of his or
24 her credit report for a specific party or period of time.

25 (f) If the consumer wishes to allow his or her credit
26 report to be accessed for a specific party or period of time

1 while a freeze is in place, he or she shall contact the
2 consumer reporting agency using a point of contact designated
3 by the consumer reporting agency, request that the freeze be
4 temporarily lifted, and provide the following:

5 (1) Proper identification;

6 (2) The unique personal identification number or
7 password or similar device provided by the consumer
8 reporting agency;

9 (3) The proper information regarding the third party or
10 time period for which the report shall be available to
11 users of the credit report; and

12 (4) A fee, if applicable.

13 A security freeze for a minor may not be temporarily
14 lifted. This Section does not require a consumer reporting
15 agency to provide to a minor or a parent or guardian of a minor
16 on behalf of the minor a unique personal identification number,
17 password, or similar device provided by the consumer reporting
18 agency for the minor, or parent or guardian of the minor, to
19 use to authorize the consumer reporting agency to release
20 information from a minor.

21 (g) A consumer reporting agency shall develop a contact
22 method to receive and process a request from a consumer to
23 temporarily lift a freeze on a credit report pursuant to
24 subsection (f) in an expedited manner.

25 A contact method under this subsection shall include: (i) a
26 postal address; and (ii) an electronic contact method chosen by

1 the consumer reporting agency, which may include the use of
2 telephone, fax, Internet, or other electronic means.

3 (h) A consumer reporting agency that receives a request
4 from a consumer to temporarily lift a freeze on a credit report
5 pursuant to subsection (f), shall comply with the request no
6 later than 3 business days after receiving the request.

7 (i) A consumer reporting agency shall remove or temporarily
8 lift a freeze placed on a consumer's credit report only in the
9 following cases:

10 (1) upon consumer request, pursuant to subsection (f)
11 or subsection (1) of this Section; or

12 (2) if the consumer's credit report was frozen due to a
13 material misrepresentation of fact by the consumer.

14 If a consumer reporting agency intends to remove a freeze
15 upon a consumer's credit report pursuant to this subsection,
16 the consumer reporting agency shall notify the consumer in
17 writing prior to removing the freeze on the consumer's credit
18 report.

19 (j) If a third party requests access to a credit report on
20 which a security freeze is in effect, and this request is in
21 connection with an application for credit or any other use, and
22 the consumer does not allow his or her credit report to be
23 accessed for that specific party or period of time, the third
24 party may treat the application as incomplete.

25 (k) If a consumer requests a security freeze, the credit
26 reporting agency shall disclose to the consumer the process of

1 placing and temporarily lifting a security freeze, and the
2 process for allowing access to information from the consumer's
3 credit report for a specific party or period of time while the
4 freeze is in place.

5 (l) A security freeze shall remain in place until the
6 consumer or person authorized under subsection (c) to act on
7 behalf of the minor or person with a disability ~~disabled person~~
8 that is the subject of the security freeze requests, using a
9 point of contact designated by the consumer reporting agency,
10 that the security freeze be removed. A credit reporting agency
11 shall remove a security freeze within 3 business days of
12 receiving a request for removal from the consumer, who
13 provides:

14 (1) Proper identification;

15 (2) The unique personal identification number or
16 password or similar device provided by the consumer
17 reporting agency; and

18 (3) A fee, if applicable.

19 (m) A consumer reporting agency shall require proper
20 identification of the person making a request to place or
21 remove a security freeze and may require proper identification
22 and proper authority from the person making the request to
23 place or remove a freeze on behalf of the person with a
24 disability ~~disabled person~~ or minor.

25 (n) The provisions of subsections (c) through (m) of this
26 Section do not apply to the use of a consumer credit report by

1 any of the following:

2 (1) A person or entity, or a subsidiary, affiliate, or
3 agent of that person or entity, or an assignee of a
4 financial obligation owing by the consumer to that person
5 or entity, or a prospective assignee of a financial
6 obligation owing by the consumer to that person or entity
7 in conjunction with the proposed purchase of the financial
8 obligation, with which the consumer has or had prior to
9 assignment an account or contract, including a demand
10 deposit account, or to whom the consumer issued a
11 negotiable instrument, for the purposes of reviewing the
12 account or collecting the financial obligation owing for
13 the account, contract, or negotiable instrument. For
14 purposes of this subsection, "reviewing the account"
15 includes activities related to account maintenance,
16 monitoring, credit line increases, and account upgrades
17 and enhancements.

18 (2) A subsidiary, affiliate, agent, assignee, or
19 prospective assignee of a person to whom access has been
20 granted under subsection (f) of this Section for purposes
21 of facilitating the extension of credit or other
22 permissible use.

23 (3) Any state or local agency, law enforcement agency,
24 trial court, or private collection agency acting pursuant
25 to a court order, warrant, or subpoena.

26 (4) A child support agency acting pursuant to Title

1 IV-D of the Social Security Act.

2 (5) The State or its agents or assigns acting to
3 investigate fraud.

4 (6) The Department of Revenue or its agents or assigns
5 acting to investigate or collect delinquent taxes or unpaid
6 court orders or to fulfill any of its other statutory
7 responsibilities.

8 (7) The use of credit information for the purposes of
9 prescreening as provided for by the federal Fair Credit
10 Reporting Act.

11 (8) Any person or entity administering a credit file
12 monitoring subscription or similar service to which the
13 consumer has subscribed.

14 (9) Any person or entity for the purpose of providing a
15 consumer with a copy of his or her credit report or score
16 upon the consumer's request.

17 (10) Any person using the information in connection
18 with the underwriting of insurance.

19 (n-5) This Section does not prevent a consumer reporting
20 agency from charging a fee of no more than \$10 to a consumer
21 for each freeze, removal, or temporary lift of the freeze,
22 regarding access to a consumer credit report, except that a
23 consumer reporting agency may not charge a fee to (i) a
24 consumer 65 years of age or over for placement and removal of a
25 freeze, or (ii) a victim of identity theft who has submitted to
26 the consumer reporting agency a valid copy of a police report,

1 investigative report, or complaint that the consumer has filed
2 with a law enforcement agency about unlawful use of his or her
3 personal information by another person.

4 (o) If a security freeze is in place, a consumer reporting
5 agency shall not change any of the following official
6 information in a credit report without sending a written
7 confirmation of the change to the consumer within 30 days of
8 the change being posted to the consumer's file: (i) name, (ii)
9 date of birth, (iii) Social Security number, and (iv) address.
10 Written confirmation is not required for technical
11 modifications of a consumer's official information, including
12 name and street abbreviations, complete spellings, or
13 transposition of numbers or letters. In the case of an address
14 change, the written confirmation shall be sent to both the new
15 address and to the former address.

16 (p) The following entities are not required to place a
17 security freeze in a consumer report, however, pursuant to
18 paragraph (3) of this subsection, a consumer reporting agency
19 acting as a reseller shall honor any security freeze placed on
20 a consumer credit report by another consumer reporting agency:

21 (1) A check services or fraud prevention services
22 company, which issues reports on incidents of fraud or
23 authorizations for the purpose of approving or processing
24 negotiable instruments, electronic funds transfers, or
25 similar methods of payment.

26 (2) A deposit account information service company,

1 which issues reports regarding account closures due to
2 fraud, substantial overdrafts, ATM abuse, or similar
3 negative information regarding a consumer to inquiring
4 banks or other financial institutions for use only in
5 reviewing a consumer request for a deposit account at the
6 inquiring bank or financial institution.

7 (3) A consumer reporting agency that:

8 (A) acts only to resell credit information by
9 assembling and merging information contained in a
10 database of one or more consumer reporting agencies;
11 and

12 (B) does not maintain a permanent database of
13 credit information from which new credit reports are
14 produced.

15 (q) For purposes of this Section:

16 "Credit report" has the same meaning as "consumer report",
17 as ascribed to it in 15 U.S.C. Sec. 1681a(d).

18 "Consumer reporting agency" has the meaning ascribed to it
19 in 15 U.S.C. Sec. 1681a(f).

20 "Security freeze" means a notice placed in a consumer's
21 credit report, at the request of the consumer and subject to
22 certain exceptions, that prohibits the consumer reporting
23 agency from releasing the consumer's credit report or score
24 relating to an extension of credit, without the express
25 authorization of the consumer.

26 "Extension of credit" does not include an increase in an

1 existing open-end credit plan, as defined in Regulation Z of
2 the Federal Reserve System (12 C.F.R. 226.2), or any change to
3 or review of an existing credit account.

4 "Proper authority" means documentation that shows that a
5 parent, guardian, or agent has authority to act on behalf of a
6 minor or person with a disability ~~disabled person~~. "Proper
7 authority" includes (1) an order issued by a court of law that
8 shows that a guardian has authority to act on behalf of a minor
9 or person with a disability ~~disabled person~~, (2) a written,
10 notarized statement signed by a parent that expressly describes
11 the authority of the parent to act on behalf of the minor, or
12 (3) a durable power of attorney that complies with the Illinois
13 Power of Attorney Act.

14 "Proper identification" means information generally deemed
15 sufficient to identify a person. Only if the consumer is unable
16 to reasonably identify himself or herself with the information
17 described above, may a consumer reporting agency require
18 additional information concerning the consumer's employment
19 and personal or family history in order to verify his or her
20 identity.

21 (r) Any person who violates this Section commits an
22 unlawful practice within the meaning of this Act.

23 (Source: P.A. 97-597, eff. 1-1-12; 97-1150, eff. 1-25-13;
24 98-486, eff. 1-1-14; 98-756, eff. 7-16-14.)

25 Section 1040. The Home Repair Fraud Act is amended by

1 changing Section 5 as follows:

2 (815 ILCS 515/5) (from Ch. 121 1/2, par. 1605)

3 Sec. 5. Aggravated Home Repair Fraud. A person commits the
4 offense of aggravated home repair fraud when he commits home
5 repair fraud:

6 (i) against an elderly person or a person with a
7 disability as defined in Section 17-56 of the Criminal Code
8 of 2012; or

9 (ii) in connection with a home repair project intended
10 to assist a person with a disability ~~disabled person~~.

11 (a) Aggravated violation of paragraphs (1) or (2) of
12 subsection (a) of Section 3 of this Act shall be a Class 2
13 felony when the amount of the contract or agreement is more
14 than \$500, a Class 3 felony when the amount of the contract or
15 agreement is \$500 or less, and a Class 2 felony for a second or
16 subsequent offense when the amount of the contract or agreement
17 is \$500 or less. If 2 or more contracts or agreements for home
18 repair exceed an aggregate amount of \$500 or more and such
19 contracts or agreements are entered into with the same victim
20 by one or more of the defendants as part of or in furtherance
21 of a common fraudulent scheme, design or intention, the
22 violation shall be a Class 2 felony.

23 (b) Aggravated violation of paragraph (3) of subsection (a)
24 of Section 3 of this Act shall be a Class 2 felony when the
25 amount of the contract or agreement is more than \$5,000 and a

1 Class 3 felony when the amount of the contract or agreement is
2 \$5,000 or less.

3 (c) Aggravated violation of paragraph (4) of subsection (a)
4 of Section 3 of this Act shall be a Class 3 felony when the
5 amount of the contract or agreement is more than \$500, a Class
6 4 felony when the amount of the contract or agreement is \$500
7 or less and a Class 3 felony for a second or subsequent offense
8 when the amount of the contract or agreement is \$500 or less.

9 (d) Aggravated violation of paragraphs (1) or (2) of
10 subsection (b) of Section 3 of this Act shall be a Class 3
11 felony.

12 (e) If a person commits aggravated home repair fraud, then
13 any State or local license or permit held by that person that
14 relates to the business of home repair may be appropriately
15 suspended or revoked by the issuing authority, commensurate
16 with the severity of the offense.

17 (f) A defense to aggravated home repair fraud does not
18 exist merely because the accused reasonably believed the victim
19 to be a person less than 60 years of age.

20 (Source: P.A. 96-1026, eff. 7-12-10; 96-1551, eff. 7-1-11;
21 97-1150, eff. 1-25-13.)

22 Section 1045. The Motor Vehicle Franchise Act is amended by
23 changing Section 4 as follows:

24 (815 ILCS 710/4) (from Ch. 121 1/2, par. 754)

1 Sec. 4. Unfair competition and practices.

2 (a) The unfair methods of competition and unfair and
3 deceptive acts or practices listed in this Section are hereby
4 declared to be unlawful. In construing the provisions of this
5 Section, the courts may be guided by the interpretations of the
6 Federal Trade Commission Act (15 U.S.C. 45 et seq.), as from
7 time to time amended.

8 (b) It shall be deemed a violation for any manufacturer,
9 factory branch, factory representative, distributor or
10 wholesaler, distributor branch, distributor representative or
11 motor vehicle dealer to engage in any action with respect to a
12 franchise which is arbitrary, in bad faith or unconscionable
13 and which causes damage to any of the parties or to the public.

14 (c) It shall be deemed a violation for a manufacturer, a
15 distributor, a wholesaler, a distributor branch or division, a
16 factory branch or division, or a wholesale branch or division,
17 or officer, agent or other representative thereof, to coerce,
18 or attempt to coerce, any motor vehicle dealer:

19 (1) to accept, buy or order any motor vehicle or
20 vehicles, appliances, equipment, parts or accessories
21 therefor, or any other commodity or commodities or service
22 or services which such motor vehicle dealer has not
23 voluntarily ordered or requested except items required by
24 applicable local, state or federal law; or to require a
25 motor vehicle dealer to accept, buy, order or purchase such
26 items in order to obtain any motor vehicle or vehicles or

1 any other commodity or commodities which have been ordered
2 or requested by such motor vehicle dealer;

3 (2) to order or accept delivery of any motor vehicle
4 with special features, appliances, accessories or
5 equipment not included in the list price of the motor
6 vehicles as publicly advertised by the manufacturer
7 thereof, except items required by applicable law; or

8 (3) to order for anyone any parts, accessories,
9 equipment, machinery, tools, appliances or any commodity
10 whatsoever, except items required by applicable law.

11 (d) It shall be deemed a violation for a manufacturer, a
12 distributor, a wholesaler, a distributor branch or division, or
13 officer, agent or other representative thereof:

14 (1) to adopt, change, establish or implement a plan or
15 system for the allocation and distribution of new motor
16 vehicles to motor vehicle dealers which is arbitrary or
17 capricious or to modify an existing plan so as to cause the
18 same to be arbitrary or capricious;

19 (2) to fail or refuse to advise or disclose to any
20 motor vehicle dealer having a franchise or selling
21 agreement, upon written request therefor, the basis upon
22 which new motor vehicles of the same line make are
23 allocated or distributed to motor vehicle dealers in the
24 State and the basis upon which the current allocation or
25 distribution is being made or will be made to such motor
26 vehicle dealer;

1 (3) to refuse to deliver in reasonable quantities and
2 within a reasonable time after receipt of dealer's order,
3 to any motor vehicle dealer having a franchise or selling
4 agreement for the retail sale of new motor vehicles sold or
5 distributed by such manufacturer, distributor, wholesaler,
6 distributor branch or division, factory branch or division
7 or wholesale branch or division, any such motor vehicles as
8 are covered by such franchise or selling agreement
9 specifically publicly advertised in the State by such
10 manufacturer, distributor, wholesaler, distributor branch
11 or division, factory branch or division, or wholesale
12 branch or division to be available for immediate delivery.
13 However, the failure to deliver any motor vehicle shall not
14 be considered a violation of this Act if such failure is
15 due to an act of God, a work stoppage or delay due to a
16 strike or labor difficulty, a shortage of materials, a lack
17 of manufacturing capacity, a freight embargo or other cause
18 over which the manufacturer, distributor, or wholesaler,
19 or any agent thereof has no control;

20 (4) to coerce, or attempt to coerce, any motor vehicle
21 dealer to enter into any agreement with such manufacturer,
22 distributor, wholesaler, distributor branch or division,
23 factory branch or division, or wholesale branch or
24 division, or officer, agent or other representative
25 thereof, or to do any other act prejudicial to the dealer
26 by threatening to reduce his allocation of motor vehicles

1 or cancel any franchise or any selling agreement existing
2 between such manufacturer, distributor, wholesaler,
3 distributor branch or division, or factory branch or
4 division, or wholesale branch or division, and the dealer.
5 However, notice in good faith to any motor vehicle dealer
6 of the dealer's violation of any terms or provisions of
7 such franchise or selling agreement or of any law or
8 regulation applicable to the conduct of a motor vehicle
9 dealer shall not constitute a violation of this Act;

10 (5) to require a franchisee to participate in an
11 advertising campaign or contest or any promotional
12 campaign, or to purchase or lease any promotional
13 materials, training materials, show room or other display
14 decorations or materials at the expense of the franchisee;

15 (6) to cancel or terminate the franchise or selling
16 agreement of a motor vehicle dealer without good cause and
17 without giving notice as hereinafter provided; to fail or
18 refuse to extend the franchise or selling agreement of a
19 motor vehicle dealer upon its expiration without good cause
20 and without giving notice as hereinafter provided; or, to
21 offer a renewal, replacement or succeeding franchise or
22 selling agreement containing terms and provisions the
23 effect of which is to substantially change or modify the
24 sales and service obligations or capital requirements of
25 the motor vehicle dealer arbitrarily and without good cause
26 and without giving notice as hereinafter provided

1 notwithstanding any term or provision of a franchise or
2 selling agreement.

3 (A) If a manufacturer, distributor, wholesaler,
4 distributor branch or division, factory branch or
5 division or wholesale branch or division intends to
6 cancel or terminate a franchise or selling agreement or
7 intends not to extend or renew a franchise or selling
8 agreement on its expiration, it shall send a letter by
9 certified mail, return receipt requested, to the
10 affected franchisee at least 60 days before the
11 effective date of the proposed action, or not later
12 than 10 days before the proposed action when the reason
13 for the action is based upon either of the following:

14 (i) the business operations of the franchisee
15 have been abandoned or the franchisee has failed to
16 conduct customary sales and service operations
17 during customary business hours for at least 7
18 consecutive business days unless such closing is
19 due to an act of God, strike or labor difficulty or
20 other cause over which the franchisee has no
21 control; or

22 (ii) the conviction of or plea of nolo
23 contendere by the motor vehicle dealer or any
24 operator thereof in a court of competent
25 jurisdiction to an offense punishable by
26 imprisonment for more than two years.

1 Each notice of proposed action shall include a
2 detailed statement setting forth the specific grounds
3 for the proposed cancellation, termination, or refusal
4 to extend or renew and shall state that the dealer has
5 only 30 days from receipt of the notice to file with
6 the Motor Vehicle Review Board a written protest
7 against the proposed action.

8 (B) If a manufacturer, distributor, wholesaler,
9 distributor branch or division, factory branch or
10 division or wholesale branch or division intends to
11 change substantially or modify the sales and service
12 obligations or capital requirements of a motor vehicle
13 dealer as a condition to extending or renewing the
14 existing franchise or selling agreement of such motor
15 vehicle dealer, it shall send a letter by certified
16 mail, return receipt requested, to the affected
17 franchisee at least 60 days before the date of
18 expiration of the franchise or selling agreement. Each
19 notice of proposed action shall include a detailed
20 statement setting forth the specific grounds for the
21 proposed action and shall state that the dealer has
22 only 30 days from receipt of the notice to file with
23 the Motor Vehicle Review Board a written protest
24 against the proposed action.

25 (C) Within 30 days from receipt of the notice under
26 subparagraphs (A) and (B), the franchisee may file with

1 the Board a written protest against the proposed
2 action.

3 When the protest has been timely filed, the Board
4 shall enter an order, fixing a date (within 60 days of
5 the date of the order), time, and place of a hearing on
6 the protest required under Sections 12 and 29 of this
7 Act, and send by certified mail, return receipt
8 requested, a copy of the order to the manufacturer that
9 filed the notice of intention of the proposed action
10 and to the protesting dealer or franchisee.

11 The manufacturer shall have the burden of proof to
12 establish that good cause exists to cancel or
13 terminate, or fail to extend or renew the franchise or
14 selling agreement of a motor vehicle dealer or
15 franchisee, and to change substantially or modify the
16 sales and service obligations or capital requirements
17 of a motor vehicle dealer as a condition to extending
18 or renewing the existing franchise or selling
19 agreement. The determination whether good cause exists
20 to cancel, terminate, or refuse to renew or extend the
21 franchise or selling agreement, or to change or modify
22 the obligations of the dealer as a condition to offer
23 renewal, replacement, or succession shall be made by
24 the Board under subsection (d) of Section 12 of this
25 Act.

26 (D) Notwithstanding the terms, conditions, or

1 provisions of a franchise or selling agreement, the
2 following shall not constitute good cause for
3 cancelling or terminating or failing to extend or renew
4 the franchise or selling agreement: (i) the change of
5 ownership or executive management of the franchisee's
6 dealership; or (ii) the fact that the franchisee or
7 owner of an interest in the franchise owns, has an
8 investment in, participates in the management of, or
9 holds a license for the sale of the same or any other
10 line make of new motor vehicles.

11 (E) The manufacturer may not cancel or terminate,
12 or fail to extend or renew a franchise or selling
13 agreement or change or modify the obligations of the
14 franchisee as a condition to offering a renewal,
15 replacement, or succeeding franchise or selling
16 agreement before the hearing process is concluded as
17 prescribed by this Act, and thereafter, if the Board
18 determines that the manufacturer has failed to meet its
19 burden of proof and that good cause does not exist to
20 allow the proposed action;

21 (7) notwithstanding the terms of any franchise
22 agreement, to fail to indemnify and hold harmless its
23 franchised dealers against any judgment or settlement for
24 damages, including, but not limited to, court costs, expert
25 witness fees, reasonable attorneys' fees of the new motor
26 vehicle dealer, and other expenses incurred in the

1 litigation, so long as such fees and costs are reasonable,
2 arising out of complaints, claims or lawsuits including,
3 but not limited to, strict liability, negligence,
4 misrepresentation, warranty (express or implied), or
5 rescission of the sale as defined in Section 2-608 of the
6 Uniform Commercial Code, to the extent that the judgment or
7 settlement relates to the alleged defective or negligent
8 manufacture, assembly or design of new motor vehicles,
9 parts or accessories or other functions by the
10 manufacturer, beyond the control of the dealer; provided
11 that, in order to provide an adequate defense, the
12 manufacturer receives notice of the filing of a complaint,
13 claim, or lawsuit within 60 days after the filing;

14 (8) to require or otherwise coerce a motor vehicle
15 dealer to underutilize the motor vehicle dealer's
16 facilities by requiring or otherwise coercing the motor
17 vehicle dealer to exclude or remove from the motor vehicle
18 dealer's facilities operations for selling or servicing of
19 any vehicles for which the motor vehicle dealer has a
20 franchise agreement with another manufacturer,
21 distributor, wholesaler, distribution branch or division,
22 or officer, agent, or other representative thereof;
23 provided, however, that, in light of all existing
24 circumstances, (i) the motor vehicle dealer maintains a
25 reasonable line of credit for each make or line of new
26 motor vehicle, (ii) the new motor vehicle dealer remains in

1 compliance with any reasonable facilities requirements of
2 the manufacturer, (iii) no change is made in the principal
3 management of the new motor vehicle dealer, and (iv) the
4 addition of the make or line of new motor vehicles would be
5 reasonable. The reasonable facilities requirement set
6 forth in item (ii) of subsection (d)(8) shall not include
7 any requirement that a franchisee establish or maintain
8 exclusive facilities, personnel, or display space. Any
9 decision by a motor vehicle dealer to sell additional makes
10 or lines at the motor vehicle dealer's facility shall be
11 presumed to be reasonable, and the manufacturer shall have
12 the burden to overcome that presumption. A motor vehicle
13 dealer must provide a written notification of its intent to
14 add a make or line of new motor vehicles to the
15 manufacturer. If the manufacturer does not respond to the
16 motor vehicle dealer, in writing, objecting to the addition
17 of the make or line within 60 days after the date that the
18 motor vehicle dealer sends the written notification, then
19 the manufacturer shall be deemed to have approved the
20 addition of the make or line; or

21 (9) to use or consider the performance of a motor
22 vehicle dealer relating to the sale of the manufacturer's,
23 distributor's, or wholesaler's vehicles or the motor
24 vehicle dealer's ability to satisfy any minimum sales or
25 market share quota or responsibility relating to the sale
26 of the manufacturer's, distributor's, or wholesaler's new

1 vehicles in determining:

2 (A) the motor vehicle dealer's eligibility to
3 purchase program, certified, or other used motor
4 vehicles from the manufacturer, distributor, or
5 wholesaler;

6 (B) the volume, type, or model of program,
7 certified, or other used motor vehicles that a motor
8 vehicle dealer is eligible to purchase from the
9 manufacturer, distributor, or wholesaler;

10 (C) the price of any program, certified, or other
11 used motor vehicle that the dealer is eligible to
12 purchase from the manufacturer, distributor, or
13 wholesaler; or

14 (D) the availability or amount of any discount,
15 credit, rebate, or sales incentive that the dealer is
16 eligible to receive from the manufacturer,
17 distributor, or wholesaler for the purchase of any
18 program, certified, or other used motor vehicle
19 offered for sale by the manufacturer, distributor, or
20 wholesaler.

21 (e) It shall be deemed a violation for a manufacturer, a
22 distributor, a wholesaler, a distributor branch or division or
23 officer, agent or other representative thereof:

24 (1) to resort to or use any false or misleading
25 advertisement in connection with his business as such
26 manufacturer, distributor, wholesaler, distributor branch

1 or division or officer, agent or other representative
2 thereof;

3 (2) to offer to sell or lease, or to sell or lease, any
4 new motor vehicle to any motor vehicle dealer at a lower
5 actual price therefor than the actual price offered to any
6 other motor vehicle dealer for the same model vehicle
7 similarly equipped or to utilize any device including, but
8 not limited to, sales promotion plans or programs which
9 result in such lesser actual price or fail to make
10 available to any motor vehicle dealer any preferential
11 pricing, incentive, rebate, finance rate, or low interest
12 loan program offered to competing motor vehicle dealers in
13 other contiguous states. However, the provisions of this
14 paragraph shall not apply to sales to a motor vehicle
15 dealer for resale to any unit of the United States
16 Government, the State or any of its political subdivisions;

17 (3) to offer to sell or lease, or to sell or lease, any
18 new motor vehicle to any person, except a wholesaler,
19 distributor or manufacturer's employees at a lower actual
20 price therefor than the actual price offered and charged to
21 a motor vehicle dealer for the same model vehicle similarly
22 equipped or to utilize any device which results in such
23 lesser actual price. However, the provisions of this
24 paragraph shall not apply to sales to a motor vehicle
25 dealer for resale to any unit of the United States
26 Government, the State or any of its political subdivisions;

1 (4) to prevent or attempt to prevent by contract or
2 otherwise any motor vehicle dealer or franchisee from
3 changing the executive management control of the motor
4 vehicle dealer or franchisee unless the franchiser, having
5 the burden of proof, proves that such change of executive
6 management will result in executive management control by a
7 person or persons who are not of good moral character or
8 who do not meet the franchiser's existing and, with
9 consideration given to the volume of sales and service of
10 the dealership, uniformly applied minimum business
11 experience standards in the market area. However where the
12 manufacturer rejects a proposed change in executive
13 management control, the manufacturer shall give written
14 notice of his reasons to the dealer within 60 days of
15 notice to the manufacturer by the dealer of the proposed
16 change. If the manufacturer does not send a letter to the
17 franchisee by certified mail, return receipt requested,
18 within 60 days from receipt by the manufacturer of the
19 proposed change, then the change of the executive
20 management control of the franchisee shall be deemed
21 accepted as proposed by the franchisee, and the
22 manufacturer shall give immediate effect to such change;

23 (5) to prevent or attempt to prevent by contract or
24 otherwise any motor vehicle dealer from establishing or
25 changing the capital structure of his dealership or the
26 means by or through which he finances the operation

1 thereof; provided the dealer meets any reasonable capital
2 standards agreed to between the dealer and the
3 manufacturer, distributor or wholesaler, who may require
4 that the sources, method and manner by which the dealer
5 finances or intends to finance its operation, equipment or
6 facilities be fully disclosed;

7 (6) to refuse to give effect to or prevent or attempt
8 to prevent by contract or otherwise any motor vehicle
9 dealer or any officer, partner or stockholder of any motor
10 vehicle dealer from selling or transferring any part of the
11 interest of any of them to any other person or persons or
12 party or parties unless such sale or transfer is to a
13 transferee who would not otherwise qualify for a new motor
14 vehicle dealers license under "The Illinois Vehicle Code"
15 or unless the franchiser, having the burden of proof,
16 proves that such sale or transfer is to a person or party
17 who is not of good moral character or does not meet the
18 franchiser's existing and reasonable capital standards
19 and, with consideration given to the volume of sales and
20 service of the dealership, uniformly applied minimum
21 business experience standards in the market area. However,
22 nothing herein shall be construed to prevent a franchiser
23 from implementing affirmative action programs providing
24 business opportunities for minorities or from complying
25 with applicable federal, State or local law:

26 (A) If the manufacturer intends to refuse to

1 approve the sale or transfer of all or a part of the
2 interest, then it shall, within 60 days from receipt of
3 the completed application forms generally utilized by
4 a manufacturer to conduct its review and a copy of all
5 agreements regarding the proposed transfer, send a
6 letter by certified mail, return receipt requested,
7 advising the franchisee of any refusal to approve the
8 sale or transfer of all or part of the interest and
9 shall state that the dealer only has 30 days from the
10 receipt of the notice to file with the Motor Vehicle
11 Review Board a written protest against the proposed
12 action. The notice shall set forth specific criteria
13 used to evaluate the prospective transferee and the
14 grounds for refusing to approve the sale or transfer to
15 that transferee. Within 30 days from the franchisee's
16 receipt of the manufacturer's notice, the franchisee
17 may file with the Board a written protest against the
18 proposed action.

19 When a protest has been timely filed, the Board
20 shall enter an order, fixing the date (within 60 days
21 of the date of such order), time, and place of a
22 hearing on the protest, required under Sections 12 and
23 29 of this Act, and send by certified mail, return
24 receipt requested, a copy of the order to the
25 manufacturer that filed notice of intention of the
26 proposed action and to the protesting franchisee.

1 The manufacturer shall have the burden of proof to
2 establish that good cause exists to refuse to approve
3 the sale or transfer to the transferee. The
4 determination whether good cause exists to refuse to
5 approve the sale or transfer shall be made by the Board
6 under subdivisions (6) (B). The manufacturer shall not
7 refuse to approve the sale or transfer by a dealer or
8 an officer, partner, or stockholder of a franchise or
9 any part of the interest to any person or persons
10 before the hearing process is concluded as prescribed
11 by this Act, and thereafter if the Board determines
12 that the manufacturer has failed to meet its burden of
13 proof and that good cause does not exist to refuse to
14 approve the sale or transfer to the transferee.

15 (B) Good cause to refuse to approve such sale or
16 transfer under this Section is established when such
17 sale or transfer is to a transferee who would not
18 otherwise qualify for a new motor vehicle dealers
19 license under "The Illinois Vehicle Code" or such sale
20 or transfer is to a person or party who is not of good
21 moral character or does not meet the franchiser's
22 existing and reasonable capital standards and, with
23 consideration given to the volume of sales and service
24 of the dealership, uniformly applied minimum business
25 experience standards in the market area.

26 (7) to obtain money, goods, services, anything of

1 value, or any other benefit from any other person with whom
2 the motor vehicle dealer does business, on account of or in
3 relation to the transactions between the dealer and the
4 other person as compensation, except for services actually
5 rendered, unless such benefit is promptly accounted for and
6 transmitted to the motor vehicle dealer;

7 (8) to grant an additional franchise in the relevant
8 market area of an existing franchise of the same line make
9 or to relocate an existing motor vehicle dealership within
10 or into a relevant market area of an existing franchise of
11 the same line make. However, if the manufacturer wishes to
12 grant such an additional franchise to an independent person
13 in a bona fide relationship in which such person is
14 prepared to make a significant investment subject to loss
15 in such a dealership, or if the manufacturer wishes to
16 relocate an existing motor vehicle dealership, then the
17 manufacturer shall send a letter by certified mail, return
18 receipt requested, to each existing dealer or dealers of
19 the same line make whose relevant market area includes the
20 proposed location of the additional or relocated franchise
21 at least 60 days before the manufacturer grants an
22 additional franchise or relocates an existing franchise of
23 the same line make within or into the relevant market area
24 of an existing franchisee of the same line make. Each
25 notice shall set forth the specific grounds for the
26 proposed grant of an additional or relocation of an

1 existing franchise and shall state that the dealer has only
2 30 days from the date of receipt of the notice to file with
3 the Motor Vehicle Review Board a written protest against
4 the proposed action. Unless the parties agree upon the
5 grant or establishment of the additional or relocated
6 franchise within 30 days from the date the notice was
7 received by the existing franchisee of the same line make
8 or any person entitled to receive such notice, the
9 franchisee or other person may file with the Board a
10 written protest against the grant or establishment of the
11 proposed additional or relocated franchise.

12 When a protest has been timely filed, the Board shall
13 enter an order fixing a date (within 60 days of the date of
14 the order), time, and place of a hearing on the protest,
15 required under Sections 12 and 29 of this Act, and send by
16 certified or registered mail, return receipt requested, a
17 copy of the order to the manufacturer that filed the notice
18 of intention to grant or establish the proposed additional
19 or relocated franchise and to the protesting dealer or
20 dealers of the same line make whose relevant market area
21 includes the proposed location of the additional or
22 relocated franchise.

23 When more than one protest is filed against the grant
24 or establishment of the additional or relocated franchise
25 of the same line make, the Board may consolidate the
26 hearings to expedite disposition of the matter. The

1 manufacturer shall have the burden of proof to establish
2 that good cause exists to allow the grant or establishment
3 of the additional or relocated franchise. The manufacturer
4 may not grant or establish the additional franchise or
5 relocate the existing franchise before the hearing process
6 is concluded as prescribed by this Act, and thereafter if
7 the Board determines that the manufacturer has failed to
8 meet its burden of proof and that good cause does not exist
9 to allow the grant or establishment of the additional
10 franchise or relocation of the existing franchise.

11 The determination whether good cause exists for
12 allowing the grant or establishment of an additional
13 franchise or relocated existing franchise, shall be made by
14 the Board under subsection (c) of Section 12 of this Act.
15 If the manufacturer seeks to enter into a contract,
16 agreement or other arrangement with any person,
17 establishing any additional motor vehicle dealership or
18 other facility, limited to the sale of factory repurchase
19 vehicles or late model vehicles, then the manufacturer
20 shall follow the notice procedures set forth in this
21 Section and the determination whether good cause exists for
22 allowing the proposed agreement shall be made by the Board
23 under subsection (c) of Section 12, with the manufacturer
24 having the burden of proof.

25 A. (Blank).

26 B. For the purposes of this Section, appointment of

1 a successor motor vehicle dealer at the same location
2 as its predecessor, or within 2 miles of such location,
3 or the relocation of an existing dealer or franchise
4 within 2 miles of the relocating dealer's or
5 franchisee's existing location, shall not be construed
6 as a grant, establishment or the entering into of an
7 additional franchise or selling agreement, or a
8 relocation of an existing franchise. The reopening of a
9 motor vehicle dealership that has not been in operation
10 for 18 months or more shall be deemed the grant of an
11 additional franchise or selling agreement.

12 C. This Section does not apply to the relocation of
13 an existing dealership or franchise in a county having
14 a population of more than 300,000 persons when the new
15 location is within the dealer's current relevant
16 market area, provided the new location is more than 7
17 miles from the nearest dealer of the same line make.
18 This Section does not apply to the relocation of an
19 existing dealership or franchise in a county having a
20 population of less than 300,000 persons when the new
21 location is within the dealer's current relevant
22 market area, provided the new location is more than 12
23 miles from the nearest dealer of the same line make. A
24 dealer that would be farther away from the new location
25 of an existing dealership or franchise of the same line
26 make after a relocation may not file a written protest

1 against the relocation with the Motor Vehicle Review
2 Board.

3 D. Nothing in this Section shall be construed to
4 prevent a franchiser from implementing affirmative
5 action programs providing business opportunities for
6 minorities or from complying with applicable federal,
7 State or local law;

8 (9) to require a motor vehicle dealer to assent to a
9 release, assignment, novation, waiver or estoppel which
10 would relieve any person from liability imposed by this
11 Act;

12 (10) to prevent or refuse to give effect to the
13 succession to the ownership or management control of a
14 dealership by any legatee under the will of a dealer or to
15 an heir under the laws of descent and distribution of this
16 State unless the franchisee has designated a successor to
17 the ownership or management control under the succession
18 provisions of the franchise. Unless the franchiser, having
19 the burden of proof, proves that the successor is a person
20 who is not of good moral character or does not meet the
21 franchiser's existing and reasonable capital standards
22 and, with consideration given to the volume of sales and
23 service of the dealership, uniformly applied minimum
24 business experience standards in the market area, any
25 designated successor of a dealer or franchisee may succeed
26 to the ownership or management control of a dealership

1 under the existing franchise if:

2 (i) The designated successor gives the
3 franchiser written notice by certified mail,
4 return receipt requested, of his or her intention
5 to succeed to the ownership of the dealer within 60
6 days of the dealer's death or incapacity; and

7 (ii) The designated successor agrees to be
8 bound by all the terms and conditions of the
9 existing franchise.

10 Notwithstanding the foregoing, in the event the motor
11 vehicle dealer or franchisee and manufacturer have duly
12 executed an agreement concerning succession rights prior
13 to the dealer's death or incapacitation, the agreement
14 shall be observed.

15 (A) If the franchiser intends to refuse to honor
16 the successor to the ownership of a deceased or
17 incapacitated dealer or franchisee under an existing
18 franchise agreement, the franchiser shall send a
19 letter by certified mail, return receipt requested, to
20 the designated successor within 60 days from receipt of
21 a proposal advising of its intent to refuse to honor
22 the succession and to discontinue the existing
23 franchise agreement and shall state that the
24 designated successor only has 30 days from the receipt
25 of the notice to file with the Motor Vehicle Review
26 Board a written protest against the proposed action.

1 The notice shall set forth the specific grounds for the
2 refusal to honor the succession and discontinue the
3 existing franchise agreement.

4 If notice of refusal is not timely served upon the
5 designated successor, the franchise agreement shall
6 continue in effect subject to termination only as
7 otherwise permitted by paragraph (6) of subsection (d)
8 of Section 4 of this Act.

9 Within 30 days from the date the notice was
10 received by the designated successor or any other
11 person entitled to notice, the designee or other person
12 may file with the Board a written protest against the
13 proposed action.

14 When a protest has been timely filed, the Board
15 shall enter an order, fixing a date (within 60 days of
16 the date of the order), time, and place of a hearing on
17 the protest, required under Sections 12 and 29 of this
18 Act, and send by certified mail, return receipt
19 requested, a copy of the order to the franchiser that
20 filed the notice of intention of the proposed action
21 and to the protesting designee or such other person.

22 The manufacturer shall have the burden of proof to
23 establish that good cause exists to refuse to honor the
24 succession and discontinue the existing franchise
25 agreement. The determination whether good cause exists
26 to refuse to honor the succession shall be made by the

1 Board under subdivision (B) of this paragraph (10). The
2 manufacturer shall not refuse to honor the succession
3 or discontinue the existing franchise agreement before
4 the hearing process is concluded as prescribed by this
5 Act, and thereafter if the Board determines that it has
6 failed to meet its burden of proof and that good cause
7 does not exist to refuse to honor the succession and
8 discontinue the existing franchise agreement.

9 (B) No manufacturer shall impose any conditions
10 upon honoring the succession and continuing the
11 existing franchise agreement with the designated
12 successor other than that the franchisee has
13 designated a successor to the ownership or management
14 control under the succession provisions of the
15 franchise, or that the designated successor is of good
16 moral character or meets the reasonable capital
17 standards and, with consideration given to the volume
18 of sales and service of the dealership, uniformly
19 applied minimum business experience standards in the
20 market area;

21 (11) to prevent or refuse to approve a proposal to
22 establish a successor franchise at a location previously
23 approved by the franchiser when submitted with the
24 voluntary termination by the existing franchisee unless
25 the successor franchisee would not otherwise qualify for a
26 new motor vehicle dealer's license under the Illinois

1 Vehicle Code or unless the franchiser, having the burden of
2 proof, proves that such proposed successor is not of good
3 moral character or does not meet the franchiser's existing
4 and reasonable capital standards and, with consideration
5 given to the volume of sales and service of the dealership,
6 uniformly applied minimum business experience standards in
7 the market area. However, when such a rejection of a
8 proposal is made, the manufacturer shall give written
9 notice of its reasons to the franchisee within 60 days of
10 receipt by the manufacturer of the proposal. However,
11 nothing herein shall be construed to prevent a franchiser
12 from implementing affirmative action programs providing
13 business opportunities for minorities, or from complying
14 with applicable federal, State or local law;

15 (12) to prevent or refuse to grant a franchise to a
16 person because such person owns, has investment in or
17 participates in the management of or holds a franchise for
18 the sale of another make or line of motor vehicles within 7
19 miles of the proposed franchise location in a county having
20 a population of more than 300,000 persons, or within 12
21 miles of the proposed franchise location in a county having
22 a population of less than 300,000 persons; or

23 (13) to prevent or attempt to prevent any new motor
24 vehicle dealer from establishing any additional motor
25 vehicle dealership or other facility limited to the sale of
26 factory repurchase vehicles or late model vehicles or

1 otherwise offering for sale factory repurchase vehicles of
2 the same line make at an existing franchise by failing to
3 make available any contract, agreement or other
4 arrangement which is made available or otherwise offered to
5 any person.

6 (f) It is deemed a violation for a manufacturer, a
7 distributor, a wholesale, a distributor branch or division, a
8 factory branch or division, or a wholesale branch or division,
9 or officer, agent, broker, shareholder, except a shareholder of
10 1% or less of the outstanding shares of any class of securities
11 of a manufacturer, distributor, or wholesaler which is a
12 publicly traded corporation, or other representative, directly
13 or indirectly, to own or operate a place of business as a motor
14 vehicle franchisee or motor vehicle financing affiliate,
15 except that, this subsection shall not prohibit the ownership
16 or operation of a place of business by a manufacturer,
17 distributor, or wholesaler for a period, not to exceed 18
18 months, during the transition from one motor vehicle franchisee
19 to another; or the investment in a motor vehicle franchisee by
20 a manufacturer, distributor, or wholesaler if the investment is
21 for the sole purpose of enabling a partner or shareholder in
22 that motor vehicle franchisee to acquire an interest in that
23 motor vehicle franchisee and that partner or shareholder is not
24 otherwise employed by or associated with the manufacturer,
25 distributor, or wholesaler and would not otherwise have the
26 requisite capital investment funds to invest in the motor

1 vehicle franchisee, and has the right to purchase the entire
2 equity interest of the manufacturer, distributor, or
3 wholesaler in the motor vehicle franchisee within a reasonable
4 period of time not to exceed 5 years.

5 (g) Notwithstanding the terms, provisions, or conditions
6 of any agreement or waiver, it shall be deemed a violation for
7 a manufacturer, a distributor, a wholesaler, a distributor
8 branch or division, a factory branch or division, or a
9 wholesale branch or division, or officer, agent or other
10 representative thereof, to directly or indirectly condition
11 the awarding of a franchise to a prospective new motor vehicle
12 dealer, the addition of a line make or franchise to an existing
13 dealer, the renewal of a franchise of an existing dealer, the
14 approval of the relocation of an existing dealer's facility, or
15 the approval of the sale or transfer of the ownership of a
16 franchise on the willingness of a dealer, proposed new dealer,
17 or owner of an interest in the dealership facility to enter
18 into a site control agreement or exclusive use agreement unless
19 separate and reasonable consideration was offered and accepted
20 for that agreement.

21 For purposes of this subsection (g), the terms "site
22 control agreement" and "exclusive use agreement" include any
23 agreement that has the effect of either (i) requiring that the
24 dealer establish or maintain exclusive dealership facilities;
25 or (ii) restricting the ability of the dealer, or the ability
26 of the dealer's lessor in the event the dealership facility is

1 being leased, to transfer, sell, lease, or change the use of
2 the dealership premises, whether by sublease, lease,
3 collateral pledge of lease, or other similar agreement. "Site
4 control agreement" and "exclusive use agreement" also include a
5 manufacturer restricting the ability of a dealer to transfer,
6 sell, or lease the dealership premises by right of first
7 refusal to purchase or lease, option to purchase, or option to
8 lease if the transfer, sale, or lease of the dealership
9 premises is to a person who is an immediate family member of
10 the dealer. For the purposes of this subsection (g), "immediate
11 family member" means a spouse, parent, son, daughter,
12 son-in-law, daughter-in-law, brother, and sister.

13 If a manufacturer exercises any right of first refusal to
14 purchase or lease or option to purchase or lease with regard to
15 a transfer, sale, or lease of the dealership premises to a
16 person who is not an immediate family member of the dealer,
17 then (1) within 60 days from the receipt of the completed
18 application forms generally utilized by a manufacturer to
19 conduct its review and a copy of all agreements regarding the
20 proposed transfer, the manufacturer must notify the dealer of
21 its intent to exercise the right of first refusal to purchase
22 or lease or option to purchase or lease and (2) the exercise of
23 the right of first refusal to purchase or lease or option to
24 purchase or lease must result in the dealer receiving
25 consideration, terms, and conditions that either are the same
26 as or greater than that which they have contracted to receive

1 in connection with the proposed transfer, sale, or lease of the
2 dealership premises.

3 Any provision contained in any agreement entered into on or
4 after the effective date of this amendatory Act of the 96th
5 General Assembly that is inconsistent with the provisions of
6 this subsection (g) shall be voidable at the election of the
7 affected dealer, prospective dealer, or owner of an interest in
8 the dealership facility.

9 (h) For purposes of this subsection:

10 "Successor manufacturer" means any motor vehicle
11 manufacturer that, on or after January 1, 2009, acquires,
12 succeeds to, or assumes any part of the business of another
13 manufacturer, referred to as the "predecessor manufacturer",
14 as the result of any of the following:

15 (i) A change in ownership, operation, or control of the
16 predecessor manufacturer by sale or transfer of assets,
17 corporate stock or other equity interest, assignment,
18 merger, consolidation, combination, joint venture,
19 redemption, court-approved sale, operation of law or
20 otherwise.

21 (ii) The termination, suspension, or cessation of a
22 part or all of the business operations of the predecessor
23 manufacturer.

24 (iii) The discontinuance of the sale of the product
25 line.

26 (iv) A change in distribution system by the predecessor

1 manufacturer, whether through a change in distributor or
2 the predecessor manufacturer's decision to cease
3 conducting business through a distributor altogether.

4 "Former Franchisee" means a new motor vehicle dealer that
5 has entered into a franchise with a predecessor manufacturer
6 and that has either:

7 (i) entered into a termination agreement or deferred
8 termination agreement with a predecessor or successor
9 manufacturer related to such franchise; or

10 (ii) has had such franchise canceled, terminated,
11 nonrenewed, noncontinued, rejected, nonassumed, or
12 otherwise ended.

13 For a period of 3 years from: (i) the date that a successor
14 manufacturer acquires, succeeds to, or assumes any part of the
15 business of a predecessor manufacturer; (ii) the last day that
16 a former franchisee is authorized to remain in business as a
17 franchised dealer with respect to a particular franchise under
18 a termination agreement or deferred termination agreement with
19 a predecessor or successor manufacturer; (iii) the last day
20 that a former franchisee that was cancelled, terminated,
21 nonrenewed, noncontinued, rejected, nonassumed, or otherwise
22 ended by a predecessor or successor manufacturer is authorized
23 to remain in business as a franchised dealer with respect to a
24 particular franchise; or (iv) the effective date of this
25 amendatory Act of the 96th General Assembly, whichever is
26 latest, it shall be unlawful for such successor manufacturer to

1 enter into a same line make franchise with any person or to
2 permit the relocation of any existing same line make franchise,
3 for a line make of the predecessor manufacturer that would be
4 located or relocated within the relevant market area of a
5 former franchisee who owned or leased a dealership facility in
6 that relevant market area without first offering the additional
7 or relocated franchise to the former franchisee, or the
8 designated successor of such former franchisee in the event the
9 former franchisee is deceased or a person with a disability
10 ~~disabled~~, at no cost and without any requirements or
11 restrictions other than those imposed generally on the
12 manufacturer's other franchisees at that time, unless one of
13 the following applies:

14 (1) As a result of the former franchisee's
15 cancellation, termination, noncontinuance, or nonrenewal
16 of the franchise, the predecessor manufacturer had
17 consolidated the line make with another of its line makes
18 for which the predecessor manufacturer had a franchisee
19 with a then-existing dealership facility located within
20 that relevant market area.

21 (2) The successor manufacturer has paid the former
22 franchisee, or the designated successor of such former
23 franchisee in the event the former franchisee is deceased
24 or a person with a disability ~~disabled~~, the fair market
25 value of the former franchisee's franchise on (i) the date
26 the franchisor announces the action which results in the

1 termination, cancellation, or nonrenewal; or (ii) the date
2 the action which results in termination, cancellation, or
3 nonrenewal first became general knowledge; or (iii) the day
4 12 months prior to the date on which the notice of
5 termination, cancellation, or nonrenewal is issued,
6 whichever amount is higher. Payment is due within 90 days
7 of the effective date of the termination, cancellation, or
8 nonrenewal. If the termination, cancellation, or
9 nonrenewal is due to a manufacturer's change in
10 distributors, the manufacturer may avoid paying fair
11 market value to the dealer if the new distributor or the
12 manufacturer offers the dealer a franchise agreement with
13 terms acceptable to the dealer.

14 (3) The successor manufacturer proves that it would
15 have had good cause to terminate the franchise agreement of
16 the former franchisee, or the successor of the former
17 franchisee under item (e)(10) in the event that the former
18 franchisee is deceased or a person with a disability
19 ~~disabled~~. The determination of whether the successor
20 manufacturer would have had good cause to terminate the
21 franchise agreement of the former franchisee, or the
22 successor of the former franchisee, shall be made by the
23 Board under subsection (d) of Section 12. A successor
24 manufacturer that seeks to assert that it would have had
25 good cause to terminate a former franchisee, or the
26 successor of the former franchisee, must file a petition

1 seeking a hearing on this issue before the Board and shall
2 have the burden of proving that it would have had good
3 cause to terminate the former franchisee or the successor
4 of the former franchisee. No successor dealer, other than
5 the former franchisee, may be appointed or franchised by
6 the successor manufacturer within the relevant market area
7 of the former franchisee until the Board has held a hearing
8 and rendered a determination on the issue of whether the
9 successor manufacturer would have had good cause to
10 terminate the former franchisee.

11 In the event that a successor manufacturer attempts to
12 enter into a same line make franchise with any person or to
13 permit the relocation of any existing line make franchise under
14 this subsection (h) at a location that is within the relevant
15 market area of 2 or more former franchisees, then the successor
16 manufacturer may not offer it to any person other than one of
17 those former franchisees unless the successor manufacturer can
18 prove that at least one of the 3 exceptions in items (1), (2),
19 and (3) of this subsection (h) applies to each of those former
20 franchisees.

21 (Source: P.A. 96-11, eff. 5-22-09; 96-824, eff. 11-25-09.)

22 Section 1050. The Minimum Wage Law is amended by changing
23 Sections 4 and 10 as follows:

24 (820 ILCS 105/4) (from Ch. 48, par. 1004)

1 Sec. 4. (a)(1) Every employer shall pay to each of his
2 employees in every occupation wages of not less than \$2.30 per
3 hour or in the case of employees under 18 years of age wages of
4 not less than \$1.95 per hour, except as provided in Sections 5
5 and 6 of this Act, and on and after January 1, 1984, every
6 employer shall pay to each of his employees in every occupation
7 wages of not less than \$2.65 per hour or in the case of
8 employees under 18 years of age wages of not less than \$2.25
9 per hour, and on and after October 1, 1984 every employer shall
10 pay to each of his employees in every occupation wages of not
11 less than \$3.00 per hour or in the case of employees under 18
12 years of age wages of not less than \$2.55 per hour, and on or
13 after July 1, 1985 every employer shall pay to each of his
14 employees in every occupation wages of not less than \$3.35 per
15 hour or in the case of employees under 18 years of age wages of
16 not less than \$2.85 per hour, and from January 1, 2004 through
17 December 31, 2004 every employer shall pay to each of his or
18 her employees who is 18 years of age or older in every
19 occupation wages of not less than \$5.50 per hour, and from
20 January 1, 2005 through June 30, 2007 every employer shall pay
21 to each of his or her employees who is 18 years of age or older
22 in every occupation wages of not less than \$6.50 per hour, and
23 from July 1, 2007 through June 30, 2008 every employer shall
24 pay to each of his or her employees who is 18 years of age or
25 older in every occupation wages of not less than \$7.50 per
26 hour, and from July 1, 2008 through June 30, 2009 every

1 employer shall pay to each of his or her employees who is 18
2 years of age or older in every occupation wages of not less
3 than \$7.75 per hour, and from July 1, 2009 through June 30,
4 2010 every employer shall pay to each of his or her employees
5 who is 18 years of age or older in every occupation wages of
6 not less than \$8.00 per hour, and on and after July 1, 2010
7 every employer shall pay to each of his or her employees who is
8 18 years of age or older in every occupation wages of not less
9 than \$8.25 per hour.

10 (2) Unless an employee's wages are reduced under Section 6,
11 then in lieu of the rate prescribed in item (1) of this
12 subsection (a), an employer may pay an employee who is 18 years
13 of age or older, during the first 90 consecutive calendar days
14 after the employee is initially employed by the employer, a
15 wage that is not more than 50¢ less than the wage prescribed in
16 item (1) of this subsection (a); however, an employer shall pay
17 not less than the rate prescribed in item (1) of this
18 subsection (a) to:

19 (A) a day or temporary laborer, as defined in Section 5
20 of the Day and Temporary Labor Services Act, who is 18
21 years of age or older; and

22 (B) an employee who is 18 years of age or older and
23 whose employment is occasional or irregular and requires
24 not more than 90 days to complete.

25 (3) At no time shall the wages paid to any employee under
26 18 years of age be more than 50¢ less than the wage required to

1 be paid to employees who are at least 18 years of age under
2 item (1) of this subsection (a).

3 (b) No employer shall discriminate between employees on the
4 basis of sex or mental or physical disability ~~handicap~~, except
5 as otherwise provided in this Act by paying wages to employees
6 at a rate less than the rate at which he pays wages to
7 employees for the same or substantially similar work on jobs
8 the performance of which requires equal skill, effort, and
9 responsibility, and which are performed under similar working
10 conditions, except where such payment is made pursuant to (1) a
11 seniority system; (2) a merit system; (3) a system which
12 measures earnings by quantity or quality of production; or (4)
13 a differential based on any other factor other than sex or
14 mental or physical disability ~~handicap~~, except as otherwise
15 provided in this Act.

16 (c) Every employer of an employee engaged in an occupation
17 in which gratuities have customarily and usually constituted
18 and have been recognized as part of the remuneration for hire
19 purposes is entitled to an allowance for gratuities as part of
20 the hourly wage rate provided in Section 4, subsection (a) in
21 an amount not to exceed 40% of the applicable minimum wage
22 rate. The Director shall require each employer desiring an
23 allowance for gratuities to provide substantial evidence that
24 the amount claimed, which may not exceed 40% of the applicable
25 minimum wage rate, was received by the employee in the period
26 for which the claim of exemption is made, and no part thereof

1 was returned to the employer.

2 (d) No camp counselor who resides on the premises of a
3 seasonal camp of an organized not-for-profit corporation shall
4 be subject to the adult minimum wage if the camp counselor (1)
5 works 40 or more hours per week, and (2) receives a total
6 weekly salary of not less than the adult minimum wage for a
7 40-hour week. If the counselor works less than 40 hours per
8 week, the counselor shall be paid the minimum hourly wage for
9 each hour worked. Every employer of a camp counselor under this
10 subsection is entitled to an allowance for meals and lodging as
11 part of the hourly wage rate provided in Section 4, subsection
12 (a), in an amount not to exceed 25% of the minimum wage rate.

13 (e) A camp counselor employed at a day camp is not subject
14 to the adult minimum wage if the camp counselor is paid a
15 stipend on a onetime or periodic basis and, if the camp
16 counselor is a minor, the minor's parent, guardian or other
17 custodian has consented in writing to the terms of payment
18 before the commencement of such employment.

19 (Source: P.A. 94-1072, eff. 7-1-07; 94-1102, eff. 7-1-07;
20 95-945, eff. 1-1-09.)

21 (820 ILCS 105/10) (from Ch. 48, par. 1010)

22 Sec. 10. (a) The Director shall make and revise
23 administrative regulations, including definitions of terms, as
24 he deems appropriate to carry out the purposes of this Act, to
25 prevent the circumvention or evasion thereof, and to safeguard

1 the minimum wage established by the Act. Regulations governing
2 employment of learners may be issued only after notice and
3 opportunity for public hearing, as provided in subsection (c)
4 of this Section.

5 (b) In order to prevent curtailment of opportunities for
6 employment, avoid undue hardship, and safeguard the minimum
7 wage rate under this Act, the Director may also issue
8 regulations providing for the employment of workers with
9 disabilities ~~handicapped workers~~ at wages lower than the wage
10 rate applicable under this Act, under permits and for such
11 periods of time as specified therein; and providing for the
12 employment of learners at wages lower than the wage rate
13 applicable under this Act. However, such regulation shall not
14 permit lower wages for persons with disabilities ~~the~~
15 ~~handicapped~~ on any basis that is unrelated to such person's
16 ability resulting from his disability ~~handicap~~, and such
17 regulation may be issued only after notice and opportunity for
18 public hearing as provided in subsection (c) of this Section.

19 (c) Prior to the adoption, amendment or repeal of any rule
20 or regulation by the Director under this Act, except
21 regulations which concern only the internal management of the
22 Department of Labor and do not affect any public right provided
23 by this Act, the Director shall give proper notice to persons
24 in any industry or occupation that may be affected by the
25 proposed rule or regulation, and hold a public hearing on his
26 proposed action at which any such affected person, or his duly

1 authorized representative, may attend and testify or present
2 other evidence for or against such proposed rule or regulation.
3 Rules and regulations adopted under this Section shall be filed
4 with the Secretary of State in compliance with "An Act
5 concerning administrative rules", as now or hereafter amended.
6 Such adopted and filed rules and regulations shall become
7 effective 10 days after copies thereof have been mailed by the
8 Department to persons in industries affected thereby at their
9 last known address.

10 (d) The commencement of proceedings by any person aggrieved
11 by an administrative regulation issued under this Act does not,
12 unless specifically ordered by the Court, operate as a stay of
13 that administrative regulation against other persons. The
14 Court shall not grant any stay of an administrative regulation
15 unless the person complaining of such regulation files in the
16 Court an undertaking with a surety or sureties satisfactory to
17 the Court for the payment to the employees affected by the
18 regulation, in the event such regulation is affirmed, of the
19 amount by which the compensation such employees are entitled to
20 receive under the regulation exceeds the compensation they
21 actually receive while such stay is in effect.

22 (Source: P.A. 77-1451.)

23 Section 1055. The Workers' Compensation Act is amended by
24 changing Sections 6 and 17 as follows:

1 (820 ILCS 305/6) (from Ch. 48, par. 138.6)

2 Sec. 6. (a) Every employer within the provisions of this
3 Act, shall, under the rules and regulations prescribed by the
4 Commission, post printed notices in their respective places of
5 employment in such number and at such places as may be
6 determined by the Commission, containing such information
7 relative to this Act as in the judgment of the Commission may
8 be necessary to aid employees to safeguard their rights under
9 this Act in event of injury.

10 In addition thereto, the employer shall post in a
11 conspicuous place on the place of the employment a printed or
12 typewritten notice stating whether he is insured or whether he
13 has qualified and is operating as a self-insured employer. In
14 the event the employer is insured, the notice shall state the
15 name and address of his insurance carrier, the number of the
16 insurance policy, its effective date and the date of
17 termination. In the event of the termination of the policy for
18 any reason prior to the termination date stated, the posted
19 notice shall promptly be corrected accordingly. In the event
20 the employer is operating as a self-insured employer the notice
21 shall state the name and address of the company, if any,
22 servicing the compensation payments of the employer, and the
23 name and address of the person in charge of making compensation
24 payments.

25 (b) Every employer subject to this Act shall maintain
26 accurate records of work-related deaths, injuries and illness

1 other than minor injuries requiring only first aid treatment
2 and which do not involve medical treatment, loss of
3 consciousness, restriction of work or motion, or transfer to
4 another job and file with the Commission, in writing, a report
5 of all accidental deaths, injuries and illnesses arising out of
6 and in the course of the employment resulting in the loss of
7 more than 3 scheduled work days. In the case of death such
8 report shall be made no later than 2 working days following the
9 accidental death. In all other cases such report shall be made
10 between the 15th and 25th of each month unless required to be
11 made sooner by rule of the Commission. In case the injury
12 results in permanent disability, a further report shall be made
13 as soon as it is determined that such permanent disability has
14 resulted or will result from the injury. All reports shall
15 state the date of the injury, including the time of day or
16 night, the nature of the employer's business, the name,
17 address, age, sex, conjugal condition of the injured person,
18 the specific occupation of the injured person, the direct cause
19 of the injury and the nature of the accident, the character of
20 the injury, the length of disability, and in case of death the
21 length of disability before death, the wages of the injured
22 person, whether compensation has been paid to the injured
23 person, or to his or her legal representative or his heirs or
24 next of kin, the amount of compensation paid, the amount paid
25 for physicians', surgeons' and hospital bills, and by whom
26 paid, and the amount paid for funeral or burial expenses if

1 known. The reports shall be made on forms and in the manner as
2 prescribed by the Commission and shall contain such further
3 information as the Commission shall deem necessary and require.
4 The making of these reports releases the employer from making
5 such reports to any other officer of the State and shall
6 satisfy the reporting provisions as contained in the Safety
7 Inspection and Education Act, the Health and Safety Act, and
8 the Occupational Safety and Health Act. The reports filed with
9 the Commission pursuant to this Section shall be made available
10 by the Commission to the Director of Labor or his
11 representatives and to all other departments of the State of
12 Illinois which shall require such information for the proper
13 discharge of their official duties. Failure to file with the
14 Commission any of the reports required in this Section is a
15 petty offense.

16 Except as provided in this paragraph, all reports filed
17 hereunder shall be confidential and any person having access to
18 such records filed with the Illinois Workers' Compensation
19 Commission as herein required, who shall release any
20 information therein contained including the names or otherwise
21 identify any persons sustaining injuries or disabilities, or
22 give access to such information to any unauthorized person,
23 shall be subject to discipline or discharge, and in addition
24 shall be guilty of a Class B misdemeanor. The Commission shall
25 compile and distribute to interested persons aggregate
26 statistics, taken from the reports filed hereunder. The

1 aggregate statistics shall not give the names or otherwise
2 identify persons sustaining injuries or disabilities or the
3 employer of any injured person or person with a disability ~~or~~
4 ~~disabled person.~~

5 (c) Notice of the accident shall be given to the employer
6 as soon as practicable, but not later than 45 days after the
7 accident. Provided:

8 (1) In case of the legal disability of the employee or
9 any dependent of a deceased employee who may be entitled to
10 compensation under the provisions of this Act, the
11 limitations of time by this Act provided do not begin to
12 run against such person under legal disability until a
13 guardian has been appointed.

14 (2) In cases of injuries sustained by exposure to
15 radiological materials or equipment, notice shall be given
16 to the employer within 90 days subsequent to the time that
17 the employee knows or suspects that he has received an
18 excessive dose of radiation.

19 No defect or inaccuracy of such notice shall be a bar to
20 the maintenance of proceedings on arbitration or otherwise by
21 the employee unless the employer proves that he is unduly
22 prejudiced in such proceedings by such defect or inaccuracy.

23 Notice of the accident shall give the approximate date and
24 place of the accident, if known, and may be given orally or in
25 writing.

26 (d) Every employer shall notify each injured employee who

1 has been granted compensation under the provisions of Section 8
2 of this Act of his rights to rehabilitation services and advise
3 him of the locations of available public rehabilitation centers
4 and any other such services of which the employer has
5 knowledge.

6 In any case, other than one where the injury was caused by
7 exposure to radiological materials or equipment or asbestos
8 unless the application for compensation is filed with the
9 Commission within 3 years after the date of the accident, where
10 no compensation has been paid, or within 2 years after the date
11 of the last payment of compensation, where any has been paid,
12 whichever shall be later, the right to file such application
13 shall be barred.

14 In any case of injury caused by exposure to radiological
15 materials or equipment or asbestos, unless application for
16 compensation is filed with the Commission within 25 years after
17 the last day that the employee was employed in an environment
18 of hazardous radiological activity or asbestos, the right to
19 file such application shall be barred.

20 If in any case except one where the injury was caused by
21 exposure to radiological materials or equipment or asbestos,
22 the accidental injury results in death application for
23 compensation for death may be filed with the Commission within
24 3 years after the date of death where no compensation has been
25 paid or within 2 years after the date of the last payment of
26 compensation where any has been paid, whichever shall be later,

1 but not thereafter.

2 If an accidental injury caused by exposure to radiological
3 material or equipment or asbestos results in death within 25
4 years after the last day that the employee was so exposed
5 application for compensation for death may be filed with the
6 Commission within 3 years after the date of death, where no
7 compensation has been paid, or within 2 years after the date of
8 the last payment of compensation where any has been paid,
9 whichever shall be later, but not thereafter.

10 (e) Any contract or agreement made by any employer or his
11 agent or attorney with any employee or any other beneficiary of
12 any claim under the provisions of this Act within 7 days after
13 the injury shall be presumed to be fraudulent.

14 (f) Any condition or impairment of health of an employee
15 employed as a firefighter, emergency medical technician (EMT),
16 emergency medical technician-intermediate (EMT-I), advanced
17 emergency medical technician (A-EMT), or paramedic which
18 results directly or indirectly from any bloodborne pathogen,
19 lung or respiratory disease or condition, heart or vascular
20 disease or condition, hypertension, tuberculosis, or cancer
21 resulting in any disability (temporary, permanent, total, or
22 partial) to the employee shall be rebuttably presumed to arise
23 out of and in the course of the employee's firefighting, EMT,
24 or paramedic employment and, further, shall be rebuttably
25 presumed to be causally connected to the hazards or exposures
26 of the employment. This presumption shall also apply to any

1 hernia or hearing loss suffered by an employee employed as a
2 firefighter, EMT, EMT-I, A-EMT, or paramedic. However, this
3 presumption shall not apply to any employee who has been
4 employed as a firefighter, EMT, or paramedic for less than 5
5 years at the time he or she files an Application for Adjustment
6 of Claim concerning this condition or impairment with the
7 Illinois Workers' Compensation Commission. The rebuttable
8 presumption established under this subsection, however, does
9 not apply to an emergency medical technician (EMT), emergency
10 medical technician-intermediate (EMT-I), advanced emergency
11 medical technician (A-EMT), or paramedic employed by a private
12 employer if the employee spends the preponderance of his or her
13 work time for that employer engaged in medical transfers
14 between medical care facilities or non-emergency medical
15 transfers to or from medical care facilities. The changes made
16 to this subsection by Public Act 98-291 shall be narrowly
17 construed. The Finding and Decision of the Illinois Workers'
18 Compensation Commission under only the rebuttable presumption
19 provision of this subsection shall not be admissible or be
20 deemed res judicata in any disability claim under the Illinois
21 Pension Code arising out of the same medical condition;
22 however, this sentence makes no change to the law set forth in
23 *Krohe v. City of Bloomington*, 204 Ill.2d 392.

24 (Source: P.A. 98-291, eff. 1-1-14; 98-874, eff. 1-1-15; 98-973,
25 eff. 8-15-14; revised 10-1-14.)

1 (820 ILCS 305/17) (from Ch. 48, par. 138.17)

2 Sec. 17. The Commission shall cause to be printed and
3 furnish free of charge upon request by any employer or employee
4 such blank forms as may facilitate or promote efficient
5 administration and the performance of the duties of the
6 Commission. It shall provide a proper record in which shall be
7 entered and indexed the name of any employer who shall file a
8 notice of declination or withdrawal under this Act, and the
9 date of the filing thereof; and a proper record in which shall
10 be entered and indexed the name of any employee who shall file
11 such notice of declination or withdrawal, and the date of the
12 filing thereof; and such other notices as may be required by
13 this Act; and records in which shall be recorded all
14 proceedings, orders and awards had or made by the Commission or
15 by the arbitration committees, and such other books or records
16 as it shall deem necessary, all such records to be kept in the
17 office of the Commission.

18 The Commission may destroy all papers and documents which
19 have been on file for more than 5 years where there is no claim
20 for compensation pending or where more than 2 years have
21 elapsed since the termination of the compensation period.

22 The Commission shall compile and distribute to interested
23 persons aggregate statistics, taken from any records and
24 reports in the possession of the Commission. The aggregate
25 statistics shall not give the names or otherwise identify
26 persons sustaining injuries or disabilities or the employer of

1 any injured person or person with a disability ~~or disabled~~
2 ~~person~~.

3 The Commission is authorized to establish reasonable fees
4 and methods of payment limited to covering only the costs to
5 the Commission for processing, maintaining and generating
6 records or data necessary for the computerized production of
7 documents, records and other materials except to the extent of
8 any salaries or compensation of Commission officers or
9 employees.

10 All fees collected by the Commission under this Section
11 shall be deposited in the Statistical Services Revolving Fund
12 and credited to the account of the Illinois Workers'
13 Compensation Commission.

14 (Source: P.A. 93-721, eff. 1-1-05.)

15 Section 1060. The Workers' Occupational Diseases Act is
16 amended by changing Sections 5, 6, 10, and 17 as follows:

17 (820 ILCS 310/5) (from Ch. 48, par. 172.40)

18 (Text of Section WITH the changes made by P.A. 89-7, which
19 has been held unconstitutional)

20 Sec. 5. (a) There is no common law or statutory right to
21 recover compensation or damages from the employer, his insurer,
22 his broker, any service organization retained by the employer,
23 his insurer or his broker to provide safety service, advice or
24 recommendations for the employer or the agents or employees of

1 any of them for or on account of any injury to health, disease,
2 or death therefrom, other than for the compensation herein
3 provided or for damages as provided in Section 3 of this Act.
4 This Section shall not affect any right to compensation under
5 the "Workers' Compensation Act".

6 No compensation is payable under this Act for any condition
7 of physical or mental ill-being, disability, disablement, or
8 death for which compensation is recoverable on account of
9 accidental injury under the "Workers' Compensation Act".

10 (b) Where the disablement or death for which compensation
11 is payable under this Act was caused under circumstances
12 creating a legal liability for damages on the part of some
13 person other than his employer to pay damages, then legal
14 proceedings may be taken against such other person to recover
15 damages notwithstanding such employer's payment of or
16 liability to pay compensation under this Act. In such case,
17 however, if the action against such other person is brought by
18 the employee with a disability ~~disabled employee~~ or his
19 personal representative and judgment is obtained and paid or
20 settlement is made with such other person, either with or
21 without suit, then from the amount received by such employee or
22 personal representative there shall be paid to the employer the
23 amount of compensation paid or to be paid by him to such
24 employee or personal representative, including amounts paid or
25 to be paid pursuant to paragraph (a) of Section 8 of the
26 Workers' Compensation Act as required under Section 7 of this

1 Act. If the employee or personal representative brings an
2 action against another person and the other person then brings
3 an action for contribution against the employer, the amount, if
4 any, that shall be paid to the employer by the employee or
5 personal representative pursuant to this Section shall be
6 reduced by an amount equal to the amount found by the trier of
7 fact to be the employer's pro rata share of the common
8 liability in the action.

9 Out of any reimbursement received by the employer, pursuant
10 to this Section the employer shall pay his pro rata share of
11 all costs and reasonably necessary expenses in connection with
12 such third party claim, action or suit, and where the services
13 of an attorney at law of the employee or dependents have
14 resulted in or substantially contributed to the procurement by
15 suit, settlement or otherwise of the proceeds out of which the
16 employer is reimbursed, then, in the absence of other
17 agreement, the employer shall pay such attorney 25% of the
18 gross amount of such reimbursement.

19 If the employee with a disability ~~disabled employee~~ or his
20 personal representative agrees to receive compensation from
21 the employer or accept from the employer any payment on account
22 of such compensation, or to institute proceedings to recover
23 the same, the employer may have or claim a lien upon any award,
24 judgment or fund out of which such employee might be
25 compensated from such third party.

26 In such actions brought by the employee or his personal

1 representative, he shall forthwith notify his employer by
2 personal service or registered mail, of such fact and of the
3 name of the court in which the suit is brought, filing proof
4 thereof in the action. The employer may, at any time thereafter
5 join in the action upon his motion so that all orders of court
6 after hearing and judgment shall be made for his protection. No
7 release or settlement of claim for damages by reason of such
8 disability or death, and no satisfaction of judgment in such
9 proceedings, are valid without the written consent of both
10 employer and employee or his personal representative, except in
11 the case of the employers, such consent is not required where
12 the employer has been fully indemnified or protected by court
13 order.

14 In the event the employee or his personal representative
15 fails to institute a proceeding against such third person at
16 any time prior to 3 months before such action would be barred
17 at law the employer may in his own name, or in the name of the
18 employee or his personal representative, commence a proceeding
19 against such other person for the recovery of damages on
20 account of such disability or death to the employee, and out of
21 any amount recovered the employer shall pay over to the injured
22 employee or his personal representative all sums collected from
23 such other person by judgment or otherwise in excess of the
24 amount of such compensation paid or to be paid under this Act,
25 including amounts paid or to be paid pursuant to paragraph (a)
26 of Section 8 of the Workers' Compensation Act as required by

1 Section 7 of this Act, and costs, attorney's fees and
2 reasonable expenses as may be incurred by such employer in
3 making such collection or in enforcing such liability.

4 This amendatory Act of 1995 applies to causes of action
5 accruing on or after its effective date.

6 (Source: P.A. 89-7, eff. 3-9-95.)

7 (Text of Section WITHOUT the changes made by P.A. 89-7,
8 which has been held unconstitutional)

9 Sec. 5. (a) There is no common law or statutory right to
10 recover compensation or damages from the employer, his insurer,
11 his broker, any service organization retained by the employer,
12 his insurer or his broker to provide safety service, advice or
13 recommendations for the employer or the agents or employees of
14 any of them for or on account of any injury to health, disease,
15 or death therefrom, other than for the compensation herein
16 provided or for damages as provided in Section 3 of this Act.
17 This Section shall not affect any right to compensation under
18 the "Workers' Compensation Act".

19 No compensation is payable under this Act for any condition
20 of physical or mental ill-being, disability, disablement, or
21 death for which compensation is recoverable on account of
22 accidental injury under the "Workers' Compensation Act".

23 (b) Where the disablement or death for which compensation
24 is payable under this Act was caused under circumstances
25 creating a legal liability for damages on the part of some

1 person other than his employer to pay damages, then legal
2 proceedings may be taken against such other person to recover
3 damages notwithstanding such employer's payment of or
4 liability to pay compensation under this Act. In such case,
5 however, if the action against such other person is brought by
6 the employee with a disability ~~disabled employee~~ or his
7 personal representative and judgment is obtained and paid or
8 settlement is made with such other person, either with or
9 without suit, then from the amount received by such employee or
10 personal representative there shall be paid to the employer the
11 amount of compensation paid or to be paid by him to such
12 employee or personal representative, including amounts paid or
13 to be paid pursuant to paragraph (a) of Section 8 of this Act.

14 Out of any reimbursement received by the employer, pursuant
15 to this Section the employer shall pay his pro rata share of
16 all costs and reasonably necessary expenses in connection with
17 such third party claim, action or suit, and where the services
18 of an attorney at law of the employee or dependents have
19 resulted in or substantially contributed to the procurement by
20 suit, settlement or otherwise of the proceeds out of which the
21 employer is reimbursed, then, in the absence of other
22 agreement, the employer shall pay such attorney 25% of the
23 gross amount of such reimbursement.

24 If the employee with a disability ~~disabled employee~~ or his
25 personal representative agrees to receive compensation from
26 the employer or accept from the employer any payment on account

1 of such compensation, or to institute proceedings to recover
2 the same, the employer may have or claim a lien upon any award,
3 judgment or fund out of which such employee might be
4 compensated from such third party.

5 In such actions brought by the employee or his personal
6 representative, he shall forthwith notify his employer by
7 personal service or registered mail, of such fact and of the
8 name of the court in which the suit is brought, filing proof
9 thereof in the action. The employer may, at any time thereafter
10 join in the action upon his motion so that all orders of court
11 after hearing and judgment shall be made for his protection. No
12 release or settlement of claim for damages by reason of such
13 disability or death, and no satisfaction of judgment in such
14 proceedings, are valid without the written consent of both
15 employer and employee or his personal representative, except in
16 the case of the employers, such consent is not required where
17 the employer has been fully indemnified or protected by court
18 order.

19 In the event the employee or his personal representative
20 fails to institute a proceeding against such third person at
21 any time prior to 3 months before such action would be barred
22 at law the employer may in his own name, or in the name of the
23 employee or his personal representative, commence a proceeding
24 against such other person for the recovery of damages on
25 account of such disability or death to the employee, and out of
26 any amount recovered the employer shall pay over to the injured

1 employee or his personal representative all sums collected from
2 such other person by judgment or otherwise in excess of the
3 amount of such compensation paid or to be paid under this Act,
4 including amounts paid or to be paid pursuant to paragraph (a)
5 of Section 8 of this Act, and costs, attorney's fees and
6 reasonable expenses as may be incurred by such employer in
7 making such collection or in enforcing such liability.

8 (Source: P.A. 81-992.)

9 (820 ILCS 310/6) (from Ch. 48, par. 172.41)

10 Sec. 6. (a) Every employer operating under the compensation
11 provisions of this Act, shall post printed notices in their
12 respective places of employment in conspicuous places and in
13 such number and at such places as may be determined by the
14 Commission, containing such information relative to this Act as
15 in the judgment of the Commission may be necessary to aid
16 employees to safeguard their rights under this Act.

17 In addition thereto, the employer shall post in a
18 conspicuous place on the premises of the employment a printed
19 or typewritten notice stating whether he is insured or whether
20 he has qualified and is operating as a self-insured employer.
21 In the event the employer is insured, the notice shall state
22 the name and address of his or her insurance carrier, the
23 number of the insurance policy, its effective date and the date
24 of termination. In the event of the termination of the policy
25 for any reason prior to the termination date stated, the posted

1 notice shall promptly be corrected accordingly. In the event
2 the employer is operating as a self-insured employer the notice
3 shall state the name and address of the company, if any,
4 servicing the compensation payments of the employer, and the
5 name and address of the person in charge of making compensation
6 payments.

7 (b) Every employer subject to this Act shall maintain
8 accurate records of work-related deaths, injuries and
9 illnesses other than minor injuries requiring only first aid
10 treatment and which do not involve medical treatment, loss of
11 consciousness, restriction of work or motion or transfer to
12 another job and file with the Illinois Workers' Compensation
13 Commission, in writing, a report of all occupational diseases
14 arising out of and in the course of the employment and
15 resulting in death, or disablement or illness resulting in the
16 loss of more than 3 scheduled work days. In the case of death
17 such report shall be made no later than 2 working days
18 following the occupational death. In all other cases such
19 report shall be made between the 15th and 25th of each month
20 unless required to be made sooner by rule of the Illinois
21 Workers' Compensation Commission. In case the occupational
22 disease results in permanent disability, a further report shall
23 be made as soon as it is determined that such permanent
24 disability has resulted or will result therefrom. All reports
25 shall state the date of the disablement, the nature of the
26 employer's business, the name, address, the age, sex, conjugal

1 condition of the person with a disability ~~disabled person~~, the
2 specific occupation of the person, the nature and character of
3 the occupational disease, the length of disability, and, in
4 case of death, the length of disability before death, the wages
5 of the employee, whether compensation has been paid to the
6 employee, or to his legal representative or his heirs or next
7 of kin, the amount of compensation paid, the amount paid for
8 physicians', surgeons' and hospital bills, and by whom paid,
9 and the amount paid for funeral or burial expenses, if known.
10 The reports shall be made on forms and in the manner as
11 prescribed by the Illinois Workers' Compensation Commission
12 and shall contain such further information as the Commission
13 shall deem necessary and require. The making of such reports
14 releases the employer from making such reports to any other
15 officer of the State and shall satisfy the reporting provisions
16 as contained in the Safety Inspection and Education Act, the
17 Health And Safety Act, and the Occupational Safety and Health
18 Act. The report filed with the Illinois Workers' Compensation
19 Commission pursuant to the provisions of this Section shall be
20 made available by the Illinois Workers' Compensation
21 Commission to the Director of Labor or his representatives, to
22 the Department of Public Health pursuant to the Illinois Health
23 and Hazardous Substances Registry Act, and to all other
24 departments of the State of Illinois which shall require such
25 information for the proper discharge of their official duties.
26 Failure to file with the Commission any of the reports required

1 in this Section is a petty offense.

2 Except as provided in this paragraph, all reports filed
3 hereunder shall be confidential and any person having access to
4 such records filed with the Illinois Workers' Compensation
5 Commission as herein required, who shall release the names or
6 otherwise identify any persons sustaining injuries or
7 disabilities, or gives access to such information to any
8 unauthorized person, shall be subject to discipline or
9 discharge, and in addition shall be guilty of a Class B
10 misdemeanor. The Commission shall compile and distribute to
11 interested persons aggregate statistics, taken from the
12 reports filed hereunder. The aggregate statistics shall not
13 give the names or otherwise identify persons sustaining
14 injuries or disabilities or the employer of any injured person
15 or person with a disability ~~or disabled person~~.

16 (c) There shall be given notice to the employer of
17 disablement arising from an occupational disease as soon as
18 practicable after the date of the disablement. If the
19 Commission shall find that the failure to give such notice
20 substantially prejudices the rights of the employer the
21 Commission in its discretion may order that the right of the
22 employee to proceed under this Act shall be barred.

23 In case of legal disability of the employee or any
24 dependent of a deceased employee who may be entitled to
25 compensation, under the provisions of this Act, the limitations
26 of time in this Section of this Act provided shall not begin to

1 run against such person who is under legal disability until a
2 conservator or guardian has been appointed. No defect or
3 inaccuracy of such notice shall be a bar to the maintenance of
4 proceedings on arbitration or otherwise by the employee unless
5 the employer proves that he or she is unduly prejudiced in such
6 proceedings by such defect or inaccuracy. Notice of the
7 disabling disease may be given orally or in writing. In any
8 case, other than injury or death caused by exposure to
9 radiological materials or equipment or asbestos, unless
10 application for compensation is filed with the Commission
11 within 3 years after the date of the disablement, where no
12 compensation has been paid, or within 2 years after the date of
13 the last payment of compensation, where any has been paid,
14 whichever shall be later, the right to file such application
15 shall be barred. If the occupational disease results in death,
16 application for compensation for death may be filed with the
17 Commission within 3 years after the date of death where no
18 compensation has been paid, or within 3 years after the last
19 payment of compensation, where any has been paid, whichever is
20 later, but not thereafter.

21 Effective July 1, 1973 in cases of disability caused by
22 coal miners pneumoconiosis unless application for compensation
23 is filed with the Commission within 5 years after the employee
24 was last exposed where no compensation has been paid, or within
25 5 years after the last payment of compensation where any has
26 been paid, the right to file such application shall be barred.

1 In cases of disability caused by exposure to radiological
2 materials or equipment or asbestos, unless application for
3 compensation is filed with the Commission within 25 years after
4 the employee was so exposed, the right to file such application
5 shall be barred.

6 In cases of death occurring within 25 years from the last
7 exposure to radiological material or equipment or asbestos,
8 application for compensation must be filed within 3 years of
9 death where no compensation has been paid, or within 3 years,
10 after the date of the last payment where any has been paid, but
11 not thereafter.

12 (d) Any contract or agreement made by any employer or his
13 agent or attorney with any employee or any other beneficiary of
14 any claim under the provisions of this Act within 7 days after
15 the disablement shall be presumed to be fraudulent.

16 (Source: P.A. 98-874, eff. 1-1-15.)

17 (820 ILCS 310/10) (from Ch. 48, par. 172.45)

18 Sec. 10. The basis for computing the compensation provided
19 for in Sections 7 and 8 of the Act shall be as follows:

20 (a) The compensation shall be computed on the basis of the
21 annual earnings which the person with a disability ~~disabled~~
22 ~~person~~ received as salary, wages or earnings if in the
23 employment of the same employer continuously during the year
24 next preceding the day of last exposure.

25 (b) Employment by the same employer shall be taken to mean

1 employment by the same employer in the grade in which the
2 employee was employed at the time of the last day of the last
3 exposure, uninterrupted by absence from work due to illness or
4 any other unavoidable cause.

5 (c) If such person has not been engaged in the employment
6 of the same employer for the full year immediately preceding
7 the last day of the last exposure, the compensation shall be
8 computed according to the annual earnings which persons of the
9 same class in the same employment and same location, (or if
10 that be impracticable, of neighboring employments of the same
11 kind) have earned during such period.

12 (d) As to employees in employments in which it is the
13 custom to operate throughout the working days of the year, the
14 annual earnings, if not otherwise determinable, shall be
15 regarded as 300 times the average daily earnings in such
16 computation.

17 (e) As to employees in employments in which it is the
18 custom to operate for a part of the whole number of working
19 days in each year, such number, if the annual earnings are not
20 otherwise determinable, shall be used instead of 300 as a basis
21 for computing the annual earnings, provided the minimum number
22 of days which shall be so used for the basis of the year's work
23 shall be not less than 200.

24 (f) In the case of injured employees who earn either no
25 wage or less than the earnings of adult day laborers in the
26 same line of employment in that locality, the yearly wage shall

1 be reckoned according to the average annual earnings of adults
2 of the same class in the same (or if that is impracticable,
3 then of neighboring) employments.

4 (g) Earnings, for the purpose of this section, shall be
5 based on the earnings for the number of hours commonly regarded
6 as a day's work for that employment, and shall include overtime
7 earnings. The earnings shall not include any sum which the
8 employer has been accustomed to pay the employee to cover any
9 special expense entailed on him by the nature of his
10 employment.

11 (h) In computing the compensation to be paid to any
12 employee, who, before the disablement for which he claims
13 compensation, was a person with a disability ~~disabled~~ and
14 drawing compensation under the terms of this Act, the
15 compensation for each subsequent disablement shall be
16 apportioned according to the proportion of incapacity and
17 disability caused by the respective disablements which he may
18 have suffered.

19 (i) To determine the amount of compensation for each
20 installment period, the amount per annum shall be ascertained
21 pursuant hereto, and such amount divided by the number of
22 installment periods per annum.

23 (Source: P.A. 79-78.)

24 (820 ILCS 310/17) (from Ch. 48, par. 172.52)

25 Sec. 17. The Commission shall cause to be printed and shall

1 furnish free of charge upon request by any employer or employee
2 such blank forms as it shall deem requisite to facilitate or
3 promote the efficient administration of this Act, and the
4 performance of the duties of the Commission. It shall provide a
5 proper record in which shall be entered and indexed the name of
6 any employer who shall file a notice of election under this
7 Act, and the date of the filing thereof; and a proper record in
8 which shall be entered and indexed the name of any employee who
9 shall file a notice of election, and the date of the filing
10 thereof; and such other notices as may be required by this Act;
11 and records in which shall be recorded all proceedings, orders
12 and awards had or made by the Commission, or by the arbitration
13 committees, and such other books or records as it shall deem
14 necessary, all such records to be kept in the office of the
15 Commission. The Commission, in its discretion, may destroy all
16 papers and documents except notices of election and waivers
17 which have been on file for more than five years where there is
18 no claim for compensation pending, or where more than two years
19 have elapsed since the termination of the compensation period.

20 The Commission shall compile and distribute to interested
21 persons aggregate statistics, taken from any records and
22 reports in the possession of the Commission. The aggregate
23 statistics shall not give the names or otherwise identify
24 persons sustaining injuries or disabilities or the employer of
25 any injured person or person with a disability ~~or disabled~~
26 ~~person~~.

1 The Commission is authorized to establish reasonable fees
2 and methods of payment limited to covering only the costs to
3 the Commission for processing, maintaining and generating
4 records or data necessary for the computerized production of
5 documents, records and other materials except to the extent of
6 any salaries or compensation of Commission officers or
7 employees.

8 All fees collected by the Commission under this Section
9 shall be deposited in the Statistical Services Revolving Fund
10 and credited to the account of the Illinois Workers'
11 Compensation Commission.

12 (Source: P.A. 93-721, eff. 1-1-05.)

13 Section 1065. The Unemployment Insurance Act is amended by
14 changing Section 601 as follows:

15 (820 ILCS 405/601) (from Ch. 48, par. 431)

16 Sec. 601. Voluntary leaving.

17 A. An individual shall be ineligible for benefits for the
18 week in which he or she has left work voluntarily without good
19 cause attributable to the employing unit and, thereafter, until
20 he or she has become reemployed and has had earnings equal to
21 or in excess of his or her current weekly benefit amount in
22 each of four calendar weeks which are either for services in
23 employment, or have been or will be reported pursuant to the
24 provisions of the Federal Insurance Contributions Act by each

1 employing unit for which such services are performed and which
2 submits a statement certifying to that fact.

3 B. The provisions of this Section shall not apply to an
4 individual who has left work voluntarily:

5 1. Because he or she is deemed physically unable to
6 perform his or her work by a licensed and practicing
7 physician, or because the individual's assistance is
8 necessary for the purpose of caring for his or her spouse,
9 child, or parent who, according to a licensed and
10 practicing physician or as otherwise reasonably verified,
11 is in poor physical or mental health or is a person with a
12 mental or physical disability ~~mentally or physically~~
13 ~~disabled~~ and the employer is unable to accommodate the
14 individual's need to provide such assistance;

15 2. To accept other bona fide work and, after such
16 acceptance, the individual is either not unemployed in each
17 of 2 weeks, or earns remuneration for such work equal to at
18 least twice his or her current weekly benefit amount;

19 3. In lieu of accepting a transfer to other work
20 offered to the individual by the employing unit under the
21 terms of a collective bargaining agreement or pursuant to
22 an established employer plan, program, or policy, if the
23 acceptance of such other work by the individual would
24 require the separation from that work of another individual
25 currently performing it;

26 4. Solely because of the sexual harassment of the

1 individual by another employee. Sexual harassment means
2 (1) unwelcome sexual advances, requests for sexual favors,
3 sexually motivated physical contact or other conduct or
4 communication which is made a term or condition of the
5 employment or (2) the employee's submission to or rejection
6 of such conduct or communication which is the basis for
7 decisions affecting employment, or (3) when such conduct or
8 communication has the purpose or effect of substantially
9 interfering with an individual's work performance or
10 creating an intimidating, hostile, or offensive working
11 environment and the employer knows or should know of the
12 existence of the harassment and fails to take timely and
13 appropriate action;

14 5. Which he or she had accepted after separation from
15 other work, and the work which he or she left voluntarily
16 would be deemed unsuitable under the provisions of Section
17 603;

18 6. (a) Because the individual left work due to verified
19 domestic violence as defined in Section 103 of the Illinois
20 Domestic Violence Act of 1986 where the domestic violence
21 caused the individual to reasonably believe that his or her
22 continued employment would jeopardize his or her safety or
23 the safety of his or her spouse, minor child, or parent

24 if the individual provides the following:

25 (i) notice to the employing unit of the reason for
26 the individual's voluntarily leaving; and

1 (ii) to the Department provides:

2 (A) an order of protection or other
3 documentation of equitable relief issued by a
4 court of competent jurisdiction; or

5 (B) a police report or criminal charges
6 documenting the domestic violence; or

7 (C) medical documentation of the domestic
8 violence; or

9 (D) evidence of domestic violence from a
10 member of the clergy, attorney, counselor, social
11 worker, health worker or domestic violence shelter
12 worker.

13 (b) If the individual does not meet the provisions of
14 subparagraph (a), the individual shall be held to have
15 voluntarily terminated employment for the purpose of
16 determining the individual's eligibility for benefits
17 pursuant to subsection A.

18 (c) Notwithstanding any other provision to the
19 contrary, evidence of domestic violence experienced by an
20 individual, or his or her spouse, minor child, or parent,
21 including the individual's statement and corroborating
22 evidence, shall not be disclosed by the Department unless
23 consent for disclosure is given by the individual.

24 7. Because, due to a change in location of employment
25 of the individual's spouse, the individual left work to
26 accompany his or her spouse to a place from which it is

1 impractical to commute or because the individual left
2 employment to accompany a spouse who has been reassigned
3 from one military assignment to another. The employer's
4 account, however, shall not be charged for any benefits
5 paid out to the individual who leaves work under a
6 circumstance described in this paragraph.

7 C. Within 90 days of the effective date of this amendatory
8 Act of the 96th General Assembly, the Department shall
9 promulgate rules, pursuant to the Illinois Administrative
10 Procedure Act and consistent with Section 903(f)(3)(B) of the
11 Social Security Act, to clarify and provide guidance regarding
12 eligibility and the prevention of fraud.

13 (Source: P.A. 95-736, eff. 7-16-08; 96-30, eff. 6-30-09.)

14 Section 9999. Effective date. This Act takes effect upon
15 becoming law.

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